



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 10-002

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

2. Form, Style and Placement in Administrative Code

a. The rule is drafted in a format that makes understanding its requirements and procedures very difficult. Some sections are comprised of full multi-sentence paragraphs (see s. PI 11.36 (6) (c) 2. b.), while others are subdivided into short clauses. (See s. PI 11.36 (6) (d).) The readability of the rule would be enhanced by renumbering and reformatting.

b. In s. PI 11.36 (6) (c) (intro.), the language could be changed from “all of the following are true” to “all of the following apply” or alternatively, to “all of the following determinations are made.”

c. In s. PI 11.36 (6) (c) 1., “to meet” should be changed to simply “meet.”

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The rule analysis prepared by the agency states that the rules “directly reflect” the federal regulations. However, the rule differs in several respects from the federal law. This portion of the analysis should be revised and the relevant differences noted. In addition, as the rule also modifies the current rule with respect to the continued use of the “significant discrepancy” standard, the changes to that provision should be described in the analysis.

b. The rule uses the term “state-approved grade-level standards” in several sections but does not define or describe the term. The agency should consider specifying the intended meaning of the phrase.

c. The analysis to the rule could clarify the intended interaction between this rule and the provisions in the prior rule proposed in 2007 relating to “significant developmental delay” (SDD).

d. The rule utilizes numerous technical terms that are not defined or described in either the rule or the analysis. Although some appear to be general references, many are not. For example, s. PI 11.36 (6) (c) 2. a. requires the “median score of three equivalent probes” to establish a “stable baseline data point.” Without knowing what a “probe” is, the provision is impossible to understand and apply. The clarity of the entire rule could benefit from a reduction in technical terms that are either unnecessary or redundant.

e. Section PI 11.36 (6) (g) is not clear. Is the provision intended to be in addition to all of the other determinations or to be a summary of provisions in other rules and statutes? This should be clarified, if possible.

f. The agency may wish to include a notation in Appendix A to indicate it should not be used after the date specified in the rule.

g. The initial applicability section is unclear. Does the rule apply to the determination of whether the child has a specific learning disability or the evaluation of such a pupil? How will determinations be made under the rule if the evaluations have already been conducted?