



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 18-048

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 December 2014.]

2. Form, Style and Placement in Administrative Code

a. In the introductory sections of the proposed rule, the department should review its use of capitalization. For example, uses of the words “department”, “subchapter”, and “chapter” need not be capitalized unless they are used as proper names. [s. 1.01 (4), Manual.]

b. In its introductory paragraph about the scope statement for the proposed rule, the department should insert the public domain citation “2016 WI 38,” between “Coyne v. Walker,” and “368 Wis.2d 444”. The department should also add a space between “Wis.” and “2d” in the same citation.

c. In its explanation of agency authority, the department should italicize the case name *Wisconsin Ass’n of State Prosecutors v. Wisconsin Employment Relations Comm’n*. In that same citation, the department should also change “internal citation omitted” to “internal quotation marks omitted” to more accurately reflect the quoted material.

d. Only the first words of the titles to ss. PI 36.16 and 36.17 should be capitalized. [s. 1.05 (2) (b), Manual.]

e. In the two notes contained in the proposed rule, the department should not capitalize references to “Department”. [s. 1.01 (4), Manual.]

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

a. In s. PI 36.15 (6), the department should add “school in a school district” between “pupil attends” and “pursuant to” for clarity.

b. In s. PI 36.17 (1) (c), the requirement to submit an application by 4:00 p.m. on the deadline date does not take into consideration any duly established official office hours of the nonresident school district. Consider revising the provision to specify that an application is considered timely if received before the nonresident school district’s duly established official close of business on the deadline date, but, in any event, is considered timely if received before 4 p.m. that day.

c. In s. PI 36.17 (2) (c) and (3) (a), the requirement to postmark a notice to a parent at least three days before the date on which notice must be received by the parent does not take into consideration a written electronic communication or other forms of delivery. The statute requires only that the notification be given “in writing” no later than one week prior to the course starting date; the statute does not require postal delivery. [ss. 118.52 (3) (c) and (d) and 990.01 (48), Stats.] Consider revising the provision to specify that, **if** delivered by first class mail, a written notification is considered timely only if it is postmarked at least three days before the deadline date.

d. Under s. PI 36.17 (2) (e), the department requires a nonresident school district to notify a resident school district after a parent notifies the nonresident school district that a pupil will not attend the course. However, it is not clear under s. PI 36.17 (1) (g) that a parent must notify the nonresident school district if a pupil plans not to attend a course for which he or she applied and was accepted. Consider revising s. PI 36.17 (1) (g) to incorporate this scenario.

e. In the introductory sections of the proposed rule, the department does not hyphenate “part time”, but in the proposed rule itself, the department does hyphenate it as “part-time”. The department should choose one form and be consistent throughout.