



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 18-077

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.]

1. Statutory Authority

a. Section 118.55 (5) (e) 1., Stats., is ambiguous regarding the deadline by which a school board or private school must submit an itemized report to the Department of Public Instruction (DPI) of amounts it paid for pupils attending an institution of higher education. The language reads as follows:

Subject to sub. (7t), within 30 days after the end of the semester, the school board of the school district in which a pupil who attended an institution of higher education under this section was enrolled and the governing body of a participating private school attended by a pupil who attended the institution of higher education under this section shall pay the institution, on behalf of the pupil, the amount determined under par. (d) and shall submit an itemized report to the department of the amounts paid under this subdivision.

The language can be interpreted alternatively in one of two ways: (1) to require submission of an itemized report within 30 days after the end of the semester; or (2) to require submission of an itemized report without any specified deadline or frequency. Section PI 40.04 creates a deadline of June 15 for submitting the report. DPI appears to interpret s. 118.55 (5) (e) 1., Stats., such that the phrase “30 days after the end of the semester” does not apply to submission of an itemized report of amounts paid to an institution of higher education, but that it nonetheless has the authority

to specify the particular deadline of June 15. Can the agency explain why it chose this interpretation of the statute?

2. Form, Style, and Placement in Administrative Code

Subsection titles in ss. PI 40.06 and 40.07 should be formatted in solid capital letters. [s. 1.05 (2) (c), Manual.]

4. Adequacy of References to Related Statutes, Rules and Forms

a. Section PI 40.07 (1) (b) requires a school board to grant high school credit if the postsecondary course meets any high school graduation requirement, “including any requirement contained in the school board’s policy required under s. PI 18.03 (2)...”. However, the cited rule provision does not reference a school board policy. Was the intent to cite to a different statutory or rule provision?

b. Section PI 40.07 (1) (c) begins, “Except as provided under par. (b)”, before describing how the governing body of a private school must grant high school credit. Paragraph (b) describes how a *school board* must grant high school credit. The provision should read “Except as provided under par. (a)...”.

c. In s. PI 40.08, the appeals review provision should cite to s. 118.55 (3) (b), Stats., *Early College Credit Program*, rather than to s. 115.55, Stats.

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

a. In s. PI 40.03 (2), the subsection is missing the word “the” prior to “fall semester”.

b. In s. PI 40.04, the section should refer to the school board or “governing body of” a participating private school to be consistent with the statutory language.

c. In s. PI 40.07 (1) (a) 2., the “for” appearing at the end of the provision should be deleted.

d. In s. PI 40.07 (1) (a) 3., the “a” appearing before “postsecondary course” should be deleted.

e. In s. PI 40.07 (1) (b), there should be a comma following the reference to s. PI 18.03 (2).