



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 20-004

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 rule caption’s listing of treated provisions, the department should do the following:

- (1) Add that the proposed rule amends s. SPS 411.04 (1).
- (2) Capitalize both instances of “(Note)”. [s. 1.09 (2) (b), Manual.]
- (3) Delete the comma between “404.10 (1) (b)” and “and (2) (d)”.

b. In s. SPS 401.01 (29m), the inserted, underscored text should swap positioning to follow the deleted, stricken text. In that provision, the revision should appear as: “~~an EAB~~ a department”. Likewise, in s. SPS 404.10 (2) (d) 2., the revision should appear as: “~~licensed schools~~ the approved school’s”. [s. 1.06 (1) (a), Manual.]

c. In the treatment clauses for SECTIONS 2 and 5 of the proposed rule, the department should capitalize both instances of “(Note)”. [s. 1.09 (2) (b), Manual.]

d. In the treatment clause for SECTION 6 of the proposed rule, the citation for “(2) (d)” should be revised to include subds. 1. and 2. of that paragraph to appear as “(2) (d) 1. and 2.”. Paragraph (d) has additional subdivisions that are not treated by the proposed rule, which means that the paragraph is not treated in its entirety and the specifically treated subunits must be identified. The rule caption’s listing of treated provisions should also be updated to reflect the specifically treated subunits.

e. In s. SPS 407.04 (1) (d), the department should fix the text to accurately reflect the current language of the rule and the proposed changes. The text and the revision should appear as: “Surrender the school’s SPS license—certificate of approval.”.

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

In SECTION 3 of the proposed rule, the department repeals s. SPS 404.01 (6), which specifies how a school may request a hearing regarding an agency’s approval decision. According to the rule summary’s plain language analysis, the department’s reasoning is that hearing procedures already exist in chs. SPS 1 to 9. However, it may not be obvious to a reader that the provisions of chs. SPS 1 to 9 apply to decisions made in ch. SPS 404. The department should consider cross-referencing the provisions of chs. SPS 1 to 9 instead of simply repealing the hearing language in ch. SPS 404.

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

In the rule summary’s listing of statutory authority, the department should delete the word “and” between “440.52 (7),” and “(8) (b)”.