



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 20-070

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 November 2020.]

2. Form, Style and Placement in Administrative Code

a. The agency could consider revising the introductory clause in the caption for the proposed rule as follows:

The State Superintendent of Public Instruction hereby proposes an order to amend s. PI 34.047 (3), ~~and~~ (4), and 34.076 (2) (a) 7.; and to create PI 34.040 (2) (j), relating to speech-language pathologist licenses.

b. A heading could be inserted at the beginning of the text of the rule to better separate that material from the analysis for the proposed rule. Compare, for example, the heading “Rule Text” that is given in CHR 20-067.

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

In s. PI 34.040 (2) (j) 2., the agency should consider explicitly referencing s. 459.24, Stats., the statute that governs the issuance of speech-language pathologist licenses by the hearing and speech examining board. Also, the reference to the Department of Safety and Professional Services should be revised to the hearing and speech examining board.

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

a. In s. PI 34.040 (2) (j) 2., the agency should consider revising the phrasing to make clear whether an applicant must hold a currently valid, unexpired speech-language pathologist license from the hearing and speech examining board. As it is currently written, the rule requires a person

to hold or have held a valid speech-language pathologist license. Allowing an applicant to “have held” a valid speech-language pathologist license makes it unclear whether a current, unexpired license is required.

b. In s. PI 34.040 (2) (j) 3., 4., and 5., consider defining “successful” and “successfully” or removing “successful” and “successfully” from the rule. As it is currently written, it is unclear what constitutes a “successful” year of experience or “successfully” completing training.

c. Under the agency’s proposed rule, s. PI 34.040 (2) (j) 4. and 5., an applicant for a clinically trained speech-language pathologist license must have “completed training in equity and conflict resolution as required in s. PI 34.022 (3) and (4)” and have “completed training regarding children with disabilities as required in s. PI 34.022 (7)”. This language is potentially confusing for two reasons.

First, the items listed under s. PI 34.022 are criteria for educator preparatory programs’ conceptual frameworks, not for licensure as a speech-language pathologist. Thus, describing the training in equity and conflict resolution and training regarding children with disabilities as “required” is confusing because such trainings, under s. PI 34.022, are not required for speech-language pathologists. The agency should consider revising s. PI 34.040 (2) (j) 4. and 5. to replace “as required” with “as described”. For example, s. PI 34.040 (2) (j) 4. could read: “Has successfully completed training in equity and conflict resolution as **described** in s. PI 34.022 (3) and (4)”.

Second, the items listed under s. PI 34.022 (3), (4), and (7) are not trainings per se, but rather criteria for educator preparatory programs’ conceptual frameworks. Accordingly, revising the rule to use the phrase “as described” also better fits the framework of s. PI 34.022 (3), (4), and (7).

d. In addition to the provisions affected in the proposed rule, the agency should consider amending s. PI 34.028 (2) (e) to change “speech and language pathology” to “speech-language pathology”, for consistent use of terms in ch. PI 34.