



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 20-074

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. In s. PI 11.36 (5) (a), the inserted language beginning with “Assessments” is substantive and should not be part of a definition. Consider moving the new language into a separate paragraph, such as a new par. (am), or incorporating this language into par. (b) (intro.). [s. 1.07 (1) (d), Manual.]

b. In s. PI 11.36 (5) (b) 1. (intro.), it is awkward to strike-through all of the current text and replace it entirely with new underscored material. Consider, instead, repealing and recreating the provision. This could be combined with the repeal and recreation of subd. 1. a. and b. in SECTION 2 of the proposed rule, to repeal and recreate s. PI 11.36 (5) (b) 1. in its entirety. [s. 1.04 (3) (b) and (5), Manual.]

c. In s. PI 11.36 (5) (b) 2., it is awkward to strike-through all of the current text and replace it entirely with new underscored material. Consider, instead, repealing and recreating the provision. This could be combined with the creation of subd. 2. a. and b. in SECTION 5 of the proposed rule, to repeal and recreate s. PI 11.36 (5) (b) 2. in its entirety.

d. In s. PI 11.36 (5) (b) 5., consider combining the treatments in SECTIONS 10, 11, and 12 of the proposed rule to repeal and recreate subd. 5. in its entirety, including the treatment of subd. 5. d., in one SECTION. (This would also remove the code designation error for the missing “5.” at the beginning of the text in SECTION 11.)

e. In s. PI 11.36 (5) (c), consider combining the treatments in SECTIONS 13, 14, and 15 of the proposed rule to repeal and recreate par. (c) in its entirety, in one SECTION, showing only the new, intended language.

f. In s. PI 11.36 (5) (e), the stricken word “document” should be shown before the full underscored phrase “to assist the IEP team in documenting whether the child meets eligibility for a speech or language impairment”. [s. 1.04 (4) (a) 2., Manual.]

g. 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.

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

a. In the agency’s analysis for the proposed rule, this sentence in the summary of factual data and analytical methodologies is difficult to follow: “The current rules qualifying a child with a speech or language impairment include several items required as exclusionary criteria prior to identification that are inconsistent with national guidelines and may prevent the provision of services to students who demonstrate language delay.”. Consider replacing that sentence with multiple sentences along the following lines: “Under the current rules, a child who meets certain criteria is [excluded from qualifying as] [or] [is disqualified from receiving services as] a child with speech or language impairment. Several of the disqualifying criteria are inconsistent with national guidelines and their application may prevent the provision or services to students who demonstrate language delay.”.

b. In s. PI 11.36 (5) (a), the word “must” should be revised to “shall”.

c. In s. PI 11.36 (5) (b) 1. a. and b. and 2. a. and b., either insert the word “of” after each instance of the word “percent” or place a hyphen between the word “percent” and the following word.

d. In s. PI 11.36 (5) (b) 1. b. and 2. a. and 5. a., consider changing each instance of the phrase “in the languages the child speaks” to “languages natural to the child” in order to be consistent with the language establishing the assessment criteria in SECTION 1 of the proposed rule.

e. In s. PI 11.36 (5) (b) 2. a., insert the word “an” before “impact”.

f. In s. PI 11.36 (5) (b) 3. (intro.), consider revising the phrase “other factors which include the following”. Depending on the agency’s intent, this could be revised to either “all of the following factors” or “any of the following factors”. It appears that the agency might also wish to consider adding another subdivision paragraph in subd. 3. a. to e. that specifies “Any other relevant factor.”.

g. In s. PI 11.36 (5) (b) 4. (intro.), consider restructuring the provision and subd. pars. a. to c. to better organize and synthesize the material. For example, it appears that all of the material following “evidence of atypical fluency” should be organized into subunits after an introductory statement such as “The presence of one or more of the following factors may indicate a fluency disorder:”. A restructuring and synthesizing may also help the last sentence, which is disjointed and unclear in its applicability. Also, in this provision:

- (1) The word “must” should be revised to “shall”.
- (2) The word “should” should be revised to “shall” or “may”.
- (3) Consider changing the phrase “These risk factors” to “Risk factors”.

h. In s. PI 11.36 (5) (b) (4) (intro.), it appears that the phrase “eligibility for a fluency disorder” should be revised, as a child would be “eligible” for special education and related services, and would not be “eligible” for a disorder. Consider revising the word “eligibility” in this context to a phrase such as “that a child meets the criteria”. This comment also applies to the phrase “eligibility for a speech or language impairment” in par. (e).

i. In s. PI 11.36 (5) (b) 5. c., consider rewording the sentence as “Developmental scales or another criterion-referenced assessment”.

j. In s. PI 11.36 (5) (c) (intro.), it is unclear whether “home language” is something different from “languages natural to the child”. If it has the same meaning, consider replacing “home language” with “languages natural to the child”, for consistent usage of that phrase. If it means something different, consider defining the term.

k. Also, in s. PI 11.36 (5) (c) (intro.), consider replacing “Before the IEP team determines” with “In determining”. Also, add the phrase “all of” before “the following”.

l. Section PI 11.36 (5) (d) (intro.) requires the IEP team to “further evaluate” a child’s language but it is unclear what evaluations are requiring to be “furthered”. Consider replacing the language with “In addition to the evaluations under [sections specified], the IEP team shall evaluate . . .”.

m. In s. PI 11.36 (5) (e), consider adding “shall incorporate” before the word “information”.