



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 21-011

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

2. Form, Style and Placement in Administrative Code

a. The plain language analysis states only that the proposed rule “seeks to update ch. PI 11 of the Wisconsin Administrative Code with respect to eligibility criteria for children with specific learning disabilities”. The section does not explain how the eligibility criteria are being updated or why. More content would be helpful, particularly given that the proposed rule change means the ch. PI 11 definition of “specific learning disability” will deviate from the one contained in the federal code.

b. SECTION 3 of the proposed rule creates a definition that should be created as s. PI 11.02 (6g) rather than (6r) in order to be in alphabetical order relative to the repealed and recreated s. PI 11.02 (6m). The department should review the order of treatment in the proposed rule related to these provisions.

c. SECTION 6 of the proposed rule amends s. PI 11.36 (6) (c), which currently includes several extremely dense blocks of text in subds. 1., 2. a., and 2. b. The agency could consider also reformatting the existing content of par. (c) to make those provisions easier to read.

d. In SECTION 10 of the proposed rule, the full phrase “in order to comprehend and create text,” should be underscored.

e. SECTION 11 of the proposed rule refers to provisions a. to f. in the treatment clause but creates provisions a. to g. in the rule text.

f. The reference to par. (e) 4. should be underscored in s. PI 11.36 (6) (f) 3.

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

SECTION 2 of the proposed rule creates a new definition of “evidence-based intervention” and introduces the definition with the phrase “as described in 20 USC 7801 (21)”. The definition then proceeds to use only the language from 20 USC 7801 (21) (A) (i) and not the language from

(ii). Is there a reason the new definition does not include all language from the federal code section that the definition cites?