



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 21-046

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. Throughout the proposed rule, the department indicates that the proposed rule is an emergency rule. For example, the plain language analysis begins with “This emergency rule will...”. The department should remove the references to an emergency rule to clarify that the proposed rule is for a permanent rule and was not preceded by an emergency rule.

b. The third paragraph under the summary of factual data and analytical methodologies for the proposed rule begins with “Since the rules were promulgated...”, but it is unclear to which rules the department is referring. Additionally, in the context of the entire paragraph, reference to any rules seems unnecessary and potentially confusing. The department could consider revising the opening sentence of this paragraph as follows: “Qualifying PPP loans may be forgiven up to the full principal amount.”.

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

a. The department refers to rules in Illinois and Iowa that address school choice programs in those states. Given the purpose of the proposed rule, if those states have audit requirements and if those requirements address how forgiven PPP loans should be addressed in an audit, the department might consider briefly explaining those rules and requirements.

b. In the plain language analysis for the proposed rule, the department explains that any changes in the per-pupil payment for a Special Needs Scholarship Program (SNSP) statement of actual costs due to forgiveness of a portion of a PPP loan will be made through the Enrollment Audit certification process; it may be helpful to provide a brief explanation of this process or provide reference to the governing rule, s. PI 49.07 (4).

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

Under s. 115.7915 (4c) and (4m), Stats., and s. PI 49.13 (7), a school may submit a statement of actual costs for a student participating in SNSP and receive a payment for that student

based on that statement, as an alternative to receiving funds based on the formula set forth in s. 115.7915 (4m) (a) 2., Stats. In the plain language analysis, the department could consider clarifying that a school has the option to submit a statement of actual costs as an alternative way to calculate and receive funds for students participating in the SNSP.