



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 19-081

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 s. PI 36.08 (3) (a), the stricken material should precede the underscored material. [See s. 1.06 (1), Manual.] The provision should read as follows:

The open enrollment ~~payment applies~~ payments under s. 118.51 (16) and (17) (b) and (bm), Stats., apply to each pupil who attends a nonresident school district under the full-time open enrollment program.

b. In s. PI. 36.08 (3m) (a), the paragraph requires a nonresident school board to submit a financial statement between the beginning of August and the end of September that shows the actual cost incurred to provide FAPE to a student “during that school year”. Under s. 115.001 (13), Stats., the definition of “school year” means the time from July 1st to the next June 30th, so the rule language seems to be referring to costs incurred during the school year that just began, even if students have not yet returned to class when the statement is submitted.

Section 118.51 (12) (a), Stats., refers to a school district submitting a financial statement of incurred costs “at the end of a school year” for costs incurred during “that school year”. The rule should be changed to be consistent with the statute.

c. In s. PI 36.08 (3m) (e), the paragraph states that a nonresident school board that submits a financial statement of actual cost “will not receive the transfer amount under s. 118.51 (17) (b), Stats., for a student with a disability”. However, s. 118.51 (17) (b) 3., Stats., refers to the transfer

amount being the amount reflected in the financial statement of incurred costs for a child with a disability.

What is intended by par. (e)? Is the intent to state that a school district may *either* receive the normal per pupil transfer amount under s. 118.17 (b) 2. c., Stats., or a transfer in the amount of the incurred costs reflected on the financial statement under s. 118.17 (b) 3., Stats., but not both? If so, the rule language should be changed to reflect this intent.

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

In general, the rule relates to payments that are capped by statute at \$30,000 beginning in the 2019-20 school year. It may clarify the effect of the rule if the department adds notes as appropriate to recognize this statutory limitation.