



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 19-147

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.]

1. Statutory Authority

a. The rule defines the phrase “grant funded” to include an expenditure reimbursed by a private gift or grant specified for that expenditure, and subsequent substantive provisions of the rule make such expenditures ineligible for high-cost special education aid. [See ss. PI 30.02 (10) and 30.05 (3) (b) and (4).] However, the statute creating the high-cost special education aid, s. 115.881, Stats., provides that the only nonadministrative costs ineligible for the aid are those reimbursable under ss. 115.88, 115.93, 118.255, 20 USC 1400 (IDEA), or federal Medicaid. The statute does not state that costs paid by a private gift or grant are ineligible for high-cost special education aid.

b. The department should more clearly explain the authority upon which it relies to determine costs to be ineligible because they were funded using private gift or grant moneys.

2. Form, Style and Placement in Administrative Code

a. In its repeal and recreation of s. PI 30.02, did the department intend to omit a title and introductory phrase? Those provisions, “Definitions”, and “In this chapter:” are present in current s. PI 30.02.

b. In s. PI 30.02 (11), the department creates a definition of “nonadministrative costs” and defines it to mean the costs of providing special education and related services to an individual child with disabilities, excluding clerical or administrative costs. The definition then includes a second sentence stating that “clerical or administrative costs include, but are not limited to, salaries

and fringe benefits of principals...”. The provision would be clearer if it stated that “Excluded clerical or administrative costs include salaries and fringe benefits of principals...”.

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

Section PI 30.05 (1) (e) requires the department to determine the rate at which costs eligible for special education aid under s. 115.88, Stats., are reimbursed from the funds appropriated under s. 20.255 (2), Stats. Should this citation refer more specifically to s. 20.255 (2) (b), Stats.?