



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 21-082

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.]

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

a. The agency could consider clarifying the first point in the rule summary’s plain language analysis by providing context about guaranteed approval. As it is currently written, the plain language analysis could be read to indicate that schools must guarantee approval of all open enrollment applications; the law only requires guaranteed approval in specific circumstances, such as when a child has attended the school before or when the child’s sibling attends the school. The agency could consider amending that point as follows: “Clarifying s. PI 36.04 (3) (d) and (e) to specify that, in cases where it would ordinarily be required to guarantee approval of a student’s open enrollment application, the nonresident school district is not required to do so if the special education services that student requires are not available in the nonresident school district.”.

b. In the fourth point in the rule summary’s plain language analysis, the agency should specify that the rule creates s. PI 36.09 (5); as it is currently written, the plain language analysis purports to create s. PI 36.09, which already exists.