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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 02-151

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 2002.]**

#### **2. Form, Style and Placement in Administrative Code**

- a. The acronym “ESEA” as used in the chapter title should be specifically identified or defined in the rules as the federal “Elementary and Secondary Education Act of 1965.”
- b. The term “student” is used in the applicability and purpose section, but in the rest of the rule the term “pupil” is used. It would be preferable to use one term consistently.
- c. In s. PI 23.03 (2) and (3), the word “defined” should be replaced by the word “given.”
- d. Section PI 23.03 (4) defines the term “victim.” This term has a common meaning and does not need to be defined in the rule. However, if the department wishes to retain a definition, it should be rewritten to mean: “‘Victim’ means a person who is the subject of a violent criminal offense.” The term “violent criminal offense” is contained in sub. (5). In turn, this definition should be rewritten to read: “‘Violent criminal offense’ means a crime specified in ss. 940.225 (2) and (3) and 969.035 (1), Stats.”
- e. In s. PI 23.06 (1), the word “provision” and the word “paragraph” each should be replaced by the word “section.”

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

- a. The clarity of the rule would be improved if the transfer rights set out in s. PI 23.04 specifically referred to “another appropriate grade level public school” as that language is

included in s. PI 23.05 (4) (a). Also, the text of the rule could clarify that the transfer right only applies if the district has another appropriate grade level public school, including a public charter school.

b. In the federal law, reference is made to “a public charter school,” but the rule refers to a charter school. The agency may wish to review this reference and consider utilizing the “public charter school” term in order to avoid confusion.

c. Section PI 23.05 (2) would be clearer if written as follows:

PI 23.05 (2) A school may be considered persistently dangerous...meet either of the following criteria...:

(a) The school has expelled at least 1%....

(b) The school has expelled at least five pupils....

d. Should the terms in s. PI 23.05 (2) (a) and (b), “assault, endangering behavior or weapons-related offenses,” be defined or described in more specific terms? Would reference in these sections to “violent criminal offense” be more appropriate?

e. The agency may wish to provide for an initial applicability section to coordinate the rule with the reporting of data or with a specific school year.