



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 14-059

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 November 2011.]

1. Statutory Authority

Section 440.88 (3) (c), Stats., specifies that before the department may promulgate rules under s. 440.88 (3) (a), Stats., the department shall appoint a certification review committee under s. 227.13, Stats., and shall consult with the certification review committee on the proposed rules. Has the department appointed and consulted with a certification review committee? If so, it should explain such activity in the rule analysis.

2. Form, Style and Placement in Administrative Code

a. SECTION 2 should refer to the amendment of s. SPS 166.03 (1) (intro.) and (2).

b. The treatment of s. SPS 166.07 (1) (intro.) and (a) should be reorganized into additional SECTIONS to include the following treatments: amendment of s. SPS 166.07 (1) (intro.); renumbering and amendment of s. SPS 166.07 (1) (a) to (1) (a) (intro.), including the amendments that create subd. 1. and pars. (d) and (e); and creation of s. SPS 166.07 (1) (a) 2. The order of strikes and underscores should be reviewed in relation to the creation of s. SPS 166.07 (1) (d) and (e). If this approach is adopted, SECTION 5 should be renumbered as SECTION 7, and the enumeration of sections treated by the rule should be updated accordingly. Alternatively, the department may wish to repeal and recreate s. SPS 166.07 (1) in its entirety. [See, also, comment c., below.]

c. Generally, do the treatments specified by the proposed rule fully capture the department's intent for the rule-making, as stated in the plain language explanation of the

proposed rule? In the rule summary, the department states that its goal is to recognize competency-based flexible option programs as well as comprehensive programs. However, the treatments specified by the rule appear to characterize a competency-based program as a sub-type of a comprehensive program rather than an alternative to a comprehensive program. Would it be desirable for the department to revise its rules in a manner that clearly and separately recognizes each type of program, rather than redefining “comprehensive” program to include a competency-based program in a manner that expands the definition of “comprehensive” program to include its alternative?

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

a. In s. SPS 166.03 (1), it appears the sentence could more precisely cite s. SPS 161.04. Could the sentence be clarified to read, “The following content areas and related hours constitute the educational requirements of SPS 161.04 (2) (a) 4. and (3) (c):...”?

b. In s. SPS 166.07 (1) (intro.), what is the department’s intended effect for changing the phrase “360 hour comprehensive program” to “comprehensive program equivalent to 360 hours”? [See, also, comment 2. c., above.]