



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 15-029

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. Under s. 115.42 (1) (a) 2. and (2) (a) 2., Stats., a teacher employed in a tribal school is eligible for a grant. The proposed rule should be updated to reflect this eligibility.

b. Under s. 115.42 (1) (b), Stats., a grant may be made in relation to obtaining a certification or license, and must be awarded in the first school year in which a person is eligible for the grant. Section PI 37.03 (1) (a) refers to “obtaining or renewing” a certification or license. In relation to s. 115.42 (1) (b), under what circumstances would renewal of a certification or licensure result in eligibility for a grant?

2. Form, Style and Placement in Administrative Code

a. Generally, the treatment of the proposed rule identified in the enumeration of provisions treated by the rule significantly departs from the treatment indicated in the text of the proposed rule. If the agency intends to repeal and recreate the entire rule chapter, it should modify the introductory clause of the proposed rule. If it intends to amend, create, or repeal individual provisions of ch. PI 37, it should revise the rule text to reflect only those changes. Note that in the latter case, the introductory clause must also be modified in order to recognize all changes indicated in the rule text.

b. If the agency repeals and recreates ch. PI 37, it should fully renumber the subsections in s. PI 37.02, rather than using the style of inserting new subsections numbered (1g), (1r), (3m), and (6m). [See, also, s. 1.07 (1) (c), Manual.]

c. Generally, if the agency repeals and recreates ch. PI 37, it should conform the style of the rule to the style prescribed by the Manual. For example, ss. PI 37.03 (1) and PI 37.04 are unnecessarily subdivided due to the lack of introductory provisions before ss. PI 37.03 (1) (a) and PI 37.04 (1) (a).

d. Under s. PI 37.03 (2), is it necessary for an applicant or existing grant recipient to provide any information to the agency relating to educator effectiveness?

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

a. In the rule analysis, should the agency include references to statutes regarding educator effectiveness, such as ss. 115.415 and 120.12 (2m) (a), Stats.?

b. Several notes in current ch. PI 37 refer to availability of other documents, and are not present in ch. PI 37 as repealed and recreated by the proposed rule. Are such references necessary?

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

In the last sentence of the plain language analysis, “statute” should replace “statue”.