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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 18-009

#### 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

In s. PI 36.16 (1) (e), the proposed rule states that a nonresident school board may request “any pupil records from the resident school board necessary to determine whether the pupil meets entrance criteria for the course”. The part-time open enrollment statute, s. 118.52 (10), Stats., creates an exception to student record privacy requirements contained in s. 118.125, Stats. However, the exception in s. 118.52 (10), Stats., allows a resident school board to provide copies of expulsion and disciplinary proceeding-related records to a nonresident school board, not other types of pupil records. The department should describe the statutory authority on which it relies to allow a resident school board to release non-disciplinary pupil records to a nonresident school board to verify that a student meets a course’s entrance criteria.

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

a. In s. PI 36.16 (2) (d) and (3) (b), the language for each provision should state that the school board in question “shall do **all of the following**,” and the “, and” between subs. 1. and 2. should be deleted. For example, sub. (2) (d) should read as follows:

If the application is rejected, the nonresident school board shall do all of the following:

- (1) Provide notice to the parent that the decision may be appealed to the department within 30 days.
- (2) Send a copy of the application, including the notice of denial, to the resident school board.

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

In s. PI 36.17 (3) and (4), the provisions refer to s. 20.255 (2) (cy), Stats., and what should occur when the appropriation does not contain adequate funds to reimburse all transportation claims for part-time open enrollment and the early collect credit program. Should the proposed rule also refer to claims for transportation reimbursement under the full-time open enrollment program under s. 118.51 (14) (b), Stats.?

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

a. In s. PI 36.16 (1) (d), the sentence should read "...shall be submitted to the school board of each nonresident school district to which a pupil is applying...".

b. In s. PI 36.16 (2) (b), the first sentence should read "...may give preference in attendance **in** a course to residents of the school district...". The second sentence should read "If the nonresident **school board** adopts such a policy...".

c. In s. PI 36.17 (4), sub. (4) refers to "claims under subsection (4) of this section...". Should this provision refer to sub. (3) instead?