

**Report From Agency**

**FINAL REPORT**  
**CLEARINGHOUSE RULE 18-077**  
**CHAPTER PI 40**  
**EARLY COLLEGE CREDIT PROGRAM**

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**Analysis by the Department of Public Instruction**

**Statutory authority: s. 118.55, Stats.**

**Statute interpreted: s. 118.55 (9), Stats.**

This proposed rule will repeal and recreate Chapter PI 40 of the Wisconsin Administrative Code to implement the Early College Credit program (ECCP), which replaced the Youth Options program as a result of 2017 Wisconsin Act 59, the 2017-19 budget. Among the changes, the rule proposes to establish the following:

- The dates by which pupils may notify school boards of their intent to participate in the program during a summer session (fall and spring dates are set in statute).
  - Rules governing the determination of undue financial burden.
  - Procedures for the reimbursement of transportation costs, including eligible modes of transportation and priority of reimbursement.
  - Rules governing the determination of credits, including granting of high school credits for courses taken under the program, comparability of courses offered by a high school, and notification of appeal rights.
  - Procedures for reviewing appeals under the program, as determined under ch. PI 1 of the Wisconsin Administrative Code.
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The hearing notice was published in the November 12<sup>th</sup>, 2018, edition of the Wisconsin Administrative Register. A public hearing was held on December 3<sup>rd</sup>, 2018.

***The following persons testified at the December 3<sup>rd</sup> hearing:***

<b>NAME</b>	<b>ORGANIZATION</b>	<b>IN FAVOR OR GENERALLY IN FAVOR</b>	<b>OPPOSED OR GENERALLY OPPOSED</b>	<b>OTHER</b>
Kelli Kwiatowski	School District of New Berlin			X

***The following persons submitted written testimony:***

<b>NAME</b>	<b>ORGANIZATION</b>	<b>IN FAVOR OR GENERALLY IN FAVOR</b>	<b>OPPOSED OR GENERALLY OPPOSED</b>	<b>OTHER</b>
Joyce Atkins	Representing Self			X
Sharon Schmeling	Wisconsin Council of Religious and Independent Schools		X	

***Summary of public comments relative to the rule and the agency's response (bolded) to those comments:***

- Two respondents requested further clarity in the rule around what defines courses taken at an eligible institution of higher education. For example, certain institutions interpret the current law to mean that the course must be taken onsite, while other institutions allow for participation in online courses to count for courses taken under the ECCP. Specifically, they recommend changes to the rule that allow for online postsecondary classes offered by any qualifying institution in the program, arguing that such a change would be helpful in providing more opportunity for participating students across the state.

**The change is accepted.**

- Finally, one respondent questioned the Department's indication that there will be no fiscal effect of the ECCP rule as it relates to the private sector, specifically in how the law requires private schools to participate in the program. For example, the ECCP requires private schools to cover a portion of the costs of college courses up to 18 credits to participating students, and that current deadlines do not help facilitate private sector budgeting for students seeking reimbursement for up to 18 college credits. As a result, the program imposes significant financial impact on private school's annual budgets and may increase costs for private schools since the law requires them to participate in the program.

**The comment in question relates to statutory requirements and is outside the scope of this rule. No changes are needed.**

- Further, the respondent requests consideration for changes to the rules governing determination of credit under the program, because the rule as written seems to only address postsecondary courses offered only by public schools (not private schools).

**Provisions already exist in the current proposed rule which address the determination of credit issue for governing bodies of private schools, as provided in s. PI 40.06 (1) (c) and PI 40.06 (3) (b) of the final proposed rule. No changes are needed at this time.**

*Changes to the analysis or the fiscal estimate:*

- No changes are needed.

*Responses to Clearinghouse Report:*

1. Statutory Authority:

- The Department is removing the proposed s. PI 40.04, governing the submission of reports, as it was duplicative of the statutory requirement under s. 118.55 (5) (e) 1., Stats., that a school board of a school district or governing body of a participating private school in which a pupil who attended an institution of higher education under the ECCP program shall submit an itemized report to the Department of the amounts paid to the institution within 30 days after the end of the semester.

2. Form, Style and Placement in Administrative Code:

- The changes are accepted.

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

- The reference to s. PI 18.03 (2) has been corrected to s. PI 18.05 (1). All other changes are accepted.

5. Clarity, Grammar, Punctuation and Plainness:

- The changes are accepted.

*Changes deemed necessary by the Department to improve implementation of the rule:*

- Clarified language under the renumbered s. PI 40.05, relating to transportation reimbursement, to state that requests for reimbursement of transportation costs under s. 118.55 (7g) shall be filed with the Department by July 15 following the school year in which the transportation was provided.