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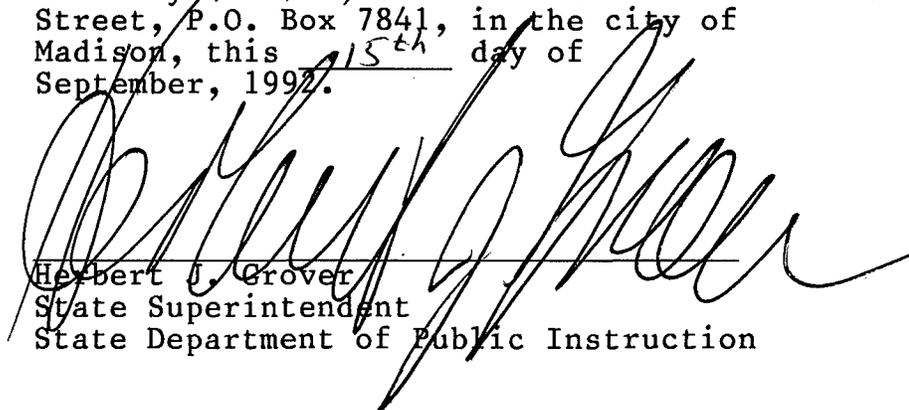
STATE OF WISCONSIN )  
 ) SS  
DEPARTMENT OF PUBLIC INSTRUCTION)

I, State Superintendent of the Department of Public Instruction and custodian of the official records of said Department, do hereby certify that the annexed rule relating to appeals and the postsecondary enrollment options program was duly approved and adopted by this Department on the first day of the month following publication in the Wisconsin Administrative Register.

I further certify that said copy has been compared by me with the original on file in this Department and the same is a true copy thereof, and of the whole of such original.

**RECEIVED**  
SEP 15 1992  
11:15 am  
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IN TESTIMONY WHEREOF, I hereunto set my hand and affixed the official seal of the Department at General Executive Facility (GEF) 3, 125 South Webster Street, P.O. Box 7841, in the city of Madison, this 15<sup>th</sup> day of September, 1992.

  
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Herbert L. Grover  
State Superintendent  
State Department of Public Instruction

11-1-92

ORDER OF THE  
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION  
CREATING/AMENDING RULES

The state superintendent of public instruction hereby creates s. PI 1.01(2)(f) and ch. PI 40, relating to appeals and the postsecondary enrollment options program.

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ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory authority: ss. 115.28(5), 118.37(9), 227.11(2)(a), Stats., and SECTION 9145(7z) of 1991 Wisconsin Act 39.

Statute interpreted: ss. 115.28(5) and 118.37, Stats.

1991 Wisconsin Act 39 created s. 118.37, Stats., which creates the postsecondary enrollment options program. Beginning in the 1992-93 school year, any public school pupil enrolled in the 11th or 12th grade may enroll in a center or institution within the university of Wisconsin system, a vocational, technical and adult education (VTAE) school or a private, nonprofit institution of higher education if the private institution has notified the state superintendent of its intent to participate in the program by September 1 of the previous school year.

The postsecondary enrollment options program is a separate program and should not be confused with other programs which provide high school students an opportunity to earn baccalaureate degree credit or with other circumstances in which high school pupils attend courses at a VTAE in order to meet high school graduation requirements through contracts or other special arrangements, including pupils attending a VTAE under s. 118.15(1)(b), Stats.

The proposed rules establish general requirements for a pupil who intends to participate, for a parent or guardian who has a child participating, for the school board which has a pupil participating and for an institution of higher education which has a pupil attending an institution under the postsecondary enrollment options program.

The proposed rules set requirements for the payment of tuition and fees. The requirements determine who is responsible for the payment of tuition, fees, books and other necessary materials directly related to the postsecondary course taken by a pupil under the program and determine what materials are considered to be necessary and directly related to the postsecondary course.

The proposed rules determine transportation reimbursement criteria. The criteria includes giving priority to pupils eligible for free or reduced-price lunch, requiring pupils whose parents will be applying for transportation reimbursement to take certain modes of transportation, and determining how funds will be disbursed and which applicants will be reimbursed if funds available are in excess or are not adequate to pay eligible applicants for transportation claims. The department has developed guidelines to determine if applicants are unable to pay.

The proposed rules also set guidelines for determination and awarding of high school credit; create an appeal process for pupils to appeal a school board's decision regarding satisfaction of high school graduation requirements or the number of high school credits to be awarded; set state superintendent's responsibilities and require a one-time evaluation from school districts of the postsecondary enrollment options program.

The department promulgated this as an emergency rule effective February 7, 1992, in order to notify pupils, school districts and IHEs of the necessary timelines and requirements to participate in the PSEO program.

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SECTION 1. s. PI 1.01(2)(f) is created to read:

PI 1.01(2)(f) Appeals relating to the granting of high school credit and number of high school credits to be awarded to a pupil participating in the postsecondary enrollment options program under ch. PI 40, which shall be resolved through the procedures under s. PI 40.08.

SECTION 2. Ch. PI 40 is created to read:

CHAPTER PI 40

POSTSECONDARY ENROLLMENT OPTIONS PROGRAM

PI 40.01 AUTHORITY. This chapter is adopted under ss. 118.37(9) and 227.11(2)(a), Stats.

PI 40.02 INTENT STATEMENT. (1) Under s. 118.37(2), Stats., beginning in the 1992-93 school year, any public school pupil enrolled in the 11th or 12th grade who is not attending a vocational, technical and adult education school under s. 118.15(1)(b), Stats., may enroll in an institution of higher education for the purpose of taking one or more nonsectarian courses at the institution of higher education, subject to s. PI 40.04(4)(b).

(2) The postsecondary enrollment options program is a separate program and should not be confused with other programs which provide high school students an opportunity to earn baccalaureate degree credit, such as the college board's advanced placement program, special service contracts with

colleges and universities, educational television programs, international baccalaureate programs, university of Wisconsin extension courses or correspondence courses.

(3) The postsecondary enrollment options program should not be confused with other circumstances in which high school pupils attend courses at vocational, technical and adult education school institutions to meet high school graduation requirements through contracts or other special arrangements.

PI 40.03 DEFINITIONS. In this chapter:

(1) "Admitted to the IHE" means that a pupil has received written notice from the IHE of his or her eligibility to participate in the postsecondary course or courses under the postsecondary enrollment options program.

(2) "Department" means the Wisconsin department of public instruction.

(3) "IHE" means an institution of higher education as defined in s. 118.37, Stats.

(4) "Postsecondary enrollment options program" means the program established under s. 118.37, Stats.

(5) "Registered to attend" means a pupil has been admitted to the IHE and has written confirmation from the IHE that he or she will have a space available in a specified postsecondary course or courses taken under the postsecondary enrollment options program.

(6) "School board" means the school board in charge of the schools of the school district.

(7) "School district" has the meaning defined in s. 115.01(3), Stats.

(8) "State superintendent" means the state superintendent of public instruction.

PI 40.04 GENERAL REQUIREMENTS. (1) PUPIL RESPONSIBILITIES. (a) A pupil participating in the postsecondary enrollment options program may take a

postsecondary course during or after regular school hours, if available, and shall comply with the following requirements:

1. Submit an application developed by the IHE to the IHE in the previous school semester in which he or she plans to attend and indicate whether the postsecondary course or courses will be taken for high school credit or postsecondary credit.

NOTE: An application for admission to an institution of higher education may be obtained from the public school district in which the pupil is enrolled or from the IHE.

2. Notify the school board of the school district in which the pupil is enrolled of his or her intention of enrolling in an IHE no later than March 1 if the pupil intends to enroll in the IHE in the fall semester and no later than October 1 if the pupil intends to enroll in the IHE in the spring semester. The notice shall include the following information:

- a. The pupil's name, address, date of birth, telephone number and grade in school.

- b. The name of the pupil's parent or guardian.

- c. The name of the IHE the pupil plans to attend.

- d. The title of the postsecondary course or courses in which the pupil intends to enroll.

- e. The number of postsecondary credits for each course.

- f. Whether the postsecondary course will be taken for high school or postsecondary credit.

3. Notify the school board of the school district in which the pupil is enrolled if he or she is admitted to the IHE specified under subd. 2c.

4. Notify the school board of the school district in which the pupil is enrolled if he or she is registered to attend a postsecondary course specified under subd. 2d.

5. Notify the school board of the school district in which the pupil is enrolled as soon as practicable if he or she is not registered to attend the

postsecondary course specified in subd. 2d, but instead, registered to attend a different course.

(b) A pupil participating in the postsecondary enrollment options program may appeal a school board's decision under sub. (3)(c)3 and 4, regarding satisfaction of high school graduation requirements or the number of high school credits to be awarded, to the state superintendent within 30 days after the decision as specified under s. PI 40.08.

(c) A pupil taking one or more courses for high school credit at an IHE under this section may not take more than the equivalent of 15 semester credit hours in any academic semester.

(d) A pupil participating in the postsecondary enrollment options program shall comply with the IHE's admission criteria for a postsecondary course taken under the postsecondary enrollment options program as well as any other application or information disclosures required by the IHE.

(e) A pupil taking one or more courses for postsecondary credit only at an IHE under this section shall meet the requirements under par. (d) as well as any other payment, reimbursement or fee cancellation policies established by the IHE.

(2) PARENT OR GUARDIAN RESPONSIBILITIES. The parent or guardian of a pupil participating in the postsecondary enrollment options program shall be responsible for the pupil's compliance with the compulsory school attendance requirement under s. 118.15(1)(a), Stats.

(3) SCHOOL BOARD RESPONSIBILITIES. (a) Annually, by October 1, each school board shall provide information about the postsecondary enrollment options program to all pupils enrolled in the school district in the 9th, 10th and 11th grades.

(b) Annually, by September 1, each school board shall appoint a contact person in the school district to administer the postsecondary enrollment options program.

(c) A school board which has a pupil participating in the postsecondary enrollment options program for high school credit shall comply with the following requirements:

1. Determine if a postsecondary course, which was selected by a pupil under sub. (1)(a)2 or 5, may be awarded high school credit based on the criteria specified under s. PI 40.07(1).

2. Determine the number of high school credits to award the pupil for a postsecondary course taken under subd. 1 based on the criteria specified under s. PI 40.07(2).

3. Notify the pupil of its determinations under subds. 1 and 2, in writing, before the end of the semester in which it received the notice under sub. (1)(a)2. Under this subdivision, the end of the semester shall be considered November 15 if the notice was received in the fall semester and May 15 if the notice was received in the spring semester.

4. Notify the pupil of its determinations under subds. 1 and 2, in writing, as soon as practicable after it receives the notice under sub. (1)(a)5.

5. Notify the pupil of his or her right to appeal a negative determination under subd. 3 or 4 to the state superintendent as specified under s. PI 40.08.

(d) A school board which has a pupil participating in the postsecondary enrollment options program for high school or postsecondary credit shall comply with the following requirements:

1. Enroll the pupil full-time within the school district until it receives notification from the pupil under sub. (1)(a)4 that he or she is actually registered to attend a postsecondary course.

2. Inform the pupil and the pupil's parent or guardian if the pupil's timetable for graduation may be negatively affected if the pupil chooses to participate in the postsecondary enrollment options program.

(4) IHE RESPONSIBILITIES. (a) An IHE participating in the postsecondary enrollment options program shall comply with s. 118.13(1), Stats., and the following requirements:

1. Provide an application for pupils to participate in the postsecondary enrollment options program.

2. Ensure the pupil participating in the postsecondary enrollment options program is aware that if admitted, the IHE may disclose the pupil's grades, the courses that he or she is taking and his or her attendance record to the public school in which the pupil is enrolled.

3. Submit to each pupil requesting to be admitted to the IHE under the postsecondary enrollment options program all of the IHE's admission policies as well as any other information specified under s. PI 40.04(1)(d) or (e).

4. Admit a pupil under this section only if it has space available.

5. Notify the pupil participating in the postsecondary enrollment options program and the school board, in writing, of the pupil's admittance or non-admittance to the IHE.

6. Notify the school board of the school district in which the pupil is enrolled, in writing, within 30 days after the beginning of classes at the IHE, if the pupil has been registered to attend a postsecondary course at the IHE. The notice shall include the course or courses in which the pupil is registered.

7. Notify the pupil participating in the postsecondary enrollment options program and the school board, in writing, of the grade the pupil received for the postsecondary course or courses taken under the postsecondary enrollment options program.

8. Notify the school board of the school district in which the pupil is enrolled, in writing, as soon as possible if a pupil drops out of the IHE under the postsecondary enrollment options program.

(b) A private IHE may participate in the postsecondary enrollment options program only if it has notified the state superintendent of its intent to participate by September 1 of the previous school year.

PI 40.05 PAYMENT OF TUITION AND FEES. (1)(a) A pupil taking a postsecondary course or courses at an IHE for postsecondary credit only under this chapter is responsible for the tuition and fees for the postsecondary course.

(b) A pupil taking a postsecondary course or courses which has been determined by the school board to be comparable under s. PI 40.07(1m), shall be responsible for the tuition and fees for the postsecondary course.

(2)(a) Except as specified under par. (b) and sub. (1)(b), a pupil taking a postsecondary course or courses at an IHE for high school credit under this chapter is not responsible for any portion of the tuition and fees for the postsecondary course.

(b) Except as specified under sub. (5), a pupil taking a course at an IHE for high school credit under this chapter shall pay the cost of equipment associated with the course which will become the property of the pupil including but not limited to tools, calculators, instruments and microcomputers.

(3)(a) Except as specified under par. (b) and sub. (1)(b), the school board of the school district in which a pupil is enrolled and attending an IHE for any postsecondary course that is taken and approved by the school board for high school credit shall pay the IHE, within 30 days after the end of the semester in which the course was taken and on behalf of the pupil, the following amount:

1. If the pupil is attending a center or institution within the university of Wisconsin system, the actual cost of tuition, fees, books and other necessary materials directly related to the course.

2. If the pupil is attending a vocational, technical and adult education school, the actual cost of tuition, fees, books and other necessary materials directly related to the course.

3. If the pupil is attending a private IHE, the lesser of the following:

a. The actual cost of tuition, fees, books and other necessary materials directly related to the course.

b. An amount determined as specified under s. 118.37(5)(c)2, Stats.

(b) The school board shall consider other necessary materials directly related to the course under this subsection to be consumable materials which will be used during the course but will not include any items such as pens, pencils and notebooks which are typically used and paid for by a pupil when taking a course at the school district.

(4) The school board which purchases a book or books under sub. (3) for a pupil may require the pupil to relinquish the book or books to the school board after completion of the postsecondary course.

(5) The school board may provide or pay the cost of any equipment described in sub. (2)(b) and may require the pupil to relinquish any such equipment to the school board after completion of the postsecondary course.

PI 40.06 TRANSPORTATION REIMBURSEMENT. (1) The parent or guardian of a pupil who is attending an IHE under this chapter and is taking a postsecondary course for high school credit may, upon verification under sub. (5), apply to the state superintendent for reimbursement of the cost of transporting the pupil between the high school in which the pupil is enrolled and the IHE that the pupil is attending under the postsecondary enrollment options program if the pupil and the pupil's parent or guardian are unable to pay the cost of such transportation.

(2) The parent or guardian applying for reimbursement of transportation costs under this section shall submit a claim developed by the department no later than 30 days after the end of the school semester to which the

reimbursement claim pertains. The claim shall include the following information:

- (a) The name and address of the parent or guardian
- (b) The pupil's name, age and grade level.
- (c) The school district in which the pupil is enrolled.
- (d) The name and address of the IHE the pupil is attending under the postsecondary enrollment options program.
- (e) A copy of the notice under s. PI 40.04(1)(a)2 or 5, signed by the IHE.
- (f) The mode of transportation.
- (g) The number of miles based on the most direct route between the pupil's school district of enrollment and the IHE.
- (h) Assurances for the following:
  1. The pupil and the pupil's parent or guardian are unable to pay the costs of transportation.
  2. The pupil is receiving high school credit for the course taken at the IHE.
- (i) The number of household members and the family's total income.
- (j) The signature of the parent or guardian as well as a school district official.

NOTE: PI-8701, Postsecondary Enrollment Options Transportation Reimbursement Claim may be obtained at no charge from the school district in which the pupil is enrolled or by writing to the Wisconsin Department of Public Instruction, Postsecondary Enrollment Options Program, P.O. Box 7841, Madison, WI 53707-7841.

(3)(a) Except as specified in par. (b), a pupil whose parent or guardian will be applying for transportation reimbursement under this section shall, to the extent possible, use the following modes of transportation:

1. Public transportation.
2. A vehicle owned by the pupil or his or her parent or guardian if public transportation is not available.

(b) If transportation described in par. (a) is not available, the pupil may use another mode of transportation.

(4)(a) The state superintendent shall give preference for reimbursement under this section to pupils who are eligible for a free or reduced-price lunch under 42 USC 1758(b). Except as specified under par. (b), the state superintendent shall reimburse claims made under this paragraph at a rate per mile in accordance with s. 20.916(4), Stats., or the actual cost of the transportation, whichever is less.

(b) If adequate funds are not available under s. 20.255(2)(cw), Stats., to reimburse all transportation claims, the state superintendent shall prorate the available funds among only those applicants eligible for free or reduced-price lunch under 42 USC 1758(b).

(c) Any funds provided under s. 20.255(cw), Stats., which remain after payment has been made to reimburse claims submitted by all applicants eligible for free or reduced-price lunch under par. (a), shall be prorated to reimburse claims submitted by other applicants who are unable to pay for transportation.

(d) The state superintendent shall develop guidelines based on the U.S. department of health and human services poverty guidelines to determine eligibility of those applicants who are unable to pay under this section.

(5) The school board of the school district in which the pupil is enrolled shall verify a claim submitted under this section for completeness and accuracy before the claim is submitted to the department.

NOTE: Income Guidelines for Inability to Pay may be obtained at no charge by writing to the Wisconsin Department of Public Instruction, Postsecondary Enrollment Options Program, P.O. Box 7841, Madison, Wisconsin 53707-7841.

PI 40.07 GUIDELINES FOR DETERMINATION AND AWARDED OF HIGH SCHOOL CREDIT  
FOR POSTSECONDARY COURSES TAKEN UNDER THE POSTSECONDARY ENROLLMENT OPTIONS

PROGRAM. (1) APPROVAL OF POSTSECONDARY COURSE FOR HIGH SCHOOL CREDIT. (a)

The school board may grant high school credit for a course taken at an IHE under the postsecondary enrollment options program.

(b) The school board shall grant high school credit for a course taken at an IHE under the postsecondary enrollment options program if the postsecondary course meets any of the high school graduation requirements under s. 118.33, Stats., including any graduation requirements which may be approved under the school board's high school graduation credit policies under s. PI 18.03(2) and if one or more of the following conditions apply:

1. If the postsecondary course is complementary to, consistent with, or expands on a course of study or sequence of courses offered by the school district.

2. If the postsecondary course expands an opportunity for the pupil to move to another level of academic or vocational course of study.

3. If the postsecondary course curriculum meets or exceeds the same standards for rigor and content as other courses approved by but not offered by the school district for credit toward graduation.

4. If the postsecondary course supports rather than prevents a pupil from completing the high school graduation requirements under ch. PI 18.

(c) The school board may deny high school credit for a postsecondary course taken under this chapter if the school district offers a comparable course as specified under sub. (1m).

(d) The school board may deny high school credit for a postsecondary course taken under this chapter if it repeats the course content for which a pupil has already received a passing grade and high school credit.

(e) The school board may deny high school credit for a postsecondary course taken under this chapter if it repeats the postsecondary course content for which a pupil has already taken and failed.

(f) The school board shall process or evaluate a postsecondary course taken for high school credit under this chapter using the same criteria in which a school board would approve a course to be offered at the school district for credit towards graduation.

(1m) DETERMINATION OF COMPARABLE COURSE. (a) The school board shall determine if the postsecondary course taken for high school credit is comparable to a course offered in the school district. The term "comparable" under this subdivision means all of the following:

1. The high school course is offered during the period of time after the pupil notifies the school board of his or her intention to participate in the postsecondary enrollment options program under s. PI 40.04(1)(a)2 or 5 and prior to the pupil's graduation.

2. The high school course is available for enrollment.

3. The high school course content, as determined by curriculum guides, expectations, goals, scope and sequence, is 80% equivalent to the content of the postsecondary course as determined by the postsecondary course syllabus, if available, and course description.

(b) A school board which does not offer a comparable course under par. (a) shall meet the requirements under s. 118.37(3m), Stats.

(2) NUMBER OF HIGH SCHOOL CREDITS GRANTED FOR A POSTSECONDARY COURSE. A postsecondary course taken under the postsecondary enrollment options program and approved for high school credit shall be granted 1/4 high school credit per 1 semester credit offered by a postsecondary course.

(3) CONDITION FOR RECEIVING HIGH SCHOOL CREDIT. In order for a pupil to receive high school credit for a course taken at an IHE under the postsecondary enrollment options program, a pupil shall successfully complete a postsecondary course and receive a passing grade.

NOTE: Additional guidelines in the form of a question and answer

document may be obtained at no charge by writing to the Wisconsin Department of Public Instruction, Postsecondary Enrollment Options Program, P.O. Box 7841, Madison, Wisconsin 53707-7841.

PI 40.08 APPEAL PROCESS. (1) RECEIPT AND FILING OF APPEALS. (a) A pupil participating in the postsecondary enrollment options program may file an appeal of a school board's decision under s. PI 40.04(3)(c), regarding satisfaction of high school graduation requirements or the number of high school credits to be awarded, to the state superintendent within 30 days after the school board's decision.

(b) All appeals under this section shall be in writing and shall include a copy of the notice under s. PI 40.04(1)(a)2 or 5. The appeal shall specify what decision is being appealed, the specific reasons for the appeal and any other facts relevant to the appeal including the course syllabus, if available, the number, length and description of the postsecondary class periods per week as well as the relevance of the postsecondary course to the pupil's course of study or occupational goals. All appeals shall be signed by the appellant or the representative of the appellant. If the appellant is a minor, the appeal shall also be signed by his or her parent or guardian.

(c) If the appeal is filed by the representative under par. (b), the representative shall file a notice of representation to the state superintendent which shall include written consent of the appellant and the parent or guardian if required in par. (b).

(d) Failure of the appellant to file an appeal within the time period specified in s. 118.37(3)(b), Stats., and this chapter deprives the state superintendent of jurisdiction in the matter.

(2) PROCEDURES. (a) As soon as possible, upon receipt of a written appeal filed under sub. (1), the state superintendent shall acknowledge receipt of the appeal in writing to the appellant and shall send a copy of the appeal to the school board.

(b) The state superintendent shall base his or her decision on the guidelines under s. PI 40.07 and shall use any or all of the following procedures which he or she determines to be appropriate in the appeal process:

1. Provide technical assistance and information and attempt to resolve the matter informally.
2. Conduct an investigation under sub. (4).
3. Issue a decision based on a review of the record of the school board, argument from the parties and any other matter the state superintendent deems appropriate.

(3) SCHOOL BOARD RESPONSIBILITY. A school board which receives a notice of an appeal under sub. (2)(a), shall deliver, within 7 working days, the official record of the school board's determination under s. 40.04(3)(c) and the specific reasons for its determination.

(4) INVESTIGATIONS. If the state superintendent determines under sub. (2)(b)2 to conduct an investigation, the investigation may include an on-site review or any other activity which the state superintendent deems appropriate.

(5) DECISION. (a) The decision of the state superintendent shall be in writing stating separate findings of fact and conclusions of law. Decisions shall be served on all parties by mailing a copy to each party's last known address by certified mail.

(b) The state superintendent's decision shall be final and is not subject to review under subch. III of ch. 227.

(6) WITHDRAWAL. At any time prior to the issuance of a final decision, the appellant may withdraw the appeal in writing. Upon receiving such a request, the state superintendent shall issue an order dismissing the matter. If such request is received within 30 days of the school board's decision issued under s. PI 40.04(3)(c) 3 or 4, the dismissal shall be without

prejudice. If such request is received more than 30 days after the school board's decision issued under s. PI 40.04(3)(c) 3 or 4, the dismissal shall be with prejudice.

PI 40.09 STATE SUPERINTENDENT'S RESPONSIBILITIES. (1) The state superintendent shall evaluate the educational and fiscal effects of the postsecondary enrollment options program and report his or her findings and recommendations to the presiding officer of each house of the legislature in the manner provided under section 13.172(3), Stats., by January 1, 1994.

(2) The state superintendent shall develop guidelines as required under s. 118.37(3)(b), Stats.

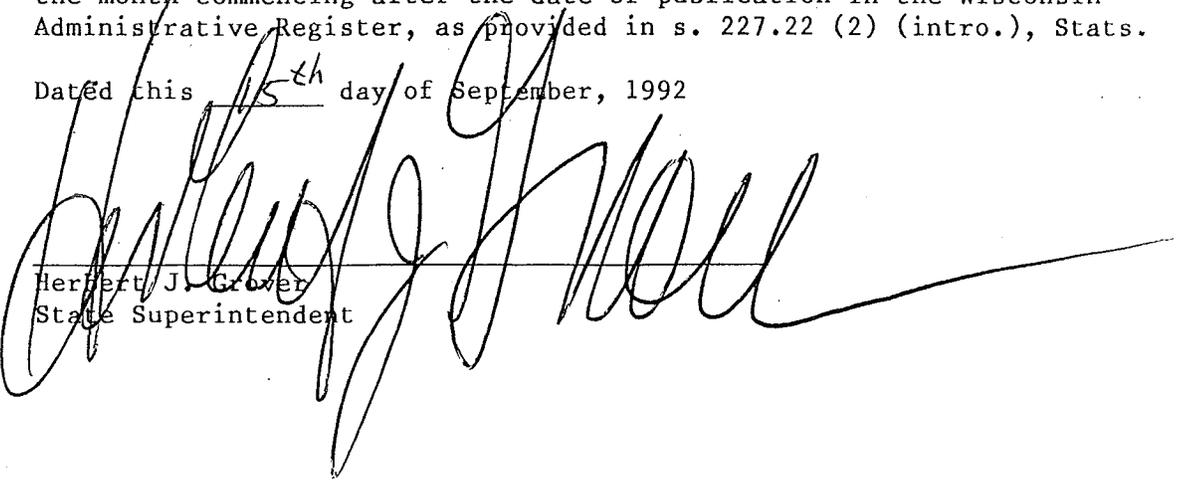
(3) The state superintendent shall develop a form which may be used by a school district to implement the postsecondary enrollment options program.

NOTE: PI-8700, Postsecondary Enrollment Options Program Plan and Report, may be obtained at no charge by writing to the Wisconsin Department of Public Instruction, Postsecondary Enrollment Options Program, P.O. Box 7841, Madison, Wisconsin 53707-7841.

PI 40.10 EVALUATION OF THE POSTSECONDARY ENROLLMENT OPTIONS PROGRAM. In order for the state superintendent to report the educational and fiscal effects of the postsecondary enrollment options program required under s. PI 40.09(1), each school board which has a pupil participating in the postsecondary enrollment options program shall submit a one-time evaluation of the program on a form developed by the department. This evaluation form shall be submitted to the state superintendent by August 31, 1993, and shall include information on the postsecondary enrollment options program for the time period of July 1, 1992 to June 30, 1993.

The rules contained in this order shall take effect on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register, as provided in s. 227.22 (2) (intro.), Stats.

Dated this 15<sup>th</sup> day of September, 1992

  
Herbert J. Grover  
State Superintendent

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