

Wisconsin Department of Public Instruction  
**STATEMENT OF SCOPE  
FOR ADMINISTRATIVE RULES**

**GENERAL INFORMATION**

Rule No.: PI 40

Relating to: Changes to PI 40 as a result of 2017 Wisconsin Act 59

Rule Type: Emergency and Permanent

**NARRATIVE**

Pursuant to *Coyne v. Walker*, the Department of Public Instruction is not required to obtain the Governor's approval for the statement of scope for this rule. *Coyne v. Walker*, 368 Wis.2d 444.

1. Finding/nature of the emergency (Emergency Rule only).  
2017 Wisconsin Act 59 amended s. 118.55, Stats., to create the Early College Credit Program, beginning in the 2018-19 school year. An emergency rule is necessary in order for the Department to administer the program in the 2018-19 school year while the permanent rule completes the promulgation process.
2. A description of the objective of the proposed rule.  
The proposed rule will repeal and recreate Chapter PI 40 of the Wisconsin Administrative Code to implement the Early College Credit Program, which replaced the Youth Options Program as a result of 2017 Wisconsin Act 59, the 2017-19 budget.
3. A description of the existing policies and new policies included in the proposed rule and an analysis of policy alternatives.  
2017 Wisconsin Act 59 eliminated the Youth Options program and created the new Early College Credit Program, which allows public and private high school pupils to enroll in an institution of higher education for the purposes of taking one or more nonsectarian courses for high school and/or postsecondary credit. Under the program, the pupil is responsible for 25 percent of the tuition if the pupil takes a course for postsecondary credit only; however, the school board must waive the pupil's financial responsibility if the Department determines that the cost would pose an undue financial burden on the pupil's family. Additionally, 2017 Wisconsin Act 59 requires the Department to reimburse certain pupils' families for transportation costs incurred as a result of participating in the Early College Credit Program. The Department is proposing to repeal and recreate Chapter PI 40 so that it may implement changes in the statutes as a result of 2017 Wisconsin Act 59, including establishing a definition for undue financial burden and revising criteria for determining reimbursement amounts for pupil transportation. Unless a rule is in place, statute and rule will not be consistent and the Department may be prevented from efficiently administering the program.
4. The statutory authority for the proposed rule.

Under s. 118.55 (9), Stats., the State Superintendent shall promulgate rules to implement and administer the Early College Credit Program, including rules establishing criteria for determining reimbursement amounts for pupil transportation under s. 118.55 (7g), Stats.

5. An estimate of the amount of time agency employees will spend developing the proposed rule and of other resources needed to develop the rule.

The amount of time needed for rule development by Department staff and the amount of other resources necessary are indeterminate.

6. A description of all of the entities that will be affected by the proposed rule.

Public and private school pupils enrolled in the Early College Credit Program, parents and/or guardians of pupils enrolled in the Early College Credit Program, institutions of higher education that are eligible to participate in the Early College Credit Program, school districts, independent charter schools, and private schools may be impacted by this rule.

7. A summary and preliminary comparison of any existing or proposed federal regulation that addresses or is intended to address the activities to be regulated by the proposed rule.

N/A

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses).

The proposed rule will have no significant economic impact on small businesses, as defined in s. 227.114 (1), Stats.

#### Contact Information

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