CHAPTER 39

HIGHER EDUCATIONAL AGENCIES AND EDUCATION COMPACTS

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SUBCHAPTER I

EDUCATIONAL COMMUNICATIONS BOARD

39.11 Educational communications board; duties. The educational communications board shall:

(1) Receive and disburse state, federal and private funds and engage or contract for such personnel and facilities as it deems necessary to carry out the purpose of this section.

(2) Plan, construct and develop a state system of radio broadcasting for the presentation of educational, informational and public service programs and formulate policies regulating the operation of such a state system.

(3) Protect the public interest in educational television by making application to the federal communications commission for educational television channels reserved for Wisconsin, and take such action as is necessary to preserve such channels to Wisconsin for educational use.

(4) Initiate, develop and maintain a comprehensive state plan for the orderly operation of a statewide television system for the presentation of noncommercial instructional programs that will serve the best interests of the people of the state now and in the future.

(5) Work with the educational agencies and institutions of the state as reviewer, adviser and coordinator of their joint efforts to meet the educational needs of the state through radio, television and other appropriate technologies.

(6) Furnish leadership in securing adequate funding for statewide joint use of radio and television for educational and cultural purposes, including funding for media programming for broadcast over the state networks. The educational communications board may submit joint budget requests with state agencies and other nonstate organizations or corporations for the purposes enumerated in this subsection.

(7) Lease, purchase or construct radio and television facilities for joint use, such as network interconnection or relay equipment, mobile units, or other equipment available for statewide use.

(8) Apply for, construct and operate radio and television transmission equipment in order to provide broadcast service to all areas of this state.

(9) Establish and maintain a continuing evaluation of the effectiveness of the joint efforts of all participating educational institutions in terms of jointly−established goals in the area of educational radio and television.

(10) Act as a central clearing house and source of information concerning educational radio and television activities in this state, including the furnishing of such information to legislators, offices of government, educational institutions and the general public.

(11) If appropriate funds are made available, file applications after appropriate engineering studies and feasibility surveys for the construction and operation of noncommercial educational radio and television transmitters in the vicinities of Wausau, Colfax, La Crosse and Appleton and translators in the Platteville and Ashland area.

(12) Establish and operate, as soon as practicable, an interconnection between the broadcast facilities and higher education campuses to facilitate statewide use of closed circuit and broadcast radio and television for educational purposes. Additional facilities may be authorized by the educational communications board if deemed necessary and if funds are available for such purposes.

(13) Throughout this development, seek to cooperate with similar bodies in other states and participate in regional and national network planning so as to insure maximum educational benefits for the people of this state.

(14) Coordinate the radio activities of the various educational and informational agencies, civic groups, and citizens having contributions to make to the public interest and welfare.

(15) Manage, operate and maintain broadcasting station WLBL.

(16m) Give priority in the development of instructional television programs to programs specific to this state.

(17) Assist any state agency, upon its request, in the development and review of plans for the utilization of educational radio and television to include, but not be limited to, equipment, personnel, facilities and programming.

(17m) Maintain annual records of its expenditures for programming purposes by type of programming and by source of revenue. By December 1, 1981, and annually thereafter, the educational communications board shall submit to the governor and the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a report on all of the board's sources of revenue by source and amount.

(21) Operate an emergency weather warning system.

History: 1971 c. 211; 1973 c. 90, 333; 1975 c. 39; 1981 c. 20; 1985 a. 29; 1987 a. 186, 399; 1991 a. 39, 269; 1993 a. 16, 213, 437; 1997 a. 27; 1999 a. 83; 2003 a. 33; 2015 a. 55.

The board's relationship with support organizations is discussed. 70 Atty. Gen. 163.

39.115 Educational communications board; powers. The educational communications board may:

(1) Copyright in its own name or acquire copyrights by assignment and charge for their use.

(2) Review capital equipment purchases related to public broadcasting made by any state agency.

(3) Enter into a contract with any state agency, county, cooperative educational service agency, technical college district, municipality or school district for the educational communications board to furnish engineering and other services related to the construction or operation of telecommunications facilities.

History: 1985 a. 29 ss. 711g, 711r; 1995 a. 27.

39.12 Nonstock corporation. (1) The educational communications board may organize and maintain a nonstock nonprofit corporation under ch. 181 for the exclusive purpose of raising funds for the educational communications board to support the activities of the educational communications board. Any funds raised by the corporation shall be expended to carry out the purposes for which received.

(2) The educational communications board shall enter into a contract with the corporation under sub. (1). The contract shall provide that the educational communications board may make use of the services of the corporation and that the educational communications board may provide administrative services to the corporation. The type and scope of any administrative services provided by the educational communications board to the corporation and the educational communications board employees assigned to perform the services shall be determined by the educational communications board. The corporation may neither employ staff nor engage in political activities.

(2m) The corporation under sub. (1) shall donate any real property to the state within 5 years after acquiring the property unless holding the property for more than 5 years is consistent with sound business and financial practices and is approved by the joint committee on finance.

(3) The educational communications board, the department of administration, the legislative fiscal bureau, the legislative audit bureau and the appropriate committee of each house of the legislature, as determined by the presiding officer, may examine all records of the corporation.

(4) The board of directors of any corporation established under this section shall consist of 5 members, including the executive director of the educational communications board and 4 members of the educational communications board, elected by the educational communications board, of which one shall be a legislator. No 2 members of the board of directors may be from the same category of educational communications board members under s. 15.57 (1) to (7).

(5) Any corporation established under this section shall be organized so that contributions to it will be deductible from adjusted gross income under section 170 of the internal revenue code and so that the corporation will be exempt from taxation under section 501 of the internal revenue code and ss. 71.26 (1) (a) and 71.45 (1) (a).

History: 1983 a. 27; 1987 a. 27; 1987 a. 312 s. 17; 1991 a. 39, 269; 2007 a. 20.

39.13 Board staff. (1) The educational communications board shall appoint an executive director outside the classified service. The executive director shall coordinate the activities and execute the program and orders of the board, maintain liaison with the various federal and state agencies interested in the system of state radio and television broadcasting and exercise such further powers, functions and duties as the board prescribes.

(2) The executive director may employ a deputy director, the number of division administrators specified in s. 230.08 (2) (e) and 11 professional staff members outside the classified service. Subject to authorization under s. 16.505, the executive director may employ additional professional staff members for development and grant projects outside the classified service or for other purposes within the classified service.

(3) The educational communications board may provide a plan for bonus compensation for employees appointed in the unclassified service whose principal responsibility is fund raising, whereby the employees may qualify for an annual bonus for meritorious performance. No bonus awarded by the board to any individual employee for any fiscal year may exceed a total of 25 percent of the annual salary of the employee at the beginning of the fiscal year. In awarding bonus compensation for a given period, the board shall award no more than 3 percent of the amount of private funding raised during the preceding fiscal year which is in excess of the amount of private funding raised during the 2nd preceding fiscal year. The board shall provide for a portion of the bonus compensation awarded under this subsection to be distributed to employees over a 3−year period conditioned upon continuation of employment to the time of distribution.

History: 1971 c. 125, 211; 1983 a. 27; 1987 a. 27; 1989 a. 31, 336; 1991 a. 316; 1997 a. 27.

39.14 Affiliation agreement. (1) The educational communications board may enter into an affiliation agreement with broadcast radio and television licensees for the purpose of furthering its responsibilities under s. 39.11 (2), (4), (7), (13) and (14). An affiliation agreement shall include the minimum amount of programming of the Wisconsin educational radio or television network to be carried by the affiliated radio and television station.

(2) Any amendment to an agreement under sub. (1) in the amount of programming to be carried by the affiliated licensee which is offered by the Wisconsin educational radio or television network may be made by mutual agreement between the affiliated licensee and the educational communications board.

(3) Any nonprofit affiliated licensee of the Wisconsin educational radio or television network shall be required to submit to the educational communications board an annual report of their operating and capital budgets, plans for future development and expansion, schedules of weekly broadcast programming, and all other information deemed reasonable and appropriate by the contracting parties.

(4) The educational communications board shall negotiate an affiliation agreement under s. 36.25 (5) with the University of Wisconsin System.

History: 1973 c. 333; 1975 c. 41 s. 52.

SUBCHAPTER II

MEDICAL EDUCATION

39.15 Aid for medical education. (1) As a condition to the release of funds under s. 20.250:

(a) Two of the members of the board of trustees of the Medical College of Wisconsin, Inc., shall be nominated by the governor, and, with the advice and consent of the senate, appointed for staggered 6−year terms expiring on June 30.

(b) The Medical College of Wisconsin, Inc., shall give first preference in admissions to residents of this state.

(c) The Medical College of Wisconsin, Inc., shall make every effort to ensure that at least 5 percent of the total enrollment of the college consists of minority students.

(2) At the state auditor's discretion or as the joint legislative audit committee directs, the legislative audit bureau shall post-audit expenditures under s. 20.250 so as to assure the propriety of expenditures and compliance with legislative intent. State affirmative action policies, rules, and practices shall be applied to the Medical College of Wisconsin, Inc., consistent with their application to state agencies.

History: 1971 c. 125; 1973 c. 90 s. 184; 1973 c. 333 s. 78a; 1983 a. 27; 1989 a. 31; 2001 a. 103; 2011 a. 32; 2013 a. 8.

39.155 Medical College of Wisconsin; state aid policies. (1) All funds appropriated to the Medical College of Wisconsin, Inc., under s. 20.250 (1) (a) shall be based on a per capita formula for an amount for each Wisconsin resident enrolled at the college who is paying full tuition. A student's qualification as a resident of this state shall be determined by the higher educational aids board in accordance with s. 36.27, so far as applicable.

(2) On or before January 15 and September 15 of each year, the Medical College of Wisconsin, Inc., shall submit to the higher educational aids board for its approval a list of the Wisconsin residents enrolled at the college who are paying full tuition. The state shall make semiannual payments to the Medical College of Wisconsin, Inc., from the appropriation under s. 20.250 (1) (a), upon approval of the list. No more than 8 such payments may be made to the Medical College of Wisconsin, Inc., from the appropriation under s. 20.250 (1) (a), for any individual student.

History: 1973 c. 333; 1975 c. 39; 1975 c. 41 s. 52; 1975 c. 198, 224; 1977 c. 29; 1979 c. 34; 1981 c. 20; 1983 a. 27; 1985 a. 29; 1989 a. 56; 1991 a. 269; 1995 a. 27; 1997 a. 27; 2001 a. 103; 2003 a. 33.

39.16 Medical education review committee. (1) There is created a medical education review committee consisting of 9 members as follows. Seven members shall be appointed by the governor for staggered 5−year terms, and shall be selected from citizens with broad knowledge of medical education who are currently not associated with either of the medical schools of this state. The remaining members of the committee shall be the president of the University of Wisconsin System or a designee, and the president of the Medical College of Wisconsin, Inc. or a designee.

(2) The medical education review committee shall:

(a) Stimulate the development of cooperative programs by the Medical College of Wisconsin, Inc. and the University of Wisconsin−Madison Medical School, and advise the governor and legislature on the viability of such cooperative arrangements.

(b) Develop basic information on the potential resources for medical education in this state. Each school shall provide such information and data as the committee requires.

(c) After studying the resources available and needs for hospital affiliations throughout the state, prepare a statewide plan for such affiliations in consultation with the 2 medical schools and various hospitals, and review and approve or disapprove all proposed affiliations on the basis of the plan. Costs incurred directly and indirectly in support of nonapproved affiliations implemented after approval of a statewide affiliation plan cannot be included under any state program receiving state funding in whole or in part.

(d) Encourage the development of continuing education programs for practicing physicians in this state, including communication links with outlying regions of the state that would allow practitioners to have access to their medical schools.

(e) Encourage and review the development of training programs in relation to the state's health work force needs.

(f) Encourage the development of joint or cooperative programs for training of allied health personnel and the development of accelerated bachelor of science and doctor of medicine training programs.

(g) Encourage the development of systems for cross registration of students for specialized courses.

(h) Stimulate the development of joint research and patient care programs that would most effectively apply the resources of both schools and avoid duplication of expensive equipment and personnel, and help attract resources for such developments and projects.

(i) Draw upon existing executive, legislative and agency personnel for the provision of staff services to the committee. Any necessary and reasonable expenses incurred by the committee shall be paid from the appropriation under s. 20.435 (1) (a).

(im) Provide upon request of the governor, the joint committee on finance, or on its own initiative analyses and recommendations on policy issues in the broad field of medical education in the state.

History: 1973 c. 333; 1975 c. 39, 199; 1977 c. 29; 1979 c. 34 s. 2102 (20) (a); 1979 c. 221; 1993 a. 27; 2001 a. 103.

SUBCHAPTER III

HIGHER EDUCATIONAL AIDS BOARD

39.26 Definition. In this subchapter, "board" means the higher educational aids board.

History: 1995 a. 27; 1997 a. 27.

39.28 Powers and duties. (1) The board shall administer the programs under this subchapter and may promulgate such rules as are necessary to carry out its functions. The board may accept and use any funds which it receives from participating institutions, lenders or agencies. The board may enter into such contracts as are necessary to carry out its functions under this subchapter.

(2) The board shall establish plans to be administered by the board for participation by this state under any federal acts relating to higher education and submit them to the U.S. secretary of education for the secretary's approval. The board may utilize such criteria for determination of priorities, participation or purpose as are delineated in the federal acts.

(3) (a) In its biennial report under s. 15.04 (1) (d), the board also shall include recommendations for improvement of the state's student financial aid programs.

(b) On January 1 and July 1, the board shall report to the joint committee on finance and the joint legislative audit committee on the board's loan collection activities and efforts to develop collection policies to improve program performance through changes in data processing and program review.

(4) The board may assign, sell, convey or repurchase student loans made under s. 39.32 subject to prior approval by the joint committee on finance.

(6) The board may not provide any state financial assistance under this subchapter to any person during the period that the person is required to register with the selective service system under

50 USC, Appendix, sections 451 to 473 if the person has not so registered.

History: 1971 c. 125, 211; 1973 c. 90; 1975 c. 198, 224; 1977 c. 29; 1977 c. 196 s. 131; 1977 c. 418; 1981 c. 20; 1983 a. 27; 1985 a. 332 s. 251 (3); 1989 a. 31, 56; 1991 a. 316; 1995 a. 27; 1997 a. 27; 2001 a. 16.

Cross−reference: See also HEA, Wis. adm. code.

39.285 Board review of proposed formulae. (1) By May 1, 1998, and annually thereafter, the board shall approve, modify or disapprove any proposed formula for the awarding of grants for the upcoming academic year submitted under sub. (2) or (3) or s. 36.11 (6) (c) or 38.04 (7m).

(2) By April 10, 1998, and annually thereafter, the Wisconsin Association of Independent Colleges and Universities shall develop and submit to the board for its review under sub. (1) a proposed formula for the awarding of grants under s. 39.30 for the upcoming academic year to students enrolled at private institutions of higher education.

(3) By April 10, 1998, and annually thereafter, each tribally controlled college in this state is requested to develop and submit to the board for its review under sub. (1) a proposed formula for the awarding of grants under s. 39.435, except for grants awarded under s. 39.435 (2) or (5), for the upcoming academic year to students enrolled at that tribally controlled college.

History: 1995 a. 27; 1997 a. 27; 1999 a. 9.

39.29 Executive secretary. An executive secretary shall be appointed by the governor to serve at his or her pleasure.

History: 1997 a. 27.

39.30 Wisconsin grants; private, nonprofit college students. (1) DEFINITIONS. In this section:

(d) An "accredited" institution is an institution accredited by a nationally recognized accrediting agency or by the board of nursing pursuant to s. 441.01 (4), or, if not so accredited, is a nonprofit institution of higher education whose credits are accepted on transfer by not less than 3 institutions which are so accredited, on the same basis as if transferred from an institution so accredited.

(e) "Resident student" shall be determined under s. 36.27, so far as applicable.

(2) ELIGIBILITY. A resident student enrolled at least half−time and registered as a freshman, sophomore, junior or senior in an accredited, nonprofit, post−high school, educational institution in this state shall be eligible for grants under this section for each semester of attendance, but:

(a) No student shall be eligible for grants in more than the equivalent of 10 semesters of undergraduate education.

(b) A student shall be and shall remain eligible for grants provided the student meets acceptable academic standards prescribed by the student's institution.

(d) No grant shall be awarded to members of religious orders who are pursuing a course of study leading to a degree in theology, divinity or religious education.

(e) The board may not make a grant to a student whose name appears on the statewide support lien docket under s. 49.854 (2) (b), unless the student provides to the board a payment agreement that has been approved by the county child support agency under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

(f) No grants may be awarded under this section unless the formula submitted under s. 39.285 (2) is approved or modified by the board under s. 39.285 (1).

(3) BASIS OF GRANTS. The grant to be paid to a resident student enrolled at least half−time and registered as a freshman, sophomore, junior or senior after August 1, 1979, shall be determined as follows:

(a) From the total tuition charged the student by the institution, subtract the amount of the resident academic fee charged at the Madison campus of the University of Wisconsin System.

(b) Divide the amount determined in par. (a) by the student's total cost of attending the postsecondary institution.

(c) Multiply the percentage calculated in par. (b) times the student's expected family contribution which has been determined using the same analysis as that used to determine the expected family contribution of students applying for Wisconsin grants under s. 39.435.

(d) Subtract the amount determined in par. (c) from the amount determined in par. (a) to arrive at the amount of the grant.

(e) The board shall establish criteria for the treatment of financially independent students which are consistent with procedures in pars. (a) to (d).

(3m) GRANT AWARDS. (a) The board shall establish the maximum amount of a grant awarded under this subsection. The board may not establish a maximum amount that exceeds the maximum amount in the previous academic year unless the board determines, to the best of its ability, that in doing so the board will award grants under this paragraph in the current academic year to at least as many students as the board awarded grants to under this paragraph in the previous academic year. Grants under this section may not be less than $250 during any one academic year.

(b) The board may not make initial awards of grants under this section for an academic year in an amount that exceeds 122 percent of the amount appropriated under s. 20.235 (1) (b) for the fiscal year in which the grant may be paid.

(4) FORMS. The board shall prescribe, furnish and make available, at locations in the state convenient to the public, application forms for grants under this section. Upon request, the board shall advise and assist applicants in making out such forms.

History: 1971 c. 125; 1973 c. 90; 1973 c. 335 s. 13; 1975 c. 224; 1979 c. 34; 1981 c. 20; 1985 a. 29; 1987 a. 27; 1991 a. 316; 1993 a. 437; 1995 a. 27, 404; 1997 a. 27, 222; 1999 a. 9; 2001 a. 16; 2013 a. 330.

Cross−reference: See also ch. HEA 4, Wis. adm. code.

Students who attend VTAE (technical college) institutions are eligible for tuition grants under this section. 66 Atty. Gen. 182.

39.31 Determination of student costs. In determining a student's total cost of attending a postsecondary institution for the purpose of calculating the amount of a grant under s. 39.30, 39.38, 39.435 or 39.44, the board shall include the following:

(1) The cost of tuition, fees, books and educational supplies.

(2) Miscellaneous expenses, as determined by the board.

(3) The cost of child care, as determined by the board.

History: 1987 a. 27; 1995 a. 27; 1997 a. 27.

39.32 Student loans. (1) In this section:

(a) "Institution of higher education" means an educational institution meeting the requirements of P.L. 89−329 for institutions covered therein and of P.L. 89−287 for business, trade, technical or vocational schools and full−time post−high school technical colleges in this state.

(b) "Resident student" shall be determined under s. 36.27, so far as applicable.

(2) The board shall:

(a) Make and authorize loans to be made to resident students who have satisfactory academic records, who need financial assistance and who are desirous of attending institutions of higher education, when such loans are to assist them in meeting expenses of post−high school education in accordance with this section.

(b) Establish standards and methods for determining the amount of loans, rates of interest, financial need and other administrative procedures consistent with P.L. 89−329 and P.L. 89−287.

(3) The board may make and authorize loans to be made to students if:

(a) The student is enrolled or accepted for enrollment in an institution of higher education.

(b) The student's eligibility for a loan is certified to the board by the institution of higher education in which the student is enrolled or has been accepted for enrollment.

(c) The student has a satisfactory academic record.

(d) The student is a resident student.

(e) The student needs financial assistance.

(g) The student is not in default on any previous loan or the board has determined that the student has made satisfactory arrangements to repay the defaulted loan.

(4) Loans may be made to minors and minority shall not be a defense to the collection of the debt.

(5) The board may collect any loans made or authorized to be made by the board pursuant to this section or made prior to July 1, 1966, under s. 49.42, 1963 stats.

(6) The board shall satisfy the loan of any student who obtained a loan under this section or under s. 39.023, 1965 stats., between July 1, 1966, and December 15, 1968, if the student dies after July 1, 1966, and before completing repayment of the loan, and shall write off the balance of principal and interest owing on the loan on the date that the board received confirmation of the student's death. Obligation to repay such a loan shall terminate on the date of the student's death and any payments made on the loan to the board after the date of the student's death shall be refunded to the payor or the payor's heirs or personal representative upon receipt by the board of an application for refund.

(7) The board may write off defaulted student loans made pursuant to this section or made prior to July 1, 1966, under s. 49.42, 1963 stats., from moneys other than advances from the investment board originally appropriated for student loans, and from moneys other than moneys resulting from assignment, sale or conveyance of student loans.

(8) The board may use up to $150,000 annually of student revenue bond proceeds for the purpose of consolidating loans for needy students who have a state direct loan and one or more federally guaranteed student loans from one or more private lenders.

(10) (a) The board may enter into contractual agreements with lenders in this state and lenders in other states which grant loans to residents of this state, and with institutions and agencies wherein the board may provide and furnish to such lenders, institutions and agencies administrative services related to the operation of any programs involving the granting of loans to students including but not limited to any and all services and functions related to the granting, administering and collecting of any loans made to students.

(b) The board shall have all powers that are reasonably appropriate to the provision of such services and the performance of such contracts and may include charges or fees to be paid by the lenders, institutions and agencies to the board for the provision of such administrative services or any services or activities related to the collection of any student loans for which the board may become responsible by operation of law or by contractual agreements under this paragraph, but such charges or fees, before being instituted by the board, shall be approved by the secretary of administration.

(11) (a) In lieu of the procedure under ch. 812, the board, on behalf of the corporation under s. 39.33, or the corporation, on its own behalf, may certify the department of administration to deduct money from a state employee's earnings. The board shall specify an amount, not to exceed 25 percent of the employee's disposable earnings, as defined in s. 812.30 (6), to be deducted on a continuing basis until the amount certified by the board or corporation has been paid. The department of administration shall remit moneys deducted to the board or the corporation.

(b) The procedure in this section may be used only if the amount owed to the board or corporation is reduced to a judgment. At least 30 days prior to certification, the board or corporation shall notify the debtor under s. 879.05 (2) or (3) of the intent to certify the debt to the department of administration and of the debtor's right to a contested case hearing before the board under s. 227.42. If the debtor requests a hearing within 20 days after receiving notice, the board shall notify the department of administration which shall not make deductions under par. (a) until a decision is reached under s. 227.47 or the case is otherwise concluded.

(c) The department of administration shall prescribe the manner and form for certification of debts by the board or corporation under this subsection.

History: 1971 c. 85; 1971 c. 211 s. 126; 1973 c. 90; 1973 c. 335 s. 13; 1975 c. 189, 224; 1977 c. 29; 1979 c. 34 ss. 813m to 813r, 2102 (22) (a); 1979 c. 176, 221; 1981 c. 20, 314; 1983 a. 27; 1985 a. 182 s. 57; 1989 a. 31; 1991 a. 316; 1993 a. 80, 399; 1995 a. 27; 1997 a. 27; 2001 a. 102.

The legislature may direct the public land commissioners to invest monies from the sale of public lands in student loans under s. 39.32, but it may not direct a specific investment. 65 Atty. Gen. 28.

39.325 Wisconsin health education loan program. (1) There is established, to be administered by the board, a Wisconsin health education loan program under P.L. 94−484, on July 29, 1979, in order to provide financial aid to medical and dentistry students enrolled in the University of Wisconsin Medical School, the Medical College of Wisconsin or Marquette University School of Dentistry.

(2) The board shall lend to students who qualify under sub. (1) any moneys appropriated or authorized through the issuance of revenue obligations. The board shall require a student borrowing moneys under this section to pay interest while in medical or dental school and during his or her residency training at the rate of at least 3 percent per year on the sum of the principal amount of the student's obligation and the accumulated interest, unless federal law provides otherwise as a condition of guaranteeing the loan. Principal and interest payable on maturing revenue obligations shall, when necessary, be paid from funded reserves, authorized under subch. II of ch. 18, or from moneys made available under chapter 20, laws of 1981, section 2022 (1).

(3) The board shall promulgate rules and establish standards and methods of determining the amounts of loans, rates of interest and other administrative procedures consistent with P.L. 94−484, on July 29, 1979. The rates of interest shall be set as low as possible, but shall remain sufficient to cover all costs of the program under this section.

History: 1979 c. 34; 1981 c. 20; 1983 a. 27; 1995 a. 27; 1997 a. 27.

39.33 Guaranteed student loan program. (1) The board may organize and maintain a nonstock corporation under ch. 181 to provide for a guaranteed student loan program in this state under P.L. 89−287 and P.L. 89−329 as may from time to time be amended. The board may make use of and pay for the use of the facilities and services of such corporation.

(2) The board may provide administrative services for the nonstock corporation with which the board has entered into a contractual agreement for purposes of providing for a guaranteed student loan program in this state. Services provided under this section shall be in accordance with the decision of the board as to the type and scope of services requested and the civil service range of any employee assigned to them.

(3) The board or the legislature or any person delegated by the legislature may inspect and examine or cause an inspection and examination of all records relating to all programs that are, or are to be, administered under contractual agreement between the board and the corporation.

History: 1995 a. 27; 1997 a. 27.

39.34 Medical student loan program. Notwithstanding s. 39.34, 1991 stats., the board shall terminate on August 12, 1993, any obligation to repay a loan awarded under this section.

History: 1975 c. 118, 224; 1993 a. 16; 1995 a. 27; 1997 a. 27.

39.35 Repayment of scholarships for teachers in educationally disadvantaged areas. Notwithstanding s. 39.35, 1969 stats., and s. 39.35, 1991 stats., the board shall terminate on August 12, 1993, any obligation to repay a student aid award made under this section.

History: 1975 c. 189, 422; 1985 a. 29; 1993 a. 16; 1995 a. 27; 1997 a. 27.

39.36 Repayment of stipends for teachers of the handicapped. Notwithstanding s. 39.36, 1969 stats., s. 39.37 (3) (b), 1969 stats., and s. 39.36, 1991 stats., the board shall terminate on

August 12, 1993, any obligation to repay a stipend awarded under this section.

History: 1975 c. 189, 422; 1985 a. 29; 1993 a. 16; 1995 a. 27; 1997 a. 27.

39.37 Student loan funding. (1) Student loans made or authorized to be made under s. 39.32 may be funded from the proceeds of revenue obligations issued subject to and in accordance with subch. II of ch. 18.

(2) There is created a separate nonlapsible trust fund designated the student loan repayment fund consisting of all revenues received in repayment of student loans funded under this section, and any other revenues dedicated to it by the board. The board may pledge revenues received or to be received by the fund to secure revenue obligations issued under this section, and shall have all other powers necessary and convenient to distribute the proceeds of the revenue obligations and loan repayments in accordance with subch. II of ch. 18.

(3) All student loans funded with revenue obligations issued under this section shall be fully guaranteed as to repayment of principal and interest from among a nonstock corporation organized under s. 39.33 (1), the United States, its agencies or instrumentalities. The board may enter into agreements necessary to affect this guaranty.

(4) Revenue obligations issued under this section shall not exceed $295,000,000 in principal amount, excluding obligations issued to refund outstanding revenue−obligation notes.

(5) Except as may otherwise be expressly provided in resolutions authorizing the issuance of revenue obligations, each issue of revenue obligations shall be on a parity with every other revenue obligation issued under this section, payable in accordance with subch. II of ch. 18, subject only to any agreements with the holders of particular revenue obligations pledging any particular receipts or revenues.

History: 1977 c. 29; 1979 c. 34, 221; 1981 c. 20; 1983 a. 27; 1985 a. 29; 1987 a. 69; 1995 a. 27; 1997 a. 27.

39.374 Wisconsin health education loan program funding. (1) Loans made or authorized to be made under s. 39.325 may be funded from the proceeds of revenue obligations issued subject to and in accordance with subch. II of ch. 18.

(2) All revenues received in repayment of loans funded under this section or loans financed from moneys made available under chapter 20, laws of 1981, section 2022 (1), shall be deposited in the general fund.

(3) All loans funded with revenue obligations issued under this section shall be fully guaranteed as to repayment of principal and interest by the United States, its agencies or instrumentalities. The board may enter into agreements necessary to effect this guaranty.

(4) Revenue obligations issued under this section shall not exceed $92,000,000 in principal amount, excluding obligations issued to refund outstanding revenue−obligation bonds and notes.

(5) Except as may otherwise be expressly provided in resolutions authorizing the issuance of revenue obligations, each issue of revenue obligations shall be on a parity with every other revenue obligation issued under this section, payable in accordance with subch. II of ch. 18, subject only to any agreements with the holders of particular revenue obligations pledging any particular receipts or revenues.

History: 1979 c. 34; 1981 c. 20, 317; 1983 a. 27, 383; 1991 a. 269; 1995 a. 27; 1997 a. 27; 2005 a. 25.

39.38 Indian student assistance. (1) There is established, to be administered by the board, a grant program to assist those Indian students who are residents of this state to receive a higher education.

(2) Grants under this section shall be based on financial need, as determined by the board. The maximum grant shall not exceed $2,200 per year, of which not more than $1,100 may be from the appropriation under s. 20.235 (1) (k). State aid from this appropriation may be matched by a contribution from a federally recognized American Indian tribe or band that is deposited in the general fund and credited to the appropriation account under s. 20.235 (1) (gm). Grants shall be awarded to students for full−time or part−time attendance at any accredited institution of higher education in this state. The board may not make a grant under this section to a student whose name appears on the statewide support lien docket under s. 49.854 (2) (b), unless the student provides to the board a payment agreement that has been approved by the county child support agency under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a). Grants shall be renewable for up to 5 years if a recipient remains in good academic standing at the institution that he or she is attending.

History: 1971 c. 125; 1979 c. 34; 1981 c. 20; 1987 a. 27; 1991 a. 39; 1995 a. 27, 404; 1997 a. 27; 1999 a. 9.

Cross−reference: See also ch. HEA 6, Wis. adm. code.

39.382 Tribal college payments. (1) In this section:

(a) "Bureau of Indian education" means the bureau of Indian education in the federal department of the interior.

(b) "Indian student" has the meaning given in 25 USC 1801 (a) (7).

(c) "Indian student count" has the meaning given in 25 USC 1801 (a) (8).

(d) "Tribal college" means an accredited college, operated or controlled by a federally recognized American Indian tribe or band in this state, that meets the requirements of 25 USC 1804.

(2) From the appropriation under s. 20.235 (1) (kc), the board shall make payments to the governing bodies of tribal colleges, as provided in subs. (4) and (5).

(3) Not later than October 15 of each year, the governing body of any tribal college that desires to receive payments under sub. (2) shall report to the board all of the following:

(a) The number of full−time equivalent students enrolled at the tribal college for the previous academic year who reside in Wisconsin and for whom the tribal college will not receive funds from the bureau of Indian education.

(b) The Indian student count for the previous academic year.

(c) The per student funding amount that the tribal college has received or expects to receive from the bureau of Indian education based on the tribal college's reported Indian student count for the previous academic year.

(4) Not later than December 31 of each year, the board shall make a payment to each governing body of a tribal college that has timely submitted to the board a report under sub. (3). Subject to sub. (5), the amount of the annual payment to each tribal college shall be the result obtained by multiplying the number reported under sub. (3) (a) by the per student funding amount reported under sub. (3) (c).

(5) If the moneys appropriated under s. 20.235 (1) (kc) are not sufficient to make full payment to each tribal college under sub. (4), the board shall prorate the payments to tribal colleges under sub. (4) in the proportion that the moneys available bears to the total amount of payments that would be made if sufficient moneys had been appropriated under s. 20.235 (1) (kc).

History: 2015 a. 55.

39.385 Primary care and psychiatry shortage grant program. (1) DEFINITIONS. In this section:

(a) "Graduate medical education training program" means any of the following:

1. A program of education in a medical specialty following the completion of medical school that prepares a physician for the independent practice of medicine in that specialty.

2. A program of education in a medical subspecialty following the completion of education in a medical specialty that prepares a physician for the independent practice of medicine in that subspecialty.

(b) "Grant program" means the primary care and psychiatry shortage grant program under this section.

(c) "Health professional shortage area" has the meaning given in s. 36.60 (1) (aj).

(d) "Health service shortage area" means an area designated by the governor and certified by the federal secretary of health and human services under 42 USC 1395x as an area with a shortage of personal health services.

(e) "Medically underserved area" has the meaning given in 42 CFR Part 51c, section 102 (e).

(f) "Primary care medicine" means any of the following medical specialties:

1. Family practice.
2. Internal medicine.
3. Pediatrics.
4. General surgery.

(g) "Psychiatry" includes child psychiatry.

(h) "Underserved area" means a health professional shortage area, a health service shortage area, or a medically underserved area.

(2) ESTABLISHMENT OF PROGRAM. There is established, to be administered by the board, a primary care and psychiatry shortage grant program to encourage primary care physicians and psychiatrists who meet the eligibility requirements specified in sub. (3) to practice primary care medicine and psychiatry in underserved areas in this state by providing grants of financial assistance to those physicians and psychiatrists as provided in sub. (4).

(3) ELIGIBILITY. A physician or psychiatrist is eligible for financial assistance as provided under sub. (4) if the physician or psychiatrist meets all of the following requirements:

(a) He or she practices primary care medicine or psychiatry in an underserved area in this state.

(b) He or she graduated from a graduate medical education training program in this state with an emphasis on primary care medicine or psychiatry.

(c) He or she does not appear on the statewide support lien docket under s. 49.854 (2) (b), unless the physician provides to the board a payment agreement that has been approved by the county child support agency under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

(4) FINANCIAL ASSISTANCE. (a) 1. From the appropriation account under s. 20.235 (1) (fp), the board shall grant financial assistance to physicians and psychiatrists who meet the eligibility requirements specified in sub. (3), who apply for participation in the grant program as provided in par. (b), and who submit claims for that financial assistance as provided in par. (c). From s. 20.235 (1) (fp), the board shall allocate not more than $750,000 for financial assistance under the grant program to physicians and not more than $750,000 for financial assistance under the grant program to psychiatrists.

2. The board may grant financial assistance under the grant program to no more than 12 physicians and no more than 12 psychiatrists in a fiscal year. If more than 12 physicians or more than 12 psychiatrists apply for participation in the grant program in a fiscal year, the board shall consider the order in which those applications are received and the health professional shortage area score, as determined by the health resources and services administration of the federal department of health and human services, of the underserved area in which the applicant is practicing primary care medicine or psychiatry in selecting participants in the grant program.

3. An individual physician or psychiatrist may receive financial assistance under the grant program in no more than 3 fiscal years.

(b) A physician or psychiatrist may apply for participation in the grant program by submitting an application to the board in a form prescribed by the board. A physician or psychiatrist may submit that application while the physician or psychiatrist is participating in a graduate medical education training program described in sub. (3) (b), but must submit that application before accepting employment or any other affiliation as a primary care physician or psychiatrist in an underserved area in this state. The application shall include such information as the board may require to establish that the physician or psychiatrist meets the eligibility requirements specified in sub. (3) for participation in the grant program and any other information the board may require by rule promulgated under sub. (5).

(c) After each year in which a physician or psychiatrist who has been accepted for participation in the grant program practices primary care medicine or psychiatry in an underserved area in this state, the physician or psychiatrist may submit to the board a claim for financial assistance. The claim shall include the signature of the physician or psychiatrist and of a representative of the practice in which the physician or psychiatrist is employed or otherwise affiliated certifying that during the period for which financial assistance is claimed the physician or psychiatrist practiced primary care medicine or psychiatry in an underserved area in this state and such other information as the board may require by rule promulgated under sub. (5) to verify the physician's or psychiatrist's eligibility for financial assistance.

(d) If the board determines that a physician or psychiatrist who submits a claim for financial assistance under par. (c) is eligible to receive that assistance, the board shall provide that assistance, subject to the amounts available in the appropriation account under s. 20.235 (1) (fp).

(5) RULES. The board shall promulgate rules to implement and administer this section. Those rules shall include rules specifying the information a physician or psychiatrist must include in an application for participation in the grant program under sub. (4) (b) and in a claim for financial assistance under sub. (4) (c).

History: 2013 a. 128.

39.39 Nursing student stipend loans. (1) (a) There is established, to be administered by the board, a stipend loan program for resident students, including registered nurses, who are:

1. Enrolled in the 2nd year in a program leading to an associate degree in nursing in a technical college.

2. Enrolled as juniors in a program leading to a bachelor's degree in nursing in this state.

3. Enrolled as 3rd year students in a program leading to a diploma in nursing in this state.

4. Enrolled as seniors in a program leading to a bachelor's degree in nursing in this state.

5. Enrolled in a program leading to a master's degree in nursing in this state and who intend to teach nursing at an institution of higher education located in this state.

(2) The board shall:

(a) Make stipend loans from the appropriations under s. 20.235 (1) (cg) and (gg).

(b) Promulgate rules to administer this section, including rules establishing loan amounts and the criteria and procedures for loan forgiveness and for selecting loan recipients. Loan recipients shall be selected on the basis of financial need, as determined by the board, using the needs analysis methodology used under s. 39.435.

(3) Beginning in the 1991−92 fiscal year, $15,000 annually shall be awarded under sub. (1) (a) 5. for stipend loans.

(4) The board may not make any original stipend loans under this section.

History: 1987 a. 399; 1989 a. 56; 1991 a. 39; 1993 a. 399; 1995 a. 27; 1997 a. 27.
Cross−reference: See also ch. HEA 8, Wis. adm. code.

39.393 Nursing student loan program. (1) The board shall establish a loan program to defray the cost of tuition, fees, and expenses for persons enrolled in any of the following:

(a) A program in this state that confers an associate degree in nursing.

(b) A program in this state that confers a bachelor's degree in nursing.

(c) A program in this state that confers a 2nd degree that will make the person eligible for licensure under s. 441.06 or 441.10.

(d) A program in this state that confers a diploma in nursing.

(e) A program in this state that confers a master's degree in nursing.

(f) A program in this state that confers a doctoral degree in nursing.

(2) Beginning in the 2002−03 fiscal year, the board shall make loans under this section from the appropriation under s. 20.235 (1) (cm). The maximum amount of loan for a person during any fiscal year is $3,000. The maximum that a person may receive under this section is $15,000. The board shall ensure that the terms of the loan do not require a loan recipient to repay the loan while the recipient is enrolled in a program under sub. (1).

(3) After the recipient of a loan under sub. (1) has completed the program described in sub. (1), the board shall forgive 25 percent of the loan's principal and interest after the first full year and 25 percent of the loan's principal and interest after the 2nd full year that the recipient has been employed full time in this state as a nurse or nurse educator. The board may forgive loans on a prorated basis for persons who are employed less than full time.

(4) The board shall promulgate rules to implement and administer this section.

History: 2001 a. 16; 2005 a. 368; 2013 a. 114.

39.398 Teachers and orientation and mobility instructors of visually impaired pupils loan program. (1) (a) The board shall establish a loan program to defray the cost of tuition, fees and expenses for residents of this state enrolled in a program that prepares persons to be licensed as teachers of visually impaired pupils or as orientation and mobility instructors, as defined by the board by rule, at an accredited institution of higher education in this state or in a physically adjacent state, as defined in s. 175.46 (1) (d). To the extent possible, the board shall give preference, to persons who are likely to return to this state to work with visually impaired persons.

(b) The board shall make loans under this section from the appropriation under s. 20.235 (1) (cx). The maximum amount of a loan for a person during any fiscal year is $10,000. The maximum amount that a person may receive under this section is $40,000. The terms of the loan shall provide that a loan recipient is not required to repay the loan while the loan recipient is enrolled in the preparatory program described in par. (a).

(2) (a) After the recipient of a loan under sub. (1) has completed the preparatory program described in sub. (1), the board shall forgive 25 percent of the loan's principal and interest for the first fiscal year, 25 percent of the loan's principal and interest for the 2nd fiscal year and 50 percent of the loan's principal and interest for the 3rd fiscal year that the recipient is licensed and employed full−time in this state as a teacher of visually impaired pupils or as an orientation and mobility instructor by a school district, the Wisconsin Center for the Blind and Visually Impaired or a cooperative educational service agency. The board may forgive loans on a prorated basis for persons employed less than full−time.

(b) The board shall promulgate rules to administer this section.

History: 1999 a. 144.

Cross−reference: See also ch. HEA 14, Wis. adm. code.

39.399 Teacher loan program. (1g) In this section:

(a) "Rural county" means a county that satisfies all of the following:

1. The county does not include any urbanized area.

2. Less than 25 percent of persons residing in the county are employed in another county that includes an urbanized area.

3. Less than 25 percent of persons employed in the county reside in another county that includes an urbanized area.

(b) "Urbanized area" has the meaning given in 23 USC 134 (b) (7).

(1m) The board shall establish a teacher loan program for students who meet all of the following requirements:

(a) Are residents of this state enrolled at least half−time as sophomores, juniors, or seniors in an institution of higher education, as defined in 20 USC 1001 (a) and (b), located in this state.

(b) Are enrolled in programs of study leading to a teacher's license in a discipline identified as a teacher shortage area for this state by the federal department of education.

(c) Have a grade point average of at least 3.0 on a 4−point scale or the equivalent.

(2) A student eligible for a loan under sub. (1m) may be awarded loans of up to $10,000 annually for not more than 3 years, with a maximum of $30,000 in loans to a student under this section.

(3) (a) Loans under sub. (1m) shall be made from the appropriation under s. 20.235 (1) (ct). Except as provided in par. (b), loans under sub. (1m) shall be repaid at an annual interest rate of 5 percent.

(b) The board shall forgive 25 percent of the loan and 25 percent of the interest on the loan for each school year the recipient satisfies all of the following:

1. The recipient is employed, as a full−time teacher in a high−demand area related to the recipient's discipline under sub. (1m) (b), by a public or private elementary or secondary school in the city of Milwaukee or in a school district in a rural county.

2. The recipient receives a rating of proficient or distinguished on the educator effectiveness system or the equivalent in a school that does not use the educator effectiveness system.

(4) The board shall deposit in the general fund as general purpose revenue−earned all repayments of loans made under sub. (1m) and the interest on the loans.

History: 2015 a. 55, 359.

39.40 Minority teacher loan program. (1) In this section "minority student" means a student who is any of the following:

(a) A Black American.

(b) An American Indian.

(c) A Hispanic, as defined in s. 16.287 (1) (d).

(d) A person admitted to the United States after December 31, 1975, who is either a former citizen of Laos, Vietnam or Cambodia or whose ancestor was or is a citizen of Laos, Vietnam or Cambodia.

(2) The board shall establish a loan program for minority students who meet all of the following requirements:

(am) Are residents of this state enrolled at least half−time as sophomores, juniors, or seniors in an institution of higher education, as defined in 20 USC 1001 (a) and (b), located in this state.

(bm) Are enrolled in programs of study leading to a teacher's license in a discipline identified as a teacher shortage area for this state by the federal department of education.

(dm) Have a grade point average of at least 3.0 on a 4−point scale or the equivalent.

(2m) A student eligible for a loan under sub. (2) may be awarded loans of up to $10,000 annually for not more than 3 years, with a maximum of $30,000 in loans to a student under this section.

(3) (a) Loans under sub. (2) shall be made from the appropriation under s. 20.235 (1) (cr). Except as provided in par. (b), loans under sub. (2) shall be repaid at an annual interest rate of 5 percent.

(b) The board shall forgive 25 percent of the loan and 25 percent of the interest on the loan for each school year the recipient satisfies all of the following:

1. The recipient is employed by a public or private elementary or secondary school in the city of Milwaukee as a full−time teacher in a high−demand area related to the recipient's discipline under sub. (2) (bm).

2. The recipient receives a rating of proficient or distinguished on the educator effectiveness system or the equivalent in a school that does not use the educator effectiveness system.

(4) The board shall deposit in the general fund as general purpose revenue−earned all repayments of loans made under sub. (2) and the interest on the loans.

(5) The board shall administer the repayment and forgiveness of loans made under s. 36.25 (16), 1993 stats. The board shall treat such loans as if they had been made under sub. (2).

History: 1989 a. 31; 1995 a. 27; 1997 a. 27; 2011 a. 32; 2015 a. 55.

Cross−reference: See also ch. HEA 11, Wis. adm. code.

39.41 Academic excellence higher education scholarships. (1) In this section:

(ae) "Executive secretary" means the executive secretary of the board.

(ag) "Faculty of the high school" means the principal administrative unit of the faculty personnel of a high school designated under sub. (1m) (j).

(aj) "Governing body of a private school" has the meaning given in s. 115.001 (3d).

(av) "School board" has the meaning given in s. 115.001 (7).

(b) "School district" has the meaning given in s. 115.01 (3).

(bm) "Senior" means a pupil enrolled in the 12th grade in a public or private high school, a tribal school, the school operated by the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, or the school operated by the Wisconsin Center for the Blind and Visually Impaired.

(br) "Tribal school" has the meaning given in s. 115.001 (15m).

(c) "Vocational diploma" means a diploma granted to a person who has completed a 2−year, full−time program in an area designated and approved by the technical college system board for which the course requirements are established by that board.

(1m) (a) Subject to par. (d), by February 25 of each school year, the school board of each school district operating one or more high schools and the governing body of each private high school and of each tribal high school shall:

1. For each high school with an enrollment of at least 80 pupils but less than 500 pupils, designate the senior with the highest grade point average in all subjects as a scholar.

2. For each high school with an enrollment of at least 500 pupils but less than 1,000 pupils, designate the 2 seniors with the 2 highest grade point averages in all subjects as scholars.

3. For each high school with an enrollment of at least 1,000 pupils but less than 1,500 pupils, designate the 3 seniors with the 3 highest grade point averages in all subjects as scholars.

4. For each high school with an enrollment of at least 1,500 pupils but less than 2,000 pupils, designate the 4 seniors with the 4 highest grade point averages in all subjects as scholars.

5. For each high school with an enrollment of 2,000 or more pupils, designate the 5 seniors with the 5 highest grade point averages in all subjects as scholars.

6. For each high school with an enrollment of 2,500 or more pupils, designate the 6 seniors with the 6 highest grade point averages in all subjects as scholars.

(b) Subject to par. (e), by February 25 of each school year, the school board of each school district operating one or more high schools and the governing body of each private high school and of each tribal high school may, for each high school with an enrollment of less than 80 pupils, nominate the senior with the highest grade point average in all subjects who may be designated as a scholar by the executive secretary under par. (c) 3.

(c) The executive secretary shall:

1. Subject to par. (f), for the school operated by the Wisconsin Center for the Blind and Visually Impaired, designate the senior with the highest grade point average in all subjects as a scholar.

2. Subject to par. (fm), for the school operated by the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, designate the senior with the highest grade point average in all subjects as a scholar.

3. Designate not more than 10 seniors nominated under par. (b) as scholars.

4. For each public, private, or tribal high school with an enrollment of at least 80 pupils, notify the school board of the school district operating the public high school or the governing body of the private or tribal high school of the number of scholars to be designated under par. (a).

5. For each public, private, or tribal high school with an enrollment of less than 80 pupils, notify the school board of the school district operating the public high school or the governing body of the private or tribal high school that the school board or governing body may nominate a senior under par. (b) who may be designated as a scholar by the executive secretary.

(cm) The executive secretary may grant waivers under par. (m).

(d) By February 25 of each school year, if 2 or more seniors from the same high school of at least 80 pupils have the same grade point average and, except for the limitation on the number of designated scholars, are otherwise eligible for designation under par. (a), the faculty of the high school shall select the applicable number of seniors for designation under par. (a) as scholars and shall certify, in order of priority, any remaining seniors with the same grade point average as alternates for the scholars or, if there is no remaining senior with the same grade point average, any remaining seniors with the next highest grade point average, but not less than 3.800 or the equivalent, as alternates for the scholars. If a senior from that high school designated as a scholar under par. (a) does not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), an alternate for the scholar with the same grade point average as any senior from that high school designated as a scholar under par. (a) shall be eligible for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be awarded by the board. If an alternate with the same grade point average as a scholar under par. (a) does not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), an alternate with the next highest grade point average, but not less than 3.800 or the equivalent, shall be eligible for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be awarded by the board.

(e) If 2 or more seniors from the same high school of less than 80 pupils have the same grade point average and, except for the limitation of one nominated senior, are otherwise eligible for nomination under par. (b), the faculty of the high school shall select the senior who may be nominated by the school board of the school district operating the public high school or the governing body of the private or tribal high school for designation under par. (b) as a scholar by the executive secretary. If that senior is designated as a scholar by the executive secretary, but does not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), the faculty of the high school shall select, in order of priority, one or more of the remaining seniors with the same grade point average for certification as a scholar or, if there is no remaining senior with the same grade point average, one or more of the remaining seniors with the next highest grade point average, but not less than 3.800 or the equivalent, for certification as a scholar, and the school board of the school district operating the high school or the governing body of the private or tribal high school shall certify to the board one or more of these seniors as eligible for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be awarded by the board.

(f) If 2 or more seniors from the school operated by the Wisconsin Center for the Blind and Visually Impaired have the same grade point average and, except for the limitation of one designated senior, are otherwise eligible for designation under par. (c) 1., the executive secretary shall make the designation under par.

(c) 1. of the senior who may be eligible for a higher education scholarship as a scholar. If that senior does not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), the executive secretary shall designate, in order of priority, one or more of the remaining seniors with the same grade point average, or, if there is no remaining senior with the same grade point average, one or more of the remaining seniors with the next highest grade point average, but not less than 3.800 or the equivalent, as eligible for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be awarded by the board.

(fm) If 2 or more seniors from the school operated by the Wisconsin Educational Services Program for the Deaf and Hard of Hearing have the same grade point average and, except for the limitation of one designated senior, are otherwise eligible for designation under par. (c) 2., the executive secretary shall make the designation under par. (c) 2. of the senior who may be eligible for a higher education scholarship as a scholar. If that senior does not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), the executive secretary shall designate, in order of priority, one or more of the remaining seniors with the same grade point average, or, if there is no remaining senior with the same grade point average, one or more of the remaining seniors with the next highest grade point average, but not less than 3.800 or the equivalent, as eligible for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be awarded by the board.

(g) Notwithstanding par. (a), if a high school of at least 80 pupils closes or merges in the 1991−92 school year or in any school year thereafter, the school board of the school district operating the high school or the governing body of the private or tribal high school shall, subject to par. (d), for each of the 2 school years following the closure or merger, designate the same number of scholars from among the pupils enrolled in the high school at the time of closure or merger as the number of scholars designated for that high school in the school year the high school closed or merged. Any seniors designated under this paragraph shall be eligible for an original scholarship under this section.

(h) Notwithstanding par. (a), if a public high school of at least 80 pupils closed following the 1989−90 school year and a pupil from the closed high school was designated a scholar under this section for either of the 2 school years following the closure by the school board of a school district operating a high school that enrolled pupils from the closed high school, such school board shall designate the senior with the next highest grade point average for that school year as a scholar. Any scholar designated under this paragraph shall be eligible for a higher education scholarship under sub. (2) (b) or (3) (b) as determined under par. (a), notwithstanding that the scholar did not receive a higher education scholarship for the academic year immediately following the school year in which the pupil from the closed high school was designated a scholar under this section.

(i) Notwithstanding par. (d), if the school board of a school district operating a high school or the governing body of a private high school has complied with s. 39.41 (1m) (d), 1991 stats., for the 1993−94 school year and a senior from that high school designated as a scholar under s. 39.41 (1m) (a), 1991 stats., and s. 39.41 (1m) (d), 1991 stats., does not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), the faculty of the high school shall select one or more of the remaining seniors with the same grade point average for certification as a scholar. The school board of the school district operating the high school or the governing body of the private high school shall certify to the board one or more of these seniors as eligible for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be awarded by the board.

(j) In the event that 2 or more seniors from the same high school of at least 80 pupils have the same grade point average and are otherwise eligible for designation under par. (a), the school board of the school district operating the high school or the governing body of the private or tribal high school shall make the designation of the faculty of the high school for purposes of par. (d) or (i).

(m) Notwithstanding pars. (a), (b) and (d), if a high school ranks its seniors on the basis of grades in academic subjects, the school board of the school district operating the high school or the governing body of the private high school or, for purposes of par. (d), the faculty of the high school may request a waiver from the executive secretary in order to fulfill its requirements under par. (a), (b) or (d) on the basis of grade point averages in academic subjects.

(2) (a) If a designated scholar under sub. (1m) is admitted to and enrolls, on a full−time basis, by September 30 of the academic year immediately following the school year in which the senior was designated a scholar, in an institution within the University of Wisconsin System or in a technical college district school that is participating in the program under this section, the scholar shall receive a higher education scholarship that exempts the scholar from all tuition and fees, including segregated fees, at the institution or district school for one year, except that the maximum scholarship for a scholar who receives an original scholarship for the 1996−97 academic year or for any academic year thereafter may not exceed $2,250 per academic year.

(b) For each year that a scholar who receives a scholarship under par. (a) is enrolled full time, maintains at least a 3.000 grade point average, or the equivalent as determined by the institution or district school, and makes satisfactory progress toward an associate degree, a bachelor's degree, or a vocational diploma, the student shall be exempt from all tuition and fees, including segregated fees, in the subsequent year or, if the scholar does not enroll in a participating institution of higher education in the subsequent year, in the 2nd year following the year in which the scholar received the scholarship, except that the maximum scholarship for a scholar who receives an original scholarship for the 1996−97 academic year or for any academic year thereafter may not exceed $2,250 per academic year. No scholar is eligible for an exemption for more than 4 years in the University of Wisconsin System or more than 3 years at a district school.

(c) Subject to sub. (4), for each year the student is exempt from tuition and fees under par. (a) or (b), the board shall pay the institution or district school, on behalf of the student, an amount equal to 50 percent of the student's tuition and fees, except that the maximum payment for a student who receives an original scholarship for the 1996−97 academic year or for any academic year thereafter may not exceed $1,125 per academic year.

(3) (a) If a designated scholar under sub. (1m) is admitted to and enrolls, on a full−time basis, by September 30 of the academic year immediately following the school year in which the senior was designated a scholar, in a private institution of higher education that is located in this state and participating in the program under this section, the board shall pay the institution, on behalf of the pupil, an amount equal to 50 percent of the tuition and fees charged a resident undergraduate at the University of Wisconsin−Madison in the same academic year, except that the maximum payment for a pupil who receives an original scholarship for the 1996−97 academic year or for any academic year thereafter may not exceed $1,125 per academic year.

(b) For each year that a scholar who receives a scholarship under par. (a) is enrolled full time, maintains at least a 3.000 grade point average, or the equivalent as determined by the private institution, and makes satisfactory progress toward a bachelor's degree, the student is eligible for a higher education scholarship as determined under par. (a) in the subsequent year or, if the scholar does not enroll in a participating institution of higher education in the subsequent year, in the 2nd year following the year in which the scholar received the scholarship. No scholar is eligible for a higher education scholarship for more than 4 years at a private institution of higher education.

(4) (a) The board shall make the payments under subs. (2) (c) and (3) only if the institution, district school or private institution matches the amount of the payment from institutional funds, gifts or grants. Beginning in the 1992−93 school year, the matching requirement under this paragraph for the institutions within the University of Wisconsin System shall be satisfied by payments of an amount equal to the total payments from the institutions made under this paragraph in the 1991−92 school year and, if such payments are insufficient to satisfy the matching requirement, by the waiver of academic fees established under s. 36.27.

(b) The board shall make the payments under subs. (2) (c) and (3) from the appropriation under s. 20.235 (1) (fy).

(5) (a) 1. Each institution within the University of Wisconsin System, technical college district school and private institution of higher education that wishes to participate in the scholarship program under this section in academic year 1999−2000 and thereafter shall notify the board by October 1, 1998, that the institution wishes to participate.

2. If an institution of higher education that has notified the board under subd. 1. subsequently wishes to no longer participate in the scholarship program under this section, the institution of higher education shall notify the board of this fact in writing by October 1 prior to the academic year in which the institution will no longer participate.

(b) Each designated scholar who is eligible for an original higher education scholarship under sub. (2) (a) or (3) (a) shall notify the board as soon as practicable of the institution of higher education he or she will be attending in the next academic year. Each designated scholar who is eligible for a subsequent higher education scholarship under sub. (2) (a) or (3) (a) shall notify the board as soon as practicable whether he or she will be enrolling in a participating institution of higher education in the academic year immediately following the academic year in which he or she received an original or subsequent scholarship under sub. (2) (a) or (3) (a), or in the 2nd academic year, following that academic year and of the institution of higher education in which he or she will be enrolling.

(c) Annually, the board shall notify each scholar who will be attending a participating institution of higher education in the next academic year of the amount of his or her higher education scholarship.

(6) (a) Except as provided in par. (b), a scholarship under this section shall not be used to replace any other grant for which a student is eligible.

(b) A student who receives a scholarship under this section is not eligible to receive a scholarship under s. 39.415.

(7) By August 1, 1997, and annually thereafter, the board shall submit a report to the joint committee on finance evaluating the success of the program under this section. The report shall specify the number and amount of the scholarships awarded in the current fiscal year and the institutions of higher education chosen by the scholarship recipients.

(8) The executive secretary shall promulgate rules establishing criteria for the designation of scholars under sub. (1m) (c) 3.

History: 1989 a. 31; 1991 a. 39, 269, 315; 1993 a. 16, 399, 457; 1995 a. 27; 1997 a. 27, 109, 237; 1999 a. 9; 2001 a. 57; 2005 a. 267; 2009 a. 302, 306; 2011 a. 260; 2013 a. 60, 237.

Cross−reference: See also chs. HEA 9, Wis. adm. code.

39.415 Technical excellence higher education scholarships. (1) DEFINITIONS. In this section:

(a) "Executive secretary" means the executive secretary of the board.

(b) "Faculty of the high school" means the principal administrative unit of the faculty personnel of a high school.

(c) "Level of proficiency in technical education subjects" means the level of proficiency of a senior in technical education subjects according to criteria developed and approved under sub. (2).

(d) "School board" has the meaning given in s. 115.001 (7).

(e) "School district" has the meaning given in s. 115.01 (3).

(f) "Senior" means a pupil enrolled in the 12th grade in a public or private high school, a tribal school, the school operated by the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, or the school operated by the Wisconsin Center for the Blind and Visually Impaired.

(g) "Tribal school" has the meaning given in s. 115.001 (15m).

(h) "Vocational diploma" means a diploma granted to a person who has completed a 2−year, full−time program in an area designated and approved by the technical college system board for which the course requirements are established by that board.

(2) LEVEL OF PROFICIENCY CRITERIA. (a) Each school board of a school district operating one or more high schools and each governing body of a private high school or tribal high school shall develop criteria to determine the level of proficiency in technical education subjects of seniors enrolled in a high school operated by the school district or governed by the governing body and submit those criteria to the board for approval. If the board approves those criteria, the school board or governing body may use those criteria to designate seniors as scholars under sub. (3) (a) or to nominate seniors for designation as scholars under sub. (3) (b) and the faculty of the high school may use those criteria to select seniors for designation as scholars or to certify alternates under sub. (3) (d) or (e).

(b) The executive secretary shall develop criteria to determine the level of proficiency in technical education subjects of seniors enrolled in the school operated by the Wisconsin Educational Services Program for the Deaf and Hard of Hearing or the school operated by the Wisconsin Center for the Blind and Visually Impaired and of seniors nominated under sub. (3) (b) and submit those criteria to the board for approval. If the board approves those criteria, the executive secretary may use those criteria to designate seniors as scholars under sub. (3) (c) 1., 2., or 3., or to select alternates under sub. (3) (f) or (g).

(3) DESIGNATION OF SCHOLARS. (a) Subject to par. (d), by February 25 of each school year, the school board of each school district operating one or more high schools and the governing body of each private high school and of each tribal high school shall:

1. For each high school with an enrollment of at least 80 pupils but fewer than 500 pupils, designate the senior with the highest level of proficiency in technical education subjects as a scholar.

2. For each high school with an enrollment of at least 500 pupils but fewer than 1,000 pupils, designate the 2 seniors with the 2 highest levels of proficiency in technical education subjects as scholars.

3. For each high school with an enrollment of at least 1,000 pupils but fewer than 1,500 pupils, designate the 3 seniors with the 3 highest levels of proficiency in technical education subjects as scholars.

4. For each high school with an enrollment of at least 1,500 pupils but fewer than 2,000 pupils, designate the 4 seniors with the 4 highest levels of proficiency in technical education subjects as scholars.

5. For each high school with an enrollment of at least 2,000 pupils but fewer than 2,500 pupils, designate the 5 seniors with the 5 highest levels of proficiency in technical education subjects as scholars.

6. For each high school with an enrollment of 2,500 or more pupils, designate the 6 seniors with the 6 highest levels of proficiency in technical education subjects as scholars.

(b) Subject to par. (e), by February 25 of each school year, the school board of each school district operating one or more high schools and the governing body of each private high school and of each tribal high school may, for each high school with an enrollment of fewer than 80 pupils, nominate for designation as a scholar by the executive secretary under par. (c) 3. the senior with the highest level of proficiency in technical education subjects.

(c) The executive secretary shall do all of the following:

1. Subject to par. (f), for the school operated by the Wisconsin Center for the Blind and Visually Impaired, designate the senior with the highest level of proficiency in technical education subjects as a scholar.

2. Subject to par. (g), for the school operated by the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, designate the senior with the highest level of proficiency in technical education subjects as a scholar.

3. Designate not more than 10 seniors nominated under par. (b) as scholars.

4. For each public, private, or tribal high school with an enrollment of at least 80 pupils, notify the school board of the school district operating the public high school or the governing body of the private or tribal high school of the number of scholars to be designated under par. (a).

5. For each public, private, or tribal high school with an enrollment of fewer than 80 pupils, notify the school board of the school district operating the public high school or the governing body of the private or tribal high school that the school board or governing body may nominate a senior under par. (b) who may be designated as a scholar by the executive secretary.

(d) By February 25 of each school year, if 2 or more seniors from the same high school of at least 80 pupils have the same level of proficiency in technical education subjects and, except for the limitation on the number of designated scholars, are otherwise eligible for designation under par. (a), the faculty of the high school shall select the applicable number of seniors for designation under par. (a) as scholars and shall select, in order of priority, any remaining seniors with the same level of proficiency as alternates for the scholars or, if there is no remaining senior with the same level of proficiency, any remaining seniors with the next highest level of proficiency as alternates for the scholars. If a senior from that high school who is designated as a scholar under par. (a) does not qualify for a higher education scholarship under sub. (4) (a), an alternate for the scholar with the same level of proficiency as any senior from that high school designated as a scholar under par. (a) shall be eligible for a higher education scholarship under sub. (4) (a) until the scholarship may be awarded by the board. If an alternate with the same level of proficiency as a scholar under par. (a) does not qualify for a higher education scholarship under sub. (4) (a), an alternate with the next highest level of proficiency shall be eligible for a higher education scholarship under sub. (4) (a) until the scholarship may be awarded by the board.

(e) If 2 or more seniors from the same high school of fewer than 80 pupils have the same level of proficiency in technical education subjects and, except for the limitation of one nominated senior, are otherwise eligible for nomination under par. (b), the faculty of the high school shall select the senior who may be nominated by the school board of the school district operating the public high school or the governing body of the private or tribal high school for designation under par. (b) as a scholar by the executive secretary. If that senior is designated as a scholar by the executive secretary, but does not qualify for a higher education scholarship under sub. (4) (a), the faculty of the high school shall select, in order of priority, one or more of the remaining seniors with the same level of proficiency for nomination as a scholar or, if there is no remaining senior with the same level of proficiency, one or more of the remaining seniors with the next highest level of proficiency for nomination as a scholar, and the school board of the school district operating the high school or the governing body of the private or tribal high school shall nominate under par. (b) one or more of these seniors as eligible for a higher education scholarship under sub. (4) (a) until the scholarship may be awarded by the board.

(f) If 2 or more seniors from the school operated by the Wisconsin Center for the Blind and Visually Impaired have the same level of proficiency in technical education subjects and, except for the limitation of one designated senior, are otherwise eligible for designation under par. (c) 1., the executive secretary shall make the designation under par. (c) 1. of the senior who may be eligible for a higher education scholarship under sub. (4) (a). If that senior does not qualify for a higher education scholarship under sub. (4) (a), the executive secretary shall designate, in order of priority, one or more of the remaining seniors with the same level of proficiency, or, if there is no remaining senior with the same level of proficiency, one or more of the remaining seniors with the next highest level of proficiency as eligible for a higher education scholarship under sub. (4) (a) until the scholarship may be awarded by the board.

(g) If 2 or more seniors from the school operated by the Wisconsin Educational Services Program for the Deaf and Hard of Hearing have the same level of proficiency in technical education subjects and, except for the limitation of one designated senior, are otherwise eligible for designation under par. (c) 2., the executive secretary shall make the designation under par. (c) 2. of the senior who may be eligible for a higher education scholarship under sub. (4) (a). If that senior does not qualify for a higher education scholarship under sub. (4) (a), the executive secretary shall designate, in order of priority, one or more of the remaining seniors with the same level of proficiency, or, if there is no remaining senior with the same level of proficiency, one or more of the remaining seniors with the next highest level of proficiency as eligible for a higher education scholarship under sub. (4) (a) until the scholarship may be awarded by the board.

(h) Notwithstanding par. (a), if a high school of at least 80 pupils closes or merges, the school board of the school district operating the high school or the governing body of the private or tribal high school shall, subject to par. (d), for each of the 2 school years following the closure or merger, designate the same number of scholars from among the pupils enrolled in the high school at the time of closure or merger as the number of scholars designated for that high school in the school year the high school closed or merged. Any seniors designated under this paragraph shall be eligible for an original scholarship under this section.

(4) TECHNICAL COLLEGE SCHOLARSHIPS. (a) If a designated scholar under sub. (3) is admitted to and enrolls, on a full−time basis, by September 30 of the academic year immediately following the school year in which the senior was designated a scholar, in a technical college district school that is participating in the program under this section, the scholar shall receive a higher education scholarship in an amount not to exceed $2,250 per academic year.

(b) For each academic year that a scholar who receives a scholarship under par. (a) is enrolled full time, maintains at least a 3.000 grade point average or the equivalent as determined by the district school, and makes satisfactory progress toward an associate degree, a bachelor's degree, or a vocational diploma, the student is eligible to receive a higher education scholarship as determined under par. (a) in the subsequent year or, if the scholar does not enroll in a participating district school in the subsequent year, in the 2nd year following the year in which the scholar received the scholarship. No scholar is eligible for a higher education scholarship for more than 3 years at a district school.

(c) Subject to sub. (5), for each year the student receives a higher education scholarship under par. (a) or (b), the board shall pay the district school, on behalf of the student, an amount not to exceed $1,125 per academic year.

(5) PAYMENTS; MATCH REQUIRED. (a) The board shall make the payments under sub. (4) (c) only if the district school matches the amount of the payment from institutional funds, gifts, or grants.

(b) The board shall make the payments under sub. (4) (c) from the appropriation under s. 20.235 (1) (fw).

(6) NOTIFICATIONS; APPROVAL; WITHDRAWAL. (a) 1. Each technical college district school that wishes to participate in the scholarship program under this section shall notify the board of its wish to participate in the program by October 1 prior to the academic year in which the school wishes to begin participation. The board shall approve for participation in the program a district school that

provides notice under this subdivision of its wish to participate in the program. An approval under this subdivision remains valid until suspended or revoked by the board or until withdrawn by the school as provided under subd. 2.

2. If a district school that is approved under subd. 1. for participation in the scholarship program under this section subsequently wishes to no longer participate in the program, the school shall notify the board of this fact in writing by October 1 prior to the academic year in which the institution will no longer participate.

(b) Each designated scholar who is eligible for an original higher education scholarship under sub. (4) (a) shall notify the board as soon as practicable of the district school he or she will be attending in the next academic year. Each designated scholar who is eligible for a subsequent higher education scholarship under sub. (4) (a) shall notify the board as soon as practicable whether he or she will be enrolling in a participating district school in the academic year immediately following the academic year in which he or she received an original or subsequent scholarship under sub. (4) (a), or in the 2nd academic year following that academic year, and of the district school in which he or she will be enrolling.

(c) Annually, the board shall notify each scholar who will be attending a participating technical college district school in the next academic year of the amount of his or her higher education scholarship.

(7) SCHOLARSHIPS NOT TO SUPPLANT OTHER GRANT; EXCEPTION. (a) Except as provided in par. (b), a scholarship under this section shall not be used to supplant any other grant for which a student is eligible.

(b) A student who receives a scholarship under this section is not eligible to receive a scholarship under s. 39.41.

(8) ANNUAL REPORT. By August 1, 2016, and annually thereafter, the board shall submit a report to the joint committee on finance evaluating the success of the program under this section. The report shall specify the number and amount of the scholarships awarded in the current fiscal year and the technical college district schools chosen by the scholarship recipients.

(9) RULES. The board shall promulgate rules to implement this section.

History: 2013 a. 60.

39.42 Interstate agreements. The board, with the approval of the joint committee on finance, or the governing boards of any publicly supported institution of post−high school education, with the approval of the board and the joint committee on finance, may enter into agreements or understandings which include remission of nonresident tuition for designated categories of students at state institutions of higher education with appropriate state agencies and institutions of higher education in other states to facilitate use of public higher education institutions of this state and other states. Such agreements and understandings shall have as their purpose the mutual improvement of educational advantages for residents of this state and such other states or institutions of other states with which agreements are made.

History: 1971 c. 100, 125; 1975 c. 39; 1977 c. 29; 1981 c. 20; 1995 a. 27; 1997 a. 27.

39.435 Wisconsin grants and talent incentive grants. **(1)** There is established, to be administered by the board, a grant program for postsecondary resident students enrolled at least half−time and registered as freshmen, sophomores, juniors, or seniors in accredited institutions of higher education or in tribally controlled colleges in this state. Except as authorized under sub. (5), such grants shall be made only to students enrolled in nonprofit public institutions or tribally controlled colleges in this state.

(2) The board shall award talent incentive grants to uniquely needy students enrolled at least half−time as first−time freshmen at public and private nonprofit institutions of higher education located in this state and to sophomores, juniors, and seniors who received such grants as freshmen. No grant under this subsection may exceed $1,800 for any academic year. The board may award a grant under this subsection to the same student for up to 10 semesters or their equivalent, but may not award such a grant to the same student more than 6 years after the initial grant is awarded to that student. A student need not maintain continuous enrollment at an institution of higher education to remain eligible for a grant under this subsection. The board shall promulgate rules establishing eligibility criteria for grants under this subsection.

(3) Grants under sub. (1) shall not be less than $250 during any one academic year, unless the joint committee on finance approves an adjustment in the amount of the minimum grant. Grants under sub. (1) shall not exceed $3,000 during any one academic year, except that beginning in academic year 2009−10, grants under sub. (1) shall not exceed $3,150 during any one academic year. The board shall, by rule, establish a reporting system to periodically provide student economic data and shall promulgate other rules the board deems necessary to assure uniform administration of the program.

(4) (a) The board shall award grants under this section based on a formula that accounts for expected parental and student contributions and is consistent with generally accepted definitions and nationally approved needs analysis methodology.

(d) The awarding of grants under this section is subject to any formula approved or modified by the board under s. 39.285 (1).

(5) The board shall ensure that grants under this section are made available to students attending private or public institutions in this state who are deaf or hard of hearing or visually handicapped and who demonstrate need. Grants may also be made available to such handicapped students attending private or public institutions in other states under criteria established by the board. In determining the financial need of these students special consideration shall be given to their unique and unusual costs.

(6) The board may not make a grant under this section to a person whose name appears on the statewide support lien docket under s. 49.854 (2) (b), unless the person provides to the board a payment agreement that has been approved by the county child support agency under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

(7) (a) In this subsection:

1. For purposes of calculating the amount to be appropriated under s. 20.235 (1) (fe) for fiscal year 2015−16, "base amount" means the amount shown in the schedule under s. 20.005 for that appropriation for fiscal year 2014−15.

2. For purposes of calculating the amount to be appropriated under s. 20.235 (1) (fe) for each fiscal year after fiscal year 2015−16, "base amount" means the appropriation amount calculated under par. (b) for the previous fiscal year.

(b) Biennially, beginning on February 1, 2015, the board shall calculate the amounts to be appropriated under s. 20.235 (1) (fe) for the next biennium as follows:

1. The board shall determine the percentage by which the undergraduate academic fees that will be charged for the next academic year at each institution within the University of Wisconsin System, as estimated by the board, will increase or decrease from the undergraduate academic fees charged for the current academic year.

1m. The board shall determine the percentage by which the undergraduate academic fees that will be charged for the academic year after the next academic year at each institution within the University of Wisconsin System, as estimated by the board, will increase or decrease from the estimated undergraduate academic fees that will be charged for the next academic year.

2. The appropriation for the first fiscal year of the next biennium shall be the result obtained by increasing, to the nearest $100, the base amount by the average of the percentage increases determined under subd. 1., except that, if the undergraduate academic fees for the next academic year are estimated to decrease

or not change from the undergraduate academic fees charged for the current academic year at each institution specified in subd. 1., the appropriation shall be the base amount.

2m. The appropriation for the 2nd fiscal year of the next biennium shall be the result obtained by increasing, to the nearest $100, the base amount by the average of the percentage increases determined under subd. 1m., except that, if the undergraduate academic fees for the academic year after the next academic year are estimated to decrease or not change from the estimated undergraduate academic fees charged for the next academic year at each institution specified in subd. 1m., the appropriation shall be the base amount.

(8) The board shall award grants under this section to University of Wisconsin System students from the appropriation under s. 20.235 (1) (fe).

History: 1973 c. 90; 1973 c. 335 s. 13; 1975 c. 39, 189, 224; 1977 c. 26 s. 75; 1979 c. 34; 1983 a. 27 ss. 926d to 926t, 2202 (22); 1985 a. 332 s. 251 (1); 1987 a. 27; 1989 a. 31; 1993 a. 399; 1995 a. 27, 404; 1997 a. 27; 1999 a. 9, 185; 2001 a. 109; 2003 a. 33; 2005 a. 25, 367; 2007 a. 20; 2009 a. 28, 182; 2011 a. 32; 2013 a. 20, 329, 330.

Cross−reference: See also ch. HEA 5, Wis. adm. code.

39.437 Wisconsin covenant scholars grants. (1) ESTABLISHMENT OF GRANT PROGRAM. There is established, to be administered by the board, a Wisconsin Covenant Scholars Program to provide grants to students who meet the eligibility criteria specified in sub. (2).

(2) ELIGIBILITY. (a) Except as provided in par. (b), a student is eligible for a grant under this section if the student meets all of the following criteria:

1. The student is a resident of this state and is enrolled at least half time and registered as a freshman, sophomore, junior, or senior in a public or private, nonprofit, accredited institution of higher education or in a tribally controlled college in this state.

2. The student has been designated as a Wisconsin covenant scholar by the board.

(b) 1. The board may not make a grant under this section to a person whose name appears on the statewide support lien docket under s. 49.854 (2) (b), unless the person provides to the board a payment agreement that has been approved by the county child support agency under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

2. No student shall be eligible for a grant under this section in more than the equivalent of 10 semesters of undergraduate education.

3. No student who fails to meet acceptable academic standards prescribed by the student's institution of higher education or tribally controlled college shall be or shall remain eligible for a grant under this section.

(3) AMOUNT OF GRANT. (a) In this subsection, "expected family contribution" means the amount that a student and the student's family are expected to contribute in an academic year to the cost of the student's postsecondary education, as determined by use of the most recent federal Free Application for Federal Student Aid, as described in 20 USC 1090 (a).

(b) The amount of a grant shall be paid from the appropriation account under s. 20.235 (1) (fm) and, except as provided in pars. (c) and (d), shall be determined by the board by rule.

(c) Subject to par. (e), for a student enrolled full time after the student's 2nd year of postsecondary education, the amount of a grant is as follows:

1. One thousand dollars per academic year, if the student's expected family contribution is $0.

2. One thousand five hundred dollars per academic year, if the student's expected family contribution is greater than $0, but less than $3,500.

3. One thousand dollars per academic year, if the student's expected family contribution is $3,500 or more, but less than $12,000.

4. Two hundred fifty dollars per academic year, if the student's expected family contribution is $12,000 or more.

(d) Subject to par. (e), for a student enrolled half time after the student's 2nd year of postsecondary education, the amount of a grant is as follows:

1. Seven hundred fifty dollars per academic year, if the student's expected family contribution is less than $3,500.

2. Five hundred dollars per academic year, if the student's expected family contribution is $3,500 or more, but less than $12,000.

3. One hundred twenty−five dollars per academic year, if the student's expected family contribution is $12,000 or more.

(e) If awarding the full amount of a grant under par. (c) 1., 2., 3., or 4. or (d) 1., 2., or 3. would result in an overaward of financial assistance in violation of federal law or regulation, the board may reduce the amount of the grant in order to comply with that law or regulation.

(4) ADMINISTRATION OF GRANT PROGRAM. (a) By February 1 of each year, the Board of Regents of the University of Wisconsin System shall provide to the board information relating to the resident undergraduate academic fees charged to attend each of the institutions within that system for the current academic year, the technical college system board shall provide to the board information relating to the fees under s. 38.24 (1m) (a) to (c) charged to attend each of the technical colleges within that system for the current academic year, each tribally controlled college in this state shall provide to the board information relating to the tuition and fees charged to attend the tribal college for the current academic year, and the Wisconsin Association of Independent Colleges and Universities or a successor organization shall provide to the board information relating to tuition and fees charged to attend each of the private, nonprofit, accredited institutions of higher education in this state for the current academic year.

(b) By April 1 of each year, the board shall determine the average of the resident undergraduate academic fees charged for the current academic year among the institutions within the University of Wisconsin System, the average of the fees under s. 38.24 (1m) (a) to (c) charged for the current academic year among the technical colleges in this state, the average of the tuition and fees charged for the current academic year among the tribally controlled colleges in this state, and the average of the tuition and fees charged for the current academic year among the private, nonprofit, accredited institutions of higher education in this state.

(c) To the extent permitted under 20 USC 1232g and 34 CFR part 99, the department of public instruction shall provide pupil information to the board as necessary for that office to fulfill its role in the administration of the grant program under this section.

(5) RULES. The board shall promulgate rules to implement this section, including all of the following:

(a) Rules establishing a reporting system to periodically provide student economic data.

(b) Rules establishing eligibility criteria for designation as a Wisconsin covenant scholar under sub. (2) (a) 2.

(c) Any other rules the board considers necessary to assure the uniform administration of this section.

(6) SUNSET. No student may enroll in the Wisconsin Covenant Scholars Program after September 30, 2011. After that date, the board may designate a student as a Wisconsin covenant scholar under sub. (2) (a) 2. only if the student enrolled in the Wisconsin Covenant Scholars Program by that date.

History: 2007 a. 20; 2009 a. 28; 2011 a. 32; 2013 a. 20.

Cross−reference: See also ch. HEA 15, Wis. adm. code.

39.44 Minority undergraduate grants. (1) (a) In this section "minority undergraduate" means an undergraduate student who:

1. Is a Black American.

2. Is an American Indian.

3. Is a Hispanic, as defined in s. 16.287 (1) (d).

4. Is a person who is admitted to the United States after December 31, 1975, and who either is a former citizen of Laos, Vietnam or Cambodia or whose ancestor was or is a citizen of Laos, Vietnam or Cambodia.

(b) There is established, to be administered by the board, the minority undergraduate retention grant program for minority undergraduates enrolled in private, nonprofit higher educational institutions in this state or in technical colleges in this state.

(2) Funds for the grants under this section shall be distributed from the appropriation under s. 20.235 (1) (fg), with 50 percent distributed to the eligible private institutions and 50 percent distributed to the eligible technical colleges. The board shall audit the enrollment statistics annually.

(3) An institution or school receiving funds under sub. (2) shall:

(a) Award grants to eligible students on the basis of financial need.

(b) Demonstrate to the satisfaction of the board that such funds do not replace institutional grants to the recipients.

(c) Annually report to the board the number of awards made, the amount of each award, the minority status of each recipient, other financial aid awards made to each recipient and the total amount of financial aid made available to the eligible students.

(4) The board shall notify an institution or school receiving funds under sub. (2) if a student's name appears on the statewide support lien docket under s. 49.854 (2) (b). An institution or school may not award a grant under this section to a student if it receives a notification under this subsection concerning that student, unless the student provides to the institution or school a payment agreement that has been approved by the county child support agency under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

(5) By November 1, 2001, and annually thereafter, the board shall report to the department of administration on the effectiveness of the program under this section.

History: 1985 a. 29; 1987 a. 27; 1993 a. 399; 1995 a. 27, 404; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2011 a. 32.

Cross−reference: See also ch. HEA 12, Wis. adm. code.

39.45 Independent student grants. (1) In this section:

(a) "Institution of higher education" means a public or private nonprofit educational institution meeting the requirements of s. 39.30 or 39.435 for the purpose of awarding grants under those sections.

(b) "Resident student" has the meaning specified in s. 39.30 (1) (e).

(2) There is established, to be determined by the board, a grant program for resident students who are current recipients of aid to families with dependent children under s. 49.19.

(3) Grants under this section shall be awarded on the basis of financial need, as determined by the board, to resident students enrolled for at least 6 academic credits in the 2nd or 3rd year in programs leading to an associate degree or the 3rd, 4th or 5th year in programs leading to a bachelor's degree. Except as provided in sub. (5), no grant may exceed $4,000 per academic year. Students may apply for grants, upon a form prepared and furnished by the board, on or after February 1 of any year for the fall semester or session of the upcoming academic year. No student is eligible to receive a grant under this section for more than 3 academic years.

(4) The board shall give preference, as much as practicable, in awarding grants under this section to students enrolled in courses likely to increase the immediate employment opportunities of such students. The board shall publish a list of such courses and shall include courses that have an occupational or vocational objective in areas with existing labor needs.

(5) The board may award supplemental grants of between $500 and $1,000 per child per semester or session to students for the cost of child care for preschool children of the students. The student shall demonstrate, as determined by the board, financial need for the supplemental grant. In awarding grants under this subsection, the board may not exceed 20 percent of the appropriation for a given fiscal year for the grant program.

(6) From the appropriation under s. 20.235 (1) (fc), the board shall use available funds to make grant awards under this section, but no award may be made before March 1 for the fall semester or session of the upcoming academic year.

(7) The board shall promulgate rules to administer this section, including criteria and procedures for repayment of grants awarded under this section, including interest, by certain grant recipients who no longer reside in this state or do not successfully complete requirements for a degree. The board shall deposit in the general fund as general purpose revenue−earned all repayments of grants awarded under this section and the interest on the grants.

(8) No student is eligible for an original grant under this section after the 1996−97 academic year.

History: 1989 a. 336; 1995 a. 27; 1997 a. 27.

Cross−reference: See also ch. HEA 10, Wis. adm. code.

39.46 Contract for dental education. (1) On or before July 1 of each year, the board shall initiate, investigate, and formulate for procurement a contract for dental education services in accordance with this section. Thereafter, the board shall conduct a biennial analysis of the program and include a report on its findings and recommendations in its reports under s. 15.04 (1) (d). At the state auditor's discretion or as the joint legislative audit committee directs, the legislative audit bureau shall postaudit expenditures under this section. Section 16.75 (1) to (5) are waived with respect to such contract.

(2) The contract under this section shall be between this state and a private nonprofit institution of higher education in this state which operates a dental school that is accredited, as defined in s. 447.01 (1), and shall relate, in all provisions, exclusively to the providing of dental education in the dental school of such institution. The contract shall require:

(a) That no courses of instruction in subject matters of a religious nature be included in any instructional program or curriculum administered in or by the dental school, and that no such courses be required for admission to or graduation from the dental school.

(b) That applicants for admission to the dental school who are residents of this state be accorded preference over other applicants having substantially equal academic qualifications and credentials.

(c) That for purposes of this section the nondiscrimination provisions of s. 16.765, expanded to prohibit discrimination on the basis of sex, be limited to apply only to the operation of the dental school and that no such prohibited discrimination be practiced with respect to admissions to the dental school.

(d) That the dental school administer and operate its courses and programs in dentistry in conformity with academic and professional standards, rules and requirements and seek progressively to enrich and improve its courses of dental education, research and public service by full and efficient use of budgetary and other resources available to it. In monitoring compliance with this paragraph the board may rely on 3rd−party evaluations conducted by appropriate and recognized accrediting bodies.

(e) That all sums to be received by the dental school under the contract be used exclusively in providing undergraduate education in dentistry.

(f) That the dental school may not assess tuition for a Wisconsin resident enrolled at the school in an amount that exceeds the difference between the tuition assessed a nonresident student enrolled at the school and the amount specified to be disbursed

under s. 20.235 (1) (d) for each Wisconsin resident enrolled at the school.

(g) That the dental school make every effort to ensure that at least 5 percent of the total enrollment of the school consists of minority students.

(3) (a) In the contract under this section, the state shall agree, subject to availability of appropriations for such purpose, that it will pay to the dental school of the contracting institution, on account of its furnishing of such dental education, research and public service courses and programs, an amount for each resident of this state who is regularly enrolled as a full−time undergraduate student in dentistry in the school.

(b) The state shall remit payments directly to the dental school of the contracting institution in monthly installments upon submission of installment bills or statements. The state shall audit these bills or statements semiannually.

(4) A student's qualification under this section as a resident of this state shall be determined in accordance with s. 36.27, so far as applicable. No amount may be computed based upon the enrollment of any student who is not a full−time dental student. The number of full−time resident students shall be determined 2 weeks following the late registration period each semester.

History: 1973 c. 90; 1973 c. 335 s. 13; 1975 c. 39; 1977 c. 29; 1977 c. 196 s. 131; 1985 a. 29; 1989 a. 31, 349; 1995 a. 27; 1997 a. 27; 2013 a. 8.

39.47 Minnesota−Wisconsin student reciprocity agreement. (1) There is established, to be administered by the board, a Minnesota−Wisconsin student reciprocity agreement, the purpose of which shall be to ensure that neither state shall profit at the expense of the other and that the determination of any amounts owed by either state under the agreement shall be based on an equitable formula which reflects the educational costs incurred by the 2 states, reflects any differentials in usage by residents of either state of the public institutions of higher education located in the other state, and reflects any differentials in the resident tuition charged at comparable public institutions of higher education of the 2 states. The board, representing this state, shall enter into an agreement meeting the requirements of this section with the designated body representing the state of Minnesota.

(2) The agreement under this section shall provide for the waiver of nonresident tuition for a resident of either state who is enrolled in a public vocational school located in the other state. The agreement shall also establish a reciprocal fee structure for residents of either state who are enrolled in public institutions of higher education, other than vocational schools, located in the other state. The reciprocal fee may not exceed the higher of the resident tuition that would be charged the student at the public institution of higher education in which the student is enrolled or the resident tuition that would be charged the student at comparable public institutions of higher education located in his or her state of residence, as specified in the annual administrative memorandum under sub. (2g). The agreement shall take effect on July 1, 2007. The agreement is subject to the approval of the joint committee on finance under s. 39.42.

(2g) Prior to each academic year, the board and the designated body representing the state of Minnesota shall prepare an administrative memorandum that establishes policies and procedures for implementation of the agreement for the upcoming academic year, including a description of how the reciprocal fee structure shall be determined for purposes of sub. (2), and the board shall submit the administrative memorandum to the joint committee on finance. If the cochairpersons of the committee do not notify the board that the committee has scheduled a meeting for the purpose of reviewing the administrative memorandum within 14 working days after the date of the submittal, the administrative memorandum may be implemented as proposed by the board. If, within 14 working days after the date of the submittal, the cochairpersons of the committee notify the board that the committee has scheduled a meeting for the purpose of reviewing the administrative memorandum, the administrative memorandum may be implemented only upon approval of the committee.

(2m) No resident of this state whose name appears on the statewide support lien docket under s. 49.854 (2) (b) may receive a waiver of nonresident tuition under this section, unless the resident provides to the board a payment agreement that has been approved by the county child support agency under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

(3) At the end of each semester or academic term, each state shall determine the number of students for whom nonresident tuition has been waived under the agreement. Each state shall certify to the other state, in addition to the number of students so determined, the aggregate amount of its reimbursement obligation. The state with the larger reimbursement obligation shall pay as provided in the agreement an amount determined by subtracting the reimbursement obligation of the state with the smaller reimbursement obligation from the reimbursement obligation of the state with the larger reimbursement obligation. The agreement shall provide a reasonable date for payment of any such sums due and owing, after which date interest may be charged on the amount owed. The methodology for determination of the appropriate interest rate shall be included in the agreement. Any payments received by this state under this subsection shall be deposited in the general fund.

History: 1973 c. 90; 1977 c. 29; 1979 c. 221; 1983 a. 27; 1987 a. 27; 1989 a. 184; 1995 a. 27, 404; 1997 a. 27, 200; 1999 a. 9; 2007 a. 20.

39.48 Armed forces. If a student who is a member of a national guard or a member of a reserve unit of the U.S. armed forces withdraws from a private nonprofit college or university located in this state after September 11, 2001, because he or she is called into state active duty or into active service with the U.S. armed forces for at least 30 days, the college or university shall, at the student's request, do all of the following:

(1) Reenroll the student beginning in the semester in which he or she is discharged, demobilized, or deactivated from active duty or the next succeeding semester, whichever the student prefers, and give the student the same priority in registering for courses that the student would have had if he or she had registered for courses at the beginning of the registration period.

NOTE: Sub. (1) is affected by 2005 Wis. Acts 324 and 470. The 2 treatments are mutually inconsistent. Sub. (1) is shown as affected by the last enacted act, 2005 Wis. Act 470. As affected by 2005 Wis. Act 324, it reads:

(1) Reenroll the student beginning in the semester following his or her discharge from active duty or the next succeeding semester, whichever the student prefers.

(2) Grant the student an incomplete in all of the courses from which the student had to withdraw and permit the student to complete the courses, within 6 months after leaving state service or active service, without paying additional tuition or fees.

History: 2001 a. 22; 2003 a. 69; 2005 a. 324, 470.

39.50 Remission of fees for veterans and dependents. (1) UNIVERSITY OF WISCONSIN SYSTEM. At the end of each semester, the Board of Regents of the University of Wisconsin System shall certify to the board the number of students enrolled in the University of Wisconsin System to whom any fees or nonresident tuition has been remitted under s. 36.27 (3n) or (3p), the number of credits for which those fees or that nonresident tuition has been remitted, and the amount of fees and nonresident tuition remitted. Subject to sub. (3m), if the board approves the information certified under this subsection, the board, from the appropriation account under s. 20.235 (1) (fz), shall reimburse the board of regents for the full amount of fees and nonresident tuition remitted. The board of regents shall credit any amounts received under this subsection to the appropriation under s. 20.285 (1) (k) and shall expend those amounts received for degree credit instruction.

(2) TECHNICAL COLLEGES. At the end of each semester, each technical college district board shall certify to the board the number of students enrolled in the technical college governed by the

district board to whom any fees have been remitted under s. 38.24 (7) or (8), the number of credits for which those fees have been remitted, and the amount of those fees remitted. Subject to sub. (3m), if the board approves the information certified under this subsection, the board, from the appropriation account under s. 20.235 (1) (fz), shall reimburse the district board for the full amount of fees remitted.

(3m) REMISSION OF FEES; PRORATED REIMBURSEMENT. In June of each fiscal year, the board shall determine the total amount of fees and nonresident tuition remitted by the board of regents that are eligible for reimbursement under sub. (1) and fees remitted by the district boards that are eligible for reimbursement under sub. (2). If the moneys appropriated under s. 20.235 (1) (fz) are not sufficient to reimburse the board of regents for the full amount of those fees and that nonresident tuition and each district board for the full amount of those fees, the board shall prorate the reimbursement paid under subs. (1) and (2) in the proportion that the moneys available bears to the total amount eligible for reimbursement under subs. (1) and (2).

(4) REIMBURSEMENT OF VETERANS AND DEPENDENTS; PRORATED REIMBURSEMENT. In each fiscal year, the higher educational aids board shall determine the total amount of reimbursement due to students under ss. 36.27 (3n) (bm) 1. and (3p) (bm) 1. and 38.24 (7) (bm) 1. and (8) (bm) 1. If the moneys appropriated under s. 20.235 (1) (fz) are not sufficient to provide full reimbursement to those students, the higher educational aids board shall prorate the reimbursement paid to those students under ss. 36.27 (3n) (bm) 1. and (3p) (bm) 1. and 38.24 (7) (bm) 1. and (8) (bm) 1. in the proportion that the moneys available bears to the total amount eligible for reimbursement under ss. 36.27 (3n) (bm) 1. and (3p) (bm) 1. and 38.24 (7) (bm) 1. and (8) (bm) 1. If the higher educational aids board prorates reimbursement under this subsection, the Board of Regents shall reimburse a student who is eligible for reimbursement under s. 36.27 (3n) (bm) 1. or (3p) (bm) 1., and the appropriate technical college district board shall reimburse a student who is eligible for reimbursement under s. 38.24 (7) (bm) 1. or (8) (bm) 1., in an amount that is equal to the difference between the amount of reimbursement for which the student is eligible and the amount of reimbursement paid by the higher educational aids board.

History: 2007 a. 20; 2009 a. 28.

39.53 Information for students relating to higher education costs. (1) DEFINITION. In this section, "institution of higher education" means an institution or college campus within the University of Wisconsin System, a technical college under ch. 38, or any private postsecondary institution located in this state that provides an educational program for which it awards an associate degree or higher.

(2) STUDENT LETTER. (a) An institution of higher education shall annually provide a letter to all students to inform them of the cost of their education. Subject to par. (c), the letter shall include all of the following:

1. For each student loan obtained by the student for which the student loan funds are distributed by the institution as part of the student's financial aid package, all of the following information with respect to that loan:

a. The total amount of debt accrued under the loan to date.

b. The interest rate applicable to the loan.

c. Standard repayment terms for the type of loan.

d. The estimated monthly payment due under the loan when the repayment period commences.

e. The total projected amount of interest to be paid over the term of the loan.

f. The total projected amount, including both principal and interest, to be paid over the term of the loan.

2. The estimated total cost of attendance at the institution of higher education for the academic year, including actual or estimated costs of tuition, fees, and room and board.

3. The cumulative amount of each of the following, stated separately, that the student receives through the institution as part of the student's financial aid package:

a. State grants.

b. Federal grants.

c. Institutional grants.

4. Identification of resources for students to learn more about student loans and identification of other financial literacy sources.

(b) The letter under par. (a) shall be provided to each student at the beginning of the academic year. Whenever possible, the letter shall be transmitted to the student electronically, but the institution of higher education shall provide a printed copy of the letter delivered by hand, mail, facsimile transmission, commercial delivery, or other suitable means if the student does not have the ability to receive the letter electronically.

(c) The letter under par. (a) is required to include the information specified in par. (a) 1. for a student loan obtained from a private lender only to the extent that the institution of higher education has received this information from the private lender or loan servicer.

(3) FINANCIAL LITERACY. Each institution of higher education shall provide to newly entering students information on financial literacy within the student's first semester of enrollment.

History: 2015 a. 284.

SUBCHAPTER IV

EDUCATION COMPACTS

39.75 Compact for education. The compact for education is hereby enacted into law and entered into by this state with all other jurisdictions legally joining therein, in the form substantially as follows:

(1) ARTICLE I — PURPOSE AND POLICY. (a) It is the purpose of this compact to:

1. Establish and maintain close cooperation and understanding among executive, legislative, professional educational and lay leadership on a nationwide basis at the state and local levels.

2. Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.

3. Provide a clearinghouse of information on matters relating to educational problems and how they are being met in different places throughout the nation, so that the executive and legislative branches of state government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

4. Facilitate the improvement of state and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

(b) It is the policy of this compact to encourage and promote local and state initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and states.

(c) The party states recognize that each of them has an interest in the quality and quantity of education furnished in each of the other states, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the nation, and because the products and services contributing to the health, welfare and economic advance-

ment of each state are supplied in significant part by persons educated in other states.

(2) ARTICLE II — STATE DEFINED. As used in this compact, "state" means a state, territory, or possession of the United States, the District of Columbia, or the commonwealth of Puerto Rico.

(3) ARTICLE III — THE COMMISSION. (a) The education commission of the states, hereinafter called "the commission", is hereby established. The commission shall consist of 7 members representing each party state. One of such members shall be governor; 2 shall be members of the state legislature selected by its respective houses and serving in such manner as the legislature may determine; and 4 shall be appointed by and serve at the pleasure of the governor, unless the laws of the state otherwise provide. If the laws of a state prevent legislators from serving on the commission, 6 members shall be appointed by and serve at the pleasure of the governor, unless the laws of the state otherwise provide. In addition to any other principles or requirements which a state may establish for the appointment and service of its members of the commission, the guiding principle for the composition of the membership on the commission from each party state shall be that the members representing such state shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the state government, higher education, the state education system, local education, lay and professional, public and nonpublic educational leadership. Of those appointees, one shall be the head of a state agency or institution, designated by the governor, having responsibility for one or more programs of public education. In addition to the members of the commission representing the party states, there may be not to exceed 10 nonvoting commissioners selected by the steering committee for terms of one year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

(b) The members of the commission shall be entitled to one vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which a majority of the commissioners are present. The commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the commission may delegate the exercise of any of its powers to the steering committee or the executive director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to sub. (4) and adoption of the annual report pursuant to par. (j).

(c) The commission shall have a seal.

(d) The commission shall elect annually, from among its members, a chairperson, who shall be a governor, a vice chairperson and a treasurer. The commission shall provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the commission, and together with the treasurer and such other personnel as the commission may deem appropriate shall be bonded in such amount as the commission shall determine. The executive director shall be secretary.

(e) Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director subject to the approval of the steering committee shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the commission, and shall fix the duties and compensation of such personnel. The commission in its bylaws shall provide for the personnel policies and programs of the commission.

(f) The commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of 2 or more of the party jurisdictions or their subdivisions.

(g) The commission may accept for any of its purposes and functions under this compact any and all donations and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm, association, foundation or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the commission pursuant to this paragraph or services borrowed pursuant to par. (f) shall be reported in the annual report of the commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant or services borrowed, and the identity of the donor or lender.

(h) The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold and convey real and personal property and any interest therein.

(i) The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

(j) The commission annually shall submit to the governor, to the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2) and to the legislature of any other party state a report covering the activities of the commission for the preceding year. The commission may submit such additional reports as it deems desirable.

(4) ARTICLE IV — POWERS. In addition to authority conferred on the commission by other provisions of the compact, the commission shall have authority to:

(a) Collect, correlate, analyze and interpret information and data concerning educational needs and resources.

(b) Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration and instructional methods and standards employed or suitable for employment in public educational systems.

(c) Develop proposals for adequate financing of education as a whole and at each of its many levels.

(d) Conduct or participate in research of the types referred to in this subsection in any instance where the commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher education and other agencies and institutions, both public and private.

(e) Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.

(f) Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

(5) ARTICLE V — COOPERATION WITH FEDERAL GOVERNMENT. (a) If the laws of the United States specifically so provide, or if administrative provision is made therefor within the federal government, the United States may be represented on the commission by not to exceed 10 representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to federal law, and may be drawn from any one or more branches of the federal government, but no such representative shall have a vote on the commission.

(b) The commission may provide information and make recommendations to any executive or legislative agency or officer of the federal government concerning the common educational poli-

cies of the states, and may advise with any such agencies or officers concerning any matter of mutual interest.

(6) ARTICLE VI — COMMITTEES. (a) To assist in the expeditious conduct of its business when the full commission is not meeting, the commission shall elect a steering committee of 32 members which, subject to the provisions of this compact and consistent with the policies of the commission, shall be constituted and function as provided in the bylaws of the commission. One−fourth of the voting membership of the steering committee shall consist of governors, one−fourth shall consist of legislators, and the remainder shall consist of other members of the commission. A federal representative on the commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of 2 years, except that members elected to the first steering committee of the commission shall be elected as follows: 15 for one year and 15 for 2 years. The chairperson, vice chairperson, and treasurer of the commission shall be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than 2 terms as a member of the steering committee: provided that service for a partial term of one year or less shall not be counted toward the 2−term limitation.

(b) The commission may establish advisory and technical committees composed of state, local, and federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the states concerned, be established to consider any matter of special concern to 2 or more of the party states.

(c) The commission may establish such additional committees as its bylaws may provide.

(7) ARTICLE VII — FINANCE. (a) The commission shall advise the governor or designated officer or officers of each party state of its budget and estimated expenditures for such period as may be required by the laws of that party state. Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states.

(b) The total amount of appropriation requests under any budget shall be apportioned among the party states. In making such apportionment, the commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party states.

(c) The commission shall not pledge the credit of any party states. The commission may meet any of its obligations in whole or in part with funds available to it under sub. (3) (g), provided that the commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it under sub. (3) (g), the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

(d) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified certified public accountant licensed or certified under ch. 442, and the report of the audit shall be included in and become part of the annual reports of the commission.

(e) The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

(f) Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

(8) ARTICLE VIII — ELIGIBLE PARTIES; ENTRY INTO AND WITHDRAWAL. (a) This compact shall have as eligible parties all states, territories, and possessions of the United States, the District of Columbia and the commonwealth of Puerto Rico. In respect of any such jurisdiction not having a governor, the term "governor", as used in this compact, shall mean the closest equivalent official of such jurisdiction.

(b) Any state or other eligible jurisdiction may enter into this compact and it shall become binding thereon when it has adopted the same: provided that in order to enter into initial effect, adoption by at least 10 eligible party jurisdictions shall be required.

(c) Adoption of the compact may be either by enactment thereof or by adherence thereto by the governor; provided that in the absence of enactment, adherence by the governor shall be sufficient to make the governor's state a party only until December 31, 1967. During any period when a state is participating in this compact through gubernatorial action, the governor shall appoint those persons who, in addition to the governor, shall serve as the members of the commission from the governor's state, and shall provide to the commission an equitable share of the financial support of the commission from any source available to the governor.

(d) Except for a withdrawal effective on December 31, 1967, in accordance with par. (c), any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

(9) ARTICLE IX — CONSTRUCTION AND SEVERABILITY. This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States, or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

History: 1981 c. 390; 1987 a. 186; 1991 a. 316; 1993 a. 184; 2001 a. 16.

39.76 Compact commission delegation. (1) STATE REPRESENTATION ON THE EDUCATION COMMISSION OF THE STATES. There is created a 7−member delegation to represent the state of Wisconsin on the education commission of the states. The delegation shall consist of the governor, the state superintendent of public instruction, one senator and one representative to the assembly selected as are the members of standing committees in their respective houses, and 3 members appointed by the governor in compliance with s. 39.75 (3) (a) who shall serve at the pleasure of the governor. The chairperson of the delegation shall be designated by the governor from among its members. Members of the delegation shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties from the appropriation in s. 20.505 (1) (ka). Annual commission membership dues shall be paid from the appropriation in s. 20.505 (1) (ka).

(2) ADMINISTRATION SERVICE. The department of administration shall provide administrative and staff services for the delegation to the education commission of the states.

(3) REPORTS; BYLAWS. Under s. 39.75 (3) (j), the education commission of the states shall file a copy of its bylaws and any amendments thereto with the secretary of state and the office of the governor on or before January 15 of each odd−numbered year. The delegation or the education commission of the states shall

submit to the governor and the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a report of the activities of the delegation and the commission.

(4) COOPERATION OF STATE AGENCIES. Any existing state department or board in the field of public education shall within existing appropriations cooperate with the education compact delegation in the execution of its functions.

History: 1977 c. 29 s. 1649; 1977 c. 325; 1981 c. 20 s. 2202 (1) (b); 1981 c. 390; 1987 a. 186; 2001 a. 16; 2005 a. 25.

39.80 Midwestern higher education compact. The midwestern higher education compact is hereby enacted into law and entered into by this state with all other jurisdictions legally joining therein, in the form substantially as follows:

(1) ARTICLE I — PURPOSE. The purpose of the midwestern higher education compact shall be to provide greater higher education opportunities and services in the midwestern region, with the aim of furthering regional access to, research in and choice of higher education for the citizens residing in the several states which are parties to this compact.

(2) ARTICLE II — THE COMMISSION. (a) The compacting states hereby create the midwestern higher education commission, hereinafter called "the commission". The commission shall be a body corporate of each compacting state. The commission shall have all the responsibilities, powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

(b) The commission shall consist of 5 resident members of each state as follows: the governor or the governor's designee who shall serve during the tenure of office of the governor; 2 legislators, one from each house (except Nebraska, which may appoint 2 legislators from its unicameral legislature), who shall serve 2−year terms and be appointed by the appropriate appointing authority in each house of the legislature; and 2 other at−large members, at least one of whom shall be selected from the field of higher education. The at−large members shall be appointed in a manner provided by the laws of the appointing state. One of the 2 at−large members initially appointed in each state shall serve a 2−year term. The other, and any regularly appointed successor to either at−large member, shall serve a 4−year term. All vacancies shall be filled in accordance with the laws of the appointing states. Any commissioner appointed to fill a vacancy shall serve until the end of the incomplete term.

(c) The commission shall select annually, from among its members, a chairperson, a vice chairperson and a treasurer.

(d) The commission shall appoint an executive director who shall serve at its pleasure and who shall act as secretary to the commission. The treasurer, the executive director and such other personnel as the commission may determine, shall be bonded in such amounts as the commission may require.

(e) The commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a majority of the commission members of 3 or more compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.

(f) Each compacting state represented at any meeting of the commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the commission.

(3) ARTICLE III — POWERS AND DUTIES OF THE COMMISSION. (a) The commission shall adopt a seal and suitable bylaws governing its management and operations.

(b) Irrespective of the civil service, personnel or other merit system laws of any of the compacting states, the commission in its bylaws shall provide for the personnel policies and programs of the compact.

(c) The commission shall submit a budget to the governor and legislature of each compacting state at such time and for such period as may be required. The budget shall contain specific recommendations of the amount or amounts to be appropriated by each of the compacting states.

(d) The commission shall report annually to the legislatures and governors of the compacting states, to the midwestern governors' conference and to the midwestern legislative conference of the council of state governments concerning the activities of the commission during the preceding year. Such reports shall also embody any recommendations that may have been adopted by the commission.

(e) The commission may borrow, accept, or contract for the services of personnel from any state or the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, foundation, person, firm or corporation.

(f) The commission may accept for any of its purposes and functions under the compact any and all donations, and grants of money, equipment, supplies, materials and services (conditional or otherwise) from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, foundation, person, firm, or corporation, and may receive, utilize and dispose of the same.

(g) The commission may enter into agreements with any other interstate education organizations or agencies and with higher education institutions located in nonmember states and with any of the various states of these United States to provide adequate programs and services in higher education for the citizens of the respective compacting states. The commission shall, after negotiations with interested institutions and interstate organizations or agencies, determine the cost of providing the programs and services in higher education for use in these agreements.

(h) The commission may establish and maintain offices, which shall be located within one or more of the compacting states.

(i) The commission may establish committees and hire staff as it deems necessary for the carrying out of its functions.

(j) The commission may provide for actual and necessary expenses for attendance of its members at official meetings of the commission or its designated committees.

(4) ARTICLE IV — ACTIVITIES OF THE COMMISSION. (a) The commission shall collect data on the long−range effects of the compact on higher education. By the end of the 4th year from the effective date of the compact and every 2 years thereafter, the commission shall review its accomplishments and make recommendations to the governors and legislatures of the compacting states on the continuance of the compact.

(b) The commission shall study issues in higher education of particular concern to the midwestern region. The commission shall also study the needs for higher education programs and services in the compacting states and the resources for meeting such needs. The commission shall, from time to time, prepare reports on such research for presentation to the governors and legislatures of the compacting states and other interested parties. In conducting such studies, the commission may confer with any national or regional planning body. The commission may draft and recommend to the governors and legislatures of the various compacting states suggested legislation dealing with problems of higher education.

(c) The commission shall study the need for provision of adequate programs and services in higher education, such as undergraduate, graduate or professional student exchanges in the region. If a need for exchange in a field is apparent, the commission may enter into such agreements with any higher education institution and with any of the compacting states to provide programs and services in higher education for the citizens of the respective compacting states. The commission shall, after negotiations with interested institutions and the compacting states, determine the cost of providing the programs and services in higher education for use in its agreements. The contracting states

shall contribute the funds not otherwise provided, as determined by the commission, for carrying out the agreements. The commission may also serve as the administrative and fiscal agent in carrying out agreements for higher education programs and services.

(d) The commission shall serve as a clearinghouse on information regarding higher education activities among institutions and agencies.

(e) In addition to the activities of the commission previously noted, the commission may provide services and research in other areas of regional concern.

(5) ARTICLE V — FINANCE. (a) The moneys necessary to finance the general operations of the commission not otherwise provided for in carrying forth its duties, responsibilities and powers as stated herein shall be appropriated to the commission by the compacting states, when authorized by the respective legislatures, by equal apportionment among the compacting states.

(b) The commission shall not incur any obligations of any kind prior to the making of appropriations adequate to meet the same; nor shall the commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

(c) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified public accountant licensed or certified under ch. 442 and the report of the audit shall be included in and become part of the annual report of the commission.

(d) The accounts of the commission shall be open at any reasonable time for inspection by duly authorized representatives of the compacting states and persons authorized by the commission.

(6) ARTICLE VI — ELIGIBLE PARTIES AND ENTRY INTO FORCE. (a) The states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin shall be eligible to become party to this compact. Additional states will be eligible if approved by a majority of the compacting states.

(b) As to any eligible party state, this compact shall become effective when its legislature shall have enacted the same into law; provided that it shall not become initially effective until enacted into law by 5 states prior to the 31st day of December, 1995.

(c) Amendments to the compact shall become effective upon their enactment by the legislatures of all compacting states.

(7) ARTICLE VII — WITHDRAWAL, DEFAULT AND TERMINATION. (a) Any compacting state may withdraw from this compact by enacting a statute repealing the compact, but such withdrawal shall not become effective until 2 years after the enactment of such statute. A withdrawing state shall be liable for any obligations which it may have incurred on account of its party status up to the effective date of withdrawal, except that if the withdrawing state has specifically undertaken or committed itself to any performance of an obligation extending beyond the effective date of withdrawal, it shall remain liable to the extent of such obligation.

(b) If any compacting state shall at any time default in the performance of any of its obligations, assumed or imposed, in accordance with the provisions of this compact, all rights, privileges and benefits conferred by this compact or agreements hereunder shall be suspended from the effective date of such default as fixed by the commission, and the commission shall stipulate the conditions and maximum time for compliance under which the defaulting state may resume its regular status. Unless such default shall be remedied under the stipulations and within the time period set forth by the commission, this compact may be terminated with respect to such defaulting state by affirmative vote of a majority of the other member states. Any such defaulting state may be reinstated by performing all acts and obligations as stipulated by the commission.

(8) ARTICLE VIII — SEVERABILITY AND CONSTRUCTION. The provisions of this compact entered into hereunder shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any compacting state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact entered into hereunder shall be held contrary to the constitution of any compacting state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of this compact entered into pursuant hereto shall be liberally construed to effectuate the purposes thereof.

History: 1993 a. 358; 2001 a. 16.

SUBCHAPTER V

DISTANCE LEARNING AUTHORIZATION BOARD

39.85 Definitions. In this subchapter:

(1) "Board" means the distance learning authorization board.

(2) "Other jurisdiction" or "another jurisdiction" means any state of the United States other than Wisconsin, any foreign country, the District of Columbia, the commonwealth of Puerto Rico, or any territory or possession of the United States.

History: 2015 a. 208.

39.86 Distance education reciprocity agreement. (1) DEFINITIONS. In this section:

(a) "Agreement" means any of the following:

1. The agreement developed by the National Council for State Authorization Reciprocity Agreements that, as of March 3, 2016, is known as the "State Authorization Reciprocity Agreement" and that, for the region that includes this state, is administered under the midwestern higher education compact entered into by this state under s. 39.80.

2. Any amendment or superseding version of the agreement described in subd. 1.

3. Any other interstate reciprocity agreement related to state authorization and oversight of postsecondary institutions that offer distance education to students located beyond the borders of the state where the institution is located.

(b) "Distance education program" means the offering of courses for credit to students in another jurisdiction that will lead to a degree or certificate from the institution offering the course, but also includes noncredit courses and field experiences offered as part of the program.

(c) "Eligible institution" means a postsecondary institution to which all of the following apply:

1. The institution holds institutional accreditation by name, as a single entity, from an accrediting agency or association that is recognized by the federal secretary of education as meeting the criteria established under 20 USC 1099b and that has formal recognition to accredit distance education programs.

2. The institution maintains its principal campus in this state, and this state is the state where the institution's principal campus holds its institutional accreditation as described in subd. 1.

3. The institution has authority, which is not derived under this section, to offer in this state degrees at the associate level or higher.

4. The institution offers any distance education program and grants degrees or certificates in connection with the program.

(2) AUTHORIZATION TO ENTER INTO AN AGREEMENT. (a) Subject to par. (b), the board, on behalf of this state, may enter into an agreement.

(b) 1. Before entering into an agreement, the board shall provide written notice to the joint committee on finance of the board's intention to enter into an agreement, which notice shall include a copy of the agreement.

2. If, within 14 working days after the date of the notice under subd. 1., the cochairpersons of the joint committee on finance do not notify the board that the committee has scheduled a meeting to review the board's proposal to enter into the agreement, the board may enter into the agreement. If, within 14 working days after the date of the notice, the cochairpersons of the committee notify the board that the committee has scheduled a meeting to review the board's proposal to enter into the agreement, the board may not enter into the agreement unless the committee approves.

(c) If the board enters into an agreement under par. (a), the board shall comply with the provisions of the agreement.

(d) If the board enters into an agreement under par. (a), the board shall provide notice to the legislative reference bureau and the legislative reference bureau shall publish a notice of the state's joinder in the agreement in the Wisconsin administrative register under s. 35.93 (2).

(e) If the board enters into an agreement under par. (a), the board shall be this state's lead contact agency, or portal agency, for purposes of the agreement, including administration, enforcement, and compliance under the agreement.

(3) POWERS AND DUTIES OF THE BOARD. (a) Subject to sub. (7), if the board enters into an agreement under sub. (2) (a), the board shall do all of the following:

1. Review and authorize eligible institutions for the offering of distance education programs, consistent with the provisions of the agreement.

2. Create and maintain a list of eligible institutions authorized by the board under subd. 1.

3. Maintain and administer a complaint resolution process, consistent with the provisions of the agreement, for complaints related to the distance education programs of eligible institutions authorized by the board, including complaints originating outside of this state. The complaint resolution process shall require complaints to be first addressed at the institutional level.

4. Monitor the eligible institutions authorized by the board with respect to consumer protection of students enrolled in these institutions' distance education programs.

5. Compile and provide data related to students enrolled in board−authorized distance education programs to the extent required by the agreement. The board's responsibility under this subdivision is subject to any provision of state or federal law protecting the privacy of student data.

6. Administer and enforce the provisions of the agreement, including through investigation and appropriate action, with respect to those eligible institutions authorized by the board. The board may take action, consistent with the provisions of the agreement, against a non−complying eligible institution, including suspending or revoking, or denying renewal of, the eligible institution's authorization under subd. 1.

7. Work cooperatively with any other jurisdiction that has entered into the agreement and, as applicable, other agencies of this state with responsibilities that include consumer protection or oversight of postsecondary institutions.

8. Beginning with the first January 30 to occur not less than 6 months after the board enters into the agreement, and no later than January 30 of each year thereafter, and also upon specific request of the governor, submit a report to the governor and to the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2) that summarizes the board's actions taken during the immediately preceding calendar year relating to the provisions of the agreement.

(b) If the board enters into an agreement under sub. (2) (a), the board may impose, upon eligible institutions authorized by the board, any requirement dictated by or consistent with the provisions of the agreement, including requiring the institution to do any of the following:

1. Provide a complaint form for student complaints related to the institution's distance education programs.

2. Compile and provide data to the board relating to the institution's distance education programs and students enrolled in these programs, subject to any provision of state or federal law protecting the privacy of student data.

(c) If the board enters into an agreement under sub. (2) (a), the board may establish procedures consistent with the provisions of the agreement.

(4) STAFFING. The board may require each agency or organization represented on the board to provide staffing resources for the board.

(5) FEES. The board may establish reasonable fees to be imposed in connection with any function or service provided by the board under this section, including fees for authorizing eligible institutions for the offering of distance education programs. All fees collected by the board shall be credited to the appropriation account under s. 20.235 (3) (g).

(6) JURISDICTIONAL DIVISION. (a) The regulatory authority of the board is limited to the authority specified in this section and summarized in par. (b).

(b) If the board enters into an agreement under sub. (2) (a), all of the following apply:

1. The board has jurisdiction over postsecondary institutions only with respect to distance education programs of eligible institutions.

2. This section does not grant the board responsibility or control over the operations of a postsecondary institution headquartered in this state, including with respect to curriculum, admission requirements, graduation standards, finances, student information covered by federal or state privacy laws, or governance, beyond the provisions of the agreement.

(7) VOLUNTARY PARTICIPATION BY POSTSECONDARY INSTITUTIONS. If the board enters into an agreement under sub. (2) (a), an eligible institution is not required to obtain authorization from the board for its distance education program but, if the institution elects not to obtain the board's authorization, the institution may not receive any benefit under the agreement and is subject to applicable federal and state laws of any other jurisdiction where the student is located.

History: 2015 a. 208.

39.87 Listing of exempt institutions. (1) DEFINITIONS. In this section, "program integrity rules" means the final regulations of the federal department of education set forth in 75 Fed. Reg. 66832 to 66975 (October 29, 2010), as amended.

(2) LIST OF EXEMPT INSTITUTIONS. (a) The board shall create and maintain a list of the names of all postsecondary institutions that, under the program integrity rules, are legally authorized in this state and constitute institutions of higher education under 20 USC 1001 (a) (2) and that are exempt from additional state authorization requirements as provided under the program integrity rules. The board shall make this list available to the public.

(b) At least annually, the board shall provide the list of names of exempt institutions under par. (a) to the legislative reference bureau and the legislative reference bureau shall publish the list in the Wisconsin administrative register under s. 35.93 (2).

(3) REPORTS. No later than January 30, 2017, and by January 30 of each year thereafter, and also upon specific request of the governor, the board shall submit a report to the governor and to the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2) that summarizes the board's actions taken during the immediately preceding calendar year relating to the list of exempt institutions under sub. (2) (a) and compliance with related requirements and regulations of the federal department of education.

History: 2015 a. 208.