

2021 Senate Bill 833 (LRB -5126)

An Act to repeal 39.51 (5); and to amend 20.235 (1) (c) of the statutes; relating to: grants to support the teaching of college courses in high schools. (FE)

2022

01-06.	S.	Introduced by Senators Kooyenga, Ballweg, Darling and Felzkowski ; cosponsored by Representatives Murphy, Kuglitsch, B. Meyers, Steffen, Brandtjen, Cabral-Guevara, Edming, Gundrum, Horlacher, Penterman and Spiros.	671
01-06.	S.	Read first time and referred to Committee on Education	672
01-10.	S.	Fiscal estimate received	
01-18.	S.	Public hearing held	
01-21.	S.	Executive action taken	
01-21.	S.	Report passage recommended by Committee on Education, Ayes 7, Noes 0	696
01-21.	S.	Available for scheduling	
01-31.	S.	Senator Pfaff added as a coauthor	728
02-01.	S.	Representative Ramthun added as a cosponsor	732
02-10.	S.	Senate Amendment 1 offered by Senator Kooyenga (LRB a1236)	755
02-18.	S.	Placed on calendar 2-22-2022 pursuant to Senate Rule 18(1)	790
02-22.	S.	Read a second time	
02-22.	S.	Senate Amendment 1 adopted	
02-22.	S.	Ordered to a third reading	
02-22.	S.	Rules suspended	
02-22.	S.	Read a third time and passed , Ayes 33, Noes 0	
02-22.	S.	Ordered immediately messaged	
02-22.	A.	Received from Senate	
02-22.	A.	Read first time and referred to committee on Rules	
02-22.	A.	Made a special order of business at 9:02 AM on 2-23-2022 pursuant to Assembly Resolution 29	
02-23.	A.	Read a second time	
02-23.	A.	Ordered to a third reading	
02-23.	A.	Rules suspended	
02-23.	A.	Read a third time and concurred in	
02-23.	A.	Ordered immediately messaged	
02-23.	S.	Received from Assembly concurred in	

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ENROLLED BILL

Adopted Documents

Original Engrossed Substitute Amdt 21-5126, 2

Amendments: None or Listed below.

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Corrections: None or Listed by date below.

Topic: Same as relating clause or Indicated below.

2/24/22

Date

Enrolling Drafter



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-5126/2
ARG:skw

2021 SENATE BILL 833

January 6, 2022 - Introduced by Senators KOOYENGA, BALLWEG, DARLING and FELZKOWSKI, cosponsored by Representatives MURPHY, KUGLITSCH, B. MEYERS, STEFFEN, BRANDTJEN, CABRAL-GUEVARA, EDMING, GUNDRUM, HORLACHER, PENTERMAN and SPIROS. Referred to Committee on Education.

1 **AN ACT to repeal** 39.51 (5); and **to amend** 20.235 (1) (c) of the statutes; **relating**
2 **to:** grants to support the teaching of college courses in high schools. *INA SA 1*

Analysis by the Legislative Reference Bureau

This bill eliminates the sunset date on the dual enrollment credential grant program administered by the Higher Educational Aids Board. Under the program, HEAB awards grants to school districts, independent charter schools, and private schools participating in a parental choice program to support dual enrollment programs taught in high schools. "Dual enrollment programs" are programs or courses of study designed to provide high school students with the opportunity to gain credits in both high school and a University of Wisconsin System school, technical college, or a private, nonprofit college. Grants are awarded to assist high school teachers in covering tuition expenses for courses taken to meet the minimum qualifications necessary to teach dual enrollment courses.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 20.235 (1) (c) of the statutes is amended to read:



**SENATE AMENDMENT 1,
TO SENATE BILL 833**

February 10, 2022 - Offered by Senator KOOYENGA.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 2: after "high schools" insert "and independent charter school
3 pupil participation in the Early College Credit Program".

4 **2.** Page 2, line 3: after that line insert:

5 "SECTION 1m. 20.445 (1) (d) of the statutes is amended to read:

6 20.445 (1) (d) *Reimbursement for tuition payments.* The amounts in the
7 schedule to reimburse school districts, charter schools under s. 118.40 (2r) or (2x),
8 and private schools for payments under s. 118.55 (5) (e) 2."

9 **3.** Page 2, line 4: after that line insert:

10 "SECTION 3. 106.125 of the statutes is amended to read:

11 **106.125 Early college credit program.** On behalf of the school board of a
12 school district, on behalf of a governing board of a charter school under s. 118.40 (2r)
13 or (2x), and on behalf of the governing body of a participating private school, as

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1 defined in s. 118.55 (1) (c), the department of workforce development shall pay to the
2 department of public instruction the costs of tuition for a pupil who attends an
3 institution of higher education under the program under s. 118.55 as provided under
4 s. 118.55 (5) (e) 2. and 3.

5 **SECTION 4.** 118.55 (3) (title) of the statutes is amended to read:

6 118.55 (3) (title) NOTIFICATION OF SCHOOL BOARD INTENT; DETERMINATION OF HIGH
7 SCHOOL CREDIT; NOTIFICATION OF POSTSECONDARY CREDIT.

8 **SECTION 5.** 118.55 (3) (a) of the statutes is amended to read:

9 118.55 (3) (a) A public school pupil who intends to enroll in an institution of
10 higher education under this section shall notify the school board of the school district
11 in which he or she is enrolled or the governing board of the charter school under s.
12 118.40 (2r) or (2x) that he or she attends and a pupil attending a private school who
13 intends to enroll in an institution of higher education under this section shall notify
14 the governing body of the private school he or she attends of that intention no later
15 than March 1 if the pupil intends to enroll in the fall semester, and no later than
16 October 1 if the pupil intends to enroll in the spring semester. The notice shall
17 include the titles of the courses in which the pupil intends to enroll and the number
18 of credits of each course, and shall specify whether the pupil will be taking the
19 courses for high school or postsecondary credit.

20 **SECTION 6.** 118.55 (3) (b) of the statutes is amended to read:

21 118.55 (3) (b) If the public school pupil specifies in the notice under par. (a) that
22 he or she intends to take a course at an institution of higher education for high school
23 credit, the school board or governing board of the charter school under s. 118.40 (2r)
24 or (2x) shall determine whether the course is comparable to a course offered in the
25 school district, ~~and~~ or charter school, whether the course satisfies any of the high



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1 school graduation requirements ~~under s. 118.33~~, and the number of high school
2 credits to award the pupil for the course, if any. If the pupil attending a private school
3 specifies in the notice under par. (a) that he or she intends to take a course at an
4 institution of higher education for high school credit, the governing body of the
5 participating private school shall determine whether the course is comparable to a
6 course offered at the private school, whether the course satisfies any requirements
7 necessary for high school graduation, and the number of high school credits to award
8 the pupil for the course, if any. In cooperation with institutions of higher education,
9 the state superintendent shall develop guidelines to assist school ~~districts~~ boards,
10 governing boards of charter schools under s. 118.40 (2r) or (2x), and participating
11 private schools in making the determinations. The school board, governing board,
12 or governing body shall notify the pupil of its determinations, in writing, before the
13 beginning of the semester in which the pupil will be enrolled. If the public school
14 pupil disagrees with the ~~school board's decision of a school board or governing board~~
15 of a charter school under s. 118.40 (2r) or (2x) regarding comparability of courses,
16 satisfaction of high school graduation requirements, or the number of high school
17 credits to be awarded, the pupil may appeal the ~~school board's decision~~ to the state
18 superintendent within 30 days after the decision. The state superintendent's
19 decision shall be final and is not subject to review under subch. III of ch. 227. If the
20 pupil attending a participating private school disagrees with any decision of a
21 governing body under this paragraph, the pupil may appeal the decision to the
22 governing body within 30 days after the decision.

23 **SECTION 7.** 118.55 (4) (b) of the statutes is amended to read:

24 118.55 (4) (b) If an institution of higher education admits a pupil, it shall notify
25 the school board of the school district in which the pupil is enrolled, the governing

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1 board of the charter school under s. 118.40 (2r) or (2x) the pupil attends, or the
2 governing body of the pupil's participating private school, in writing, within 30 days
3 after the beginning of classes at the institution of higher education. The notification
4 shall include the course or courses in which the pupil is enrolled.

5 **SECTION 8.** 118.55 (4) (c) of the statutes is amended to read:

6 118.55 (4) (c) If a pupil is not admitted to attend the course that he or she
7 specified in the notice under sub. (3) (a) but is admitted to attend a different course,
8 the pupil shall immediately notify the school board of the school district in which he
9 or she is enrolled, the governing board of the charter school under s. 118.40 (2r) or
10 (2x) the pupil attends, or the governing body of the pupil's participating private
11 school and the school board, governing board, or governing body shall inform the
12 pupil of its determinations under sub. (3) (b) regarding the course to which the pupil
13 was admitted as soon as practicable.

14 **SECTION 9.** 118.55 (5) (intro.) of the statutes is amended to read:

15 118.55 (5) RESPONSIBILITY FOR AND DETERMINATION OF COSTS; PAYMENT AND
16 REIMBURSEMENT FOR CERTAIN COSTS. (intro.) Subject to sub. (7t), the school board of
17 the school district in which a pupil attending an institution of higher education under
18 this section is enrolled, the governing board of the charter school under s. 118.40 (2r)
19 or (2x) attended by a pupil who is attending an institution of higher education under
20 this section, and the governing body of the participating private school attended by
21 a pupil who is attending an institution of higher education under this section shall
22 be responsible for the following amount:

23 **SECTION 10.** 118.55 (5) (a) of the statutes is amended to read:

24 118.55 (5) (a) If the public high school pupil is taking a course for high school
25 credit, regardless of whether the course is also taken for postsecondary credit, and

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1 if the course is not comparable to a course offered in the school district or at the
2 charter school, 75 percent of the actual cost of tuition for the course, as determined
3 under par. (d). If a private high school pupil attending a private school is taking a
4 course for high school credit, regardless of whether the course is also taken for
5 postsecondary credit, and if the course is not comparable to a course offered by the
6 participating private school, 75 percent of the actual cost of tuition for the course, as
7 determined under par. (d). If the pupil takes a course described under this paragraph
8 at a high school in a school district, at a charter school under s. 118.40 (2r) or (2x),
9 or at a participating private school, the school board of the school district, the
10 governing board of the charter school, or the governing body of the participating
11 private school ~~shall be~~ is responsible for the costs of books and other necessary
12 materials for the course.


13 **SECTION 11.** 118.55 (5) (b) of the statutes is amended to read:

14 118.55 (5) (b) If the pupil is taking a course for postsecondary credit and if the
15 course is not comparable to a course offered in the school district, at the charter
16 school under s. 118.40 (2r) or (2x), or the participating private school, 25 percent of
17 the actual cost of tuition for the course, as determined under par. (d).

18 **SECTION 12.** 118.55 (5) (d) of the statutes is amended to read:

19 118.55 (5) (d) If a school board, the governing board of a charter school under
20 s. 118.40 (2r) or (2x), or the governing body of a participating private school is
21 required to pay tuition on behalf of a pupil under this subsection, the tuition charged
22 for each credit assigned to the course may not exceed the following:

23 1. For an institution of higher education under sub. (1) (bm) 1., other than a
24 University of Wisconsin college campus, as defined in s. 36.05 (6m), one-third of the
25 amount that would be charged for each credit assigned to the course to an individual



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1 who is a resident of this state and who is enrolled in the educational institution as
2 an undergraduate student. Subject to sub. (7t), neither the institution of higher
3 education nor the school board ~~nor the~~ governing board, or governing body may
4 charge any additional costs or fees to a pupil to attend a course under this section.

5 1m. For an institution of higher education under sub. (1) (bm) that is a
6 University of Wisconsin college campus, as defined in s. 36.05 (6m), one-half of the
7 amount that would be charged for each credit assigned to the course to an individual
8 who is a resident of this state and who is enrolled in the college campus as an
9 undergraduate student. Subject to sub. (7t), neither the college campus nor the
10 school board or governing board may charge any additional costs or fees to a pupil
11 to attend a course under this section.

12 2. For an institution of higher education under sub. (1) (bm) 2., one-third of the
13 amount that would be charged for each credit assigned to a similar course offered by
14 the University of Wisconsin-Madison to an individual who is a resident of this state
15 and who is enrolled at the University of Wisconsin-Madison as an undergraduate
16 student. Subject to sub. (7t), neither the institution of higher education nor the
17 school board or governing board may charge any additional costs or fees to a pupil
18 to attend a course under this section.

19 **SECTION 13.** 118.55 (5) (e) of the statutes is amended to read:

20 118.55 (5) (e) 1. Subject to sub. (7t), within 30 days after the end of the semester,
21 the school board of the school district in which a pupil who attended an institution
22 of higher education under this section was enrolled, the governing board of the
23 charter school under s. 118.40 (2r) or (2x) attended by a pupil who attended an
24 institution of higher education under this section, and the governing body of a
25 participating private school attended by a pupil who attended the institution of

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1 higher education under this section shall pay the institution, on behalf of the pupil,
2 the amount determined under par. (d) and shall submit an itemized report to the
3 department of the amounts paid under this subdivision.

4 2. Subject to subd. 3., from the appropriation under s. 20.445 (1) (d), the
5 secretary of the department of workforce development shall, on behalf of the school
6 board of a school district in which a pupil who attended an institution of higher
7 education under this section was enrolled, on behalf of the governing board of the
8 charter school under s. 118.40 (2r) or (2x) attended by a pupil who attended an
9 institution of higher education under this section, and on behalf of the governing
10 body of a participating private school and a pupil who attended the private school and
11 who attended an institution of higher education under this section, pay to the
12 department of public instruction the following amount:

13 a. For a pupil who took a course for high school credit, as described in par. (a),
14 25 percent of the actual cost of tuition for the course, as determined under par. (d).
15 The department of public instruction shall reimburse the school board of the school
16 district, governing board of the charter school, or the governing body of the private
17 school the amount received from the department of workforce development under
18 this subd. 2. a.

19 b. For a pupil who took a course for postsecondary credit, as described in par.
20 (b), 50 percent of the actual cost of tuition for the course, as determined under par.
21 (d). The department of public instruction shall reimburse the school board of the
22 school district, governing board of the charter school, or the governing body of the
23 private school the amount received from the department of workforce development
24 under this subd. 2. b.

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1 3. If the appropriation under s. 20.445 (1) (d) in any fiscal year is insufficient
2 to reimburse all school districts, governing boards, and all governing bodies eligible
3 for the full amount of reimbursable tuition costs under subd. 2., the secretary of the
4 department of workforce development shall notify the state superintendent, who
5 shall prorate the amount of the payments under subd. 2. among eligible school
6 districts, governing boards, and governing bodies.

7 **SECTION 14.** 118.55 (6) of the statutes is amended to read:

8 118.55 (6) RESPONSIBILITY OF PUPIL FOR TUITION AND FEES; INSTITUTION OF HIGHER
9 EDUCATION. (a) Subject to sub. (7t), a pupil taking a course at an institution of higher
10 education for high school credit under this section is not responsible for any portion
11 of the tuition and fees for the course if the school board, the governing board of a
12 charter school under s. 118.40 (2r) or (2x), the state superintendent on appeal under
13 sub. (3) (b), the governing body of the participating private school, or the governing
14 body on appeal under sub. (3) (b) has determined that the course is not comparable
15 to a course offered in the school district, at the charter school, or at the participating
16 private school, whichever is applicable.

17 (b) A pupil taking a course at an institution of higher education for high school
18 credit under this section is responsible for the tuition and fees for the course if the
19 school board, the governing board of a charter school under s. 118.40 (2r) or (2x), or
20 the governing body of the participating private school has determined that the course
21 is comparable to a course offered in the school district, at the charter school, or at the
22 participating private school, unless the state superintendent or the governing body
23 reverses the decision of the school board, governing board, or governing body,
24 respectively, on appeal under sub. (3) (b).

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1 (c) 1. Except as provided in subd. 2., a pupil taking a course under this section
2 at an institution of higher education only for postsecondary credit is responsible for
3 25 percent of the actual cost of tuition for the course, as determined under sub. (5)
4 (d). The school board of the school district in which the pupil attending an institution
5 under this section is enrolled, the governing board of the charter school under s.
6 118.40 (2r) or (2x) attended by a pupil attending an institution of higher education
7 under this section, and the governing body of a participating private school attended
8 by a pupil attending an institution of higher education under this section shall
9 establish a written policy governing the timing and method for recovering from the
10 pupil or the pupil's parent or guardian the pupil's share of tuition as specified in this
11 subdivision.

12 2. The school board, governing board of the charter school under s. 118.40 (2r)
13 or (2x), or the governing body of the participating private school shall waive the
14 pupil's responsibility for costs under subd. 1. if the department determines that the
15 cost of the course would pose an undue financial burden on the pupil's family.

16 **SECTION 15.** 118.55 (7t) of the statutes is amended to read:

17 118.55 (7t) LIMITATIONS ON PARTICIPATION AND PAYMENT. (a) A school board,
18 governing board of a charter school under s. 118.40 (2r) or (2x), or ~~the~~ governing body
19 of a participating private school may establish a written policy limiting the number
20 of credits for which the school board, governing board, or governing body will pay
21 under sub. (5) and s. 38.12 (14) (d) to the equivalent of 18 postsecondary semester
22 credits per pupil.

23 (c) If a pupil receives a failing grade in a course, or fails to complete a course,
24 at an institution of higher education or technical college for which the school board,
25 governing board of a charter school under s. 118.40 (2r) or (2x), or ~~the~~ governing body

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1 of a participating private school has made payment, the pupil's parent or guardian,
2 or the pupil if he or she is an adult, shall reimburse the school board, governing
3 board, or ~~the~~ governing body the amount paid on the pupil's behalf upon the request
4 of the school board, governing board, or governing body. If a school board, governing
5 board, or governing body that requests reimbursement of a payment made under this
6 section is not reimbursed as requested, the pupil on whose behalf the payment was
7 made is ineligible for any further participation in the program under this section.
8 For the purposes of this paragraph, a grade that constitutes a failing grade for a
9 course offered in the school district, at the charter school under s. 118.40 (2r) or (2x),
10 or at the participating private school constitutes a failing grade for a course taken
11 at an institution of higher education or technical college under this section.


12 **SECTION 16.** 118.55 (8) (b) of the statutes is amended to read:

13 118.55 (8) (b) A school board, governing board of a charter school under s.
14 118.40 (2r) or (2x), or the governing body of a participating private school may enter
15 into an agreement with an institution of higher education to facilitate the early
16 college credit program under this section.

17 **SECTION 17.** 118.55 (10) (d) of the statutes is created to read:

18 118.55 (10) (d) This section does not apply to a course for which a high school
19 pupil attending a charter school under s. 118.40 (2r) or (2x) may earn postsecondary
20 credit if all of the following apply:

21 1. The governing board of the charter school and one of the following have
22 entered into an agreement before, on, or after the effective date of this subdivision
23 ... [LRB inserts date], to provide a college credit in high school program to
24 academically qualified pupils under which participating pupils may take the course
25 for postsecondary credit:



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- 1 a. The chancellor of a University of Wisconsin System institution.
- 2 b. The president of a private, nonprofit institution.
- 3 2. The instruction of pupils in the course takes place in the charter school
- 4 building.
- 5 3. The individual who provides instruction in the course is any of the following:
- 6 a. For a course taught pursuant to an agreement under subd. 1. a., a high school
- 7 teacher who is employed by the governing board of the charter school and certified
- 8 or approved to provide the instruction by the participating University of Wisconsin
- 9 System institution or a faculty member of the participating University of Wisconsin
- 10 System institution.
- 11 b. For a course taught pursuant to an agreement under subd. 1. b., a high school
- 12 teacher who is employed by the governing board of the charter school and certified
- 13 or approved to provide the instruction by the participating private, nonprofit
- 14 institution or a faculty member of the participating private, nonprofit institution?."

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(END)