

**NOTICE OF RULES IN FINAL DRAFT FORM**

NOTICE IS HEREBY GIVEN To the presiding officers of each house of the legislature that the proposed rules are in final draft form according to the procedure set forth in s. 227.19, Stats.

**PROPOSED ORDER OF THE  
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION  
AMENDING RULES**

The state superintendent of public instruction hereby proposes to repeal PI 40.04 (1) (c), PI 40.05 (2) (b), PI 40.05 (5), and PI 40.056 (1); to renumber PI 40.04 (2); to renumber and amend PI 40.05 (2) (a); to amend PI 40.04 (1) (a) (intro.), PI 40.04 (3) (c) 3., PI 40.04 (3) (cm), PI 40.04 (5) (a), PI 40.05 (title), PI 40.055 (1) (b) and (2) to (5), PI 40.06 (2) (intro.), the notes following PI 40.06 (2) (j) and PI 40.06 (6), PI 40.07 (1) (c), the note following PI 40.07 (3), PI 40.08 (5) (a), and the note following PI 40.09 (2); and to create the note following PI 40.04 (1) (a) 2. g., PI 40.04 (1) (f), PI 40.04 (2) (b), PI 40.04 (3) (d) 4. e., PI 40.04 (5) (e), and PI 40.056 (3) to (5), relating to the youth options program.

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**ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION**

**Statute interpreted:** s. 118.55, Stats.

**Statutory authority:** ss. 118.55 (9) and 227.11 (2) (a), Stats.

**Explanation of agency authority:**

Section 118.55 (9), Stats., requires the department to promulgate rules to implement and administer this program.

**Related statute or rule:** None.

**Plain language analysis:**

2003 Wisconsin Act 131 modified the youth options program under s. 118.55, Stats. Chapter PI 40 will be modified to conform to the changes made under the Act, including:

- Repealing the provision which required a school district to pay for ½ of comparable courses (up to six credits) for a pupil who attended a technical college for 10 or more credits in any semester.
- Repealing the prohibition against taking more than 15 credit hours per semester at an IHE and the prohibition against participating in the youth options program for more than two semesters once the pupil gains 12<sup>th</sup> grade status.
- Allowing a school district to establish a policy limiting its payment to the equivalent of 18 postsecondary semester credits for noncomparable courses taken for high school credit at an institution of higher education or technical college.
- Providing that if a pupil receives a failing grade or fails to complete a course for which the school board has made payment under the program, the pupil's parent or guardian (or the pupil if he or she is an adult) must reimburse the school board upon the school board's request. If a school board has requested reimbursement and has not been reimbursed, the pupil is ineligible to participate in the program.
- Providing that a technical college must admit an eligible pupil (unless the pupil is rejected because of disciplinary problems) if there is space available in the course after admission of individuals who are not attending the technical college under the program. This provision clarifies that pupils under the program do not take priority for admission over others applying to attend a technical college as a postsecondary student.

The rules will also make the following technical modifications:

- Clarifying that regardless of whether the pupil plans to attend an IHE or technical college, only one deadline applies (May 15 for the fall semester and November 15 for the spring semester) to school boards when notifying the pupil of its determinations of high school credit.
- Replacing the term “child with exceptional educational needs” with “child with a disability” to be consistent with terminology used under subchapter V of chapter 115, Stats.
- Clarifying provisions relating to payment for equipment under the program.
- Adding a web address to notes within the rules to allow easier accessibility to forms and other information referenced in the rules.
- Eliminating the requirement that the state superintendent’s decisions be sent by certified mail.

**Summary of, and comparison with, existing or proposed federal regulations:**

None.

**Comparison with rules in adjacent states:**

According to the 2001 *Postsecondary Options: Dual/Concurrent Enrollment Report* compiled by the Education Commission of the States Center for Community College Policy, the following is a summary of similar programs offered in states adjacent to Wisconsin:

*Illinois:* Generally students are taught by college faculty, either at the college or high school or through distance education. The Board of Education encourages AP courses. The Illinois Community College Board has developed policies governing admission to postsecondary courses by high school students. The board also has developed funding policies for dual enrollment courses. Most college courses are offered by community colleges. The student or school district pays for courses. It is a local decision as to who pays the tuition costs for dually enrolled students.

*Iowa:* Generally students are taught by college faculty, either at the college or high school or through distance education. The program allows 11<sup>th</sup> and 12<sup>th</sup> grade students to enroll part time in nonsectarian college courses in eligible institutions. A gifted and talented student, according to the school’s criteria, may also enroll in college courses. A student may enroll part-time in an eligible postsecondary institution for no more than four semester terms or six quarter terms unless identified as a gifted and talented 9<sup>th</sup>- or 10<sup>th</sup>-grade student. Students may enroll in any of the three state universities, the 15 public community colleges, and accredited private institutions as defined in Iowa’s code and are eligible for the Iowa Tuition Grant Program. Students must meet entrance requirements for postsecondary courses as determined by the postsecondary institution before they can enroll. Students may not enroll in eligible postsecondary courses if the high school in which a student is enrolled offers a comparable course. The student or school district pays for the courses. If the student does not successfully complete the college courses, the student must pay.

*Michigan:* Generally students are taught by college faculty, either at the college or high school or through distance education. The program allows high school students to participate in dual enrollment or other postsecondary options. Qualified students for dual enrollment must take the MEAP High School Test and must be endorsed in the subject area in which they wish to dually enroll. If a subject has no endorsement, students are eligible to dually enroll in those areas as long as they have taken the MEAP High School Test. An eligible student must be enrolled in at least one high school class in at least grade 11 in a school district in Michigan, except a foreign exchange student enrolled under a cultural exchange program. The postsecondary enrollment options program establishes eligibility criteria for students, institutions and courses. It mandates eligible charges for tuition, course fees and registration fees that can be charged to a school district. It creates requirements for enrollment and credit. The program requires schools to provide postsecondary options counseling and mandates school districts to report to the Department of Education. The school district pays for the courses.

*Minnesota:* Generally students are taught by college faculty, either at the college or high school or through distance education. This is the oldest dual enrollment program in the United States. All high school juniors/seniors, except cultural exchange students, and some adults 21 years of age who do not have a high school diploma, are eligible to participate

under the High School Graduation Incentives Act. Students may enroll in any public or private postsecondary institution. The student may only enroll in nonsectarian courses. The student or the state pays for the courses.

**Summary of factual data and analytical methodologies:**

The statutory language relating to the Youth Options program under s. 118.55, was modified thereby necessitating the amending of its corresponding administrative code, Chapter PI 40.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report:** N/A

**Anticipated costs incurred by private sector:** None.

**Effect on small business:**

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

**Agency contact person: (including email and telephone)**

Beth Lewis, Consultant, 608/267-1062, beth.lewis@dpi.state.wi.us

**Place where comments are to be submitted and deadline for submission:**

Public hearings have not yet been scheduled. The hearing notice will provide a deadline and contact for submission of comments.

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**SECTION 1.** PI 40.04 (1) (a) (intro.) is amended to read:

PI 40.04 (1) (a) (intro.) A pupil participating in the youth options program may take a postsecondary course or courses during or after regular school hours, if available, and shall comply with the following requirements:

**SECTION 2.** A note following PI 40.04 (1) (a) 2. g. is created to read:

Note: PI 8700A, Youth Options Program Plan and Report meets all of the requirements of PI 40.04 (1) (a) 2. and may be obtained at no charge by writing to the Wisconsin Department of Public Instruction, Youth Options Program, P.O. Box 7841, Madison, WI 53707-7841 or by visiting the Youth Options website at

<http://www.dpi.wi.gov/youthoptions/youthop1.html>

**SECTION 3.** PI 40.04 (1) (c) is repealed.

**SECTION 4.** PI 40.04 (1) (f) is created to read:

PI 40.04 (1) (f) If a pupil receives a failing grade in a course or fails to complete a course at an institution of higher education or technical college for which the school board has made payment, the pupil, if he or she is an adult, shall reimburse the school board the amount paid on the pupil's behalf upon the school board's request. If a school board that requests reimbursement of a payment made under this section is not reimbursed as requested, the pupil on whose behalf the payment was made is ineligible for any further participation in the program. A grade that constitutes a failing grade for a course offered in the school district constitutes a failing grade for a course taken at an institution of higher education or technical college.

**SECTION 5.** PI 40.04 (2) is renumbered PI 40.04 (2) (a).

**SECTION 6.** PI 40.04 (2) (b) is created to read:

PI 40.04 (2) (b) If a pupil receives a failing grade in a course or fails to complete a course, at an institution of higher education or technical college for which the school board has made payment, the pupil's parent or guardian or the pupil if he or she is an adult, shall reimburse the school board the amount paid on the pupil's behalf upon the school board's request. If a school board that requests reimbursement of a payment made under this section is not reimbursed as requested, the pupil on whose behalf the payment was made is ineligible for any further participation in the program. A grade that constitutes a failing grade for a course offered in the school district constitutes a failing grade for a course taken at an institution of higher education or technical college.

**SECTION 7.** PI 40.04 (3) (c) 3. is amended to read:

PI 40.04 (3) (c) 3. Notify the pupil of its determinations under subs. 1., 2., 2m. and 2n., in writing, ~~before the beginning of the semester in which the pupil will be enrolled in an IHE or at least 30 days before the beginning of the semester in which the pupil will be enrolled in a technical college. Under this subdivision, the beginning of~~ by May 15 for the fall semester shall be considered May 15 for an IHE and June 15 for a technical college, and the beginning of by November 15 for the spring semester shall be considered November 15 for an IHE and December 15 for a technical college in which the pupil will be enrolled in the IHE or technical college.

**SECTION 8.** PI 40.04 (3) (cm) is amended to read:

PI 40.04 (3) (cm) A school board may refuse to permit a pupil to attend a technical college under this chapter if the child is a child with ~~exceptional educational needs~~ a disability, as defined in s. 115.76 ~~(3) (5)~~, Stats., and the school board determines that the cost to the school district under s. PI 40.055 ~~(4)~~ would impose an undue financial burden on the school district.

**SECTION 9.** PI 40.04 (3) (d) 4. e. is created to read:

PI 40.04 (3) (d) 4. e. Is not eligible to participate in the program pursuant to s. PI 40.056 (4).

**SECTION 10.** PI 40.04 (5) (a) is amended to read:

PI 40.04 (5) (a) ~~Except for the provision under sub. (4) (a) 4., a~~ A technical college participating in the youth options program shall comply with the requirements under sub. (4) (a).

**SECTION 11.** PI 40.04 (5) (e) is created to read:

PI 40.04 (5) (e) A technical college may admit a pupil to a course under the youth options program only if there is space available in the course after admitting to the course all individuals applying for admission to the course who are not attending the technical college under this chapter.

**SECTION 12.** PI 40.05 (title) is amended to read:

PI 40.05 (title) **Payment of tuition and fees: IHEs**

**SECTION 13.** PI 40.05 (2) (a) is renumbered PI 40.05 (2) and as renumbered is amended to read:

PI 40.05 (2) Except as specified under ~~par. (b)~~ s. PI 40.056 and sub. (1) (b), a pupil taking a postsecondary course or courses at an IHE for high school credit under this chapter is not responsible for any portion of the tuition and fees for the postsecondary course.

**SECTION 14.** PI 40.05 (2) (b) is repealed.

**SECTION 15.** PI 40.05 (5) is repealed.

**SECTION 16.** PI 40.055 (1) (b) and (2) to (5) are amended to read:

PI 40.055 (1) (b) ~~Except as specified under sub. (3) (b),~~ a A pupil taking a postsecondary course or courses which has been determined by the school board to be comparable under s. PI 40.07 (1m), shall be responsible for the tuition and fees for the postsecondary course.

(2) (a) Except as specified under s. PI 40.056, par. (b); ~~subs. and sub. (1) (b) and (3) (b)~~, a pupil taking a postsecondary course or courses at a technical college for high school credit under this chapter is not responsible for any portion of the tuition and fees for the postsecondary course.

(b) ~~Except as specified under s. PI 40.05 (5),~~ a A pupil taking a course at a technical college for high school credit under this chapter shall pay the cost of equipment associated with the course ~~which.~~ That equipment will become the property of the pupil ~~including and includes,~~ but is not limited to tools, calculators, instruments and microcomputers.

(3) ~~(a)~~ Except as specified under ~~par. (b) and~~ sub. (1) (b), the school board of the school district in which a pupil is enrolled and attending a technical college for any postsecondary course that is taken and approved by the school board for high school credit shall pay the technical college district board, in 2 installments payable upon initial enrollment and at the end of the semester for those courses taken for high school credit, an amount equal to the cost of tuition, course fees and books for the pupil at the technical college.

~~(b) Notwithstanding par. (a), if the pupil is attending the technical college for less than 10 credits during any semester, the school board is not responsible for payment for any courses that are comparable to courses offered in the school district. If the pupil is attending the technical college for 10 or more credits during any semester, the school board is responsible for payment for courses that are comparable to courses offered in the school district for one-half of the credits taken but no more than 6 credits.~~

(4) The school board which purchases a book or books under ~~s. PI 40.05 (3) (a) 1. sub. (3),~~ for a pupil may require the pupil to relinquish the book or books to the school board after completion of the postsecondary course.

(5) If a pupil who is attending a technical college under this chapter is a child with ~~exceptional educational needs~~ a disability as defined in s. 115.76 ~~(3) (5),~~ Stats., the payment under sub. (3) shall be adjusted to reflect the cost of any special services required for the pupil as determined jointly by the school district and the technical college.

**SECTION 17.** PI 40.056 (1) is repealed.

**SECTION 18.** PI 40.056 (3) to (5) are created to read:

PI 40.056 (3) A school board may establish a written policy limiting the number of credits for which the school board will pay under s. PI 40.05 and s. PI 40.055 to the equivalent of 18 postsecondary semester credits per pupil.

(4) If a pupil receives a failing grade in a course or fails to complete a course, at an institution of higher education or technical college for which the school board has made payment, the pupil's parent or guardian or the pupil if he or she is an adult, shall reimburse the school board the amount paid on the pupil's behalf upon the school board's request. If a school board that requests reimbursement of a payment made under this section is not reimbursed as requested, the pupil on whose behalf the payment was made is ineligible for any further participation in the program. A grade that constitutes a failing grade for a course offered in the school district constitutes a failing grade for a course taken at an institution of higher education or technical college.

(5) A pupil participating in the youth options program under this chapter, may attend only one postsecondary institution each semester.

**SECTION 19.** PI 40.06 (2) (intro.) is amended to read:

PI 40.06 (2) (intro.) The parent or guardian applying for reimbursement of transportation costs under this section shall submit a claim developed by the department no later than 30 days after the end of the ~~school~~ college semester to which the reimbursement claim pertains. The claim shall include the following information:

**SECTION 20.** The note following PI 40.06 (2) (j) is amended to read:

Note: PI-8701, Youth Options Transportation Reimbursement Claim may be obtained at no charge from the school district in which the pupil is enrolled or by writing to the Wisconsin Department of Public Instruction, Youth Options Program, P.O. Box 7841, Madison, WI 53707-7841 or by visiting the Youth Options website at <http://www.dpi.wi.gov/youthoptions/youthop1.html>

**SECTION 21.** The note following PI 40.06 (6) is amended to read:

Note: Income Guidelines for Inability to Pay may be obtained at no charge by writing to the Wisconsin Department of Public Instruction, Youth Options Program, P.O. Box 7841, Madison, WI 53707-7841 or by visiting the Youth Options website at <http://www.dpi.wi.gov/youthoptions/youthop1.html>

**SECTION 22.** PI 40.07 (1) (c) is amended to read:

PI 40.07 (1) (c) ~~Except for a comparable postsecondary course that a school board must pay for under s. PI 40.055 (3) (b), the~~ The school board may deny high school credit for a postsecondary course taken under this chapter if the school district offers a comparable course as specified under sub. (1m).

**SECTION 23.** The note following PI 40.07 (3) is amended to read:

Note: Additional guidelines in the form of a question and answer document may be obtained at no charge by writing to the Wisconsin Department of Public Instruction, Youth Options Program, P.O. Box 7841, Madison, WI 53707-7841 or by visiting the Youth Options website at <http://www.dpi.wi.gov/youthoptions/youthop1.html>

**SECTION 24.** PI 40.08 (5) (a) is amended to read:

PI 40.08 (5) (a) The decision of the state superintendent shall be in writing stating separate findings of fact and conclusions of law. Decisions shall be served on all parties by mailing a copy to each party's last known address ~~by certified mail.~~

**SECTION 25.** The note following PI 40.09 (2) is amended to read:

Note: PI-8700A, Youth Options Program Plan and Report, may be obtained at no charge by writing to the Wisconsin Department of Public Instruction, Youth Options Program, P.O. Box 7841, Madison, WI 53707-7841 or by visiting the Youth Options website at <http://www.dpi.wi.gov/youthoptions/youthop1.html>

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

Dated this \_\_\_\_\_ day of February, 2007

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Elizabeth Burmaster  
State Superintendent