**FINAL REPORT**
**CLEARINGHOUSE RULE 09-011**
**CHAPTER PI 22**
**PRECOLLEGE SCHOLARSHIPS**

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**Analysis by the Department of Public Instruction**

**Statutory authority:** s. 115.43 (2) (c), Stats.

**Statute interpreted:** s. 115.43, Stats.

**Explanation of agency authority:**
Section 115.43 (2) (c), Stats., gives the department the authority, in consultation with postsecondary educational institutions, to promulgate rules establishing criteria for the review and approval of applications for scholarships under the precollege scholarship program.

**Related statute or rule:** N/A.

**Plain language analysis:**
2007 Wisconsin Act 20, the biennial budget bill, modified the Minority Group Pupil Precollege Scholarship Program under ss. 115.28 (23) and 115.43, Stats., to change the eligibility criteria from being a minority pupil to being an economically disadvantaged pupil.

The corresponding rules under ch. PI 22, Wis. Admin. Code, are being modified to reflect the statutory language and current administration of the program. In addition, the proposed rules clarify:

- That precollege scholarships are *awarded* to economically disadvantaged pupils but *paid* to the postsecondary educational institution providing the precollege program in which the pupil is enrolled.
- That the precollege program provided by the postsecondary educational institution must meet certain requirements in order to be eligible under the program.
- That pupils do not have to apply to the department for a precollege scholarship, but must apply to a postsecondary educational institution offering a precollege program.
- That pupils may receive three scholarship awards per year and are no longer limited to receiving only one scholarship per semester or summer.

**Summary of, and comparison with, existing or proposed federal regulations:** N/A.

**Comparison with rules in adjacent states:**
Illinois, Iowa, Michigan, and Minnesota do not have rules relating to scholarships for economically disadvantaged children to attend precollege programs at postsecondary educational institutions.

**Summary of factual data and analytical methodologies:**
In addition to the modifications made as a result of 2007 Wisconsin Act 20, modifications are made to clarify current practice and statutory intent. For instance, s. 115.43 (2) (b), Stats., requires that precollege scholarships be made on a competitive basis. It is unclear if it is the pupils or the postsecondary educational institutions that must compete. The current rules are also unclear. The rule modifications clarify that it is the postsecondary educational institutions

that must meet certain requirements and thus "compete" for scholarship pupils to attend its institution and receive payment for those pupils.

**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:** N/A.

**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):**
Kevin Ingram, Director, Educational Opportunity Programs and Urban Education, at (414) 227-4413 or kevin.ingram@dpi.wi.gov.

**Place where comments are to be submitted and deadline for submission:**
The department published a hearing notice in the *Administrative Register* which included this information.

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A Public hearing to consider the proposed rule was conducted by the department on March 30, 2009, in Madison. Persons were asked to register in favor, generally in favor (except for . . .), against, generally against (except for . . .), or for information only.

***Madison Hearing, March 30, 2009***

| NAME | ORGANIZATION | IN FAVOR OR GENERALLY IN FAVOR | OPPOSED OR GENERALLY OPPOSED | OTHER |
|---|---|---|---|---|
| Nancy Blake | UW-Madison | X | | |
| Patricia Brooks | UW-Madison | X | | |
| Mary Day | UW-Parkside | X | | |
| Jacqueline Dewalt | UW-Madison | X | | |
| Andre X. Douglas | UW-Whitewater | X | | |
| Danielle James | UW-Madison | X | | |
| Ramon Ortiz | UW-Madison | X | | |

***The following person submitted written testimony:***

| NAME | ORGANIZATION | IN FAVOR OR GENERALLY IN FAVOR | OPPOSED OR GENERALLY OPPOSED | OTHER |
|---|---|---|---|---|
| Pauline Jascur | UW-Milwaukee | | | X |

***Summary of public comments relative to the rule, the agency's response to those comments, and changes made as a result of those comments:***

**Comments:** The oral testimony supported the rule as proposed. The written testimony presented concerns with administration of the program but not the rules.

**Discussion:** None.

**Changes:** None.

***Changes made as a result of oral or written testimony:*** None.

***Changes to the analysis or the fiscal estimate:*** None.

***Responses to Clearinghouse Report:***

5. Clarity, Grammar, Punctuation and Plainness:

Recommendation accepted, changes made.

**FINAL REGULATORY FLEXIBILITY ANALYSES**

Summary of Final Regulatory Flexibility Analysis:

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

Summary of Comments:

No comments were reported.