

Clearinghouse Rule 09-011

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

The state superintendent of public instruction hereby proposes to repeal PI 22.06 (4), (7) and (8); to renumber PI 22.06 (6); to renumber and amend PI 22.06 (5); to amend ch. PI 22 (title), PI 22.01, PI 22.02 (2) and (5), PI 22.03, PI 22.04 (title), (1) and (3) (a), PI 22.05 (1), note following and (2); to repeal and recreate PI 22.05 (4) and PI 22.06 (2) and (3); and to create PI 22.04 (4), relating to precollege scholarships.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: s. 115.43, Stats.

Statutory authority: s. 115.43 (2) (c), 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 will publish a hearing notice in the *Administrative Register* which will include this information.

SECTION 1. Chapter PI 22 (title) is amended to read:

~~CRITERIA FOR THE REVIEW AND APPROVAL OF APPLICATIONS FOR UNDERREPRESENTED MINORITY GROUP PUPIL PRECOLLEGE SCHOLARSHIPS~~

SECTION 2. PI 22.01 is amended to read:

PI 22.01 **Purpose and applicability.** The purpose of this chapter is to establish policies and procedures to meet the requirement that ~~minority group pupil~~ precollege scholarships, as authorized in s. 115.43, Stats., be awarded to economically disadvantaged pupils on a competitive basis and that criteria for the review and approval of applications for scholarships be established.

SECTION 3. PI 22.02 (2) and (5) are amended to read:

PI 22.02 (2) ~~“Minority group pupil” means a pupil who is a Black American, an American Indian, a Spanish-surnamed American or an Oriental American~~ Economically disadvantaged pupil” means a pupil who is eligible for a free or reduced-priced lunch under 42 USC 1758 (b).

(5) "Scholarship program" means the ~~minority group pupil~~ precollege scholarship program under s. 115.43, Stats.

SECTION 4. PI 22.03 is amended to read:

PI 22.03 (1) The scholarship program shall provide scholarships ~~to minority group~~ for economically disadvantaged pupils ~~for~~ to attend precollege ~~classes or~~ programs.

(2) ~~Minority group~~ Economically disadvantaged pupils in grades 6 through 12 are eligible for these scholarships.

(3) The department shall ~~provide for follow-up studies of~~ collect data from the postsecondary educational institutions related to participants in the program.

SECTION 5. PI 22.04 (title), (1) and (3) (a) are amended to read:

PI 22.04 (title) ~~Precollege~~ **Criteria for the review and approval of precollege programs.**

(1) Postsecondary educational institutions under this chapter shall submit ~~information on precollege programs to the state superintendent proposals for which minority group pupils may receive scholarship awards to the state superintendent precollege programs.~~

(3) (a) Information on financial aids available to all pupils and to ~~minority~~ economically disadvantaged pupils in particular.

SECTION 6. PI 22.04 (4) is created to read:

PI 22.04 (4) If upon review the state superintendent determines that a proposed precollege program meets the criteria specified in this section, the state superintendent may award scholarships to eligible pupils to attend the program.

SECTION 7. PI 22.05 (1), the following note, and (2) are amended to read:

PI 22.05 (1) The department shall develop, in consultation with postsecondary school educational institutions, a scholarship application which shall verify that the pupil is eligible for free or reduced-priced lunch.

Note: PI-1573, Precollege ~~Minority~~ Scholarship Application, is available free of charge from ~~Division for School Financial Resources and Management Services~~ WEOP, 125 South Webster Street, P.O. Box 7841, Madison, WI 53707 or <http://dpi.wi.gov/forms/doc/f1573.doc>.

(2) The department shall disseminate information and scholarship application forms to public and private middle schools, junior high schools and secondary schools, WEOP offices, tribal education offices and postsecondary educational institutions with precollege programs. Information and application forms shall be available to pupils from these schools and offices.

SECTION 8. PI 22.05 (4) is repealed and recreated to read:

PI 22.05 (4) A pupil shall submit the scholarship application by the deadline under sub. (3) to a postsecondary educational institution that meets the requirements under s. PI 22.04.

SECTION 9. PI 22.06 (2) and (3) are repealed and recreated to read:

PI 22.06 (2) Scholarships shall be awarded to economically disadvantaged pupils and paid to the postsecondary educational institution providing the precollege program in which the pupil is enrolled.

(3) Reimbursement to the enrolling postsecondary educational institution shall be based on the number of pupils attending its precollege program who receive scholarships under this chapter.

SECTION 10. PI 22.06 (4), (7) and (8) are repealed.

SECTION 11. PI 22.06 (5) and (6) are renumbered PI 22.06 (4) and (5) and as renumbered PI 22.06 (4) is amended to read:

PI 22.06 (4) ~~Qualified applicants are eligible for~~ Eligible pupils may receive one or more three scholarship awards per year contingent on the availability of scholarship funds, ~~however, a pupil may receive only one award per semester or summer.~~

SECTION 12. INITIAL APPLICABILITY.

(1) The treatment of this rule first applies to postsecondary educational institutions offering precollege programs and pupils receiving scholarships on or after July 1, 2009.

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, 2009

Elizabeth Burmaster
State Superintendent