



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 24-020

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

1. Statutory Authority

Under s. 118.55 (3) (b), Stats., when a student notifies the school in which the student is enrolled that the student intends to take a course through the Early College Credit Program (ECCP) for high school credit, the student’s school board, charter school governing board, or private school governing board must make a determination whether the course is comparable to one offered in the school district, charter school, or private school, respectively, and determine whether to grant the student high school credit for completion of that course. 2021 Wisconsin Act 217 added the references to independent charter schools in this process.

Under s. PI 40.06 (1) (a) 1. of the existing rule, one of the reasons a school board or private school governing body may deny a student high school credit for a course attended through ECCP is if the course “is comparable to a course offered by the school district”. In line with 2021 Act 217, SECTION 3 of the proposed rule amends s. PI 40.06 (1) (a) (intro.) to add the governing board of an independent charter school to the list of entities that may make a comparable course determination for purposes of granting high school credit for ECCP courses. However, the proposed rule does not add charter schools to par. (a) 1. regarding what entity is offering the comparable course. As a result, the proposed rule is in conflict with s. 118.5 (3) (b), Stats., as amended by 2021 Act 217.

The agency should consider amending s. PI 40.06 (1) (a) 1. of the existing rule, in line with 2021 Act 217, to add a reference to the charter school (or private school) in which the student is enrolled. Consider, for example, language along the following lines:

PI 40.06 (1) (a) 1. The postsecondary course is comparable to a course offered by the school district, private school, or independent charter school, in which the student is enrolled, as determined under sub. (2).

If amended, the rule caption’s listing of affected provisions should be updated to reflect this addition.

2. Form, Style and Placement in Administrative Code

The plain language analysis for the proposed rule should be revised to provide a brief summary of the proposed rule with an understandable and objective description of the effect of the proposed rule. A plain language analysis should contain sufficient detail to enable a reader to understand the content of the proposed rule and the changes made from the existing rule. [s. 1.01 (2) (a) 5. and (b), Manual.]