

## Chapter PI 40

## YOUTH OPTIONS PROGRAM

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**Note:** Chapter PI 40 was created as an emergency rule effective February 7, 1992.

**PI 40.01 Authority.** This chapter is adopted under ss. 118.55 (9) and 227.11 (2) (a), Stats.

**History:** Cr. Register, October, 1992, No. 442, eff. 11-1-92; am. Register, July, 1998, No. 511, eff. 8-1-98.

**PI 40.02 Intent statement.** (1) Under s. 118.55 (2), Stats., any public school pupil enrolled in the 11th or 12th grade who is not attending a technical college system school under s. 118.55 (7r) or 118.15 (1) (b), Stats., may enroll in an institution of higher education for the purpose of taking one or more non-sectarian courses at the institution of higher education, subject to s. PI 40.04 (4) (b).

(2) Under s. 118.55 (7r), Stats., any public school pupil who has completed the 10th grade, is in good academic standing, is not a child at risk and who meets the notification requirements under ch. PI 40 may apply to attend a technical college for the purpose of taking one or more courses if the pupil has the written approval of his or her parent or guardian.

**Note:** The youth options program is a separate program and should not be confused with other programs which provide high school students an opportunity to earn baccalaureate degree credit, such as the college board's advanced placement program, special service contracts with colleges and universities, educational television programs, international baccalaureate programs, university of Wisconsin extension courses or correspondence courses.

**Note:** The youth options program should not be confused with other circumstances in which high school pupils attend courses at technical college system school institutions to meet high school graduation requirements through contracts or other special arrangements.

**History:** Cr. Register, October, 1992, No. 442, eff. 11-1-92; corrections in (1) and (3) made under s. 13.93 (2m) (b) 6., Stats., Register, March, 1996, No. 483; am. (1), r. (2) and (3), cr. (2), Register, July, 1998, No. 511, eff. 8-1-98.

**PI 40.03 Definitions.** In this chapter:

(1) "Admitted to the IHE or technical college" means that a pupil has received written notice from the IHE or technical college of his or her eligibility to participate in the postsecondary course or courses under the youth options program.

(2) "Department" means the Wisconsin department of public instruction.

(3) "IHE" means an institution of higher education as defined in s. 118.55, Stats.

(4) "Youth options program" means the program established under s. 118.55, Stats.

(5) "Registered to attend" means a pupil has been admitted to the IHE or technical college and has written confirmation from the IHE or technical college that he or she has been enrolled in a specified postsecondary course or courses taken under the youth options program.

(6) "School board" means the school board in charge of the schools of the school district.

(7) "School district" has the meaning defined in s. 115.01 (3), Stats.

(8) "State superintendent" means the state superintendent of public instruction.

(9) "Technical college" means a technical college system district established under s. 38.02, Stats.

**History:** Cr. Register, October, 1992, No. 442, eff. 11-1-92; am. (1) and (3) to (5), cr. (9), Register, July, 1998, No. 511, eff. 8-1-98.

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

1. Submit an application developed by the IHE or technical college to the IHE or technical college in the previous school semester in which he or she plans to attend and indicate whether the postsecondary course or courses will be taken for high school credit or postsecondary credit.

**Note:** An application for admission to an institution of higher education or technical college may be obtained from the public school district in which the pupil is enrolled or from the IHE or technical college.

2. Notify the school board of the school district in which the pupil is enrolled of his or her intention of enrolling in an IHE or technical college no later than March 1 if the pupil intends to enroll in the fall semester and no later than October 1 if the pupil intends to enroll in the spring semester. The notice shall include the following information:

a. The pupil's name, address, date of birth, telephone number and grade in school.

b. The name of the pupil's parent or guardian.

c. The name of the IHE or technical college the pupil plans to attend.

d. The title of the postsecondary course or courses in which the pupil intends to enroll.

e. The number of postsecondary credits for each course.

f. Whether the postsecondary course will be taken for high school or postsecondary credit.

g. Written approval from the pupil's parent or guardian if the pupil plans to attend a technical college.

3. Notify the school board of the school district in which the pupil is enrolled if he or she is admitted to the IHE or technical college specified under subd. 2. c.

4. Notify the school board of the school district in which the pupil is enrolled if he or she is registered to attend a postsecondary course specified under subd. 2. d.

5. Notify the school board of the school district in which the pupil is enrolled as soon as practicable if he or she is not registered to attend the postsecondary course specified in subd. 2. d., but instead, registered to attend a different course.

(b) A pupil participating in the youth options program may appeal a school board's decision under sub. (3) (c) 3. and 4., regarding satisfaction of high school graduation requirements or the number of high school credits to be awarded, to the state superintendent within 30 days after the decision as specified under s. PI 40.08.

(c) A pupil taking one or more courses for high school credit at an IHE under this section may not take more than the equivalent of 15 semester credit hours in any academic semester.

(d) A pupil participating in the youth options program shall comply with the IHE or technical college's admission criteria for a postsecondary course taken under the youth options program as well as any other application or information disclosures required by the IHE or technical college.

(e) A pupil taking one or more courses for postsecondary credit only at an IHE or technical college under this section shall meet the requirements under par. (d) as well as any other payment, reimbursement or fee cancellation policies established by the IHE or technical college.

**(2) PARENT OR GUARDIAN RESPONSIBILITIES.** The parent or guardian of a pupil participating in the youth options program shall be responsible for the pupil's compliance with the compulsory school attendance requirement under s. 118.15 (1) (a), Stats.

**(3) SCHOOL BOARD RESPONSIBILITIES.** (a) Annually, by October 1, each school board shall provide information about the youth options program to all pupils enrolled in the school district in the 9th, 10th and 11th grades.

(b) Annually, by September 1, each school board shall notify the department of the contact person in the school district responsible for administering the youth options program.

(c) A school board which has a pupil participating in the youth options program for high school credit shall comply with the following requirements:

1. Determine if a postsecondary course, which was selected by a pupil under sub. (1) (a) 2. or 5., may be awarded high school credit based on the criteria specified under s. PI 40.07 (1).

2. Determine the number of high school credits to award the pupil for a postsecondary course taken under subd. 1. based on the criteria specified under s. PI 40.07 (2).

2m. Determine if the course selected under subd. 1. is comparable to a course offered at the school district as specified under s. PI 40.07 (1m).

2n. Determine if the course selected under subd. 1. meets high school graduation requirements under s. 118.33, Stats.

3. Notify the pupil of its determinations under subds. 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 the fall semester shall be considered May 15 for an IHE and June 15 for a technical college, and the beginning of the spring semester shall be considered November 15 for an IHE and December 15 for a technical college.

4. Notify the pupil of its determinations under subds. 1., 2., 2m., and 2n. in writing, as soon as practicable after it receives the notice under sub. (1) (a) 5.

5. Notify the pupil of his or her right to appeal a negative determination under subd. 3. or 4. to the state superintendent as specified under s. PI 40.08.

(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, as defined in s. 115.76 (3), 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.

(d) A school board which has a pupil participating in the youth options program for high school or postsecondary credit shall comply with the following requirements:

1. Enroll the pupil full-time within the school district until it receives notification from the pupil under sub. (1) (a) 4. that he or she is actually registered to attend a postsecondary course.

1m. Ensure the pupil is placed in an appropriate educational setting in the district upon notification that the pupil has withdrawn from a postsecondary course.

2. Inform the pupil and the pupil's parent or guardian if the pupil's timetable for graduation may be negatively affected if the pupil chooses to participate in the youth options program.

3. Grant a high school diploma to a pupil who has satisfied all of the high school graduation requirements under s. 118.33 (1), Stats., regardless of whether the pupil satisfied all or a portion of the requirements while attending an IHE or technical college under this chapter.

4. If the pupil plans to enroll in a technical college, determine whether the pupil:

a. Has a record of disciplinary problems.

b. Has completed the 10th grade.

c. Is in good academic standing.

d. Is a child at risk, as defined in s. 118.153 (1) (a), Stats.

**(4) IHE RESPONSIBILITIES.** (a) An IHE participating in the youth options program shall comply with s. 118.13 (1), Stats., and the following requirements:

1. Provide an application for pupils to participate in the youth options program.

2. Ensure the pupil participating in the youth options program is aware that if admitted, the IHE may disclose the pupil's grades, the courses that he or she is taking and his or her attendance record to the public school in which the pupil is enrolled.

3. Submit to each pupil requesting to be admitted to the IHE under the youth options program all of the IHE's admission policies as well as any other information specified under s. PI 40.04 (1) (d) or (e). Except as specified under s. 118.55 (4) (a), Stats., the IHE's admission policies may not restrict the number of courses a pupil takes.

4. Admit a pupil under this section only if it has space available.

5. Notify the pupil participating in the youth options program and the school board, in writing, of the pupil's admittance or non-admittance to the IHE.

6. Notify the school board of the school district in which the pupil is enrolled, in writing, within 30 days after the beginning of classes at the IHE, if the pupil has been registered to attend a postsecondary course at the IHE. The notice shall include the course or courses in which the pupil is registered.

7. Notify the pupil participating in the youth options program and the school board, in writing, of the grade the pupil received for the postsecondary course or courses taken under the youth options program.

8. Notify the school board of the school district in which the pupil is enrolled, in writing, as soon as possible if a pupil drops out of a postsecondary course or courses under the youth options program.

(b) A private IHE or tribally controlled college may participate in the youth options program only if it has notified the state superintendent of its intent to participate by September 1 of the previous school year.

**(5) TECHNICAL COLLEGE RESPONSIBILITIES.** (a) Except for the provision under sub. (4) (a) 4., a technical college participating in the youth options program shall comply with the requirements under sub. (4) (a).

(b) A technical college participating in the youth options program shall admit a pupil if he or she meets the requirements and prerequisites of the course or courses.

(c) A technical college participating in the youth options program may reject an application from a pupil who has a record of disciplinary problems, as determined by the district board and verified by the school district under sub. (3) (d) 4.

(d) In order to satisfy the provision that a technical college participating in the youth options program shall ensure that the pupil's educational program meets the high school graduation requirements under s. 118.33, Stats., only regular occupational or technical courses or general education courses that satisfy the requirements of an associate degree or vocational diploma program may be taken by a pupil under the youth options program. Technical college remedial programs and courses may not be taken to meet high school graduation requirements under this program.

**History:** Cr. Register, October, 1992, No. 442, eff. 11-1-92; am. (1) (a) (intro.), 1., 2. (intro.), c. and 3., (b), (d) and (e), (2), (3) (a), (b), (c) (intro.) 3., 4., (d) (intro.) and 2., (4) (a) (intro.), 1., 2., 3., 5., 7., 8., and (b), cr. (1) (a) 2. g., (3) (c) 2m., 2n., (cm), (d) 1m., 3. and 4. and (5), Register, July, 1998, No. 511, eff. 8-1-98; **correction in (4) (a) 3. made under s. 13.93 (2m) (b) 7., Stats., Register June 2004 No. 582.**

**PI 40.05 Payment of tuition and fees.** (1) (a) A pupil taking a postsecondary course or courses at an IHE for postsecondary credit only under this chapter is responsible for the tuition and fees for the postsecondary course.

(b) 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 par. (b) 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.

(b) Except as specified under sub. (5), a pupil taking a course at an IHE for high school credit under this chapter shall pay the cost of equipment associated with the course which will become the property of the pupil including but 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 an IHE for any postsecondary course that is taken and approved by the school board for high school credit shall pay the IHE, within 30 days after the end of the semester in which the course was taken and on behalf of the pupil, the following amount:

1. If the pupil is attending a center or institution within the university of Wisconsin system, the actual cost of tuition, fees, books and other necessary materials directly related to the course.

3. If the pupil is attending a private IHE, the lesser of the following:

a. The actual cost of tuition, fees, books and other necessary materials directly related to the course.

b. An amount determined as specified under s. 118.55 (5) (c) 2., Stats.

(b) The school board shall consider other necessary materials directly related to the course under this subsection to be consumable materials which will be used during the course but will not include any items such as pens, pencils and notebooks which are typically used and paid for by a pupil when taking a course at the school district.

(4) The school board which purchases a book or books under 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) The school board may provide or pay the cost of any equipment described in sub. (2) (b) and may require the pupil to relinquish any such equipment to the school board after completion of the postsecondary course.

**History:** Cr. Register, October, 1992, No. 442, eff. 11-1-92; correction in (3) (a) 2. made under s. 13.93 (2m) (b) 6., Stats., Register, March, 1996, No. 483; r. (3) (a) 2., am. (3) (a) 3. b., Register, July, 1998, No. 511, eff. 8-1-98.

**PI 40.055 Payment of tuition and fees: technical colleges.** (1) (a) A pupil taking a postsecondary course or courses at a technical college for postsecondary credit only under this

chapter is responsible for the tuition and fees for the postsecondary course.

(b) Except as specified under sub. (3) (b), 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 par. (b), subs. (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 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 will become the property of the pupil including but 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. 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, as defined in s. 115.76 (3), 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.

**History:** Cr. Register, July, 1998, No. 511, eff. 8-1-98; renum. (3) (a) (intro.) to be (3) (a) and am., r. (3) (a) 1. and 2., Register, July, 2000, No. 535, eff. 8-1-00; correction in (4) made under s. 13.93 (2m) (b) 7., Stats., Register, July, 2000, No. 535.

**PI 40.056 Limitations on participation and payment.**

(1) When a pupil gains 12th grade status, as determined by the school board of the school district in which the pupil is enrolled, the pupil may participate in the program under this chapter for no more than 2 consecutive semesters.

(2) If a school board is required to pay tuition on behalf of a pupil under s. PI 40.05 (3) (a) 1. or 3. a. or 40.055 (3) (a), the tuition charged may not exceed the amount that would be charged a pupil who is a resident of this state.

**History:** Cr. Register, July, 2000, No. 535, eff. 8-1-00.

**PI 40.06 Transportation reimbursement.** (1) The parent or guardian of a pupil who is attending an IHE or technical college under this chapter and is taking a postsecondary course for high school credit may, upon verification under sub. (5), apply to the state superintendent for reimbursement of the cost of transporting the pupil between the high school in which the pupil is enrolled and the IHE or technical college that the pupil is attending under the youth options program if the pupil and the pupil's parent or guardian are unable to pay the cost of such transportation.

(2) 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 semester to which the reimbursement claim pertains. The claim shall include the following information:

- (a) The name and address of the parent or guardian.
- (b) The pupil's name, age and grade level.
- (c) The school district in which the pupil is enrolled.
- (d) The name and address of the IHE or technical college the pupil is attending under the youth options program.
- (e) A copy of the notice under s. PI 40.04 (1) (a) 2. or 5., signed by the IHE or technical college.
- (f) The mode of transportation.
- (g) The number of miles based on the most direct route between the pupil's school district of enrollment and the IHE or technical college.
- (h) Assurances for the following:
  1. The pupil and the pupil's parent or guardian are unable to pay the costs of transportation.
  2. The pupil is receiving high school credit for the course taken at the IHE.
- (i) The number of household members and the family's total income.
- (j) The signature of the parent or guardian as well as a school district official.

**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.

**(3)** (a) Except as specified in par. (b), a pupil whose parent or guardian will be applying for transportation reimbursement under this section shall, to the extent possible, use the following modes of transportation:

1. Public transportation.
2. A vehicle owned by the pupil or his or her parent or guardian if public transportation is not available.

(b) If transportation described in par. (a) is not available, the pupil may use another mode of transportation.

**(4)** (a) The state superintendent shall give preference for reimbursement under this section to pupils who are eligible for a free or reduced-price lunch under 42 USC 1758 (b). Except as specified under par. (b), the state superintendent shall reimburse claims made under this paragraph at a rate per mile in accordance with s. 20.916 (4), Stats., or the actual cost of the transportation, whichever is less.

(b) If adequate funds are not available under s. 20.255 (2) (cw), Stats., to reimburse all transportation claims under this chapter and s. PI 36.06 (2) (b), the state superintendent shall prorate the available funds among only those applicants eligible for free or reduced-price lunch under 42 USC 1758 (b).

(c) Any funds provided under s. 20.255 (2) (cw), Stats., which remain after payment has been made to reimburse claims submitted by all applicants eligible for free or reduced-price lunch under par. (a) and under s. PI 36.06 (2) (b) 3., shall be prorated to reimburse claims submitted by other applicants who are unable to pay for transportation under this subsection and under s. PI 36.06 (2) (b).

(d) The state superintendent shall develop guidelines based on the U.S. department of health and human services poverty guidelines to determine eligibility of those applicants who are unable to pay under this section.

**(5)** The school board of the school district in which the pupil is enrolled shall verify a claim submitted under this section for completeness and accuracy before the claim is submitted to the department.

**(6)** A school board is not responsible for transporting a pupil attending an IHE or technical college under this chapter to or from the IHE or technical college that the pupil is attending.

**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.

**History:** Cr. Register, October, 1992, No. 442, eff. 11-1-92; am. (1), (2) (d), (e), (g), (4) (b) and (c), cr. (6), Register, July, 1998, No. 511, eff. 8-1-98.

**PI 40.07 Determination and awarding of high school credit for postsecondary courses taken under the youth options program. (1) APPROVAL OF POSTSECONDARY COURSE FOR HIGH SCHOOL CREDIT.**

(a) The school board may grant high school credit for a course taken at an IHE or technical college under the youth options program.

(b) The school board shall grant high school credit for a course taken at an IHE or technical college under the youth options program if the postsecondary course meets any of the high school graduation requirements under s. 118.33, Stats., including any graduation requirements which may be approved under the school board's high school graduation credit policies under s. PI 18.03 (2) and if one or more of the following conditions apply:

1. If the postsecondary course is complementary to, consistent with, or expands on a course of study or sequence of courses offered by the school district.

2. If the postsecondary course expands an opportunity for the pupil to move to another level of academic or vocational course of study.

3. If the postsecondary course curriculum meets or exceeds the same standards for rigor and content as other courses approved by but not offered by the school district for credit toward graduation.

4. If the postsecondary course supports rather than prevents a pupil from completing the high school graduation requirements under ch. PI 18.

(c) Except for a comparable postsecondary course that a school board must pay for under s. PI 40.055 (3) (b), 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).

(d) The school board may deny high school credit for a postsecondary course taken under this chapter if it repeats the course content for which a pupil has already received a passing grade and high school credit.

(e) The school board may deny high school credit for a postsecondary course taken under this chapter if it repeats the postsecondary course content for which a pupil has already taken and failed.

(f) The school board shall process or evaluate a postsecondary course taken for high school credit under this chapter using the same criteria in which a school board would approve a course to be offered at the school district for credit towards graduation.

**(1m) DETERMINATION OF COMPARABLE COURSE.** The school board shall determine if the postsecondary course taken for high school credit is comparable to a course offered in the school district. The term "comparable" under this subdivision means all of the following:

(a) The high school course is offered during the period of time after the pupil notifies the school board of his or her intention to participate in the youth options program under s. PI 40.04 (1) (a) 2. or 5. and prior to the pupil's graduation.

(b) The high school course is available for enrollment.

(c) The high school course content, as determined by curriculum guides, expectations, goals, scope and sequence, is 80% equivalent to the content of the postsecondary course as determined by the postsecondary course syllabus, if available, and course description.

**(2) NUMBER OF HIGH SCHOOL CREDITS GRANTED FOR A POSTSECONDARY COURSE.** A postsecondary course taken under the youth options program and approved for high school credit shall be

granted 1/4 high school credit per 1 semester credit offered by a postsecondary course.

**(3) CONDITION FOR RECEIVING HIGH SCHOOL CREDIT.** In order for a pupil to receive high school credit for a course taken at an IHE under the youth options program, a pupil shall successfully complete a postsecondary course and receive a passing grade.

**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.

**History:** Cr. Register, October, 1992, No. 442, eff. 11-1-92; am. (1) (a), (b) (intro.), (c), (2) and (3), renum. (1m) (a) (intro.) 1. to 3. to be (1m) (intro.) (a) to (c) and am. (1m) (a), r. (1m) (b), Register, July, 1998, No. 511, eff. 8-1-98.

**PI 40.08 Appeal process. (1) RECEIPT AND FILING OF APPEALS.** (a) A pupil participating in the youth options program may file an appeal of a school board's decision under s. PI 40.04 (3) (c), regarding satisfaction of high school graduation requirements, the number of high school credits to be awarded, or the comparability of courses to the state superintendent within 30 days after the school board's decision.

(b) All appeals under this section shall be in writing and shall include a copy of the notice under s. PI 40.04 (1) (a) 2. or 5. The appeal shall specify what decision is being appealed, the specific reasons for the appeal and any other facts relevant to the appeal including the course syllabus, if available, the number, length and description of the postsecondary class periods per week as well as the relevance of the postsecondary course to the pupil's course of study or occupational goals. All appeals shall be signed by the appellant or the representative of the appellant. If the appellant is a minor, the appeal shall also be signed by his or her parent or guardian.

(c) If the appeal is filed by the representative under par. (b), the representative shall file a notice of representation to the state superintendent which shall include written consent of the appellant and the parent or guardian if required in par. (b).

(d) Failure of the appellant to file an appeal within the time period specified in s. 118.55 (3) (b), Stats., and this chapter deprives the state superintendent of jurisdiction in the matter.

**(2) PROCEDURES.** (a) As soon as possible, upon receipt of a written appeal filed under sub. (1), the state superintendent shall acknowledge receipt of the appeal in writing to the appellant and shall send a copy of the appeal to the school board.

(b) The state superintendent shall base his or her decision on the guidelines under s. PI 40.07 and shall use any or all of the following procedures which he or she determines to be appropriate in the appeal process:

1. Provide technical assistance and information and attempt to resolve the matter informally.

2. Conduct an investigation under sub. (4).

3. Issue a decision based on a review of the record of the school board, argument from the parties and any other matter the state superintendent deems appropriate.

**(3) SCHOOL BOARD RESPONSIBILITY.** A school board which receives a notice of an appeal under sub. (2) (a), shall deliver, within 7 working days, the official record of the school board's determination under s. PI 40.04 (3) (c) and the specific reasons for its determination.

**(4) INVESTIGATIONS.** If the state superintendent determines under sub. (2) (b) 2. to conduct an investigation, the investigation may include an on-site review or any other activity which the state superintendent deems appropriate.

**(5) DECISION.** (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.

(b) The state superintendent's decision shall be final and is not subject to review under subch. III of ch. 227, Stats.

**(6) WITHDRAWAL.** At any time prior to the issuance of a final decision, the appellant may withdraw the appeal in writing. Upon receiving such a request, the state superintendent shall issue an order dismissing the matter. If such request is received within 30 days of the school board's decision issued under s. PI 40.04 (3) (c) 3. or 4., the dismissal shall be without prejudice. If such request is received more than 30 days after the school board's decision issued under s. PI 40.04 (3) (c) 3. or 4., the dismissal shall be with prejudice.

**History:** Cr. Register, October, 1992, No. 442, eff. 11-1-92; am. (1) (a), Register, July, 1998, No. 511, eff. 8-1-98; correction in (1) (d) made under s. 13.93 (2m) (b) 7., Stats.; Register, July, 2000, No. 535.

**PI 40.09 State superintendent's responsibilities.**

**(1)** The state superintendent shall develop guidelines as required under s. 118.55 (3) (b), Stats.

**(2)** The state superintendent shall develop a form which may be used by a school district to implement the youth options program.

**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.

**History:** Cr. Register, October, 1992, No. 442, eff. 11-1-92; r. (1), renum. (2) and (3) to be (1) and (2) and am., Register, July, 1998, No. 511, eff. 8-1-98.