



2023 SENATE BILL 267

May 2, 2023 - Introduced by Senator JAMES, cosponsored by Representatives DITTRICH, BRANDTJEN, S. JOHNSON and MURPHY. Referred to Committee on Mental Health, Substance Abuse Prevention, Children and Families.

1 **AN ACT to create** 20.255 (3) (ef) and 115.359 of the statutes; **relating to:** a grant
2 program for recovery high schools and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill creates a grant program for recovery high schools. The bill defines a recovery high school as a public, private, or tribal school operating only high school grades that 1) is specifically designed for pupils in recovery from a substance use disorder or a mental health disorder that coexists with a substance use disorder, 2) awards high school credits that count towards a high school diploma awarded by the school or high school credits that will transfer and count towards a high school diploma awarded by a school district, and 3) is located in a physical location that is separate from any other public, private, or tribal school. Under the bill, to be eligible for a grant, a recovery high school must meet the following criteria:

1. The recovery high school must be governed by a governing board of no fewer than five members.

2. The recovery high school must limit its enrollment to no more than 10, 20, or 30 pupils, depending on the number of years that the recovery high school has been in operation.

3. The recovery high school must employ a director who is responsible for the recovery school's daily operations.

4. If the recovery high school is a private school, the private school is a nonprofit organization.

5. The recovery high school provides evidence that it has at least one other source of funding to support its operations.

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6. The recovery high school requires prospective pupils to apply and conditions eligibility for enrollment on the following: that pupil desires to be sober; that the pupil commits to attend the recovery high school daily; that the pupil consents to weekly drug testing; and that the pupil agrees to a 30-day probationary period at the end of which the pupil's enrollment may be terminated.

The bill requires the Department of Public Instruction to annually award a grant in the amount of \$500,000 to each recovery high school that applies to DPI and meets the eligibility requirements listed above. If in any fiscal year the amount appropriated for this purpose is insufficient to pay the full amount of the grant to all eligible recovery high schools, DPI must prorate the amount of the grants among the eligible recovery high schools. Under the bill, if a recovery high school closes during a school year during which it receives a grant, the recovery high school is required to return any unused grant proceeds to DPI.

Finally, the bill requires a recovery high school that receives a grant to report various information to DPI by August 1 following the school year in which the recovery high school received the grant. The information a recovery high school is required to report includes an independent financial audit of the recovery high school conducted by an independent certified public accountant and a written report on the recovery high school's operations in the previous school year.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

			2023-24	2024-25
20.255 Public instruction, department of				
(3) AID TO LIBRARIES, INDIVIDUALS, AND				
ORGANIZATIONS				
(ef) Recovery high schools; grants	GPR	A	500,000	500,000

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7 **SECTION 2.** 20.255 (3) (ef) of the statutes is created to read:
8 20.255 (3) (ef) *Recovery high schools; grants.* The amounts in the schedule for
9 grants under s. 115.359.

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1 **SECTION 3.** 115.359 of the statutes is created to read:

2 **115.359 Recovery high schools; grants. (1) DEFINITION.** In this section,
3 “recovery high school” means a public, private, or tribal school that operates only
4 high school grades and meets all of the following criteria:

5 (a) The school is specifically designed for pupils in recovery from a substance
6 use disorder or a mental health disorder that coexists with a substance use disorder.

7 (b) The school awards high school credits that count towards a high school
8 diploma awarded by the school or high school credits that will transfer and count
9 towards a high school diploma awarded by a school district.

10 (c) The school is located in a physical location that is separate from any other
11 public, private, or tribal school.

12 **(2) ELIGIBILITY.** A recovery high school is eligible for a grant under sub. (3) if
13 the recovery high school satisfies all of the following:

14 (a) The recovery high school is governed by a governing board of no fewer than
15 5 members and the governing board includes at least all of the following:

16 1. One member who is in recovery.

17 2. One member who is a parent of a child who is or has been in recovery.

18 3. One member who has clinical experience treating individuals with substance
19 use or mental health disorders.

20 4. One member who has teaching experience in a public or private school that
21 operates high school grades.

22 5. One member who has established relationships in the community of the
23 recovery high school and experience fundraising.

24 (b) The recovery high school employs a director who is responsible for the daily
25 operations of the recovery high school.

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1 (c) 1. For a recovery high school that has been in operation for fewer than 3
2 school years, the recovery high school limits enrollment to no more than 10 pupils.

3 2. For a recovery high school that has been in operation for at least 3 school
4 years but fewer than 10 school years, the recovery high school limits enrollment to
5 no more than 20 pupils.

6 3. If the recovery high school has been in operation for at least 10 school years,
7 the recovery high school limits enrollment to no more than 30 pupils.

8 (d) If the recovery high school is a private school, the private school is a
9 nonprofit organization.

10 (e) The recovery high school requires prospective pupils to apply to the recovery
11 high school and conditions eligibility for enrollment on all of the following:

12 1. That the pupil desires to be sober.

13 2. That the pupil commits to attend the recovery high school daily.

14 3. That the pupil consents to weekly drug testing.

15 4. That the pupil agrees to a 30-day probationary period and that the pupil's
16 enrollment may be terminated at the end of the probationary period for any of the
17 following reasons:

18 a. The pupil tests positive for a controlled substance on a drug test
19 administered at the end of the probationary period.

20 b. The director of the recovery high school determines that the pupil's
21 enrollment should be terminated based on the pupil's behavior at the recovery high
22 school during the probationary period.

23 (f) The recovery high school provides evidence that it has at least one other
24 source of funding to support its operations.

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1 **(3) GRANTS.** (a) A recovery high school that meets the requirements under sub.
2 (2) may apply for a grant under this subsection.

3 (b) Beginning in the 2023-24 school year, from the appropriation under s.
4 20.255 (3) (ef) and subject to par. (d), the department shall award annually a grant
5 in the amount of \$500,000 to each eligible recovery high school that applies for a
6 grant under par. (a). The department shall pay 50 percent of a grant amount on the
7 second Monday of July and 50 percent of the grant amount on the second Monday of
8 January.

9 (c) A recovery high school may use a grant under this subsection for any of the
10 following purposes:

- 11 1. To employ school staff, including teachers and counselors.
- 12 2. To rent, or otherwise secure, a physical location for the school.
- 13 3. To purchase drug testing supplies.
- 14 4. The development and implementation of an after-school and weekend sober
15 activity program.
- 16 5. Transportation of pupils.
- 17 6. Legal and accounting services.
- 18 7. General administrative costs, including insurance, office supplies and
19 equipment, and phone and Internet costs.

20 (d) If the appropriation under s. 20.255 (3) (ef) in any fiscal year is insufficient
21 to pay the full amount under par. (b), the department shall prorate the payments
22 among the eligible recovery high schools.

23 **(4) REPORTING.** By no later than August 1, a recovery high school that received
24 a grant under sub. (3) in the previous school year shall report, in a manner that does

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1 not identify a pupil enrolled in the recovery high school, all of the following to the
2 department:

3 (a) An independent financial audit of the recovery high school conducted by an
4 independent certified public accountant.

5 (b) A written report on the operations of the recovery high school in the previous
6 school year that includes at least all of the following information:

7 1. The number of prospective pupils who applied to attend the recovery high
8 school.

9 2. The total number of pupils who were enrolled in the recovery high school
10 during the school year.

11 3. Demographic information about pupils enrolled in the recovery high school,
12 including age, gender, ethnicity, and school district of residence.

13 4. As of the first day of each month that the recovery high school is in operation
14 for the attendance of pupils, the number of pupils enrolled in the recovery high school
15 and the staff-to-pupil ratio.

16 5. The number of pupils who graduated from the recovery high school.

17 6. Information about substance use by pupils enrolled in the recovery high
18 school, including a list of the substances for which enrolled pupils are in recovery, the
19 relapse rate for pupils enrolled in the recovery high school, and the number of
20 positive drug tests and the drugs identified by those tests.

21 7. Information about the mental health of pupils enrolled in the recovery high
22 school, including the number of enrolled pupils who receive mental health services
23 from the recovery high school for something other than a substance use disorder and
24 a list of mental health disorders for which enrolled pupils receive services from the
25 recovery high school.

