

DMA 1 (98-129) BADGER CHALLENGE PROJ.
(DISADVANTAGED YOUTH)

WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2

RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 98-129

AN ORDER to create chapter DMA 1, relating to the badger challenge program for disadvantaged youth.

Submitted by **DEPARTMENT OF MILITARY AFFAIRS**

09-01-98 RECEIVED BY LEGISLATIVE COUNCIL.

09-25-98 REPORT SENT TO AGENCY.

RS:LR:jal;kjf

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO

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CLEARINGHOUSE RULE 98-129

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

- a. The rule does not include a relating clause. The introductory clause could read: "Order of the department of military affairs to create ch. DMA 1, relating to the badger challenge." [s. 1.02 (1), Manual.]
- b. Throughout the rule, inappropriate capitalization is used. Terms that are capitalized in the rule which should not be capitalized include "badger challenge," as used throughout the rule; "Department of Military Affairs" in s. DMA 1.02 (2); "director" in s. DMA 1.02 (3); the word "youth" in s. DMA 1.02 (4); and "youth aids grant fund" in s. DMA 1.05 (3). [s. 1.01 (4), Manual.]
- c. One term should be selected to refer to the badger challenge program and used consistently. Currently, the rule refers both to "badger challenge" and "the badger challenge program."
- d. The slashed alternative "his/her" in s. DMA 1.03 (3) should be deleted and replaced with a term such as "the participant's." [s. 1.01 (3), Manual.]
- e. The text of the rule does not contain an effective date provision, although such a clause is included in accompanying documents.

4. Adequacy of References to Related Statutes, Rules and Forms

- a. Throughout the rule, in the references to "DMA" sections, the notation "s." should be inserted before "DMA." [See s. 1.07 (2), Manual.]

b. References to the statutes in s. DMA 1.05 should be followed by the word “Stats.” [s. 1.07 (2), Manual.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Section DMA 1.02 (1) should be rephrased so that the use of the singular is consistent throughout the definition. For example, this definition could be rephrased as follows: “Cadet means a young man or woman who meets the eligibility criteria in s. DMA 1.04 and who has been accepted into the badger challenge program.”

b. Where the term “post residential” is used in the rule, a hyphen should be placed between the two words. [See ss. DMA 1.02 (5) and 1.03 (3).]

c. In s. DMA 1.03 (5), the phrase “one month” should be replaced by a specific number of days.

d. In the Note to s. DMA 1.03 (6), the word “badger challenge” is misspelled in the last part of the email address.

e. In s. DMA 1.04 (intro.), some of the letters in the word “challenge” are erroneously capitalized.

f. In s. DMA 1.04, in the listing of eligibility criteria, the items listed should be rephrased for parallel construction. For example, s. DMA 1.04 (1) should be rephrased to read: “Be age 14 to age 16.” Section DMA 1.04 (4) should read: “Have no adult status felony offenses.” Section DMA 1.04 (5) should read: “Have a strong desire” Section DMA 1.04 (6) should read: “Be willing to attend.”

g. In s. DMA 1.04 (2), one of the eligibility criteria for badger challenge is to be considered “at-risk” of not graduating from high school. By what criteria is a young person determined to be “at-risk” of not graduating from high school? Must the person’s grades fall below a certain level, or must the person be engaged in some type of delinquent behavior? See s. 118.153, Stats.

h. Section DMA 1.04 (3) states that in order to be eligible for badger challenge, a person must “be free of drugs.” For how long must the person be free of drugs? Must the person only be drug free for the period of enrollment in badger challenge? Or must the person have been free from drugs for a certain period of time prior to enrollment? This should be clarified so that potential applicants may be clearly notified of the eligibility requirements for the program.

i. Section DMA 1.05 provides for the assessment and collection of a participation fee from participants as well as their families. [See s. DMA 1.05 (1) and (2).] Does the department intend to collect assessment fees both from participants and their families? If the department’s intent is only to assess and collect fees from the family, this should be clarified in the rule. In addition, in s. DMA 1.05 (2), reference is made only to assessing the fee and not collecting it. A reference should be inserted into this subsection that the department may collect the fee as well as assess it.

j. Section DMA 1.05 (3) refers to the "youth aids grant fund." Is this intended to be community youth and family aids under s. 20.410 (3) (cd), Stats.? Or is it intended to refer to some other appropriation? This should be clarified in the rule.

DEPARTMENT OF MILITARY AFFAIRS

ORDER OF THE DEPARTMENT OF MILITARY AFFAIRS**To create DMA 1****ANALYSIS PREPARED BY THE DEPARTMENT OF MILITARY AFFAIRS**

Statutory Authority: ss. 21.25, 20.465 (4) g), 227.11 (2) (a), Stats.

Statutes Interpreted: ss. 21.25, 20.465 (4) (g), Stats.

The Department of Military Affairs proposes an order to create DMA 1 relating to the Badger Challenge.

Plain Language Summary

This administrative rule establishes procedures for the Badger Challenge program. The Badger Challenge is a state-funded program for disadvantaged youth designed to promote positive lifestyle changes. The rule establishes procedures and eligibility requirements for the Badger Challenge program. The procedures require a two phase program. Phase I is a six-week residential stay and Phase II is a twelve-month post residential mentoring phase.

The rule establishes criteria under which the Department of Military Affairs may assess fees to the family of a participant, to the county of the participant through the Youth Aids Grant Fund, and from other related agencies or entities.

SECTION 1. Chapter DMA 1 is created to read:

Chapter DMA 1**BADGER CHALLENGE**

DMA1.01 Purpose

DMA 1.02 Definitions

DMA 1.03 Procedures

DMA 1.04 Eligibility

DMA 1.05 Fees

DMA 1.01 Purpose. The Badger Challenge is a disadvantaged youth program to promote positive lifestyle changes through an environment that fosters productive and positive changes through challenging individual and team opportunities.

DMA 1.02 Definitions. In this chapter:

(1) "Cadet" means young men and women that meet the eligibility criteria in DMA 1.04 and who have been accepted into the Badger Challenge program.

DEPARTMENT OF MILITARY AFFAIRS

(2) "Department" means the Wisconsin Department of Military Affairs.

(3) "Director" means the Director of the Badger Challenge program.

(4) "Disadvantaged Youth" means men and women that meet the eligibility criteria in DMA 1.04.

(5) "Mentor" means an adult volunteer participating in the 12 month post residential mentoring phase.

DMA 1.03 Procedures.

(1) The department shall administer the Badger Challenge for disadvantaged youth.

(2) The department shall employ a director to oversee all operations of the Badger Challenge program.

(3) The Badger Challenge shall be a two phase program. Phase I shall be a six week residential stay. Phase I is staffed by trained military personnel, civilian counselors, state certified teachers, and other professionals. Phase II shall be a twelve month post-residential mentoring phase. Phase II matches Badger Challenge graduates with mentors from his/her home town.

(4) The department shall develop and make available application materials as necessary for recruitment.

(5) The application deadline is one month prior to the start date of the program.

(6) The department shall interview applicants prior to a determination regarding acceptance into the program.

Note: Badger Challenge application materials are available by phoning (800) 292-9464, extension 3, or (608) 242-3450. Application materials can also be obtained by writing to, Badger Challenge, 2400 Wright Street, Madison, WI 53704-0587. Information can also be obtained through the Badger Challenge web site at www.badgerchallenge.com or at the badger challenge email address: badgerchallenge@badgerchallenge.com

DMA 1.04 Eligibility. Young men and women must meet the following criteria to be eligible for the Badger Challenge.

(1) Young men and women from the ages of 14 to 16.

(2) Be considered "at risk" of not graduating from high school.

(3) Be free of drugs.

(4) Shall not have any adult status felony offenses.

(5) Must have a strong desire to improve themselves in this demanding program.

(6) Must be willing to attend. Those who are unwilling or forced to attend, will not be accepted into the program.

DMA 1.05 Fees.

(1) The department may assess and collect a reasonable fee from persons participating in the Badger Challenge program as specified in s. 21.25 (2) for administering the Badger Challenge program.

(2) The department may assess a fee to the family of a participant.

(3) The department may ask the county of the participant to provide funding from their Youth Aids Grant Fund.

(4) The department may assess a fee from other related agencies or entities as appropriate.

(5) Fees collected under s. 21.25 (2) shall be credited to the appropriation under 20.465 (4) (g).

make it
days

INITIAL REGULATORY FLEXIBILITY ANALYSIS

The Badger Challenge administrative rule required under s. 21.25 (1), Stats. will not impact small business. The Badger Challenge is a program for disadvantaged youth. This rule allows the Badger Challenge program to assess fees, however, the program does not impose any fees or regulation on small business.