

Clearinghouse Rule 99-169


CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF PUBLIC INSTRUCTION)

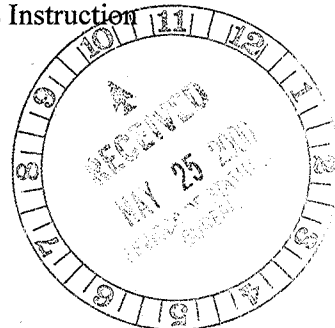
I, State Superintendent of the Department of Public Instruction and custodian of the official records of said Department, do hereby certify that the annexed rule relating to alternative education grants was duly approved and adopted by this Department on the first day of the month following publication in the Wisconsin Administrative Register.

I further certify that said copy has been compared by me with the original on file in this Department and the same is a true copy thereof, and of the whole of such original.

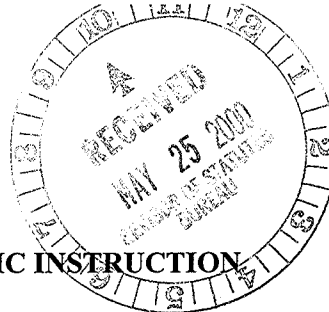
IN TESTIMONY WHEREOF, I hereunto set my hand and affixed the official seal of the Department at General Executive Facility (GEF) 3, 125 South Webster Street, P.O. Box 7841, in the city of Madison, this 25th day of May, 2000.



John T. Benson
State Superintendent
State Department of Public Instruction



8/1



**ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
CREATING RULES**

The state superintendent of public instruction hereby creates Chapter PI 44, relating to alternative education grants.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory authority: ss. 115.366 (2) and 227.11 (2) (a), Stats.
Statute interpreted: s. 115.366, Stats.

1999 Wisconsin Act 9 created an alternative education grant program under s. 115.366, Stats.. The Act also requires the department to promulgate rules to administer the program and to define alternative education programs to be funded.

In compliance with the Act, the proposed rules establish criteria and procedures for awarding alternative education program grants. The definition of an alternative education program reflects the statutory definition of alternative education programs under s. 115.28 (7) (e), Stats.

The Act appropriated \$5,000,000 for the 2000-2001 school year. The department will annually submit to school districts application materials specifying funding limits and eligibility criteria. For the upcoming school year, the department sent grant application materials to school districts in January. Grant applications must be returned to the department in the spring of 2000 and grants will be awarded prior to July 1, 2000.

Grants will be awarded for a 5 year period (100% for the first 3 years, 60% for the 4th year, 40% for the 5th year). Grant recipients: 1) may not use these funds to supplant alternative education program funding received from other local, state or federal sources, and 2) shall agree to participate in any state level evaluations of the program as required by the state superintendent.

The department promulgated these rules as emergency rules effective January 28, 2000.

SECTION 1. Chapter PI 44 is created to read:

CHAPTER PI 44

GRANTS FOR ALTERNATIVE EDUCATION PROGRAMS

PI 44.01 Purpose. Under s. 115.366, Stats., beginning in the 2000-2001 school year, school districts and consortia of school districts may apply to the state superintendent for an alternative education program grant as defined by the state superintendent. This chapter sets forth criteria and procedures for awarding alternative education program grants.

PI 44.02 Definitions. In this chapter:

(1) "Alternative education program" means an instructional program, approved by the school board, that utilizes successful alternative or adaptive school structures and teaching techniques and that is incorporated into existing, traditional classrooms or regularly scheduled curricular programs or that is offered in place of regularly scheduled curricular programs. "Alternative educational program" does not include a private school or a home-based private educational program.

(2) "Consortia of school districts" means a school board in cooperation with another school board under an agreement under s. 66.30, Stats., or a cooperative educational service agency board under s. 116.032, Stats.

(3) "School board" has the meaning given in s. 115.001 (7), Stats.

(4) "State superintendent" means the state superintendent of public instruction for the state of Wisconsin.

PI 44.03 Eligible applicants and program requirements. (1) A school district or a consortia of school districts may apply to the state superintendent for a grant under this chapter.

(2) An alternative education program funded under this chapter shall be designed for pupils having difficulty succeeding in the regular school setting as evidenced by, but not limited to, any of the following:

- (a) Academic failure.
- (b) Truancy.
- (c) Expulsion or suspension.
- (d) Disruptive behavior.
- (e) Criminal involvement.
- (f) Violent behavior.
- (g) Alcohol and other drug abuse involvement.

PI 44.04 Grant application requirements. Annually, an eligible applicant under this chapter shall submit an application that includes all of the following:

- (1) The need for the alternative education program.
- (2) The type of pupils who will be served by the alternative education program.
- (3) Evidence of collaboration and coordination to develop or maintain partnerships that will help facilitate the alternative education program.
- (4) An outline of the measurable program goals, objectives, activities, and related timelines of the alternative education program.
- (5) A schedule for implementation of the alternative education program.
- (6) An explanation of how the alternative education program will continue at the completion of the grant period.
- (7) A description of how the alternative education program will be evaluated during its implementation and at the conclusion of the grant period.

NOTE: Form PI-9710, Alternative Education Program Grant Application, may be obtained at no charge from the Department of Public Instruction, P.O. Box 7841, Madison, WI 53707-7841.

PI 44.05 Review of applications and awarding of grants. (1) The state superintendent, annually, shall establish funding limits for programs under this chapter based on the amount appropriated for the program under s. 20.255 (2) (cf), Stats.. The state superintendent shall inform school districts of the funding limits by letter which will accompany application materials for a program under this chapter.

(2) The state superintendent shall determine the amount of funds to be awarded to each applicant. The state superintendent shall award grants for a 5 year period, if funding is available, as follows:

- (a) A grant shall be awarded at 100% of the amount originally granted for the first 3 years.
- (b) A grant shall be awarded at 60% of the amount originally granted for the fourth year.
- (c) A grant shall be awarded at 40% of the amount originally granted for the fifth year.

(3) The state superintendent shall determine which of the applicants will receive grants under this chapter using the following criteria:

- (a) Programs in which the goals and objectives relate to the desired effect of the alternative education program.
- (b) Programs in which activities are appropriate to the goals and objectives of the alternative education program.
- (c) Programs that demonstrate the adequacy of the schedule of implementation and the extent to which continuation of the program activities is ensured after the grant period is completed.

(d) Programs that benefit the greatest number of school districts and pupils. Therefore, preference in awarding grants may be given to programs developed and operated in cooperation with other school districts or CESA boards.

(4) The state superintendent shall also consider the following criteria in determining which applicants will receive grants:

(a) To the extent possible, the grants shall be distributed equally throughout the state. Therefore, preference in awarding grants may be given to programs developed and operated by rural school districts.

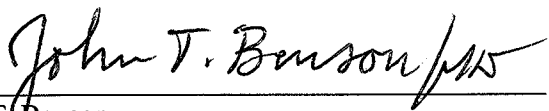
(b) To the extent possible, grants shall be awarded to school districts of varying sizes, as determined by district enrollment.

(5) Grants awarded may not be used to supplant alternative education program funding received from other local, state or federal sources.

(6) Grant recipients shall agree to participate in any state level evaluations of the program as required by the state superintendent.

The 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 25th day of May, 2000



John T. Benson
State Superintendent