

CR 86-35

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 programs for children at risk was duly approved and adopted by this Department on the first day of the month following publication in the Wisconsin Administrative Register.

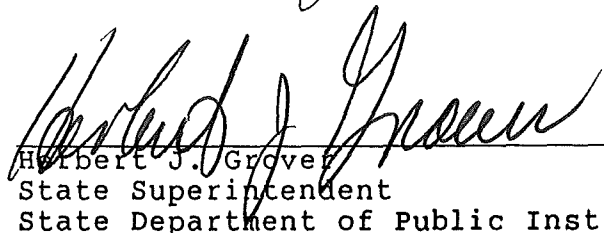
I further certify that said copy has been compared by me with the original on file in this Department and the same is a true copy thereof, and of the whole of such original.

RECEIVED

JUN 13 1986

2:25 pm
Revisor of Statutes
Bureau

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 13th day of June, 1986.


Herbert J. Grover
State Superintendent
State Department of Public Instruction

ORDER OF THE
DEPARTMENT OF PUBLIC INSTRUCTION
CREATING RULES

1 To create Chapter PI 25, relating to programs for children at risk.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

1985 Wisconsin Act 29 created s. 118.153 requiring school boards to identify children at risk in the school district and to make programs available to meet their needs. It requires that every school board have a plan to meet the needs of children at risk and requires that each school district which had 50 or more dropouts or a dropout rate exceeding 5% of its total high school enrollment in the previous school year have that board's plan approved by the state superintendent and submit an annual report on the program for children at risk to the state superintendent. The statute also provides additional funding for these school districts if certain conditions are met. It permits school boards operating under ch. 119, Stats., to contract with private, nonprofit, nonsectarian agencies to provide programs for children at risk.

This chapter outlines the requirements for school board plans for children at risk programs and minimum requirements for the children at risk program. It requires school boards to provide coordination between existing programs and services in the district which may be used to serve the needs of children at risk. It requires that programs be designed to allow pupils to make academic progress and to meet the high school graduation requirements under s. 118.33, Stats. It establishes minimum requirements for school boards operating under ch. 119, Stats., to contract with private, nonprofit, nonsectarian agencies. Finally, it specifies the information to be included in the annual report and requires that the additional funds which eligible districts receive be used for programs and services to meet the needs of children at risk.

The rules restate the statutory definition of children at risk in a way which clarifies and interprets some unclear points. For instance, the statute refers to pupils who are "behind their age group in the number of credits attained or in basic skills levels." First, the rules expand "age group" to "age or grade level group" to accommodate situations where a pupil may have repeated a grade and would, therefore, be consistently behind his or her age level peers in credits, while keeping up with grade level peers. Also, math and reading are the two areas which are measured to determine a district's eligibility for additional aids under s. 118.153(4)(b), Stats., so the department felt it was appropriate to determine these two basic skills areas to be used in identifying children at risk. In addition, to clarify how long a child remains at risk for purposes of this statute, the department has determined that if a child is "or has ever been" a dropout, truant, school age parent, or adjudicated delinquent, the child remains at risk as long as he or she is behind age or grade level peers.

The rules interpret s. 118.153(4)(c)4, Stats., to require that in order for a district to qualify under this paragraph, 70 percent of the pupils enrolled in the program for children at risk must have earned academic credit sufficient to advance to the next grade level

or to graduate from high school. The intent of this legislation is to keep pupils in school who might otherwise drop out of school, and enable them to earn their high school diploma. This can only be accomplished if the programs enable them to earn enough credits to advance in grade each year.

Special provisions of the rules pertaining to contracting by ch. 119, Stats., school districts require that the school board ensure that instruction and pupil support services provided under contracted programs are provided by licensed teachers or are supervised by licensed teachers. This requirement is intended to provide accountability for the use of public education funds, to require a minimal accountability for instruction leading to credit for a high school diploma, and to be similar with existing rules relating to contracting for services to handicapped pupils, while recognizing the statutory requirement to avoid restricting programs which have been successful in meeting the needs of children at risk.

Emergency rules were promulgated effective March 12, 1986, to enable school districts which are required to submit their plans to DPI to obtain approval and be eligible for additional state aids for the 1986-87 school year programs.

1 Pursuant to the authority vested in the Department of Public Instruction by
2 s. 118.153(7), Stats., the State Superintendent hereby creates rules interpreting
3 s. 118.153, Stats., as follows:

4 SECTION 1. Chapter PI 25 is created to read:

5 **Chapter PI 25**

6 **CHILDREN AT RISK PLAN AND PROGRAM REQUIREMENTS**

7 **PI 25.01 APPLICABILITY AND PURPOSE.** (1) Under s. 118.153(3)(a) Stats.,
8 beginning in the 1986-87 school year, every board shall make available programs to serve
9 children at risk. The purpose of the legislation is to serve the needs of children at risk
10 through expanded or newly developed programming and the integration of school, parent
11 and community programs and resources. This chapter defines children at risk, establishes
12 approval criteria and requirements for children at risk plans and programs and sets forth
13 the requirements for receipt of additional state aid in those school districts experiencing
14 high dropout rates.

15 (2) The requirements under ss. PI 25.03, 25.04 and 25.06 apply to all school districts
16 in the state; s. PI 25.05 contains additional requirements which apply only to school
17 districts operating under ch. 119, Stats.

1 PI 25.02 DEFINITIONS. In this chapter:

2 (1) "Adjudicated delinquent" means delinquent as defined under s. 48.02(3m),
3 Stats.

4 (2) "Alternative programs" means board approved instructional programs offered
5 in place of regularly scheduled curriculum programs.

6 (3) "Board" means the school board in charge of the public schools of the district.

7 (4) "Ceased to attend" means that a pupil has been absent without acceptable
8 excuse under ss. 118.15(1)(b) to (d) or (3), and 118.16(4), Stats., for 20 consecutive
9 school days and has not formally withdrawn from school.

10 (5) "Children at risk" means children who are one or more years behind their age
11 or grade level in mathematics or reading skill levels or the number of credits attained and
12 who are or have ever been any of the following:

13 (a) Dropouts.

14 (b) Pupils who have been absent from school for all or part of 20 school days or
15 more during the previous 175 school days without acceptable excuses under ss. 118.15(1)(b)
16 to (d) or (3), and 118.16(4), Stats.

17 (c) Pupils who are parents.

18 (d) Pupils who have been adjudicated delinquent.

19 (6) "Contract" means a written agreement between a board operating under
20 ch. 119, Stats., and a private, nonprofit, nonsectarian agency for the purpose of providing
21 services to children at risk.

22 (7) "Curriculum modifications" means adaptations or changes in the district's
23 kindergarten through grade 12 curriculum scope and sequence.

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

25 (9) "Dropout" means a pupil who has ceased to attend school; continues to reside
26 in the school district; does not attend a public, private or vocational, technical and adult
27 education district school or home-based private educational program under s. 118.15(4),

1 Stats., on a full-time basis; has not graduated from high school and does not have an
2 acceptable excuse under ss. 118.15(1)(b) to (d) or (3), and 118.16(4), Stats.

3 (10) "Parent" means mother, father, or legal guardian.

4 (11) "Pupils who are parents" means school age parents as defined under
5 s. 115.91(1), Stats.

6 (12) "Pupil retention" means the pupil remained enrolled through completion of the
7 school year or graduated from high school.

8 (13) "Standardized achievement test" means a test which is normed to allow valid
9 and reliable interpretation of grade level achievement, or an objective referenced test
10 approved by the department.

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

12 PI 25.03 IDENTIFICATION OF CHILDREN AT RISK AND CHILDREN AT RISK

13 PLAN.

14 (1) Under s. 118.153(2)(a), Stats., by August 15, 1986, and annually thereafter,
15 every board shall identify children at risk in the school district and develop a written plan
16 for meeting their needs. The plan shall meet the following requirements:

17 (a) It shall describe how the children at risk who are enrolled in the school district
18 will be identified annually.

19 (b) It shall describe how the needs of children at risk will be met through each of
20 the following:

21 1. Curriculum modifications and alternative programs suited to the pupils'
22 learning needs and which enable elementary school pupils to advance in grade level and
23 enable high school pupils to earn academic credit leading to a high school diploma under
24 s. 118.33, Stats. This shall include a description of any curriculum modifications and
25 alternative programs provided under s. 118.15(1)(b) and (d), Stats., and, for districts
26 operating under ch. 119, Stats., those curriculum modifications and alternative programs
27 provided under s. 118.153(3)(c), Stats.

1 2. Remedial instruction provided to pupils in reading and mathematics skills
2 areas in which it is determined that the pupils are one or more years behind their peers.

3 3. Parental involvement, including participation in program planning and training
4 for parents to assist them in fostering the school attendance and school achievement of
5 their children.

6 4. Pupil support services, including school counseling, school social work, school
7 nursing, and school psychological services.

8 5. Identification and use of community support service providers, including:

9 a. Community programs and services provided by educational, social, health,
10 business, industry and other public, private and volunteer organizations.

11 b. State, county and local government agencies.

12 6. Programs and instruction which will contribute to the preparation of pupils for
13 work, including career exploration and planning, employability skills and attitudes, and
14 development of specific occupational skills.

15 7. Other approaches and services which have demonstrated success in meeting
16 the needs of children at risk, provided that programs for pupils in grades 9 through 12 are
17 designed to allow pupils to meet the high school graduation requirements under s. 118.33,
18 Stats., and ch. PI 18.

19 (c) It shall provide for coordination between existing programs, resources and
20 services in the school district and community with any new programs, resources and
21 services designed to serve needs of children at risk.

22 (d) It shall provide for evaluation of each program or service provided to children
23 at risk to determine the effectiveness of the program or service in meeting the needs of
24 children at risk. School districts which are required to submit their plans to the
25 department for approval under sub. (2), shall provide for evaluation at least annually.
26 Other school districts shall provide for evaluation at least once every five years on a
27 schedule which corresponds with the department audit for compliance with the school
28 district standards under s. 121.02(2), Stats.

1 (2) If, in the previous school year, a school district had 50 or more dropouts or a
2 dropout rate exceeding 5 percent of its total high school enrollment, the board shall
3 submit the plan developed under sub. (1) to the state superintendent for approval.

NOTE: PI 1204, Report of Pupils Leaving School, will be used as the basis for determining the number and percentages of dropouts. Copies of the form may be obtained at no charge from the Department of Public Instruction, Division for Management and Budget, P. O. Box 7841, Madison, WI 53707.

NOTE: Form PI 2376, Children At Risk Program Plan, may be obtained at no charge from the Department of Public Instruction, Division for Management and Budget, P.O. Box 7841, Madison, WI 53707.

4 PI 25.04 GENERAL REQUIREMENTS FOR SCHOOL BOARD PROGRAMS FOR

5 CHILDREN AT RISK. Each board operating a program for children at risk shall:

6 (1) Designate a staff person to coordinate the program for children at risk.

7 (2) Provide that all work experience and other similar programs and activities
8 taking place outside the school for which pupils receive academic credit are supervised by
9 departmentally licensed teachers or other licensed school personnel.

10 (3) Ensure that in grades 9 through 12 curriculum modifications and alternative
11 programs provided for children at risk are designed to allow the pupils to meet the high
12 school graduation requirements under s. 118.33, Stats., and ch. PI 18.

13 (4) Identify children at risk enrolled in the school district and determine those
14 programs and services which will meet the needs of such pupils, utilizing the procedures
15 set forth in the board's plan under s. PI 25.03(1).

16 (5) Notify each pupil and his or her parents in writing that the pupil has been
17 identified as a child at risk and is eligible to be enrolled in the board's program for
18 children at risk.

19 (6) Enroll the pupil in the program for children at risk upon request of the pupil or
20 the pupil's parent. The request shall be in writing or by signature on a district provided
21 form.

1 PI 25.05 SPECIAL PROVISIONS APPLICABLE TO FIRST CLASS CITY SCHOOL

2 SYSTEM. (1) The board of a school district operating under ch. 119, Stats., may contract
3 with private, nonprofit, nonsectarian agencies to provide programs for children at risk for
4 up to 30% of the children at risk enrolled in the school district if the board determines
5 that the agencies can adequately serve such children. A board contracting under this
6 section shall:

7 (a) Determine and list in writing appropriate private, nonprofit, nonsectarian
8 agencies located in the school district.

9 (b) Ensure that all instruction and pupil support services provided in contracted
10 programs for children at risk are provided by one of the following:

11 1. Departmentally licensed teachers or other licensed school staff personnel.

12 2. Persons otherwise licensed to provide the instruction or services they will
13 provide.

14 3. Persons who are supervised by licensed teachers or other licensed school staff
15 personnel.

16 (c) Pay each contracting agency, for each full time equivalent child at risk served
17 under the contract, an amount equal to at least 80 percent of the school district's average
18 per pupil cost, and include in the annual report the amount paid to each contracting
19 agency for each child at risk served.

20 (d) Establish procedures with each contracting agency for the agency to:

21 1. Describe staff qualifications.

22 2. Describe curriculum modifications and alternative programs to be provided.

23 3. Evaluate pupil performance including grading criteria, procedures for granting
24 academic credit, and testing for progress in reading and mathematics skills areas.

25 4. Record and report pupil attendance and retention rates.

26 (e) Develop a procedure for communication and cooperation with the contracting
27 agencies in meeting the needs of children at risk served under this section.

1 (2) The board shall assure the department in writing that each program for
2 children at risk provided by a contracting agency meets all of the requirements of this
3 section.

4 (3) In addition to the annual report on the children at risk program required under
5 s. PI 25.06(1), the board shall report annually to the department the information required
6 under s. PI 25.06(1)(a) for each contracting agency serving children at risk.

7 (4) Beginning September 1, 1988, pupils served under this section who receive high
8 school diplomas may not be counted in meeting the conditions under s. PI 25.06(2) unless
9 the pupil met the high school graduation requirements under s. 118.33, Stats., or
10 completed a program under s. 118.33(2)(m), Stats.

11 PI 25.06 ANNUAL REPORTS, STATE FINANCIAL AID AND DISTRICT USE OF
12 ADDITIONAL FUNDS. (1) ANNUAL REPORTS. (a) Under s. 118.153(4)(a), Stats.,
13 beginning in August, 1986, and annually thereafter, boards required to have their program
14 for children at risk plans approved by the state superintendent as specified under s. PI
15 25.03(2), shall submit an annual report to the state superintendent. The annual report on
16 the program for children at risk shall include the following information concerning pupils
17 served in the program:

18 1. The number of pupils, by grade level and gender, who were identified as
19 children at risk, who requested enrollment in the program for children at risk, and who
20 were enrolled in the program for children at risk.

21 2. Pupil attendance rates.

22 3. Pupil retention rates.

23 4. High school graduation rates.

24 5. The percentage of pupils receiving academic credit sufficient for them to
25 advance to the next grade level or to graduate from high school.

1 6. The average months of gain in comparison to the months of instruction in
2 reading and mathematics as measured by locally determined standardized achievement
3 tests.

4 (b) Information provided to the department under par. (a) shall be aggregated by
5 district and school.

6 (c) Results of the evaluations under s. PI 25.03(1)(d) shall be submitted to the
7 department with the annual report.

8 (d) The district shall maintain records which will substantiate the information
9 reported in the annual report as may be required by the department.

10 (2) STATE FINANCIAL AID. School districts shall receive additional state aid
11 under s. 118.153(4)(b)1, Stats., if the state superintendent determines from the report
12 required under sub. (1) that any three of the following conditions have been met:

13 (a) The average daily attendance rate for pupils enrolled in the program for
14 children at risk was at least 70 percent.

15 (b) At least 70 percent of the pupils enrolled in the program for children at risk
16 completed the school year or graduated from high school during the school year.

17 (c) At least 70 percent of the pupils who were high school seniors and enrolled in
18 the program for children at risk received a high school diploma.

19 (d) At least 70 percent of the pupils enrolled in the program for children at risk
20 received academic credit sufficient for them to advance to the next grade level or to
21 graduate from high school.

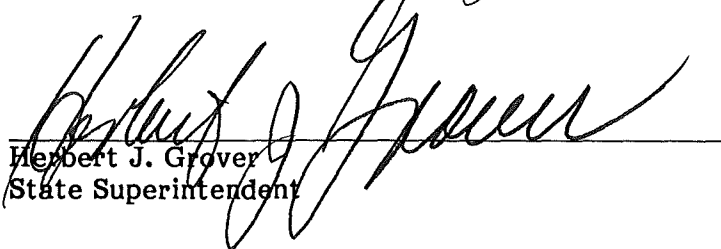
22 (e) Pupils enrolled in the program for children at risk showed as a group an
23 average of at least one month gain in reading and mathematics for each month of
24 instruction as measured by locally determined standardized achievement tests.

NOTE: Form PI 2375, Annual Report for Children At Risk Program, may be obtained at no charge from the Department of Public Instruction, Division for Management and Budget, P.O. Box 7841, Madison, WI 53707.

1 (3) DISTRICT USE OF ADDITIONAL FUNDS. The board of a school district
2 receiving additional funds to provide programs and services to meet the needs of children
3 at risk shall use the additional funds to fund board operated or contracted curriculum
4 modifications, alternative programs, remedial instruction, parental involvement, pupil
5 support services and program evaluation; and contracted services as specified under
6 s. PI 25.05(1). This subsection does not provide authorization for boards to contract for
7 programs or services beyond statutory authority. Annually, the board shall submit a
8 report to the department that the funds were used as required.

The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided under s. 227.22(2) (intro.), Stats., as recreated by 1985 Wisconsin Act 182.

Dated this 13th day of June, 1986.



Herbert J. Grover
State Superintendent

CORRESPONDENCE/MEMORANDUM

-----STATE OF WISCONSIN
Department of Public Instruction

TO: Gary Poulson, Assistant Revisor
Revisor of Statutes Bureau

FROM: Mary Jo Cleaver, Administrative Rules Coordinator
Bureau for Policy and Budget

SUBJECT: Promulgation of CHR 86-35
PI 25 Children at Risk

DATE: June 13, 1986

Attached please find a copy of CHR 86-35 relating to programs for children at risk.

This rule was filed with the Secretary of State on June 13, 1986. Will it be effective on August 1?

Attachment

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Bureau