

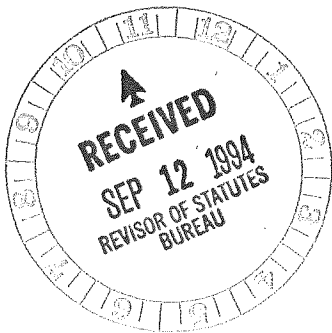
CR 94-57

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.



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 12<sup>th</sup> day of September, 1994.

John T. Benson  
State Superintendent  
State Department of Public Instruction

ORDER OF THE  
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION  
AMENDING RULES

The state superintendent of public instruction hereby repeals and recreates ch. PI 25, relating to programs for children at risk.

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ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory authority: ss. 118.153(7) and 227.11(2)(a), Stats.

Statute interpreted: s. 118.153, Stats.

1993 Wisconsin Act 16 amended the children at risk statutes as follows:

1. Amend the definition of children at risk.
2. Amend the definition of dropout to eliminate the requirement that the pupil continue to reside in the school district.
3. Repeal the specific criteria that were required to be in the children at risk plan.
4. Require a school district with 50 or more dropouts and a 5 percent dropout rate to apply for children at risk aid. (Currently a district with 50 or more dropouts or a 5 percent dropout rate is required to submit its plan to the department and is eligible for children at risk aid.)
5. Permit a school district with 40 or more dropouts to apply for children at risk aid. (Currently a district with a dropout rate greater than 2.5 percent but less than 5 percent may submit its plan to the department and apply for children at risk aid.)
6. Require only those districts which apply for children at risk aid to make programs available for children at risk. However, all districts must still identify children at risk and develop a plan to meet their needs.
7. Allow any school board to contract with appropriate private, nonprofit, nonsectarian agencies located in the school district to provide services for up to 30 percent of the district's children at risk. Require that the school board pay each contracting agency at least 80 percent of the school district's average per pupil cost for each FTE pupil served by the agency. (Currently, this contracting authority applies only to Milwaukee.)
8. Require the MPS to ensure that each children at risk program has at least 40 pupils but no more than 200 pupils and that a separate administrator or teacher is in charge of each program. Require that if a pupil or the pupil's parent requests enrollment in a specific children at risk program in which space is not available, MPS must place the pupil's name on a waiting list and offer the pupil an alternative program until space in the requested program is available. Require that MPS use children at risk aid to expand successful children at risk programs or to establish new programs if expansion of a successful program would preclude meeting the minimum and maximum pupil limits and the requirement for a separate teacher or administrator to be in charge of each program.
9. Beginning with 1993-94 children at risk programs, replace the performance

criteria which apply to a school district's children at risk program and replace them with the following criteria which apply to each pupil in the program:

- The pupil had an attendance rate of at least 70 percent.
- The pupil remained in school.
- The pupil, if a high school senior, received a high school diploma.
- The pupil earned at least 4.5 academic credits or a prorated number of credits if the pupil was enrolled in the program for less than one school year.
- The pupil demonstrated, on standardized tests or other appropriate measures, at least one month's gain in reading or mathematics for each month of enrollment.

10. Provide that a district will receive 10 percent of its average prior year equalization aid per pupil for each pupil who attained at least three of the objectives. (Currently, eligibility for aid is determined by whether a percent of pupils in the program as a whole -- not individual pupils -- met specified performance objectives.)

11. Specify that the report submitted to the state superintendent each August by districts applying for children at risk aid may include only such information about pupils enrolled in the children at risk program that is necessary to determine whether each of the pupils met the performance criteria.

The proposed rules amend ch. PI 25 to make it consistent with the revised children at risk statute. The amendments include:

1. Criteria used to identify children at risk.
2. Criteria to be considered when developing a plan for children at risk.
3. Minimum requirements for each school board that has identified children at risk and for each school board that operates a program for children at risk.
4. Provisions applicable to private contracting.
5. Provisions applicable to a first class city school system.
6. Criteria for receiving state financial aid.
7. Submission and content of annual reports.

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1           **SECTION 1.** Chapter PI 25 is repealed and recreated to read:

2           PI 25.01 APPLICABILITY AND PURPOSE. (1) Under s. 118.153(2)(a), Stats.,  
3 every school board shall identify the children at risk who are enrolled in the  
4 school district and annually by August 15 develop a plan describing how the  
5 school board will meet their needs. Under s. 118.153(3)(a) Stats., every  
6 board that applies for aid under this section shall make available programs to  
7 serve children at risk. This chapter defines children at risk, establishes  
8 criteria for school boards to consider when developing children at risk plans

1 and sets forth the requirements for receipt of additional state aid in those  
2 school districts eligible under s. 118.153(4)(b), Stats.

3 (2) The requirements under ss. PI 25.03, 25.04, 25.05 and 25.07 apply to  
4 all school districts in the state; s. PI 25.06 contains additional  
5 requirements which apply only to school districts operating under ch. 119,  
6 Stats.

7 PI 25.02 DEFINITIONS. In this chapter:

8 (1) "Adjudicated delinquent" means delinquent as defined under s.  
9 48.02(3m), Stats.

10 (2) "Alternative education program" means a board approved instructional  
11 program offered in addition to or in place of a regularly scheduled curricular  
12 program.

13 (3) "Basic skills," for purposes of determining whether a pupil is a  
14 child at risk, means achievement in reading or mathematics or both.

15 (4) "Board" means the school board in charge of the public schools in  
16 the district.

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

20 (6) "Children at risk" means pupils in grades 5 to 12 who are one or  
21 more years behind their age group in the number of high school credits  
22 attained or 2 or more years behind their age group in basic skill level and  
23 are one or more of the following:

24 (a) Dropouts

25 (b) Habitual truants as defined in s. 118.16(1)(a), Stats.

26 (c) School-age parents.

27 (d) Adjudicated delinquents.

28 (7) "Contract" means a written agreement between a board and a private,  
29 nonprofit, nonsectarian agency for the purpose of providing services to  
30 children at risk.

1 (8) "Department" means the Wisconsin Department of Public Instruction.

2 (9) "Dropout," for purposes of determining whether a pupil is a child at  
3 risk, means a pupil who:

4 (a) Has ceased to attend school; and

5 (b) Does not attend a public, private, or vocational, technical and  
6 adult education district school or home-based private educational program  
7 under s.118.15(4), Stats., on a full-time basis; and

8 (c) Has not graduated from high school, and does not have an acceptable  
9 excuse under ss. 118.15(1)(b) to (d) or (3), and 118.16(4), Stats.

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

11 (11) "Private program" means a program operated by a nonsectarian,  
12 nonprofit private school or agency.

13 (12) "Private school" has the meaning described in s. 118.165, Stats.

14 (13) "Program" means an organized and structured activity or set of  
15 activities which constitute one or more components of a comprehensive  
16 curriculum plan for the school year including the pupil services normally  
17 provided by a school.

18 (14) "Pupil attendance rate" means the rate obtained by dividing the  
19 aggregate number of full-time equivalent days of actual pupil attendance, by  
20 the aggregate number of full-time equivalent days on which the individual  
21 pupil was enrolled.

22 (15) "School-age parents" has the meaning given in s. 115.91, Stats.

23 (16) "Standardized achievement test" means a published, nationally  
24 normed test which provides a valid and reliable measure of a pupil's present  
25 achievement level in comparison with age or grade level cohorts.

26 (17) "State superintendent" means the state superintendent of public  
27 instruction.

28 PI 25.03 IDENTIFICATION OF CHILDREN AT RISK AND CHILDREN AT RISK PLAN.

29 (1) Under s. 118.153(2)(a), Stats., each board shall, annually by August  
30 15, identify the children at risk enrolled in the school district. In

1 determining whether a pupil is behind his or her age group in the number of  
2 high school credits attained or is 2 or more years behind his or her age group  
3 in basic skill levels, a board shall use all of the following criteria:

4 (a) A pupil shall be determined to be behind in his or her age group in  
5 the number of high school credits attained if a pupil in grades 5 through 12  
6 falls 3 or more credits behind in progress toward graduation.

7 (b) A pupil shall be determined to be 2 or more years behind his or her  
8 age group in basic skill levels based on a board approved plan of formal and  
9 informal assessment, consistent with the district's objectives in mathematics  
10 and reading identified in the curriculum plan under s. PI 8.01(2)k.

11 (2) Each board shall, annually by August 15, identify children at risk  
12 enrolled in the school district and develop a written plan describing how the  
13 school board will meet their needs. A board, when developing a plan under  
14 this section, may consider the following:

15 (a) How pupils will be identified and enrolled in programs or provided  
16 services to meet their needs.

17 (b) How pupils may be identified in early childhood and kindergarten  
18 through grade 4 and what programs may be offered to prevent pupils from  
19 becoming at risk.

20 (c) How parents will be informed and involved in the programs or  
21 services made available under par. (a).

22 (d) What accommodations can be made to support pupils' achievement and  
23 success in school through any of the following:

- 24 1. Curriculum modifications.
- 25 2. Adaptive instructional strategies.
- 26 3. Alternative education programs.
- 27 4. Pupil support services.
- 28 5. School to work programs.
- 29 6. Community services.
- 30 7. Coordinating services provided by the district, community, agencies,

1 and other organizations.

2 8. Eliminating systemic barriers that may cause pupils' success at  
3 school to become at risk.

4 NOTE: The number of dropouts and the percentage in grades 9-12 is  
5 collected as part of the School Performance Report. A copy of the report  
6 format may be obtained at no charge from the Department of Public Instruction,  
7 Division for Management and Budget, P.O. Box 7841, Madison, WI 53707.

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

11 PI 25.04 GENERAL REQUIREMENTS FOR SCHOOL BOARDS. (1) Each board that  
12 has identified children at risk under s. PI 25.03 shall provide for all of the  
13 following:

14 (a) Designate a staff person who will be responsible for developing the  
15 children at risk plan required under s. 118.153(2)(a), Stats.

16 (b) Provide that all work-based learning experiences and other similar  
17 programs and activities taking place outside the school for which pupils  
18 receive academic credit under the children at risk plan, including those  
19 programs or curriculum modifications authorized under s. 118.15(1)(d), Stats.,  
20 and instruction and pupil support services contracted for under s.  
21 118.153(3)(c)1 and 2, Stats., are supervised by departmentally licensed  
22 teachers or other licensed school personnel.

23 (c) Ensure that in grades 9 through 12 curriculum modifications and  
24 alternative education programs provided for children at risk under the plan  
25 are designed to allow pupils to meet the high school graduation requirements  
26 under s. 118.33, Stats., and ch. PI 18.

27 (d) Notify each pupil and his or her parent in writing whenever the  
28 pupil has been identified as a child at risk. The notice shall include all of  
29 the following:

30 1. The name and telephone number of a person the parent or pupil can  
31 contact regarding the school district's children at risk plan or program.

32 2. A description of the children at risk plan.

33 (e) Ensure that the special education and related services needs of a

1 child with exceptional educational needs, as defined in s. 115.76(3), Stats.,  
2 are first addressed in the child's individualized education program developed  
3 pursuant to s. 115.80(4), Stats., whenever that child is also eligible to be  
4 served in a children at risk program.

5 (2) In addition to the requirements under sub. (1), each board operating  
6 programs for children at risk under s. 118.153(3)(a)1, Stats., shall meet all  
7 of the following requirements:

8 (a) The notice under sub. (1)(d) shall include all of the following:

9 1. A statement that the pupil is eligible to be enrolled under the  
10 board's plan to serve children at risk.

11 2. A description of the children at risk programs available and how the  
12 pupil may participate in a specific program if more than one program is  
13 offered as part of the school board's plan.

14 3. A statement to inform the parent that she or he may select one or  
15 more programs in which the pupil will be enrolled, if the pupil meets the  
16 prerequisites for the specific program requested.

17 (b) Describe the procedure for requesting that the pupil be enrolled in  
18 the specific children at risk program selected by the parent.

19 (c) Enroll the pupil in the program for children at risk upon request of  
20 the pupil or the pupil's parent. If the board makes available more than one  
21 program for children at risk, the board shall enroll the pupil in the board  
22 program selected by the pupil or the pupil's parent if the pupil meets the  
23 prerequisites for that program. The request shall be in writing, by signature  
24 on a district-provided form, or be given verbally to the person responsible  
25 for enrolling the child in the program. This person shall record the date and  
26 time of a verbal request and whether this request was made in person or by  
27 phone.

28 P1 25.05 PROVISIONS APPLICABLE TO PRIVATE CONTRACTING. (1) The board of  
29 a school district may contract with private, nonprofit, nonsectarian agencies  
30 to provide programs for children at risk for not more than 30 percent of the



1 children at risk enrolled in grades 5 through 12, if the board determines that  
2 the agencies can adequately serve such children. A board contracting under  
3 this section shall take all of the following actions:

4 (a) Determine and list in writing appropriate private, nonprofit,  
5 nonsectarian agencies located in the school district or within 5 miles of the  
6 boundaries of the school district.

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

9 1. Departmentally licensed professional staff members described in s.  
10 121.02(1)(a), Stats.

11 2. Persons licensed by other recognized professional or trade  
12 associations who provide specialized instruction or related education services  
13 they will provide.

14 3. Persons who are supervised by departmentally licensed professional  
15 staff.

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

19 (d) Establish procedures with each contracting agency for the agency to  
20 provide all of the following information:

21 1. Describe staff qualifications.

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

24 3. Describe how pupil performance will be evaluated, including grading  
25 criteria, procedures for granting academic credit, and testing for progress in  
26 reading and mathematics skills areas.

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

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

1 (2) Pupils served under this section who receive high school diplomas  
2 may not be counted in meeting the conditions under s. PI 25.07(1)(c) unless  
3 the pupil met high school graduation requirements under s. 118.33, Stats., or  
4 completed a program under s. 118.33(2)(m), Stats.

5 PI 25.06 SPECIAL PROVISIONS APPLICABLE TO A FIRST CLASS CITY SCHOOL  
6 SYSTEM. The school board of the school district operating under ch. 119,  
7 Stats., shall ensure all of the following:

8 (1) If there is no space for a pupil in a specific children at risk  
9 program provided under the board's plan, the board shall place the pupil's  
10 name on a waiting list for that program and offer the pupil a comparable  
11 alternative education program for children at risk until space in the  
12 requested program becomes available.

13 (2) That there are at least 40 pupils and no more than 200 pupils in  
14 each program and that a separate administrator or teacher is in charge of each  
15 program.

16 (3) That additional funds received under s. 118.153(4)(b), Stats., shall  
17 be used to expand successful programs for children at risk or to establish new  
18 programs if expansion of a successful program would violate the provision  
19 under s. 118.153(3)(b), Stats.

20 PI 25.07 STATE FINANCIAL AID AND ANNUAL REPORTS. (1) STATE FINANCIAL  
21 AID. (a) If, in the previous school year, a school district had 50 or more  
22 dropouts and a dropout rate exceeding 5% of its total high school enrollment,  
23 the board shall apply to the state superintendent for aid under this section.

24 (b) If, in the previous school year, a school district had 40 or more  
25 dropouts, the board may apply to the state superintendent for aid under this  
26 section.

27 (c) School districts shall receive additional state aid under s.  
28 118.153(4)(b), Stats., if the state superintendent determines from the report  
29 required under sub. (2) that any three of the following conditions have been  
30 met by each pupil enrolled in the children at risk program:

1           1. The pupil's attendance rate was at least 70%.

2           2. The pupil remained in school through the end of the school year.

3           3. The pupil, if a high school senior, received a high school diploma.

4           4. The pupil earned at least 4.5 academic credits or a prorated number  
5 of credits if the pupil was enrolled in the program for less than the entire  
6 school year.

7           5. The pupil demonstrated, on standardized tests or other appropriate  
8 measures, at least one month's gain in reading and mathematics for each month  
9 of enrollment.

10           (2) ANNUAL REPORTS. (a) Under s. 118.153(4), Stats., a board that  
11 applied for aid under this section in the previous school year shall submit an  
12 annual report by August 31 to the state superintendent. The annual report on  
13 the program for children at risk shall include all of the following  
14 information concerning pupils served in the program:

15           1. The number of pupils, by grade level, who were identified as children  
16 at risk, who requested enrollment in the program for children at risk, and who  
17 were enrolled in the program for children at risk.

18           2. The number of pupils who met the attendance rates under s.  
19 118.153(4)(c)1, Stats.

20           3. The number of pupils who remained in school.

21           4. The number of pupils who graduated as high school seniors.

22           5. The number of pupils who earned at least 4.5 academic credits or a  
23 prorated number of credits if the pupils were enrolled in the program for less  
24 than the entire school year.

25           6. The number of pupils who demonstrated at least 1 month's gain in  
26 reading and mathematics for each month of enrollment.

27           7. The total number of pupils who achieved at least 3 objectives under  
28 sub. (1)(c).

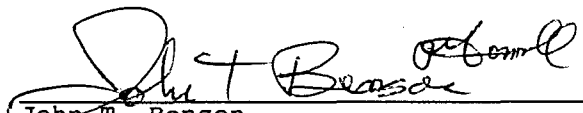
29           (b) The district shall maintain records which will substantiate the  
30 information reported in the annual report as may be required under this

1 section.

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

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 12<sup>th</sup> day of September, 1994

  
\_\_\_\_\_  
John T. Benson  
State Superintendent