

## Chapter APP 1

### ADOLESCENT PREGNANCY PREVENTION PROJECTS

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**Note:** Chapter APP 1 was created as an emergency rule effective July 14, 1987.

**APP 1.01 Authority and purpose.** This chapter is promulgated under the authority of ss. 46.93 and 227.11 (2) (a), Stats., for the purpose of establishing criteria, procedures, requirements and conditions for the award of project grants from the appropriation under s. 20.434 (1) (b), Stats., to organizations that operate or propose to operate programs aimed at reducing the incidence or adverse consequences of adolescent pregnancy.

**History:** Cr. Register, August, 1988, No. 392, eff. 9-1-88.

**APP 1.02 Applicability.** This chapter applies to the adolescent pregnancy prevention and services board, to applicants for grants awarded by the board, and to organizations that have been awarded grants by the board.

**History:** Cr. Register, August, 1988, No. 392, eff. 9-1-88.

**APP 1.03 Definitions.** In this chapter:

(1) "Adolescent" means a young person between the ages of 10 and 18 years old.

(2) "Adolescent pregnancy prevention and services board" means the 13-member adolescent pregnancy prevention and pregnancy services board established under s. 15.105 (11), Stats., to carry out the responsibility set out in s. 46.93 (2), Stats., namely, to award grants to applicant organizations for adolescent pregnancy prevention programs and pregnancy-related supportive services.

(3) "Applicant" means an organization that applies for a grant from the adolescent pregnancy prevention and services board to operate a program aimed at reducing the incidence or adverse consequences of adolescent pregnancy.

(4) "Board" means the adolescent pregnancy prevention and pregnancy services board.

(5) "Continuation grant" means a grant awarded by the board to an applicant who received an initial grant for the current funding year and who proposes to continue to operate the same program or that program as modified in consultation with the board in the new funding year.

(6) "Evaluation committee" means a committee of board members and other persons invited by board members which reviews, evaluates, and scores applications.

(7) "Funding year" means the 12-month period beginning July 1.

(8) "Grant" means a monetary award made by the board from the appropriation under s. 20.434 (1) (b), Stats., to an applicant to help establish or support a program aimed at reducing the incidence or adverse consequences of adolescent pregnancy.

(9) "Initial grant" means a grant awarded for the first time to an applicant.

(10) "Nonprofit corporation" has the meaning prescribed in s. 46.93 (1m) (c), Stats., namely, a nonstock, nonprofit corporation organized under ch. 181, Stats.

(11) "Public agency" has the meaning prescribed in s. 46.93 (1m) (e), Stats., namely, a county, city, village, town or school district,

an agency of Wisconsin state government or an agency of a county, city, village, town or school district.

(12) Request for proposals (RFPs) means a document that describes a grant program, invites applications and specifies who may apply, application procedures, criteria for awarding grants and conditions and restrictions that accompany grant awards.

**History:** Cr. Register, August, 1988, No. 392, eff. 9-1-88; corrections in (2) and (4) made under s. 13.93 (2m) (b) 6. and 7., Stats., Register October 2002 No. 562.

**APP 1.04 Project eligibility.** (1) The board shall fund projects that have prevention of adolescent pregnancies as their major goal. The board may also fund projects that provide health care, education, counseling, vocational training and other supportive services to adolescents who are pregnant.

(2) The board may limit funding to projects which provide services in counties which the board has targeted based on the counties' adolescent fertility rates or the number of births to adolescents in the counties.

(3) No organization that will have a continuation grant may receive funds under an RFP to provide services in that funding year in the county or counties in which the continuation grant project is located; and

(4) No organization may have more than 2 grants from the board at one time either as a fiscal agent or through a subcontract.

(5) No pervasively sectarian organization may receive funds under this chapter. In this subsection, a "pervasively sectarian organization" is any organization a substantial portion of the functions of which are subsumed in a religious mission. The board shall make a factual determination whether an applicant is a pervasively sectarian organization, based upon whether and the extent to which the applicant meets the following factors:

(a) The governing board or staff of the applicant are answerable to a religious authority.

(b) The stated purpose of the applicant includes a religious mission.

(c) The application requires that a controlling percentage of its governing board be of a specific religious orientation.

(d) A controlling percentage of the applicant is owned, operated or otherwise controlled by a church or other organization with a religious mission.

(e) The referral, counselling and/or teaching activities of the applicant are restricted by religious doctrine.

(f) The applicant has in effect a written statement prohibiting certain activities due to religious doctrine.

(g) The applicant only hires, or gives preference in hiring to, persons of a specific religious orientation, in some or all of applicant's job positions.

(h) The applicant has not, and is unwilling to, include in its articles of incorporation, bylaws or other formal, written organizational charter, a written statement that the applicant's purpose is secular in nature and free of religious doctrine and control.

**History:** Cr. Register, August, 1988, No. 392, eff. 9-1-88.

**APP 1.05 Application.** (1) WHO MAY APPLY. (a) An applicant shall be:

1. A public agency;
2. A nonprofit corporation;
3. A coalition of organizations under the auspices of a public agency or nonprofit corporation; or
4. The tribal governing body of a federally recognized Wisconsin tribe or band of Indians, or an American Indian organization appointed by the tribal governing body.

**(2) SOLICITATION.** (a) The board shall solicit applications for grants, except continuation grants, by preparing one or more RFPs, publishing a legal notice regarding the availability of an RFP at least twice in the official state newspaper no later than 6 weeks before the application deadline, and distributing copies of the RFP on request.

(b) The board shall solicit applications for continuation grants from currently funded organizations.

**(3) MAKING APPLICATION.** (a) An application for an initial grant shall be made on forms included in the RFP.

**Note:** Interested persons may ask to be placed on a mailing list of parties to be sent future RFPs by writing Adolescent Pregnancy Prevention and Services Board, 16 N. Carroll Street, Suite 720, Madison, Wisconsin 53702.

(b) The application shall be submitted to the board by the deadline shown in the RFP.

(c) The applicant shall be asked to notify the board by the date indicated in the RFP of an intent to apply for a grant, using the appropriate form included in the RFP for this purpose.

**(4) CONTENTS OF APPLICATION.** (a) *General.* An application for an initial grant shall include:

1. An application summary sheet;
2. The application checklist included in the RFP;
3. An abstract which briefly describes the project and highlights its purpose;
4. A summary of budget request;
5. Detailed justification of the budget;
6. A narrative description of the program which includes the organization's qualifications to implement it, the problems or needs of the county or counties in which services are to be provided, working relationships with other involved agencies, with letters from each of the agencies verifying their planned involvement, and any other elements required by the RFP;
7. Identification of program objectives and of methods and a workplan, including a timetable, for achieving the objectives; and
8. A response to a questionnaire on the organization's religious orientation and religious activities;
9. The articles of incorporation, bylaws, mission statement, and corporate charter of the organization; and
10. An assurance of compliance with applicable state and federal statutes, rules and regulations, and with the requirements set out in this chapter and the RFP.

**History:** Cr. Register, August, 1988, No. 392, eff. 9-1-88; reprinted to correct error in (3) (c), Register, November, 1988, No. 395.

**APP 1.06 Restrictions. (1) PROHIBITED USE OF FUNDS.** The following activities are prohibited under any grant awarded by the adolescent pregnancy prevention and services board:

- (a) Purchasing or dispensing contraceptives in adolescent health clinics located in schools;
- (b) Providing or advertising abortions or any other pregnancy related services;
- (c) The singing or reading of prayers;
- (d) The existence of restrictions, based on religion or absence of religion, on persons applying for or receiving services under the grant;
- (e) The supplying of written or audiovisual materials that have a religious context;
- (f) Reading from the Bible or other religious documents;

(g) Discussions with the intent of promoting a religious philosophy;

(h) Visits to religious sites;

(i) Conducting any program activities in a building housing a church or a synagogue, in a parochial school, or in any other physical area where there is a predominance of religious symbols, except in rare situations involving the use of segregated areas, which will be subject to review and approval by the APPS board on a case by case basis.

**Note:** Paragraphs (a) through (i) are not meant to discourage applications from religiously affiliated organizations but only to ensure that public monies are not used to support particular religions, religious organizations or religious activities. Recruitment of project participants may not be self-selecting on the basis of religion, race, color or national origin.

**(2) VIOLATION OF RESTRICTED ACTIVITIES.** If restricted activities are conducted by the grantee, this will be grounds for the APPS board to terminate the grant and recover previously paid funds.

**(3) ADMINISTRATION.** (a) Grant funds may not be used to supplant current salaries but may be used to hire a part-time staff person or to increase the hours of existing part-time staff so that they are employed full time.

(b) Grant funds may not be used to purchase capital equipment without the prior written approval of the board, although funds may be used to rent capital equipment. In this paragraph, "capital equipment" means assets having a value in excess of \$500 and a useful life of over one year.

(c) Grant recipients shall comply with the allowable cost policy of the department of health and social services.

**Note:** For a copy of the DHSS *Allowable Cost Policy Manual*, write Division of Management Services, P.O. Box 7850, Madison, Wisconsin 53707. Section III of that document is on allowable cost.

(d) Grant recipients shall furnish the board with an independent certified audit of grant expenses. The audit report shall be sent to the board within 30 days after receipt of the report from the audit firm but no later than 90 days after completion of the grant recipient's fiscal year. The cost of the audit may be included in an applicant's budget.

(e) Grant recipients shall keep records and provide information to the board as required by the board for purposes of program and fiscal audits and, at the request of the board, shall appear before the board to answer any questions about the project and use of the grant monies.

**History:** Cr. Register, August, 1988, No. 392, eff. 9-1-88; reprinted to correct note, Register, November, 1988, No. 395.

**APP 1.07 Selection. (1) PRELIMINARY REVIEW.** All initial grant applications shall meet the application checklist criteria found in the RFP. The board shall review each application to determine whether or not it meets the application checklist criteria. Applications that do not meet all of the criteria are not eligible for evaluation by the board for funding.

**(2) EVALUATION.** (a) Evaluation of the grant applications shall be done by the board or by one or more evaluation committees appointed by the board.

(b) Applications for initial grants shall be evaluated on the basis of criteria set out in the RFP. The criteria may include the organization's qualifications to implement the proposed project, the assessment of problems or needs, the target population, the purpose and objectives of the program, methods and timetable for implementing the program, a clear and fully justified budget, advisory board membership, evidence of good working relationships with other organizations involved with the project, an evaluation plan and the likely long-range impact of the program.

(c) Applications for continuation grants shall be evaluated on the basis of the target population, the timeline for implementing the program, the quality of the program in terms of objectives and methodology, evaluation, fiscal management, documentation of program services, and involvement of participants and the community, and the plan for continuation of the program.

(d) The board shall assign points to each evaluation criterion.

(e) The evaluators shall evaluate an application according to each, grading it by criterion up to the maximum possible points assigned by the board, and totaling the points to obtain a score for the application.

(f) The board shall rank applications separately for each RFP and for continuation grants, in the order of the numerical scores each application received in the evaluation from highest to lowest.

**(3) AWARDS.** (a) The board shall make grant awards based on the results of the evaluation of applicants under sub. (2), except that:

1. The board may reject any or all applications;

2. The board may negotiate the amount of an award, authorized budget items and programmatic goals and objectives before entering into a contract with a selected applicant;

(b) The board shall notify all applicants, in writing, within a reasonable period of time, of all grants awarded for the new funding year.

(c) An applicant for either an initial grant or a continuation grant may appeal an adverse decision of the board to the board. The appeal shall be in writing and shall fully identify all contested

issues. No interpretation of an evaluation committee may be disputed. The appeal shall be filed with the board within 6 working days after the date on which the notice of awards is postmarked.

(d) Awards shall be made through a contract between the board and each applicant selected to receive a grant.

(e) After an award has been made, if the grant recipient refuses the grant or if grant monies are returned to the board or are withdrawn by decision of the board, the board may reallocate the funds at its own discretion.

**(4) AVAILABILITY OF FUNDING.** The board shall decide in advance of the funding year the amount to be made available for grants out of the expected appropriation under s. 20.434 (1) (b), Stats., and shall announce the availability of funds in one or more RFPs. The board may at any time transfer funds between RFPs, if there are more than one, or between an RFP and continuation grants. The board may reduce, eliminate or increase grant awards following enactment of the state budget, depending on the funds that become available.

**Note:** All funding decisions of the board are based on assumptions about the funds that will be available for projects in the state budget. In odd numbered years this will not be known for certain until after the awards are announced.

**History:** Cr. Register, August, 1988, No. 392, eff. 9-1-88.