

Clearinghouse Rule 96-061

CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF PUBLIC INSTRUCTION)

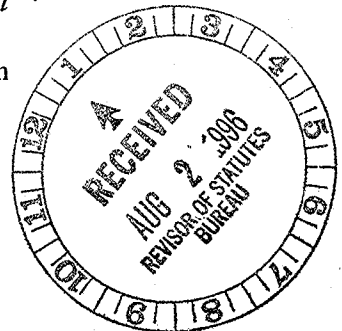
I, State Superintendent of the Department of Public Instruction and custodian of the official records of said Department, do hereby certify that the annexed rule relating to alcohol and other drug abuse programs was duly approved and adopted by this Department on the first day of the month following 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.

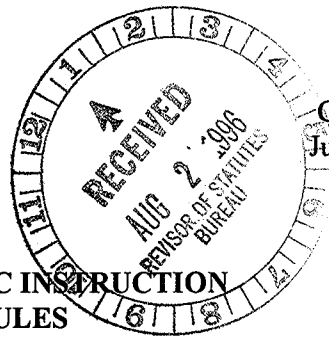
IN TESTIMONY WHEREOF, I hereunto set my hand and affixed the official seal of the Department at General Executive Facility (GEF) 3, 125 South Webster Street, P. O. Box 7841, in the city of Madison, this 31st day of July, 1996.

John T. Benson / 145

John T. Benson
State Superintendent
State Department of Public Instruction



10 - 1 - 96



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

The state superintendent of public instruction hereby repeals PI 32.01(6), PI 32.03(2)(d), PI 32.06(1)(e), PI 32.06(2)(a) to (h), PI 32.08(5), PI 32.12, PI 32.13(3)(b) and (c); renumbers PI 32.03(2)(e) to (h); renumbers and amends PI 32.13(3)(d) and (e), amends PI 32.01(2), PI 32.02(9), (13) and (14), PI 32.03(1)(intro.), (a), and (c) to (e), PI 32.03(2)(b), (e) and (f), PI 32.04(1), PI 32.05(1), PI 32.06(intro.), (1)(intro.), and (a), PI 32.06(2)(intro.), PI 32.07(5), PI 32.08(1), PI 32.08(2)(a)4, PI 32.11(2)(b); repeals and recreates PI 32.05(2)(a) to (d), PI 32.06(3) to (9), PI 32.07(2), PI 32.08(4), and PI 32.09(3); and creates PI 32.09(2)(c), and PI 32.10(2)(d), relating to AODA programs.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory authority: ss. 115.36(3)(a)5, 115.361(2)(c), 115.361(5)(c), 115.362(5) and 227.11(2)(a), Stats.

Statute interpreted: ss. 115.36(1) and (3), 115.361(2), (3), (4), and (5), and 115.362(2), Stats.

The proposed rules make several minor modifications to the various alcohol and other drug abuse (AODA) grant programs under ch. PI 32 in order to make the rules more flexible and consistent with statutes that established the programs. Major modifications include:

- Clarifying how AODA prevention affects other health and safety problems and concerns by including the phrase "health and safety problems or concerns."
- Changing the general requirements for AODA program policies. Grant participants will now be required to explain how their program will operate consistent with state and federal law rather than require the participants to ensure compliance with requirements specified in rule. Examples of applicable state law are given in the rule.
- Eliminating some of the general application requirements for all AODA grant programs as they relate to the required outline and description information. For instance, 1) The outline no longer requires a list of personnel involved and materials to be used (this information is already available in the application's budget) and 2) The description no longer requires a list of quantifiable data used to determine the extent to which the program objectives were met (this will allow grant applicants greater flexibility in choosing evaluation methods).
- Eliminating or modifying some provisions relating to the state superintendent's review of AODA grant applications.
- Eliminating or modifying the requirements for a comprehensive K-12 AODA program, including eliminating the specific criteria previously required for a comprehensive K-12 AODA policy. Instead, allow grant participants to determine policy contents.
- Eliminating specific training, knowledge and skill requirements for an AODA program coordinator. Instead, allow the grant participant to decide what training will be required for the coordinator.
- Eliminating or modifying specific application requirements under the various AODA grant categories.
- Eliminating the criteria used to determine comparable training required for an officer to offer drug abuse resistance education (DARE). The comparable training currently listed in the rule is subject to change as determined by DARE America. Therefore, the rule will give an explanatory note describing how the reader may obtain more information regarding training.

- Eliminating specific DARE curriculum requirements. Again, curriculum requirements currently listed in the rule are subject to change as determined by DARE America.
- Defining the enrollment size of small, medium and large districts under the grants for families and schools together program.
- Eliminating the school counselors, psychologists and social workers program since the program has already been eliminated in statute.
- Having the state superintendent's advisory council advise him or her on related health and safety issues and programs as well as AODA issues and programs.

SECTION 1. PI 32.01(2) is amended to read:

PI 32.01(2) Section 115.361(2), Stats., which allows a school board to apply to the state superintendent for a grant not to exceed \$50,000 to fund the costs of contracting with a city or county law enforcement agency to provide drug abuse resistance education to pupils enrolled in grades ~~5 through 8~~ 3 to 9.

SECTION 2. PI 32.01(6) is repealed.

SECTION 3. PI 32.02(9), (13) and (14) are amended to read:

PI 32.02(9) "Intervention" means efforts to respond to and provide appropriate assistance to students ~~who demonstrate behaviors of concern which may indicate an~~ experiencing health and safety problems including alcohol and other drug abuse ~~problem or who seek help for such problems themselves.~~

(13) "Prevention" means efforts to provide pupils appropriate information and developmental experiences necessary to make personally and socially responsible decisions regarding their own alcohol and other drug use and non-use; and other health and safety factors and to cope effectively with the personal and social results of health and safety decisions made by others ~~regarding use.~~

(14) "Pupil assistance program," also referred to as a student assistance program, means an alcohol and other drug abuse support program involving pupils with health and safety problems and concerns in individual or group settings operating under conditions established by school board policy, rules and responsibilities.

SECTION 4. PI 32.03(1)(intro.), (a) and (c) to (e) are amended to read:

PI 32.03 GENERAL REQUIREMENTS. (1) AODA PROGRAM POLICIES. A school board conducting an AODA program shall establish policies and procedures ~~which meet the following requirements:~~ that clearly articulate how the program will operate consistent with applicable state and federal laws. In developing policies under this subsection, a school board may consider requiring the following:

(a) ~~Ensure that~~ That administrators and teachers designated to engage in AODA programs under s. 118.126, Stats., have received appropriate training and are aware of the requirements of s. 118.126, Stats.

(c) ~~Ensure that~~ That school administrators, principals, pupil services professionals and teachers employed by the school board are aware of the provisions under s. 118.257, Stats., pertaining to liability for referral to police, when referring pupils to law enforcement authorities for removal from school grounds or school sponsored activities as a result of suspicion of possession or consumption of an alcoholic beverage or controlled substance.

(d) ~~Ensure that~~ That school administrators, principals, pupil services professionals and teachers employed by the school board are aware of the provisions of s. 118.258, Stats., pertaining to the prohibition of electronic communications devices and that pupils are annually provided with a copy of the board's rules pertaining to this prohibition

(e) ~~Ensure that~~ That school administrators, principals, pupil services professionals and teachers employed by the school board are aware of the provisions of s. 120.12(19) (20), Stats., pertaining to prohibiting the use of all tobacco products on school premises.

SECTION 5. PI 32.03(2)(b), (e) and (f) are amended to read:

PI 32.03(2)(b) The name of the AODA program coordinator, and evidence that the AODA program coordinator ~~meets the requirements under s. PI 32.06(8)~~ holds a current license issued by the department under ch. PI 3

(e) An outline of the proposed program goals, objectives, activities, ~~personnel to be involved, materials to be developed or acquired,~~ and related timelines.

(f) A description of how the proposed program activities will be evaluated ~~including quantifiable data which will be used to determine the extent to which the program objectives were met~~ which shall include qualitative, quantitative, or anecdotal data.

SECTION 6. PI 32.03(2)(d) is repealed.

SECTION 7. PI 32.03(2)(e) to (h) are renumbered PI 32.03(2)(d) to (g).

SECTION 8. PI 32.04(1) is amended to read:

PI 32.04(1) An 18 member council, selected from local educational agency staff, professionals in the AODA field and ~~various~~ related interest groups, shall be appointed by and advise the state superintendent concerning the administration of s. 115.36(3), Stats., and other matters related to AODA, health and safety, and other pupil service programs as the state superintendent requests.

SECTION 9. PI 32.05(1) is amended to read:

PI 32.05(1) The council under s. PI 32.04 shall review the applications submitted under s. PI 32.07 and any other applications under this chapter as requested by the state superintendent and make recommendations to the state superintendent regarding the school district applications. These recommendations shall be based on the criteria specified in sub. (2)(a) to ~~(d)~~ (c) and consideration of recommendations made by the county department of community programs

SECTION 10. PI 32.05(2)(a) to (d) are repealed and PI 32.05(2)(a), (b) and (c) are recreated to read:

PI 32.05(2)(a) The extent to which the goals, objectives and activities relate to the purpose of the proposed program.

(b) The extent to which the proposed program activities will assist the district in meeting the requirements of s. PI 32.06.

(c) The local capacity to sustain program activities.

SECTION 11. PI 32.06(intro.), (1)(intro.), and (a) are amended to read:

PI 32.06(intro.) COMPREHENSIVE KINDERGARTEN THROUGH GRADE 12 ALCOHOL AND OTHER DRUG ABUSE PROGRAMS. Under s. 115.36(1), Stats., every public and private school is encouraged to develop AODA programs to prevent or ameliorate alcohol and other drug abuse among minors. Sections 115.36(3), 115.361(2), (3), and (5), (6) and 115.362(2), Stats., provide for grants to assist school districts in developing or supplementing AODA programs. An AODA program shall meet the requirements specified in s. PI 32.03(1) and consist of the following:

(1) ~~Alcohol~~ A comprehensive kindergarten through grade 12 alcohol and other drug abuse specific curriculum and instruction which meets all of the requirements of s. 118.01(2)(d)2.c. and 6, Stats., and which:

(a) Is developmentally appropriate, ~~sequential and mandatory at each grade level~~.

SECTION 12. PI 32.06(1)(e) is repealed.

SECTION 13. PI 32.06(2)(intro.) is amended to read:

PI 32.06(2)(intro.) A written school district policy which supports comprehensive alcohol and other drug abuse programming including pupil assistance programs, curriculum, instruction, staff development and youth oriented activities. The policies shall be widely publicized and ~~include:~~ be in accordance with appropriate state and federal laws.

SECTION 14. PI 32.06(2)(a) to (h) are repealed.

SECTION 15. PI 32.06(3) to (9) are repealed and PI 32.06(3) to (8) are recreated to read:

PI 32.06(3) Programs for students including pupil assistance programs, peer programs, student clubs, and drug free alternatives.

(4) Programs for adults including staff development, employee assistance and wellness programs, and parent and community education.

(5) Integration of community resources and support services including, but not limited to, human services providers, private treatment providers, law enforcement officers, and judicial personnel.

(6) Access to a collaborative pupil service team made up of school counselors, social workers, nurses and psychologists.

(7) An AODA program coordinator who is provided with appropriate time and training.

(8) Ongoing monitoring, assessment and evaluation of AODA program activities.

SECTION 16. PI 32.07(2) is repealed and recreated to read:

PI 32.07(2) In addition to the grant application requirements under s. PI 32.03(2), the application shall include a description of the resources and funds necessary to implement the project and how the matching fund contribution of 20% required under s. 115.36(3)(c), Stats., will be met. Private and in-kind contributions may be applied to meet this requirement.

SECTION 17. PI 32.07(5) is amended to read:

PI 32.07(5) The county department of community programs may and the council shall submit an advisory recommendation to the state superintendent. ~~An advisory recommendation from the county department of community programs must be received by the department not later than 5 days after the deadline for receipt of project proposals.~~

SECTION 18. PI 32.08(1) is amended to read:

PI 32.08(1) Under s. 115.361(2), Stats., a school board may apply to the state superintendent for a grant to fund the costs of contracting with a city or county law enforcement agency to provide drug abuse resistance education to pupils enrolled in grades ~~5 through 8~~ 3 to 9. No grant may exceed \$50,000.

SECTION 19. PI 32.08(2)(a)4 is amended to read:

PI 32.08(2)(a)4 The law enforcement officer shall conduct ~~17~~ one-hour sessions which are, to the extent possible, held over ~~17~~ consecutive weeks, that include the number of lessons specified in the training program under s. PI 32.08(4).

SECTION 20. PI 32.08(4) is repealed and recreated to read:

PI 32.08(4) Law enforcement officers shall be trained in the delivery of the drug abuse resistance education program through the sheriff's department of a county having a population of 500,000 or more, or a program that provides comparable training as determined by DARE America.

NOTE: Information regarding comparable hours may be obtained by contacting the Training and Standards Bureau, Department of Justice, P.O. Box 7070, Madison, WI 53707-7070, (608) 267-6736.

SECTION 21. PI 32.08(5) is repealed.

SECTION 22. PI 32.09(2)(c) is created to read:

PI 32.09(2)(c) A budget which describes how grant funds will be used.

SECTION 23. PI 32.09(3) is repealed and recreated to read:

PI 32.09(3)(a) No grant may exceed \$50,000 for school districts with small and medium memberships, which includes districts with enrollments under 10,000.

(b) No grant may exceed \$70,000 for school districts with large memberships, which includes districts with enrollments of 10,000 or more.

SECTION 24. PI 32.10(2)(d) is created to read:

PI 32.10(2)(d) A budget which describes how grant funds will be used.

SECTION 25. PI 32.11(2)(b) is amended to read:

PI 32.11(2)(b) A description of the methods used to identify ~~the pupils to be served in the program~~ and the special skills and interests of the ~~individual pupils to be served in the program~~ and the methods used to help them develop those skills and interests.

SECTION 26. PI 32.12 is repealed.

SECTION 27. PI 32.13(3)(b) and (c) are repealed.

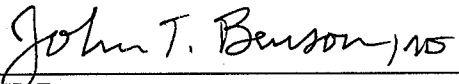
SECTION 28. PI 32.13(3)(d) and (e) are renumbered PI 32.13(3)(b) and (c) and as renumbered, PI 32.13(3)(c) is amended to read:

PI 32.13(3)(c) A ~~description of budget that describes~~ the resources and funds necessary to implement the proposed program including the associated administrative costs.

SECTION 29. NOTE TO REVISOR: Please eliminate the phrase "Bureau for Pupil Services" wherever it appears in notes throughout chapter PI 32.

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 31st day of July, 1996



John T. Benson
State Superintendent