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6

State of Misconsin 2017 - 2018 LEGISLATURE

LRB-2205/1 FFK:amn&kjf

## 2017 ASSEMBLY BILL 251

April 14, 2017 – Introduced by COMMITTEE ON EDUCATION. Referred to Committee on Education.

- 1 AN ACT relating to: modifying rules related to grant programs administered by
  - the Department of Public Instruction.

#### Analysis by the Legislative Reference Bureau

This bill combines four chapters of the administrative code, each of which pertains to a grant program administered by the Department of Public Instruction into one administrative code chapter. The four grant programs are 1) grants for peer review and mentoring; 2) grants for alcohol and other drug abuse programs; 3) grants for tribal language revitalization; and 4) four-year-old kindergarten grants. The bill also provides default procedures for other state grant programs administered by DPI.

# The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 **SECTION 1.** Chapter PI 16 (title) of the administrative code is repealed.
- 4 SECTION 2. PI 16.01 of the administrative code is renumbered PI 38.21 and
- 5 amended to read:
  - PI 38.21 Purpose. This chapter subchapter sets forth criteria and procedures
- 7 for awarding grants to eligible school districts to implement a 4-year-old

## **ASSEMBLY BILL 251**

1	kindergarten program under s. 115.445, Stats. Funds are awarded from the
2	appropriation under s. 20.255 (2) (dp), Stats.
3	<b>SECTION 3.</b> PI 16.02 (intro.), (1), (2), (3), (4) and (6) of the administrative code
4	are renumbered PI 38.22 (intro.), (1), (2), (3), (4) and (6), and PI 38.22 (intro.), as
5	renumbered, is amended to read:
6	PI 38.22 Definitions. (intro.) In this chapter subchapter:
7	<b>SECTION 4.</b> PI 16.02 (5), (7) and (8) of the administrative code are renumbered
8	PI 38.002 (2), (3) and (4).
9	<b>SECTION 5.</b> PI 16.03 of the administrative code is renumbered PI 38.23, and PI
10	38.23 (1) (a) (intro.) and (2) (intro.) and (c), as renumbered, are amended to read:
11	PI 38.23 (1) (a) (intro.) Annually by March 31, 2008, for the 2008–2009 school
12	<del>year, and by</del> the fourth Monday in March <del>in subsequent school years</del> , school boards
13	of eligible school districts may apply to the department for a 4K grant under this
14	chapter subchapter for the following school year. A school district is eligible to apply
15	if it meets all of the following requirements:
16	(2) (intro) A school district operating a 4K program funded under sub. (1) shall
17	meet <u>do</u> all of the following:
18	(c) All <u>Comply with all</u> applicable state statutes, including the school district
19	standards under s. 121.02 (1), Stats., and transportation requirements under s.
20	121.54 (1) and (2), Stats.
21	<b>SECTION 6.</b> PI 16.04 of the administrative code is renumbered PI 38.24, and PI
22	38.24 (1) (a) and (2) (a), as renumbered, are amended to read:
23	PI 38.24 (1) (a) The department shall give preference in awarding grants under
24	this <u>chapter subchapter</u> to eligible school districts under s. PI <u>16.03</u> <u>38.23</u> (1) (a) that
25	demonstrate in the application that the 4K program is using a community approach

- 2 -

to early education. An eligible applicant that uses a community approach to early
education shall receive up to \$3,000 per pupil enrolled in the school district's 4K
program as determined on the third Friday in September pupil count under s. 121.05
(1), Stats., in the school year following the grant application. If the funds under s.
20.255 (2) (dp), Stats., are insufficient to pay \$3,000 per pupil, the funds shall be
prorated.

(2) (a) Grant recipients under sub. (1) may receive a second year grant if the
recipient submits to the department by November 7 of the school year following the
receipt of the first year grant, an assurance on a form provided by the department,
affirming that the program was and continues to meet the requirements under this
chapter subchapter.

12 **SECTION 7.** Chapter PI 32 (title) of the administrative code is repealed.

13 SECTION 8. PI 32.01 (title), (1), (2) and (4) of the administrative code are 14 renumbered PI 38.11 (title), (1), (2) and (3), and PI 38.11 (3), as renumbered, is 15 amended to read:

16 PI 38.11 (3) This chapter subchapter sets forth characteristics of a 17 comprehensive kindergarten through grade 12 program including criteria and 18 procedures in awarding grants under s. 115.36, Stats.

**SECTION 9.** PI 32.01 (3) of the administrative code is repealed.

 20
 SECTION 10. PI 32.02 (intro.), (1), (3), (4), (5), (7), (8), (9) and (10) of the

 21
 administrative code are renumbered PI 38.12 (intro.), (1), (3), (4), (5), (7), (8), (9) and

 22
 (10), and PI 38.12 (intro.), (1) and (4), as renumbered, are amended to read:

23 **PI 38.12 Definitions.** (intro.) In this chapter subchapter:

24 (1) "AODA program" means a comprehensive kindergarten through grade 12
25 alcohol and other drug abuse program as described in s. PI <u>32.03</u> <u>38.13</u>.

#### **ASSEMBLY BILL 251**

(4) "Council" has the meaning given in means the council created under s.
 115.36 (2) (e), Stats.

3 SECTION 11. PI 32.02 (2), (6), (11) and (12) of the administrative code are 4 repealed.

5 SECTION 12. PI 32.03 (title) and (1) of the administrative code are renumbered 6 PI 38.13 (title) and (1), and PI 38.13 (1) (intro.), as renumbered, is amended to read: 7 PI 38.13 (1) AODA PROGRAM POLICIES. (intro.) Except projects funded under s. 8 PI 32.04 38.14, a school board conducting an AODA program shall establish policies 9 and procedures that clearly articulate how the program will operate. In developing 10 policies under this section, a school board shall consider requiring any of the 11 following:

SECTION 13. PI 32.03 (2) of the administrative code is renumbered PI 38.13 (2),
and PI 38.13 (2) (intro.), as renumbered, is amended to read:

14 PI 38.13 (2) AODA PROGRAM CONTENT. (intro.) Under s. 115.36 (1), Stats., every 15 public and private school is encouraged to develop AODA programs to prevent or 16 ameliorate alcohol and other drug abuse among minors. Section 115.36 (3), Stats., 17 provide provides for grants to assist school districts in developing or supplementing 18 AODA programs. An AODA program under this section may include any of the 19 following:

SECTION 14. PI 32.03 (3) of the administrative code is renumbered PI 38.13 (3),
and PI 38.13 (3) (intro.) and (c), as renumbered, are amended to read:

PI 38.13 (3) GRANT APPLICATION REQUIREMENTS. (intro.) A school board or a school board in cooperation with another school board under an agreement under s. 66.0301, Stats.; or a CESA board under s. 116.032, Stats.; may apply for a grant under this section. Maximum awards for consortium projects shall be determined

by the <u>state</u> superintendent as described under sub. (4) (a). Annually, an applicant
under this section shall submit all of the following information to the department in
its grant application:
(c) A description of how the proposed program activities will be integrated with
the school district's current AODA program as specified in <del>s. PI 32.03</del> this section,
as well as other school improvement strategies.
<b>SECTION 15.</b> PI 32.03 (4) of the administrative code is renumbered PI 38.13 (4),
and PI 38.13 (4) (b), as renumbered, is amended to read:
PI 38.13 (4) (b) The council under s. 115.36 (2) (e), Stats., shall review the
applications submitted under this section and make recommendations to the state
superintendent regarding the funding of school district applications. These
recommendations shall be based on the criteria specified in par. (c).
<b>SECTION 16.</b> PI 32.04 of the administrative code is renumbered PI 38.14.
SECTION 17. Chapter PI 38 (title) of the administrative code is repealed and
recreated to read:
CHAPTER PI 38
STATE GRANT PROGRAMS
SECTION 18. Subchapter I of chapter PI 38 [precedes PI 38.001] of the
administrative code is created to read:
CHAPTER PI 38
SUBCHAPTER I
GENERAL
<b>PI 38.001 Purpose.</b> This chapter establishes procedures for grant programs
administered by the department.
PI 38.002 Definitions. In this chapter:

1	SECTION 19. Subchapter II (title) of chapter PI 38 [precedes PI 38.005] of the
2	administrative code is created to read:
3	CHAPTER PI 38
4	SUBCHAPTER II
5	GENERAL ADMINISTRATIVE PROCEDURES
6	PI 38.005 Applicability. (1) Except as provided in sub. (2), this subchapter
7	applies to all state grant programs administered by the department.
8	(2) If a rule under this subchapter conflicts with a statute, administrative rule,
9	or federal regulation that applies to the grant program, the rule under this
10	subchapter does not apply to the grant program.
11	PI 38.006 Applications. To be considered for a grant under a state grant
12	program, an applicant shall file with the department a complete application on a
13	form provided by the department by the date established by the department.
14	PI 38.007 Department duties. (1) APPLICATIONS. For each state grant
15	program, the department shall develop an application that includes all of the
16	following information:
17	(a) The date the application shall be filed with the department.
18	(b) The criteria the department will use to award grants under sub. (3).
19	(c) The information a recipient of the grant is required to maintain under s. PI
20	38.008 (1).
21	(2) APPLICATION REVIEW. The department shall review all applications filed in
22	accordance with s. PI 38.006.
23	(3) GRANT AWARDS. The department shall award grants based on the criteria
24	listed in the grant application.

- 6 -

**ASSEMBLY BILL 251** 

1 (4) PRORATION. The department may award grants on a prorated basis if 2 available funding is insufficient to fully fund all of the grant recipients. 3 (5) NOTIFICATION. The department shall notify each applicant in writing of its 4 determination under sub. (3). 5**PI 38.008** Grant reporting. A grant recipient shall do all of the following: 6 (1) Maintain any documentation required by the department. 7 (2) Upon the request of the department, provide any information required 8 under sub. (1) to the department. 9 **SECTION 20.** Subchapter III (title) of chapter PI 38 [precedes PI 38.01] of the 10 administrative code is created to read: 11 **CHAPTER PI 38** 12SUBCHAPTER III 13GRANTS FOR PEER REVIEW 14 AND MENTORING 15**SECTION 21.** PI 38.01 of the administrative code is amended to read: 16 PI 38.01 Purpose. Under s. 115.405, Stats., the state superintendent shall award grants to eligible applicants for peer review and mentoring programs. This 17chapter subchapter sets forth criteria and procedures for awarding grants under this 18 19 program. 20 **SECTION 22.** PI 38.02 (intro.) of the administrative code is amended to read: 21PI 38.02 Definitions. (intro.) In this chapter subchapter: 22SECTION 23. PI 38.02 (1) and (3) of the administrative code are amended to read: PI 38.02 (1) "Approved program" has the meaning defined under s. PI 3.01 2324<u>34.01</u> (6).

#### **ASSEMBLY BILL 251**

1 (3) "Initial educator" means an individual who holds an initial license as defined under s. PI 3.01 (19) 34.01 (33).  $\mathbf{2}$ 3 **SECTION 24.** PI 38.02 (2) of the administrative code is renumbered PI 38.002 4 (1).SECTION 25. PI 38.02 (5) of the administrative code is renumbered PI 38.002  $\mathbf{5}$ (5).6 7 **SECTION 26.** PI 38.03 (1) (intro.) of the administrative code is amended to read: PI 38.03 (1) ELIGIBILITY. (intro.) Annually, by November 1, 1998, and by May 8 9 1 in subsequent years, eligible applicants may apply to the state superintendent to 10 fund a peer review and mentoring program described under sub. (4) (4m). Eligible applicants include the following: 11 12 **SECTION 27.** PI 38.03 (3) of the administrative code is amended to read: 13PI 38.03 (3) Assurances. A grant recipient under this chapter subchapter shall 14provide for all of the following: 15(a) An assurance that the grant awarded under this <del>chapter</del> subchapter will 16 not be used to supplant or replace funds otherwise available for professional 17development. 18 (b) An assurance that program information and related materials under this chapter subchapter will be made available to interested schools and other 19 20educational institutions at a reasonable cost. 21SECTION 28. PI 38.03 (4) (intro.) of the administrative code is renumbered PI 2238.03(4) and amended to read: 23PI 38.03 (4) PROGRAM COMPONENTS GRANT AMOUNT. A one-year grant of not more  $\mathbf{24}$ than \$25,000 may be made to fund a comprehensive peer review and mentoring 25program for initial and professional educators.

- 8 -

1	(4m) PROGRAM COMPONENTS. A grant application program is eligible for a grant
2	under this <del>chapter shall include</del> <u>subchapter only if it includes</u> all of the following
3	program components:
4	<b>SECTION 29.</b> PI 38.04 of the administrative code is amended to read:
5	PI 38.04 Mentor involvement. A mentor under this chapter subchapter
6	shall have input into the confidential formative assessment of the initial educator
7	and may not be included as part of the school district's formal evaluation of an initial
8	educator.
9	<b>SECTION 30.</b> PI 38.05 (intro.) of the administrative code is amended to read:
10	PI 38.05 Review of applications and awarding of grants. (intro.) The
11	state superintendent shall review the applications submitted under this <del>chapter</del>
12	subchapter and shall determine which of the applications eligible for funding will
13	receive grants based on the following criteria:
14	SECTION 31. Subchapter IV (title) of chapter PI 38 [precedes PI 38.11] of the
15	administrative code is created to read:
16	CHAPTER PI 38
17	SUBCHAPTER IV
18	GRANTS FOR ALCOHOL AND OTHER
19	DRUG ABUSE PROGRAMS
20	SECTION 32. Subchapter V (title) of chapter PI 38 [precedes PI 38.21] of the
21	administrative code is created to read:
22	CHAPTER PI 38
23	SUBCHAPTER V
24	FOUR-YEAR-OLD
25	KINDERGARTEN GRANTS

2017 - 2018 Legislature - 10 -

## **ASSEMBLY BILL 251**

1	SECTION 33. Subchapter VI (title) of chapter PI 38 [precedes PI 38.31] of the
2	administrative code is created to read:
3	CHAPTER PI 38
4	SUBCHAPTER VI
5	GRANTS FOR TRIBAL LANGUAGE
6	REVITALIZATION
7	SECTION 34. Chapter PI 39 (title) of the administrative code is repealed.
8	<b>SECTION 35.</b> PI 39.01 of the administrative code is renumbered PI 38.31 and
9	amended to read:
10	PI 38.31 Purpose. This chapter subchapter sets forth criteria and procedures
11	for awarding grants to eligible school districts and cooperative educational service
12	agencies to apply to the department for a grant under s. 115.745, Stats., for the
13	purpose of supporting innovative, effective instruction in one or more American
14	Indian languages. Funds are awarded from the appropriation under s. $20.255$ (2)
15	(km), Stats.
16	SECTION 36. PI 39.02 (intro.) and (5) of the administrative code are
17	consolidated, renumbered PI 38.32 and amended to read:
18	PI 38.32 Definitions Definition. In this chapter: (5) "Tribal this subchapter,
19	<u>"tribal</u> education authority" has the meaning defined in s. 115.71 (5), Stats.
20	<b>SECTION 37.</b> PI 39.02 (1), (2), (3) and (4) of the administrative code are repealed.
21	<b>SECTION 38.</b> PI 39.03 of the administrative code is renumbered PI 38.33, and
22	PI 38.33 (1), (2) and (3) (h), as renumbered, are amended to read:
23	PI 38.33 (1) Annually by January 29, 2010, for the 2009–10 school year; by
24	April 30, 2010, for the 2010–11 school year; and by March 1 annually thereafter, a
25	school board, consortium of school boards, or CESA, in conjunction with a tribal

1 education authority, may apply to the department for a grant for the purpose of 2 supporting innovative, effective instruction in one or more American Indian 3 languages.

4 (2) A grant program funded with a grant under this chapter subchapter shall 5include one or more activities related to providing instruction in a tribal language 6 as either a curricular or co-curricular offering. Funds may be used for activities 7 including, but not limited to, curriculum design, creation of appropriate assessment 8 instruments, professional development activities, language-focused parent and 9 community engagement activities, instructional delivery, and program evaluation.

#### 10 (3) (h) A description of how the school district <u>applicant</u> will measure the 11 effectiveness of the instruction.

12**SECTION 39.** PI 39.04 of the administrative code is renumbered PI 38.34, and PI 38.34 (1) and (2) (intro.), (a), (b) and (d), as renumbered, are amended to read: 13

14 PI 38.34 (1) The department shall establish funding limits annually based on 15the appropriation under s. 20.255 (2) (km), Stats., and inform school districts boards 16 and CESAs of these limits.

17(2) (intro.) The department shall review the applications submitted under this 18 chapter subchapter and shall determine which of the applications eligible for 19 funding will receive grants based on the following criteria:

20 21

(a) The extent to which the program design and activities address the identified needs under s. PI <u>39.03</u> <u>38.33</u> (3) (a).

22(b) The extent to which the program design and activities are both innovative 23and appropriate to the purpose of the program funded by the grant and likely to make 24a measurable impact.

2017 – 2018 Legislature – 12 –

## **ASSEMBLY BILL 251**

- 1 (d) The extent to which the applicant met the requirements under s. PI <del>39.03</del>
- 2 <u>38.33</u>.
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(END)