

# State of Wisconsin



2017 Assembly Bill 251

Date of enactment: **November 30, 2017**

Date of publication\*: **December 1, 2017**

## 2017 WISCONSIN ACT 93

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

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

**SECTION 1.** Chapter PI 16 (title) of the administrative code is repealed.

**SECTION 2.** PI 16.01 of the administrative code is renumbered PI 38.21 and amended to read:

**PI 38.21 Purpose.** This ~~chapter subchapter~~ sets forth criteria and procedures for awarding grants to eligible school districts to implement a 4-year-old kindergarten program under s. 115.445, Stats. Funds are awarded from the appropriation under s. 20.255 (2) (dp), Stats.

**SECTION 3.** PI 16.02 (intro.), (1), (2), (3), (4) and (6) of the administrative code are renumbered PI 38.22 (intro.), (1), (2), (3), (4) and (6), and PI 38.22 (intro.), as renumbered, is amended to read:

**PI 38.22 Definitions.** (intro.) In this ~~chapter subchapter~~:

**SECTION 4.** PI 16.02 (5), (7) and (8) of the administrative code are renumbered PI 38.002 (2), (3) and (4).

**SECTION 5.** PI 16.03 of the administrative code is renumbered PI 38.23, and PI 38.23 (1) (a) (intro.) and (2) (intro.) and (c), as renumbered, are amended to read:

PI 38.23 (1) (a) (intro.) Annually by ~~March 31, 2008, for the 2008-2009 school year, and by the fourth Monday in March in subsequent school years,~~ school boards of eligible school districts may apply to the department for a 4K grant under this ~~chapter subchapter for the follow-~~

ing school year. A school district is eligible to apply if it meets all of the following requirements:

(2) (intro.) A school district operating a 4K program funded under sub. (1) shall ~~meet~~ do all of the following:

(c) ~~All~~ Comply with all applicable state statutes, including the school district standards under s. 121.02 (1), Stats., and transportation requirements under s. 121.54 (1) and (2), Stats.

**SECTION 6.** PI 16.04 of the administrative code is renumbered PI 38.24, and PI 38.24 (1) (a) and (2) (a), as renumbered, are amended to read:

PI 38.24 (1) (a) The department shall give preference in awarding grants under this ~~chapter subchapter~~ to eligible school districts under s. PI ~~16.03~~ 38.23 (1) (a) that demonstrate in the application that the 4K program is using a community approach 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

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

and continues to meet the requirements under this ~~chapter~~ subchapter.

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

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

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

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

**SECTION 10.** PI 32.02 (intro.), (1), (3), (4), (5), (7), (8), (9) and (10) of the administrative code are renumbered PI 38.12 (intro.), (1), (3), (4), (5), (7), (8), (9) and (10), and PI 38.12 (intro.), (1) and (4), as renumbered, are amended to read:

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

(1) “AODA program” means a comprehensive kindergarten through grade 12 alcohol and other drug abuse program as described in s. ~~PI 32.03~~ 38.13.

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

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

**SECTION 12.** PI 32.03 (title) and (1) of the administrative code are renumbered PI 38.13 (title) and (1), and PI 38.13 (1) (intro.), as renumbered, is amended to read:

PI 38.13 (1) AODA PROGRAM POLICIES. (intro.) Except projects funded under s. ~~PI 32.04~~ 38.14, a school board conducting an AODA program shall establish policies and procedures that clearly articulate how the program will operate. In developing policies under this section, a school board shall consider requiring any of the 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:

PI 38.13 (2) AODA PROGRAM CONTENT. (intro.) 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. Section 115.36 (3), Stats., ~~provide~~ provides for grants to assist school districts in developing or supplementing AODA programs. An AODA program under this section may include any of the 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 state 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 s. ~~PI 32.03~~ this section, as well as other school improvement strategies.

**SECTION 15.** 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).

**SECTION 16.** 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**

**PI 38.001 Purpose.** This chapter establishes procedures for grant programs administered by the department.

**PI 38.002 Definitions.** In this chapter:

**SECTION 19.** Subchapter II (title) of chapter PI 38 [precedes PI 38.005] of the administrative code is created to read:

#### **CHAPTER PI 38**

#### **SUBCHAPTER II**

#### **GENERAL ADMINISTRATIVE PROCEDURES**

**PI 38.005 Applicability.** (1) Except as provided in sub. (2), this subchapter applies to all state grant programs administered by the department.

(2) If a rule under this subchapter conflicts with a statute, administrative rule, or federal regulation that applies to the grant program, the rule under this subchapter does not apply to the grant program.

**PI 38.006 Applications.** To be considered for a grant under a state grant program, an applicant shall file with the department a complete application on a form provided by the department by the date established by the department.

**PI 38.007 Department duties.** (1) APPLICATIONS. For each state grant program, the department shall develop an application that includes all of the following information:

(a) The date the application shall be filed with the department.

(b) The criteria the department will use to award grants under sub. (3).

(c) The information a recipient of the grant is required to maintain under s. PI 38.008 (1).

(2) APPLICATION REVIEW. The department shall review all applications filed in accordance with s. PI 38.006.

(3) GRANT AWARDS. The department shall award grants based on the criteria listed in the grant application.

(4) PRORATION. The department may award grants on a prorated basis if available funding is insufficient to fully fund all of the grant recipients.

(5) NOTIFICATION. The department shall notify each applicant in writing of its determination under sub. (3).

**PI 38.008 Grant reporting.** A grant recipient shall do all of the following:

(1) Maintain any documentation required by the department.

(2) Upon the request of the department, provide any information required under sub. (1) to the department.

**SECTION 20.** Subchapter III (title) of chapter PI 38 [precedes PI 38.01] of the administrative code is created to read:

**CHAPTER PI 38**  
**SUBCHAPTER III**  
**GRANTS FOR PEER REVIEW**  
**AND MENTORING**

**SECTION 21.** PI 38.01 of the administrative code is amended to read:

**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 ~~chapter~~ subchapter sets forth criteria and procedures for awarding grants under this program.

**SECTION 22.** PI 38.02 (intro.) of the administrative code is amended to read:

**PI 38.02 Definitions.** (intro.) In this ~~chapter~~ subchapter:

**SECTION 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~~ 34.01 (6).

(3) “Initial educator” means an individual who holds an initial license as defined under s. PI ~~3.01~~ (19) 34.01 (33).

**SECTION 24.** PI 38.02 (2) of the administrative code is renumbered PI 38.002 (1).

**SECTION 25.** PI 38.02 (5) of the administrative code is renumbered PI 38.002 (5).

**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 1 in subsequent years, eligible applicants may apply to the state superintendent

to fund a peer review and mentoring program described under sub. (4) ~~(4m)~~. Eligible applicants include the following:

**SECTION 27.** PI 38.03 (3) of the administrative code is amended to read:

PI 38.03 (3) ASSURANCES. A grant recipient under this ~~chapter~~ subchapter shall provide for all of the following:

(a) An assurance that the grant awarded under this ~~chapter~~ subchapter will not be used to supplant or replace funds otherwise available for professional development.

(b) An assurance that program information and related materials under this ~~chapter~~ subchapter will be made available to interested schools and other educational institutions at a reasonable cost.

**SECTION 28.** PI 38.03 (4) (intro.) of the administrative code is renumbered PI 38.03 (4) and amended to read:

PI 38.03 (4) ~~PROGRAM COMPONENTS GRANT AMOUNT.~~ A one-year grant of not more than \$25,000 may be made to fund a comprehensive peer review and mentoring program for initial and professional educators.

~~(4m) PROGRAM COMPONENTS.~~ A grant application program is eligible for a grant under this ~~chapter~~ subchapter only if it includes all of the following program components:

**SECTION 29.** PI 38.04 of the administrative code is amended to read:

**PI 38.04 Mentor involvement.** A mentor under this ~~chapter~~ subchapter shall have input into the confidential formative assessment of the initial educator and may not be included as part of the school district’s formal evaluation of an initial educator.

**SECTION 30.** PI 38.05 (intro.) of the administrative code is amended to read:

**PI 38.05 Review of applications and awarding of grants.** (intro.) The state superintendent shall review the applications submitted under this ~~chapter~~ subchapter and shall determine which of the applications eligible for funding will receive grants based on the following criteria:

**SECTION 31.** Subchapter IV (title) of chapter PI 38 [precedes PI 38.11] of the administrative code is created to read:

**CHAPTER PI 38**  
**SUBCHAPTER IV**  
**GRANTS FOR ALCOHOL AND OTHER**  
**DRUG ABUSE PROGRAMS**

**SECTION 32.** Subchapter V (title) of chapter PI 38 [precedes PI 38.21] of the administrative code is created to read:

**CHAPTER PI 38**  
**SUBCHAPTER V**  
**FOUR-YEAR-OLD**  
**KINDERGARTEN GRANTS**

**SECTION 33.** Subchapter VI (title) of chapter PI 38 [precedes PI 38.31] of the administrative code is created to read:

**CHAPTER PI 38**  
**SUBCHAPTER VI**  
**GRANTS FOR TRIBAL LANGUAGE**  
**REVITALIZATION**

**SECTION 34.** Chapter PI 39 (title) of the administrative code is repealed.

**SECTION 35.** PI 39.01 of the administrative code is renumbered PI 38.31 and amended to read:

**PI 38.31 Purpose.** This ~~chapter subchapter~~ sets forth criteria and procedures for awarding grants to eligible school districts and cooperative educational service agencies to apply to the department for a grant under s. 115.745, Stats., for the purpose of supporting innovative, effective instruction in one or more American Indian languages. Funds are awarded from the appropriation under s. 20.255 (2) (km), Stats.

**SECTION 36.** PI 39.02 (intro.) and (5) of the administrative code are consolidated, renumbered PI 38.32 and amended to read:

**PI 38.32 Definitions Definition.** In this ~~chapter~~ (5) ~~“Tribal subchapter.~~ “tribal education authority” has the meaning defined in s. 115.71 (5), Stats.

**SECTION 37.** PI 39.02 (1), (2), (3) and (4) of the administrative code are repealed.

**SECTION 38.** PI 39.03 of the administrative code is renumbered PI 38.33, and PI 38.33 (1), (2) and (3) (h), as renumbered, are amended to read:

PI 38.33 (1) Annually by ~~January 29, 2010, for the 2009–10 school year; by April 30, 2010, for the 2010–11 school year; and by March 1 annually thereafter,~~ a school board, consortium of school boards, or CESA, in conjunction with a tribal education authority, may apply to

the department for a grant for the purpose of supporting innovative, effective instruction in one or more American Indian languages.

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

(3) (h) A description of how the ~~school district~~ applicant will measure the effectiveness of the instruction.

**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:

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

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

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

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

(d) The extent to which the applicant met the requirements under s. PI ~~39.03~~ 38.33.