

NOTICE OF RULES IN FINAL DRAFT FORM

NOTICE IS HEREBY GIVEN To the presiding officers of each house of the legislature that the proposed rules are in final draft form according to the procedure set forth in s. 227.19, Stats.

**PROPOSED ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
CREATING RULES**

The state superintendent of public instruction hereby proposes to create Chapter PI 33, relating to grants for nursing services.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: Section 115.28 (47), Stats.

Statutory authority: Section 227.11 (2) (a), Stats.

Explanation of agency authority:

Section 227.11 (2) (a), Stats., gives an agency rule-making authority to interpret the provisions of any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute.

Related statute or rule: N/A

Plain language analysis:

2007 Wisconsin Act 20, the biennial budget bill, created a new competitive grant program under s. 115.28 (47), Stats., appropriating \$250,000 annually for school districts, other than Milwaukee Public Schools, to employ additional school nurses or contract for additional nursing services.

Grants must be awarded based on greatest need for such services based on criteria such as the ratio of pupils to nurses, rate of chronic health problems among pupils, and number of pupils from low-income families. Recipients may not supplant existing nursing staff or services and must submit a report to the department describing how the school district used the money and its effectiveness in providing additional nursing services to pupils who need such services.

The proposed rule establishes criteria and procedures for awarding grants to eligible school districts.

Emergency rules were promulgated effective November 24, 2007, in order to establish application criteria and procedures in time for the program to operate in the second semester of the school year.

Summary of, and comparison with, existing or proposed federal regulations: N/A

Comparison with rules in adjacent states:

Illinois, Iowa, Michigan, and Minnesota do not have rules relating to grants for nursing services.

Summary of factual data and analytical methodologies:

The rules reflect statutory language. Because 2007 Wisconsin Act 20 creating this grant program became effective October 27, 2007, the emergency rule established an application deadline of December 14 to expedite the awarding of funds in 2007-08. In subsequent years, the permanent rule requires applications to be due April 30 to coincide with application timelines established for other grants awarded by the department.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report: N/A

Anticipated costs incurred by private sector: N/A

Effect on small business:

The proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

Agency contact person: (including email and telephone)

Douglas White, Director, Student Services/Prevention and Wellness, (608) 266-5198, douglas.white@dpi.state.wi.us .

Place where comments are to be submitted and deadline for submission:

The department will publish a hearing notice in the *Administrative Register* which will include this information.

SECTION 1. Chapter PI 33 is created to read:

CHAPTER PI 33

GRANTS FOR NURSING SERVICES

PI 33.01 Purpose. This chapter sets forth criteria and procedures for awarding grants to eligible school districts to employ additional school nurses or contract for additional nursing services under s. 115.28 (47), Stats. Funds are awarded from the appropriation under s. 20.255 (2) (dL), Stats.

PI 33.02 Definitions. In this chapter:

- (1) "Department" means the Wisconsin department of public instruction.
- (2) "Nursing services" means any duties provided or delegated by a nurse to increase the health and safety of children and youth.
- (3) "Nursing services grant program" means a program established under s. 115.28 (47), Stats.
- (4) "School board" has the meaning given in s. 115.001 (7), Stats.
- (5) "School district" has the meaning given in s. 115.01 (3), Stats.
- (6) "School nurse" means a registered nurse licensed under ch. 441, Stats., or in a party state, as defined in s. 441.50 (2) (j), Stats., who has also received a baccalaureate degree in nursing.

PI 33.03 Eligible applicants and application requirements.

(1) Annually by April 30, school boards, other than the school board of the school district operating under ch. 119, Stats., may apply to the department for a nursing services grant program to employ additional school nurses or contract for additional nursing services. A school board may apply on its own or in cooperation with another school board.

(2) A nursing services grant program may include activities such as population assessment, management of acute and chronic care, medication administration, immunization compliance management, communicable disease prevention and

follow up, injury control, physical assessment and screening, health education and promotion, case management and advocacy for the health and safety of children and youth in the school setting.

(3) An application under this section shall include all of the following:

(a) An assurance that the recipient will not use the grant money to supplant existing nursing staff or services.

(b) Evidence of need for the grant, including the ratio of pupils to nurses, the rate of chronic health problems among pupils and the number of pupils from low-income families.

(c) A description of the health needs of the pupil population to be served.

(d) A description of the type of nursing services to be provided.

(e) A description of how the school district will measure the effectiveness of the additional nursing services to pupils.

(f) A description of the cost of the program.

NOTE: PI-2124, School Nursing Services Grant Application, may be obtained at no charge by writing to the Wisconsin Department of Public Instruction, P.O. Box 7841, Madison, WI 53707-7841 or by going to the department's web site at <http://dpi.wi.gov/forms/doc/f2124.doc>.

PI 33.04 Review of applications and awarding of grants. (1) The department shall establish funding limits and priorities annually based on the appropriation under s. 20.255 (2) (dL), Stats., and inform school districts of these limits and priorities.

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

(a) The extent there is a need for the grant described under s. PI 33.03 (3) (b).

(b) The extent to which the proposed school nursing services will meet the identified pupil health needs.

(c) The extent to which the application describes appropriate methods for reporting the effectiveness of the proposed school nursing services.

PI 33.05 Grant recipient requirements. Annually by August 1, each school district receiving a grant under this chapter shall submit a report to the department describing how the school district used the money and its effectiveness in providing additional nursing services to pupils who need such services.

The proposed 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 ____ day of April, 2008

Elizabeth Burmaster
State Superintendent