

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

The state superintendent of public instruction hereby repeals PI 25.04(2), PI 25.06(3), and PI 25.07(1)(b); rennumbers and amends PI 25.04(1), (a), (b), (c), (d) and (e) and PI 25.07(1)(c); amends PI 25.01(1), PI 25.02(1), (2), (3) and (9)(intro.), PI 25.03(title), (1)(intro.) and (a), PI 25.03(2)(intro.) and the notes following, PI 25.05(1)(b)2., (c), (d)1. to 4. and (e), PI 25.05(2), PI 25.07(2)(a)(intro.), 2., 3., 4., 6., 7. and the note following; repeals and recreates PI 25.02(6) and creates PI 25.03(2)(e) and PI 25.04(6), relating to the children at risk program.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory authority: ss. 118.153 (7) and 227.11 (2) (a), Stats.

Statute interpreted: s. 118.153, Stats.

The children at risk rules under ch. PI 25 are being modified to correspond to changes made to the children at risk statutes under s. 118.153, as a result of 1999 Wisconsin Act 123. These changes include:

- Modifying the children at risk definition to include pupils who have failed the high school graduation examination and if certain criteria are met, pupils whose scores on the 8th grade Wisconsin concept knowledge exam are below the basic level in each subject area tested.
- Eliminating the requirement that school districts meeting certain criteria (50 or more dropouts and a dropout rate exceeding 5%) must apply for children at risk aid.
- Allowing school districts with 30 or more dropouts or a dropout rate exceeding 5% of their total enrollment to apply for children at risk aid.
- Modifying the allowable size of the Milwaukee programs to require at least 30 pupils (rather than 40) and no more than 250 pupils (rather than 200).
- Modifying the statutory objectives to be met to receive an additional 10 percent of the district's average per pupil aid. Currently, such aid can be received if:
 - A pupil who is a high school senior received a high school diploma. Additional language allows this criteria to be met if the pupil passed the high school graduation examination.
 - A pupil demonstrated, on standardized tests or other appropriate measures, at least one month's gain in reading and mathematics for each month of enrollment. This language has been modified to provide that the pupil has demonstrated on standardized tests or other appropriate measures a gain in reading and mathematics commensurate with the duration of his or her enrollment in the program.

Other minor modifications are being made to the rule, but these modifications will not significantly change the way the program will be implemented or administered.

SECTION 1. PI 25.01 (1) is amended to read:

PI 25.01 (1) Applicability and purpose. (1) Under s. 118.153 (2) (a), Stats., every school board shall identify the children at risk of not graduating from high school who are enrolled in the school district and annually by August 15 develop a plan describing how the school board will meet their needs. Under s. 118.153 (3) (a), Stats., every board that applies for aid under this section shall make available programs to serve children at risk. This chapter defines children at risk, establishes criteria for school boards to consider when developing children at risk plans and sets forth the requirements for receipt of additional state aid in those school districts eligible under s. 118.153 (4) (b), Stats.

SECTION 2. PI 25.02 (1), (2), (3) and (9) (intro.) are amended to read:

PI 25.02 (1) "Adjudicated delinquent" means delinquent as defined under s. ~~48.02 (3m)~~ 938.02 (3m), Stats.

(2) "Alternative education program" means ~~a board approved instructional program offered in addition to or in place of a regularly scheduled curricular program~~ those programs as defined under s. 115.28 (7) (e) 1., Stats.

(3) "Basic skills," for purposes of determining whether a pupil is a child at risk of not graduating from high school, means achievement in reading or mathematics or both.

(9) "Dropout," for purposes of determining whether a pupil is a child at risk of not graduating from high school, means a pupil who:

SECTION 3. PI 25.02 (6) is repealed and recreated to read:

(6) "Children at risk" or "at risk" means pupils in grades 5 to 12 who are at risk of not graduating from high school because they failed the high school graduation test under s. 118.30 (1m) (d), Stats., are dropouts, or are two or more of the following:

(a) One or more years behind their age group in the number of high school credits attained.

(b) Two or more years behind their age group in basic skill levels.

(c) Habitual truants as defined in s. 118.16 (1) (a), Stats.

(d) Parents.

(e) Adjudicated delinquents.

(f) Eighth grade pupils whose score in each subject area on the examination administered under s. 118.30 (1m) (am) 1., Stats., was below the basic level, eighth grade pupils who failed the examination under s. 118.30 (1m) (am) 2., Stats., and eighth grade pupils who failed to be promoted to the ninth grade.

SECTION 4. PI 25.03 (title), (1) (intro.) and (a) are amended to read:

PI 25.03 (title) IDENTIFICATION OF CHILDREN AT RISK OF NOT GRADUATING FROM HIGH SCHOOL AND CHILDREN AT RISK PLAN. (1) (intro.) ~~Under s. 118.153 (2) (a), Stats., each board shall, annually~~ Annually by August 15, ~~identify the children at risk enrolled in the school district~~ each board shall develop a district plan that identifies the process for determining if a pupil is at risk. In determining whether a pupil is behind his or her age group in the number of high school credits attained or is 2 or more years behind his or her age group in basic skill levels, a board shall use all of the following criteria:

(a) A pupil shall be determined to be behind in his or her age group in the number of high school credits attained if a pupil in grades ~~5~~ 9 through 12 falls 3 or more credits behind in progress toward graduation.

SECTION 5. PI 25.03 (2) (intro.) and the notes following are amended to read:

(2) (intro.) ~~Each~~ As part of the district plan developed under sub. (1), each board shall, ~~annually by August 15,~~ describe how the board will identify and meet the needs of the children identified to be at risk enrolled in the school district

~~and develop a written plan describing how the school board will meet their needs.~~ A board, when developing a plan under this section, may consider the following:

Note: The number of dropouts and the percentage in grades 9-12 is collected as part of the School Performance Report. A copy of the report format may be obtained at no charge from the Department of Public Instruction, Division for ~~Educational Accountability, Policy, and Management Support~~ Libraries, Technology and Community Learning, P.O. Box 7841, Madison, WI 53707-7841.

~~Note: Form PI 2376, Children At Risk Program Plan, may be used and obtained at no charge from the Department of Public Instruction, Division for Educational Accountability, Policy, and Management Support, P.O. Box 7841, Madison, WI 53707.~~

SECTION 6. PI 25.03 (2) (e) is created to read:

PI 25.03 (2) (e) How the district will evaluate the success of services provided under the plan.

SECTION 7. PI 25.04 (1), (a), (b), (c), (d) and (e) are renumbered PI 25.04 (intro.), (1), (3), (4), (5) and (7) and as renumbered, PI 25.04 (1), (3), (4), (5), and (7) are amended to read:

PI 25.04 (1) Designate a staff person who will be responsible for developing the ~~children at risk~~ district plan required under s. 118.153 (2) (a), Stats.

(3) Provide that all work-based learning experiences and other similar programs and activities taking place outside the school for which pupils receive academic credit under the ~~children at risk~~ district plan, including those programs or curriculum modifications authorized under s. 118.15 (1) (d), Stats., and instruction and pupil support services contracted for under s. 118.153 (3) (c) 1. and 2., Stats., are supervised by departmentally licensed teachers or other licensed school personnel.

(4) Ensure that in grades 9 through 12 curriculum modifications and alternative education programs provided for children at risk ~~under the plan~~ are designed to allow pupils to meet the high school graduation requirements under s. 118.33, Stats., and ch. PI 18.

(5) Notify each pupil and his or her parent in writing whenever the pupil has been identified as a child at risk. The notice shall include all of the following:

(a) The name and telephone number of a person the parent or pupil can contact regarding the school district's ~~children at risk plan~~ or program.

(b) A description of the ~~children at risk~~ district's plan.

(c) A statement that the pupil is eligible to be enrolled under the district plan to serve children at risk.

(d) A description of the at risk programs available and how the pupil may participate in a specific program if more than one program is offered as part of the district plan.

(e) A statement to inform the parent that he or she may select one or more programs in which the pupil will be enrolled, if the pupil meets the prerequisites for the specific program requested.

(f) Describe the procedure for requesting that the pupil be enrolled in the specific at risk program selected by the parent. The request shall be in writing, by signature on a district-provided form, or be given verbally to the person responsible for enrolling the pupil in the program. This person shall record the date and time of a verbal request and whether this request was made in person or by phone.

(g) Identify the process that a parent may use if the parent disagrees with the planned services.

(7) Ensure that the special education and related services needs of a child with ~~exceptional educational needs~~ a disability, as defined in s. 115.76 ~~(3)~~ (5), Stats., are first addressed in the child's individualized education program developed pursuant to s. ~~115.80 (4)~~ 115.787, Stats., whenever that child is also eligible to be served in a children at risk program.

SECTION 8. PI 25.04 (6) is created to read:

PI 25.04 (6) Enroll the pupil in the at risk program upon the request of the pupil or the pupil's parent. If the board makes available more than one at risk program, the board shall enroll the pupil in the district program selected by the pupil or the pupil's parent if the pupil meets the prerequisites for that program.

SECTION 9. PI 25.04 (2) is repealed.

SECTION 10. PI 25.05 (1) (b) 2., (c), (d) 1. to 4. and (e) are amended to read:

PI 25.05 (1) (b) 2. Persons licensed by other recognized professional or trade associations who provide specialized instruction or related education services ~~they will provide~~.

(c) Pay each contracting agency, for each full-time equivalent ~~child at risk pupil~~ pupil served under the contract, an amount equal to at least 80% of the school district's average per pupil cost.

(d) 1. ~~Describe staff~~ Staff qualifications.

2. ~~Describe curriculum~~ Curriculum modifications and alternative education programs to be provided.

3. ~~Describe how~~ How pupil performance will be evaluated, including grading criteria, procedures for granting academic credit, and testing for progress in reading and mathematics skills areas.

4. ~~Record and report pupil~~ Pupil attendance and retention rates.

(e) Develop a procedure for communication and cooperation with the contracting agencies in meeting the needs of ~~children at risk pupils~~ pupils served under this section.

SECTION 11. PI 25.05 (2) is amended to read:

PI 25.05 (2) Pupils served under this section who receive high school diplomas may not be counted in meeting the conditions under s. PI 25.07 (1) ~~(e)~~ (b) unless the pupil met high school graduation requirements under s. 118.33, Stats., passed the high school graduation exam administered under s. 118.30 (1m) (d), Stats., or completed a program under s. 118.33 (2) (m), Stats.

SECTION 12. PI 25.06 (3) is repealed.

SECTION 13. PI 25.07 (1) (b) is repealed.

SECTION 14. PI 25.07 (1) (c) is renumbered PI 25.07 (1) (b) and as renumbered PI 25.07 (1) (b) 3. and 5. are amended to read:

PI 25.07 (1) (b) 3. The pupil, if a high school senior, received a high school diploma or passed the high school graduation test administered under s. 118.30 (1m) (d), Stats.

5. The pupil demonstrated, on standardized tests or other appropriate measures, ~~at least one month's~~ gain in reading and mathematics ~~for each month of enrollment~~ commensurate with the duration of his or her enrollment in the program.

SECTION 15. PI 25.07 (2) (a) (intro.), 2., 3., 4., 6., 7. and the note following are amended to read:

PI 25.07 (2) (a) (intro.) Under s. 118.153 (4), Stats., a board that ~~applied~~ qualified for aid under this section in the previous school year shall submit an annual report by August 31 to the state superintendent. The annual report on the program for children at risk shall include all of the following information concerning pupils served in the program:

2. The number of pupils who met ~~the attendance rates under s. 118.153 (4) (e) 1., Stats~~ or exceeded the pupil attendance rate of 70%.

3. The number of pupils who remained in school through the end of the school year.

4. The number of pupils ~~who graduated as high school seniors,~~ if high school seniors, who received a high school diploma or passed the high school graduation test administered under s. 118.30 (1m) (d), Stats.

6. The number of pupils who demonstrated ~~at least one month's,~~ on standardized tests or other appropriate measures, a gain in reading and mathematics for each month commensurate with the duration of enrollment in the program.

7. The total number of pupils who achieved at least 3 objectives under sub. (1) ~~(e)~~ (b).

Note: Form PI 2375. Annual Report for Children At Risk Program, may be obtained at no charge from the Department of Public Instruction, Division ~~for Educational Accountability, Policy, and Management Support~~ Support for Learning Support: Content and Learning, P.O. Box 7841, Madison, WI 53707.

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 _____ day of March, 2002

Elizabeth Burmaster
State Superintendent