

## Chapter PI 38

### STATE GRANT PROGRAMS

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**Note:** Chapter PI 38 was created as an emergency rule effective August 15, 1998.

#### Subchapter I — General

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

**History:** 2017 Wis. Act 93: cr. Register December 2017 No. 744, eff. 1–1–18.

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

- (1) “CESA” means a cooperative educational service agency created under ch. 116, Stats.
- (2) “Department” means the Wisconsin department of public instruction.
- (3) “School board” has the meaning given in s. 115.001 (7), Stats.
- (4) “School district” has the meaning given in s. 115.01 (3), Stats.
- (5) “State superintendent” means the state superintendent of public instruction for the state of Wisconsin.

**History:** EmR0805: emerg. cr. eff. 2–25–08; CR 08–018: cr. Register November 2008 No. 635, eff. 12–1–08; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register March 2013; No. 687.2017 Wis. Act 93: cr. (title), (intro.), renum. (1), (5) from PI 38.02 (2), (5), renum. (2), (3), (4) from PI 16.02 (5), (7), (8) Register December 2017 No. 744, eff. 1–1–18.

#### 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.

**History:** 2017 Wis. Act 93: cr. Register December 2017 No. 744, eff. 1–1–18.

**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.

**History:** 2017 Wis. Act 93: cr. Register December 2017 No. 744, eff. 1–1–18.

**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).

**History:** 2017 Wis. Act 93: cr. Register December 2017 No. 744, eff. 1–1–18.

**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.

**History:** 2017 Wis. Act 93: cr. Register December 2017 No. 744, eff. 1–1–18.

#### Subchapter III — Grants for Peer Review and Mentoring

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

**History:** Cr. Register, February, 1999, No. 518, eff. 3–1–99; 2017 Wis. Act 93: am. Register December 2017 No. 744, eff. 1–1–18.

**PI 38.02 Definitions.** In this subchapter:

- (1) “Approved program” has the meaning defined under s. PI 34.001 (2).
- (3) “Initial educator” means an individual who fulfills any of the following:
  - (a) Holds a tier I guest teach license under s. PI 34.030.
  - (b) Is employed as a tier I license holder in special education subject to the requirements under s. PI 34.039.
  - (c) Holds a tier II provisional educator license under s. PI 34.040 and has less than 3 years of experience.

(4) “Mentor” means an educator and a peer to the initial educator who primarily provides support and assistance to initial educators.

**History:** Cr. Register, February, 1999, No. 518, eff. 3–1–99; 2017 Wis. Act 93: am. (intro.), (1), renum. (2) to PI 38.002 (1), am. (3), renum. (5) to PI 38.002 (5) Register December 2017 No. 744, eff. 1–1–18; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register April 2019 No. 760; **CR 19–034: renum. (3) to (3) (intro.) and am., cr. (3) (a) to (c) Register February 2020 No. 770, eff. 3–1–20.**

### PI 38.03 Grants for peer review and mentoring.

(1) **ELIGIBILITY.** Annually, by May 1, eligible applicants may apply to the state superintendent to fund a peer review and mentoring program described under sub. (4m). Eligible applicants include the following:

- (a) A CESA.
- (b) A consortium consisting of 2 or more school districts.
- (c) A consortium consisting of 2 or more CESAs.
- (d) A combination of pars. (a) to (c).

(2) **APPLICATION REQUIREMENTS.** An application submitted under sub. (1) shall be developed with significant input from teachers and shall include the following information:

- (a) Signatures, names and titles of individuals who developed the grant application.
- (b) A list of school districts and CESAs that will participate in the program.
- (c) A description of the proposed program including its rationale, goals and objectives.
- (d) A description of how the proposed program will assist initial educators and enhance instruction.
- (e) A description of the program activities to be completed during the duration of the program, with a timetable for completion of each major activity.
- (f) A description of how the program will enhance pupil achievement.
- (g) A description of the evaluation plan including the indicators used to measure the achievement of the program goals and objectives.
- (h) A description of the applicant’s capacity to continue the program after the grant period is complete.
- (i) A description of how the grant award will be allocated, including how the applicant will match at least 20% of the grant awarded as required under s. 115.405 (1), Stats. The matching funds may be in the form of money or in-kind services or both.
- (j) A description of the selection, training, roles and responsibilities of the mentors.
- (k) A statement of the need for the grant.
- (L) A statement of which entity will be administering the program.

(3) **ASSURANCES.** A grant recipient under this subchapter shall provide for all of the following:

- (a) An assurance that the grant awarded under this 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 subchapter will be made available to interested schools and other educational institutions at a reasonable cost.

(4) **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 educators.

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

- (a) An ongoing orientation for initial educators that is collaboratively developed and delivered by administrators, teachers, support staff and parents.
- (b) Seminars that meet the needs and concerns of the initial educator and reflect the Wisconsin standards for teacher develop-

ment and licensure. The Wisconsin standards under this paragraph include all of the following:

1. The teacher understands the central concepts, tools of inquiry, and structures of the disciplines he or she teaches and can create learning experiences that make these aspects of subject matter meaningful for students.

2. The teacher understands how children learn and develop, and can provide learning opportunities that support their intellectual, social, and personal development.

3. The teacher understands how students differ in their approaches to learning and creates instructional opportunities that are adapted to diverse learners.

4. The teacher understands and uses a variety of instructional strategies to encourage students’ development of critical thinking, problem solving, and performance skills.

5. The teacher uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.

6. The teacher uses knowledge of effective verbal, nonverbal, and media communication techniques to foster active inquiry, collaboration, and supportive interaction in the classroom.

7. The teacher plans and delivers instruction based upon knowledge of subject matter, students, the community, and curriculum goals.

8. The teacher understands and uses formal and informal assessment strategies to evaluate and ensure the continuous intellectual, social, and physical development of the learner.

9. The teacher is a reflective practitioner who continually evaluates the effects of his or her choices and actions on others, such as students, parents, and other professionals in the learning community and who actively seeks out opportunities to grow professionally.

10. The teacher fosters relationships with school colleagues, parents, and agencies in the larger community to support students’ learning and well being.

(c) A mentor for all initial educators.

(d) The development of a professional development plan for the initial educator which includes a list of activities, timelines for achievement, and assessments based on the standards described under par. (b).

**Note:** PIF-1653, Peer Review and Mentoring Grants application form, may be obtained at no charge by writing to the Wisconsin Department of Public Instruction, Licensing Team, P.O. Box 7841, Madison, WI 53707-7841.

**History:** Cr. Register, February, 1999, No. 518, eff. 3–1–99; 2017 Wis. Act 93: am. (1), (3), renum. (4) (intro.) to (4) and (4m) (intro.) and am. Register December 2017 No. 744, eff. 1–1–18; **CR 19–034: am. (4) Register February 2020 No. 770, eff. 3–1–20.**

**PI 38.04 Mentor involvement.** A mentor under this 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.

**History:** Cr. Register, February, 1999, No. 518, eff. 3–1–99; 2017 Wis. Act 93: am. Register December 2017 No. 744, eff. 1–1–18.

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

(1) The extent to which teachers are involved in the program development and activities.

(2) The extent to which the goals and objectives relate to the purpose of the program.

(3) The extent to which the program activities are appropriate to the goals and objectives of the proposed program.

(4) The adequacy of the timeline for completion of each major activity and the extent to which continuation of program activities is ensured after the grant period is completed.

(5) The extent to which the program activities will enhance instruction and ultimately enhance student achievement.

**History:** Cr. Register, February, 1999, No. 518, eff. 3–1–99; 2017 Wis. Act 93: am. (intro.) Register December 2017 No. 744, eff. 1–1–18.

#### Subchapter IV — Grants for Alcohol and Other Drug Abuse Programs

**PI 38.11 Purpose.** (1) Under s. 115.36 (1), Stats., public and private schools are encouraged to develop comprehensive kindergarten through grade 12 programs to prevent or ameliorate alcohol and other drug abuse among minors.

(2) Under s. 115.36 (3), Stats., the department shall fund school district projects designed to assist minors experiencing problems resulting from alcohol or other drug use or to prevent alcohol and drug use by minors.

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

**History:** Cr. Register, July, 2000, No. 535, eff. 8–1–00; CR 13–086: am. (4) Register May 2014 No. 701, eff. 6–1–14; 2017 Wis. Act 93: renun. (title), (1), (2), (3) from PI 32.01 (title), (1), (2), (4) and am. (3) Register December 2017 No. 744, eff. 1–1–18.

#### PI 38.12 Definitions. In this subchapter:

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

(3) “Community–based organization” means a private, non–profit organization which is representative of a community or a significant segment of a community and which provides educational and job training services.

(4) “Council” means the council created under s. 115.36 (2) (e), Stats.

(5) “County department of community programs” means the county department of community programs appointed under s. 51.42 (3) (a), Stats.

(7) “Intervention” means efforts to respond to and provide appropriate assistance to students experiencing health and safety problems including alcohol and other drug abuse.

(8) “Membership” has the meaning given in s. 121.004 (5), Stats.

(9) “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. Prevention includes efforts to develop assets which can be used to overcome challenges and set–backs and to help students become positive, caring, responsible and productive citizens.

(10) “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.

**History:** Cr. Register, July, 2000, No. 535, eff. 8–1–00; 2017 Wis. Act 93: renun. (intro.), (1), (3), (4), (5), (7) to (10) from PI 32.02 (intro.), (1), (3), (4), (5), (7) to (10) and am. (intro.), (1), (4) Register December 2017 No. 744, eff. 1–1–18.

#### PI 38.13 Comprehensive kindergarten through grade 12 AODA programs, application requirements, and awarding of grants. (1) AODA PROGRAM POLICIES.

Except projects funded under s. PI 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:

(a) 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.

(b) Provide for cooperative arrangements with the county department of community programs regarding the availability of AODA services as specified under s. 118.24 (2) (f), Stats.

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

(f) That school administrators, principals, pupil service professionals and teachers employed by the school board are aware of the provisions of s. 125.09, Stats., pertaining to the prohibition of alcohol beverages on school grounds.

(g) That school administrators, principals, pupil service professionals and teachers employed by the school board are aware of the provisions of s. 118.125, Stats., pertaining to the maintenance and confidentiality of certain types of pupil records.

(h) That school administrators, principals, pupil service professionals and teachers employed by the school board are aware of the provisions of s. 118.45, Stats., pertaining to use of portable breath testing devices with pupils suspected of consuming alcohol or being under the influence of alcohol at school or a school sponsored event.

(2) AODA PROGRAM CONTENT. 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., 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:

(a) Curriculum and instruction that meets all of the requirements of s. 118.01 (2) (d) 2. c. and 6., Stats., and which does all of the following:

1. Provides accurate and up–to–date information on health promotion and risk behaviors.

2. Provides accurate information about youth attitudes and behaviors about AODA and related youth risk behaviors.

3. Provides a strong focus on life skill development, such as decision making, goal setting and communication skills.

4. Emphasizes key concepts that cut across many health and safety issues.

5. Provides multiple instructional strategies.

6. Is developmentally appropriate and builds on a pupil’s prior knowledge.

7. Provides a sense of safety and community in the classroom.

8. Provides clear and consistent messages.

9. Involves parents and guardians in instructional programs.

(b) 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 be in accordance with appropriate state and federal laws.

(c) Programs for pupils including pupil assistance programs, peer programs, student clubs, and drug free alternatives.

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

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

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

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

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

(i) Strategies to develop comprehensive school health programs which include, but are not limited to, a police–school partnership project, a family support project providing parenting skills and family cohesion building strategies, after school and summer school tutorial services, student assistance programs, youth–led prevention activities, any other strategy approved by the state superintendent to meet the statutory objectives of prevention or amelioration of alcohol and drug use by minors. A school district may enter into contracts with public or private non–profit agencies to collaborate on family support programs that include parenting skills and family cohesion building strategies.

**(3) GRANT APPLICATION REQUIREMENTS.** 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:

(a) Evidence of the need for the grant.

(b) The name of the AODA program coordinator, and evidence that the AODA program coordinator holds a current license issued by the department under ch. PI 34.

(c) A description of how the proposed program activities will be integrated with the school district’s current AODA program as specified in this section, as well as other school improvement strategies.

(d) An outline of the proposed program objectives, activities, and related timelines. The program’s objectives shall be measurable.

(e) A description of how the proposed program will be evaluated. The description shall contain outcome evaluations.

(f) A description of how the program activities will continue after the grant period is completed.

(g) A description of how the strategies and activities contained in the proposal contribute to the prevention or amelioration of alcohol, tobacco, and other drug abuse.

(h) A description of the collaborative development of the proposal, including the individuals that participated in the process.

(i) A description of the resources and funds necessary to implement the project and how the matching fund contribution of 20% will be met. Private and in–kind contributions may be applied to meet this requirement.

(j) An assurance that the grant applicant will not use the funds to supplant any funds which are otherwise available for the proposed project.

(k) Evidence that the grant applicant submitted a copy of the proposed project to the county department of community programs for advisory review.

**(4) REVIEW OF APPLICATIONS AND AWARDING OF GRANTS.** (a) The state superintendent, annually, shall establish funding limits for programs under this section based on the amount appropriated for the program under s. 20.255 (2) (kd), Stats., using the criteria specified under par. (c) 2. The state superintendent shall inform school districts of the funding limits by letter which will accompany application materials.

(b) The council 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).

(c) 1. The state superintendent shall review the applications submitted under this section and consider the recommendations made by the council under par. (b) to determine which of the applications eligible for funding will receive grants. The state superintendent shall make this determination based on the following primary criteria:

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 this section.

c. The local capacity to sustain program activities.

d. The extent to which programs are innovative or exemplary and may serve as a model for other school districts.

2. Secondary criteria in awarding grants shall, to the extent possible, include the following:

a. The grants shall be distributed equally throughout the state.

b. The grants shall be awarded to school districts of varying sizes, as determined by membership.

**History:** Cr. Register, July, 2000, No. 535, eff. 8–1–00; correction in (3) (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register, July, 2000, No. 535; correction in (3) (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register October 2001 No. 550; correction in (3) (b) made under s. 13.93 (2m) (b) 7., Stats., Register June 2004 No. 582; CR 13–086: am. (2) (intro.), (4) (a), (b) Register May 2014 No. 701, eff. 6–1–14; 2017 Wis. Act 93: renum. from PI 32.03 and am. (1) (intro.), (2) (intro.), (3) (intro.), (c), (4) (b) Register December 2017 No. 744, eff. 1–1–18.

#### **PI 38.14 Student mini grants. (1) GRANT APPLICATION**

**REQUIREMENTS.** (a) A school district may apply for a grant for an AODA education and related youth risk behaviors education, prevention and intervention activities program designed by the pupils enrolled in the school district. A grant under this section may not exceed \$1,000. Annually, an applicant under this section shall submit all of the following information to the department in its grant application:

1. A description of the program to be developed and implemented by pupils and whether the program is being implemented at a building, district, or community level.

2. An outline of the proposed program goals, objectives, activities, personnel involved, material to be developed or needed, and related timelines.

3. A description on how the proposed activities will be evaluated to determine the extent to which the objectives were met.

4. A budget that describes how grant funds will be used.

**(2) REVIEW OF APPLICATIONS AND AWARDING OF GRANTS.** The state superintendent shall review applications submitted under this section and determine which of the applications eligible for funding will receive grants. The state superintendent shall make this determination based on all of the following criteria.

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

(b) The extent to which program activities have an educational focus.

(c) Evidence that the proposal was developed and will be implemented by youth.

**Note:** PI–2391, Application – Student Alcohol and Other Drug Abuse Mini-Grant, may be obtained at no charge from the Department of Public Instruction, P. O. Box 7841, Madison, WI 53707–7841.

**History:** Cr. Register, July, 2000, No. 535, eff. 8–1–00; 2017 Wis. Act 93: renum. from PI 32.04 Register December 2017 No. 744, eff. 1–1–18.

### Subchapter V — Four–Year–Old Kindergarten Grants

**PI 38.21 Purpose.** This 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.

**History:** EmR0805: emerg. cr. eff. 2–25–08; CR 08–018: cr. Register November 2008 No. 635, eff. 12–1–08; 2017 Wis. Act 93: renum. from PI 16.01 and am. Register December 2017 No. 744, eff. 1–1–18.

**PI 38.22 Definitions.** In this subchapter:

(1) “Age eligible” means a child who turns 4 years old on or before September 1 in the year that he or she proposes to enter school or meets the school district’s criteria for early admission under s. 120.12 (25), Stats.

(2) “Community based provider” means head start and providers licensed under ch. DCF 250 or 251.

(3) “Community interest groups” means individuals or representatives with an interest in and relevance to early learning, such as family child care, community home visiting programs, parent education, resource and referral agencies, family resource centers, health or mental health organizations, social service agencies, elected officials, businesses, or philanthropic organizations.

(4) “Contract or agreement” means a written document that defines the roles and responsibilities related to the program operation.

(6) “4K” means 4–year–old kindergarten.

**History:** EmR0805: emerg. cr. eff. 2–25–08; CR 08–018: cr. Register November 2008 No. 635, eff. 12–1–08; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register March 2013 No. 687; 2017 Wis. Act 93: renum. (intro.), (1) to (4), (6) from PI 16.02 (intro.), (1) to (4), (6) and am. (intro.) Register December 2017 No. 744, eff. 1–1–18.

**PI 38.23 Eligible applicants, application and program requirements.** (1) (a) Annually by the fourth Monday in March, school boards of eligible school districts may apply to the department for a 4K grant under this subchapter for the following school year. A school district is eligible to apply if it meets all of the following requirements:

1. The school district did not count pupils in a 4K program for equalization aid and revenue limit purposes on the PI–1563 pupil count report collected pursuant to s. 121.05 (1), Stats., in the school year prior to the first year of the grant.

2. The school district has an existing contract or agreement with a community based provider if using a community approach or community based provider.

3. The school district completes the department’s application in a timely and complete manner.

(b) In awarding a grant, the department shall give priority to school districts that use community approaches to early education which establish and maintain both of the following:

1. A collaborative committee, council, or advisory group. The collaborative committee, council or advisory group must be involved in the initial planning, public awareness, delivery models, staff development, program design, site selection, staffing patterns, policy development, program standards and curriculum, as well as the on–going implementation and administration of the program. The collaborative committee, council or advisory group shall include representatives from community based providers;

the school district, which shall include an administrator, school board member, or principal and a school district employed teacher of early childhood education or kindergarten; and a representative of other relevant community interest groups.

2. A contract or agreement that defines the partnerships between the school district and all community based providers. The school district must have at least one site of the school district’s 4K program at a non–school district site, not including a private home, or on a school district site administered by a community based provider. These sites shall be within the school district’s boundaries or may be offered through an interdistrict agreement under s. 66.0301, Stats. The contract or agreement shall define all of the following roles and responsibilities related to the 4K program operation:

a. The school district’s process to oversee and supervise the program to assure compliance with state and federal education laws.

b. The community based provider’s process to assure compliance with applicable state and federal laws regulating its program.

c. The program components and design, including hours, length of program, staffing design, staff development, curriculum, class size, and parent outreach activities.

d. The resources provided by each entity necessary for the delivery of the program.

e. The financial arrangements which assure the school district covers the cost of program instruction.

f. The recruitment and enrollment practices that assure the school district program is open to all age eligible children and that the community based provider assures that enrollment is not contingent upon enrollment in any program offered by the community based provider, unless this conflicts with the provider’s federal regulations.

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

(a) Make the program open and accessible to all age eligible children of the school district at no charge.

(b) Pay the full cost of the 4K program, including the costs associated with programs located on a non–school district site. Such costs include staff compensation, special education, and support services for pupils, facilities, supplies, and staff development.

(c) 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.

**Note:** PI–7801 Four–Year–Old Kindergarten (4K) Start–Up 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 <https://dpi.wi.gov/early-childhood/kind/4k/start-up-grants>.

**History:** 2017 Wis. Act 93: renum. from PI 16.03 and am. (1) (a) (intro.), (2) (intro.), (c) Register December 2017 No. 744, eff. 1–1–18.

**PI 38.24 Review of applications and awarding of grants.** (1) FIRST YEAR GRANT AWARDS. (a) The department shall give preference in awarding grants under this subchapter to eligible school districts under s. PI 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.

(b) If, after awarding grants under par. (a), there are funds remaining, all other eligible applicants who are in their first year of 4K program implementation and not using community approaches 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) SECOND YEAR GRANT AWARDS.** (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 subchapter.

(b) Second year grant applicants that meet the requirements under this subsection, may receive up to \$1,500 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 second school year following the grant application.

(c) If the funds under s. 20.255 (2) (dp), Stats., are insufficient to pay \$1,500 per pupil, the funds shall be prorated.

(d) The department shall give preference in awarding second year grants to first year grant recipients as described under sub. (1).

**Note:** PI–7801–R, Four–Year–Old Kindergarten (4K) Grant Renewal, 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 <https://dpi.wi.gov/early-childhood/kind/4k/start-up-grants>.

**History:** EmR0805: emerg. cr. eff. 2–25–08; CR 08–018: cr. Register November 2008 No. 635, eff. 12–1–08; 2017 Wis. Act 93: renum. from PI 16.04 and am. (1) (a), (2) (a) Register December 2017 No. 744, eff. 1–1–18.

## Subchapter VI — Grants for Tribal Language Revitalization

**PI 38.31 Purpose.** This subchapter sets forth criteria and procedures for awarding grants to eligible school districts, CESAs, and head start 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.

**History:** EmR0933: emerg. cr. eff. 12–15–09; CR 09–106: cr. Register May 2010 No. 653, eff. 6–1–10; 2017 Wis. Act 93: renum. from PI 39.01 and am. Register December 2017 No. 744, eff. 1–1–18; CR 18–035: am. Register April 2019 No. 760, eff. 5–1–19.

**PI 38.32 Definitions.** In this subchapter:

**(1)** “Head start agency” means an agency determined by the state superintendent to be eligible for designation under 42 USC 9836.

**(2)** “Tribal education authority” has the meaning given in s. 115.71 (5), Stats.

**History:** EmR0933: emerg. cr. eff. 12–15–09; CR 09–106: cr. Register May 2010 No. 653, eff. 6–1–10; 2017 Wis. Act 93: renum. from PI 39.02, consol. (intro.) and (5) and am., r. (1) to (4) Register December 2017 No. 744, eff. 1–1–18; CR 18–035: renum. to (intro.), (2), cr. (1) Register April 2019 No. 760, eff. 5–1–19; corrections in (1) and (2) made under s. 35.17, Stats., Register April 2019 No. 760.

**PI 38.33 Eligible applicants and application requirements.** **(1)** Annually by March 1, a school board, consortium of school boards, CESA, or head start agency, 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 program funded with a grant under this 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)** An application under this section shall include all of the following:

(a) A needs assessment.

(b) A listing of the American Indian language or languages being supported.

(c) A listing of the project's program development and team members that are responsible for the project.

(d) A description of the process used for identifying and selecting participating pupils.

(e) A description of the innovative instruction to be used in supporting the languages under par. (b).

(f) A list of measurable goals and objectives of the grant proposal.

(g) A description of the activities and timeline for the grant proposal, including a plan for continuation and growth of the program.

(h) A description of how the applicant will measure the effectiveness of the instruction.

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

(j) Evidence that the applicant is working in conjunction with a tribal education authority.

**Note:** PI–9930, American Indian Language Revitalization Grant Application, is available at no charge from the Department of Public Instruction, P.O. Box 7841, Madison, WI 53707–7841 or at <http://dpi.wi.gov/amind/>.

**History:** EmR0933: emerg. cr. eff. 12–15–09; CR 09–106: cr. Register May 2010 No. 653, eff. 6–1–10; 2017 Wis. Act 93: renum. from PI 39.03 and am. (1), (2), (3) (h) Register December 2017 No. 744, eff. 1–1–18; CR 18–035: am. (1) Register April 2019 No. 760, eff. 5–1–19.

**PI 38.34 Review of applications and awarding of grants.** **(1)** The department shall establish funding limits annually based on the appropriation under s. 20.255 (2) (km), Stats., and inform school boards, CESAs, and head start agencies of these limits.

**(2)** The department shall review the applications submitted under this 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 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.

(c) The extent to which the measurable program goals, objectives and activities support the instruction in one or more American Indian languages.

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

**History:** EmR0933: emerg. cr. eff. 12–15–09; CR 09–106: cr. Register May 2010 No. 653, eff. 6–1–10; 2017 Wis. Act 93: renum. from PI 39.04 and am. (1), (2) (intro.), (a), (b), (d) Register December 2017 No. 744, eff. 1–1–18; CR 18–035: am. (1) Register April 2019 No. 760, eff. 5–1–19.