

Clearinghouse Rule 00-012

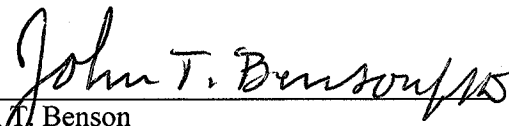
CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF PUBLIC INSTRUCTION)

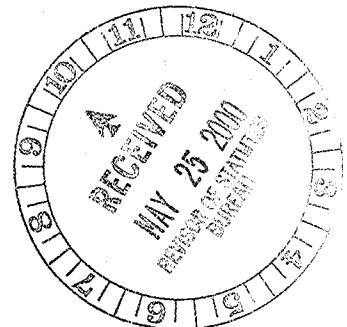
I, State Superintendent of the Department of Public Instruction and custodian of the official records of said Department, do hereby certify that the annexed rule relating to grants for alcohol and other drug abuse programs was duly approved and adopted by this Department on the first day of the month following publication in the Wisconsin Administrative Register.

I further certify that said copy has been compared by me with the original on file in this Department and the same is a true copy thereof, and of the whole of such original.

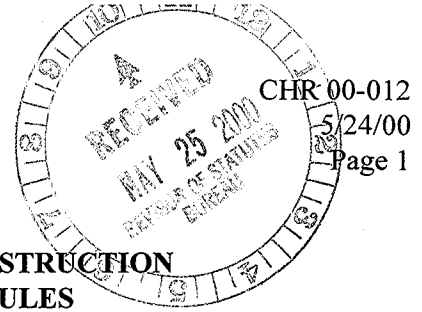
IN TESTIMONY WHEREOF, I hereunto set my hand and affixed the official seal of the Department at General Executive Facility (GEF) 3, 125 South Webster Street, P.O. Box 7841, in the city of Madison, this 25th day of May, 2000.



John T. Benson
State Superintendent
State Department of Public Instruction



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**ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
REPEALING AND RECREATING RULES**

The state superintendent of public instruction hereby repeals and recreates chapter PI 32, relating to grants for alcohol and other drug abuse programs.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory authority: ss. 115.36 (3) (a) 5., 115.361 (1), and 227.11 (2) (a), Stats.
Statute interpreted: ss. 115.36 and 115.361, Stats.

1999 Wisconsin Act 9 provides a single, comprehensive alcohol and other drug abuse (AODA) program to replace several existing categorical AODA grant programs. The rules will still allow the use of funds for the individual categorical programs that existed before the law was changed. Such categorical programs include drug abuse resistance education programs, families and schools together programs, and after school and summer school programs. Although the law eliminated these categorical programs to create a comprehensive AODA program, it was not meant to preclude these individual programs from continuing to receive funds.

To correspond to the statutory changes made under the Act, the proposed rules establish criteria and procedures for awarding grants to fund comprehensive K-12 AODA programs and student mini grants. Student mini grants are funded under the AODA program appropriation but do not have to go through the same application and review procedures as the comprehensive programs and, therefore, are included in the rule.

As with the current rules, the proposed rules:

- Maintain an advisory council to advise the state superintendent in reviewing grant applications submitted under comprehensive AODA programs (This provision does not apply to student mini grants).
- Require applicants to provide for a 20% matching fund. Private and in-kind contributions may be used to meet this requirement (This provision does not apply to student mini grants).
- Prohibit the supplanting of funds which are otherwise available for the program.

The department will annually submit to school districts application materials specifying funding limits and eligibility criteria. For the upcoming school year, the department will send grant application materials to school districts in March. Grant applications must be returned to the department in the spring of 2000 and grants will be awarded prior to July 1, 2000.

The department promulgated these rules as emergency rules effective March 4, 2000.

SECTION 1. Chapter PI 32 is repealed and recreated to read:

Chapter PI 32

GRANTS FOR ALCOHOL AND OTHER DRUG ABUSE PROGRAMS

PI 32.01 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) Under s. 115.361, Stats., the department shall award grants to school boards to fund an alcohol and other drug abuse prevention and intervention program.

(4) This chapter sets forth characteristics of a comprehensive kindergarten through grade 12 program including criteria and procedures in awarding grants under ss. 115.36 and 115.361, Stats.

PI 32.02 Definitions. In this chapter:

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

(2) "CESA" means a cooperative educational service agency created in ch. 116, Stats.

(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" has the meaning given in 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.

(6) "Department" means the Wisconsin department of public instruction.

(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.

(11) "School board" has the meaning defined in s. 115.001(7), Stats.

(12) "State superintendent" means the state superintendent of public instruction for the state of Wisconsin.

PI 32.03 Comprehensive kindergarten through grade 12 AODA programs, application requirements, and awarding of grants.

(1) AODA PROGRAM POLICIES. Except projects funded under 32.04, 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. Sections 115.36 (3) and 115.361, Stats., provide 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. 66.30, Stats.; or a CESA board under s. 116.03 (3), Stats.; may apply for a grant under this section. Maximum awards for consortium projects shall be determined by the 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 3.

(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, 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) (dm) and (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 under s. PI 32.05 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.

NOTE: PI-1816, Application – Alcohol and Other Drug Abuse Program Grant, may be obtained at no charge from the Department of Public Instruction, P. O. Box 7841, Madison, WI 53707-7841.

PI 32.04 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.

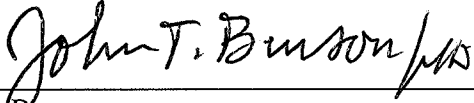
NOTE: PI-2391, Application – Student Alcohol and Other Drug Abuse Mini-Grant, may be obtained at no charge from the Department of Public Instruction, P. O. Box 7841, Madison, WI 53707-7841.

PI 32.05 Advisory council. (1) An 18 member council, selected from local educational agency staff, professionals in the AODA field and related interest groups, shall be appointed by and advise the state superintendent concerning the administration of s. 115.36 (3), Stats., and other matters related to AODA, health and safety, and other pupil service programs as the state superintendent requests.

- (2) Council members shall be appointed to staggered 3-year terms.
- (3) Council members may not serve more than 2 3-year terms.
- (4) The state superintendent may withdraw an appointment of a council member who fails to attend 3 consecutive meetings.
- (5) The council chairperson shall be elected annually from the council's membership. The term shall begin on July 1 and conclude on the following June 30.

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 25th day of May, 2000

A handwritten signature in cursive script that reads "John T. Benson" followed by a flourish.

John T. Benson
State Superintendent