

CR 89-211

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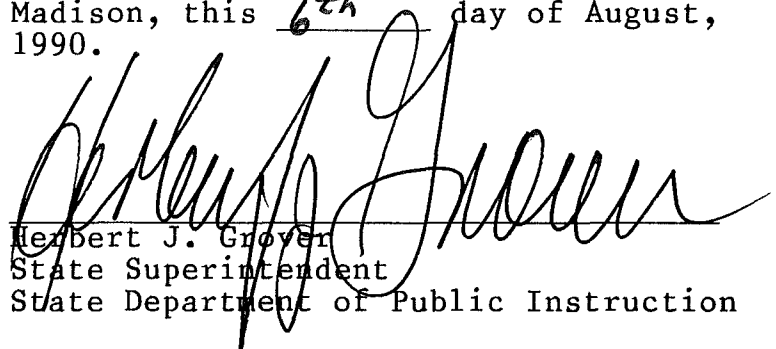
CERTIFICATE

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 programs for children at risk 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 6<sup>th</sup> day of August, 1990.

  
Herbert J. Grover  
State Superintendent  
State Department of Public Instruction

10-1-90

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

The state superintendent of public instruction hereby renumbers PI 25.02 (14),  
PI 25.06 (2) (a) and (b); renumber and amends PI 25.02 (11), (12), (13), PI 25.06 (2)  
(intro.) and (c) to (e); amends PI 25.01 (1), PI 25.02 (9), PI 25.03 (1) (intro.), (a), (b) 1, 3,  
1 5 (intro.) and (d), PI 25.04 (2), (5) and (6), PI 25.05 (1) (intro.) and (b) and (4), PI 25.06  
2 (1) (a) (intro.), 1, 4 and 6, (b) to (d) and (3); repeal and recreates PI 25.02 (5); and  
3 creates PI 25.02 (2m), (11) to (14), (17), PI 25.03 (3), PI 25.04 (7), PI 25.01 (1) (f),  
4 PI 25.06 (1) (a) 7 and (2) (b), relating to programs for children at risk.

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**ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION**

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

Statute interpreted: s. 118.153, Stats.

1989 Wisconsin Act 31 amended the children at risk statutes as follows:

1. Expanded the definition of children at risk to specify criteria for identifying pupils in grades 5-8 and amended the definition of children at risk relating to absences and basic skill deficiencies.
2. Created performance criteria for children at risk programs serving children at risk in grades 5 and 6.
3. Permits districts with dropout rates between 2.5% and 4.99% to voluntarily submit children at risk plans to the state superintendent and be eligible for additional aids.
4. Increased emphasis on parent and community involvement in children at risk programs.

Act 31 specifically required the state superintendent to promulgate rules defining the phrase "one or more years behind their age group in the number of credits attained or in basic skill levels" under s. 118.153 (1) (a) (intro.), the phrase "2 or more years behind their age group in basic skill levels" under s. 118.153 (1) (a) 2, and the phrase "one or more years behind their age group in basic skill levels" under s. 118.153 (1) (a) 3.

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The rules specify that a pupil shall be determined to be behind his or her age group in the number of credits attained if the pupil has been held back one or more times at grade level and remains in this status. A determination of whether a pupil is behind his or her age group in basic skill levels must be based on a board approved plan of formal and informal assessments consistent with the district's objectives in mathematics and reading identified in the curriculum plan under s. PI 8.01 (2) k.

The proposed rules also clarify that programs leading to high school equivalency diplomas may not be included in the district's children at risk plan.

The proposed rules also include other technical, procedural and minor substantive changes.

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

2       PI 25.01 (1) Under s. 118.153 (3) (a), Stats., ~~beginning in the 1986-87 school year,~~  
3       every board shall make available programs to serve children at risk. The purpose of  
4       the legislation is to serve the needs of children at risk through expanded or newly  
5       developed programming and the integration of school, parent and community programs  
6       and resources. This chapter defines children at risk, establishes approval criteria and  
7       requirements for children at risk plans and programs and sets forth the requirements  
8       for receipt of additional state aid in those school districts ~~experiencing high dropout~~  
9       rates eligible under s. 118.153 (4), Stats.

10       **SECTION 2.** PI 25.02 (2m) is created to read:

11       PI 25.02 (2m) "Basic skills," for purposes of determining whether a pupil is a child  
12       at risk, means achievement in reading or mathematics or both.

13       **SECTION 3.** PI 25.02 (5) is repealed and recreated to read:

14       PI 25.02 (5) "Children at risk" means:

15       (a) Pupils who are one or more years behind their age group in the number of  
16       credits attained or in basic skill levels and are also one or more of the following:

17       1. Dropouts.

18       2. Absent, in any school semester, for more than 15% of the number of hours of  
19       direct pupil instruction required during that semester under s. 121.02 (1) (f) 2, Stats.,

1 whether such absences are excused or unexcused.

2 3. School age parents.

3 4. Adjudicated delinquents.

4 (b) Pupils in grades 5 to 8 who are 2 or more years behind their age group in basic  
5 skill levels.

6 (c) Pupils in grades 5 to 8 who are one or more years behind their age group in  
7 basic skill levels and have been absent, in any school semester, for more than 10% of  
8 the number of hours of direct pupil instruction required during that semester under  
9 s. 121.02 (1) (f) 2, Stats., whether such absences are excused or unexcused.

10 **SECTION 4.** PI 25.02 (9) is amended to read:

11 PI 25.02 (9) "Dropout," for purposes of determining whether a pupil is a child at  
12 risk, means a pupil who:

13 (a) ~~has~~ Has ceased to attend school;₂

14 (b) ~~continues~~ Continues to reside in the school district;₂

15 (c) ~~does~~ Does not attend a public, private, or vocational, technical and adult  
16 education district school or home-based private educational program under s. 118.15  
17 (4), Stats., on a full-time basis;₂

18 (d) ~~has~~ Has not graduated from high school, and does not have an acceptable  
19 excuse under ss. 118.15 (1) (b) to (d) or (3), and 118.16 (4), Stats.

20 **SECTION 5.** PI 25.02 (11), (12), (13), and (14) are renumbered PI 25.02 (16), (15),  
21 (18), and (19), respectively, and PI 25.02 (15), (16), and (18) as renumbered are amended  
22 to read:

23 PI 25.02 (15) "Pupil retention rate" means the rate obtained by dividing the  
24 number of pupil pupils who remained enrolled in school through completion of the

1 school year or including those who graduated, from high school by the number of pupils  
2 who enrolled in the children at risk program during the current school year, less pupils  
3 who transferred to another school district during the school year.

4 (16) "~~Pupils who are School age parents~~" means ~~school age parents as defined~~  
5 ~~under~~ has the meaning given in s. 115.91 (1), Stats.

6 (18) "Standardized achievement test" means a published, nationally normed test  
7 which provides a is normed to allow valid and reliable interpretation of grade level  
8 measure of a pupil's present achievement; level in comparison with age or grade level  
9 cohorts or an objective referenced test approved by the department.

10 **SECTION 6.** PI 25.02 (11) to (14) and (17) are created to read:

11 PI 25.02 (11) "Private program" means a program operated by a nonsectarian  
12 private school or agency.

13 (12) "Private school" has the meaning described in s. 118.165, Stats.

14 (13) "Program" means an organized and structured activity or set of activities  
15 which constitute one or more components of the total curriculum plan for the school  
16 year or of the pupil services normally provided by a school.

17 (14) "Pupil attendance rate" means the rate obtained by dividing the aggregate  
18 number of full-time equivalent days of actual pupils' attendance, by the aggregate  
19 number of full-time equivalent days on which school was held while the pupil was  
20 enrolled in the program.

21 (17) "Significant academic progress" means both of the following:

22 (a) The pupil demonstrates improvement in reading and mathematics in compar-  
23 ison to his or her performance level in the previous school year. The board shall deter-  
24 mine whether the pupil's performance level improved as provided for in s. PI 25.03  
25 (1)(a)2.

26 (b) The pupil demonstrates satisfactory performance on at least 50% of any new

1 instructional concepts in reading and mathematics introduced during each of the  
2 current school year semesters and the level of attainment is documented in a written  
3 record of performance at beginning, mid-point and ending of each semester.

4 **SECTION 7.** PI 25.03 (1) (intro.), (a), (b) 1, 3 , 5 (intro.) and (d) are amended to  
5 read:

6 PI 25.03 (1) Under s. 118.153 (2) (a), Stats., ~~by August 15, 1986, and annually~~  
7 ~~thereafter,~~ every board shall, annually by August 15, identify children at risk in the  
8 school district and develop a written plan for meeting their needs. The plan shall meet  
9 the following requirements:

10 (a) It shall describe how the children at risk who are enrolled in the school district  
11 will be identified annually, including the following:

12 1. Determining whether a pupil is behind his or her age group in the number of  
13 credits attained. A pupil shall be determined to be behind his or her age group in the  
14 number of credits attained if the pupil has been held back one or more times at grade  
15 level and remains in this status or if a pupil in grades 9 through 12 is 3 or more credits  
16 deficient in progress toward graduation.

17 2. Determining whether a pupil is behind his or her age group in basic skill levels,  
18 based on a board approved plan of formal and informal assessments consistent with the  
19 district's objectives in mathematics and reading identified in the curriculum plan under  
20 s. PI 8.01 (2) k. The assessments shall include standardized achievement tests and  
21 teacher observations.

22 (b) 1. Curriculum modifications and alternative programs suited to the ~~pupils'~~  
23 pupil's learning needs and which enable elementary school pupils to advance in grade  
24 level and enable high school pupils to earn academic credit leading to a high school  
25 diploma under s. 118.33, Stats. This shall include a description of any curriculum  
26 modifications and alternative programs provided under s. 118.15 (1) (b) ~~and to~~ (d),

1 Stats., and, for districts operating under ch. 119, Stats., those curriculum  
2 modifications and alternative programs provided under s. 118.153 (3) (c), Stats.  
3 Curriculum modifications and alternative programs provided under s. 118.15 (1) (c) 2,  
4 Stats., which do not lead to a pupil's high school graduation may not be included in the  
5 district's children at risk plan.

6 3. Parental involvement, including participation in program planning and training  
7 ~~for parents~~ to assist ~~them~~ parents in fostering the school attendance and school  
8 achievement of their children. The plan under this subsection shall include goals and  
9 objectives and specific activities to be carried out, including parent-teacher  
10 conferences at least once each semester.

11 5. Identification, coordination and use of community support ~~service providers~~  
12 services available to serve the needs of children at risk, including the following:

13 a. Community programs and services provided by educational, social, health,  
14 business, industry and other public, private and volunteer organizations.

15 b. State, county and local government agencies.

16 (d) It shall provide for evaluation of each program or service provided to children  
17 at risk to determine the effectiveness of the program or service in meeting the needs  
18 of children at risk. The evaluation shall be conducted as follows:

19 1. School districts which are required to submit their plans to the department for  
20 approval under sub. (2), shall provide for evaluation at least annually. Other

21 2. School districts which volunteer to submit their plans to the department for  
22 approval under sub. (3), shall provide for evaluation at least annually.

23 3. All other school districts shall provide for evaluation at least once every ~~five~~ 5  
24 years on a schedule which corresponds with the department audit for compliance with  
25 the school district standards under s. 121.02 (2), Stats.

1           **SECTION 8.** PI 25.03 (3) is created to read:

2           PI 25.03 (3) If, in the previous school year, a school district had a dropout rate  
3 greater than 2.5% but less than 5%, the board may submit the plan developed under  
4 sub. (1) to the state superintendent for approval.

5           **SECTION 9.** PI 25.04 (2), (5) and (6) are amended to read:

6           PI 25.04 (2) Provide that all work experience and other similar programs and  
7 activities taking place outside the school for which pupils receive academic credit,  
8 including those programs or curriculum modifications authorized under s.118.15 (1)  
9 (d), Stats., and instruction and pupil support services contracted for under s. 118.153  
10 (3)(c) 1 and 2, Stats., are supervised by departmentally licensed teachers or other  
11 licensed school personnel.

12           (5) Notify each pupil and his or her ~~parents~~ parent in writing that the pupil has  
13 been identified as a child at risk and is eligible to be enrolled in the board's program  
14 for children at risk. The notice shall:

15           (a) Include the name and telephone number of a person the parent or pupil can  
16 contact regarding the school district's children at risk program and the pupil's  
17 participation in the program.

18           (b) Describe the children at risk program.

19           (c) Inform the parent that she or he may select one or more components of the  
20 program in which the pupil will be enrolled, if the pupil meets the prerequisites for  
21 these components.

22           (d) Describe the procedure for requesting that the pupil be enrolled in the  
23 children at risk program.

24           (6) Enroll the pupil in the program for children at risk upon request of the pupil  
25 or the pupil's parent. If the board makes available more than one program for  
26 children at risk, the board shall enroll the pupil in the board program selected by the



1 pupil or the pupil's parent if the pupil meets the prerequisites for that program. The  
2 request shall be in writing, or by signature on a district provided form, or be given  
3 verbally to the person responsible for enrolling the child in the program. This person  
4 shall record the date and time of the request and whether this request was made in  
5 person or by phone.

6 **SECTION 10.** PI 25.04 (7) is created to read:

7 PI 25.04 (7) Ensure that the special education and related services needs of a child  
8 with exceptional educational needs, as defined in s. 115.76(3), Stats., who is also  
9 eligible to be served in the children at risk program, are addressed in the child's  
10 individualized education program developed pursuant to s. 115.80(4), Stats.

11 **SECTION 11.** PI 25.05 (1) (intro.), and (b) and (4) are amended to read:

12 PI 25.05 (1) (intro.) The board of a school district operating under ch. 119, Stats.,  
13 may contract with private, nonprofit, nonsectarian agencies to provide programs for  
14 children at risk for ~~up to~~ not more than 30% of the children at risk enrolled in the  
15 school district if the board determines that the agencies can adequately serve such  
16 children. A board contracting under this section shall:

17 (b) Ensure that all instruction and pupil support services provided in contracted  
18 programs for children at risk are provided by one of the following:

19 1. Departmentally licensed teachers or other licensed school staff personnel.

20 2. Persons otherwise licensed to provide the instruction or related education  
21 services they will provide.

22 3. Persons who are supervised by licensed teachers or other licensed school staff  
23 personnel.

24 (4) ~~Beginning September 1, 1988, pupils~~ Pupils served under this section who  
25 receive high school diplomas may not be counted in meeting the conditions under s. PI  
26 25.06 (2) unless the pupil met the high school graduation requirements under s. 118.33,

1 Stats., or completed a program under s. 118.33 (2) (m), Stats.

2 **SECTION 12.** PI 25.05 (1) (f) is created to read:

3 PI 25.05 (1) (f) Increase the enrollment level or offer the pupil another comparable  
4 program if it is determined that a pupil is to be served in a contracted program under  
5 this section, but the enrollment limit has been reached for that contracted program. If  
6 enrollment is subsequently open in the original contracted program, the pupil shall be  
7 given the opportunity to enroll in that program.

8 **SECTION 13.** PI 25.06 (1) (a) (intro.), 1, 4, and 6 are amended to read:

9 PI 25.06 (1) (a) Under s. 118.153 (4) (a), Stats., ~~beginning in August, 1986, and~~  
10 ~~annually thereafter,~~ boards ~~required to~~ which have their program for children at risk  
11 plans approved by the state superintendent ~~as specified under s. PI 25.03 (2); and (3)~~  
12 shall submit an annual report by August 15 to the state superintendent. The annual  
13 report on the program for children at risk shall include the following information  
14 concerning pupils served in the program:

15 1. The number of pupils, by grade level, ~~and gender,~~ and ethnic membership who  
16 were identified as children at risk, who requested enrollment in the program for  
17 children at risk, and who were enrolled in the program for children at risk.

18 4. ~~High school graduation rates~~ Graduation rate of high school seniors.

19 6. ~~The average months of gain in comparison to the months of instruction in~~  
20 ~~reading and mathematics as measured by locally determined standardized achievement~~  
21 ~~tests~~ percent of pupils showing significant academic progress for each semester of  
22 instruction.

23 **SECTION 14.** PI 25.06 (1) (a) 7 is created to read:

24 7. The number of pupils whose parents did and did not participate in specific  
25 parent involvement activities established by the school board.

1           **SECTION 15.** PI 25.06 (1) (b) to (d) are amended to read:

2           PI 25.06 (1) (b) Information provided to the department under par. (a) shall be  
3 ~~aggregated reported by district and school and aggregated for the district.~~

4           (c) Results of the evaluations under s. PI 25.03 (1) (d) shall be submitted to the  
5 department with the annual report under this section.

6           (d) The district shall maintain records which will substantiate the information  
7 reported in the annual report as may be required by the department under this section.

8           **SECTION 16.** PI 25.06 (2) (intro.) and (a) to (e) are renumbered PI 25.06 (2) (a)  
9 (intro.) and 1 to 5, and PI 25.06 (2) (a) (intro.), and 3, 4, and 5 as renumbered are  
10 amended to read:

11           PI 25.06 (2) (a) (intro.) ~~School~~ Except as provided under par. (b), school districts  
12 shall receive additional state aid under s. 118.153 (4) (b), Stats., if the state super-  
13 intendent determines from the report required under sub. (1) that any three of the  
14 following conditions have been met:

15           3. At least 70% of the pupils who were high school seniors and enrolled in the  
16 program for children at risk received a high school diploma at the end of the school  
17 term or at the end of the summer school session immediately following the school  
18 term.

19           4. At least 70% of the pupils enrolled in the program for children at risk received  
20 academic credit sufficient for them to advance to the next grade level or to graduate  
21 from high school at the end of the school term or at the end of the summer school  
22 session immediately following the school term.

23           5. Pupils enrolled in the program for children at risk showed as a group ~~an~~  
24 ~~average of at least one month gain~~ significant academic progress in reading and  
25 mathematics for each ~~month~~ semester of instruction ~~as measured by locally~~  
26 ~~determined standardized achievement tests~~ in terms of:

1        a. Level of academic performance compared to the previous year.

2        b. Level of performance on new topics introduced during the semester.

3        **SECTION 17.** PI 25.06 (2) (b) is created to read:

4        PI 26.06 (2) (b) A school district may not receive additional aid for a children at  
5 risk program serving pupils in grades 5 or 6 unless the state superintendent determines  
6 from the report required under sub. (1) that all of the following requirements were  
7 met:

8        1. The average attendance rate for the pupils enrolled in the program was at least  
9 90%.

10       2. At least 80% of the pupils enrolled in the program demonstrated significant  
11 academic progress.

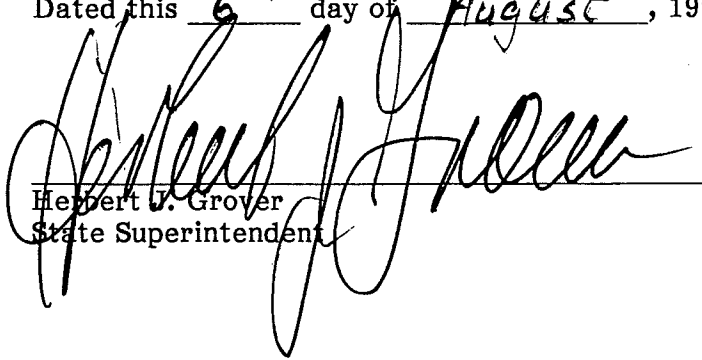
12       3. At least 70% of the parents or guardians of the pupils enrolled in the program  
13 participated in parent involvement activities established by the school board.

14       **SECTION 18.** PI 25.06 (3) is amended to read:

15       PI 25.06 (3) DISTRICT USE OF ADDITIONAL FUNDS. The board of a school  
16 district receiving additional funds to provide programs and services to meet the needs  
17 of children at risk shall use the additional funds to fund board operated or contracted  
18 curriculum modifications, alternative programs, remedial instruction, parental  
19 involvement, pupil support services and program evaluation; and contracted services as  
20 specified under s. PI 25.05 (1). This subsection does not provide authorization for  
21 boards to contract for programs or services beyond statutory authority. ~~Annually, the~~  
22 ~~board shall submit a report to the department that the funds were used as required.~~

The rules contained in this order shall take effect upon publication in the Wisconsin Administrative Register, as provided in s. 227.22 (2) (intro.), Stats.

Dated this 6<sup>th</sup> day of August, 1990

  
\_\_\_\_\_  
Herbert J. Grover  
State Superintendent

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