



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-4616/1
KMS:cdc

2023 SENATE BILL 535

October 16, 2023 - Introduced by Senators AGARD, L. JOHNSON, HESSELBEIN, LARSON, PFAFF, ROYS, SMITH, SPREITZER, TAYLOR, WIRCH and CARPENTER, cosponsored by Representatives VINING, MYERS, MOORE OMOKUNDE, PALMERI, CONSIDINE, J. ANDERSON, C. ANDERSON, BALDEH, BARE, CONLEY, DRAKE, EMERSON, GOYKE, HONG, JOERS, OHNSTAD, RATCLIFF, SHANKLAND, SHELTON, SINICKI, SNODGRASS, STUBBS, SUBECK, HAYWOOD, JACOBSON, CLANCY, DOYLE, ORTIZ-VELEZ, ANDRACA, BILLINGS and NEUBAUER. Referred to Committee on Mental Health, Substance Abuse Prevention, Children and Families.

1 **AN ACT to repeal** 115.364 (1) (a), (am) and (b), 115.364 (2) (a) 2. and 3. and 115.364
2 (2) (b) 2.; **to renumber and amend** 115.364 (1) (intro.) and 115.364 (2) (b) 1.;
3 **to consolidate, renumber and amend** 115.364 (2) (a) (intro.) and 1.; and **to**
4 **amend** 20.255 (2) (da), 115.364 (title) and 118.40 (2r) (e) 2p. a. of the statutes;
5 **relating to:** school mental health and pupil wellness aid and making an
6 appropriation.

Analysis by the Legislative Reference Bureau

This bill changes the types of expenditures that are eligible for reimbursement under the state categorical aid program related to pupil mental health.

Under current law, the Department of Public Instruction must make payments to school districts, independent charter schools, and private schools participating in parental choice programs (local education agency) that increased the amount they spent to employ, hire, or retain social workers. Under current law, DPI first pays each eligible local education agency 50 percent of the amount by which the eligible local education agency increased its expenditures for social workers in the preceding school year over the amount it expended in the school year immediately preceding the preceding school year. If, after making those payments, there is money remaining in the appropriation account for that aid program, DPI makes additional payments to eligible local education agencies. The amount of those additional payments is determined based on the amount remaining in the appropriation

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account and the amount spent by eligible local education agencies to employ, hire, and retain social workers during the previous school year.

The bill expands eligibility for the payments under the aid program to include spending on school counselors, school social workers, school psychologists, and school nurses (pupil services professionals). The bill also eliminates the two tier reimbursement structure of the aid program and eliminates the requirement that a local education agency is eligible for the aid only if the local education agency increased its spending. Under the bill, any local education agency that made expenditures to employ, hire, or retain pupil services professionals during the previous school year is eligible for reimbursement under the aid program.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.255 (2) (da) of the statutes is amended to read:

2 20.255 (2) (da) ~~Aid for school mental~~ Mental health programs and pupil
3 wellness aid. The amounts in the schedule for aid to school districts and independent
4 charter schools employ, hire, and retain pupil services professionals under s. 115.364.

5 **SECTION 2.** 115.364 (title) of the statutes is amended to read:

6 **115.364** (title) ~~Aid for school mental~~ Mental health programs and pupil
7 wellness aid.

8 **SECTION 3.** 115.364 (1) (intro.) of the statutes is renumbered 115.364 (1) and
9 amended to read:

10 115.364 (1) In this section:, “pupil services professional” means a school
11 counselor, school social worker, school psychologist, or school nurse.

12 **SECTION 4.** 115.364 (1) (a), (am) and (b) of the statutes are repealed.

13 **SECTION 5.** 115.364 (2) (a) (intro.) and 1. of the statutes are consolidated,
14 renumbered 115.364 (2) (a) and amended to read:

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1 115.364 (2) (a) Beginning in the 2018–19 2024–25 school year and annually
2 thereafter, the state superintendent shall ~~do all of the following: 1. Subject, subject~~
3 ~~to par. (b), from the appropriation under s. 20.255 (2) (da), pay to an eligible~~
4 reimburse a school district board, the operator of a charter school established under
5 s. 118.40 (2r) or (2x), or the governing body of a private school participating in a
6 program under s. 118.60 or 119.23 for an amount equal to 50 percent of the amount
7 by which the school district increased its expenditures made by the school board,
8 operator, or governing body in the preceding school year to employ, hire, or retain
9 social workers over the amount it expended in the school year immediately preceding
10 the preceding school year to employ, hire, or retain social workers pupil services
11 professionals.

12 **SECTION 6.** 115.364 (2) (a) 2. and 3. of the statutes are repealed.

13 **SECTION 7.** 115.364 (2) (b) 1. of the statutes is renumbered 115.364 (2) (b) and
14 amended to read:

15 115.364 (2) (b) If the appropriation under s. 20.255 (2) (da) in any fiscal year
16 is insufficient to pay the full amount of aid under par. (a), the state superintendent
17 shall prorate state aid payments among the school districts, ~~private schools, and~~
18 independent charter schools boards, operators of charter schools established under
19 s. 118.40 (2r) and (2x), and governing bodies of private schools participating in
20 programs under ss. 118.60 and 119.23 that are eligible for the aid.

21 **SECTION 8.** 115.364 (2) (b) 2. of the statutes is repealed.

22 **SECTION 9.** 118.40 (2r) (e) 2p. a. of the statutes is amended to read:

23 118.40 (2r) (e) 2p. a. Add the amounts appropriated in the current fiscal year
24 under s. 20.255 (2), except s. 20.255 (2) (ac), (aw), (az), (bb), (da), (dj), (du), (fm), (fp),
25 (fq), (fr), (fu), (k), and (m); and s. 20.505 (4) (es); and the amount, as determined by

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1 the secretary of administration, of the appropriation under s. 20.505 (4) (s) allocated
2 for payments to telecommunications providers under contracts with school districts
3 and cooperative educational service agencies under s. 16.971 (13).

4 **SECTION 10. Fiscal changes.**

5 (1) MENTAL HEALTH AND PUPIL WELLNESS AID. In the schedule under s. 20.005 (3)
6 for the appropriation to the department of public instruction under s. 20.255 (2) (da),
7 the dollar amount for fiscal year 2023-24 is increased by \$16,500,000 for the
8 purposes for which the appropriation is made. In the schedule under s. 20.005 (3)
9 for the appropriation to the department of public instruction under s. 20.255 (2) (da),
10 the dollar amount for fiscal year 2024-25 is increased by \$18,000,000 for the
11 purposes for which the appropriation is made.

12 (END)