

1993 Assembly Bill 533

Date of enactment: **July 30, 1993**  
Date of publication\*: **August 13, 1993**

# 1993 WISCONSIN ACT 15

AN ACT *to repeal* 115.88 (1) (a); *to renumber and amend* 115.76 (3) (i), 115.76 (10) and 115.88 (1) (intro.); *to amend* 115.76 (3) (intro.), 115.83 (1) (b), 115.88 (1) (b) and 340.01 (56) (a) 4; *to repeal and recreate* 115.76 (3) (a); and *to create* 115.76 (3) (h) and 115.76 (3) (j) and (L) of the statutes, **relating to:** updating terminology used in the laws pertaining to special education.

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

**SECTION 1.** 115.76 (3) (intro.) of the statutes is amended to read:

115.76 (3) (intro.) “Child with exceptional educational needs” means ~~any a child who has a mental, physical, emotional or learning disability which, if the full potential of the child is to be attained, requires educational services to the child to supplement or replace regular education. Children with any of the following conditions, in addition to children with or such other conditions as the state superintendent determines, who may require educational services to supplement or replace regular education:~~

**SECTION 2.** 115.76 (3) (a) of the statutes is repealed and recreated to read:

115.76 (3) (a) Orthopedic impairment.

**SECTION 3.** 115.76 (3) (h) of the statutes is created to read:

115.76 (3) (h) Autism.

**SECTION 4.** 115.76 (3) (i) of the statutes is renumbered 115.76 (3) (m) and amended to read:

115.76 (3) (m) Any combination of conditions named by the state superintendent or enumerated in pars. (a) to ~~(g)~~ (L).

**SECTION 5.** 115.76 (3) (j) and (L) of the statutes are created to read:

115.76 (3) (j) Traumatic brain injury.

(L) Other health impairment.

**SECTION 6.** 115.76 (10) of the statutes is renumbered 115.76 (10) (intro.) and amended to read:

115.76 (10) (intro.) “Special education” means specially designed instruction, at no cost to a child or the child’s parents, to meet the unique needs of a ~~handicapped child~~ with exceptional educational needs, including ~~classroom instruction, instruction~~ all of the following:

(a) Instruction in physical education and instruction.

(b) Instruction conducted in a classroom, at home and, in hospitals and institutions or in any other setting.

**SECTION 7.** 115.83 (1) (b) of the statutes is amended to read:

115.83 (1) (b) Employ, for a special education program, either full- or part-time ~~certified licensed~~ certified licensed teachers, ~~certified licensed~~ certified licensed coordinators of special education, ~~certified licensed~~ certified licensed school social workers, ~~certified licensed~~ certified licensed school psychologists, paraprofessionals, ~~certified licensed~~ certified licensed consulting teachers to work with any teacher of regular education programs who has a child with exceptional educational needs in a class and any other personnel approved by the department.

**SECTION 8.** 115.88 (1) (intro.) of the statutes is renumbered 115.88 (1) (am) and amended to read:

115.88 (1) (am) If, upon receipt of the report under s. 115.84, the state superintendent is satisfied that the special education program has been maintained during the preceding school year in accordance with law, the state superintendent shall certify to the department of administration in favor of each county, cooperative educational

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service agency and school district maintaining such special education program a sum equal to 63% of the amount expended by the county, agency and school district during the preceding year for salaries of personnel enumerated in s. 115.83 (1), including the salary portion of any authorized contract for physical or occupational therapy services, except as provided in ~~pars. (a) and par.~~ (b), and other expenses approved by the state superintendent. The department of administration shall pay such amounts to the county, agency and school district from the appropriation under s. 20.255 (2) (b).

**SECTION 9.** 115.88 (1) (a) of the statutes is repealed.

**SECTION 10.** 115.88 (1) (b) of the statutes is amended to read:

115.88 (1) (b) Salaries of ~~senior-level licensed~~ school psychologists and ~~senior-level licensed~~ school social workers shall be reimbursed at 51% without regard to whether they are employed in a program for handicapped children. The school district, county handicapped children's education board or cooperative educational service agency shall include in the report under s. 115.84 any information required by the state superintendent relating to use of a school psychologist or school social worker.

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**SECTION 11.** 340.01 (56) (a) 4. of the statutes is amended to read:

340.01 (56) (a) 4. Children as defined under s. 115.76 (2) with exceptional educational needs of a type specified under s. 115.76 (3) (a) to ~~(g)~~ (L) to or from an educational program approved by the department of public instruction.

**SECTION 9145. Nonstatutory provisions; public instruction.** The state superintendent of public instruction shall conduct a study to determine how many children, ages 3, 4 or 5, would have been identified as suffering from developmental delay in the 1992–93 school year, the number of such children who were identified as having exceptional educational needs as a result of some other condition, and the number of such children who were not provided special education services. The state superintendent shall report the results of the study to the governor, and to the legislature in the manner provided under section 13.172 (2) of the statutes, by September 15, 1993.

**SECTION 9400. Effective date.** This act takes effect on July 1, 1993, or the day after publication, whichever is later.