SENATE BILL 68 (LRB -1507)

An Act to amend 115.88 (1m) (a) and (am), 115.88 (2), (2m), (3), (4) and (6), 115.88 (8), 115.882, 118.255 (4), 118.43 (3) (intro.) and 118.43 (6) (b) (intro.); and to create 20.255 (2) (bb), 118.43 (4m) and 118.43 (6) (b) 9. of the statutes; relating to: supplementing special education funding with lapsed student achievement guarantee contract moneys and making an appropriation. (FE)

2005

05-17.	S.	Introduced by Senators **Olsen, Kapanke, Darling** and **Kanavas**; cosponsored by Representatives **Towns, Davis, Ainsworth, Wood, Nischke, Kerkman, Gielow, LeMahieu, Musser, Hines, Bies, Hahn, Petrowski, Van Roy, Jeskewitz, Underheim, Albers, Pridemore, Kestell, Gunderson, Hundertmark, Ott** and **Vukmir**.	
02-17.	S.	Read first time and referred to committee on Education	86
02-28.	S.	Senator Brown added as a coauthor	99
03-08.	S.	Fiscal estimate received.	
03-08.	S.	Senate substitute amendment 1 offered by Senator Olsen **(LRB s0035)**	114
03-22.	S.	Public hearing held.	
03-28.	S.	Executive action taken.	
03-30.	S.	Report adoption of Senate Substitute Amendment 1 recommended by committee on Education, Ayes 4, Noes 3	140
03-30.	S.	Report passage as amended recommended by committee on Education, Ayes 4, Noes 3	140
03-30.	S.	Available for scheduling.	
03-30.	S.	Senate amendment 1 to Senate substitute amendment 1 offered by Senator Grothman **(LRB a0366)**	141
03-31.	S.	Placed on calendar 4-5-2005 by committee on Senate Organization.	
04-05.	S.	Read a second time	147
04-05.	S.	Senate amendment 1 to Senate substitute amendment 1 withdrawn and returned to author	147
04-05.	S.	Senate substitute amendment 1 **adopted**	147
04-05.	S.	Ordered to a third reading	147
04-05.	S.	Rules suspended	147
04-05.	S.	Read a third time and **passed**, Ayes 19, Noes 14	147
04-05.	S.	Ordered immediately messaged	148
04-12.	A.	Received from Senate	179
04-12.	A.	Read first time and referred to committee on Education	179
04-19.	A.	Executive action taken.	
04-19.	A.	Assembly amendment 1 offered by committee on Education **(LRB a0442)**	199
05-17.	A.	Report Assembly Amendment 1 adoption recommended by committee on Education, Ayes 7, Noes 4	245
05-17.	A.	Report concurrence as amended recommended by committee on Education, Ayes 7, Noes 4	245
05-17.	A.	Referred to joint committee on Finance	245
09-21.	A.	Executive action taken.	
09-26.	A.	Report Assembly Amendment 1 adoption recommended by joint committee on Finance, Ayes 12, Noes 4	484
09-26.	A.	Report concurrence as amended recommended by joint committee on Finance, Ayes 12, Noes 4	484
09-26.	A.	Referred to committee on Rules	484
11-01.	A.	Placed on calendar 11-8-2005 by committee on Rules.	
11-08.	A.	Read a second time	592
11-08.	A.	Assembly amendment 1 **adopted**	592
11-08.	A.	Ordered to a third reading	593
11-08.	A.	Rules suspended	593
11-08.	A.	Read a third time and **concurred in** as amended, Ayes 57, Noes 38, Paired 2	593
11-08.	A.	Ordered immediately messaged	593
11-09.	S.	Received from Assembly amended and concurred in as amended, Assembly amendment 1 adopted	446
11-09.	S.	Available for scheduling.	

2006

01-12.	S.	Placed on calendar 1-17-2006 by committee on Senate Organization.
01-17.	S.	Assembly amendment 1 **concurred in**.
01-17.	S.	Action ordered immediately messaged.

2005
ENROLLED BILL

05en S B-68

ADOPTED DOCUMENTS:

☐ Orig ☐ Engr S SubAmdt 1 05 s 0035/1

Amendments to above (if none, write "NONE"): AA1

Corrections – show date (if none, write "NONE"): None

Topic relay

1/17/06 Date

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SENATE SUBSTITUTE AMENDMENT 1,

TO 2005 SENATE BILL 68

March 8, 2005 – Offered by Senator OLSEN.

1 AN ACT ***to amend*** 115.88 (1m) (a) and (am), 115.88 (2), (2m), (3), (4) and (6),
2 115.88 (8), 115.882, 118.255 (4), 118.43 (2) (g) and 118.43 (3) (intro.); and ***to***
3 ***create*** 20.255 (2) (bb), 118.43 (4m) and 118.43 (6) (b) 9. of the statutes; **relating**
4 **to:** supplementing special education funding with lapsed student achievement
5 guarantee contract moneys and making an appropriation.

Analysis by the Legislative Reference Bureau

This substitute amendment makes technical changes to 2005 Senate Bill 68 to clarify that a school district may choose not to reduce class size in grades 2 or 3, or both, and that if it so chooses, it still receives aid under the SAGE program for those grades in which it chooses to reduce class size.

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:

6 **SECTION 1.** 20.255 (2) (bb) of the statutes is created to read:

20.255 **(2)** (bb) *Special education aid; supplement.* A sum sufficient equal to the amounts lapsed to the general fund in the previous fiscal year from the appropriation accounts under pars. (cu) and (cv) for the payment of aids for special education and school age parents program under ss. 115.88, 115.93, and 118.255.

SECTION 2. 115.88 (1m) (a) and (am) of the statutes are amended to read:

115.88 **(1m)** (a) If, upon receipt of the plan under s. 115.77 (4), 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 service agency and school district maintaining such special education program a sum equal to the amount expended by the county, agency and school district during the preceding year for salaries of personnel enumerated in sub. (1), including the salary portion of any authorized contract for physical or occupational therapy services, and other expenses approved by the state superintendent as costs eligible for reimbursement from the ~~appropriation~~ appropriations under s. 20.255 (2) (b) and (bb).

(am) If the operator of a charter school established under s. 118.40 (2r) operates a special education program and the state superintendent is satisfied that the operator of the charter school is complying with 20 USC 1400 to 1491o, the state superintendent shall certify to the department of administration in favor of the operator of the charter school a sum equal to the amount that the operator of the charter school expended during the previous school year for salaries of full–time or part–time licensed teachers, licensed coordinators of special education, licensed school social workers, licensed school psychologists, paraprofessionals, licensed consulting teachers to work with any teacher of regular education programs who has

a child with a disability in a class and any other personnel, as determined by the state superintendent. Certified costs under this paragraph are eligible for reimbursement from the ~~appropriation~~ appropriations under s. 20.255 (2) (b) and (bb). The state superintendent may audit costs under this paragraph and adjust reimbursement to cover only actual, eligible costs.

SECTION 3. 115.88 (2), (2m), (3), (4) and (6) of the statutes are amended to read:

115.88 **(2)** TRANSPORTATION AID. If upon receipt of the plan under s. 115.77 (4) the state superintendent is satisfied that the transportation of children with disabilities has been maintained during the preceding year in accordance with the law, the state superintendent shall certify to the department of administration in favor of each county, cooperative educational service agency, or school district transporting such pupils an amount equal to the amount expended for such transportation as costs eligible for reimbursement from the ~~appropriation~~ appropriations under s. 20.255 (2) (b) and (bb). Pupils for whom aid is paid under this subsection shall not be eligible for aid under s. 121.58 (2) or (4). This subsection applies to any child with a disability who requires special assistance in transportation, including any such child attending regular classes who requires special or additional transportation. This subsection does not apply to any child with a disability attending regular or special classes who does not require any special or additional transportation.

(2m) OTHER TRANSPORTATION AID. If the operator of a charter school established under s. 118.40 (2r) transports children with disabilities and the state superintendent is satisfied that the operator of the charter school is complying with 20 USC 1400 to 1491o, the state superintendent shall certify to the department of administration in favor of the operator of the charter school a sum equal to the

amount that the operator of the charter school expended during the previous school year for transportation under this subsection as costs eligible for reimbursement from the appropriations under s. 20.255 (2) (b) and (bb). The state superintendent may audit costs under this subsection and adjust reimbursement to cover only actual, eligible costs.

(3) BOARD AND LODGING AID. There shall be paid the amount expended for board and lodging and transportation between the boarding home and the special education program of nonresident children enrolled under s. 115.82 (1) in the special education program. The department shall certify to the department of administration in favor of each school district, cooperative educational service agency, county children with disabilities education board, state agency of another state or private, nonsectarian special education service which operates the special education program while providing board, lodging and transportation an amount equal to the amount expended for such board and lodging and transportation as costs eligible for reimbursement from the ~~appropriation~~ appropriations under s. 20.255 (2) (b) and (bb).

(4) HOSPITALS AND CONVALESCENT HOME AID. The full cost of special education for children in hospitals and convalescent homes for orthopedically disabled children shall be paid from the ~~appropriation~~ appropriations under s. 20.255 (2) (b) and (bb). The supervision of such instruction shall be under the department and the school board of the school district in which the hospital or convalescent home is located. The school board of the district in which the hospital or convalescent home is located shall submit to the department an itemized statement of all revenues and expenditures for the actual cost of such instruction and any other information it requires.

(6) AID FOR INSTRUCTION OUTSIDE OF DISTRICT. The department shall certify to the department of administration, in favor of each school district, an amount equal to the amount expended for salaries and travel expenses, as determined in advance by the state superintendent, for providing special education outside the school district of employment, as eligible for reimbursement from the ~~appropriation~~ appropriations under s. 20.255 (2) (b) and (bb).

SECTION 4. 115.88 (8) of the statutes is amended to read:

115.88 **(8)** ENROLLMENT OUT OF STATE. If a child with a disability is enrolled in a public special education program located in another state and the state superintendent is satisfied that the program in which the child is enrolled complies with this subchapter, the state superintendent shall certify to the department of administration in favor of the school district in which the child resides or the school district attended by the child under s. 118.51 or 121.84 (1) (a) or (4) a sum equal to the amount expended by the school district during the preceding year for the additional costs associated with the child's special education program as costs eligible for reimbursement from the ~~appropriation~~ appropriations under s. 20.255 (2) (b) and (bb).

SECTION 5. 115.882 of the statutes is amended to read:

115.882 Payment of state aid. Funds appropriated under s. 20.255 (2) (b) and (bb) shall be used first for the purpose of s. 115.88 (4). Costs eligible for reimbursement from the ~~appropriation~~ appropriations under s. 20.255 (2) (b) and (bb) under ss. 115.88 (1m) to (3), (6) and (8), 115.93, and 118.255 (4) shall be reimbursed at a rate set to distribute the full amount appropriated for reimbursement for the costs, less the amount paid by the department of health and

family services under s. 20.435 (4) (b) and (o) under s. 49.45 (39) (b) 1m., not to exceed 100%.

SECTION 6. 118.255 (4) of the statutes is amended to read:

118.255 **(4)** If the state superintendent is satisfied that the health treatment services 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 school board, cooperative educational service agency and county children with disabilities education board maintaining such health treatment services, an amount equal to the amount expended for items listed in s. 115.88 (1m) by the school board, cooperative educational service agency and county children with disabilities education board during the preceding year for these health treatment services as costs eligible for reimbursement from the ~~appropriation~~ appropriations under s. 20.255 (2) (b) and (bb).

SECTION 7. 118.43 (2) (g) of the statutes is amended to read:

118.43 **(2)** (g) The department may renew an achievement guarantee contract under pars. (b), (bg), and (br) for one or more terms of 5 school years. As a condition of receiving payments under a renewal of an achievement guarantee contract, a school board shall maintain the reduction of class size achieved during the last school year of the original achievement guarantee contract for the grades specified for the last school year of the contract, but this condition does not apply to a school district under sub. (4m).

SECTION 8. 118.43 (3) (intro.) of the statutes is amended to read:

118.43 **(3)** CONTRACT REQUIREMENTS. (intro.) Except as provided in pars. (am) and (ar) and sub. (4m), an achievement guarantee contract shall require the school board to do all of the following in each participating school:

1 **SECTION 9.** 118.43 (4m) of the statutes is created to read:

2 118.43 **(4m)** EXCEPTIONS. A school district participating in the program under
3 this section on or after the effective date of this subsection .... [revisor inserts date],
4 may choose not to comply with the requirement to reduce class size to 15 in grades
5 2 or 3, or both, in any school.

6 **SECTION 10.** 118.43 (6) (b) 9. of the statutes is created to read:

7 118.43 **(6)** (b) 9. In the 2005–06 and any subsequent school year, $2,000
8 multiplied by the number of low–income pupils enrolled in grades eligible for funding
9 in each school in the school district covered by renewals of contracts under sub. (2)
10 (g). For purposes of this subdivision, the grades eligible for funding for a school
11 district under sub. (4m) are those grades in which the school district chooses to
12 comply with the requirement to reduce class size to 15.

13 **SECTION 11. Effective date.**

14 (1) This act takes effect on July 1, 2005, or the day after publication of the
15 2005–07 biennial budget act, whichever is later.

16 **(END)**

7-3 AA1

ASSEMBLY AMENDMENT 1,

TO 2005 SENATE BILL 68

April 19, 2005 – Offered by COMMITTEE ON EDUCATION.

At the locations indicated, amend the bill, as shown by senate substitute amendment 1, as follows:

1. Page 7, line 3: after "[revisor inserts date]," insert "in which no more than 50 percent of the pupils are eligible for a free or reduced–price lunch under 42 USC 1758 (b)".

7-3

(END)