

2013 DRAFTING REQUEST

Bill

Received: 1/21/2014 Received By: fknepp
Wanted: As time permits Same as LRB: -4128
For: Jennifer Shilling (608) 266-5490 By/Representing: Nathan
May Contact: Drafter: fknepp
Subject: Education - choice programs Addl. Drafters:
Extra Copies: PG
TKK

Submit via email: YES
Requester's email: Sen.Shilling@legis.wisconsin.gov
Carbon copy (CC) to: fern.knepp@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Special education staff and ADA compliance in choice schools

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	fknepp 1/22/2014	eweiss 1/27/2014		_____			
/1			jmurphy 1/27/2014	_____	srose 1/27/2014	sbasford 1/31/2014	

FE Sent For:

NOT
NEEDED

<END>

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/?	fknepp	emw + cjs 1/27 14		_____	_____		
FE Sent For:				_____	_____		

Jon TKK 1/21/14

<END>

Senator Shilling
Senator Wirch
Representative Mason
Representative Richards

PUBLIC INSTRUCTION

Special Education Provisions

Motion:

Move to:

Categorical Aid. Provide \$13,430,000 GPR annually for the largest state special education categorical aid, above base level funding of \$368,939,100.

Also, provide \$1,500,000 GPR annually above base level funding of \$3,500,000 for high cost special education categorical aid.

Special Needs Scholarship Program (LFB Paper #517). Delete bill provisions related to establishing a special needs scholarship program. Delete \$6,946,000 GPR in 2013-14 and \$13,903,500 GPR in 2014-15, and reduce aid reductions by corresponding amounts.

Parental Choice Programs -- Special Education Staff. Require choice schools to employ licensed special education teachers or therapists, if pupils needing such service attend the choice school. Provide that the State Superintendent may bar any choice school from participating in the program in the current school year if the school violates this requirement.

Parental Choice Programs -- ADA Compliance. Require all choice schools to comply with Title II of the Americans with Disabilities Act of 1990. Provide that the State Superintendent may bar any choice school from participating in the program in the current school year if the school violates this requirement.

Note:

Based on aidable costs for 2012-13, this level of special education funding would have provided an estimated reimbursement rate of approximately 28.5%, compared to the estimated rate of 27.5% that will be paid this year. The reimbursement rate for high cost special education aid would increase from approximately 31% to approximately 41%, for the state aid program, using actual cost claims from 2011-12. (Federal special education funding totaling approximately \$1.9 million is used to supplement this GPR appropriation.)

[Change to Bill: \$9,010,500 GPR, -\$20,849,500 Aid Reduction, \$29,860,000 Net GPR]

Motion #588

BILL

1 subtracted from state aid payments in the following years until the total amount of
2 the excess levy revenue is subtracted from the state aid payments.

3 **SECTION 15.** 38.16 (3) (d) of the statutes is amended to read:

4 38.16 (3) (d) The department may issue a finding that a district board is not
5 liable for a penalty that would otherwise be imposed under par. (c) if the department
6 determines that the district board's excess levy revenue is caused by one of the
7 following clerical errors:

8 1. The department, through mistake or inadvertence, has assessed to any
9 county or taxation district, in the current year or in the previous year, a greater or
10 lesser valuation for any year than should have been assessed, causing the district
11 board's levy to be erroneous in a way that directly causes an excess levy revenue.

12 2. A taxation district clerk or a county clerk, through mistake or inadvertence
13 in preparing or delivering the tax roll, causes a district board's levy to be erroneous
14 in a way that directly causes an excess levy revenue.

15 **SECTION 16.** 38.16 (4) of the statutes is created to read:

16 38.16 (4) (a) Beginning in the 2014–15 school year and annually thereafter, the
17 board shall distribute to each district board, from the appropriation under s. 20.292
18 (1) (dp), the amount determined as follows:

19 1. Divide the district's equalized value as of January 1 of the year in which the
20 school year begins by the total equalized value of all districts as of January 1 of the
21 year in which the school year begins.

22 2. Multiply the quotient determined under subd. 1. by \$406,000,000.



In 1-27-14

0/1
RMNR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

emw + js

Gen. Cat.

sp
+ sub

1 **AN ACT** ...; **relating to:** requiring a private school participating in a parental
2 choice program to employ certain special education staff and to comply with
3 certain provisions of the Americans with Disabilities Act.

Analysis by the Legislative Reference Bureau

This bill requires a private school participating in a parental choice program (PCP) that enrolls a child with a disability to employ a teacher or therapist who is licensed by DPI to provide special education or related services. The bill also requires a private school participating in a PCP to comply with Title II of the Americans with Disability Act. Finally, DPI may prohibit a private school from participating in a PCP if the private school fails to satisfy these requirements.

Disabilities Act

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

INS.



**ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 40**

*LPS: Thaw
bill section
numbers*

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 139, line 7: increase the dollar amount for fiscal year 2013-14 by
3 \$13,430,000 and increase the dollar amount for fiscal year 2014-15 by \$13,430,000
4 for the purpose for which the appropriation is made.

5 **2.** Page 139, line 10: increase the dollar amount for fiscal year 2013-14 by
6 \$1,500,000 and increase the dollar amount for fiscal year 2014-15 by \$1,500,000 for
7 the purpose which the appropriation is made.

8 **3.** Page 1001, line 25: after that line insert:

Ins

9 **SECTION 1856x** 118.60 (7) (h) of the statutes is created to read:

10 118.60 (7) (h) A private school participating in the program under this section
11 that enrolls a pupil who is a child with a disability, as defined in s. 115.76 (5), shall
12 employ a teacher or therapist who is licensed under s. 115.28 (7) (c).

1 SECTION ~~1856y~~ 118.60 (7) (i) of the statutes is created to read:

2 118.60 (7) (i) Each private school participating in the program under this
3 section shall comply with the requirements under 42 USC 12131 to 12134 and 42
4 USC 12141 to 12165." *oe*

5 4. Page 1002, line 4: after that line insert:

6 ~~SECTION 1857c~~ 118.60 (10) (a) 9. of the statutes is created to read:

7 118.60 (10) (a) 9. Failed to comply with the requirements under sub. (7) (h) or
8 (i)." *oe*

9 5. Page 1016, line 19: after that line insert:

10 ~~SECTION 1875e~~ 119.23 (7) (h) of the statutes is created to read:

11 119.23 (7) (h) A private school participating in the program under this section
12 that enrolls a pupil who is a child with a disability, as defined in s. 115.76 (5), shall
13 employ a teacher or therapist who is licensed under s. 115.28 (7) (c).

14 SECTION ~~1875f~~ 119.23 (7) (i) of the statutes is created to read:

15 119.23 (7) (i) Each private school participating in the program under this
16 section shall comply with the requirements under 42 USC 12131 to 12134 and 42
17 USC 12141 to 12165." *oe*

18 6. Page 1017, line 3: after that line insert:

19 ~~SECTION 1876c~~ 119.23 (10) (a) 9. of the statutes is created to read:

20 119.23 (10) (a) 9. Failed to comply with the requirements under sub. (7) (h) or
21 (i)." *oe*

22 (END) *oe*

Insert
Section #. Initial Applicability.

(#) This act first applies to a private school participating in a parental choice program under section 118.60 or 119.23 of the statutes in the 2014-15 school year.

Basford, Sarah

From: Houdek, Nathan
Sent: Friday, January 31, 2014 9:25 AM
To: LRB.Legal
Subject: Draft Review: LRB -4048/1 Topic: Special education staff and ADA compliance in choice schools

Please Jacket LRB -4048/1 for the SENATE.