



**WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO**

**2017 Special Session  
Assembly Bill 6**

**Assembly Amendments 1, 2 & 4**

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**2017 SPECIAL SESSION ASSEMBLY BILL 6**

Special Session Assembly Bill 6 (the bill) authorizes the Director of the Office of Educational Opportunity (OEO) in the University of Wisconsin System to contract with a person for the establishment and operation of one recovery charter high school, for a maximum of 15 pupils at a time, as a four-year pilot project. The contract must include certain conditions, including that the operator provide and that a pupil participate in therapeutic programming, support, and counseling from substance use disorder or dependency counselors. A pupil must submit claims for the treatment and services provided by the recovery school to any health care plans under which the pupil is covered for mental health services.

The bill requires a health care policy, plan, or contract to cover mental health and behavioral health treatment or services provided by the recovery school if the policy, plan, or contract covers mental health or behavioral health treatments or services provided by another health care provider.

Under the bill, a pupil must be permitted to withdraw from the recovery charter school upon completion of any required treatment program. Upon withdrawal, the pupil's resident school board must enroll the pupil in the appropriate grade in a school in the school district and must apply all the credits earned by the pupil at the recovery school towards high school graduation. If the pupil withdraws after the third Friday in September and enrolls in a public school within a school district, the school district must be paid a portion of the per-pupil payment that would have been paid to the recovery school.

After the recovery school's fourth year of operation, the OEO director must report to the Department of Health Services (DHS) on the operation and effectiveness of the school.

### **ASSEMBLY AMENDMENT 1**

Assembly Amendment 1 (AA 1) removes the requirement that a portion of the per-pupil payment that would have been paid to the recovery school be paid instead to the school district in which a pupil enrolls following withdrawal from the recovery school after the third Friday in September.

Instead of automatically enrolling a pupil who withdraws from the recovery school, AA 1 requires that, following withdrawal, the pupil's resident school board assist a person who has control over the pupil to meet the requirements of state compulsory school attendance law.<sup>1</sup> If the pupil enrolls in a public school in the school district, then the school board must ensure that all of the credits earned by the pupil at the recovery school are applied towards high school graduation.

AA 1 requires that the OEO director report to DHS on the operation and effectiveness of the recovery school after its third year of operation rather than its fourth year.

### **ASSEMBLY AMENDMENT 2**

The bill could be interpreted to mean that a health care policy, plan, or contract must cover mental health or behavioral health treatment or services provided by the recovery school if it covers **any** mental health or behavioral health treatment or services provided by another health care provider.

Assembly Amendment 2 (AA 2) clarifies that a health care policy, plan, or contract is obligated to cover the mental health or behavioral health treatment or services provided by the recovery school only if it would cover **those same services** when provided by another health care provider.

### **ASSEMBLY AMENDMENT 4**

Assembly Amendment 4 (AA 4) requires that when a pupil enrolls in the recovery charter school, the school operator notify the health care policy, plan, or contract that covers the pupil's mental health or behavioral health treatment or services of any services provided by the school that the policy, plan, or contract may be required to cover. If requested by a policy, plan, or contract, the school operator must enter into a memorandum of understanding with the policy, plan, or contract on matters other than the required coverage, including reimbursement, payment terms, and compliance with state and federal health information privacy laws.

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<sup>1</sup> A pupil may satisfy compulsory school attendance law in various ways, including by enrolling in and attending a public school, a private school, a tribal school, a virtual charter school, or a home-based private educational program (homeschool). [s. 118.15 (1) (a), (g), and (4), Stats.]

## **BILL HISTORY**

AA 1 and AA 2 were offered by Representative Nygren. On March 9, 2017, the Assembly Committee on Education recommended adoption of AA 1 on a vote of Ayes, 13; Noes, 0, adoption of AA 2 on a vote of Ayes, 14; Noes, 0, and passage of Special Session Assembly Bill 6, as amended, on a vote of Ayes, 16; Noes, 0.

AA 4 was offered by the Joint Committee on Finance. On March 27, 2017, the Joint Committee on Finance recommended adoption of AA 1 on a vote of Ayes, 16; Noes, 0, adoption of AA 2 on a vote of Ayes, 16; Noes, 0, introduction and adoption of AA 4 on a vote of Ayes, 16; Noes, 0, and passage of Special Session Assembly Bill 6, as amended, on a vote of Ayes, 16; Noes, 0.

RES:ksm