



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1429/P2
TKK:jld

DOA:.....Hynek, BB0267 - Various technical changes to Special Needs
Scholarship Program

FOR 2017-2019 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill requires a private school participating in the Special Needs Scholarship Program to obtain verification that a child with a disability who has applied to attend the private school under the program has an Individualized Education Program or services plan in effect before notifying DPI that the private school intends to accept the application of the child. Under current law, DPI must verify that an IEP or services plan is in effect. The bill also allows an IEP team appointed by a nonresident school board to conduct a reevaluation of a child with a disability who is attending a private school under the program in the nonresident school district. Current law requires the IEP team appointed by the resident school board to reevaluate the child, regardless of where the child is attending the participating private school. Finally, the bill permits the state superintendent of public instruction to bar a private school from participating in the program if the private school intentionally and substantially misrepresents information required

under the program, and not simply certain information required under the program as under current law.

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

SECTION 1. 115.7915 (2) (f) of the statutes is amended to read:

115.7915 (2) (f) The child's parent or guardian on behalf of the child, or, for a child with a disability who has reached the age of 18 and has not been adjudicated incompetent, the child, submitted an application for a scholarship under this section on a form prepared by the department that includes the document developed by the department under sub. (4) (a) to the eligible school that the child will attend. A child's parent or guardian or a child with a disability who has reached the age of 18 may apply for a scholarship at any time during a school year and, subject to sub. (3) (b), a child may begin attending a private school under this section at any time during the school year.

SECTION 2. 115.7915 (2) (h) of the statutes is amended to read:

115.7915 (2) (h) The child's parent or guardian consents to make the child available for a reevaluation, by the within 60 days following a request for a reevaluation under this paragraph. The individualized education program team appointed for the child by the resident school district, ~~within 60 days following a request for a reevaluation under this paragraph~~ shall conduct the reevaluation, except that, if the child is attending a private school under this section in a nonresident school district and the parent or guardian of the child provides written consent, an individualized education program team appointed for the child by that nonresident school district may conduct the reevaluation. Upon the request of the school board of the child's resident school district, the individualized education

program team shall conduct the reevaluation required under this paragraph in the manner described under s. 115.782 (4) (a) 2. no more frequently than once every 3 years, determined from the date of the most recent evaluation or reevaluation conducted for the child under s. 115.782 or, for a child whose most recent evaluation or reevaluation was conducted more than 3 years before the child began attending a private school under this section, the date the child began attending a private school under this section.

SECTION 3. 115.7915 (3) (c) of the statutes is amended to read:

115.7915 (3) (c) The governing body of a private school participating in the program under this section shall notify the department when it verifies that a child has an individualized education program or services plan in effect and accepts ~~a the~~ child's application to attend the private school under a scholarship awarded under this section.

SECTION 4. 115.7915 (4) (a) 1. of the statutes is renumbered 115.7915 (4) (am).

SECTION 5. 115.7915 (4) (a) 2. of the statutes is renumbered 115.7915 (4) (bm) and amended to read:

115.7915 (4) (bm) Receipt by an applicant of the document developed under ~~subd. 1. par. (am)~~, acknowledged in a format prescribed by the department, constitutes notice that the applicant has been informed of his or her rights under this section and [20 USC 1400 to 1482](#). Subsequent acceptance of a scholarship under this section constitutes the applicant's informed acknowledgment of the rights specified in the document.

SECTION 6. 115.7915 (4) (b) of the statutes is renumbered 115.7915 (3) (bm) and amended to read:

115.7915 (3) (bm) Upon receipt of notice an application for a scholarship under sub. (3) ~~(e)~~ (2) (f), the department governing body of the private school shall determine whether the application satisfies the requirements under sub. (2), other than the requirement under sub. (2) (d), and shall request verification from the local education agency that developed the child's resident school board that the child has an individualized education program or services plan that the child has an individualized education program or services plan in place ~~for the child and that~~ meets the requirement in sub. (2) (d). The governing body of the private school shall also notify the child's resident school board that, pending verification that the requirements of sub. (2) have been satisfied, the child will be awarded a scholarship under this section. ~~The child's resident school board~~ local education agency shall, within ~~3~~ 5 business days of receiving a request under this paragraph, provide ~~verification to the department and provide~~ the governing body of the private school ~~that accepted the child~~ with a copy of the child's individualized education program or services plan.

SECTION 7. 115.7915 (8) (a) 1. of the statutes is amended to read:

115.7915 (8) (a) 1. Intentionally and substantially misrepresented information required under ~~sub. (6)~~ this section or by rules promulgated pursuant to sub. (10).

(END)