



2005 ASSEMBLY BILL 123

February 22, 2005 - Introduced by Representatives TOWNS, DAVIS, AINSWORTH, WOOD, NISCHKE, KERKMAN, GIELOW, LEMAHIEU, MUSSER, HINES, BIES, HAHN, PETROWSKI, VAN ROY, JESKEWITZ, UNDERHEIM, ALBERS, PRIDEMORE, VUKMIR, KESTELL, GUNDERSON, HUNDERTMARK and OTT, cosponsored by Senators OLSEN, KAPANKE, DARLING and KANAVAS. Referred to Committee on Education.

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 (3) (intro.) and 118.43 (6) (b) (intro.); and
3 **to create** 20.255 (2) (bb), 118.43 (4m) and 118.43 (6) (b) 9. of the statutes;
4 **relating to:** supplementing special education funding with lapsed student
5 achievement guarantee contract moneys and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, a school district may enter into a five-year, renewable student achievement guarantee (SAGE) contract with the Department of Public Instruction to reduce class size to 15 pupils in grades kindergarten to three in exchange for receiving state aid equal to \$2,000 for each low-income pupil enrolled in grades eligible for SAGE funding.

This bill allows a school district to choose not to comply with the requirement to reduce class size in grades two or three and to forego the aid that it would have received. The amount of foregone aid is lapsed to the general fund and appropriated to supplement the payment of special education aid.

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:

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

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

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

7 115.88 (1m) (a) If, upon receipt of the plan under s. 115.77 (4), the state
8 superintendent is satisfied that the special education program has been maintained
9 during the preceding school year in accordance with law, the state superintendent
10 shall certify to the department of administration in favor of each county, cooperative
11 educational service agency and school district maintaining such special education
12 program a sum equal to the amount expended by the county, agency and school
13 district during the preceding year for salaries of personnel enumerated in sub. (1),
14 including the salary portion of any authorized contract for physical or occupational
15 therapy services, and other expenses approved by the state superintendent as costs
16 eligible for reimbursement from the ~~appropriation~~ appropriations under s. 20.255 (2)
17 (b) and (bb).

18 (am) If the operator of a charter school established under s. 118.40 (2r) operates
19 a special education program and the state superintendent is satisfied that the
20 operator of the charter school is complying with 20 USC 1400 to 1491o, the state
21 superintendent shall certify to the department of administration in favor of the
22 operator of the charter school a sum equal to the amount that the operator of the
23 charter school expended during the previous school year for salaries of full-time or
24 part-time licensed teachers, licensed coordinators of special education, licensed
25 school social workers, licensed school psychologists, paraprofessionals, licensed

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1 consulting teachers to work with any teacher of regular education programs who has
2 a child with a disability in a class and any other personnel, as determined by the state
3 superintendent. Certified costs under this paragraph are eligible for reimbursement
4 from the ~~appropriation~~ appropriations under s. 20.255 (2) (b) and (bb). The state
5 superintendent may audit costs under this paragraph and adjust reimbursement to
6 cover only actual, eligible costs.

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

8 115.88 **(2)** TRANSPORTATION AID. If upon receipt of the plan under s. 115.77 (4)
9 the state superintendent is satisfied that the transportation of children with
10 disabilities has been maintained during the preceding year in accordance with the
11 law, the state superintendent shall certify to the department of administration in
12 favor of each county, cooperative educational service agency, or school district
13 transporting such pupils an amount equal to the amount expended for such
14 transportation as costs eligible for reimbursement from the ~~appropriation~~
15 appropriations under s. 20.255 (2) (b) and (bb). Pupils for whom aid is paid under
16 this subsection shall not be eligible for aid under s. 121.58 (2) or (4). This subsection
17 applies to any child with a disability who requires special assistance in
18 transportation, including any such child attending regular classes who requires
19 special or additional transportation. This subsection does not apply to any child with
20 a disability attending regular or special classes who does not require any special or
21 additional transportation.

22 **(2m)** OTHER TRANSPORTATION AID. If the operator of a charter school established
23 under s. 118.40 (2r) transports children with disabilities and the state
24 superintendent is satisfied that the operator of the charter school is complying with
25 20 USC 1400 to 1491o, the state superintendent shall certify to the department of

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1 administration in favor of the operator of the charter school a sum equal to the
2 amount that the operator of the charter school expended during the previous school
3 year for transportation under this subsection as costs eligible for reimbursement
4 from the appropriations under s. 20.255 (2) (b) and (bb). The state superintendent
5 may audit costs under this subsection and adjust reimbursement to cover only
6 actual, eligible costs.

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

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

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

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

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

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

19 **115.882 Payment of state aid.** Funds appropriated under s. 20.255 (2) (b)
20 and (bb) shall be used first for the purpose of s. 115.88 (4). Costs eligible for
21 reimbursement from the ~~appropriation~~ appropriations under s. 20.255 (2) (b) and
22 (bb) under ss. 115.88 (1m) to (3), (6) and (8), 115.93, and 118.255 (4) shall be
23 reimbursed at a rate set to distribute the full amount appropriated for
24 reimbursement for the costs, less the amount paid by the department of health and

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1 family services under s. 20.435 (4) (b) and (o) under s. 49.45 (39) (b) 1m., not to exceed
2 100%.

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

4 118.255 (4) If the state superintendent is satisfied that the health treatment
5 services program has been maintained during the preceding school year in
6 accordance with law, the state superintendent shall certify to the department of
7 administration in favor of each school board, cooperative educational service agency
8 and county children with disabilities education board maintaining such health
9 treatment services, an amount equal to the amount expended for items listed in s.
10 115.88 (1m) by the school board, cooperative educational service agency and county
11 children with disabilities education board during the preceding year for these health
12 treatment services as costs eligible for reimbursement from the ~~appropriation~~
13 appropriations under s. 20.255 (2) (b) and (bb).

14 **SECTION 7.** 118.43 (3) (intro.) of the statutes is amended to read:

15 118.43 (3) CONTRACT REQUIREMENTS. (intro.) Except as provided in pars. (am)
16 and (ar) and sub. (4m), an achievement guarantee contract shall require the school
17 board to do all of the following in each participating school:

18 **SECTION 8.** 118.43 (4m) of the statutes is created to read:

19 118.43 (4m) EXCEPTIONS. A school district participating in the program under
20 this section on or after the effective date of this subsection [revisor inserts date],
21 may choose not to comply with the requirement to reduce class size to 15 in grades
22 2 or 3, or both, in any school.

23 **SECTION 9.** 118.43 (6) (b) (intro.) of the statutes is amended to read:

24 118.43 (6) (b) (intro.) From the appropriations under s. 20.255 (2) (cu) and (cv),
25 subject to par. (c), the department shall pay to each school district that has entered

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1 into a contract with the department under this section, except for a school district
2 that chooses not to reduce class size under sub. (4m), an amount determined as
3 follows:

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

5 118.43 (6) (b) 9. In the 2005-06 and any subsequent school year, \$2,000
6 multiplied by the number of low-income pupils enrolled in grades eligible for funding
7 in each school in the school district covered by renewals of contracts under sub. (2)
8 (g).

9 **SECTION 11. Effective date.**

10 (1) This act takes effect on July 1, 2005, or the day after publication of the
11 2005-07 biennial budget act, whichever is later.

12 (END)