



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-5313/1  
KRP&ARG:cde

## 2021 SENATE BILL 731

November 30, 2021 - Introduced by Senators AGARD, ERPENBACH, JOHNSON, LARSON, ROYS and SMITH, cosponsored by Representatives VINING, BROSTOFF, CONSIDINE, MOORE OMOKUNDE, ANDERSON, ANDRACA, BALDEH, BILLINGS, BOWEN, CABRERA, CONLEY, DOYLE, EMERSON, HEBL, HESSELBEIN, HONG, B. MEYERS, MILROY, NEUBAUER, OHNSTAD, SHANKLAND, SHELTON, SINICKI, SNODGRASS, SPREITZER, STUBBS, SUBECK and VRUWINK. Referred to Committee on Universities and Technical Colleges.

1     **AN ACT to repeal** 115.364 (1) (a), (am) and (b), 115.364 (2) (a) 2. and 3. and 115.364  
2           (2) (b) 2.; **to renumber and amend** 115.364 (1) (intro.) and 115.364 (2) (b) 1.;  
3           **to consolidate, renumber and amend** 115.364 (2) (a) (intro.) and 1.; and **to**  
4           **amend** 20.255 (2) (da), 115.364 (title) and 118.40 (2r) (e) 2p. a. of the statutes;  
5           **relating to:** school mental health and pupil wellness aid, funding for the  
6           University of Wisconsin System, and making an appropriation.

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### ***Analysis by the Legislative Reference Bureau***

This bill changes the types of expenditures that are eligible for reimbursement under the state categorical aid program related to pupil mental health.

Under current law, the Department of Public Instruction must make payments to school districts, independent charter schools, and private schools participating in parental choice programs (local education agency) that increased the amount they spent to employ, hire, or retain social workers. Under current law, DPI first pays each eligible local education agency 50 percent of the amount by which the eligible local education agency increased its expenditures for social workers in the preceding school year over the amount it expended in the school year immediately preceding the preceding school year. If, after making those payments, there is money remaining in the appropriation account for that aid program, DPI makes additional payments to eligible local education agencies. The amount of those additional payments is determined based on the amount remaining in the appropriation

**SENATE BILL 731**

account and the amount spent by eligible local education agencies to employ, hire, and retain social workers during the previous school year.

The bill expands eligibility for the payments under the aid program to include spending on school counselors, school social workers, school psychologists, and school nurses (pupil services professionals). The bill also eliminates the two tier reimbursement structure of the aid program and eliminates the requirement that a local education agency is eligible for the aid only if the local education agency increased its spending. Under the bill, any local education agency that made expenditures to employ, hire, or retain pupil services professionals during the previous school year is eligible for reimbursement under the aid program.

The bill also provides additional funding for the University of Wisconsin System under its general program operations appropriation, for purposes of maintaining compliance with maintenance of effort requirements of the federal Consolidated Appropriations Act and the federal American Rescue Plan Act.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 20.255 (2) (da) of the statutes is amended to read:

2           20.255 (2) (da) ~~Aid for school mental~~ Mental health programs and pupil  
3 wellness aid. The amounts in the schedule for aid to school districts and independent  
4 charter schools employ, hire, and retain pupil services professionals under s. 115.364.

5           **SECTION 2.** 115.364 (title) of the statutes is amended to read:

6           **115.364** (title) ~~Aid for school mental~~ Mental health programs and pupil  
7 wellness aid.

8           **SECTION 3.** 115.364 (1) (intro.) of the statutes is renumbered 115.364 (1) and  
9 amended to read:

10           115.364 (1) In this section:, “pupil services professional” means a school  
11 counselor, school social worker, school psychologist, or school nurse.

12           **SECTION 4.** 115.364 (1) (a), (am) and (b) of the statutes are repealed.

**SENATE BILL 731**

1           **SECTION 5.** 115.364 (2) (a) (intro.) and 1. of the statutes are consolidated,  
2           renumbered 115.364 (2) (a) and amended to read:

3           115.364 (2) (a) Beginning in the ~~2018-19~~ 2022-23 school year and annually  
4           thereafter, the state superintendent shall ~~do all of the following:~~ 1. Subject, subject  
5           to par. (b), from the appropriation under s. 20.255 (2) (da), ~~pay to an eligible~~  
6           reimburse a school district board, the operator of a charter school established under  
7           s. 118.40 (2r) or (2x), or the governing body of a private school participating in a  
8           program under s. 118.60 or 119.23 for an amount equal to 50 percent of the amount  
9           by which the school district increased its expenditures made by the school board,  
10          operator, or governing body in the preceding school year to employ, hire, or retain  
11          social workers over the amount it expended in the school year immediately preceding  
12          the preceding school year to employ, hire, or retain social workers pupil services  
13          professionals.

14          **SECTION 6.** 115.364 (2) (a) 2. and 3. of the statutes are repealed.

15          **SECTION 7.** 115.364 (2) (b) 1. of the statutes is renumbered 115.364 (2) (b) and  
16          amended to read:

17          115.364 (2) (b) If the appropriation under s. 20.255 (2) (da) in any fiscal year  
18          is insufficient to pay the full amount of aid under par. (a), the state superintendent  
19          shall prorate state aid payments among the school districts, ~~private schools, and~~  
20          ~~independent charter schools~~ boards, operators of charter schools established under  
21          s. 118.40 (2r) and (2x), and governing bodies of private schools participating in  
22          programs under ss. 118.60 and 119.23 that are eligible for the aid.

23          **SECTION 8.** 115.364 (2) (b) 2. of the statutes is repealed.

24          **SECTION 9.** 118.40 (2r) (e) 2p. a. of the statutes is amended to read:

