

1999 ASSEMBLY BILL 768

February 17, 2000 – Introduced by Representatives SCHOOFF, MEYERHOFER, SINICKI, LADWIG, PLALE, KEDZIE, RICHARDS, BOCK, BLACK, MILLER, POCAN, BOYLE, LA FAVE, KREUSER, PLOUFF, TURNER, SYKORA, GRONEMUS, BERCEAU, HASENOHRL, MUSSER and RYBA, cosponsored by Senators GROBSCHMIDT, ROBSON, ROSENZWEIG, SHIBILSKI, BAUMGART, ERPENBACH, MOEN, PLACHE and RISSER. Referred to Committee on Education.

1 **AN ACT to renumber and amend** 115.93; **to amend** 115.88 (1m) (a), 115.88 (1m)
2 (am), 115.88 (2), 115.88 (2m), 115.88 (3), 115.88 (6), 115.88 (8) and 118.255 (4);
3 **to repeal and recreate** 115.882; and **to create** 115.88 (1m) (b) and 115.93 (3)
4 of the statutes; **relating to:** state aid for special education and school age
5 parents programs.

Analysis by the Legislative Reference Bureau

Current law requires that aidable costs incurred for special education by school districts, cooperative educational service agencies, county children with disabilities education boards and certain charter schools be fully reimbursed by the state, subject to the availability of funds.

This bill provides for most aidable costs for special education to be reimbursed by the state at the rate of 63%. The salaries of school psychologists and social workers are reimbursed at 51% and the costs of special education for children in hospital and convalescent homes are fully reimbursed. The bill provides that if insufficient funds are appropriated, payments are prorated.

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.** 115.88 (1m) (a) of the statutes, as affected by 1999 Wisconsin Act
2 9, is amended to read:

3 115.88 **(1m)** (a) If, upon receipt of the plan under s. 115.77 (4), the state
4 superintendent is satisfied that the special education program has been maintained
5 during the preceding school year in accordance with law, the state superintendent
6 shall certify to the department of administration in favor of each county, cooperative
7 educational service agency and school district maintaining such special education
8 program a sum equal to 63% of the amount expended by the county, agency and
9 school district during the preceding year for salaries of personnel enumerated in sub.
10 (1), including the salary portion of any authorized contract for physical or
11 occupational therapy services, except as provided in par. (b), and other expenses
12 approved by the state superintendent ~~as costs eligible for reimbursement.~~ The
13 department of administration shall pay such amounts to the county, agency and
14 school district from the appropriation under s. 20.255 (2) (b).

15 **SECTION 2.** 115.88 (1m) (am) of the statutes, as created by 1999 Wisconsin Act
16 9, is amended to read:

17 115.88 **(1m)** (am) If the operator of a charter school established under s. 118.40
18 (2r) operates a special education program and the state superintendent is satisfied
19 that the operator of the charter school is complying with 20 USC 1400 to 1491o, the
20 state superintendent shall certify to the department of administration in favor of the
21 operator of the charter school a sum equal to 63% of the amount that the operator
22 of the charter school expended during the previous school year for salaries of
23 full-time or part-time licensed teachers, licensed coordinators of special education,
24 licensed school social workers, licensed school psychologists, paraprofessionals,
25 licensed consulting teachers to work with any teacher of regular education programs

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1 who has a child with a disability in a class and any other personnel, except as
2 provided under par. (b), as determined by the state superintendent. ~~Certified costs~~
3 ~~under this paragraph are eligible for reimbursement~~ The department of
4 administration shall pay such amounts to the operator of the charter school from the
5 appropriation under s. 20.255 (2) (b). The state superintendent may audit costs
6 under this paragraph and adjust reimbursement to cover only actual, eligible costs.

7 **SECTION 3.** 115.88 (1m) (b) of the statutes is created to read:

8 115.88 **(1m)** (b) Salaries of licensed school psychologists and licensed school
9 social workers shall be reimbursed at 51% without regard to whether they are
10 employed in a program for children with disabilities. The school district, county
11 children with disabilities education board or cooperative educational service agency
12 shall include in the plan under s. 115.77 (4) any information required by the state
13 superintendent relating to use of a school psychologist or school social worker.

14 **SECTION 4.** 115.88 (2) of the statutes, as affected by 1999 Wisconsin Act 9, is
15 amended to read:

16 115.88 **(2)** TRANSPORTATION AID. If upon receipt of the plan under s. 115.77 (4)
17 the state superintendent is satisfied that the transportation of children with
18 disabilities has been maintained during the preceding year in accordance with the
19 law, the state superintendent shall certify to the department of administration in
20 favor of each county, cooperative educational service agency or school district
21 transporting such pupils ~~an amount equal to 63% of the amount expended for such~~
22 ~~transportation as costs eligible for reimbursement from the appropriations under s.~~
23 ~~20.255 (2) (b) and (br).~~ Pupils for whom aid is paid under this subsection shall not
24 be eligible for aid under s. 121.58 (2) or (4). The department of administration shall
25 pay such amounts to the county, agency or school district from the appropriations

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1 under s. 20.255 (2) (b) and (br). This subsection applies to any child with a disability
2 who requires special assistance in transportation, including any such child
3 attending regular classes who requires special or additional transportation. This
4 subsection does not apply to any child with a disability attending regular or special
5 classes who does not require any special or additional transportation.

6 **SECTION 5.** 115.88 (2m) of the statutes, as created by 1999 Wisconsin Act 9, is
7 amended to read:

8 115.88 **(2m)** OTHER TRANSPORTATION AID. If the operator of a charter school
9 established under s. 118.40 (2r) transports children with disabilities and the state
10 superintendent is satisfied that the operator of the charter school is complying with
11 20 USC 1400 to 1491o, the state superintendent shall certify to the department of
12 administration in favor of the operator of the charter school a sum equal to 63% of
13 the amount that the operator of the charter school expended during the previous
14 school year for transportation under this subsection ~~as costs eligible for~~
15 ~~reimbursement.~~ The department of administration shall pay such costs from the
16 ~~appropriations~~ appropriation under s. 20.255 (2) (b). The state superintendent may
17 audit costs under this subsection and adjust reimbursement to cover only actual,
18 eligible costs.

19 **SECTION 6.** 115.88 (3) of the statutes, as affected by 1999 Wisconsin Act 9, is
20 amended to read:

21 115.88 **(3)** BOARD AND LODGING AID. There shall be paid the amount expended
22 for board and lodging and transportation between the boarding home and the special
23 education program of nonresident children enrolled under s. 115.82 (1) in the special
24 education program. The department shall certify the full amount to the department
25 of administration ~~in favor of each~~ which shall pay such amount from the

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1 appropriation under s. 20.255 (2) (b) to the school district, cooperative educational
2 service agency, county children with disabilities education board, state agency of
3 another state or private, nonsectarian special education service which operates the
4 special education program while providing board, lodging and transportation an
5 amount equal to the amount expended for such board and lodging and transportation
6 as costs eligible for reimbursement from the appropriation under s. 20.255 (2) (b).

7 **SECTION 7.** 115.88 (6) of the statutes, as affected by 1999 Wisconsin Act 9, is
8 amended to read:

9 115.88 **(6)** AID FOR INSTRUCTION OUTSIDE OF DISTRICT. ~~The department shall~~
10 ~~certify to the department of administration, in favor of each school district, an~~
11 ~~amount equal to the amount expended for salaries~~ From the appropriation under s.
12 20.255 (2) (b) there shall be paid the full cost of salary and travel expenses, as in
13 amounts determined in advance by the state superintendent, to school districts for
14 providing special education outside the school district of employment, ~~as eligible for~~
15 ~~reimbursement from the appropriation under s. 20.255 (2) (b).~~

16 **SECTION 8.** 115.88 (8) of the statutes, as affected by 1999 Wisconsin Act 9, is
17 amended to read:

18 115.88 **(8)** ENROLLMENT OUT OF STATE. If a child with a disability is enrolled in
19 a public special education program located in another state and the state
20 superintendent is satisfied that the program in which the child is enrolled complies
21 with this subchapter, the state superintendent shall certify to the department of
22 administration in favor of the school district in which the child resides or the school
23 district attended by the child under s. 118.51 a sum equal to the percentage of the
24 approved costs under subs. (1) and (2) of the amount expended by the school district
25 during the preceding year for the additional costs associated with the child's special

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1 education program as ~~costs eligible for reimbursement.~~ The department of
2 administration shall pay the amount to the school district from the appropriation
3 under s. 20.255 (2) (b).

4 **SECTION 9.** 115.882 of the statutes, as affected by 1999 Wisconsin Act 9, is
5 repealed and recreated to read:

6 **115.882 Proration of state aid.** If the sum of the appropriations under s.
7 20.255 (2) (b) and (br) in any one year is insufficient to pay the full amount of aid
8 under ss. 115.88 and 118.255, funds in the appropriations shall be used first for the
9 purpose of s. 115.88 (4) and any remaining funds shall be prorated among the
10 counties, school districts, operators of charter schools established under s. 118.40 (2r)
11 and cooperative educational service agencies entitled thereto.

12 **SECTION 10.** 115.93 of the statutes, as affected by 1999 Wisconsin Act 9, is
13 renumbered 115.93 (1) and amended to read:

14 **115.93 State aid. (1)** ~~If Except as provided under sub. (3), if~~ upon receipt of
15 the reports under s. 115.92 (2) the state superintendent is satisfied that the school
16 age parents program has been maintained during the preceding school year in
17 accordance with the rules under s. 115.92 (3), the state superintendent shall certify
18 to the department of administration in favor of each school district maintaining the
19 program a sum equal to 63% of the amount expended by the school district during
20 the preceding school year for salaries of teachers and instructional aides, special
21 transportation and other expenses approved by the state superintendent ~~as costs~~
22 ~~eligible for reimbursement.~~ The department of administration shall pay such
23 amounts to the school district from the appropriation under s. 20.255 (2) (b).

24 **SECTION 11.** 115.93 (3) of the statutes is created to read:

