

1999 DRAFTING REQUEST

Bill

Received: **01/12/99**

Received By: **mlief**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget 6-1923**

By/Representing: **Pahnke**

This file may be shown to any legislator: **NO**

Drafter: **mlief**

May Contact:

Alt. Drafters:

Subject: **Education - handicapped ed.
Education - MPS
Education - school finance**

Extra Copies: **PG**

Topic:

DOA:.....Pahnke - Eligibility of MPS charter schools for special education aid

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	mlief 01/26/99	gilfokm 01/26/99	martykr 01/27/99	_____	lrb_docadmin 01/27/99		S&L
/2	mlief 02/2/99	gilfokm 02/2/99	jfrantze 02/3/99	_____	lrb_docadmin 02/3/99		S&L

FE Sent For:

<END>

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/1	mlief 01/26/99	gilfokm 01/26/99	martykr 01/27/99	_____	lrb_docadmin 01/27/99		S&L

FE Sent For:

12-2-2-99
KMG

2/2

2/2
END

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1?	mlief	1-1-26-99 Kmg	Km/2L	JF Km/27			

FE Sent For:

<END>

(Tel w/ Brian Pahrke '12/99)
(608-266-3361)

Allow charter schools under (2r) to get special ed aid.

Aid would be paid to operator of charter school

Will get back to me on reporting requirements. Does not want to make (2r) schools LEAs, however.

We discussed legal problem this posed re: federal requirement under IDEA.

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DIVISION OF EXECUTIVE BUDGET AND FINANCE
DOA-5167 N(R06/95)

FACSIMILE COVER MESSAGE

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TO


Name <i>LONNIE DIER</i>		Facsimile Telephone Number <i>4-8522</i>
Location <i>228</i>	Room Number	Telephone Number

FROM (Sender)

Name <i>BRIAN PATRICE</i>		Number of Pages Including This Cover Sheet	Facsimile Telephone Number <i>(608) 267-0372</i>
Location <i>101 East Wilson Street, 10th Floor; Madison, WI 53702</i>			Telephone Number <i>6192</i>

COMMENTS / INSTRUCTIONS

*LONNIE,
PLEASE REVIEW & CALL ME.
THANKS*



CREATE s. 118.40 (2r)(h) Special Education Services

(1) **PERSONNEL.** To provide special education and related services specified in an individual education program developed pursuant to the Individuals with Disabilities Education Act, a school chartered under par (b) may employ or contract for full-or part-time licensed teachers, licensed coordinators of special education, licensed school social workers, licensed school psychologists, paraprofessionals, licensed consulting teachers to work with any teacher of regular education programs who has a child with a disability in a class and any other personnel approved by the department.

(2) **TRANSPORTATION.** A school chartered under par (b) may provide or contract for specialized or additional transportation specified in an individual education program for a child with disabilities who is enrolled in the school.

(3) **PROGRAM AID.** Upon determining that a school chartered under par (b) is in compliance with the Individuals with Disabilities Education Act, the state superintendent shall certify to the department of administration in favor of each such school 63% of the amount expended by the school during the preceding year for services specified in sub (1) and (2). The department of administration shall pay such aid to the charter school from the appropriation under s. 20.255 (2) (b).

Salaries of licensed school psychologists and licensed school social workers shall be reimbursed at 51% without regard to whether they are employed in a program for children with disabilities.

(4) **OFFSETTING RECEIPTS.** In any school year, any federal operational revenues expended on costs aidable under this section shall be deducted from costs aidable under this section before aids are calculated under this section.

(5) **DISTRIBUTION SCHEDULE.** Each school chartered under par (b) that is entitled to state aid under this section shall receive 15% of its total aid entitlement, subject to projected proration under s. 115.882, in each month from November to March and 25% of its total entitlement in June. Claims for aid provided under this section shall be made on forms provided by the department.

AMEND s. 115.882 Proration of state aid. If the appropriation under s. 20.255 (2) (b) in any one year is insufficient to pay the full amount of aid under ss. 115.88, and 118.255, and 118.40(2r)(h)(3), funds in the appropriations shall be used first for the purpose of s. 115.88 (4) and any remaining funds shall be prorated among the counties, school districts, schools chartered under s. 118.40 (2r) and cooperative educational services agencies entitled thereto.

115.13

JAN -20 99 (WED) 11:21

WI DEPT OF PUB. INST.

TEL: 608 264 9328

P. 003

AMEND s. 20.255 (2)(b) Aids for special education. The amounts in the schedule for the payment of aids for public and private school pupils under ss. 115.88, ~~115.97~~ 118.40(2r) (h)(3) and 118.255.

[NOTE: The above draft is intended as assistance to DOA in the drafting of statutory changes permitting payment of special education aid to charter schools created by non-MPS entities in the city of Milwaukee. At this time the draft itself is not an official proposal of the DPI.

While tailored to very closely match the federal special education law (IDEA), subch. V of ch. 115 does require that school districts meet some requirements in addition to those imposed by federal law. If language making schools chartered by the city of Milwaukee, Milwaukee area technical college and UW-M eligible for state special education categorical aid is included in subch. V of ch. 115, those charter schools would also have to meet all state requirements in addition to federal requirements. Because the general intent behind charter schools is to permit innovation and experimentation largely free from state regulation, it is believed that specific language regarding eligibility for state special education categorical aids should be added to the charter school statute, rather than to subch. V of ch. 115, and that aid should be contingent upon compliance with IDEA, rather than compliance with both state and federal special education law].

Prepared by Faye Stark, DPI
1-20-99

Post-it® Fax Note	7671	Date	1/21/99	# of pages	2
To	LONNIE AEF	From	B. PROFFER		
Co./Dept.		Co.			
Phone #	2-7380	Phone #			
Fax #	4-8522	Fax #			

AMEND 115.88 to read:

115.88 State aid. (1) PERSONNEL. A school board, board of control of a cooperative educational service agency or, upon authorization of the county board, a county children with disabilities education board may employ, and a charter school established under s. 118.40(2r) may employ or contract for, for a special education program, either full-or part-time,....

(1m) PROGRAM AID (a) If, upon receipt of the plan under s.115.77 (4), the state superintendent is satisfied that the special education program has been maintained during the preceding school year in accordance with law, or, if, in the case of a charter school established under s. 118.40(2r), the state superintendent is satisfied that the special education program has been maintained during the preceding school year in accordance with the Individuals with Disabilities Education Act, the state superintendent shall certify to the department of administration in favor of each county, cooperative educational service agency, ~~and school district~~ and charter school maintaining such special education program a sum equal to 63% of the amount expended by the county, agency and school district or charter school during the The department of administration shall pay such amounts to the county, agency, ~~and school district~~ and charter school established under s.118.40(2r)

(2) TRANSPORTATION AID. If upon receipt of the plan under s. 115.77 (4) the state superintendent is satisfied that the transportation children with disabilities has been maintained during the preceding year in accordance with the law, or if, in the case of a charter school established under s. 118.40(2r), the state superintendent is satisfied that transportation of children with disabilities has been maintained during the preceding year in accordance with the Individuals with Disabilities Act, the state superintendent shall certify to the department of administration in favor of each county, cooperative educational service agency, ~~or school district~~ or charter school established under s.118.40(2r) transporting such pupils 63% of the amount expended for such transportation..... The department of administration shall pay such amounts to the county, agency, ~~or school~~

district or charter school established under s. 118.40(2r) from the appropriations under....

(9) DISTRIBUTION SCHEDULE Each county, cooperative educational service agency, ~~and~~ school district and charter school established under s. 118.40(2r) entitled to aid under this section shall receive 15% of its total aid entitlement in each month from November to March and 25% of its total entitlement in June.

115.882 Proration of state aid. If the sum of the appropriations under s. 20.255 (2(b))....remaining funds shall be prorated among the counties, school districts, ~~and~~ cooperative educational service agencies and charter schools established under s. 118.40(2r) entitled thereto.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1724/1

MJL *king*

DOA:.....Pahnke – Eligibility of MPS charter schools for special education aid

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

D-N

Due 1/27
To editing 1/26, 11:30 am

*Don't
Gen Cat*
1 AN ACT relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

(CESA)

PRIMARY AND SECONDARY EDUCATION

Under current law, a school board, board of control of a cooperative educational service agency or a county children with disabilities education board is eligible for special education aid if the state superintendent of public instruction (state superintendent) is satisfied that the special education program has been maintained according to law. This aid is equal to a percentage of the amount expended on special education costs in the preceding school year.

This bill provides that the operator of a charter school sponsored by the city of Milwaukee, the University of Wisconsin-Milwaukee and the Milwaukee Area Technical College is eligible for special education aid if the operator operates a special education program and the state superintendent is satisfied that the operator has complied with federal special education law (the Individuals With Disabilities In Education Act) as though the operator were a school board. This aid is equal to a percentage of the estimated amount that the operator will expend on the special education program in the current school year.

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:

History: 1997 a. 164.

SECTION 1. 115.88 (1m) (am) of the statutes is created to read:

115.88 (1m) (am) 1. Except as provided in subd. 2., if the operator of a charter school established under s. 118.40 (2r) operates a special education program and the state superintendent is satisfied that the operator of the charter school is complying with the individuals with disabilities in education act, 20 USC 1400 to 14910~~2~~ as though the operator of the charter school were a local educational agency, as defined under 20 USC 1401 (15), the state superintendent shall certify to the department of administration in favor of the operator of a charter school a sum equal to 63% of the amount that the operator of the charter school estimates it will expend during the current school year for salaries of ^{full-time} ~~the~~ or part-time licensed teachers, licensed coordinators of special education, licensed school social workers, licensed school psychologists, paraprofessionals, licensed consulting teachers to work with any teacher of regular education programs who has a child with a disability in a class and any other personnel, as determined by the state superintendent.

2. Salaries of licensed school psychologists and licensed school social workers shall be reimbursed at 51% without regard to whether they are employed in a program for children with disabilities.

SECTION 2. 115.88 ^(2m) ~~(1m)~~ of the statutes is created to read:

115.88 ^(2m) ~~(1m)~~, If the operator of a charter school established under s. 118.40 (2r) transports children with disabilities and the state superintendent is satisfied that the operator of the charter school is complying with the individuals with

OTHER TRANSPORTATION AID.

K+S

1 ~~disabilities in education act~~ 20 USC 1400 to 1491o¹ as though the operator of the ✓
 2 charter school were a local educational agency, as defined ~~under~~ ⁱⁿ 20 USC 1401 (15),
 3 the state superintendent shall certify to the department of administration in favor
 4 of the operator of ^{the} a charter school a sum equal to 63% of the amount that the operator
 5 of the charter school estimates it will expend ^x during the current school year for
 6 transportation under this ~~paragraph~~ ^{subsection}.

7 SECTION 3. 115.88 (9) of the statutes is amended to read:

8 115.88 (9) DISTRIBUTION SCHEDULE. Each county, cooperative educational
 9 service agency, operator of a charter school established under s. 118.40 (2r) ✓ and
 10 school district entitled to state aid under this section shall receive 15% of its total aid
 11 entitlement in each month from November to March and 25% of its total entitlement
 12 in June.

History: 1997 a. 164.

13 SECTION 4. 115.882 of the statutes is amended to read:

14 **115.882 Proration of state aid.** If the sum of the appropriations under s.
 15 20.255 (2) (b) and (br) in any one year is insufficient to pay the full amount of aid
 16 under ss. 115.88 and 118.255, funds in the appropriations shall be used first for the
 17 purpose of s. 115.88 (4) and any remaining funds shall be prorated among the
 18 counties, school districts, operators of charter schools established under s. 118.40 (2r) ✓
 19 and cooperative educational service agencies entitled thereto.

History: 1997 a. 164.

(END)

D-N

LRB 1724/1da
MJL:KMG:

Brain

¶ 1. I did not amend s. 115.88(1) because charter schools are exempt from this subsection so it did not make sense to permit them to do something that ^{they} they are not prohibited from doing.

¶ 2. As we have discussed, it would be best to require the charter schools to submit something to DPI by a certain date ~~to~~ ^{to} ~~proof~~ ^{to} substantiate their claims for costs, especially, because the costs ⁺ will be estimated. Also, if the charter schools underestimate or overestimate the costs, how will DPI make any necessary adjustments?

¶ 3. I added the language "as though the operator of ~~the~~ the charter school were a

local educational agency ^{under 20 USC}

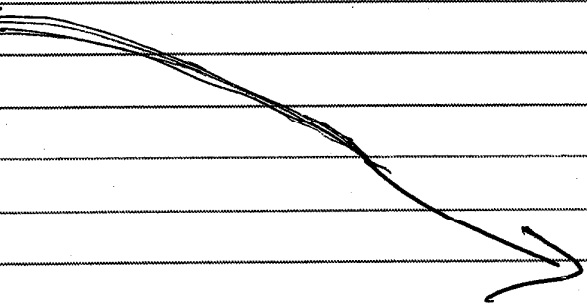
1401 (i⁵) in S. 115.88 (1m) (am) and ~~(2m)~~ (2m)^{2m}

because IDEA imposes the requirement to provide special education ^{upon} ~~LEAs~~ LEAs, which are defined as school boards or other public authorities ^{that are legally constituted} ~~Notwithstanding DPI's policy arguments that charter schools are public schools, IDEA does not apply only to charter schools that are under contract with a school board. The charter schools under S. 118.40 (2r) are not under contract with a school board, so it does not make sense for DPI to determine if an entity that is not required to comply with IDEA is complying with IDEA.~~

within a state ~~to~~ to serve, control^{or} or direct public schools. It does not make sense, then,

to ask DPI to determine if an entity that
is not required to ~~comply~~ ^{comply} with IDEA does
in fact comply with IDEA. If the bill
includes DPI's proposed language, there is no
way to predict how DPI will interpret IDEA
so that it applies to the charter schools.

4. ~~INSERT - DN~~



**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

January 26, 1999

From 99-
LRB 1992/1dn
PC/kmg:lp
MJD
~~LRB 1724~~

INSERT-DN (to LRB - 1724/1 dn)

It is possible that a Wisconsin court would find that this legislation is a "private or local bill" which, under art. IV, sec. 18, of the Wisconsin Constitution, must be enacted as a single-subject legislation. If so, this legislation cannot validly be enacted as part of the biennial budget act, which clearly encompasses more than one subject.

The Wisconsin supreme court has created 2 tests to determine whether a bill is "private or local". One test applies to bills that are specific as to persons, places or things. See *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79 (1986). The other test applies to legislation that is general on its face but applicable only to a particular class. See *City of Brookfield v. Milwaukee Metropolitan Sewerage District*, 144 Wis. 2d 896 (1988), and *Davis v. Grover*, 166 Wis. 2d 501 (1992).

This legislation is general on its face but applicable only to a particular class (1st class city school districts). Under the *Brookfield* test, the legislation is unconstitutional unless all of the following are true:

- a. ~~X~~ The classification is based upon substantial distinctions that make one class really different from another.
- b. ~~A~~ The classification is germane to the purpose of the law.
- c. ~~D~~ The class is open to additional members.
- d. ~~E~~ The law applies equally to all members of the class.
- e. ~~B~~ The characteristics of each class are so different from those of the other classes that substantially different treatment is justified.

In regard to the first part of the test, note that the *Brookfield* court and the *Davis* court both dealt with the classification of first class cities as opposed to other cities, but disagreed on whether there are substantial distinctions between 2 classification of cities. Therefore, it is difficult to predict the potential for and outcome of any court action on this legislation. You may wish to consider introducing the legislation as a separate bill.

Peter R. Grant
Managing Attorney
267-3352

MJL

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1724/1dn
MJL:kmg:km

January 26, 1999

Brian:

1. I did not amend s. 115.88 (1) because charter schools are exempt from this subsection so it did not make sense to permit them to do something that they are not prohibited from doing.

2. As we have discussed, it would be best to require the charter schools to submit something to DPI by a certain date to substantiate their claims for costs, especially because the costs will be estimated. Also, if the charter schools underestimate or overestimate the costs, how will DPI make any necessary adjustments?

3. I added the language "as though the operator of the charter school were a local educational agency ... [under] 20 USC 1401 (15)" in s. 115.88 (1m) (am) and (2m) because IDEA imposes the requirement to provide special education upon LEAs, which are defined as school boards or other public authorities that are legally constituted within a state to serve, control or direct public schools. It does not make sense, then, to ask DPI to determine if an entity that is not required to comply with IDEA does in fact comply with IDEA. If the bill includes DPI's proposed language, there is no way to predict how DPI will interpret IDEA so that it applies to the charter schools.

4. It is possible that a Wisconsin court would find that this legislation is a "private or local bill" which, under art. IV, sec. 18, of the Wisconsin Constitution, must be enacted as a single-subject legislation. If so, this legislation cannot validly be enacted as part of the biennial budget act, which clearly encompasses more than one subject.

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This legislation is general on its face but applicable only to a particular class (1st class city school districts). Under the *Brookfield* test, the legislation is unconstitutional unless all of the following are true:

a. The classification is based upon substantial distinctions that make one class really different from another.

- b. The classification is germane to the purpose of the law.
- c. The class is open to additional members
- d. The law applies equally to all members of the class.
- e. The characteristics of each class are so different from those of the other classes that substantially different treatment is justified.

In regard to the first part of the test, note that the *Brookfield* court and the *Davis* court both dealt with the classification of first class cities as opposed to other cities, but disagreed on whether there are substantial distinctions between 2 classification of cities. Therefore, it is difficult to predict the potential for and outcome of any court action on this legislation. You may wish to consider introducing the legislation as a separate bill.

Madelon J. Lief
Legislative Attorney
267-7380



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1724/2
MJL:kmg:km

DOA:.....Pahnke - Eligibility of MPS charter schools for special education aid

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

D-N

1 AN ACT <sup>Don't
Gen Cat.</sup>; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, a school board, board of control of a cooperative educational service agency (CESA) or a county children with disabilities education board is eligible for special education aid if the state superintendent of public instruction (state superintendent) is satisfied that the special education program has been maintained according to law. This aid is equal to a percentage of the amount expended on special education costs in the preceding school year.

This bill provides that the operator of a charter school sponsored by the city of Milwaukee, the University of Wisconsin-Milwaukee and the Milwaukee Area Technical College is eligible for special education aid if the operator operates a special education program and the state superintendent is satisfied that the operator has complied with federal special education law (the Individuals With Disabilities In Education Act) as though the operator were a school board. ~~This aid is equal to a percentage of the estimated amount that the operator will expend on the special education program in the current school year.~~ The bill directs the state superintendent to reimburse the operator fully for the costs

of the special education program, subject to availability of funds. in the current school year

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:

1 SECTION 1. 115.88 (1m) (am) of the statutes is created to read:

2 115.88 (1m) (am) ~~Except as provided in sub. 2, if~~ the operator of a charter
3 school established under s. 118.40 (2r) operates a special education program and the
4 state superintendent is satisfied that the operator of the charter school is complying
5 with 20 USC 1400 to 1491o as though the operator of the charter school were a local
6 educational agency, as defined in 20 USC 1401 (15), the state superintendent shall
7 certify to the department of administration in favor of the operator of the charter
8 school a sum equal to ~~25%~~ the amount that the operator of the charter school
9 estimates it will expend during the current school year for salaries of full-time or
10 part-time licensed teachers, licensed coordinators of special education, licensed
11 school social workers, licensed school psychologists, paraprofessionals, licensed
12 consulting teachers to work with any teacher of regular education programs who has
13 a child with a disability in a class and any other personnel, as determined by the state
14 superintendent. *Certified costs under this paragraph are eligible*

15 2. Salaries of licensed school psychologists and licensed school social workers
16 shall be reimbursed at 51% without regard to whether they are employed in a
17 program for children with disabilities.

18 SECTION 2. 115.88 (2m) of the statutes is created to read:

19 115.88 (2m) OTHER TRANSPORTATION AID. If the operator of a charter school
20 established under s. 118.40 (2r) transports children with disabilities and the state
21 superintendent is satisfied that the operator of the charter school is complying with

*drafts with the following LRB #'s:
5, 20, 255(2)(b).*

NOTE: This section has been affected by LRB-185911. This is recorded as 115.88(1m)(am). This is recorded as 115.88(1m)(am). This is recorded as 115.88(1m)(am).

1 20 USC 1400 to 1491o as though the operator of the charter school were a local
 2 educational agency, as defined in 20 USC 1401 (15), the state superintendent shall
 3 certify to the department of administration in favor of the operator of the charter
 4 school a sum equal to ~~60%~~ of the amount that the operator of the charter school
 5 estimates it will expend during the current school year for transportation under this
 6 subsection.

as costs eligible for reimbursement from the appropriations under § 20.255(2)(b) and (br)

7 **SECTION 3.** 115.88 (9) of the statutes is amended to read:

8 115.88 (9) DISTRIBUTION SCHEDULE. Each county, cooperative educational
 9 service agency, operator of a charter school established under s. 118.40 (2r) and
 10 school district entitled to state aid under this section shall receive 15% of its total aid
 11 entitlement in each month from November to March and 25% of its total entitlement
 12 in June.

13 **SECTION 4.** 115.882 of the statutes is amended to read:

14 **115.882 Proration of state aid.** If the sum of the appropriations under s.
 15 20.255 (2) (b) and (br) in any one year is insufficient to pay the full amount of aid
 16 under ss. 115.88 and 118.255, funds in the appropriations shall be used first for the
 17 purpose of s. 115.88 (4) and any remaining funds shall be prorated among the
 18 counties, school districts, operators of charter schools established under s. 118.40 (2r)
 19 and cooperative educational service agencies entitled thereto.

20

(END)

*****NOTE: This is reconciled s. 115.88(2m). This section is affected by LRB-1724/1 and LRB-1859/1.*

has been

drafts with the following LRB #'s:

LRB-1724/2dn

D-N

:Kug:

This draft reconciles LRB-1859/1 and LRB-1724/1. Both LRB-1859 and LRB-1724⁴ should continue to appear in the compiled bill.

MJZ.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1724/2dn
MJL:kmg:jf

February 2, 1999

This draft reconciles LRB-1859/1 and LRB-1724/1. Both LRB-1859 and LRB-1724 should continue to appear in the compiled bill.

Madelon J. Lief
Legislative Attorney
Phone: (608) 267-7380



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1724/2

MJL:kmg:jf

DOA:.....Pahnke – Eligibility of MPS charter schools for special education aid
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, a school board, board of control of a cooperative educational service agency (CESA) or a county children with disabilities education board is eligible for special education aid if the state superintendent of public instruction (state superintendent) is satisfied that the special education program has been maintained according to law. This aid is equal to a percentage of the amount expended on special education costs in the preceding school year.

This bill provides that the operator of a charter school sponsored by the city of Milwaukee, the University of Wisconsin–Milwaukee and the Milwaukee Area Technical College is eligible for special education aid if the operator operates a special education program and the state superintendent is satisfied that the operator has complied with federal special education law (the Individuals With Disabilities In Education Act) as though the operator were a school board. The bill directs the state superintendent to reimburse the operator fully in the current school year for the costs of the special education program, subject to availability of funds.

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:

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

2 115.88 (1m) (am) 1. If the operator of a charter school established under s.
3 118.40 (2r) operates a special education program and the state superintendent is
4 satisfied that the operator of the charter school is complying with 20 USC 1400 to
5 1491o as though the operator of the charter school were a local educational agency,
6 as defined in 20 USC 1401 (15), the state superintendent shall certify to the
7 department of administration in favor of the operator of the charter school a sum
8 equal to the amount that the operator of the charter school estimates it will expend
9 during the current school year for salaries of full-time or part-time licensed
10 teachers, licensed coordinators of special education, licensed school social workers,
11 licensed school psychologists, paraprofessionals, licensed consulting teachers to
12 work with any teacher of regular education programs who has a child with a
13 disability in a class and any other personnel, as determined by the state
14 superintendent. Certified costs under this paragraph are eligible for reimbursement
15 from the appropriation under s. 20.255 (2) (b).

****NOTE: This is reconciled s. 115.88 (1m) (am). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1724/1 and LRB-1859/1.

16 **SECTION 2.** 115.88 (2m) of the statutes is created to read:

17 115.88 (2m) OTHER TRANSPORTATION AID. If the operator of a charter school
18 established under s. 118.40 (2r) transports children with disabilities and the state
19 superintendent is satisfied that the operator of the charter school is complying with
20 20 USC 1400 to 1491o as though the operator of the charter school were a local

1 educational agency, as defined in 20 USC 1401 (15), the state superintendent shall
2 certify to the department of administration in favor of the operator of the charter
3 school a sum equal to the amount that the operator of the charter school estimates
4 it will expend during the current school year for transportation under this subsection
5 as costs eligible for reimbursement from the appropriations under s. 20.255 (2) (b)
6 and (br).

****NOTE: This is reconciled s. 115.88 (2m). This SECTION has been affected by drafts
with the following LRB numbers: LRB-1724/1 and LRB-1859/1.

7 **SECTION 3.** 115.88 (9) of the statutes is amended to read:

8 115.88 (9) DISTRIBUTION SCHEDULE. Each county, cooperative educational
9 service agency, operator of a charter school established under s. 118.40 (2r) and
10 school district entitled to state aid under this section shall receive 15% of its total aid
11 entitlement in each month from November to March and 25% of its total entitlement
12 in June.

13 (END)