

**2001 ASSEMBLY BILL 270**

March 30, 2001 – Introduced by Representatives SCHOOFF, PLALE, BALOW, BOCK, SINICKI, TURNER, RYBA, BLACK, SYKORA, RILEY, BERCEAU, POCAN, MILLER, PLOUFF, KREUSER, LA FAVE, BOYLE, STASKUNAS, COLON, GRONEMUS, WASSERMAN, JOHNSRUD, J. LEHMAN, LASSA, MORRIS-TATUM, WILLIAMS, RICHARDS, SERATTI and LADWIG, cosponsored by Senators GROBSCHMIDT, ROBSON, BURKE, PLACHE, SHIBILSKI, RISSER, BRESKE, GEORGE and HANSEN. 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.

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***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 hospitals 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.

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

**ASSEMBLY BILL 270****SECTION 1**

1           **SECTION 1.** 115.88 (1m) (a) of the statutes is amended to read:

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

14           **SECTION 2.** 115.88 (1m) (am) of the statutes is amended to read:

15           115.88 **(1m)** (am) If the operator of a charter school established under s. 118.40  
16 (2r) operates a special education program and the state superintendent is satisfied  
17 that the operator of the charter school is complying with 20 USC 1400 to 1491o, the  
18 state superintendent shall certify to the department of administration in favor of the  
19 operator of the charter school a sum equal to 63% of the amount that the operator  
20 of the charter school expended during the previous school year for salaries of  
21 full-time or part-time licensed teachers, licensed coordinators of special education,  
22 licensed school social workers, licensed school psychologists, paraprofessionals,  
23 licensed consulting teachers to work with any teacher of regular education programs  
24 who has a child with a disability in a class, and any other personnel, except as  
25 provided under par. (b). as determined by the state superintendent. ~~Certified costs~~

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1 ~~under this paragraph are eligible for reimbursement~~ The department of  
2 administration shall pay such amounts to the operator of the charter school from the  
3 appropriation under s. 20.255 (2) (b). The state superintendent may audit costs  
4 under this paragraph and adjust reimbursement to cover only actual, eligible costs.

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

6 115.88 **(1m)** (b) Salaries of licensed school psychologists and licensed school  
7 social workers shall be reimbursed at 51% without regard to whether they are  
8 employed in a program for children with disabilities. The school district, county  
9 children with disabilities education board, or cooperative educational service agency  
10 shall include in the plan under s. 115.77 (4) any information required by the state  
11 superintendent relating to use of a school psychologist or school social worker.

12 **SECTION 4.** 115.88 (2) of the statutes is amended to read:

13 115.88 **(2)** TRANSPORTATION AID. If upon receipt of the plan under s. 115.77 (4)  
14 the state superintendent is satisfied that the transportation of children with  
15 disabilities has been maintained during the preceding year in accordance with the  
16 law, the state superintendent shall certify to the department of administration in  
17 favor of each county, cooperative educational service agency, or school district  
18 transporting such pupils ~~an amount equal to 63% of the amount expended for such~~  
19 ~~transportation as costs eligible for reimbursement from the appropriations under s.~~  
20 ~~20.255 (2) (b) and (br).~~ Pupils for whom aid is paid under this subsection shall not  
21 be eligible for aid under s. 121.58 (2) or (4). The department of administration shall  
22 pay such amounts to the county, agency, or school district from the appropriations  
23 under s. 20.255 (2) (b) and (br). This subsection applies to any child with a disability  
24 who requires special assistance in transportation, including any such child  
25 attending regular classes who requires special or additional transportation. This

**ASSEMBLY BILL 270****SECTION 4**

1 subsection does not apply to any child with a disability attending regular or special  
2 classes who does not require any special or additional transportation.

3 **SECTION 5.** 115.88 (2m) of the statutes is amended to read:

4 115.88 **(2m)** OTHER TRANSPORTATION AID. If the operator of a charter school  
5 established under s. 118.40 (2r) transports children with disabilities and the state  
6 superintendent is satisfied that the operator of the charter school is complying with  
7 20 USC 1400 to 1491o, the state superintendent shall certify to the department of  
8 administration in favor of the operator of the charter school a sum equal to 63% of  
9 the amount that the operator of the charter school expended during the previous  
10 school year for transportation under this subsection ~~as costs eligible for~~  
11 ~~reimbursement.~~ The department of administration shall pay such costs from the  
12 ~~appropriations~~ appropriation under s. 20.255 (2) (b). The state superintendent may  
13 audit costs under this subsection and adjust reimbursement to cover only actual,  
14 eligible costs.

15 **SECTION 6.** 115.88 (3) of the statutes is amended to read:

16 115.88 **(3)** BOARD AND LODGING AID. There shall be paid the amount expended  
17 for board and lodging and transportation between the boarding home and the special  
18 education program of nonresident children enrolled under s. 115.82 (1) in the special  
19 education program. The department shall certify the full amount to the department  
20 of administration ~~in favor of each~~ which shall pay such amount from the  
21 appropriation under s. 20.255 (2) (b) to the school district, cooperative educational  
22 service agency, county children with disabilities education board, state agency of  
23 another state, or private, nonsectarian special education service which operates the  
24 special education program while providing board, lodging, and transportation an

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1 amount equal to the amount expended for such board and lodging and transportation  
2 as costs eligible for reimbursement from the appropriation under s. 20.255 (2) (b).

3 **SECTION 7.** 115.88 (6) of the statutes is amended to read:

4 115.88 (6) AID FOR INSTRUCTION OUTSIDE OF DISTRICT. ~~The department shall~~  
5 ~~certify to the department of administration, in favor of each school district, an~~  
6 ~~amount equal to the amount expended for salaries~~ From the appropriation under s.  
7 20.255 (2) (b) there shall be paid the full cost of salary and travel expenses, as in  
8 amounts determined in advance by the state superintendent, to school districts for  
9 providing special education outside the school district of employment, ~~as eligible for~~  
10 reimbursement from the appropriation under s. 20.255 (2) (b).

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

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

23 **SECTION 9.** 115.882 of the statutes is repealed and recreated to read:

24 **115.882 Proration of state aid.** If the sum of the appropriations under s.  
25 20.255 (2) (b) and (br) in any one year is insufficient to pay the full amount of aid

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1 under ss. 115.88 and 118.255, funds in the appropriations shall be used first for the  
2 purpose of s. 115.88 (4) and any remaining funds shall be prorated among the  
3 counties, school districts, operators of charter schools established under s. 118.40 (2r)  
4 and cooperative educational service agencies entitled thereto.

5 **SECTION 10.** 115.93 of the statutes is renumbered 115.93 (1) and amended to  
6 read:

7 115.93 **State aid. (1)** If Except as provided under sub. (3), if upon receipt of  
8 the reports under s. 115.92 (2) the state superintendent is satisfied that the school  
9 age parents program has been maintained during the preceding school year in  
10 accordance with the rules under s. 115.92 (3), the state superintendent shall certify  
11 to the department of administration in favor of each school district maintaining the  
12 program a sum equal to 63% of the amount expended by the school district during  
13 the preceding school year for salaries of teachers and instructional aides, special  
14 transportation, and other expenses approved by the state superintendent as costs  
15 eligible for reimbursement. The department of administration shall pay such  
16 amounts to the school district from the appropriation under s. 20.255 (2) (b).

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

18 115.93 **(3)** Subject to s. 115.882, if the appropriation under s. 20.255 (2) (b) in  
19 any year is insufficient to pay the full amount of aid under sub. (1), state aid  
20 payments shall be prorated among the entitled school districts.

21 **SECTION 12.** 118.255 (4) of the statutes is amended to read:

22 118.255 **(4)** If the state superintendent is satisfied that the health treatment  
23 services program has been maintained during the preceding school year in  
24 accordance with law, the state superintendent shall certify to the department of  
25 administration in favor of each school board, cooperative educational service agency,

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1 and county children with disabilities education board maintaining such health  
2 treatment services, an amount equal to 63% of the amount expended for items listed  
3 in s. 115.88 (1m) by the school board, cooperative educational service agency, and  
4 county children with disabilities education board during the preceding year for these  
5 health treatment services ~~as costs eligible for reimbursement from the appropriation~~  
6 ~~under s. 20.255 (2) (b).~~ The department of administration, upon such certification  
7 shall distribute the amounts to the appropriate school board, cooperative  
8 educational service agency, and county children with disabilities education board.

**SECTION 13. Initial applicability.**

10 (1) This act first applies to state aid paid in the 2002–03 school year.

11 (END)