

2003 DRAFTING REQUEST

Bill

Received: **04/24/2003**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Dale Schultz (608) 266-0703**

By/Representing: **Eileen**

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

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Education - handicapped ed.**

Extra Copies: **MJL**

Submit via email: **YES**

Requester's email: **Sen.Schultz@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Speech therapists

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> |
|--------------|----------------------|------------------------|------------------------|----------------|----------------------|----------------------|-----------------|
| /? | pgrant 04/24/2003 | wjackson 04/24/2003 | | _____ | | | S&L |
| /1 | | | jfrantze 04/24/2003 | _____ | lemery 04/24/2003 | lemery 04/24/2003 | |

FE Sent For:

7/1" 511103

Eileen

<END>

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| 1? | pgrant | 1 Wlj 4/24 | J 4/24 | Self 4/24 | | | |

Senate
per
pg

FE Sent For:

<END>

Bill Request Form

Legislative Reference Bureau
100 N. Hamilton Street
Legal Section. 266-3561

You may use this form or talk directly with the LRB attorney who will draft the bill.

Date March 31, 2003

Legislator, agency, or other person requesting this draft Senator Dale Schultz

Person submitting request (name and phone number) Eileen O'Neill, 266-0703

Persons to contact for questions about this draft (names and phone numbers) Eileen O'Neill, 266-0703

Describe the problem, including any helpful examples. How do you want to solve the problem?

The issue is described in the attached letter. The idea is to amend Stat 115.88 to include speech therapy.

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2001 LRB-2345/1 or 1999AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

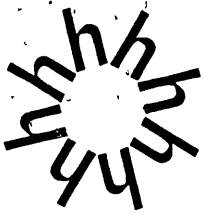
If yes:

Anyone who asks? YES NO
Any legislator? YES NO

Only the following persons Tim Sizo

Do you consider this request urgent? YES NO If yes, please indicate why _____

Should we give this request priority over any pending request of this legislator, agency, or person? YES NO



Rural Wisconsin Health Cooperative

MAR 3 2003

Senator Michael Ellis, Chairman
Education, Ethics & Elections
118 South, State Capitol
P.O. Box 7882
Madison, WI 53707

Thursday, February 27, 2003

Re: Improving Rural Access To Speech Therapy Services

Dear Senator Ellis:

I am writing to you at the recommendation of Senator Dale Schultz about an issue which he and I have discussed off and on for a couple of years—out-of-date State law and regulation which needlessly limits public school access to cost effective speech therapy services for their students.

As you know rural communities are constantly struggling to recruit and retain qualified personnel. All of us working in rural communities would be more effective if we could more readily share health care professionals. The Rural Wisconsin Health Cooperative and other health care networks and entities in rural communities would, along with rural public schools, be more effective if could share hard to recruit speech therapists.

But we all continue to come up against two barriers:

- Schools Not Reimbursed If Speech Therapist Not Directly Employed
- Restrictions On DPI License for Speech Therapists

1. Schools Not Reimbursed If Speech Therapist Not Directly Employed

Wisconsin statutes recognize speech therapy as an area of need and service for a child but speech therapy is not listed as a contracted service that can be reimbursed. Consequently, the Department of Public Instruction can not reimburse a school for speech therapy unless it is done by an employee of the district.

We believe that Statute 115.88 on State Aid should be amended to read as follows "The board may contract with private or public agencies for physical-~~or,~~ occupational-therapy and speech therapy services on the basis of demonstrated need." If this is not practical statewide, we would request this being permitted for rural communities where therapists are not readily available.

2. Restrictions On DPI License for Speech Therapists

Speech Pathologists working in hospitals and "birth to three" programs are licensed by the State of Wisconsin and must meet State continuing education requirements. They are providers for the Medical Assistance and Medicare so they must also meet specified requirements for these programs. Most are also nationally certified by the American Speech Language and Hearing Association.

Unfortunately, a therapist who serves children in all of the above circumstances is not allowed to work in the school setting if he or she does not also have an additional license from the Department of Public Instruction

Physical and occupational therapists are not required to have preparation for a DPI licensure beyond that otherwise required by the State Department of Regulation & Licensing. **We request that the Wisconsin Administrative Code (PI 3.35) be amended to treat speech therapists in this regard.** If this is not practical statewide, we would request this being permitted for rural communities where therapists are not readily available.

We are available to talk about this issue as needed. In advance thanks for your consideration of this request.

Sincerely,

Tim Size

Tim Size
Executive Director

cc: ✓ Senator Dale Schultz
Secretary Donsia Strong Hill, Dept. Regulation & Licensing
Superintendent Elizabeth Burmaster, Wisc. Dept. Public Instruction
Steve Brenton, Wisconsin Hospital Association

ate under this section if the area taxed under par. (a) constitutes less than 50% of the full value of taxable property within the county.

(c) Upon the adoption of a resolution by a majority of the school boards that are located in whole or in part in the county and are participating in the county program under sub. (2) (c), this subsection shall not apply commencing on the effective date of the resolution. A resolution adopted under this paragraph between January 1 and June 30 in any year shall be effective on January 1 of the year commencing after its adoption. A resolution adopted under this paragraph between July 1 and December 31 in any year shall be effective on January 1 of the 2nd year commencing after its adoption. In the year in which the resolution is effective, the county budget under s. 59.60 or 65.90 shall include a line item for the special education program.

(10) STATE AIDS. (a) The board may apply for and receive the state aid under ss. 115.88 and 121.41 (1) for the transportation, board and lodging, treatment and instruction of children participating in programs under this section.

(b) The board may apply for and receive the state aid under ss. 121.135 and 121.14. This paragraph does not apply beginning on the effective date of a resolution adopted under sub. (9) (c).

(c) All state aid shall be paid to the county treasurer and credited to the fund of the board.

(11) VIOLATIONS. The state superintendent shall withhold aid from any board that violates this section.

History: 1997 a. 164; 1999 a. 150 s. 672; 2001 a. 16; 2001 a. 30 s. 108.

115.82 Admission and transportation of nonresidents.

(1) A cooperative educational service agency, county children with disabilities education board or school district that provides special education and related services shall admit a nonresident if the program is appropriate for the child's disability. Refusal to admit a child does not relieve the local educational agency that is responsible for providing a free, appropriate public education to the child under this subchapter from that responsibility.

(2) In addition to the requirements of s. 121.54 (3), when board and lodging are not furnished to a nonresident child with a disability, the school district in which the child resides shall provide transportation, except as follows:

(a) If there is a plan of transportation under s. 115.817 (8), the county children with disabilities education board shall provide transportation.

(b) If the child is attending a public school in a nonresident school district under s. 118.51 or 121.84 (1) (a) or (4), the nonresident school district shall provide transportation.

History: 1997 a. 164; 1999 a. 117.

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, for a special education program, either 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. The board may contract with private or public agencies for physical or occupational therapy services on the basis of demonstrated need.

(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, the state superintendent shall certify to the department of administration in favor of each county, cooperative educational service agency and school district maintaining such special education program a sum equal to the amount expended by the county, agency and school district during the preceding year for salaries of personnel enumerated in sub. (1), including the salary portion of any authorized contract for physi-

cal or occupational therapy services, and other expenses approved by the state superintendent as costs eligible for reimbursement from the appropriation under s. 20.255 (2) (b).

(am) 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 20 USC 1400 to 1491o, the state superintendent shall certify to the department of administration in favor of the operator of the charter school a sum equal to the amount that the operator of the charter school expended during the previous school year for salaries of full-time 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. Certified costs under this paragraph are eligible for reimbursement from the appropriation under s. 20.255 (2) (b). The state superintendent may audit costs under this paragraph and adjust reimbursement to cover only actual, eligible costs.

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

(2m) OTHER TRANSPORTATION AID. 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 20 USC 1400 to 1491o, the state superintendent shall certify to the department of administration in favor of the operator of the charter school a sum equal to the amount that the operator of the charter school expended during the previous school year for transportation under this subsection as costs eligible for reimbursement from the appropriations under s. 20.255 (2) (b). The state superintendent may audit costs under this subsection and adjust reimbursement to cover only actual, eligible costs.

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

(4) HOSPITALS AND CONVALESCENT HOME AID. The full cost of special education for children in hospitals and convalescent homes for orthopedically disabled children shall be paid from the appropriation under s. 20.255 (2) (b). The supervision of such instruction shall be under the department and the school board of the school district in which the hospital or convalescent home is located. The school board of the district in which the hospital or convalescent home is located shall submit to the department an

115.88 STATE SUPERINTENDENT; EDUCATION PROGRAMS

itemized statement of all revenues and expenditures for the actual cost of such instruction and any other information it requires.

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

(7) **OFFSETTING RECEIPTS.** In any school year, the following revenues shall be deducted from costs aidable under this section before aids are calculated under this section:

(a) Any federal operational revenues expended on costs aidable under this section.

(b) That portion of state tuition payments attributable to the special annual tuition rate under s. 121.83 (1) (c), regardless of the school year in which the services were provided. The tuition revenues shall be allocated to the most appropriate part of a program.

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

NOTE: Sub. (8) is shown as affected by two acts of the 1999 legislature and as merged by the revisor under s. 13.93 (2) (c).

(9) **DISTRIBUTION SCHEDULE.** Each county, cooperative educational service agency, operator of a charter school established under s. 118.40 (2r) and school district entitled to state 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.

History: 1997 a. 164; 1999 a. 9, 117; 2001 a. 16; s. 13.93 (2) (c).

115.882 Payment of state aid. Funds appropriated under s. 20.255 (2) (b) shall be used first for the purpose of s. 115.88 (4). Costs eligible for reimbursement from the appropriation under s. 20.255 (2) (b) under ss. 115.88 (1m) to (3), (6) and (8), 115.93, and 118.255 (4) shall be reimbursed at a rate set to distribute the full amount appropriated for reimbursement for the costs, not to exceed 100%.

History: 1997 a. 164; 1999 a. 9; 2001 a. 104.

115.897 Exhaustion of remedies. Before the filing of a civil action under any federal law seeking any relief that is also available under this subchapter, the procedures under s. 115.80 shall be exhausted to the same extent as would be required had the action been brought under this subchapter.

History: 1997 a. 164.

115.898 Rule making. Section 227.16 (2) (b) does not apply to a proposed rule if the proposed rule brings ch. PI 11, Wis. Adm. Code, into conformity with 1997 Wisconsin Act 164.

History: 1997 a. 164.

115.90 Noncompliance; remedies. (1) If, as the result of a monitoring procedure or a complaint investigation, the state superintendent finds that a local educational agency has violated this subchapter, the state superintendent may require the local educational agency to submit a corrective plan addressing the violation.

(2) If the state superintendent, after reasonable notice and an opportunity for a hearing, finds that a local educational agency has failed to comply with any requirement in this subchapter, the state superintendent shall reduce or eliminate special education aid to

the local educational agency until he or she is satisfied that the local educational agency is complying with that requirement.

(3) If the state superintendent finds that a corrective plan under sub. (1) has not been implemented, or that withholding aid under sub. (2) has been inadequate to ensure compliance with this subchapter, the state superintendent shall request the attorney general to proceed against the local educational agency for injunctive or other appropriate relief.

History: 1997 a. 164.

SUBCHAPTER VI

EDUCATION FOR SCHOOL AGE PARENTS

115.91 Definition. In this subchapter, "school age parent" means any person under the age of 21 who is not a high school graduate and is a parent, an expectant parent or a person who has been pregnant within the immediately preceding 120 days.

History: 1983 a. 374; 1985 a. 29, 56; 1991 a. 269.

115.915 Availability of program services and modifications. Each school board shall make available to any school age parent who is a resident of the school district program modifications and services that will enable the pupil to continue his or her education.

History: 1985 a. 29 s. 1712; 1985 a. 56; Stats. 1985 s. 115.915.

115.92 Establishment of programs; rules. (1) Any school board may establish a program for school age parents who are residents of the school district. The program shall be designed to provide services and instruction to meet the needs of school age parents, including education on the skills required of a parent; family planning, as defined in s. 253.07 (1) (a), including natural family planning; and instruction on adoption and adoption services. The instruction provided on adoption and adoption services shall include instruction on the options available and the procedures followed in independent and agency adoptions, including current practices regarding a birth parent's involvement in the selection of an adoptive home and the sharing of information between birth parents and adoptive parents, instruction on the impact of adoption on birth parents and children who have been adopted and an explanation that the adoption process may be initiated even after a child has been born and has left the hospital. The program shall be coordinated with existing vocational and job training programs in the school district.

(2) (a) Annually, and at such other times as the department requires, every school board that establishes a program under this subchapter shall submit a written report to the department. The report shall specify the number of school age parents instructed or provided service.

(b) Annually, on or before September 15, each school board maintaining a program under this subchapter shall submit to the department an itemized statement on oath of all revenues and expenditures related to the program during the preceding school year.

(3) The state superintendent shall by rule establish criteria for the approval of programs established under this subchapter for the purpose of determining those programs eligible for aid under s. 115.93.

History: 1983 a. 374; 1985 a. 56; 1987 a. 158; 1991 a. 39; 1995 a. 27 s. 9145 (1); 1997 a. 27, 104, 240, 252; 1999 a. 19.

Cross Reference: See also ch. PI 19, Wis. adm. code.

115.93 State aid. If upon receipt of the reports under s. 115.92 (2) the state superintendent is satisfied that the school age parents program has been maintained during the preceding school year in accordance with the rules under s. 115.92 (3), the state superintendent shall certify to the department of administration in favor of each school district maintaining the program a sum equal to the amount expended by the school district during the preceding school year for salaries of teachers and instructional aides, special

~~del 508 for Dept committee~~
~~del 1205 for Dept~~
~~ilene jacket list~~

4/23/03 : redo 2459/1 to delete

licensing provisions (REC. 1)

Ilene - 2459

4/24/03 jacket of 2459/1 list -

redraft of new LRB #.



State of Wisconsin
2003 - 2004 LEGISLATURE

Today

LRB-2459/2
PG:cmh&wlj:pg

LRB-2599/1
PK:wlj

2003 SENATE BILL

1 AN ACT GEN to amend 115.88 (1) and 115.88 (1m) (a) of the statutes; relating to:
2 speech therapy services provided by a special education program.

Analysis by the Legislative Reference Bureau

Under current law, a school district does not receive state special education aid for the costs of contracting with a public or private agency for speech therapy services. This bill explicitly authorizes a school district to contract for speech therapy services and makes the costs of such a contract eligible for 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:

3 SECTION 1. 115.88 (1) of the statutes is amended to read:
4 115.88 (1) PERSONNEL. A school board, board of control of a cooperative
5 educational service agency, or, upon authorization of the county board, a county
6 children with disabilities education board may employ, for a special education
7 program, either full-time or part-time licensed teachers, licensed coordinators of

SENATE BILL

1 special education, licensed school social workers, licensed school psychologists,
2 paraprofessionals, licensed consulting teachers to work with any teacher of regular
3 education programs who has a child with a disability in a class, and any other
4 personnel approved by the department. The board may contract with private or
5 public agencies for physical ~~or~~, occupational, or speech therapy services on the basis
6 of demonstrated need.

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

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

18 **SECTION 3. Initial applicability.**

19 (1) The treatment of section 115.88 (1) and (1m) (a) of the statutes first applies
20 to state aid paid in the 2004–05 fiscal year.

21 (END)

Barman, Mike

From: O'Neill, Eileen
Sent: Monday, April 28, 2003 11:37 AM
To: Barman, Mike
Subject: LRB 2599

Mike,

I checked Dale's email account and I didn't see LRB 2599. Can you please resend it? Thanks.

Eileen O'Neill
Office of Senator Dale Schultz
608-266-0703
800-978-8008

Barman, Mike

From: Barman, Mike
Sent: Monday, April 28, 2003 11:59 AM
To: Sen.Schultz
Subject: LRB-2599/1 (attached) (Jacketed for Senate on 04/24/2003)



03-2599/1

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703

Memo

To: Senator Representative Schultz

(The Draft's Requester)

Per your request: ... the attached fiscal estimate was prepared for your unIntroduced 2003 draft.

LRB Number: LRB - 2599

Version: " / 1 "

Fiscal Estimate Prepared By: (agency abbr.) DPI

If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

Entered In Computer And Copy Sent To Requester Via E-Mail: 5 / 28 / 2003

* * * * *

To: LRB - Legal Section PA's

Subject: *Fiscal Estimate Received For An Unintroduced Draft*

- > **If redrafted** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version.
- > **If introduced** ... and the version of the attached fiscal estimate is for a **previous version** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version. Have Mike (or Lynn) get the ball rolling on getting a fiscal estimate prepared for the introduced version.
- > **If introduced** ... and the version of the attached fiscal estimate is for the **current version** ... please write the draft's introduction number below and give to Mike (or Lynn) to process.

THIS DRAFT WAS INTRODUCED AS: 2003 _____

Emery, Lynn

From: Emery, Lynn
Sent: Wednesday, May 28, 2003 11:40 AM
To: Sen.Schultz
Subject: LRB-2599/1 (FE by DPI - attached - for your review)



03-2599feDPI.pdf

Lynn Emery
Program Assistant
Legislative Reference Bureau
608-266-3561
lynn.emery@legis.state.wi.us