

2007 SENATE BILL 557

March 4, 2008 – Introduced by Senators LEHMAN, DARLING, ERPENBACH, OLSEN, ROESSLER and SCHULTZ, cosponsored by Representatives DAVIS, BERCEAU, HAHN, MOLEPSKE and TURNER. Referred to Committee on Education.

1 **AN ACT to amend** 115.88 (1m); and **to create** 115.88 (1m) (b) of the statutes;
2 **relating to:** state special education aid for the salaries of certain pupil services
3 personnel and granting rule–authority.

Analysis by the Legislative Reference Bureau

Currently, the salaries of school nurses, school social workers, school psychologists, and school counselors employed for a special education program are among the costs that are eligible to be reimbursed by the state through special education aid. If the amount appropriated for such aid is insufficient to fully reimburse the costs, the amount paid is prorated.

This bill directs the Department of Public Instruction to determine the average percentage of work time that each of the personnel categories specified above spends providing services to children with disabilities, and provides that that percentage of the salaries of personnel in that category is the cost eligible for reimbursement from the state.

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:

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

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

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

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1 the appropriation under s. 20.255 (2) (b). The state superintendent may audit costs
2 under this paragraph and adjust reimbursement to cover only actual, eligible costs.

3 **SECTION 2.** 115.88 (1m) (b) of the statutes is created to read:

4 115.88 **(1m)** (b) The department shall promulgate rules establishing the
5 percentage of the salaries of licensed school nurses, licensed school social workers,
6 licensed school psychologists, and licensed school counselors that may be certified
7 under pars. (a) and (am) as costs eligible for reimbursement. For each category of
8 personnel, the department shall base the percentage on the average percentage of
9 work time that the category spends providing services to children with disabilities,
10 including conducting evaluations under s. 115.782.

11 **SECTION 3. Initial applicability.**

12 (1) This act first applies to state aid distributed in the 2008–09 school year.

13 **(END)**