

**2007 DRAFTING REQUEST**

**Bill**

Received: 11/30/2007

Received By: pgrant

Wanted: As time permits

Identical to LRB:

For: Public Instruction 6-7073

By/Representing: Jennifer Kammerud

This file may be shown to any legislator: NO

Drafter: pgrant

May Contact:

Addl. Drafters:

Subject: Education - handicapped ed.

Extra Copies: TKK

Submit via email: YES

Requester's email: jennifer.kammerud@dpi.state.wi.us

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Handicapped education aid for pupil services personnel

---

**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 12/03/2007	bkraft 12/13/2007		_____			S&L
/1			pgreensl 12/14/2007	_____	sbasford 12/14/2007	sbasford 02/07/2008	

FE Sent For:

*at ito  
3/5*

<END>

**2007 DRAFTING REQUEST**

**Bill**

Received: **11/30/2007**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Public Instruction 6-7073**

By/Representing: **Jennifer Kammerud**

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

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Education - handicapped ed.**

Extra Copies: **TKK**

Submit via email: **YES**

Requester's email: **jennifer.kammerud@dpi.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Handicapped education aid for pupil services personnel

---

**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 12/03/2007	bkraft 12/13/2007		_____			S&L
/1			pgreensl 12/14/2007	_____	sbasford 12/14/2007		

FE Sent For:

<END>

**2007 DRAFTING REQUEST**

**Bill**

Received: 11/30/2007

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Public Instruction 6-7073**

By/Representing: **Jennifer Kammerud**

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

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Education - handicapped ed.**

Extra Copies: **TKK**

Submit via email: **YES**

Requester's email: **jennifer.kammerud@dpi.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Handicapped education aid for pupil services personnel

---

**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	1 bjk 12/13					
----	--------	-------------	--	--	--	--	--

FE Sent For:

**<END>**

## Grant, Peter

---

**From:** Kammerud, Jennifer DPI [Jennifer.Kammerud@dpi.state.wi.us]  
**Sent:** Tuesday, November 27, 2007 4:07 PM  
**To:** Grant, Peter  
**Cc:** Kammerud, Jennifer A - DPI  
**Subject:** Amendment in state special education law - Drafting Request

Peter,

The department is looking for a language change that would grant DPI authority to promulgate administrative rules to govern the percentage of reimbursement for each of the four pupil services positions eligible for state special education categorical aid. Our proposed language follows below. We would like to have this language drafted. If you have any suggestions or questions, please feel free to contact me or Stephanie Petska (267-9271) Thank you.

Jennifer Kammerud  
Legislative Liaison  
Department of Public Instruction  
125 South Webster Street  
Madison, WI 53707  
Ph: 608/266-7073  
E-mail: jennifer.kammerud@dpi.state.wi.us

> 115.88 State aid. (1m) (b) The department of public instruction shall  
> promulgate administrative rules to establish a fixed percentage rate  
> of reimbursement for the salaries of licensed school nurses, licensed  
> school social workers, licensed school psychologists, and licensed school  
> counselors. The percentages shall be based on information obtained  
> through a statewide study that demonstrates the AVERAGE amount of time  
> each category of these staff spends in the provision of services to  
> children with disabilities, including evaluation of children suspected  
> to be children with disabilities.  
>

## Grant, Peter

---

**From:** Kammerud, Jennifer DPI [Jennifer.Kammerud@dpi.state.wi.us]  
**Sent:** Friday, November 30, 2007 10:59 AM  
**To:** Grant, Peter  
**Cc:** Petska, Stephanie J - DPI  
**Subject:** Amendment in state special education law - Drafting Request

Peter,

We don't think we need to amend s. 115.882. Prior to 1999 we had language that prorated psych and social work based on a recognition that while a special education teacher is 100 percent allocated to students with disabilities, these pupil services positions are not. Even back when we had sum sufficient funding, we reimbursed psych and social work at a lower level. After the appropriation became sum certain (around 1985 I think) and until 1999, teachers' reimbursement rate was higher than that for psychologists and social workers.

No, we don't want the same percentage for all four pupil service positions. The percentage will vary by the average amount of time a particular position serves children with disabilities.

Does this clarify things?

- Jennifer

Jennifer Kammerud  
Legislative Liaison  
Department of Public Instruction  
125 South Webster Street  
Madison, WI 53707  
Ph: 608/266-7073  
E-mail: jennifer.kammerud@dpi.state.wi.us

-----Original Message-----

**From:** Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]  
**Sent:** Tuesday, November 27, 2007 4:24 PM  
**To:** Kammerud, Jennifer A - DPI  
**Subject:** RE: Amendment in state special education law - Drafting Request

Jennifer, I'm not sure I understand the intent behind the proposal. I thought that s. 115.882 required the department to set the percentage so as to fully distribute the amount appropriated. Isn't that percentage different each year? I guess what I'm asking is whether you think that s. 115.882 would also need to be amended.

Also, do you want the same percentage for all four pupil services positions?

Peter

Date (time)  
needed \_\_\_\_\_

LRB - 3558 11

PG : bjk : \_\_\_\_\_

# BILL

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the

\* statutes; relating to: *state handicapped education aid for the salaries of certain pupil services personnel and granting rule-making authority.*

SA ✓  
X-refv

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

## Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: . . . . . **create** → **anal:** → **title:** → **head**

For the subheading, execute: . . . . . **create** → **anal:** → **title:** → **sub**

For the sub-subheading, execute: . . . . . **create** → **anal:** → **title:** → **sub-sub**

For the analysis text, in the component bar:

For the text paragraph, execute: . . . . . **create** → **anal:** → **text**

(attached) (out of order)

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

SECTION #.

Section #. 115.88 (1m) of the statutes is amended to read:

X  
 115.88 (1m) PROGRAM AID. (a) ~~if~~ <sup>strike</sup> upon receipt of the plan under s. 115.77 (4), <sup>Subject to par. (b)</sup> 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), the salary portion of any authorized contract for physical or occupational therapy services; the salary portion of any contract to provide special education services to pupils attending a charter school, as authorized under sub. (1); and other expenses approved by the state superintendent, as costs eligible for reimbursement from the appropriation under s. 20.255 (2) (b). <sup>if</sup>

<sup>strike</sup> ~~if~~ <sup>Subject to par. (b) if</sup> 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 nurses, licensed school social workers, licensed school psychologists, licensed school counselors, 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~~ <sup>AS COSTS</sup> 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.

History: 1997 a. 164; 1999 a. 9, 117; 2001 a. 16; 2003 a. 321; 2005 a. 25.

SEC. # OR; 115.88 (1m) (b)

§ 115.88 (1m) (b) The department shall promulgate rules establishing the ~~gross~~ percentage of <sup>salaries</sup> the salaries of licensed school nurses, licensed school social workers, licensed school psychologists, and licensed school counselors. The department shall base the ~~rate~~ percentage on the average percentage of work time that ~~each~~ <sup>the</sup> category spends ~~in~~ providing services to children with disabilities, including conducting evaluations under s. 115.782.

that may be certified as costs eligible for reimbursement ~~under~~ <sup>under par. (a) and (am)</sup> ~~par. (a) and (am)~~ For each category of personnel,



2005

Nonstat File Sequence: **E E E**

LRB \_\_\_\_\_ / \_\_\_\_\_  
\_\_\_\_\_ : \_\_\_\_\_ : \_\_\_\_\_

**INITIAL APPLICABILITY**

- In the component bar:  
 For the action phrase, execute: ..... create → action: → \*NS: → inappl  
 For the budget action phrase, execute: ..... create → action: → \*NS: → 93XX  
 For the text, execute: ..... create → text: → \*NS: → inappl
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9300 department code.

**SECTION #**      **[93**      **]**. Initial applicability; .....

( #1 ) (    ) .....

The treatment of sections ..

of the statutes

first applies to .....

- In the component bar:  
 For the action phrase, execute: ..... create → action: → \*NS: → inappl  
 For the text, execute: ..... create → text: → \*NS: → inapplA
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed.

**SECTION #**      . Initial applicability; .....

( #1 ) (    ) ..... This act first

applies to ..... state aid distributed in the 2008-09  
school year.

(END) ✓

## Analysis

Currently, the salaries of ~~licensed~~ school nurses, social workers, ~~licensed~~ school psychologists, and school counselors employed for a special education program among the eligible to be eligible to be reimbursed by the state through ~~special~~ \* ~~handicapped~~ education aid. If the amount appropriated for such aid is insufficient to fully reimburse the cost, 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 ~~the~~ personnel in that category is the <sup>cost</sup> ~~cost~~ eligible for reimbursement from the state or

~~provides that that percentage of the category's salaries is the cost~~

FE - SC ←

end of Analysis

**Basford, Sarah**

---

**From:** Kammerud, Jennifer DPI [Jennifer.Kammerud@dpi.wi.gov]  
**Sent:** Thursday, February 07, 2008 3:42 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 07-3558/1 Topic: Handicapped education aid for pupil services personnel

Please Jacket LRB 07-3558/1 for the SENATE. Would it be possible to have this jacketed so that I may pick it up tomorrow?

Thank you.

Jennifer Kammerud  
Legislative Liaison  
Department of Public Instruction  
125 South Webster Street  
Madison, WI 53707  
Ph: 608/266-7073  
E-mail: jennifer.kammerud@dpi.state.wi.us