

2007 Assembly Bill 906

Date of enactment: April 7, 2008
Date of publication*: April 21, 2008

2007 WISCONSIN ACT 221

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

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

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

115.88 (1m) PROGRAM AID. (a) ~~If Subject to par. (b),~~ upon receipt of the plan under s. 115.77 (4), ~~if~~ 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).

(am) ~~If Subject to par. (b),~~ 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 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 are,~~ as costs 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.

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

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

* Section 991.11, WISCONSIN STATUTES 2005-06: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

SECTION 3. Initial applicability.

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