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## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

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**2015 Wisconsin Act 289**  
[2015 Senate Bill 615]

**Special Needs Scholarship Program  
and School Revenue Limits**

2015 Wisconsin Act 289 relates to the Special Needs Scholarship Program and the revenue limit adjustment for school districts with incoming choice pupils.

### **2015 WISCONSIN ACT 289**

Act 289 makes several changes to the Special Needs Scholarship Program and modifies the calculation of school revenue limits based on certain students who enroll in parental choice programs.

### **Special Needs Scholarship Program**

Act 289 makes changes to the Special Needs Scholarship Program created in 2015 Wisconsin Act 55 (the Biennial Budget). This program provides state funding for private school attendance to certain students with a current individualized education program (IEP) or services plan, and who attended public school for the prior school year and were denied attendance at a nonresident school district through public school open enrollment. To apply for a scholarship in the 2016-17 school year, a student must have been denied open enrollment in all nonresident school districts he or she applied to, and had an appeal of denial upheld in one school year between 2011-12 and 2016-17.

The Act makes the following changes related to the Special Needs Scholarship Program:

- Adds the Wisconsin Association of Christian Schools to the list of entities that may accredit a private school for purposes of the program.
- Allows a student to apply at any time during the school year.
- Provides that the parent or guardian of a child receiving a scholarship must make the child available for a reevaluation of the child's IEP and services plan no more than once every three years.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

- Changes the selection of scholarship recipients from a random process to a rolling process, which generally requires a participating private school to accept applicants in the order in which their applications were received.
- Repeals a requirement that a student attend a public school the entire 2015-16 school year to be eligible for the scholarship.
- Allows the Department of Public Instruction to withhold payment from a school that violates program requirements.
- Requires notice to parents of federal appeal rights to contest a determination by an IEP team that a student is no longer a child with a disability.
- Removes a requirement that a private school providing records relating to its implementation of a student's IEP or services plan to the student's resident school board include an evaluation of the child's progress.
- Requires schools hosting Special Needs Scholarship students to follow all health and safety laws that apply to public schools.
- Requires that an IEP or services plan be in effect for a student to be eligible for a scholarship, rather than that an IEP or plan have been completed.

### **Revenue Limit Adjustment**

Act 289 modifies the way school revenue limits are calculated for school districts that have resident students who enroll in the Racine Parental Choice Program or the Statewide Parental Choice Program beginning in the 2015-16 school year and thereafter ("incoming choice students"). Incoming choice students are counted in the membership of their resident school district for purposes of general aid, distributed on a prior year basis. Aid to an incoming choice student's resident school district is reduced in the year the student enrolls in a private choice school, in order to fund the payment to the choice school. Under prior law, the school district received a revenue limit adjustment equal to its base revenue per pupil to account for the incoming choice students.

Under the Act, a school district's revenue limit adjustment for incoming choice students is equal to the reduction in the school district's state aid to account for the incoming choice students in a given year. Thus, under the Act, a school district may only levy property tax to cover the amount deducted from its state aid for resident students attending a choice school, and cannot levy an amount above that deduction.

*Effective date:* April 1, 2016, except that the modification to the revenue limit adjustment first applies for calculation of a school district's revenue limit for the 2016-17 school year.

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April 12, 2016

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