



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 123**

April 15, 2005 – Offered by Representative TOWNS.

1 **AN ACT to amend** 115.88 (1m) (a) and (am), 115.88 (2), (2m), (3), (4) and (6),
2 115.88 (8), 115.882, 118.255 (4), 118.43 (2) (g) and 118.43 (3) (intro.); and **to**
3 **create** 20.255 (2) (bb), 118.43 (4m) and 118.43 (6) (b) 9. of the statutes; **relating**
4 **to:** supplementing special education funding with lapsed student achievement
5 guarantee contract moneys and making an appropriation.

Analysis by the Legislative Reference Bureau

This substitute amendment makes technical changes to 2005 Senate Bill 68 to clarify that a school district may choose not to reduce class size in grades 2 or 3, or both, and that if it so chooses, it still receives aid under the SAGE program for those grades in which it chooses to reduce class size.

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:

6 **SECTION 1.** 20.255 (2) (bb) of the statutes is created to read:

1 20.255 (2) (bb) *Special education aid; supplement.* A sum sufficient equal to
2 the amounts lapsed to the general fund in the previous fiscal year from the
3 appropriation accounts under pars. (cu) and (cv) for the payment of aids for special
4 education and school age parents program under ss. 115.88, 115.93, and 118.255.

5 **SECTION 2.** 115.88 (1m) (a) and (am) of the statutes are amended to read:

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

17 (am) If the operator of a charter school established under s. 118.40 (2r) operates
18 a special education program and the state superintendent is satisfied that the
19 operator of the charter school is complying with 20 USC 1400 to 1491o, the state
20 superintendent shall certify to the department of administration in favor of the
21 operator of the charter school a sum equal to the amount that the operator of the
22 charter school expended during the previous school year for salaries of full-time or
23 part-time licensed teachers, licensed coordinators of special education, licensed
24 school social workers, licensed school psychologists, paraprofessionals, licensed
25 consulting teachers to work with any teacher of regular education programs who has

1 a child with a disability in a class and any other personnel, as determined by the state
2 superintendent. Certified costs under this paragraph are eligible for reimbursement
3 from the ~~appropriation~~ appropriations under s. 20.255 (2) (b) and (bb). The state
4 superintendent may audit costs under this paragraph and adjust reimbursement to
5 cover only actual, eligible costs.

6 **SECTION 3.** 115.88 (2), (2m), (3), (4) and (6) of the statutes are amended to read:

7 115.88 (2) TRANSPORTATION AID. If upon receipt of the plan under s. 115.77 (4)
8 the state superintendent is satisfied that the transportation of children with
9 disabilities has been maintained during the preceding year in accordance with the
10 law, the state superintendent shall certify to the department of administration in
11 favor of each county, cooperative educational service agency, or school district
12 transporting such pupils an amount equal to the amount expended for such
13 transportation as costs eligible for reimbursement from the ~~appropriation~~
14 appropriations under s. 20.255 (2) (b) and (bb). Pupils for whom aid is paid under
15 this subsection shall not be eligible for aid under s. 121.58 (2) or (4). This subsection
16 applies to any child with a disability who requires special assistance in
17 transportation, including any such child attending regular classes who requires
18 special or additional transportation. This subsection does not apply to any child with
19 a disability attending regular or special classes who does not require any special or
20 additional transportation.

21 **(2m) OTHER TRANSPORTATION AID.** If the operator of a charter school established
22 under s. 118.40 (2r) transports children with disabilities and the state
23 superintendent is satisfied that the operator of the charter school is complying with
24 20 USC 1400 to 1491o, the state superintendent shall certify to the department of
25 administration in favor of the operator of the charter school a sum equal to the

1 amount that the operator of the charter school expended during the previous school
2 year for transportation under this subsection as costs eligible for reimbursement
3 from the appropriations under s. 20.255 (2) (b) and (bb). The state superintendent
4 may audit costs under this subsection and adjust reimbursement to cover only
5 actual, eligible costs.

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

17 **(4) HOSPITALS AND CONVALESCENT HOME AID.** The full cost of special education for
18 children in hospitals and convalescent homes for orthopedically disabled children
19 shall be paid from the ~~appropriation~~ appropriations under s. 20.255 (2) (b) and (bb).
20 The supervision of such instruction shall be under the department and the school
21 board of the school district in which the hospital or convalescent home is located. The
22 school board of the district in which the hospital or convalescent home is located shall
23 submit to the department an itemized statement of all revenues and expenditures
24 for the actual cost of such instruction and any other information it requires.

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

7 **SECTION 4.** 115.88 (8) of the statutes is amended to read:

8 **115.88 (8) ENROLLMENT OUT OF STATE.** If a child with a disability is enrolled in
9 a public special education program located in another state and the state
10 superintendent is satisfied that the program in which the child is enrolled complies
11 with this subchapter, the state superintendent shall certify to the department of
12 administration in favor of the school district in which the child resides or the school
13 district attended by the child under s. 118.51 or 121.84 (1) (a) or (4) a sum equal to
14 the amount expended by the school district during the preceding year for the
15 additional costs associated with the child's special education program as costs
16 eligible for reimbursement from the ~~appropriation~~ appropriations under s. 20.255 (2)
17 (b) and (bb).

18 **SECTION 5.** 115.882 of the statutes is amended to read:

19 **115.882 Payment of state aid.** Funds appropriated under s. 20.255 (2) (b)
20 and (bb) shall be used first for the purpose of s. 115.88 (4). Costs eligible for
21 reimbursement from the ~~appropriation~~ appropriations under s. 20.255 (2) (b) and
22 (bb) under ss. 115.88 (1m) to (3), (6) and (8), 115.93, and 118.255 (4) shall be
23 reimbursed at a rate set to distribute the full amount appropriated for
24 reimbursement for the costs, less the amount paid by the department of health and

1 family services under s. 20.435 (4) (b) and (o) under s. 49.45 (39) (b) 1m., not to exceed
2 100%.

3 **SECTION 6.** 118.255 (4) of the statutes is amended to read:

4 118.255 (4) If the state superintendent is satisfied that the health treatment
5 services program has been maintained during the preceding school year in
6 accordance with law, the state superintendent shall certify to the department of
7 administration in favor of each school board, cooperative educational service agency
8 and county children with disabilities education board maintaining such health
9 treatment services, an amount equal to the amount expended for items listed in s.
10 115.88 (1m) by the school board, cooperative educational service agency and county
11 children with disabilities education board during the preceding year for these health
12 treatment services as costs eligible for reimbursement from the ~~appropriation~~
13 appropriations under s. 20.255 (2) (b) and (bb).

14 **SECTION 7.** 118.43 (2) (g) of the statutes is amended to read:

15 118.43 (2) (g) The department may renew an achievement guarantee contract
16 under pars. (b), (bg), and (br) for one or more terms of 5 school years. As a condition
17 of receiving payments under a renewal of an achievement guarantee contract, a
18 school board shall maintain the reduction of class size achieved during the last school
19 year of the original achievement guarantee contract for the grades specified for the
20 last school year of the contract, but this condition does not apply to a school district
21 under sub. (4m).

22 **SECTION 8.** 118.43 (3) (intro.) of the statutes is amended to read:

23 118.43 (3) CONTRACT REQUIREMENTS. (intro.) Except as provided in pars. (am)
24 and (ar) and sub. (4m), an achievement guarantee contract shall require the school
25 board to do all of the following in each participating school:

