



State of Wisconsin
2005 - 2006 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 700**

November 8, 2005 – Offered by Representative RHOADES.

1 **AN ACT to create** 20.255 (2) (be), 115.85, 118.15 (1) (cv), 121.05 (1) (a) 4. and
2 121.81 (2) (br) of the statutes; **relating to:** creating the Autism Scholarship
3 Program, making an appropriation, and granting rule-making authority.

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

4 **SECTION 1.** 20.255 (2) (be) of the statutes is created to read:
5 20.255 (2) (be) *Autism Scholarship Program.* A sum sufficient for scholarships
6 awarded to eligible autistic children under s. 115.85.

7 **SECTION 2.** 115.85 of the statutes is created to read:

8 **115.85 Autism Scholarship Program. (1)** In this section, “eligible autistic
9 child” means a child with a disability to whom all the following apply:

10 (a) The school district in which the child resides or that the child is attending
11 has identified the child as autistic.

1 (b) The school district in which the child resides or that the child is attending
2 has in effect for the child an individualized education program.

3 (c) The child was enrolled in public school in the school year prior to the school
4 year in which a scholarship under this section is first sought for the child, or the child
5 is eligible to enter public school in the school year in which a scholarship under this
6 section is first sought for the child.

7 **(2)** (a) Except as provided in par. (b), in the 2007–08 and 2008–09 school years,
8 upon receipt of an application from the parent of an eligible autistic child, the
9 department shall award a scholarship to the child. The scholarship may be used only
10 to pay tuition for the child to attend a special education program that implements
11 the child’s individualized education program and that is operated by a school district
12 other than the school district that the child is attending or in which the child resides,
13 by another public entity, or by a private provider approved by the department under
14 sub. (3). The amount of the scholarship shall be \$15,000 or the actual tuition charged
15 by the special education program, whichever is less.

16 (b) No more than 200 scholarships may be awarded under this section in any
17 school year.

18 **(3)** The department shall establish standards for the approval of private
19 providers for the purpose of sub. (2). The department may not approve a private
20 provider unless the person providing special education or related services holds the
21 appropriate license issued by the department.

22 **(4)** (a) The department annually shall decrease each school district’s state aid
23 payment under s. 121.08 by an amount equal to the aggregate amount of
24 scholarships awarded under this section to pupils included in the school district’s
25 membership under s. 121.05 (1) (a) 4. If the state aid payment under s. 121.08 is

1 insufficient to cover the reduction, the department shall decrease other state aid
2 payments made by the department to the school district by the remaining amount.

3 (b) The department shall ensure that the aid reduction under par. (a) does not
4 affect the amount determined to be received by a school district as state aid under
5 s. 121.08 for any other purpose.

6 (5) The department shall promulgate rules to implement and administer this
7 section, including procedures and deadlines for scholarship applications, payment
8 schedules for scholarships, and standards for the approval of private providers under
9 sub. (3).

10 **SECTION 3.** 118.15 (1) (cv) of the statutes is created to read:

11 118.15 (1) (cv) Attendance at a special education program operated by a public
12 entity or private provider under a scholarship awarded under s. 115.85 may be
13 substituted for attendance at a public or private school.

14 **SECTION 4.** 121.05 (1) (a) 4. of the statutes is created to read:

15 121.05 (1) (a) 4. Pupils residing in the school district who are attending a
16 special education program operated by another school district, another public entity,
17 or a private provider as a result of receiving a scholarship under s. 115.85.

18 **SECTION 5.** 121.81 (2) (br) of the statutes is created to read:

19 121.81 (2) (br) Notwithstanding pars. (a) and (b), if a pupil awarded a
20 scholarship under s. 115.85 attends a school district other than his or her school
21 district of residence under that section, all of the following apply:

22 1. The application need not be accompanied by a written declaration regarding
23 establishing residence in the school district.

24 2. The school district may not waive or refund tuition for the pupil.

