



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1729/P2
FFK:kjf

DOA:.....Hynek, BB0304 - Private school fiscal agent

FOR 2017-2019 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under this bill, an ombudsman designated by DPI to monitor and enforce requirements under federal special education law must identify a fiscal agent to receive federal funding for providing equitable services to children with disabilities who are enrolled by their parents in private schools. However, this requirement applies only if the federal government permits entities other than public entities to receive this type of federal funding by changing federal law, granting this state a waiver, or creating a national bypass system.

Under current law, federal funding for this purpose is distributed to local educational agencies and local educational agencies are responsible for ensuring that children who are enrolled in private schools by their parents have an opportunity to participate in special education and related services and that the amount spent to provide those services by the local educational agency is equal to a proportionate amount of federal funds made available to children with disabilities who are not enrolled in a private school by their parents.

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:

SECTION 1. 115.77 (1m) (e) of the statutes is amended to read:

115.77 (1m) (e) ~~To~~ Subject to s. 115.7913, to the extent consistent with the number and location of children with disabilities who are enrolled by their parents in private elementary and secondary schools located within the local educational agency, ensures that those children have an opportunity to participate in special education and related services and that the amount spent to provide those services by the local educational agency is equal to a proportionate amount of federal funds made available under this subchapter.

SECTION 2. 115.7913 of the statutes is created to read:

115.7913 Equitable services at parentally placed private school children. (1) (a) The ombudsman designated under [20 USC 6320](#) (a) (3) shall identify a fiscal agent to receive federal funding for providing special education services and other benefits to private school children, teachers, and other educational personnel under [20 USC 7881](#). The fiscal agent identified under this section shall distribute the federal funding it receives under this section to private schools in accordance with [20 USC 7881](#). A private school may direct the fiscal agent to distribute any federal funding the private school is eligible to receive under [20 USC 7881](#) to the school board of the school district in which the private school is geographically located.

(2) Subsection (1) applies only if any of the following occurs:

(a) Federal law does not require federal funding under [20 USC 7881](#) to be received and administered by a public entity.

(b) A waiver of the requirements under [20 USC 7881](#) (d) is granted by the federal department of education that allows funds provided under [20 USC 7881](#) to be received by a private entity.

(c) The federal department of education creates a nationwide bypass under which the federal department of education directly provides equitable services to children, teachers, and other educational personnel under [20 USC 7881](#) through a private entity.

(END)