



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-0827/P2
FFK:klm&wlj

DOA:.....Kretschmann, BB0260 - Special Needs Scholarship and Open Enrollment Special Education Actual Costs

FOR 2021-2023 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Per pupil payment and transfer amount based on actual costs; Special Needs Scholarship Program and full-time Open Enrollment

[2017 Wisconsin Act 59](#), the 2017 biennial budget, created a process that allows the per pupil payment under the Special Needs Scholarship Program and the transfer amount for a child with a disability in the full-time Open Enrollment Program to be determined based on the actual costs to educate the pupil in the previous school year, as reported by the private school or the nonresident school district. The first SNSP payments and OEP transfer amounts based on the actual costs were paid in the 2019-2020 school year.

This bill repeals the process for determining SNSP per pupil payments and OEP transfer amounts based on actual costs and reinstates the per pupil payment amount under the SNSP and the OEP transfer amount for a child with a disability that existed prior to the 2017 biennial budget. Under the bill, the SNSP per pupil

amount and the OEP transfer amount for children with disabilities is the same for all pupils and is determined by law. In 2020-21 school year, the amount is \$12,977.

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

SECTION 1. 20.255 (2) (az) of the statutes is amended to read:

20.255 (2) (az) *Special Needs Scholarship Program.* A sum sufficient to make the payments under s. 115.7915 (4m) (a), ~~(em)~~, and (e) and (4p).

SECTION 2. 20.255 (2) (cg) of the statutes is amended to read:

20.255 (2) (cg) *Tuition payments; full-time open enrollment transfer payments.* The amounts in the schedule for payment of tuition under subch. V of ch. 121 and full-time open enrollment transfer payments under s. 118.51 (16) (b) 2. and (17) (c) 2. and ~~(em) 2.~~

SECTION 3. 115.77 (1) of the statutes is amended to read:

115.77 (1) In sub. (1m) (a) to (d), except as provided in s. 118.51 (12) ~~(b)~~, if a child with a disability is attending a public school in a nonresident school district under s. 118.50, 118.51, or 121.84 (1) (a) or (4), “local educational agency” means the school district that the child is attending.

SECTION 4. 115.79 (1) (b) of the statutes is amended to read:

115.79 (1) (b) An educational placement is provided to implement a child’s individualized education program. Except as provided in s. 118.51 (12) ~~(b)~~, if a child with a disability is attending a public school in a nonresident school district under s. 118.50, 118.51, or 121.84 (1) (a) or (4), the school board of the school district that the child is attending shall provide an educational placement for the child and shall pay tuition charges instead of the school district in which the child resides if required by the placement.

SECTION 5. 115.7915 (4c) of the statutes is repealed.

SECTION 6. 115.7915 (4m) (a) 2. b. of the statutes is amended to read:

115.7915 (4m) (a) 2. b. Beginning in the 2018-19 school year and subject to ~~subd. 3., ending in the 2020-21 school year,~~ the sum of the scholarship amount under this subdivision for the previous school year; the amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the amount of statewide categorical aid per pupil between the previous school year and the current school year, as determined under s. 118.40 (2r) (e) 2p., if positive, or the amount under s. 115.7915 (4m) (a) 3., 2019 stats., if applicable.

***NOTE: This is reconciled s.115.7915 (4m) (a) 2. This SECTION has been affected by drafts with the following LRB numbers: -0891/P1 and -0827/P1.

SECTION 7. 115.7915 (4m) (a) 3. of the statutes is repealed.

SECTION 8. 115.7915 (4m) (cm) of the statutes is repealed.

SECTION 9. 115.7915 (4m) (f) 1. a. of the statutes is amended to read:

115.7915 (4m) (f) 1. a. Determine ~~the sum of the amount paid for each child~~ the number of children residing in the school district for whom a payment is made under par. (a) in that school year.

SECTION 10. 115.7915 (4m) (f) 1. bm. of the statutes is created to read:

115.7915 (4m) (f) 1. bm. Multiply the number of pupils under subd. 1. a. by the per pupil amount calculated under par. (a) for that school year.

SECTION 11. 115.7915 (4m) (f) 1. e. of the statutes is amended to read:

115.7915 (4m) (f) 1. e. Sum the amounts calculated under subd. 1. a., bm., d., and dh.

SECTION 12. 118.51 (1) (aj) of the statutes is repealed.

SECTION 13. 118.51 (9) of the statutes is amended to read:

118.51 (9) APPEAL OF REJECTION. If the nonresident school board rejects an application under sub. (3) (a) or (7), the resident school board prohibits a pupil from attending public school in a nonresident school district under sub. (3m) (d) or the nonresident school board prohibits a pupil from attending public school in the nonresident school district under sub. (11), the pupil's parent may appeal the decision to the department within 30 days after the decision. If the nonresident school board provides notice that the special education or related service is not available under sub. (12) (b), the pupil's parent may appeal the required transfer to the department within 30 days after receipt of the notice. The department shall affirm the school board's decision unless the department finds that the decision was arbitrary or unreasonable.

SECTION 14. 118.51 (12) (title) of the statutes is amended to read:

118.51 (12) (title) ~~NONRESIDENT SCHOOL DISTRICT STATEMENT OF EDUCATIONAL COSTS; SPECIAL~~ SPECIAL EDUCATION OR RELATED SERVICES.

SECTION 15. 118.51 (12) (a) of the statutes is repealed.

SECTION 16. 118.51 (12) (b) of the statutes is renumbered 118.51 (12).

SECTION 17. 118.51 (16) (a) 1. of the statutes is amended to read:

118.51 (16) (a) 1. For each school district, the number of nonresident pupils attending public school in the school district under this section, other than pupils for whom a payment is made under sub. (17) (a), or (c), ~~or (em)~~.

SECTION 18. 118.51 (16) (a) 2. of the statutes is amended to read:

118.51 (16) (a) 2. For each school district, the number of resident pupils attending public school in a nonresident school district under this section, other than pupils for whom a payment is made under sub. (17) (a), or (c), ~~or (em)~~.

SECTION 19. 118.51 (16) (c) of the statutes is amended to read:

118.51 (16) (c) If a pupil attends public school in a nonresident school district under this section for less than a full school term, the department shall prorate the state aid adjustments under this subsection and sub. (17) (c) ~~and (em)~~ based on the number of days that school is in session and the pupil attends public school in the nonresident school district.

SECTION 20. 118.51 (16) (d) of the statutes is amended to read:

118.51 (16) (d) The department shall ensure that the aid adjustments under par. (b) and sub. (17) (c) ~~and (em)~~ do not affect the amount determined to be received by a school district as state aid under s. 121.08 for any other purpose.

SECTION 21. 118.51 (17) (b) 2. c. of the statutes is amended to read:

118.51 (17) (b) 2. c. Beginning in the 2018-19 school year, ~~and subject to subd. 3. and ending in the 2020-21 school year~~, the per pupil transfer amount is the sum of the per pupil transfer amount for the previous school year; the amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the amount of statewide categorical aid per pupil between the previous school year and the current school year, as determined under s. 118.40 (2r) (e) 2p., if positive, or the amount under s. 118.51 (17) (b) 3., 2019 stats., if applicable.

SECTION 22. 118.51 (17) (b) 3. of the statutes is repealed.

SECTION 23. 118.51 (17) (bm) of the statutes is repealed.

SECTION 24. 118.51 (17) (c) of the statutes is amended to read:

118.51 (17) (c) 1. If Beginning in the 2021-22 school year, if the number determined in par. (b) 1. a. is greater than the number determined in par. (b) 1. b. for a school district, ~~in the 2016-17, 2017-18, and 2018-19 school years~~, the department shall increase that school district's state aid payment under s. 121.08 by an amount

equal to the difference multiplied by ~~an~~ the amount under par. (b) 2. ~~a., b., or c.~~ for the applicable school year.

2. If Beginning in the 2021-22 school year, if the number determined in par. (b) 1. a. is less than the number determined in par. (b) 1. b. for a school district, ~~in the 2016-17, 2017-18, and 2018-19 school years,~~ the department shall decrease that school district's state aid payment under s. 121.08 by an amount equal to the difference multiplied by ~~an~~ the amount under par. (b) 2. ~~a., b., or c.~~ for the applicable school year. If the state aid payment under s. 121.08 is insufficient to cover the reduction, the department shall decrease other state aid payments made by the department to the school district by the remaining amount. If the state aid payment under s. 121.08 and other state aid payments made by the department to the school district are insufficient to cover the reduction, the department shall use the moneys appropriated under s. 20.255 (2) (cg) to pay the balance to school districts under subd. 1.

SECTION 25. 118.51 (17) (cm) of the statutes is repealed.

SECTION 26. 121.84 (4) (b) of the statutes is amended to read:

121.84 (4) (b) If a pupil attends school in a school district outside the pupil's school district of residence under par. (a), s. 118.51 (12) ~~(b)~~, (14), (16), and (17) apply to the pupil as if the pupil were attending school in a nonresident school district under s. 118.51. If the pupil is rejected as a result of s. 118.51 (12) ~~(b)~~, s. 118.51 (9) applies.

SECTION 27. 121.91 (4) (p) 1. of the statutes is amended to read:

121.91 (4) (p) 1. The limit otherwise applicable to a school district under sub. (2m) in any school year is increased by the amount of any reduction to that school district's state aid payment made under s. 118.51 (16) (b) 2. and (c) or (17) (c) 2. ~~or~~

~~(cm) 2.~~ or s. 118.51 (17) (cm) 2., 2019 stats., in the previous school year for a pupil who was not included in the calculation of the number of pupils enrolled in that school district in the previous school year.

(END)