

Report From Agency

FINAL REPORT
CLEARINGHOUSE RULE 18-084
CHAPTER PI 31
AID FOR SCHOOL MENTAL HEALTH PROGRAMS

Analysis by the Department of Public Instruction

Statutory authority: s. 115.364 (3), Stats.

Statute interpreted: s. 115.364, Stats.

The proposed rule creates a new rule chapter, PI 31, to implement aid for school mental health programs, which was created as a result of 2017 Wisconsin Act 59, the 2017-19 budget. Among the changes, the rule establishes procedures for reimbursement of eligible expenditures and the way in which eligible schools may submit a request for reimbursement under the program.

The hearing notice was published in the January 22nd, 2019 edition of the Wisconsin Administrative Register. A public hearing was held on February 4th, 2019.

No persons provided oral or written testimony at the February 4th, 2019 hearing on this rule. However, the following persons submitted written testimony:

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Michele Yates-Wickus	Baraboo School District	X		
Mark Hansen	School District of Elmbrook	X		
Brenda Ward	Representing Self	X		
Nancy Brewer	Representing Self	X		
Christine Dantuma	Representing Self	X		
Lynn Poster	Representing Self	X		
Tyler Kopplin	Representing Self		X	
Joseph Weber	Representing Self	X		
Corrie Warning	Representing Self	X		
Mary Jo Beining	Wisconsin Association of School Nurses	X		
Nichole Grube	Wisconsin School Social Workers Association	X		
Meghan Augustine	Representing Self	X		
Kelly Rowe	Representing Self	X		
Mary Zimmerman	Representing Self			X
Jessica Wiskow	Representing Self			X

Summary of public comments relative to the rule and the agency's response (bolded) to those comments:

- The majority of respondents indicated support for the state reimbursing school districts for expenditures to hire and retain school social workers under the new school mental health aid program, as well as for the proposed rule to help administer the program. Further, they support the Department's part in supporting mental health professionals to assess and identify students with mental health issues to ensure that students become functioning adults and contributors to society, which include expanding the categorical aid program as a part of its 2019-21 biennial budget request.

The Department agrees. No changes are needed.

- Some respondents suggest that limiting the reimbursement to only school social worker services is restrictive in that it prohibits school districts from seeking reimbursement for mental health services performed by other school-based mental health professionals. Given the critical shortage of social workers, they encourage the Department to expand reimbursement to all providers including school psychologists, social workers, school nurses, school counselors, and other professionals in a way that school boards see fit. For example, local policy makers such as school board officials are best equipped to make policy, program, and staffing decisions based on local data, community values and current trends. To that end, these respondents welcome more authority to meet the needs of our students and their specific situations.

The underlying statutes only reimburse school districts for costs relating to employing and retaining school social workers. As such, the above recommendation exceeds the Department's statutory authority to promulgate such rules. No changes are needed.

- One respondent requested consideration for adopting the definition for social worker, as given in Emergency Rule 1903, in the permanent rule in order to encompass the array of social workers who are licensed in schools and licensed or certified in community settings by the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board under s. 457.08, Stats.

The change is accepted with the clarification that the definition for social worker means an individual licensed as a school social worker by the Department or an individual certified as an advance practice social worker or independent social worker or licensed as a clinical social worker by the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board as provided under s. 457.08 (2) to (4), Stats., to ensure a master's degree for any license and certificate holder serving students under the rule.

Changes to the analysis or the fiscal estimate:

- No changes are needed.

Responses to Clearinghouse Report:

2. Form, Style and Placement in Administrative Code:

- The changes are accepted.

4. Adequacy of References to Related Statutes, Rules and Forms:

- The changes are accepted.

5. Clarity, Grammar, Punctuation and Plainness:

- a. The reference under s. PI 31.03 (2) detailing expenditures recorded to the school district's general fund was eliminated.
- b. Section PI 31.04 has been rewritten to eliminate the March 15 deadline and state that an entity shall submit a request for reimbursement by submitting a form provided by the Department.