

Chapter PI 30

SPECIAL EDUCATION AID

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Subchapter I — General Provisions

PI 30.01 Purpose. This chapter establishes criteria for awarding special education aid under ch. 115, Stats.

History: CR 06-098: cr. Register May 2007 No. 617, eff. 6-1-07; EmR0816: emerg. am. eff. 5-30-08; CR 08-052: am. Register December 2008 No. 636, eff. 1-1-09.

PI 30.02 Definitions. In this chapter:

(1) "Aid eligible" means either a cost that is eligible for reimbursement directly to the applicant under s. 115.88, 115.93, or 118.255, Stats., or a cost that is contracted from another agency, eligible for reimbursement to that agency under s. 115.88, 115.93, or 118.255, Stats., and for which a rebate under s. 121.76 (2) (c), Stats. is due to the applicant.

(2) "Applicant" means a school district, cooperative educational service agency, county children with disabilities education board, or operator of a charter school established under s. 118.40 (2r) or (2x), Stats.

(3) "Child" means one specific child with disabilities served by the applicant, having an individualized education program and receiving special education and related services.

(4) "Department" means the department of public instruction.

(5) "Depreciation" means 20 percent of the original acquisition and setup cost of an item of equipment used by a child or program during the school year in which it was purchased or in any of the four subsequent school years, whether the item was purchased with cash or the proceeds of a capital lease, and provided that the item has been used exclusively for the provision of special education and related services since its acquisition.

(6) "Equipment" means vehicles or other items of movable property with a unit cost of \$5,000 or more and an expected service life of more than one year.

(7) "Extended school year" means required special education and related services provided at no cost beyond the limits of the school term in accordance with the child's individualized education program.

(8) "Federal medicaid" means the total amount of claims for services provided to the child during the school year under subch. IV of ch. 49, Stats., and s. DHS 107.36 that have been or will be submitted by the applicant to the department of health services.

(9) "FTE" means the average fraction of a school day during which a child is enrolled in a placement or served by a program, such that 1.0 is a full school day.

(10) "Grant funded" means an expenditure that is reimbursed under 20 USC 1400 et seq. or by a private gift or grant specified for that expenditure.

(11) "Nonadministrative costs" means the costs of providing

special education and related services to an individual child with disabilities, excluding clerical or administrative costs. Excluded clerical or administrative costs include salaries and fringe benefits of principals, special education directors or pupil services directors, and costs related to the documentation and management of individualized education programs or caseloads.

(12) "Placement" means the enrollment of a child by an entity other than the applicant, to whom the applicant pays tuition and other costs of special education and related services.

(13) "Program" means one of the following:

(a) A program of special education and related services for the child and other children identified with the same disability-related needs.

(b) A cross categorical program that includes instruction by an educator licensed under s. PI 34.049.

(c) A program for transition services as defined by s. 115.76 (17), Stats.

(d) An early childhood program for the child and other children with disabilities 3 years of age or older who, if enrolled by a school district, would be eligible to be counted under s. 121.004 (7) (d), Stats.

(14) "Purchased services" means contracted instructional, professional, and technical services, and rental of equipment.

(15) "Open enrollment revenue" means a transfer amount for the actual costs of providing special education and related services to a nonresident child enrolled under s. 118.51, Stats.

(16) "Special education fund" means a fund or cost center used to account for the applicant's excess costs of providing special education and related services.

(17) "Specified services" means nursing, social work, psychology, guidance counseling, speech-language pathology, and audiology.

(18) "State superintendent" means the superintendent of public instruction.

(19) "Student information system" means the system established by the department under s. 115.383 (1), Stats.

(20) "Supplies" means consumable items and other movable property not defined as equipment under sub. (6).

(21) "Threshold" means the dollar amount in excess of which an applicant is paid under s. 115.881 (2), Stats., for the costs of providing special education and related services to a child.

(22) "Transportation" means special or additional transportation as defined under s. 115.88 (2m) (a), Stats.

History: CR 06-098: cr. Register May 2007 No. 617, eff. 6-1-07; EmR0816: emerg. cr. (7), eff. 5-30-08; CR 08-052: cr. (7) Register December 2008 No. 636, eff. 1-1-09; CR 16-056: r. (1), (2) Register April 2017 No. 736, eff. 5-1-17; CR 19-147: r. and recr. Register May 2020 No. 773, eff. 6-1-20; correction in (8), (13) (b), (20) made under s. 35.17, Stats., Register May 2020 No. 773.

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Subchapter II — Additional (High Cost) Special Education Aid

PI 30.03 Purpose and construction. (1) This subchapter specifies the method to determine the nonadministrative costs for providing special education and related services to a child under s. 115.881 (2), Stats.

(2) To the extent feasible, this subchapter shall be construed such that the nonadministrative costs for providing special education and related services to a child are determined in a manner consistent with subch. V of ch. 121, Stats.

History: CR 19-147: cr. Register May 2020 No. 773, eff. 6-1-20.

PI 30.04 Application for reimbursement. (1) An applicant shall apply for reimbursement under s. 115.881, Stats. on a form specified by the department, which shall include each child for whom the applicant believes it has incurred nonadministrative costs for providing special education and related services that are eligible for reimbursement.

(2) The applicant shall identify the following nonadministrative costs incurred by the applicant in its special education fund during the school year:

(a) The costs of salary and fringe benefits, purchased services, placement, transportation, supplies, depreciation, and extended school year that are particular to each child, specifying the portions of those costs that are aid eligible and grant funded.

(b) The costs of salary and fringe benefits, purchased services, transportation, supplies, and depreciation that are particular to each program, specifying the portions of those costs that are aid eligible and grant funded.

(c) The costs of salary and fringe benefits, purchased services, and supplies for the provision of specified services, specifying the portions of those costs that are aid eligible and grant funded.

(3) The applicant may not identify a cost under more than one of sub. (2) (a), (b), or (c).

(4) If a cost includes both nonadministrative and clerical or administrative components which cannot be separated, then the nonadministrative component to be identified under sub. (2) is 90 percent of that cost.

(5) The applicant shall identify for each child:

(a) The identifying number for the child in the student information system.

(b) The program or programs that served the child and the number of days and the FTE the child was served by each.

(c) The amounts of federal medicaid and open enrollment revenue for the child, if any.

(6) The applicant shall identify for each program the total number of days and the FTE for all the children with disabilities served by that program.

History: CR 19-147: cr. Register May 2020 No. 773, eff. 6-1-20; correction in (3) made under s. 35.17, Stats., Register May 2020 No. 773.

PI 30.05 Determination of costs. (1) The department shall determine the following:

(a) The total number of days of enrollment for each child identified by the applicant, using data reported and certified in the student information system.

(b) The total number of days of enrollment for all children with disabilities enrolled by the applicant, using data reported and certified in the student information system.

(c) A rate for each program, calculated by dividing its costs by the product of the total number of days and the FTE of all the children with disabilities that it served, specifying the portions of the rate that are aid eligible and grant funded.

(d) A rate for specified services, calculated by dividing their costs by the number of days of enrollment for all children with disabilities, specifying the portions of the rate that are aid eligible and grant funded.

(e) The rate at which costs eligible under s. 115.88, Stats., are reimbursed from the funds appropriated under s. 20.255 (2) (b), Stats.

(2) The total nonadministrative costs for providing special education and related services to a child are the sum of:

(a) The amount identified for costs particular to the child;

(b) For each program that served the child, the rate under s. PI 30.05 (1) (c) multiplied by the product of the number of days and the FTE that the child was served; and

(c) For specified services, the rate under s. PI 30.05 (1) (d) multiplied by the total number of days of enrollment for the child.

(3) The nonadministrative costs for providing special education and related services to a child that are eligible for reimbursement under s. 115.88, 115.93, or 118.255, Stats., 20 USC 1400 et seq., or federal medicaid are the sum of:

(a) The amount reimbursed under s. 115.88, 115.93, or 118.255, which is calculated as follows:

1. Take the sum of:

a. The amount of aid eligible costs particular to the child;

b. For each program that served the child, the aid eligible portion of the rate under s. PI 30.05 (1) (c) multiplied by the product of the number of days and the FTE that the child was served; and

c. For specified services, the aid eligible portion of the rate under s. PI 30.05 (1) (d) multiplied by the total number of days of enrollment for the child.

2. Multiply the sum calculated under subd. 1. by the rate determined under sub. (1) (e).

(b) The amount reimbursed under 20 USC 1400 et seq., which is the sum of:

1. The amount of grant funded costs particular to the child;

2. For each program that served the child, the grant funded portion of the rate under s. PI 30.05 (1) (c) multiplied by the product of the number of days and the FTE that the child was served; and

3. For specified services, the grant funded portion of the rate under s. PI 30.05 (1) (d) multiplied by the total number of days of enrollment for the child.

(c) The amount of federal medicaid for the child.

(d) The amount of open enrollment revenue for the child.

(4) The nonadministrative costs for providing special education and related services to a child under s. 115.881 (1), Stats., that are not eligible for reimbursement under s. 115.88, 115.93, or 118.255, Stats., 20 USC 1400 et seq., or federal medicaid are:

(a) The difference between the total calculated under sub. (2) and the threshold, if positive;

(b) Minus the difference between the amount eligible for reimbursement calculated under sub. (3) and the threshold, if positive.

History: CR 19-147: cr. Register May 2020 No. 773, eff. 6-1-20; correction in (2) (b), (c), (3) (a) 1. b., c., 2., (b) 2., 3., made under s. 35.17, Stats., Register May 2020 No. 773.

Subchapter III — Special Education Aid for the Salaries of Certain Pupil Services Personnel

PI 30.06 Purpose. This subchapter establishes the percentage of the salaries of certain pupil services personnel that may be certified under s. 115.88 (1m) (a), Stats., as costs eligible for reimbursement pursuant to s. 115.88 (1m) (b), Stats.

History: EmR0816: emerg. cr. eff. 5-30-08; CR 08-052: cr. Register December 2008 No. 636, eff. 1-1-09; correction made under s. 13.92 (4) (b) 7., Stats., register December 2018 No. 756.

PI 30.07 Percentage of salaries for reimbursement.

(1) Under s. 115.88 (1m) (a) and (b), Stats., the state superintendent shall certify to the department of administration in favor of each county, cooperative educational service agency, school district, and operator of a charter school established under s. 118.40 (2r) or (2x), Stats., maintaining a special education program, if he or she is satisfied that the special education program has been maintained during the preceding school year in accordance with

applicable state and federal law, for costs eligible for reimbursement from the appropriation under s. 20.255 (2) (b), Stats. These costs include the percentage of the salaries of personnel established under sub. (2).

(2) The percentage of the salaries that may be certified as costs eligible for reimbursement for pupil services personnel under s. 115.88 (1m) (b), Stats., are as follows:

- (a) School nurses; 29 percent.
- (b) School social workers; 59 percent.
- (c) School psychologists; 84 percent.
- (d) School counselors; 10 percent.

(3) If the funds appropriated under s. 20.255 (2), Stats., are insufficient to fully reimburse eligible costs under sub. (2), the reimbursement of those costs shall be prorated.

History: EmR0816: emerg. cr. eff. 5-30-08; CR 08-052: cr. Register December 2008 No. 636, eff. 1-1-09; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register December 2018 No. 756; CR 19-147: am. (1) Register May 2020 No. 773, eff. 6-1-20.