



State of Wisconsin
2021 - 2022 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO ASSEMBLY BILL 122**

February 22, 2022 - Offered by Representatives NEUBAUER, POPE, HEBL, CONSIDINE, VRUWINK, ANDERSON, ANDRACA, BALDEH, BILLINGS, BROSTOFF, CONLEY, DRAKE, EMERSON, GOYKE, HESSELBEIN, HONG, B. MEYERS, OHNSTAD, RIEMER, S. RODRIGUEZ, SHANKLAND, SHELTON, SINICKI, SNODGRASS, SPREITZER, STUBBS, SUBECK, VINING and HAYWOOD.

1 **AN ACT to repeal** 115.364 (1) (a), (am), and (b), 115.364 (2) (a) 2. and 3. and
2 115.364 (2) (b) 2.; **to renumber and amend** 115.364 (1) (intro.) and 115.364 (2)
3 (b) 1.; **to consolidate, renumber and amend** 115.364 (2) (a) (intro.) and 1.;
4 and **to amend** 20.255 (2) (da), 115.364 (title) and 115.437 (2) (a) of the statutes;
5 **relating to:** increasing funding for the University of Wisconsin System,
6 technical college system, special education aid, and per pupil aid; school mental
7 health and pupil wellness aid; and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill 1) increases funding for higher education, special education aid, and per pupil aid; and 2) changes the types of expenditures that are eligible for reimbursement under the state categorical aid program related to pupil mental health and increases funding for that aid program.

Additional funding for education

The bill provides additional funding in the amount of \$172,643,000 in fiscal year 2022-23 for special education aid DPI pays to school districts, independent charter schools, cooperative educational service agencies, and county children with disabilities education boards.

The bill also provides additional funding in the amount of \$22,900,000 for the University of Wisconsin System in fiscal year 2022-23 under its general program operations appropriation and additional funding in the amount of \$5,700,000 for state aid to technical colleges in fiscal year 2022-23, for purposes of maintaining compliance with maintenance of effort requirements of the federal Consolidated Appropriations Act and the federal American Rescue Plan Act.

The bill also increases the per pupil amount for per pupil aid paid to school districts to \$870 beginning in the 2022-23 school year. Under current law, the per pupil amount for per pupil aid is \$742. Per pupil aid is funded from a sum sufficient appropriation. The amount of per pupil aid paid to a school district is calculated using a three-year average of the number of pupils enrolled in the school district and a per pupil amount set by law.

School mental health and pupil wellness; categorical aid

The bill changes the types of expenditures that are eligible for reimbursement under the state categorical aid program related to pupil mental health.

Under current law, DPI must make payments to school districts, independent charter schools, and private schools participating in parental choice programs (local education agency) that increased the amount they spent to employ, hire, or retain social workers. Under current law, DPI first pays each eligible local education agency 50 percent of the amount by which the eligible local education agency increased its expenditures for social workers in the preceding school year over the amount it expended in the school year immediately preceding the preceding school year. If, after making those payments, there is money remaining in the appropriation account for that aid program, DPI makes additional payments to eligible local education agencies. The amount of those additional payments is determined based on the amount remaining in the appropriation account and the amount spent by eligible local education agencies to employ, hire, and retain social workers during the previous school year.

The bill expands eligibility for the payments under the aid program to include spending on school counselors, school social workers, school psychologists, and school nurses (pupil services professionals). The bill also eliminates the two tier reimbursement structure of the aid program and eliminates the requirement that a local education agency is eligible for the aid only if the local education agency increased its spending. Under the bill, any local education agency that made expenditures to employ, hire, or retain pupil services professionals during the previous school year is eligible for reimbursement under the aid program.

The bill provides additional funding in the amount of \$18,000,000 in fiscal year 2022-23 for the categorical aid program.

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

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

1 20.255 (2) (da) ~~Aid for school mental~~ Mental health programs and pupil
2 wellness aid. The amounts in the schedule for aid to school districts and independent
3 charter schools employ, hire, and retain pupil services professionals under s. 115.364.

4 **SECTION 2.** 115.364 (title) of the statutes is amended to read:

5 **115.364** (title) ~~Aid for school mental~~ Mental health programs and pupil
6 wellness aid.

7 **SECTION 3.** 115.364 (1) (intro.) of the statutes is renumbered 115.364 (1) and
8 amended to read:

9 115.364 (1) In this section:, “pupil services professional” means a school
10 counselor, school social worker, school psychologist, or school nurse.

11 **SECTION 4.** 115.364 (1) (a), (am), and (b) of the statutes are repealed.

12 **SECTION 5.** 115.364 (2) (a) (intro.) and 1. of the statutes are consolidated,
13 renumbered 115.364 (2) (a) and amended to read:

14 115.364 (2) (a) Beginning in the ~~2018-19~~ 2022-23 school year and annually
15 thereafter, the state superintendent shall do all of the following: 1. ~~Subject, subject~~
16 ~~to par. (b), from the appropriation under s. 20.255 (2) (da), pay to an eligible~~
17 reimburse a school district board, the operator of a charter school established under
18 s. 118.40 (2r) or (2x), or the governing body of a private school participating in a
19 program under s. 118.60 or 119.23 for an amount equal to 50 percent of the amount
20 by which the school district increased its expenditures made by the school board,
21 operator, or governing body in the preceding school year to employ, hire, or retain
22 social workers over the amount it expended in the school year immediately preceding
23 the preceding school year to employ, hire, or retain social workers pupil services
24 professionals.

25 **SECTION 6.** 115.364 (2) (a) 2. and 3. of the statutes are repealed.

1 **SECTION 7.** 115.364 (2) (b) 1. of the statutes is renumbered 115.364 (2) (b) and
2 amended to read:

3 115.364 **(2)** (b) If the appropriation under s. 20.255 (2) (da) in any fiscal year
4 is insufficient to pay the full amount of aid under par. (a), the state superintendent
5 shall prorate state aid payments among the school districts, ~~private schools, and~~
6 ~~independent charter schools~~ boards, operators of charter schools established under
7 s. 118.40 (2r) and (2x), and governing bodies of private schools participating in
8 programs under ss. 118.60 and 119.23 that are eligible for the aid.

9 **SECTION 8.** 115.364 (2) (b) 2. of the statutes is repealed.

10 **SECTION 9.** 115.437 (2) (a) of the statutes is amended to read:

11 115.437 **(2)** (a) Except as provided in par. (b), annually on the 4th Monday of
12 March, the department shall pay to each school district an amount equal to the
13 average of the number of pupils enrolled in the school district in the current and 2
14 preceding school years multiplied by \$75 in the 2013-14 school year, by \$150 in the
15 2014-15 and 2015-16 school years, by \$250 in the 2016-17 school year, by \$450 in
16 the 2017-18 school year, by \$654 in the 2018-19 school year, by ~~\$679 and \$63~~ \$742
17 in the 2019-20, 2020-21, and 2021-22 school years, and by \$870 in each school year
18 thereafter. The department shall make the payments from the appropriation under
19 s. 20.255 (2) (aq).

20 **SECTION 10. Fiscal changes.**

21 (1) SPECIAL EDUCATION AID. In the schedule under s. 20.005 (3) for the
22 appropriation to the department of public instruction under s. 20.255 (2) (b), the
23 dollar amount for fiscal year 2022-23 is increased by \$172,643,000 to increase
24 funding for aids for special education under s. 115.88.

