

**QUESTIONS AND ANSWERS ABOUT 2015 ACT 55 (2015-17 BUDGET)
OPEN ENROLLMENT CHANGES FOR PUPILS WITH DISABILITIES
(October 2015)**

Open Enrollment Transfer Amount for Pupils with Disabilities

1. *What is the open enrollment transfer amount for open enrolled pupils with disabilities?*

Starting with the 2016-17 school year (the February – April 2016 regular application period), 2015 Wisconsin Act 55 has created a new transfer amount of \$12,000 for open enrolled pupils with disabilities, as defined by Wis. Stats. § 115.76 (5).

2. *Does the nonresident district still need to prepare a cost estimate?*

No. Starting with the 2016-17 school year (the February – April 2016 regular application period), nonresident school districts will no longer be required to create and send a cost estimate of the basic open enrollment amount plus any actual, additional costs to provide special education and related services required in the pupil's IEP to the resident district.

3. *Does the nonresident district continue to bill the resident district for open enrolled pupils with disabilities?*

No. Beginning in the 2016-17 school year, nonresident school districts will no longer bill the resident district for the open enrollment basic transfer amount plus any actual, additional costs to provide special education for open enrolled pupils with disabilities.

The Department of Public Instruction (department) will make the aid transfer payments for all open enrolled pupils with disabilities in the same manner as open enrolled non-disabled pupils.

4. *Does this new aid payment apply to only new open enrolled pupils or does it also include continuing open enrolled pupils?*

The department will make the aid transfer payment for all pupils regardless if they were newly open enrolled or continuing open enrolled pupils from prior school years. The special education transfer amount will be the same for all pupils with disabilities.

Reasons for Denial, School Board Open Enrollment Policies, and Space Determinations

5. *Can a resident district still deny a pupil's open enrollment due to undue financial burden?*

No. Starting with the 2016-17 school year (the February – April 2016 regular application period), resident districts will no longer be able to deny a pupil's open enrollment for undue financial burden.

6. *Does the school board need to update their open enrollment policy to reflect these changes?*

Yes. These changes will require school boards to update their open enrollment policies. These updates must be completed before the first day of the regular application period to which the policy will first apply. Therefore, changes related to Act 55 that will apply to the 2016-17 school year must be completed before February 1, 2016.

7. *Does the school board need to designate special education spaces at its January school board meeting?*

Yes. School boards are required to designate the number of regular education and special education spaces available for the next school year. Space determinations must be made and approved by the school board at its January board meeting.

Please see our training module "Space Determinations" on our open enrollment training webpage at <http://oe.dpi.wi.gov/training>. There is guidance available on special education caseloads at http://sped.dpi.wi.gov/sped_cseldfr. The department is currently reviewing the special education caseload guidance and will update this document when that review is completed.

Additional Year Tuition Waivers

8. *Will the changes described above impact additional year tuition waivers?*

Yes. The department will make an aid transfer payment of \$12,000 for all additional year tuition waiver pupils with disabilities. The nonresident district will no longer be required to send cost estimates. The nonresident district will not bill the resident district for the open enrollment basic transfer amount plus any actual, additional costs. Resident districts will not be able to deny an additional year tuition waiver due to undue financial burden.

If you have questions related to the topics covered above regarding open enrollment, please contact the open enrollment staff at openenrollment@dpi.wi.gov or at 888-245-2732, option 2.

Reporting Open Enrollment Transfer Amounts and State Categorical Aids for Open Enrolled Pupils with Disabilities

Below are questions and answers related to reporting open enrollment transfer amounts and state categorical aids for open enrolled pupils with disabilities, maintenance of effort (MOE), and transfer of service. If you have any questions regarding these topics, please contact Daniel Bush, School Finance Consultant at daniel.bush@dpi.wi.gov or at 608-267-9212.

9. What does the open enrollment transfer amount for pupils with disabilities pay for?

The \$12,000 is a transfer of general school aids, not a tuition payment for specific costs. The costs of providing special education and related services are the responsibility of the nonresident district.

10. Who is responsible for FAPE?

The nonresident district has both the educational and financial responsibilities for FAPE.

11. How is the open enrollment transfer amount for pupils with disabilities recorded?

The \$12,000 open enrollment transfer amount is a Fund 10 expenditure or revenue (10 E 435000/10 R 345). Aid transfers will be made by the department and included in the June aid payment reconciliation, just as with “regular” open enrollment under current law.

12. What if the pupil’s costs of special education and related services are less than \$12,000?

The aid transfer of general school aids is \$12,000. It is not connected to the pupil’s costs of special education and related services.

13. What if the pupil’s costs are more than \$12,000?

Again, the aid transfer is \$12,000. If the pupil’s costs of special education and related services are significantly more, the nonresident district may be able to claim High Cost Special Education Aid. There is more information available on High Cost Special Education Aid at <http://sfs.dpi.wi.gov/highcost-sped>.

14. Who receives state categorical aids? Does the nonresident district owe the resident district any transit of aid?

The nonresident district claims and retains any Special Education and School-Age Parents Aid, High Cost Special Education Aid, or Supplemental Special Education Aid for the pupil’s costs of special education and related services. The nonresident district also

retains any Medicaid funds for school-based services (SBS) provided to the pupil. No transit of aid occurs.

15. Can I use my IDEA flow-through or preschool funds to pay for the \$12,000 aid transfer out for my resident pupil?

No.

16. Can I use my IDEA flow-through or preschool funds for the nonresident pupils I enroll?

Yes, for the costs of special education and related services as specified in the pupil's IEP.

Maintenance of Effort (MOE)

17. Does the \$12,000 aid transfer out for my resident pupils count towards my IDEA Maintenance of Effort (MOE)?

The amount is a transfer of general school aids and therefore not included in the MOE calculation. However, the pupil is no longer included in your MOE child count, as they would have been under the old law. The department will apply an administrative exception if the change in the law for a district's existing resident open enrollment pupils has a negative impact on its MOE.

18. How does the nonresident pupil I enroll impact my MOE?

Any Fund 27 costs of special education and related services for the pupil, along with any state categorical aids received for those costs, become part of your MOE, and the pupil is included in your child count. The \$12,000 aid transfer has no impact on MOE.

19. Doesn't this mean MOE child count and membership are different?

Yes. The resident district counts the pupil for aid and revenue limit purposes, while the nonresident district counts the pupil for MOE.

Transfer of Service

20. As the nonresident district, can I request a revenue limit exemption for transfer of service?

The department is reviewing the impact on transfer of service of the changes to open enrollment for pupils with disabilities and will update this document when that review is completed.