

No. 413, A.]

[Published September 15, 1959.

CHAPTER 439

AN ACT to amend 41.01 (1m) (a) and (b); and to create 41.01 (1m) (e) and (1r) of the statutes, relating to the establishment of classes or centers for the instruction of handicapped children by the county or part of the county.

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

SECTION 1. 41.01 (1m) (a) and (b) of the statutes are amended to read:

41.01 (1m) (a) In \* \* \* any county the county board \* \* \* of supervisors may establish \* \* \* one or more instructional centers or special schools and provide other services for handicapped children for all school districts under the jurisdiction of the county superintendent, \* \* \* and in addition may include in the program or programs the area of one or more school districts or city school systems which do not operate under the jurisdiction of the county superintendent, provided said district or system indicates approval by formal action of the board or boards of education. When the county board of supervisors so elects, it shall create a board to be known as the "Handicapped Children's Education Board". The handicapped children's education board shall consist of 3 or 5 residents of the county, as determined by the county board of supervisors, elected by the county board of supervisors or appointed by the chairman of said county board, as the rules of the board may direct. *The handicapped children's education board shall be representative of the area it serves. The handicapped children's education board shall appoint an advisory committee of school administrators representative of the area served and they shall not be voting members of the board. The voting members of such board shall be \* \* \* electors selected from that part of the county \* \* \* that participates in this program. The handicapped children's education board may include school board members \* \* \*, county board members and other electors. The voting members of the board shall receive \* \* \* compensation and shall hold office for \* \* \* a term \* \* \* of 3 years except that the terms of office of the first board shall be for terms of 3 years, 2 years and one year. The compensation of the voting members shall be fixed by the county board but shall not be more than that of the members of the county board.*

(b) The board shall annually select one member as \* \* \* chairman. The county superintendent shall be secretary \* \* \*. The county treasurer shall be treasurer but not a member of the board.

SECTION 2. 41.01 (1m) (e) of the statutes is created to read:

41.01 (1m) (e) Any school district, which is included under the administration of a county handicapped children's education board, may withdraw from participation in any phase of the program for handicapped children only with the approval of the state superintendent after he has conferred with the county handicapped children's education board and is satisfied that such withdrawal is in the interest of the program for handicapped children in the county and the district affected. Such withdrawal shall be effective only if such board has the approval of the state superintendent to establish a comparable program.

SECTION 3. 41.01 (1r) of the statutes is created to read:

41.01 (1r) COUNTY SPECIAL SCHOOLS. (a) *Application.* Whenever an application for the establishment of classes or special treatment and instructional centers for one or more types of handicapped children is made to the state superintendent by the county handicapped children's education board upon authorization of the county board of supervisors the application shall state whether such classes or centers are to be available to the county at large, that portion of the county under the supervision of the county superintendent for educational purposes or that portion of the county under the supervision of the county superintendent plus certain other districts.

(b) *Support.* The tax for the operation and maintenance of classes or centers for handicapped children and for the transportation of handicapped children where the board promulgates a plan and it is approved as outlined in par. (f) shall be levied against the area of the county participating in the program.

(c) *Scope of program.* The proposed program may provide for classes or special treatment and instruction centers of one or more types of handicapped children.

(d) *Control.* The establishment, organization and operation of classes or centers established under this subsection shall be under the handicapped children's education board. The board shall prepare an annual budget including but not restricted because of enumeration mileage and per diem or salary for services rendered by the county superintendent of schools, the hiring of staff, the purchase of materials, supplies and equipment and the operation and maintenance of the buildings or classrooms. The annual budget of the handicapped children's education board shall be subject to approval of the county board under ch. 65.

(e) *Exclusion; withdrawal; dissolution.* The board of any city school system or other school district, which operates an approved program for handicapped children, may be excluded or may withdraw from participation in the program pursuant to sub. (1m) (e) but such withdrawal shall not be effective until the end of the next full school term. In case of such withdrawal, the district withdrawing shall be liable for its proportionate share of all operating costs until its withdrawal becomes effective, shall continue to be liable for its share of debt incurred while it was a participant, and shall receive no share in the assets. The program established by this subsection may be dissolved by the action of the county board but such dissolution shall not take place until the end of the school term in which the action was taken. In case of dissolution, assets and liabilities shall be distributed under s. 66.03 to all units which participated in the program.

(f) *Transportation.* The county handicapped children's education board may promulgate a plan for the area-wide transportation of handicapped children at county expense which plan, upon approval of the state superintendent shall govern the transportation of children included in sub. (4). When such authority is assumed by the board, it shall supersede ss. 39.105, 40.53 (2) and 41.03.

(g) *State aids.* The handicapped children's education board is hereby authorized to apply for and receive the state aids for the transportation, lodging, treatment and instruction of handicapped children attending such classes and centers; and the handicapped children's education board shall make application for such aids as provided in ss. 40.56 (3) and 41.03. All state aids shall be paid the county treasurer and credited to the fund of the handicapped children's education board.

(h) Handicapped children residing outside the area served by the county handicapped children's education board may be admitted to special classes or schools on a tuition basis under procedure outlined for other districts in sub. (5).

Approved September 9, 1959.

---