

TITLE XIV.

Public Instruction.

CHAPTER 115

STATE SUPERINTENDENT; GENERAL CLASSIFICATIONS AND DEFINITIONS; HANDICAPPED CHILDREN

	SUBCHAPTER I	115 53	State superintendent; powers
	GENERAL CLASSIFICATIONS AND DEFINITIONS	115 54	Compulsory education.
115.01	Classifications and definitions	115 55	Library for the blind.
	SUBCHAPTER II	115 56	Scholarships for blind students.
	STATE SUPERINTENDENT OF PUBLIC INSTRUCTION	115 57	Scholarships for deaf and hard of hearing students.
115 28	General duties.	115 58	Park grounds.
115 29	General powers.		SUBCHAPTER IV
115 30	Forms and reports.		HANDICAPPED CHILDREN
115 31	Courses of study.	115 76	Definitions.
115 33	Inspection of school buildings.	115 77	Division for handicapped children
115 34	School lunch program.	115 78	Report of handicapped children.
115 35	Health problems education program.	115 79	Compulsory attendance.
115 37	Council on the education of the blind.	115 80	Special schools, classes, centers and services
115 46	Interstate agreement on qualification of educational personnel.	115 81	Handicapped children's education board
115 47	Designated state official under agreement	115 82	Admission, tuition and transportation
115 48	Contracts under agreement	115 83	Preschool handicapped children.
	SUBCHAPTER III	115 84	Home instruction
	STATE SCHOOLS AND SCHOLARSHIPS FOR THE HANDICAPPED	115 85	State aid.
115 51	Definitions.		
115 52	Wisconsin schools for the visually handicapped and the deaf		

SUBCHAPTER I GENERAL CLASSIFICATIONS AND DEFINITIONS

115.01 Classifications and definitions. In this title:

(1) **PUBLIC SCHOOLS.** Public schools are the elementary and high schools supported by public taxation.

(2) **GRADES.** The educational work of the public schools is divided into 12 grades, besides kindergarten, which are numbered from one to 12 beginning with the lowest. The first 8 grades are the elementary grades. Where reference is made to "elementary grades," the reference includes kindergarten, where applicable. The last 4 grades are the high school grades. A junior high school is a school in which only grades 7 to 9 or grades 7 to 10 are taught. A senior high school is a school in which only grades 10 to 12 are taught. This classification is not a limitation

of the character of work or the studies that may be carried on in either the elementary or the high schools.

(3) **SCHOOL DISTRICTS.** The school district is the territorial unit for school administration. School districts are classed as common school districts, union high school districts, unified school districts, city school districts and school systems organized pursuant to ch. 119. A joint school district is a school district whose territory is not wholly in one municipality. "Basic aid district" and "integrated aid district" mean school districts which meet the requirements set forth in s. 121.02 and refer to classification for state aid purposes only.

(4) **SCHOOL BOARD.** "School board" means the school board or board of education in charge of the schools of a school district.

(5) **NAME.** Each school district shall be known by number and by the name of the municipality or municipalities in which it lies.

(6) **SCHOOL YEAR.** "School year" means the time commencing with July 1 and ending with the next succeeding June 30.

(7) **SCHOOL TERM.** "School term" means the time commencing with the first school day and ending with the last school day that the schools of a school district are in operation for attendance of pupils in a school year, other than for the operation of summer classes.

(8) **SESSION.** "Session" means the time during a school term that the schools of a school district are operated for the attendance of pupils.

(9) **SCHOOL MONTH.** Twenty school days constitute a school month.

(10) **SCHOOL DAY.** (a) School days are days on which school is actually taught and the following days on which school is not taught:

1. Labor Day, Thanksgiving, Christmas, New Year's Day and Memorial Day, if within the scheduled school term and not within a scheduled vacation period.

2. Days on which state teachers' conventions are held.

3. Days on which school is closed by order of a health officer.

(b) Not to exceed 5 Saturdays may be counted as school days in any school year when school is taught thereon with the consent of the school board.

(11) **SCHOOL DISTRICT ADMINISTRATOR.** "School district administrator" means the school district superintendent, supervising principal or other person who acts as the administrative head of a school district and who holds an administrator's license.

(12) **DISTANCE.** The distance between home and school shall be measured from building to building along the usually traveled route.

(13) **ELECTORS.** (a) Whenever an action may be taken by a percentage of electors in an area, that percentage shall be based on the number of electors who voted for governor at the last general election in that area.

(b) If the area does not coincide with a municipality or part thereof for which election statistics are kept, the number of electors shall be determined as follows:

1. The area of the school district in square miles shall be divided by the area of the municipality in square miles in which it lies.

2. The vote for governor at the last general election in the municipality within which the school district lies shall be multiplied by the quotient determined under subd. 1 to determine the required number of electors.

(c) If a school district is in more than one municipality, the method of determination under par. (b) shall be used for each part of the school district which constitutes only a fractional part of any area for which election statistics are kept.

(14) **REORGANIZE, REORGANIZATION OR REORGANIZING.** "Reorganize," "reorganization" or "reorganizing," as applied to school districts, mean any alteration, dissolution, consolidation or creation of a school district.

(15) **REORGANIZED SCHOOL DISTRICT OR PROPOSED REORGANIZED SCHOOL DISTRICT.** "Reorganized school district" or "proposed reorganized school district" means:

(a) When an order or proposed order attaches territory to a school district, only the territory in the school district to which the territory is attached or proposed to be attached and the territory attached thereto by such order or proposed order.

(b) When an order or proposed order consolidates the territory of 2 or more school districts, only the territory so consolidated by such order or proposed order.

(c) When an order or proposed order creates a new school district or proposed new school district, only the territory comprising such new school district or proposed new school district.

(d) In no instance, the territory remaining in any school district from which territory is detached by an order or proposed order.

(16) **REORGANIZATION AUTHORITY.** "Reorganization authority" means any officer, committee, agency, school board, electors, state appeal board or any group or combination thereof which is empowered by law to authorize or make orders of school district reorganization.

(17) **SCHOOL DISTRICT AFFECTED.** "School district affected" means the entire territory of any school district:

(a) From which any territory is detached.

(b) To which any territory is attached.

(c) Any territory of which is included in a newly created school district.

(d) Any territory of which is included in any consolidation.

(18) **CITY, VILLAGE OR TOWN AFFECTED.** "City, village or town affected" means any city, village or town which has lying within it all or part of a school district affected.

(19) **SCHOOL DISTRICT CLERK.** "School district clerk" means the school district clerk of a 3-member school board elected by the electors in a common or union high school district and the school district clerk elected by the school board in a unified school district, in a city school dis-

strict and in a common or union high school district having a school board of more than 3 members.

(20) DEPARTMENT. "Department" means the department of public instruction.

See note to 111.70, citing Bd. of Education v. WERC, 52 W (2d) 625, 191 NW (2d) 242.

SUBCHAPTER II STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

115.28 General duties. The state superintendent shall:

(1) GENERAL SUPERVISION. Ascertain the condition of the public schools, stimulate interest in education and spread as widely as possible a knowledge of the means and methods which may be employed to improve the schools.

(2) SECTARIANISM. Exclude all sectarian books and instruction from the public schools.

(3) SUPERVISION OF SCHOOLS. Supervise and inspect the public schools, county teachers colleges and day schools for handicapped children, advise the principals and local authorities thereof and give assistance in organizing such schools.

(4) PUBLIC INFORMATION. By reports, bulletins, circulars, correspondence and public addresses, give the public information upon the different methods of school organization and management and the subject of education generally.

(5) APPEALS. Examine and determine all appeals which by law are made to him and prescribe rules of practice in respect thereto, not inconsistent with law.

(6) ANNUAL CONVENTIONS. Annually, hold conventions of school district administrators, supervisors and agency co-ordinators.

(7) LICENSING AND CERTIFICATION OF TEACHERS. (a) License or certify all teachers for the public schools of the state, make rules and prescribe standards of attainment for the examination, licensing and certification of teachers within the limits prescribed in ss. 118.19 (2) and (3) and 118.195, file in his office all papers relating to state teachers' licenses and certificates and register each such license or certificate.

(b) Subject to the same rules and laws concerning qualifications of applicants and granting and revocation of licenses or certificates under par. (a), the state superintendent shall grant certificates and licenses to teachers in private schools, except that teaching experience requirements for such certificates and licenses may be fulfilled by teaching experience in either public or private schools. An applicant is not eligible for a license or certificate unless the state super-

intendent finds that the private school in which the applicant taught offered an adequate educational program during the period of the applicant's teaching therein. Private schools are not obligated to employ only licensed or certified teachers.

(8) ADMISSIONS TO FIRST GRADE. Prescribe procedures, conditions and standards under which admissions to first grade may be made at an age earlier than that specified in s. 118.14 in exceptional cases.

(9) FEDERAL AIDS. Accept federal funds for any function over which the state superintendent has jurisdiction and act as the agent for the receipt and disbursement of such funds.

(10) EDUCATIONAL ASSESSMENT. Develop an educational assessment program to measure objectively the adequacy and efficiency of educational programs offered by public schools in this state. The program shall include, without limitation because of enumeration, methods by which pupil achievement in fundamental course areas, as set forth in s. 118.01 (1), and other areas of instruction commonly offered by public schools, will be objectively measured each year. Assessment shall be undertaken at several grade levels on a uniform, state-wide basis.

History: 1971 c. 40, 125.

115.29 General powers. The state superintendent may:

(1) DESIGNATE REPRESENTATIVE. Designate the deputy state superintendent or another employe of the department as his representative on any body on which the state superintendent is required to serve, except the board of regents of the university of Wisconsin system.

(2) EDUCATIONAL MEETINGS. Attend such educational meetings and make such investigations as he deems important and as will acquaint him with the different systems of public schools in the United States.

(3) NONPROFESSIONAL EMPLOYEES. By order, establish classes of nonprofessional school employes and authorize their employment in the instructional program of the elementary and high schools for specific purposes and their reimbursement from the instructional budget. Such employes shall not be covered under ch. 42 or ss. 118.21 to 118.23 or 121.17 (2) or (3) but shall be eligible under the Wisconsin retirement fund if it is made applicable to the school district employing them.

(4) HIGH SCHOOL GRADUATION EQUIVALENCY. Grant declarations of equivalency of high school graduation to persons, if in his judgment they have presented satisfactory evidence of having completed a recognized high school

course of study or its equivalent. He may establish the standards by which high school graduation equivalency is determined. Such standards may consist of evidence of high school courses completed in high schools recognized by the proper authorities as accredited; results of examinations given by or at the request of the state superintendent, successful completion of correspondence study courses given by acceptable correspondence study schools, a general educational development certificate of high school equivalency issued by the U.S. armed forces institute, course credits received in schools meeting the approval of the state superintendent or other standards established by him.

History: 1971 c. 100 s. 23; 1971 c. 125, 211.

115.30 Forms and reports. (1) The department shall prepare for the use of school officers suitable forms for making reports, and suitable outlines as aids in conducting school meetings. School district officers and employes shall make such reports to the department as will enable it to distribute state school fund appropriations and state educational appropriations to the schools and persons entitled thereto, and to properly discharge the other duties of the department.

(2) The department may require all school boards to report to it, on forms provided, the name of the school and its location, the name and address of the teachers, the number of months of school maintained during the year, the opening and closing dates, the names and ages of all pupils enrolled between the ages of 7 and 18, the names and post-office addresses and places of residence of the parents of such pupils, the number of the school district and the distance such pupils reside from the schoolhouse, the number of days each pupil was present during each month and any other information requested by it.

(3) On or before each October 15, each administrator of a public or private school system shall submit, on forms provided by the department, a statement of the enrollment on the 3rd Friday of September in the elementary and high school grades under his jurisdiction to the department which shall prepare such reports as will enable the public and private schools to make projections regarding school buildings, teacher supply and funds required.

(4) In his annual report under s. 15.04 (4), the state superintendent also shall report:

(a) The condition of all schools under his supervision.

(b) An abstract of the public school reports made to him.

(c) His visits to educational institutions.

(d) The work done by the department in the performance of its duties.

(e) Plans for improving the schools and advancing education.

(f) A summary of the receipts and disbursements of all schools under his jurisdiction.

(g) Such other matters as he deems appropriate.

(5) The department shall make certified copies, when required, of any papers deposited or filed or records kept in the department, and of any act or decision made by it. The fee therefor shall be 15 cents per page.

115.31 Courses of study. (1) **GENERAL.** The department shall prepare and publish courses of study for the public schools, and the other schools under its supervision, and furnish copies thereof to the school boards.

(2) **PHYSICAL TRAINING.** The department shall prescribe a course in physical education and training adapted to the public schools, and have general supervision of physical education in the public schools.

(3) **SPECIAL PROGRAM.** The department shall compile and distribute annually to the public schools, in pamphlet form, matter suitable for the observance of Memorial Day and Arbor Day.

(4) **MUSICAL EDUCATION.** The department shall promote and supervise musical education in the public schools. The state superintendent shall appoint a supervisor of musical education.

(5) **COOPERATIVES AND CONSERVATION.** The department, the dean of the college of agriculture of the university of Wisconsin and the department of natural resources shall cooperate in the preparation of outlines to be used by teachers in the courses offered under ss. 37.29 and 118.01 (8). They also may make a recommended list of material for guidance to teachers of these courses.

History: 1971 c. 164.

115.33 Inspection of school buildings. (1) The state supervisors of schools shall be inspectors of public school buildings under the direction of the state superintendent.

(2) If any school district administrator or elector in the school district complains in writing to the state superintendent that any building used for school purposes in the school district is in such condition as to endanger the lives or health of the pupils, or that the building is otherwise unfit for school purposes, the state superintendent

ent shall investigate the matter and may hold a hearing in connection therewith.

(3) (a) If conditions warrant, the state superintendent shall order the school board or other officers having control of the school to repair, improve or remodel such building by a stated date so as to render it safe and sanitary. If he deems the building unfit for school purposes and not worth repairing, he shall order the erection or acquisition of an adequate school building by a stated date. Use of the building after the date specified in the order of the state superintendent without complying with the order shall deprive the school district of its right to share in the school fund income until the state superintendent determines that the school district has complied with his order.

(b) The state superintendent shall file the order in his office, and shall transmit copies to the clerk of the school district, the school district administrator and the clerk of the municipality in which the building is located.

(c) Upon the written application of the school board, the state superintendent shall grant a hearing on the order. Pending the hearing, execution of the order shall be stayed until the conclusion of the hearing, and the superintendent may affirm, amend or vacate his original order.

115.34 School lunch program. (1) The department may contract for the operation and maintenance of school lunch programs and for the distribution, transportation, warehousing, processing and insuring of food products provided by the federal government. The form and specifications of such contracts shall be determined by the department. Amounts remaining unpaid for 60 days or more after they become payable under the terms of such contracts shall be deemed past due and shall be certified to the department of administration on October 1 of each year and included in the next apportionment of state special charges to local units of government as special charges against the school districts and municipalities charged therewith.

(2) The department shall make supplemental payments to school districts for school lunches served to economically disadvantaged children as determined by the state superintendent. The payment for each pupil's school lunch shall be the difference between the school district's average total cost of a school lunch and the amount of federal aid received as a supplemental payment for that school lunch but shall not exceed 20 cents per lunch.

History: 1971 c. 125, 215.

115.35 Health problems education program. (1) A critical health problems education program is established in the department. The program shall be a systematic and integrated program designed to provide appropriate learning experiences based on scientific knowledge of the human organism as it functions within its environment and designed to favorably influence the health, understanding, attitudes and practices of the individual child which will enable him to adapt to changing health problems of our society. The program shall be designed to educate youth with regard to critical health problems and shall include, but not be limited to, the following topics as the basis for comprehensive education curricula in all elementary and secondary schools: controlled substances, as defined in s. 161.01 (4); alcohol; tobacco; mental health; and related health and safety topics.

(2) In carrying out this section, the state superintendent may, without limitation because of enumeration:

(a) Establish guidelines to help school districts develop comprehensive health education programs

(b) Establish special inservice programs to provide professional preparation in health education for teachers throughout the state.

(c) Provide leadership institutions of higher education to develop and extend curricula in health education for professional preparation in both inservice and preservice programs.

(d) Develop cooperative programs between school districts and institutions of higher education whereby the appropriate health personnel of such institutions would be available to guide the continuing professional preparation of teachers and the development of curricula for local programs.

(e) Assist in the development of plans and procedures for the evaluation of health education curricula.

(3) The department may appoint a council consisting of representatives from universities and colleges, law enforcement, the various fields of education, the voluntary health agencies, the department of health and social services, the professional health associations and other groups or agencies it deems appropriate to advise it on the implementation of this section, including teachers, administrators and local school boards.

(4) The department shall cooperate with agencies of the federal government and receive and use federal funds for the purposes of this section.

(5) In each report under s. 15.04 (4), the state superintendent shall include information:

(a) As to the scope and nature of programs undertaken under this section.

(b) As to the degree and nature of cooperation being maintained with other state and local agencies.

(c) As to his recommendations to improve such programs and cooperation.

History: 1971 c. 219.

115.37 Council on the education of the blind. The council on the education of the blind shall make recommendations as to procedures and policies affecting any problem of the visually handicapped before the department. The council shall advise on such services, activities, programs, investigations and researches as in its judgment will contribute to the welfare of visually handicapped persons. The state superintendent shall seek the advice of and consult with the council on problems and policy changes affecting the visually handicapped in the department's jurisdiction, and the council may initiate consultations with the department. Notwithstanding any provision to the contrary, the council shall have access to files, records and statistics kept in the department which relate to matters concerning the visually handicapped.

History: 1971 c. 292.

115.46 Interstate agreement on qualification of educational personnel. The interstate agreement on qualification of educational personnel is hereby enacted into law and entered into with all jurisdictions legally joining therein, in the form substantially as follows:

INTERSTATE AGREEMENT ON
QUALIFICATION OF EDUCATIONAL
PERSONNEL
ARTICLE I
PURPOSE, FINDINGS, AND POLICY.

1. The states party to this agreement, desiring by common action to improve their respective school systems by utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of such persons wherever gained, thereby serving the best interests of society, of education, and of the teaching profession. It is the purpose of this agreement to provide for the development and execution of such programs of cooperation as will facilitate the movement of teachers and other professional educational per-

sonnel among the states party to it, and to authorize specific interstate educational personnel contracts to achieve that end.

2. The party states find that included in the large movement of population among all sections of the nation are many qualified educational personnel who move for family and other personal reasons but who are hindered in using their professional skill and experience in their new locations. Variations from state to state in requirements for qualifying educational personnel discourage such personnel from taking the steps necessary to qualify in other states. As a consequence, a significant number of professionally prepared and experienced educators is lost to our school systems. Facilitating the employment of qualified educational personnel, without reference to their states of origin, can increase the available educational resources. Participation in this compact can increase the availability of educational manpower.

ARTICLE II
DEFINITIONS.

As used in this agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

1. "Educational personnel" means persons who must meet requirements pursuant to state law as a condition of employment in educational programs.

2. "Designated state official" means the education official of a state selected by that state to negotiate and enter into, on behalf of his state, contracts pursuant to this agreement.

3. "Accept", or any variant thereof, means to recognize and give effect to one or more determinations of another state relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving state.

4. "State" means a state, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.

5. "Originating state" means a state (and the subdivision thereof, if any) whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to article III.

6. "Receiving state" means a state (and the subdivisions thereof) which accept educational personnel in accordance with the terms of a contract made pursuant to article III of this agreement.

**ARTICLE III
INTERSTATE EDUCATIONAL
PERSONNEL CONTRACTS**

1. The designated state official of a party state may make one or more contracts on behalf of his state with one or more party states providing for the acceptance of educational personnel. Any such contract for the period of its duration shall be applicable to and binding on the states whose designated state officials enter into it, and the subdivisions of those states, with the same force and effect as if incorporated in this agreement. A designated state official may enter into a contract pursuant to this article only with states in which he finds that there are programs of education, certification standards or other acceptable qualifications that assure preparation or qualification of educational personnel on a basis sufficiently comparable, even though not identical to that prevailing in his own state.

2. Any such contract shall provide for:

(a) Its duration.

(b) The criteria to be applied by an originating state in qualifying educational personnel for acceptance by a receiving state.

(c) Such waivers, substitutions, and conditional acceptances as shall aid the practical effectuation of the contract without sacrifice of basic educational standards.

(d) Any other necessary matters.

3. No contract made pursuant to this agreement shall be for a term longer than 5 years but any such contract may be renewed for like or lesser periods.

4. Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates on which originating state approval of the program or programs involved can have occurred. No contract made pursuant to this agreement shall require acceptance by a receiving state of any persons qualified because of successful completion of a program prior to January 1, 1954.

5. The certification or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any certificate or other qualifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a certificate or other qualifying document initially granted or approved in the receiving state.

6. A contract committee composed of the designated state officials of the contracting states or their representatives shall keep the contract un-

der continuous review, study means of improving its administration, and report no less frequently than once a year to the heads of the appropriate education agencies of the contracting states.

**ARTICLE IV
APPROVED AND ACCEPTED
PROGRAMS**

1. Nothing in this agreement shall be construed to repeal or otherwise modify any law or regulation of a party state relating to the approval of programs of educational preparation having effect solely on the qualification of educational personnel within that state.

2. To the extent that contracts made pursuant to this agreement deal with the educational requirements for the proper qualification of educational personnel, acceptance of a program of educational preparation shall be in accordance with such procedures and requirements as may be provided in the applicable contract.

**ARTICLE V
INTERSTATE COOPERATION**

The party states agree that:

1. They will, so far as practicable, prefer the making of multilateral contracts pursuant to article III of this agreement.

2. They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with agencies, organizations, and associations interested in certification and other elements of educational personnel qualification.

**ARTICLE VI
AGREEMENT EVALUATION**

The designated state officials of any party states may meet from time to time as a group to evaluate progress under the agreement, and to formulate recommendations for changes.

**ARTICLE VII
OTHER ARRANGEMENTS**

Nothing in this agreement shall be construed to prevent or inhibit other arrangements or practices of any party state or states to facilitate the interchange of educational personnel.

**ARTICLE VIII
EFFECT AND WITHDRAWAL**

1. This agreement shall become effective when enacted into law by 2 states. Thereafter it shall become effective as to any state upon its enactment of this agreement.

2. Any party state may withdraw from this agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states.

3. No withdrawal shall relieve the withdrawing state of any obligation imposed upon it by a contract to which it is a party. The duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.

ARTICLE IX. CONSTRUCTION AND SEVERABILITY.

This agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this agreement shall be severable and if any phrase, clause, sentence, or provision of this agreement is declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state participating therein, the agreement shall remain in full force and effect as to the state affected as to all severable matters.

115.47 Designated state official under agreement. The "designated state official" for this state under s. 115.46 shall be the state superintendent of public instruction.

115.48 Contracts under agreement. True copies of all contracts made on behalf of this state pursuant to the agreement shall be kept on file in the department of public instruction and in the office of the secretary of state. The department of public instruction shall publish all such contracts in convenient form.

SUBCHAPTER III STATE SCHOOLS AND SCHOLARSHIPS FOR THE HANDICAPPED

115.51 Definitions. In this subchapter:

(1) "Blind" includes persons visually handicapped, as determined by competent medical authority with the approval of the state superintendent.

(2) "Deaf" includes persons who because of some pathological or functional cause cannot attain proficiency in speech without special instruction and training.

115.52 Wisconsin schools for the visually handicapped and the deaf. (1) The object of the Wisconsin school for the visually handicapped and the Wisconsin school for the deaf is to afford the visually handicapped and the deaf a practical education and physical rehabilitation which may aid them to make a living, discharge their duties as citizens and secure to them all possible happiness.

(2) The state superintendent shall maintain and govern the school for the visually handicapped and the school for the deaf. He may fix the period of the school year at the schools at not less than 38 weeks, prescribe the school terms and confer diplomas upon meritorious pupils who have completed the prescribed curricula.

(3) All the blind and the deaf residents of this state between the ages of 6 and 21 who are capable of receiving instruction shall be received and taught in the schools free of charge. Like nonresident pupils also may be received upon payment in advance of the fees fixed by the state superintendent at an amount not less than \$75 per month, but no nonresident shall be received to the exclusion of a resident pupil. The state superintendent also may admit pupils over 21 years of age upon the payment of fees fixed by him and upon the recommendation of the secretary of health and social services, the director of vocational, technical and adult education or the superintendent of the school to which the pupil will be assigned. All pupils shall equally and freely enjoy the benefits and privileges of the schools and have the use of the library and books of instruction and receive board, lodging and laundry, without discrimination. The schools may provide transportation for resident indigent pupils.

(5) The state superintendent may grant approval for the maintenance of a summer school at the school for the deaf whenever it will be to the advantage of deaf persons. There shall be a summer school each year at the school for the visually handicapped for adult visually handicapped persons. There is no age limitation on summer school admissions.

(6) The state superintendent may make charges for meals, living quarters, laundry and other services furnished to employes of the schools and their families. He also may make charges for services furnished to visitors at the schools and participants in training programs and institutes.

History: 1971 c. 164.

115.53 State superintendent; powers. The state superintendent may:

(1) Provide for the education of deaf-blind children of suitable capacity to receive instruction either in a special class for that purpose outside the state or in a special class to be established within the state whenever there is a sufficient number of deaf-blind children to warrant the establishment of such class. The cost of such education shall be charged to the appropriation in s. 20.255 (1) (d).

(2) Arrange for vocational, trade or academic training for any pupil in either state school qualified to take such training advantageously, in either a public school or vocational school or a private business establishment in Janesville or Delavan. The public school and the vocational school shall be paid the regular tuition for full-time attendance and pro rata for part-time attendance from the appropriation in s. 20.255 (1) (a).

(3) Arrange for otological or ophthalmic examination of any pupil or prospective pupil of the schools. The examination shall be paid for from the appropriation in s. 20.255 (1) (a).

(4) Apply to the board of regents of the university of Wisconsin system for admission to the Wisconsin general hospital of any pupil in the state schools.

(a) The application shall be accompanied by the report of a physician appointed by the appropriate school superintendent and shall be in the same form as reports of other physicians for admission of patients to such hospital.

(b) The net cost of such hospital treatment shall be at the rate charged to counties for county patients and shall be chargeable one-half to the appropriation for operating the patient's school and one-half to the state. The state superintendent likewise may authorize payment for the expense of transporting patients to and from the hospital. Payments for the treatment shall be made by him to the board of regents for the half chargeable to the operation fund of the school and the other half shall be paid as provided in s. 142.08 (2). Funds collected by him on account of such hospitalization shall be deposited one-half in the general fund and one-half in the appropriation under s. 20.255 (1) (a) for the school concerned.

(5) Arrange for visits by members of the staff of either school to other public schools or to families of blind or deaf children, whenever it appears to him that such visits will be of advantage to blind or deaf children.

(6) Set aside not to exceed \$3,000 annually from the appropriation under s. 20.255 (1) (d), to be used to defray the expenses of readers for blind or deaf pupils between the ages of 16 and 21 enrolled in any public high school or voca-

tional, technical and adult education school in this state. The aid to any one pupil shall not exceed \$125 per year. This aid shall not be granted to any student unless the administrator of the division for handicapped children and the superintendent of the school for the visually handicapped or of the school for the deaf, depending upon whether the child is blind or deaf, agree that it is best for the student to attend such vocational or high school.

History: 1971 c. 100 s. 23; 1971 c. 125 s. 522 (1).

115.54 Compulsory education. If it appears, by affidavit, to any county judge that any blind or deaf child between the ages of 6 and 21 is deprived of a suitable education by the failure of the person having the care and custody of the child to provide a suitable education, the judge shall order such person to bring the child before him. If the material allegations of the affidavit are denied, he shall subpoena witnesses and hear testimony. If the allegations are admitted or established, the judge may order the child sent to the school for the visually handicapped or for the deaf or to some class or other school for instruction, but the order shall not make a direct charge for the class or school against any county.

115.55 Library for the blind. Embossed, clear type or large type books, talking book machines and talking book records acquired by the school for the visually handicapped shall constitute a circulating library for the blind. The library shall be kept at the school and be in charge of its superintendent. All blind citizens of the state may use such books upon compliance with rules made by the superintendent and approved by the state superintendent.

115.56 Scholarships for blind students. Under the direction of the superintendent of the school for the visually handicapped and subject to the approval of the state superintendent, any blind person who has been a resident of this state for at least 5 years preceding application for aid under this section and who is a regularly enrolled student in any university, college or conservatory of music may receive aid for the purposes of defraying tuition and other necessary expenses, including a reader, while in attendance at the university, college or conservatory of music. The aid to any such person shall not exceed \$400 in any one year, nor shall the total aid exceed \$2,000.

115.57 Scholarships for deaf and hard of hearing students. Under the direction of the division for handicapped children and subject

to the approval of the state superintendent, any deaf or hard of hearing person who has been a resident of this state for at least 5 years preceding application for aid under this section and who is a regularly enrolled student in any university or college may receive aid for the purposes of defraying tuition and other necessary expenses while in attendance at the university or college. The state superintendent shall set standards to determine the amount to be granted. The aid to any such person shall not exceed \$500 in any one year.

115.58 Park grounds. The state superintendent may permit the city of Janesville to use portions of the grounds of the state school for the visually handicapped at Janesville, which abut on the Rock river, for purposes of operating a city park. Any construction on such grounds is subject to prior approval by the state superintendent. Any agreement pursuant hereto shall be cancelable at the option of either party without liability. Any such grounds so used by the city of Janesville shall be supervised by the city and shall be subject to the ordinances of the city of Janesville applicable to city parks.

SUBCHAPTER IV HANDICAPPED CHILDREN

115.76 Definitions. In this subchapter:

(1) "Handicapped children" means children who are crippled, cardiac handicapped, visually handicapped, auditorily handicapped, speech handicapped, otherwise physically handicapped or mentally handicapped.

(2) "Division" means the division for handicapped children.

(3) "Administrator" means the administrator of the division for handicapped children.

115.77 Division for handicapped children. (1) The state superintendent shall appoint, with the status of assistant state superintendent, a person to serve as administrator of the division.

(2) Subject to the direction of the state superintendent, the administrator:

(a) Is responsible for services for handicapped children under the jurisdiction of the state superintendent and for the Wisconsin school for the deaf and the Wisconsin school for the visually handicapped.

(b) Shall appoint qualified personnel necessary to perform the duties required of the division.

(c) Shall audit expenditures incurred for services for handicapped children under the state superintendent.

(3) The division is responsible for elementary and high school education for physically handicapped children under 21 years of age and for the supervision of special educational facilities provided mentally handicapped children through day classes. In the case of a physically handicapped child whose parents or guardian reside outside the school district in which the child attends a special class, the division shall make or approve arrangements for transportation to and from his home to the special class, or on school days for board, lodging and transportation to and from his boarding home to the special class.

(4) Any federal aid which is made available for special programs for handicapped children shall be granted the division for carrying out plans approved by the federal agency having supervision of the aid program.

(5) (a) The division is responsible for assembling all records on crippled children from birth to 21 years of age and for providing facilities for diagnosis through orthopedic field clinics and for aftercare for children under 21 years of age who are crippled or who are suffering from conditions which lead to crippling. Such responsibility shall be for those facilities not provided through hospitals, by private physicians or through private organizations. The division shall approve applications and arrange for orthopedic hospital care when state aid is granted for any part of the cost. This subsection shall be administered in accordance with requirements of the federal social security act.

(b) The administrator shall submit to the proper federal authorities a state plan, prepared by the medical director of the division in accordance with federal requirements, for services for crippled children. The state plan may be revised as conditions require. The division shall make reports, in such form and containing such information as the proper federal authorities require, and shall comply with all requirements made to assure the correctness and verification of such reports.

115.78 Report of handicapped children. Every school district administrator shall obtain information regarding handicapped children from birth to 21 years of age residing in the school district and shall report such information annually to the department. The report shall state the reason for the nonattendance of a handicapped child who is of school age but not attending school.

115.79 Compulsory attendance. The provisions of s. 118.15 relating to compulsory school attendance apply to physically handi-

capped children who are eligible for attendance at a special class or school.

115.80 Special schools, classes, centers and services.

(1) Upon application by a school board, by a board of control of a co-operative educational service agency or, upon authorization of the county board, by a county handicapped children's education board, the department may upon the basis of need and the availability of sufficient funds authorize the school board, board of control or county handicapped children's education board to establish, maintain or discontinue a program of educational services for handicapped children, to employ teachers, qualified full-time senior co-ordinators of special education, senior school social workers and senior school psychologists and to provide special physical and occupational therapy services for handicapped children. The program may consist of one or more special schools, classes, treatment or instruction centers or other services for one or more types of handicapped children, including special classes and instruction centers for mentally handicapped children having an intelligence quotient of 35 to 50. A "part of a program" is that portion of the program in which a particular type of handicapped child participates.

(2) The courses, qualifications of teachers, co-ordinators, social workers and school psychologists and plan of organizing and maintaining special schools, classes, centers and other services shall comply with requirements established by the department.

(3) The school board, board of control or county handicapped children's education board maintaining special schools, classes, centers or other services shall report annually to the department, and at such other times as it directs, such information as it requires. The report shall include the number of pupils instructed or provided service, their residence and the period of time each was instructed or otherwise served during the school year. Annually, each board shall submit to the department an itemized statement on oath of all receipts and disbursements on account of such special schools, classes, centers or other services during the preceding school year.

115.81 Handicapped children's education board. (1) **DEFINITIONS.** In this section "board" means the county handicapped children's education board.

(2) **ESTABLISHMENT.** Any county board may determine to establish a program of educational services for handicapped children for all school districts in the county. The program may pro-

vide for one or more special schools, classes, treatment or instruction centers or other services for one or more types of handicapped children. A school district shall be included under such county program only to the extent approved by formal action of the school board of the district. When the county board determines to establish such a program, it shall create a board to be known as the "Handicapped Children's Education Board".

(3) **ORGANIZATION.** (a) The board shall consist of 3 or 5 persons, as determined by the county board, elected by the county board or appointed by the chairman of the county board, as the rules of the county board direct. Board members shall be electors selected from that part of the county participating in the program and shall be representative of the area the board serves. The board may include school board members, county board members and other electors. Board members shall hold office for a term of 3 years, except that the terms of office of members of the first board shall be 3 years, 2 years and one year. Board members shall receive compensation and reimbursement for mileage in an amount fixed by the county board, but not more than that of county board members.

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

(c) The board shall appoint an advisory committee of school district administrators representative of the area the board serves.

(4) **APPLICATION.** Upon authorization of the county board, application for the establishment of a program or any part thereof shall be made by the board to the department. The application shall state whether the program or part will be available in the county at large or only to certain school districts.

(5) **BOARD DUTIES.** The board shall have charge of all matters pertaining to the organization, equipment, operation and maintenance of such programs and may do all things necessary to perform its functions, including, without restriction because of enumeration, the authority to erect buildings subject to county board approval and employ teachers and other personnel. The board shall prepare an annual budget which shall be subject to approval of the county board under s. 65.90 and shall include, without limitation because of enumeration, funds for the hiring of staff, the purchase of materials, supplies and equipment and the operation and maintenance of buildings or classrooms.

(6) **ASSIGNMENT OF FUNCTIONS.** The county board may assign by resolution the functions of the board to a co-operative educational service agency operating in the county, but if the board continues to exist, it may contract with the agency board of control or a school board of any district in the county for professional and administrative services.

(7) **WITHDRAWAL AND DISSOLUTION.** (a) The school board of any district which is included under the administration of a board may withdraw from participation in any part of the program only with the approval of the state superintendent after he has conferred with the board and is satisfied that such withdrawal is in the interest of the program in the county and the school district affected. Such withdrawal shall be effective only if the school board has the approval of the state superintendent to establish a comparable part of a program. Such withdrawal shall not be effective until the end of the next full school term. The withdrawing school district 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.

(b) A program established under this section may be dissolved by 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. When a program is dissolved, assets and liabilities shall be distributed under s. 66.03 to all units which participated in the program.

(8) **TRANSPORTATION.** The board may promulgate a plan for the transportation at county expense of handicapped children participating in programs under this section. The plan, upon approval of the department, shall govern the transportation of such handicapped children. Such plan supersedes ss. 115.85 and 121.54 (3).

(9) **AREA TAXED.** The tax for the operation and maintenance of each part of a program for handicapped children and for the transportation of handicapped children under sub. (8) shall be levied against the area of the county participating in the part of the program.

(10) **STATE AIDS.** The board may apply for and receive the state aid under ss. 115.85 and 121.58 (2) (a) for the transportation, board and lodging, treatment and instruction of handicapped children participating in programs under this section. All state aid shall be paid to the county treasurer and credited to the fund of the board.

115.82 Admission, tuition and transportation. (1) (a) Handicapped children residing

outside the area served by a program established under s. 115.81 may be admitted to the program as nonresidents.

(b) Handicapped children residing within or outside a school district may be admitted to special programs for handicapped children which are available in the school district according to standards of eligibility determined by the division and according to available facilities. A handicapped child, including a preschool handicapped child, who resides in a school district which does not maintain a program for children with his handicap and is eligible to attend special schools, classes or centers, may be admitted as a nonresident. The basis for enrollment in an orthopedic school of a crippled child who lives within or outside the school district shall be his need for special school facilities because of his inability to walk or to climb stairs or his need for supervision or treatment as provided at such schools. Only children who are mentally capable of benefiting from the regular academic course or a special education curriculum shall be admitted to orthopedic schools.

(2) Tuition shall be charged nonresidents admitted to special programs for handicapped children in accordance with this section. For each part of a program, the tuition for a nonresident handicapped child shall be determined on the basis of costs, aids and children in such part for the preceding year by adding together the total cost of items reported under s. 115.85 (1) and the actual cost of operation and maintenance not so reported, subtracting federal, state and county aids and then dividing this amount by the number of children in average daily membership.

(3) In counties having a population of less than 500,000, if a handicapped child resides in a school district or county which does not maintain a special school, class or center for children with his handicap and attends a special school, class or center in another school district or county, tuition therefor shall be chargeable under this subsection.

(a) Annually on or before August 1, the school district clerk and the secretary of the county handicapped children's education board shall file with the clerks of the county and the city, village or town of residence of nonresident handicapped children admitted to the program of the school district or county a sworn statement of claim for tuition therefor against the county. The claim shall set forth the residence, name, age, date of entrance and number of weeks attendance during the preceding school year of each such child, the amount of tuition to which the school district or board lays claim for each such child and the total amount of tuition

due the school district or board from the county. The county clerk shall examine the claims for the purpose of determining their accuracy and legality and may call upon school, county or local officials to supply data which will verify the claims.

(b) After examining the claims, the county clerk shall notify the school district clerk or secretary of the board of the result of his examination. If corrections are necessary, the county clerk shall notify the school district clerk or secretary of the board who shall meet with the county clerk, at the expense of the school district or board, to make the corrections. The county clerk then shall apportion the amount of the claims, for each type of handicap, on the basis of the ratio of the equalized valuation of that portion of each municipality within the county that lies outside of the territory served by all programs for children with that handicap that are operated by school districts or pursuant to s. 115.81 to the total equalized valuation of all the territory in the county that lies outside of the territory served by all programs for children with that handicap operated by school districts or under s. 115.81 and shall certify that amount to the clerks of such municipalities.

(c) Upon receipt of the certification from the county clerk, each municipal clerk shall spread the amounts thereof upon the tax rolls for collection. When taxes are collected, such amounts shall be paid by the county treasurer to the treasurer of each school district or county handicapped children's education board to which due, subject to the priority given to high school tuition under s. 74.03 (5).

(4) In counties having a population of 500,000 or more, the school district of residence shall pay tuition charges for handicapped children as provided in par. (a) or (b).

(a) Annually on or before August 1, the school district clerk shall file with the clerk of the school district of residence of such nonresident children who reside in school districts that lie wholly or partially in counties having a population of 500,000 or more a sworn statement of claim against the school district of residence. The claim shall set forth the name, age, date of entrance and number of weeks attendance during the preceding school year of each such child, the amount of tuition to which the school district lays claim for each such child and the total amount of tuition due the school district of attendance from the school district of residence. After examining the claim and verifying it, the clerk of the school district of residence shall cause reimbursement to be made to the treasurer of the claimant school district as other claims are paid.

(b) Any 2 or more school districts, by written agreement of their school boards, may admit residents of the other school districts to any phase of the program for handicapped children and waive all claims for tuition for such admittance.

(5) If a handicapped child residing in a school district which maintains a special school, class or center for children with his handicap, attends a special school, class or center in another school district, tuition therefor shall be charged his parent or guardian unless the department and the school district administrator have approved his transfer. If the department and school district administrator approve the transfer of a child to an equivalent special school, class or center in another school district for good reason to serve the best interests of the child, he thereby becomes eligible to attend such school, class or center and tuition therefor shall be paid by the school district of his residence.

(6) In addition to the requirements of s. 121.54 (3), when board and lodging are not furnished to nonresident handicapped children the school district in which the child resides shall provide transportation.

(7) Upon the advance approval of the state superintendent, the school board of any district may permit a handicapped child to attend a special school, class or center outside the state. If the child resides in a county having a population of less than 500,000, the county of residence shall pay the tuition and transportation in accordance with the procedure established for the payment of tuition by the county under sub. (3). If the child resides in a county having a population of 500,000 or more, the school district of residence shall pay the tuition and transportation in accordance with the procedure established for the payment of tuition by the school district under sub. (4).

115.83 Preschool handicapped children.

A school district operating special programs for handicapped children may provide instruction or treatment for preschool handicapped children and instruction for their parents. The Wisconsin school for the deaf may provide instruction for preschool deaf children and their parents. The Wisconsin school for the visually handicapped may provide instruction for preschool visually handicapped children and their parents. Such instruction or treatment shall be subject to the approval of and shall comply with requirements established by the department.

115.84 Home instruction. (1) Education through home instruction, extension courses or any other suitable means may be provided by

any school district or county handicapped children's education board on the elementary and high school level for physically handicapped children who, according to medical recommendations, are physically unable to attend school. The cost of instruction for such elementary and high school children shall be paid one-half by the school district of the child's residence if the school district initiates the program, or one-half by the county of the child's residence if the county initiates the program, and one-half by the state, but the maximum state payment for any child under this subsection shall not exceed \$300 per school year. Children who require instruction under this section shall be considered as being in attendance in the school district of their enrollment. All sanatoria or convalescent homes providing care for children between the ages of 5 and 18 shall provide instruction for children who are physically able to receive it. Credit for work satisfactorily completed shall be granted by the proper school authorities. Whenever a teacher regularly employed for home, sanatoria or convalescent home instruction by the school district gives such instruction outside of regular school hours, he shall be paid for such instruction in addition to his regular salary. Teachers employed under this section shall be legally qualified to teach in this state. Annually on or before August 1, every school district or county handicapped children's education board operating programs under this subsection shall report to the division such information as the division requires regarding teachers and children involved in the programs.

(2) Education through home instruction may be provided by any school district or county handicapped children's education board to mentally handicapped children between the ages of 4 and 20 who, according to educational and psychological evaluation, are able to benefit by academic and nonacademic home instruction. The enrollment of children in this type of home instruction shall be approved in advance by the state superintendent. The cost of instruction shall be paid one-half by the school district of the child's residence if the school district initiates the program, or one-half by the county of the child's residence if the county initiates the program, and one-half by the state, but the maximum state payment for a child under this subsection shall not exceed \$300 per school year. Teachers employed under this subsection shall be legally qualified to teach in this state. Annually on or before August 1, every school district or county handicapped children's education board operating programs under this subsection shall report to the state superintendent such informa-

tion as he requires regarding the programs. This subsection shall in no way substitute for special classes for educable or trainable mentally handicapped children.

115.85 State aid. (1) If, upon receipt of the report under s. 115.80 (3), the state superintendent is satisfied that the special school, class, center or other service has been maintained during the preceding year in accordance with law, he shall certify to the department of administration in favor of each county, cooperative educational service agency and school district maintaining such schools, classes, centers and other services a sum equal to 70% of the amount expended by the county, agency and school district during the preceding year for salaries of qualified personnel enumerated in s. 115.80 (1), transportation and board and lodging of children residing within the county, agency or school district, special books and equipment used in programs under this subchapter and other expenses approved by the state superintendent, except that salaries of school psychologists and school social workers shall be reimbursed at a rate equal to 50% of approved costs, without regard to whether they are employed in a program for handicapped children. The department of administration shall pay such amounts to the county, agency and school district from the appropriation under s. 20.255 (1) (d).

(2) When transportation provided under s. 115.82 (6) has been approved in advance by the state superintendent through the division, he shall certify 70% of the approved amount expended for such transportation to the department of administration which shall pay such amounts to the school district from the appropriation under s. 20.255 (1) (d).

(3) There shall be paid the approved claims for board and lodging and transportation between the boarding home and the special school, class or center of nonresident handicapped children enrolled in the special school, class or center. The state superintendent shall certify the full approved amount to the department of administration which shall pay such amount from the appropriation under s. 20.255 (1) (d) to the school district operating the special school, class or center while providing board and lodging and transportation.

(4) The full cost of academic instruction for physically handicapped children in hospitals and convalescent homes for crippled children shall be paid from the appropriation under s. 20.255 (1) (d). If the hospital or convalescent home is located in a city or is a branch thereof

located within 10 miles of the city, the supervision of such instruction shall be under the school board of the city school district and the state superintendent, and the school board of the district in which the hospital or convalescent home is located shall submit to the state superintendent an itemized statement of all receipts and disbursements for the actual cost of such instruction and any other information he requires.

(5) An amount not to exceed \$30,000 of the appropriation under s. 20.255 (1) (d) may be used annually to increase the reimbursement under s. 121.58 (2) (b) to school districts by an amount not to exceed 90 cents per day and to increase the reimbursement under s. 121.58 (3) by an amount not to exceed \$5 per week to

assure educational opportunities to physically handicapped children.

(6) From the appropriation under s. 20.255 (1) (d) there shall be paid the full cost of salary and travel expenses, in amounts determined in advance by the state superintendent, to school districts operating an orthopedic school for services by physical therapists performed outside the employing school district.

(7) From the appropriation under s. 20.255 (1) (d) there shall be paid the full cost of salary and travel expenses, in amounts determined in advance by the state superintendent, to school districts for providing instruction outside the school district of employment to handicapped children.

History: 1971 c. 125 ss. 449, 522 (1)