

Stats. 1965	Stats. 1967
(f)	115.81 (8)
(g)	115.81 (10)
(h)	115.82 (1) (a)
(2)	115.80 (2)
(2a)	115.83
(3)	115.80 (3)
(4) (1st and 3rd sentences)	115.77 (1)
(4) (2nd sentence)	115.76 (2)
(4) (4th sentence)	115.76 (3)
(4) (part of 5th sentence)	115.76 (1)
(4) (part of 5th sentence and 6th, 7th, 8th sentences)	115.77 (2)
(4m) (a)	115.77 (5) (a)
(4m) (b)	115.76 (1)
(4m) (c)	115.77 (4)
(4m) (e)	115.77 (5) (b)
(5) (1st, 2nd, 15th, 16th sentences)	115.82 (1) (b)
(5) (3rd and 14th sentences)	115.82 (5)
(5) (4th sentence and 5th sentence)	115.82 (2)
(5) (6th, 7th, 8th sentences)	115.82 (3) (a)
(5) (9th and 10th sentences)	115.82 (3) (b)
(5) (11th and 12th sentences)	115.82 (3) (c)
(5) (13th sentence)	Deleted; see 115.82 NOTE
(5b)	115.82 (4)
(5d)	Deleted; see 115.82 NOTE
(5m)	Deleted; see 115.82 NOTE
(6)	Deleted; see 115.82 NOTE
(7)	Deleted; see 115.82 NOTE
(8) (1st and 2nd sentences)	115.77 (3)
(8) (last sentence)	Deleted; see 115.77 NOTE
(9)	115.84 (1)
(9a)	115.84 (2)
41.02	115.79
41.03	
(1) (intro.) (3rd sentence)	115.82 (6)
(intro.) (part)	115.85 (1)
(intro.) (part)	115.85 (2)
(a)	115.85 (3)
(b)	115.85 (4)
(b) (last sentence)	Deleted; see 115.85 NOTE
(c)	115.85 (5)
(d) (1st	

Stats. 1965	Stats. 1967
(d) (last sentence)	115.86 (6)
(d) (last sentence)	115.85 (7)
(2)	Deleted; see 115.85 NOTE
(3)	116.08 (4)
41.04	115.78
41.05	Deleted; see 120.57 NOTE
41.06	Deleted; see 120.57 NOTE
41.72	
(1) (1st sentence)	115.52 (1)
(1) (2nd and last sentences)	115.52 (5) (1st and 2nd sentences)
(2)	115.52 (2) (1st sentence)
(3)	115.51
(5)	115.58
41.73	
(1) (except 2nd sentence)	115.52 (3)
(1) (2nd sentence)	115.52 (5) (last sentence)
(2)	115.52 (2) (2nd sentence)
(3)	115.53 (1)
(4)	115.53 (2)
(5)	115.53 (3)
(6)	115.53 (4) (a)
(7)	115.53 (4) (b)
(8)	115.53 (5)
(9)	115.53 (6)
41.74	115.54
41.75	115.55
41.76	115.56
41.77	115.57

**CHAPTER 115.**

**State Superintendent; General Classifications and Definitions; Handicapped Children.**

**115.01 History:** 1967 c. 92; Stats. 1967 s. 115.01; 1969 c. 276.

**Legislative Council Note, 1967:** Sub. (1) identical to s. 40.01 (1).

Sub. (2) revises s. 40.01 (2) and specifies that references to elementary grades includes kindergarten, where applicable. The sentence which reads "A common school is an elementary school" is deleted, because the term "common school" is not used in this title and makes references to "common school districts" confusing.

Sub. (3) restates s. 40.01 (3) (1st, 2nd, 3rd and last sentences.)

Sub. (4) restates s. 40.01 (3) (4th sentence).

Sub. (5) identical to s. 40.01 (4).

Sub. (6) identical to s. 40.01 (7).

Sub. (7) restates s. 40.01 (8) and excepts summer school from the definition.

Sub. (8) like s. 40.01 (9).

Sub. (9) identical to s. 40.45 (1) (intro.) (1st sentence).

Sub. (10) restates and rearranges s. 40.45 (1).

Sub. (11) restates s. 40.01 (15).

Sub. (12) identical to s. 40.01 (5).

Sub. (13) based on s. 40.01 (6) and deletes s.

40.01 (6) (c) because the formula has been more clearly stated and s. 40.01 (6) (e) as it appears to have no application.

Sub. (14) like s. 40.01 (10).

Sub. (15) like s. 40.01 (11).

Sub. (16) restates s. 40.01 (12) and the references to municipal governing boards are deleted as obsolete.

Sub. (17) like s. 40.01 (13).

Sub. (18) like s. 40.01 (14).

Sub. (19) is new and clarifies references to school district clerk throughout this act. In the case of a city school district, this act changes the designation of the person elected to serve as the "secretary" of the school board to "school district clerk". [Bill 353-S]

Notwithstanding that a city and a school district include identically the same territory, they are distinct and independent entities. State ex rel. Witkowski v. Gora, 195 W 515, 218 NW 837.

No minimum number of pupils is necessary to constitute a school. 27 Atty. Gen. 228.

**115.28 History:** 1967 c. 92; Stats. 1967 s. 115.28; 1969 c. 66, 184, 294.

**Legislative Council Note, 1967:** Sub. (1) restates s. 39.02 (1).

Sub. (2) identical to s. 39.02 (2).

Sub. (3) restates s. 39.02 (4) and deletes references to nonexistent schools.

Sub. (4) like s. 39.02 (6).

Sub. (5) restates s. 39.02 (7).

Sub. (6) restates s. 39.02 (18).

Sub. (7) revises s. 39.02 (21).

Sub. (8) identical to s. 39.02 (24).

Sub. (9) identical to s. 39.02 (26).

Present s. 39.02 (8) is deleted as it is unnecessary.

Present s. 39.02 (14) deleted, as it is covered in s. 43.19.

Present s. 39.02 (17) deleted, as it is obsolete.

Present s. 39.02 (22) deleted, as it is obsolete.

Present s. 39.02 (28) deleted, as it is covered in s. 43.10.

Present s. 39.02 (29) deleted, as it is covered in s. 117.03 (2) of this act. [Bill 353-S]

The power given to the state superintendent to determine appeals is quasi-judicial and cannot be delegated by him to the assistant superintendent. Joint School Dist. v. Wolfe, 12 W 685.

Under 115.28, Stats. 1967, the state superintendent has power to require the reinstatement of an expelled student pending appeal to him under 120.13. 57 Atty. Gen. 182.

**115.29 History:** 1967 c. 92; Stats. 1967 s. 115.29; 1969 c. 276.

**Legislative Council Note, 1967:** Sub. (1) is like s. 39.015 (4th sentence). Sub. (2) like s. 39.02 (3). Sub. (3) revises s. 39.02 (21a). Sub. (4) restates s. 39.02 (25). [Bill 353-S]

**115.30 History:** 1967 c. 92; Stats. 1967 s. 115.30; 1969 c. 276.

**Legislative Council Note, 1967:** Sub. (1) restates s. 39.02 (9) and (19).

Sub. (2) restates s. 39.025.

Sub. (3) restates s. 39.027.

Sub. (4) restates s. 39.02 (16).

Sub. (5) restates s. 39.02 (15).

Present s. 39.02 (20) deleted, as it is superfluous. [Bill 353-S]

**115.31 History:** 1967 c. 92; Stats. 1967 s. 115.31; 1969 c. 276 ss. 432, 589 (1) (a); 1969 c. 392 s. 87 (16).

**Legislative Council Note, 1967:** Sub. (1) restates s. 39.02 (10).

Sub. (2) restates s. 39.02 (11).

Sub. (3) like s. 39.02 (12).

Sub. (4) restates s. 39.02 (13).

Sub. (5) restates s. 39.02 (23). [Bill 353-S]

**115.32 History:** 1967 c. 92; Stats. 1967 s. 115.32.

**Legislative Council Note, 1967:** Restates s. 39.022 with minor revisions and clarifications. [Bill 353-S]

**115.33 History:** 1967 c. 92; Stats. 1967 s. 115.33.

**Legislative Council Note, 1967:** Restates s. 39.03. [Bill 353-S]

The authority under 39.33 (3), Stats. 1935, to deprive a school district of the right to share in the "school fund income" because of the use of a condemned building extends to a withholding of funds under 20.25 (3). 24 Atty. Gen. 514.

**115.34 History:** 1967 c. 92; Stats. 1967 s. 115.34; 1969 c. 276 s. 589 (1) (a).

**Legislative Council Note, 1967:** Like s. 39.04, but omits a portion of 2nd sentence covered by s. 20.951. [Bill 353-S]

**115.37 History:** 1969 c. 276; Stats. 1969 s. 115.37.

**115.40 History:** 1953 c. 137; Stats. 1953 s. 15.98; 1957 c. 438; 1961 c. 525; 1963 c. 568; 1965 c. 595; 1967 c. 26 ss. 7, 93; 1967 c. 214; 1967 c. 327 s. 11; Stats. 1967 s. 115.40; 1969 c. 55; 1969 c. 276 ss. 434, 435, 589 (5), 604 (1), (2); 1969 c. 366 s. 117 (2) (a); 1969 c. 392 s. 87 (18), (30).

**115.46 History:** 1969 c. 42; Stats. 1969 s. 115.46.

**115.47 History:** 1969 c. 42; Stats. 1969 s. 115.47.

**115.48 History:** 1969 c. 42; Stats. 1969 s. 115.48.

**115.51 History:** 1967 c. 92; Stats. 1967 s. 115.51.

**Legislative Council Note, 1967:** Restates s. 41.72 (3). [Bill 353-S]

**115.52 History:** 1967 c. 92, 313; Stats. 1967 s. 115.52.

**Legislative Council Note, 1967:** Sub. (1) identical to s. 41.72 (1) (1st sentence). Sub. (2) (1st sentence) like s. 39.02 (5) and incorporates s. 41.72 (2). Sub. (2) (2nd sentence) restates s. 41.73 (2). Sub. (3) restates s. 41.73 (1) except 2nd sentence transferred to new sub. (5), and 2nd to the last sentence deleted because unnecessary under s. 20.951. Sub. (5) (1st and 2nd sentences) like s. 41.72 (1) (2nd and 3rd sentences). Sub. (5) (last sentence) identical to s. 41.73 (1) (2nd sentence). Sub. (6)

restates s. 39.02 (5b) and omits s. 39.02 (5c) and part of (5b) which are covered under ss. 20.650 (3) (a) 1 and 20.951. [Bill 353-S]

**115.53 History:** 1967 c. 92; 1967 c. 291 s. 14; 1967 c. 313 ss. 10, 53; Stats. 1967 s. 115.53; 1969 c. 154 s. 377; 1969 c. 276 ss. 589 (3) (b), (c), 603 (3); 1969 c. 392 s. 84.

**Legislative Council Note, 1967:** Restates s. 41.73 (3) to (9). [Bill 353-S]

**115.54 History:** 1967 c. 92; Stats. 1967 s. 115.54.

**Legislative Council Note, 1967:** Like s. 41.74. [Bill 353-S]

**115.55 History:** 1967 c. 92; Stats. 1967 s. 115.55.

**Legislative Council Note, 1967:** Like s. 41.75. [Bill 353-S]

**115.56 History:** 1967 c. 92; Stats. 1967 s. 115.56.

**Legislative Council Note, 1967:** Restates s. 41.76. [Bill 353-S]

**115.57 History:** 1967 c. 92; Stats. 1967 s. 115.57; 1969 c. 276 s. 589 (3) (b).

**Legislative Council Note, 1967:** Restates s. 41.77. [Bill 353-S]

**115.58 History:** 1967 c. 92; Stats. 1967 s. 115.58.

**Legislative Council Note, 1967:** Like s. 41.72 (5). [Bill 353-S]

**115.76 History:** 1967 c. 92; Stats. 1967 s. 115.76; 1969 c. 276 s. 589 (3) (b), (c).

**Legislative Council Note, 1967:** Creates a definition of handicapped children based on s. 41.01 (4) (part of 5th sentence) and (4m) (b) and restates s. 41.01 (4) (2nd and 4th sentences). [Bill 353-S]

**115.77 History:** 1967 c. 92; Stats. 1967 s. 115.77; 1969 c. 276 ss. 436, 589 (3) (b), (c).

**Legislative Council Note, 1967:** Sub. (1) like s. 41.01 (4) (1st and 3rd sentences). Sub. (2) restates s. 41.01 (4) (part of 5th sentence and 6th, 7th and 8th sentences). Sub. (3) based on s. 41.01 (8) and clarifies that reimbursement for transportation is either from home or boarding home to the special class and not for transportation from home to boarding home. The last sentence of present s. 41.01 (8) is deleted because it is covered in other state aid sections. Sub. (4) restates s. 41.01 (4m) (c). Sub. (5) (a) like s. 41.01 (4m) (a). Sub. (5) (b) restates s. 41.01 (4m) (e), in general terms, because the omitted specific language set requirements for a plan submitted several decades ago. [Bill 353-S]

**115.78 History:** 1967 c. 92; Stats. 1967 s. 115.78; 1969 c. 276 s. 589 (1) (a).

**Legislative Council Note, 1967:** Restates s. 41.04. [Bill 353-S]

**115.79 History:** 1967 c. 92; Stats. 1967 s. 115.79.

**Legislative Council Note, 1967:** Restates s. 41.02. [Bill 353-S]

**115.80 History:** 1967 c. 92; Stats. 1967 s. 115.80; 1969 c. 276 ss. 437, 589 (1) (a).

**Legislative Council Note, 1967:** Based on s. 41.01 (1), (2) and (3). Sub. (1) is also based on s. 41.01 (1r) (c) describes what may be included in a program or a part of a program, since these terms are used generally throughout the subchapter. Sub. (3) shifts the responsibility for submitting the itemized statement from the board treasurer to the board. [Bill 353-S]

**115.81 History:** 1967 c. 92; Stats. 1967 s. 115.81; 1969 c. 276 s. 589 (1) (a).

**Legislative Council Note, 1967:** Based on s. 41.01 (1m) and (1r).

Sub. (1) is new.

Sub. (2) is based on s. 41.01 (1m) (a) (1st and 2nd sentences) and (1r) (c), and makes clear that if the county board determines to establish a program, it must create a handicapped children's education board. This paragraph emphasizes that this is only an initial determination by the county board and is subject to the approval of the state superintendent.

Sub. (3) (a) revises s. 41.01 (1m) (a) (3rd, 4th, 6th, 7th, 8th and 9th sentences). Sub. (3) (b) restates s. 41.01 (1m) (b). Sub. (3) (c) restates s. 41.01 (1m) (a) (5th sentence).

Sub. (4) based on s. 41.01 (1r) (a), and makes clear that application must be made before initiation of any part of a program.

Sub. (5) based on s. 41.01 (1m) (c) and (1r) (d) and deletes s. 41.01 (1m) (d) which is covered in s. 41.01 (1r) (d).

Sub. (6) like s. 41.01 (1m) (f).

Sub. (7) (a) revises and consolidates s. 41.01 (1m) (e) and (1r) (e) (1st and 2nd sentences). Sub. (7) (b) like s. 41.01 (1r) (e) (3rd and 4th sentences).

Sub. (8) restates s. 41.01 (1r) (f) to more clearly indicate that the plan is limited to children participating in board programs.

Sub. (9) restates s. 41.01 (1r) (b).

Sub. (10) revises s. 41.01 (1r) (g). [Bill 353-S]

Property in a school district not included in a county program of special instruction for handicapped children is not subject to county taxation therefor. 55 Atty. Gen. 11.

A county may not contract with a private association to construct and operate a greenhouse for handicapped children. A county may accept a gift of the foregoing, employ handicapped adults, authorize transportation for them, and sell products. 55 Atty. Gen. 179.

**115.82 History:** 1967 c. 92, 313; Stats. 1967 s. 115.82; 1969 c. 276 s. 589 (1) (a), (3) (b).

**Legislative Council Note, 1967:** Based on s. 41.01 (5) and (5b) and incorporates the substance of ss. 41.01 (1r) (h) and 41.03 (1) (intro.) (3rd sentence).

Sub. (1) (a) based on s. 41.01 (1r) (h). Sub. (1) (b) based on s. 41.01 (5) (1st, 2nd, 15th and 16th sentences).

Sub. (2) based on s. 41.01 (5) (4th and 5th sentences). It clarifies that tuition is chargeable for nonresidents only and more precisely states the formula for determining tuition charges.

Sub. (3) (intro.) is new and states affirmatively the tuition provision applicable to most

nonresident pupils. Sub. (3) (a) based on s. 41.01 (5) (6th, 7th and 8th sentences). The term "municipality" is not used, and the definition thereof in s. 41.01 (5) (13th sentence) is deleted, because the appropriate governmental units are referred to specifically. Sub. (3) (b) based on s. 41.01 (5) (9th and 10th sentences). Sub. (3) (c) based on s. 41.01 (5) (11th and 12th sentences).

Sub. (4) based on s. 41.01 (5b).

Sub. (5) based on s. 41.01 (5) (3rd and 14th sentences).

Sub. (6) based on s. 41.03 (1) (intro.) (3rd sentence) and reconciles chs. 163 and 518, laws of 1965.

Present s. 41.01 (5d) deleted because it was created to cover a specific situation which never arose.

Present s. 41.01 (5m) deleted because it is covered in general transportation provisions [see s. 121.54 (3) (last sentence)].

Present s. 41.01 (6) deleted because it is covered in s. 115.82 (2) (d).

Present s. 41.01 (7) deleted because it is covered in s. 38.09 (4) [s. 119.09 (4), as renumbered]. [Bill 353-S]

**115.83 History:** 1967 c. 92; Stats. 1967 s. 115.83; 1969 c. 276 s. 589 (1) (a).

**Legislative Council Note, 1967:** Restates s. 41.01 (2a). [Bill 353-S]

**115.84 History:** 1967 c. 92; Stats. 1967 s. 115.84; 1969 c. 154; 1969 c. 276 s. 589 (3) (b).

**Legislative Council Note, 1967:** Revises s. 41.01 (9) and (9a). Sub. (1) reflects the departmental interpretation that state aids are payable for both elementary and high school children and clarifies that the county as well as the school district of residence bears responsibility for costs. [Bill 353-S]

**115.85 History:** 1967 c. 92; 1967 c. 291 s. 14; Stats. 1967 s. 115.85; 1969 c. 154 ss. 289 m, 377; 1969 c. 276 s. 589 (3) (b).

**Legislative Council Note, 1967:** Revises s. 41.03 and reconciles chs. 163 and 518, laws of 1965.

Sub. (1) based on part of s. 41.03 (1) (intro.).

Sub. (2) based on part of s. 41.03 (1) (intro.).

Sub. (3) based on s. 41.03 (1) (a).

Sub. (4) based on s. 41.03 (1) (b) and deletes last sentence which is obsolete.

Sub. (5) restates s. 41.03 (1) (c).

Sub. (6) revises s. 41.03 (1) (d) (1st sentence).

Sub. (7) based on s. 41.03 (1) (d) (last sentence).

Present s. 41.03 (2) deleted, because it is repetitious. [Bill 353-S]

## CHAPTER 116.

### Co-operative Educational Service Agencies and Agency School Committees.

**116.01 History:** 1967 c. 92; Stats. 1967 s. 116.01.

**Legislative Council Note, 1967:** Restates s. 39.51. [Bill 353-S]

**116.02 History:** 1967 c. 92; Stats. 1967 s. 116.02; 1969 c. 37.

**Legislative Council Note, 1967:** Based on s. 39.55 and clarifies procedures under that section. The new language is intended to reflect existing law or procedures necessarily developed in the absence of any clear statutory provisions. A specific date is fixed for the conventions to meet to select the board of control and it is specified that board members must be elected from the representatives to the convention. [Bill 353-S]

**116.03 History:** 1967 c. 92, 313; Stats. 1967 s. 116.03; 1969 c. 35; 1969 c. 158 s. 106; 1969 c. 241.

**Legislative Council Note, 1967:** Like s. 39.56, but deletes s. 39.56 (12) which is covered by s. 40.02 [new s. 116.51] and s. 39.56 (13) which conflicts with the election procedures established by the basic reorganization law. [See new s. 117.01 (2) and (4).] Sub. (12) is new and requires an annual inventory of agency property. [Bill 353-S]

**116.04 History:** 1967 c. 92; Stats. 1967 s. 116.04.

**Legislative Council Note, 1967:** Identical to s. 39.57. [Bill 353-S]

**116.05 History:** 1967 c. 92; Stats. 1967 s. 116.05.

**Legislative Council Note, 1967:** Restates s. 39.58. [Bill 353-S]

**116.06 History:** 1967 c. 92; Stats. 1967 s. 116.06.

**Legislative Council Note, 1967:** Based on s. 39.54. [Bill 353-S]

**116.07 History:** 1967 c. 92; Stats. 1967 s. 116.07.

**Legislative Council Note, 1967:** Restates s. 39.545. The notice requirement was changed to require 2 publications so as to be in conformity with the general pattern for publishing legal notices established by the 1965 legislature. [Bill 353-S]

**116.08 History:** 1967 c. 92; Stats. 1967 s. 116.08; 1969 c. 276 s. 589 (1) (a).

**Legislative Council Note, 1967:** Revises s. 39.59. Sub. (1) specifies that the certified statement shall be part of an annual report, which is impliedly required in s. 40.02 (2) (b) [new s. 116.52 (3)]. In sub. (2) the power to incur short term loans is made a continuing one, with certain restrictions, rather than being limited to the organizational period. Sub. (4) restates s. 41.03 (3). [Bill 353-S]

**116.51 History:** 1967 c. 92; Stats. 1967 s. 116.51.

**Legislative Council Note, 1967:** Sub. (1) restates s. 40.02 (1) (intro.), (a) and (b) and deletes obsolete material relating to initial committee organization. Sub. (2) like s. 40.02 (1) (c). Sub. (3) like s. 40.13 (2) and adds the implied requirement that the agency co-ordinator serve as committee secretary. [Bill 353-S]

**116.52 History:** 1967 c. 92; Stats. 1967 s. 116.52; 1969 c. 276 s. 589 (1) (a).

**Legislative Council Note, 1967:** Sub. (1) is based in part on s. 40.02 (2) (intro.) and adds