

Senate Bill 506

Date published:
January 12, 1968

CHAPTER 313, LAWS OF 1967

AN ACT to repeal 39.023 (13), as created by chapter 103, laws of 1967; and 115.52 (4), 121.79 (2) and 121.82 (1) (title) and (b) and (3) (title), all as affected by chapter 92, laws of 1967; to renumber 121.82 (1) (a), as affected by chapter 92, laws of 1967; to renumber and amend 121.54 (2); to amend 37.10 (1), as affected by chapters 29 and 92, laws of 1967; and 39.04, 40.53 (2), 115.53 (6), 115.82 (3) (b), 116.03 (3), 117.02 (4) (f) and (g), 117.04 (2), 118.23 (1), 120.02 (1), 120.10 (8) (c), 120.43 (1) (a) and (2) (b), 120.44 (2) (b), 120.49 (4) (a) and (b), 120.50 (1) (intro.), (1) (a), (2) (c) and (5), 120.51 (1), 120.71 (1), 120.75, 121.10 (2), 121.13 (3), 121.51 (1) (intro.), 121.52 (1), (2) (a) and (b) and (4), 121.54 (1),

(3) and (7) (a) (intro.), 121.55 (1) (c), 121.58 (2) (a), 121.77 (1) and 121.79 (1) (e), all as affected by chapter 92, laws of 1967; to repeal and recreate 20.650 (3) (b), as affected by chapters 43 and 92, laws of 1967; and 120.50 (4), 120.51 (2), 121.56 and 121.82 (2), all as affected by chapter 92, laws of 1967; and to create 39.33, 39.34, 115.82 (7), 118.09 (4), 118.15 (2m), 121.51 (3), 121.54 (2) (b) and (9) and 121.57 (3) of the statutes, relating to the laws governing elementary and high school education in this state.

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

SECTION 1. Section 20.650 (2) (e) of the statutes, as renumbered by SECTION 90 of chapter 43, laws of 1967, is not repealed by chapter 92, laws of 1967.

SECTION 2. 20.650 (3) (b) of the statutes, as affected by chapters 43 and 92, laws of 1967, is repealed and recreated to read:

20.650 (3) (b) *Scholarships for handicapped students.* A sum sufficient for the education of deaf-blind children under s. 115.53 (1), for the expenses of readers for blind or deaf students under s. 115.53 (6), and for the payment of scholarships for blind students under s. 115.56 and for deaf and hard of hearing students under s. 115.57.

SECTION 3. The amendment to section 20.850 (1) (u) of the statutes by chapter 92, laws of 1967, is not repealed by chapter 110, laws of 1967. Both amendments stand.

SECTION 3m. 37.10 (1) of the statutes, as affected by chapters 29 and 92, laws of 1967, is amended to read:

37.10 (1) The board of regents may also establish a model school for practice in connection with each state college, except Stout state college and the institute of technology, and shall make all the rules necessary to govern and support the same; and they may admit pupils to such model schools free of charge of tuition. The board of regents may enter into a contract with the school board of any school, for a period of not more than 5 years, district or with the handicapped children's education board of any county whereby children selected from such the school district or handicapped children selected from the county may be pupils in such model school for the practical demonstration of methods of teaching and the instruction of the students enrolled in any state college. The board of regents may determine and agree upon the due proportion of the cost of instruction and maintenance that shall be borne by the school district or county. Any contract or agreement jointly entered into between any state college and any school districts, and having for its purpose the education of the pupils of the district is hereby validated, and shall be continued in effect for a period not exceeding 5 years from the original date of the contract. Districts which suspend their schools in whole or in part, on account of the contract authorized under this subsection shall be eligible to receipt of aids in the same amounts that they would be eligible to receive if they had operated their schools without such contract and in addition. The school district or handicapped children's education board shall receive aid on account of transportation at the rate of \$24 per school year per child transported to and from the state college whose residence is more than 2 miles and not more than 5 miles from such college by the nearest traveled route and at the rate of \$36 per school year per pupil transported who resides more than 5 miles from such college by the nearest traveled route. model school under the conditions provided by subch. II of ch. 121. The governing body of any school district operating a high school or municipality in or near which there is a state supported institution of higher learning

~~which provides high school grades is authorized to provide or contract for the transportation of such pupils to such high school grades, and such district or municipality shall be entitled to transportation aids under the conditions provided in subch II of ch. 121 for all pupils so transported.~~

SECTION 4. 39.023 (13) of the statutes, as created by chapter 103, laws of 1967, is repealed.

SECTION 5. 39.04 of the statutes, as affected by chapter 92, laws of 1967, is amended to read:

39.04 The committee shall appoint, outside the classified service, and fix the salary of a full-time executive director who shall have a recognized and demonstrated interest in and knowledge of public higher education. The executive director shall employ, with the approval of the committee, such professional ~~and clerical staff as is necessary~~, outside the classified service, ~~and clerical staff, within the classified service, as is necessary~~. If the executive director or any professional staff of the co-ordinating committee are appointed from the faculty or staff of any of the higher educational institutions under its jurisdiction such institution shall grant the appointee a leave of absence for the duration of his service with the co-ordinating committee, and his tenure at the institution shall in no way be affected by the granting of such leave of absence.

SECTION 6. 39.33 of the statutes is created to read:

39.33 GUARANTEED STUDENT LOAN PROGRAM. The commission may organize and maintain a nonstock corporation under ch. 181 to administer a guaranteed student loan program in this state under P.L. 89-287 and P.L. 89-329. The commission may make use of and pay for the use of the facilities and services of such corporation.

SECTION 7. 39.34 of the statutes is created to read:

39.34 TUITION REIMBURSEMENT; CERTAIN COURSES OF STUDY. Any person entitled to exemption from nonresident tuition under s. 36.16 (1) (a) who has completed at least one year of collegiate work and who is attending or has been admitted to a public institution of higher education in another state or an institution of higher education in this state to engage in a first professional degree course of study in veterinary medicine, architecture, forestry or dentistry which is not offered in a Wisconsin public institution of higher education may apply to the commission for the difference between the tuition he is required to pay and the resident fees he would have paid as a resident student at the university of Wisconsin. If the commission determines that the applicant is eligible under this subsection and that his academic record indicates that he is capable of benefiting from the instruction, the commission may grant the application. No payment for any one individual may exceed \$500 per academic year consisting of 2 academic semesters or 3 academic quarters.

SECTION 7m. 40.53 (2) of the statutes, as affected by chapter 92, laws of 1967, is amended to read:

40.53 (2) Every district shall provide transportation for physically disabled children, as defined in s. 41.01 (4), to any *public or private elementary or high school or, to the Wisconsin school for the visually handicapped or the Wisconsin school for the deaf or to any special educational program for handicapped children sponsored by a state tax-supported institution of higher education*, regardless of distance, provided the request for such service is approved by the state superintendent. State aid for such approved cases shall be granted on the same basis as transportation of normal children. These aids shall be supplemented by the aids provided for by s. 41.03 in an amount not to exceed the full cost. The approval of such cases shall be based on whether or not the child can walk to school with safety and comfort.

SECTION 8. The amendment to section 65.07 (1) (e) of the statutes by chapter 92, laws of 1967, is not repealed by chapter 108, laws of 1967. Both amendments stand.

SECTION 9. 115.52 (4) of the statutes, as affected by chapter 92, laws of 1967, is repealed.

SECTION 10. 115.53 (6) of the statutes, as affected by chapter 92, laws of 1967, is amended to read:

115.53 (6) Set aside not to exceed \$3,000 annually from ~~appropriations made to the schools~~ *the appropriation under s. 20.650 (3) (b)*, 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 vocational, technical and adult education school in this state. The aid to any pupil shall not exceed \$125 per year. This aid shall not be granted to any student unless the director of the bureau 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.

SECTION 11. 115.82 (3) (b) of the statutes, as affected by chapter 92, laws of 1967, is amended to read:

115.82 (3) (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 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.

SECTION 12. 115.82 (7) of the statutes is created to read:

115.82 (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).

SECTION 13. 116.03 (3) of the statutes, as affected by chapter 92, laws of 1967, is amended to read:

116.03 (3) Approve service contracts with school districts, ~~county boards~~ *counties* and other co-operative educational service agencies, but such contracts shall not extend beyond 3 years.

SECTION 14. 117.02 (4) (f) of the statutes, as affected by chapter 92, laws of 1967, is amended to read:

117.02 (4) (f) If a proposed reorganized school district lies in more than one county, the county clerk of the county having the largest equalized valuation within ~~such~~ *the proposed reorganized school* district shall be responsible for conducting the referendum, but the cost of ballots and other election supplies shall be borne by each of the counties in such pro-

portion as the equalized valuation of the property in each county affected by the referendum bears to the total equalized valuation of the property in the proposed reorganized school district. If the proposed reorganized school district lies in more than one county, the referendum shall be conducted and the vote counted and canvassed in each county separately and a tabulation of the vote in each county shall be forwarded to the county clerk of the county having the largest equalized valuation within the proposed reorganized school district for a final consolidated tabulation and determination of the result.

SECTION 15. 117.02 (4) (g) of the statutes, as affected by chapter 92, laws of 1967, is amended to read:

117.02 (4) (g) The cost to the county under this subsection shall be ascertained by the county clerk and certified for payment by him to the clerk of each school district affected by the referendum in the county in such proportion as the equalized valuation of *that portion of the proposed reorganized school district lying* in each such school district bears to the total equalized valuation of the ~~property lying within the~~ proposed reorganized school district. Such payments shall be made by the school boards to the county. When necessary, such charge shall be included in the succeeding budget and become part of the next school district tax levy.

SECTION 16. 117.04 (2) of the statutes, as affected by chapter 92, laws of 1967, is amended to read:

117.04 (2) The electors in a joint city school district may petition to change the school district into a unified school district. So far as possible, s. 9.20 shall be applicable to this section. The required number of signatures on such a petition shall be determined in accordance with s. 115.01 (13). *The petition shall meet the requirements of s. 117.01 (2) (a).* The petition shall be submitted to the city clerk and referred by him to the fiscal board under s. 120.50 in lieu of the common council for either adoption without alteration or referral, without alteration to a vote of the electors of the school district at a referendum. If a referendum is held, the proposed reorganization shall become effective if it is approved at the referendum by a majority of those electors voting at the referendum who reside within that portion of the proposed unified school district territory lying in each city and village and a majority of those electors voting at the referendum who reside within that portion of the proposed unified school district territory lying in towns. Adoption by the fiscal board or approval at a referendum shall constitute the making of an order of school district reorganization, which shall be effective the next following July 1.

SECTION 17. 118.09 (4) of the statutes is created to read:

118.09 (4) Private schools shall comply with this section to the same extent as school districts.

SECTION 18. 118.15 (2m) of the statutes is created to read:

118.15 (2m) A school board may permit a pupil who is in good standing academically to attend school part-time during his last school term preceding graduation from high school.

SECTION 19. 118.23 (1) of the statutes, as affected by chapter 92, laws of 1967, is amended to read:

118.23 (1) In this section "teacher" means any person who holds a teacher's certificate or license and whose legal employment requires such certificate or license, who is employed full-time and meets the minimum requirements prescribed by the governing body employing such person and who is employed by a school board, board of trustees or governing body of any school *operating* under this title or ch. 41 *and lying entirely and exclusively* in a county having a population of 500,000 or more. "Teacher" does not include any superintendent or assistant superintendent.

ent; any teacher having civil service status under ss. 63.01 to 63.17; any teacher in a school or vocational, technical and adult education school in a city of the 1st class; or any person who is employed by a school board during time of war as a substitute for a teacher on leave while on full-time duty in the U.S. armed forces or any reserve or auxiliary thereof and who is notified in writing at the time of employment that the position is of a temporary nature. This section does not apply to any teacher after the close of the school year during which the teacher has attained the age of 65 years, nor to any subsequent employment of such teacher.

SECTION 20. 120.02 (1) of the statutes, as affected by chapter 92, laws of 1967, is amended to read:

120.02 (1) If, at least 30 days prior to a special school district meeting or to the day when school board members are elected in a common or union high school district, a petition requesting a change in the number of school board members is filed with the school district clerk signed by 100 electors residing in the school district, the school district clerk shall incorporate in the notice of the annual or special meeting or election a statement that at such meeting or election the question of changing the number of school board members to the number requested in the petition will be voted upon. If such question is to be determined at an annual meeting at which school board members are elected under s. 120.04, it shall be determined before the election of the school board members and the number of school board members shall be elected *at that annual meeting and thereafter* in accordance with ~~such determination sub. (3)~~. If, at a special meeting or at an election of school board members under s. 120.05 or 120.06, a resolution based on a petition requesting ~~an increase~~ *a change* in the number of school board members is adopted, ~~the additional school board members shall be elected at the next school board election of school board members and thereafter~~ in accordance with ~~the plan prepared under sub. (3)~~.

SECTION 21. 120.10 (8) (c) of the statutes, as affected by chapter 92, laws of 1967, is amended to read:

120.10 (8) (c) 25 mills in a school district operating ~~only~~ high school grades ~~or high school and elementary grades~~ and classified as a basic aid district under s. 121.02 (1).

SECTION 22. 120.43 (1) (a) and (2) (b) of the statutes, as affected by chapter 92, laws of 1967, is amended to read:

120.43 (1) (a) School board members shall be electors of the school district and may be elected at large or by wards at the spring election, may be appointed by the mayor and confirmed by the common council or may be ~~elected~~ *appointed* by the common council. A plan of apportionment of school board members may be adopted in accordance with s. 120.02 (2).

(2) (b) If city school board members are appointed by the mayor or ~~elected~~ by the common council, the mayor or common council shall appoint from the entire attached territory a number of school board members obtained by dividing the latest census of population of the attached territory by the city population per city school board member, with a major fraction counting as an additional school board member. The attached territory shall have at least one school board member.

SECTION 23. 120.44 (2) (b) of the statutes, as affected by chapter 92, laws of 1967, is amended to read:

120.44 (2) (b) The plan may provide that a school board consisting of 3, 5, 7 or 9 members shall be appointed by the mayor and confirmed by the common council or ~~elected~~ *appointed* by the common council, whichever method is provided in the ordinance or resolution.

SECTION 24. 120.49 (4) (a) and (b) of the statutes, as affected by chapter 92, laws of 1967, are amended to read:

120.49 (4) (a) Estimate the expenses of the schools and prepare a budget, ~~select and~~ purchase sites for school buildings or other school uses and construct buildings or additions thereto. Any action under this paragraph shall be submitted to the common council for approval or, where applicable, the fiscal board under s. 120.50. Deeds and leases taken shall be in the name of the city and the title to all school property shall vest in the city.

(b) The school board may *select sites and* employ architects and engineers for the preparation of plans and specifications for school buildings *and adopt such plans and specifications.*

SECTION 25. 120.50 (1) (intro.) of the statutes, as affected by chapter 92, laws of 1967, is amended to read:

120.50 (1) Whenever an order of school district reorganization under s. 117.02 or 117.03 affecting a city school district becomes effective, the ~~common council aldermen~~, town chairman and village president, ~~by the voting method prescribed in sub. (2)~~, of the municipalities affected by the reorganization shall determine *by the voting method prescribed in sub. (2)*, whether to:

SECTION 26. 120.50 (1) (a) of the statutes, as affected by chapter 92, laws of 1967, is amended to read:

120.50 (1) (a) Abolish the city school district and create a common school district or a unified school district containing the territory of the city school district, ~~or. If a determination is made under this paragraph, the city clerk shall transmit a certified copy of the determination to the state superintendent who shall make an order in accordance therewith and file it as provided in s. 117.01 (2) (c).~~

SECTION 27. 120.50 (2) (c) of the statutes, as affected by chapter 92, laws of 1967, is amended to read:

120.50 (2) (c) The ~~common council aldermen of the city operating the city school district~~ shall have one vote for each full \$200,000 of equalized valuation and remaining major fraction thereof of the school district within the city. Each ~~common council member alderman~~ present at a meeting of the fiscal board shall have the number of votes determined by dividing the total number of votes to which the ~~common council is aldermen are~~ entitled by the total number of ~~common council members aldermen~~ present at such meeting.

SECTION 28. 120.50 (4) of the statutes, as affected by chapter 92, laws of 1967, is repealed and recreated to read:

120.50 (4) (a) Not less than 48 hours prior to a meeting of the fiscal board, the city clerk shall notify in writing each alderman, town chairman, village president and mayor under sub. (2) (b) of the time and place of the meeting.

(b) If a town chairman, village president or mayor under sub. (2) (b) is temporarily incapacitated by illness or accident or will be absent from the school district at the time of the meeting of the fiscal board, he shall so notify the town board, village board or common council which then may appoint and certify in writing to the city clerk at the meeting of the fiscal board a suitable person to attend the meeting and to vote in the place of the town chairman, village president or mayor under sub. (2) (b).

SECTION 29. 120.50 (5) of the statutes, as affected by chapter 92, laws of 1967, is amended to read:

120.50 (5) By the adoption of a resolution *effective* at the end of a school fiscal year, the fiscal board may abolish the city school district

and fiscal board and create a common school district or a unified school district containing the territory of the city school district. The city clerk shall transmit a certified copy of such resolution to the state superintendent who shall make an order in accordance therewith and file it as provided in s. 117.01 (2) (c).

SECTION 29m. 120.51 (1) of the statutes, as affected by chapter 92, laws of 1967, is amended to read:

120.51 (1) Annually, on or before ~~August 31~~ *September 30*, the school board in a city school district shall make an estimate of the expenses of the public schools for the ensuing year and the amount which must be raised by city taxation and shall certify the estimate to the city clerk who shall submit the estimate to the common council at its next meeting. The common council shall consider such estimate and, by resolution, shall determine and levy the amount to be raised by city taxation for school purposes for the ensuing year. Such amount shall be included in the annual city budget and shall be called the "City School Tax."

SECTION 30. 120.51 (2) of the statutes, as affected by chapter 92, laws of 1967, is repealed and recreated to read:

120.51 (2) In a city school district having a fiscal board, the city clerk shall submit the school board estimate made under sub. (1) to the fiscal board at its next meeting. The fiscal board shall consider the estimate and, by resolution, shall determine and levy the amount to be raised by taxation for school purposes for the ensuing year.

SECTION 31. 120.71 (1) of the statutes, as amended by chapter 92, laws of 1967, is amended to read:

120.71 (1) A unified school district may be established in accordance with ~~s~~ *ss.* 117.04, *117.07 or 120.50 (1) (a) or (5)*. Upon the establishment of a unified school district, all school districts from which it was formed shall thereupon cease to exist, and all property, assets, claims, contracts, liabilities and obligations of such school districts, except those of a city or city school district operating under subch. II, shall thereupon become the property, assets, claims, contracts, liabilities and obligations of the unified school district.

SECTION 32. 120.75 of the statutes, as affected by chapter 92, laws of 1967, is amended to read:

120.75 SCHOOL BOARD POWERS AND DUTIES. The public schools of a unified school district shall be under the management, control and supervision of a school board. The school board shall have the powers and duties under ss. 120.12 to 120.17, 120.19 to 120.22 and 120.58. No annual meeting shall be held in a unified school district but the school board shall have the powers of the annual meeting under s. 120.10. *Annually, the school district clerk shall file the report required under s. 120.18.* The school board shall employ a school district administrator under s. 118.24. The school board shall not, in the name of the school district, issue bonds or incur other indebtedness without approval of the electors of the school district in any instance where the school board of a common school district is not authorized to do so.

SECTION 33. 121.10 (2) of the statutes, as affected by chapter 92, laws of 1967, is amended to read:

121.10 (2) For high school pupils, the school district shall be paid \$40 per resident and nonresident pupil enrolled. State aid paid for nonresident pupils shall be deducted from nonresident *high school* tuition claims under s. 121.82 (2).

SECTION 34. 121.13 (3) of the statutes, as affected by chapter 92, laws of 1967, is amended to read:

121.13 (3) The school district shall be paid \$57 per nonresident high

school pupil enrolled which shall be deducted from nonresident *high school* tuition claims under s. 121.82 (2).

SECTION 35. 121.51 (1) (intro.) of the statutes, as affected by chapter 92, laws of 1967, is amended to read:

121.51 (1) (intro.) "School bus" means a motor vehicle which transports children to or from a ~~public~~ school or which transports school groups engaged in extracurricular activities to or from points designated by public school authorities, even though the motor vehicle also transports children or school groups to or from ~~private schools or colleges or other institutions~~ or points designated by them, but does not include:

SECTION 36. 121.51 (3) of the statutes is created to read:

121.51 (3) "Private school" means any parochial or private elementary or high school in this state offering any academic grades comparable to those described in s. 115.01 (2), including kindergarten.

SECTION 37. 121.52 (1), (2) (a) and (b) and (4) of the statutes, as affected by chapter 92, laws of 1967, are amended to read:

121.52 (1) (a) Rules governing the design, construction, inspection and operation of school busses adopted by the commissioner of motor vehicles under s. 110.06 (2) shall by reference be made part of any contract for the transportation of ~~public school~~ pupils.

(b) The school board may adopt additional rules, not inconsistent with law or with rules of the commissioner of motor vehicles or the state superintendent, for the protection of the pupils or to govern the conduct of the person in charge of the motor vehicle used for transportation of ~~public school~~ pupils for compensation.

(2) (a) All drivers of motor vehicles owned by the school district and used for the transportation of ~~public school~~ pupils shall be under written contract with the school board of the district.

(b) The owner or lessee of all privately owned motor vehicles transporting ~~public school~~ pupils for compensation shall be under written contract with the school board of the district for which such transportation is provided.

(4) The use of any motor vehicle to transport pupils shall be discontinued upon receipt of an order signed by the state superintendent or the commissioner of motor vehicles ordering such discontinuance. Personnel under the state superintendent or the commissioner of motor vehicles may ride any ~~public school~~ bus at any time for the purpose of inspection.

SECTION 38. 121.54 (1) of the statutes, as affected by chapter 92, laws of 1967, is amended to read:

121.54 (1) Subsections (2) and (6) and s. 121.57 do not apply to pupils who reside in cities, except that where an annual or special meeting of a common school district or a union high school district, or the school board of a city school district or unified school district determines to provide transportation for such pupils, state aid shall be paid in accordance with s. 121.58 *and there shall be reasonable uniformity in the transportation furnished pupils who reside in cities as between pupils attending public and private schools.*

SECTION 39. 121.54 (2) of the statutes, as affected by chapter 92, laws of 1967, is renumbered 121.54 (2) (a), (c) and (d) and amended to read:

121.54 (2) (a) Except as provided in sub. (1), every school board shall provide transportation to and from *public* school for all pupils who reside in the school district 2 miles or more from the nearest public school they are entitled to attend.

(c) An annual or special meeting of a common school district or union high school district, or the school board of a city school district or unified

school district may determine to provide transportation for all or part of the pupils who reside in the school district ~~and less than 2 miles to and~~ from the nearest public school they are entitled to attend ~~or the nearest available private school within or without the school district they may reasonably choose to attend~~, but if transportation is provided for less than all such pupils there shall be reasonable uniformity in the minimum distance that pupils *attending public and private schools* will be transported. *This paragraph does not permit the annual or special meeting or school board in a district operating only elementary grades to provide for the transportation of pupils attending private schools.*

(d) A school board may provide transportation for teachers to and from *public* school, subject to the same controls and limitations as apply to the transportation of pupils.

SECTION 40. 121.54 (2) (b) of the statutes is created to read:

121.54 (2) (b) 1. Except as provided in sub. (1), the school board of each district shall provide transportation to and from the school he attends for each pupil residing in the school district who attends any elementary grade, including kindergarten, or high school grade, comparable to any grade offered by such school district, at a private school located 2 miles or more from his residence, if such private school is the nearest available private school which the pupil may reasonably choose to attend and is situated within the school district. The school board may elect to provide transportation during the 1967-68 school term for pupils to a private school situated not more than 5 miles beyond the boundaries of the school district if a private contractor has transported public and private pupils on the same bus during the 1966-67 school year.

2. Except as provided in sub. (1), beginning with the 1968-69 school term the school board of each district operating high school grades shall provide transportation to and from the school he attends for each pupil residing in the school district who attends any elementary grade, including kindergarten, or high school grade at a private school located 2 miles or more from his residence, if such private school is the nearest available private school which the pupil may reasonably choose to attend and is situated within the school district or not more than 5 miles beyond the boundaries of the school district measured along the usually traveled route.

3. No later than May 15 in each year, each private school shall notify each school board of the names, grade levels and locations of all pupils, if any, eligible to have transportation provided by such school board under this paragraph and planning to attend such private school during the forthcoming school term. The school board may extend the notification deadline.

SECTION 40m. 121.54 (3) of the statutes, as affected by chapter 92, laws of 1967, is amended to read:

121.54 (3) Every school board shall provide transportation for handicapped children, as defined in s. 115.76 (1), to any *public or private* elementary or high school ~~or~~, to the Wisconsin school for the visually handicapped or the Wisconsin school for the deaf *or to any special educational program for handicapped children sponsored by a state tax-supported institution of higher education*, regardless of distance, if the request for such transportation is approved by the state superintendent. Approval shall be based on whether or not the child can walk to school with safety and comfort. Section 121.53 shall apply to transportation provided under this subsection.

SECTION 41. 121.54 (7) (a) (intro.) of the statutes, as affected by chapter 92, laws of 1967, is amended to read:

121.54 (7) (a) (intro.) A school board may provide transportation for pupils *attending public schools only*, their parents or guardians, authorized chaperones, school district officers, faculty and employes and school doctors, dentists and nurses in connection with any extracurricular school activity, such as a school athletic contest, school game, school outing or school field trip or any other similar trip when:

SECTION 42. 121.54 (9) of the statutes is created to read:

121.54 (9) TRANSPORTATION IN AREAS OF UNUSUAL HAZARDS. In school districts in which unusual hazards exist in walking to and from school for pupils who reside less than 2 miles from the school where they are enrolled, the school board may develop a plan which shall show by map and explanation the nature of the unusual hazards to pupil travel and propose a plan of transportation which will provide proper safeguards for the school attendance of such pupils. Copies of the plan shall be filed with the sheriff of the county in which the principal office of the school district is located. The sheriff shall review the plan and may make suggestions for revision that he deems appropriate. He shall investigate the site and plan and make a determination as to whether unusual hazards exist which cannot be corrected by local government. He shall report his findings in writing to the school board concerned. Any person aggrieved by the determination made by the sheriff may appeal the determination to the state superintendent who shall make a determination upon which the school board shall act. If the findings support the plan and the determination that unusual hazards exist which seriously jeopardize the safety of the pupils in their travel to and from school, the school board may put the plan for transportation into effect, but no part of the costs resulting from the transportation of pupils under this subsection may be reimbursed from state funds.

SECTION 43. 121.55 (1) (c) of the statutes, as affected by chapter 92, laws of 1967, is amended to read:

121.55 (1) (c) By contract with another school board ~~or~~, board of control of a co-operative educational service agency *or the proper officials of any private school or private school association.*

SECTION 44. 121.56 of the statutes, as affected by chapter 92, laws of 1967, is repealed and recreated to read:

121.56 SCHOOL BUS ROUTES. The school board of each district shall make and be responsible for all necessary provisions for the transportation of pupils, including establishment, administration and scheduling of school bus routes. Upon the request of any school board, the state superintendent shall provide advice and counsel on problems of school transportation. Any private school shall, upon the request of the public school officials, supply all necessary information and reports. The transportation of public and private school pupils shall be effectively co-ordinated to insure the safety and welfare of the pupils. Upon receipt of a signed order from the state superintendent, the school board shall discontinue any route specified by him.

SECTION 45. 121.57 (3) of the statutes is created to read:

121.57 (3) This section does not apply to pupils who attend private schools.

SECTION 46. 121.58 (2) (a) of the statutes, as affected by chapter 92, laws of 1967, is amended to read:

121.58 (2) (a) A school district which provides transportation to and from a ~~public~~ school under ss. 121.54 (1) to (3), (5) and (6) and 121.57 shall be paid state aid for such transportation at the rate of \$24 per school year per pupil ~~so transported to and from public school~~ whose residence is at least 2 miles and not more than 5 miles ~~by the nearest traveled~~

route from the public school attended, and \$36 per school year per pupil so transported to and from public school whose residence is more than at least 5 miles by the nearest traveled route and not more than 8 miles from the public school attended and \$48 per school year per pupil so transported whose residence is more than 8 miles from the school attended. Such state aid shall be reduced proportionately in the case of a pupil transported for less than a full school year because of nonenrollment. State aid for transportation shall not exceed the actual cost thereof. No state aid of any kind may be paid to a school district which charges the pupil transported or his parent or guardian any part of the cost of transportation provided under ss. 121.54 (1) to (3), (5) and (6) and 121.57 or which wilfully or negligently fails to transport all pupils attending public schools in the school district for whom transportation is required under s. 121.54.

SECTION 47. 121.77 (1) of the statutes, as affected by chapter 92, laws of 1967, is amended to read:

121.77 (1) Every elementary school and high school shall be free to all persons of school age who reside in the school district. If facilities are adequate, a school board shall may admit nonresident pupils to the elementary schools of the school district and nonresident pupils who meet the entrance requirements to the high schools of the school district. Nonresident pupils shall have all the rights and privileges of resident pupils and shall be subject to the same rules and regulations as resident pupils. The school board shall charge tuition for each nonresident pupil, except a nonresident pupil having legal settlement, as defined in s. 49.10, in the school district.

SECTION 48. 121.79 (1) (e) of the statutes, as affected by chapter 92, laws of 1967, is amended to read:

121.79 (1) (e) For children in the care, custody or control of the department of public welfare in such public schools in such school districts as the department in the best interests of the children designates, from the appropriation under s. 20.650 (2) (c). ~~Subsection (2) does not apply to these children.~~

SECTION 49. 121.79 (2) of the statutes, as affected by chapter 92, laws of 1967, is repealed.

SECTION 50. 121.82 (1) (title) and (b) and (3) (title) of the statutes, as affected by chapter 92, laws of 1967, are repealed.

SECTION 51. 121.82 (1) (a) of the statutes, as affected by chapter 92, laws of 1967, is renumbered 121.82 (1).

SECTION 52. 121.82 (2) of the statutes, as affected by chapter 92, laws of 1967, is repealed and recreated to read:

121.82 (2) The tuition for any given years shall be determined as follows:

(a) From the sum total of money expended by the school district for interest on short-term indebtedness, operation and maintenance, transportation, principal and interest on long-term indebtedness, there shall be subtracted an amount equal to the sums of federal, state (except general), county and transportation aids to establish the net cost of the school district.

(b) For a school district operating only elementary grades, the net cost of the school district divided by the number of pupils in average daily membership for the given year shall be the amount chargeable as elementary school tuition.

(c) For a school district operating only high school grades, the net cost of the school district shall be divided by the number of pupils in average daily membership for the given year. From this amount shall

be subtracted the state aid received for each nonresident pupil enrolled. The amount so determined shall be the amount chargeable per pupil as nonresident high school tuition.

(d) In school districts operating both elementary and high school grades, the net cost for elementary grades and the net cost for high school grades shall be determined by the school district under procedures established by the state superintendent and using a state-wide ratio which the state superintendent shall establish annually based on his best judgment, from all sources of information available to him, of the division of elementary and high school costs in school districts operating both elementary and high school grades. The amount chargeable per pupil as nonresident elementary school tuition and nonresident high school tuition shall be determined in accordance with procedures established by the state superintendent.

SECTION 53. CROSS REFERENCE CHANGES. In the sections listed in column A below, the cross references to the sections in column B are changed to the cross references shown in column C:

A Statute sections	B Old cross references	C New cross references
20.415 (1) (d), as affected by chapter 43, laws of 1967	39.023 (8)	39.34
20.548 (1) (u), as affected by chapter 110, laws of 1967	38.24	119.24
20.548 (1) (u), as affected by chapter 110, laws of 1967	38.24 (1) (d)	119.24 (1) (d)
20.548 (1) (v), as affected by chapter 110, laws of 1967	38.24	119.24
20.550 (44) (b), as affected by chapter 43, laws of 1967	38.24 (3)	119.24 (3)
20.550 (44) (c), as affected by chapter 43, laws of 1967	38.24 (9)	119.24 (9)
20.550 (45) (b), as affected by chapters 43 and 110, laws of 1967	38.24 (12a)	119.24 (12a)
20.650 (2) (v), as affected by chapter 110, laws of 1967	40.71 (12)	121.15
60.45 (20)	title VI	title XIV
60.49 (10)	title VI	title XIV
115.53 (1), as affected by chapter 92, laws of 1967	20.650 (3) (a)	20.650 (3) (b)
119.23, as affected by chapter 92, laws of 1967	121.82 (1) (a)	121.82 (1)
120.53 (1), as affected by chapter 92, laws of 1967	121.06	121.06 (2)
121.07 (4), as affected by chapter 92, laws of 1967	121.06	121.06 (2)

SECTION 54. EFFECTIVE DATE. (1) This act, except as provided in sub. (2), shall take effect January 1, 1968, or on passage and publication, whichever occurs later.

(2) If this act is published on or before December 30, 1967, SECTION 7m shall take effect on the day following publication of this act, section 40.53 (2) of the statutes, as affected by SECTION 7m, is repealed on January 1, 1968, and SECTION 40m shall take effect on January 1, 1968. If this act is published on or after December 31, 1967, SECTION 7m shall not take effect and SECTION 40m shall take effect on the day following publication of this act.

Approved January 8, 1968.