

1975 Assembly Bill 1040

Date published: May 3, 1976

**CHAPTER 220, Laws of 1975**  
(Vetoed in Part)

**Vetoed  
in Part**

AN ACT to amend 119.04 and 121.20; and to create 20.255 (1) (fp), 115.28 (12), ~~221.07 (6) (am)~~, 121.85 and ~~121.91 (5m)~~ of the statutes, relating to the creation of transfer programs between certain schools and school districts and making an appropriation.

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

**SECTION 1. Legislative declaration.** The state of Wisconsin hereby declares that it is the announced policy of the state to facilitate the transfer of students between schools and between school districts to promote cultural and racial integration in education where students and their parents desire such transfer and where schools and school districts determine that such transfers serve educational interests. The state further declares that it is a proper state expense to encourage such transfers through the provision of special aids.

**SECTION 2.** 20.255 (1) (fp) of the statutes is created to read:

20.255 (1) (fp) *Aid for pupil transfers.* A sum sufficient for aid payments under s. 121.85.

**SECTION 3.** 115.28 (12) of the statutes is created to read:

115.28 (12) **MINORITY GROUP PUPIL CENSUS.** Establish procedures under which school districts report annually the number of minority group pupils, as defined in s. 121.85, residing in the school district and attending public schools in the district so as to be able to classify school districts under s. 121.85 (2).

SECTION 4. 119.04 of the statutes, as affected by chapter 41, laws of 1975, is amended to read:

**119.04 Public instruction laws applicable.** Subchapter I of ch. 121 and ss. 66.03 (3) (c), 115.01 (1) and (2), 115.345, 115.76, 115.77, 115.79 to 115.94, 118.03, 118.04, 118.06, 118.07, 118.10, 118.12 (1), 118.125, 118.14, 118.15, 118.16 (1), (2) and (4) to (6), 118.18, 118.19 (7), 118.20, 118.24 (2) to (5), 118.255, 120.13 (1) and (19), 120.16 (6), 120.49 (6), 120.61, 121.52, 121.53, 121.54 (1), (3) and (4), 121.55, 121.58 (2) (b), (4) and (6), 121.77 (1), 121.79, 121.80, 121.81 (2), 121.82 (1), 121.83 and 121.84 (1) and 121.85 are applicable to the board of school directors and to schools in cities of the 1st class. The board shall exercise the powers, perform the functions and be entitled to all school aid therein provided insofar as the same are relevant to cities of the 1st class. The board and the schools in cities of the 1st class shall be governed in all matters by the general laws of the state, except as altered or modified by express amendments.

~~SECTION 5. 121.07 (6) (am) of the statutes is created to read:  
121.07 (6) (am) The amounts computed under s. 121.85 (6) (b) 2 and 3 shall not be included as operational receipts under par. (a).~~

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SECTION 6. 121.20 of the statutes, as affected by chapter 39, laws of 1975, is amended to read:

**121.20 Use of state aid; exemption from execution.** All moneys paid to a school district under s. 20.255 (1) (f), (fb), (fg) and (fh) and (fp) shall be used by the school district solely for the purposes for which paid. Such moneys are exempt from execution, attachment, garnishment or process in favor of creditors, except as to claims for salaries or wages of teachers and other school employes and as to claims for school materials, supplies, fuel and current repairs.

SECTION 7. 121.85 of the statutes is created to read:

**121.85 Special transfer programs.** (1) DEFINITIONS. In this section:

(a) "Minority group pupil" means a pupil who is a Black American, a native American, a Spanish-surnamed American or an Oriental American.

(b) "Attendance area" means the geographical area within a school district established by the school board thereof for the purpose of designating the elementary, middle, high or other school which pupils residing within the area normally would attend.

(c) "Total cost" is the cost of operation, minus the operational receipts, plus the principal and interest payments on long-term indebtedness and annual capital outlay, for the current school year.

(2) APPLICABILITY OF SECTION. This section applies to transfers:

(a) *Interdistrict.* 1. By minority group pupils who reside in an attendance area in a school district where minority group pupils constitute 30% or more of the number of pupils enrolled in the school serving that attendance area and which the pupil would normally attend, from that district to a school in a school district where minority group pupils constitute less than 30% of the number of pupils enrolled in that school.

2. By nonminority group pupils who reside in an attendance area in a school district where minority group pupils constitute less than 30% of the number of pupils enrolled in the school serving that attendance area and which the pupil would normally attend in the district, from that district to a school in a school district where minority group pupils constitute 30% or more of the number of pupils enrolled in that school.

(b) *Intradistrict.* 1. By minority group pupils who reside in an attendance area where minority group pupils constitute 30% or more of the number of pupils enrolled in the school serving that attendance area and which the pupil normally would attend,

from that school to another school within the district where minority group pupils constitute less than 30% of the number of pupils enrolled in that school.

2. By nonminority group pupils who reside in an attendance area where minority group pupils constitute less than 30% of the number of pupils enrolled in the school serving that attendance area and which the pupil normally would attend, from that school to another school within the district where minority group pupils constitute 30% or more of the number of pupils enrolled in that school.

(3) TRANSFER AGREEMENTS. In accordance with sub. (2) and with the approval of the parents or guardian of the pupil:

(a) *Interdistrict*. The school board of the district of residence and the school board of the district of attendance may enter into annual written agreements to permit a pupil to attend a public school outside the school district of residence.

(b) *Intradistrict*. The school board of the district may permit a pupil to attend a public school within the district which is outside the pupil's attendance area.

(4) OTHER PLANS TO REDUCE RACIAL IMBALANCE. Pupil transfers resulting from a plan implemented by the school board to reduce racial imbalance in a school district or attendance area shall be deemed to be transfer agreements under sub. (3) and shall be eligible for state aid under this section if the transfers comply with sub. (2).

(5) PART-TIME TRANSFERS. Part-time transfers for curriculum offerings also may be permitted under this section. The department shall establish procedures for aid computations in such cases.

(6) STATE AIDS. (a) *Intradistrict transfer*. The school district of attendance of pupils transferring from one attendance area to another under subs. (3) (b) and (4) shall be entitled to:

1. An amount equal to that produced by counting each transfer pupil as one pupil enrolled in computing state aid under ss. 121.07 and 121.08; plus

2. An amount equal to that produced by counting each transfer pupil as .2 pupil enrolled for state aid computation purposes under ss. 121.07 and 121.08.

(b) *Interdistrict transfer*. 1. If a pupil transfers from one school district to another under sub. (3) (a), the school district of residence shall count each such pupil as one pupil enrolled for state aid computation purposes under ss. 121.07 and 121.08 throughout the period of transfer.

2. If, in any one school year, the number of pupils transferring from one school district to another under sub. (3) (a) constitute less than 5% of the total pupils enrolled in the school district of attendance, the school district of attendance shall receive an amount equal to that produced by multiplying the number of pupils transferred into the district under sub. (3) (a) by the amount produced by dividing the school district's total cost by the sum of the number of resident pupils enrolled, as defined under s. 121.07 (1), plus the number of pupils transferred into the district of attendance under sub. (3) (a).

3. If, in any one school year, the number of pupils transferring from one school district to another under sub. (3) (a) constitute 5% or more of the total pupils enrolled in the school district of attendance, the school district of attendance shall receive an amount equal to 1.2 multiplied by the amount to which the district is entitled under subd. 2.

(c) *Special applications*. If a school district finds that it has incurred costs beyond aids received because of the number of pupils which it has accepted as transfers under this section, it may apply to the department for supplementary aids under this subsection. If the department finds that the school district has incurred costs for which

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reimbursement has not been made under par. (b) 2 or 3, it shall supplement the state aids paid to the district in an amount equal to the unreimbursed cost.

(d) *Aid in lieu of tuition.* Aid payments under this section shall be in lieu of tuition payments otherwise required under this subchapter. Aid payments under this section shall not be made for interdistrict transfers under sub. (6) (b), if tuition payments are made from funds received by the school district of residence under P.L. 73-167 and P.L. 81-874, as amended, for pupils so transferring from such district of residence.

(e) *Sources of aid payments.* State aid for pupils counted under pars. (a) 1 and (b) 1 shall be paid from the appropriation under s. 20.255 (1) (f). Other state aid under this subsection shall be paid from the appropriation under s. 20.255 (1) (fp).

(7) **TRANSPORTATION.** Transportation shall be provided to pupils transferring schools under this section if required under subch. II. Transportation for a pupil attending a public school under sub. (3) (a) outside the pupil's school district of residence shall be provided pursuant to agreement between the school district of residence and the school district of attendance. Transportation for a pupil attending a public school under sub. (3) (b) outside his or her attendance area of residence may be provided by his or her school district. A school district providing transportation under this subsection shall be paid state aid for full costs incurred therefor from the appropriation under s. 20.255 (1) (fp).

(8) **TRANSFERRED PUPILS.** Pupils transferring schools under this section shall be subject to the same rules and regulations as resident pupils and shall have the responsibilities, privileges and rights of resident pupils in the school district or attendance area. Subject to this subsection, a pupil transferring schools under either sub. (3) (a) or (b) has the right to complete his or her education at the elementary, middle or high school to which he or she transfers so long as full funding therefor is available under s. 20.255 (1) (fp).

(9) **PLANNING COUNCILS.** (a) Annually, beginning within 60 days after the effective date of this act (1975), and thereafter on or before October 1, the school board of each school district lying wholly or partially within a county having a population of 500,000 or more shall organize a planning council with the school board of the school district within such county containing a city of the 1st class. Each planning council shall consist of 10 members, 5 members from the school district containing a city of the 1st class and 5 members from the school district which does not contain a city of the 1st class. The representatives of the planning council from each school district shall include, for terms of membership determined by the school board, 3 school board members, the school district administrator and one public member who resides in the school district. In the case of school districts containing a city of the 1st class, the school board may appoint the same persons as representatives to more than one planning council, and the school district administrator may select a representative to serve in his or her place on any planning council. Within 180 days after its appointment, each planning council shall make a recommendation to its appointing school boards on a cooperative program designed to facilitate transfers under sub. (3) (a) for the ensuing school term to promote cultural and racial integration. The recommendations shall include socio-economic, achievement and other relevant factors for the school boards to consider in permitting pupils to transfer for the purpose of facilitating, so far as possible, a balanced representation of the pupils who might transfer under sub. (3) (a). Within 90 days after receiving the recommendation of the planning council, each school board shall determine the extent to which its district will participate in the cooperative program. Upon making its determination, each school board shall disseminate information concerning the cooperative program to pupils and parents and guardians of pupils in the school

district. Information shall be disseminated regarding the availability of transfers, the nature of the transportation to be provided, the courses and programs to be available to transfer pupils and any other aspects which the school board determines to be appropriate.

(b) Within 90 days after determining that its district will participate in transfers under this section, the school board of a district not subject to par. (a) shall make appointments to, and shall organize with other participating school districts, a planning council to make recommendations to facilitate cooperative programs.

(c) The obligation under par. (a) to organize planning councils shall apply only with regard to school terms for which full pupil transfer aids are appropriated under s. 20.255 (1) (fp) and planning council assistance funds are appropriated under s. 20.255 (1) (a).

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~~SECTION 8. 121.91 (5m) of the statutes is created to read:  
121.91 (5m) Any costs incurred due to the implementation of special transfer programs under s. 121.85 shall be excluded from subs. (1) and (2) in computing each district's allowable shared cost.~~

**SECTION 9. Interdistrict transfer plan preparation appropriation.** The appropriation in section 20.255 (1) (a) of the statutes, as affected by the laws of 1975, is increased by \$100,000 for the 1976-77 fiscal year for the purpose of providing financial assistance to school boards required to establish planning councils under section 121.85 (9) (a) of the statutes, as created by this act. Of this amount, \$50,000 shall be made available to the board of school directors for the city of the 1st class which is subject to section 121.85 (9) (a) and \$50,000 shall be made available to the cooperative educational service agency for the affected area for distribution to those other school boards subject thereto.

**SECTION 10. Effective date of aid payments.** State aid payments under this act shall first be paid for the 1976-77 school year.