

1985 Assembly Bill 603

Date of enactment: April 10, 1986
Date of publication: April 21, 1986

1985 Wisconsin Act 218

AN ACT to repeal 24.66 (3) (b) and 120.10 (13); to renumber and amend 118.125 (2) (j); to amend 17.01 (13) (b), 24.66 (3) (a) and (4), 28.20, 118.125 (2) (d), 118.29 (1) (e), 120.05 (3), 120.10 (4), 120.12 (3) (a) and (c), 120.13 (26), 120.71 (1), 121.05 (1) (d), 121.41 (1), 121.52 (3) (a), 121.54 (7) (a) 1, 121.84 (1) (a) and (b) and 125.09 (2) (c); and to create 118.125 (2) (j) 2, 120.10 (5m), 120.13 (32) and 121.84 (1) (c) of the statutes, relating to various changes to the statutes pertaining to elementary and secondary education.

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

SECTION 1. 17.01 (13) (b) of the statutes is amended to read:

17.01 (13) (b) If required to be addressed and delivered to the county board, city council or to the village, town or school district board, to the clerk thereof, except the resignation of the county, city, village, town or school district clerk which shall be delivered to the chairperson of the county board, mayor, village president, town chairman, or ~~director~~ president, as the case may be.

SECTION 2. 24.66 (3) (a) and (4) of the statutes are amended to read:

24.66 (3) (a) *For common and union high school districts.* Every application shall be approved and authorized for a common or union high school district by a vote of a majority of its legal voters voting on this question. If the vote is taken at a special meeting the objects thereof shall be clearly stated in the notice of the meeting. The application shall state the facts in detail respecting the holding of the meeting, and the taking and the result of the vote required. The application shall be signed by ~~each member~~ a majority of the members of the district board and verified by the clerk. The statement accompanying the application shall contain a correct map or plat of the district. If the district is a joint district, the statement accompanying the application shall show the assessed valuation in its several parts separately, so that the valuation of each part of the district which lies in each town or municipality may be readily shown.

(4) POPULAR VOTE, WHEN REQUIRED. If any municipality is not empowered by law to incur indebtedness for a particular purpose without first submitting the question to its electors, the application for a state trust fund loan for that purpose must be approved and authorized by a majority vote of the electors at a special election called, noticed and held in the manner

provided for other special elections. The notice of the election shall state the amount of the proposed loan and the purpose for which it will be used. ~~This subsection does not apply to loans made to a city or joint city school district applying as provided in sub. (3) (b).~~

SECTION 3. 24.66 (3) (b) of the statutes is repealed.

SECTION 4. 28.20 of the statutes is amended to read:

28.20 Community forests. Any city, village, town or school district may acquire land, engage in forestry and appropriate funds for such purpose. In the case of a city ~~or~~, village or its school ~~forest~~ district, the forest property may be located outside the city ~~or~~, village or school district limits.

SECTION 5. 118.125 (2) (d) of the statutes is amended to read:

118.125 (2) (d) Pupil records may be made available to persons employed ~~in~~ by the school district which the pupil attends who are required by the department under s. 115.28 (7) to hold a certificate, license or permit and other school district officials who have been determined by the school board to have legitimate educational interests.

SECTION 5g. 118.125 (2) (j) of the statutes is renumbered 118.125 (2) (j) 1 and amended to read:

118.125 (2) (j) 1. ~~Directory~~ Except as provided under subd. 2, directory data may be disclosed to any person, if the school has given public notice of the categories of information which it has designated as directory data with respect to each pupil and has allowed a reasonable time thereafter for the parent, legal guardian or guardian ad litem of any pupil to inform the school that all or any part of the directory data may not be released without the prior consent of the parent, legal guardian or guardian ad litem.

SECTION 5r. 118.125 (2) (j) 2 of the statutes is created to read:

118.125 (2) (j) 2. If a school has given public notice that a pupil's name and address has been designated as directory data, has allowed a reasonable time thereafter for the parent, legal guardian or guardian ad litem of the pupil to inform the school that the pupil's name and address may not be released without the prior consent of the parent, legal guardian or guardian ad litem and the parent, legal guardian or guardian ad litem has not so informed the school, the school district clerk, upon request, shall provide a vocational, technical and adult education district board with the name and address of each such pupil who is expected to graduate from high school in the current school year.

SECTION 6. 118.29 (1) (e) of the statutes is amended to read:

118.29 (1) (e) "Practitioner" means any physician, dentist or podiatrist licensed in this any state.

SECTION 7. 120.05 (3) of the statutes is amended to read:

120.05 (3) If the school district president, vice president, treasurer or clerk of any school board is unable to discharge the duties of the office due to disability or absence ~~from the school district~~, the school board may appoint a person to discharge the duties of such person until the disability or absence no longer exists. In the case of a 3-member school board the appointee shall be an elector of the school district. In the case of a larger school board the appointee for the president shall be the vice president and the appointee for the other officers shall be another school board member. The school board shall determine the compensation of such appointees. A person acting as school district clerk or school district treasurer shall have the powers of a deputy and shall take and file an official bond covering the person's acts unless the bond of such officer includes a bond for the officer's deputy. This subsection does not apply to vacancies caused by absence from the school district for a period exceeding 60 days covered by s. 17.03 (4).

SECTION 8. 120.10 (4) of the statutes is amended to read:

120.10 (4) REIMBURSEMENT OF SCHOOL BOARD MEMBERS. Authorize the payment of actual and necessary expenses of a school board member when traveling ~~outside the school district~~ in the performance of duties and the reimbursement of a school board member for actual loss of earnings when duties require the school board member to be absent from regular employment.

SECTION 9. 120.10 (5m) of the statutes is created to read:

120.10 (5m) REAL ESTATE. Authorize the school board to acquire, by purchase or condemnation under ch. 32, real estate and structures and facilities appurtenant to such real estate necessary for school district purposes.

SECTION 10. 120.10 (13) of the statutes is repealed.

SECTION 11. 120.12 (3) (a) and (c) of the statutes are amended to read:

120.12 (3) (a) On or before the 3rd Monday in October, determine the amount necessary to be raised to operate and maintain the schools of the school district and public library facilities operated by the school district under s. 43.52, if the annual meeting has not voted a tax sufficient for such purposes for the ~~ensuing school term year~~. On or before the last working day in October, the school district clerk shall certify the appropriate amount so determined to each appropriate municipal clerk who shall assess the amount certified and enter it on the tax rolls as other school district taxes are assessed and entered.

(c) If on or before the 3rd Monday in October the school board determines that the annual meeting has voted a tax greater than that needed to operate the schools of the school district for the ~~ensuing school year~~, the school board may lower the tax voted by the annual meeting. On or before the last working day in October, the school district clerk shall certify the appropriate amount so determined to each appropriate municipal clerk who shall assess the amount certified to him or her and enter it on the tax rolls in lieu of the amount previously reported.

SECTION 12. 120.13 (26) of the statutes is amended to read:

120.13 (26) CONTRACTS WITH PRIVATE EDUCATION SERVICES. Upon the approval of the state superintendent and applicable for school years 1980-81 to ~~1984-85~~ 1990-91, contract with private education services for pupils who need concurrent education and treatment services, the educational portion of which is not available in the schools in which the pupils are enrolled. Private education services provided under this subsection may not include religious or sectarian teachings or instruction.

SECTION 13. 120.13 (32) of the statutes is created to read:

120.13 (32) SCHOOL BOARD ORIENTATION. Provide for the orientation and continuing education of school board members and persons who have been elected to the school board but have not yet taken office in the general duties and responsibilities of the school board and the school district, and pay for the actual and necessary expenses incurred.

SECTION 14. 120.71 (1) of the statutes is amended to read:

120.71 (1) A unified school district may be established in accordance with s. 117.043, 117.045, 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 15. 121.05 (1) (d) of the statutes is amended to read:

121.05 (1) (d) In school years 1980-81 to ~~1984-85~~ 1990-91, the number of pupils for whom contracts with private education services are entered into under s. 120.13 (26) ~~or 120.49 (15)~~.

SECTION 16. 121.41 (1) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

121.41 (1) STATE AID. To promote a uniformly effective driver education program among high school and vocational, technical and adult education school pupils, each school district operating high school grades, each county handicapped children's education board which provides the substantial equivalent of a high school education and each vocational, technical and adult education district shall receive \$50 for each pupil of high school age who successfully completes a course in driver education approved by the department, but in no case may the state aid exceed the actual cost of instruction. If the appropriation under s. 20.255 (2) (r) is inadequate in any year to provide \$50 per pupil, the state aid shall be prorated after the appropriation for administration is deducted. Such state aid shall be paid at the same time as the state aid under s. 121.08 is paid.

SECTION 17. 121.52 (3) (a) of the statutes is amended to read:

121.52 (3) (a) If the contract is made under sub. (2) (b), the contract shall provide that the owner or lessee require his or her bus drivers, as a condition of employment, to take a physical examination, including a chest X-ray or tuberculin test, and to submit the physical examination report to the school board. If the reaction to the tuberculin test is positive, a chest X-ray shall be required. Freedom from tuberculosis in a communicable form is a condition of employment as a bus driver. Additional physical examinations shall be required thereafter at intervals determined by the school board ~~but at not less than 3 year intervals for each bus driver.~~

SECTION 18. 121.54 (7) (a) 1 of the statutes is amended to read:

121.54 (7) (a) 1. A school bus or motor bus or a motor vehicle under s. 121.555 (1) (a) is used and such transportation is under the immediate supervision of a competent adult ~~employee of the school district.~~

SECTION 19. 121.84 (1) (a) and (b) of the statutes are amended to read:

121.84 (1) (a) ~~The~~ A school board of a ~~district~~ may permit a pupil who is enrolled in a school under its jurisdiction and is a resident of the school district at the beginning of the 2nd semester of the school year to complete the school year at the school without payment of tuition, even though ~~his or her parents move out~~ the pupil is no longer a resident of the school district ~~before the close of the school year.~~

(b) The school board of a district operating high school grades may permit a pupil who has gained 12th grade status in a high school under its jurisdiction and is a resident of the school district at the time of gaining such status to complete 12th grade at the high school without payment of tuition, even though ~~his parents move out~~ the pupil is no longer a resident of the school district.

SECTION 20. 121.84 (1) (c) of the statutes is created to read:

121.84 (1) (c) A school board may permit a foreign exchange student to attend school in the school district without payment of tuition.

SECTION 21. 125.09 (2) (c) of the statutes is amended to read:

125.09 (2) (c) Alcohol beverages may be possessed or consumed on school premises, in motor vehicles or by participants in school-sponsored activities if specifically permitted in writing by the school administrator consistent with applicable laws and, ordinances and school board policies.

SECTION 22. **Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
60.34 (5) (a)	74.03 (5)	74.03 (5) or 74.031 (8)
116.08 (5) (a) 2	121.004 (6)	121.004 (1)
120.13 (29)	ch. 67	chs. 24 and 67
440.41 (3) (f)	115.01 (4)	115.001 (7)