



1997 SENATE BILL 310

September 30, 1997 - Introduced by COMMITTEE ON EDUCATION, by request of the Department of Public Instruction. Referred to Committee on Education.

1 **AN ACT to repeal** 20.255 (1) (jm), 20.255 (1) (js), 20.255 (2) (u), 25.40 (2) (b) 5.,
2 39.41 (1m) (c) 1. and 39.41 (1m) (f); **to amend** 20.255 (1) (b), 20.255 (1) (c),
3 20.255 (1) (d), 20.255 (1) (gt), 20.866 (2) (zh), 39.41 (1) (bm), 115.31 (1) (b),
4 subchapter III (title) of chapter 115 [precedes 115.51], 115.52 (title), 115.52 (1),
5 115.52 (2), 115.52 (3), 115.52 (5), 115.52 (6), 115.52 (7), 115.53 (2), 115.53 (3),
6 115.53 (4), 115.53 (5), 115.53 (6), 115.54, 115.55, 115.58, 115.77 (3) (a), 115.88
7 (2), 115.882, 115.93 (2), 121.05 (1) (a) 8., 121.54 (3), 940.295 (1) (q) and 940.295
8 (2) (j); and **to create** 20.255 (2) (bj) and 115.88 (8m) of the statutes; **relating**
9 **to:** eliminating the Wisconsin School for the Visually Handicapped and making
10 an appropriation.

Analysis by the Legislative Reference Bureau

Current law requires the department of public instruction (DPI) to maintain the Wisconsin school for the visually handicapped (WSVH), whose object is to afford the visually handicapped a practical education and physical rehabilitation. Current law also provides that DPI may grant approval for the maintenance of a summer school for visually handicapped minors, that an annual summer school be held at WSVH for visually handicapped adults and that DPI may contract with the city of Janesville to use portions of the grounds of WSVH as a city park.

Under current law, counties, cooperative educational service agencies (CESAs) and school districts are eligible to receive state categorical aid as reimbursement for 63% of the costs of salaries and fringe benefits for special education teachers and consulting teachers, coordinators and paraprofessionals; 51% of the costs of salaries

and fringe benefits for school psychologists and social workers; 63% of transportation costs and other special education costs approved by the department; 100% of the costs of board and lodging of nonresident children enrolled in special education programs; and 100% of the special education costs for children in hospitals and convalescent homes for the orthopedically disabled. If the appropriation for special education in any one year is insufficient to pay the full amount of special education aid and health treatment aid for children with exceptional educational needs, state categorical aid payments are prorated among the counties, CESAs and school districts entitled to the aid.

This bill eliminates WSVH, provides that DPI may continue to sponsor a summer school for visually handicapped adults and allows DPI, with the approval of the department of administration, to contract with the city of Janesville to use the grounds of the former WSVH as a city park. Until June 30, 2004, counties, CESAs and school districts are eligible to receive up to 100% of the costs of creating and improving programs for children with visual disabilities in state categorical aid as a first draw on both the special education appropriation and the appropriation created by this bill and funded with the money saved by the elimination of WSVH. If, after this first draw, the special education appropriation in any one year is insufficient to pay the full amount of aid for creating and improving new programs for children with visual disabilities, state categorical aid is prorated among the counties, CESAs and school districts entitled to the aid.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 20.255 (1) (b) of the statutes is amended to read:

2 20.255 (1) (b) (title) *General program operations; residential schools school.*

3 The amounts in the schedule for the operation and maintenance of the Wisconsin
4 schools school for the deaf and the visually handicapped, including the matching of
5 federal funds, ~~but not including expenses financed under par. (js).~~ All moneys
6 received in reimbursement for services rendered institutional employes,
7 participants in institutes and training programs and visitors at the state schools
8 school for the deaf and the visually handicapped under s. 115.52 (6), ~~except~~
9 ~~reimbursements credited under par. (js),~~ shall be refunded to the appropriation made

1 by this paragraph. Such reimbursements shall be accumulated in an account named
2 “maintenance credits”.

3 **SECTION 2.** 20.255 (1) (c) of the statutes is amended to read:

4 20.255 (1) (c) *Energy costs.* The amounts in the schedule to be used at the
5 schools school for the deaf and visually handicapped to pay for utilities and for fuel,
6 heat and air conditioning, to pay costs incurred by or on behalf of the department
7 under s. 16.895, and to repay to the energy efficiency fund loans made to the
8 department under s. 16.847 (6).

9 **SECTION 3.** 20.255 (1) (d) of the statutes is amended to read:

10 20.255 (1) (d) *Principal repayment and interest.* A sum sufficient to reimburse
11 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
12 the acquisition, construction, development, enlargement or improvement of
13 institutional facilities for the hearing impaired and visually handicapped under s.
14 115.52 and reference and loan library facilities under s. 43.05 (11).

15 **SECTION 4.** 20.255 (1) (gt) of the statutes is amended to read:

16 20.255 (1) (gt) (title) *Residential schools school; pupil transportation.* The
17 amounts in the schedule for the weekend transportation of pupils enrolled in the
18 residential schools school under subch. III of ch. 115 to and from their homes. All
19 moneys received under s. 115.53 (6) shall be credited to this appropriation.

20 **SECTION 5.** 20.255 (1) (jm) of the statutes is repealed.

21 **SECTION 6.** 20.255 (1) (js) of the statutes is repealed.

22 **SECTION 7.** 20.255 (2) (bj) of the statutes is created to read:

23 20.255 (2) (bj) *Programs and services for children with visual disabilities.* A
24 sum sufficient equal to the amount determined under 1997 Wisconsin Act (this

1 act), section 40, for the payment of aid under s. 115.88 (8m). No moneys may be
2 encumbered from this appropriation after June 30, 2004.

3 **SECTION 8.** 20.255 (2) (u) of the statutes is repealed.

4 **SECTION 9.** 20.866 (2) (zh) of the statutes is amended to read:

5 20.866 (2) (zh) (title) *Education; state ~~schools~~ school and library facilities.*

6 From the capital improvement fund, a sum sufficient for the department of education
7 public instruction to acquire, construct, develop, enlarge or improve institutional
8 facilities for the hearing impaired ~~and the visually handicapped~~ and reference and
9 loan library facilities. The state may contract public debt in an amount not to exceed
10 \$7,367,700 for this purpose.

11 **SECTION 10.** 25.40 (2) (b) 5. of the statutes is repealed.

12 **SECTION 11.** 39.41 (1) (bm) of the statutes is amended to read:

13 39.41 (1) (bm) "Senior" means a pupil enrolled in the 12th grade in a public or
14 private high school, or the Wisconsin school for the deaf ~~and the Wisconsin school for~~
15 ~~the visually handicapped.~~

16 **SECTION 12.** 39.41 (1m) (c) 1. of the statutes is repealed.

17 **SECTION 13.** 39.41 (1m) (f) of the statutes is repealed.

18 **SECTION 14.** 115.31 (1) (b) of the statutes is amended to read:

19 115.31 (1) (b) "Educational agency" means a school district, cooperative
20 educational service agency, state correctional institution under s. 302.01, secured
21 correctional facility, as defined in s. 938.02 (15m), secured child caring institution,
22 as defined in s. 938.02 (15g), ~~the Wisconsin school for the visually handicapped,~~ the
23 Wisconsin school for the deaf, the Mendota mental health institute, the Winnebago
24 mental health institute, a state center for the developmentally disabled, a private

1 school or a private, nonprofit, nonsectarian agency under contract with a school
2 board under s. 118.153 (3) (c).

3 **SECTION 15.** Subchapter III (title) of chapter 115 [precedes 115.51] of the
4 statutes is amended to read:

5 **CHAPTER 115**

6 **SUBCHAPTER III**

7 **STATE SCHOOLS AND SCHOLARSHIPS**

8 **FOR THE HANDICAPPED**

9 **SCHOOL FOR THE DEAF**

10 **SECTION 16.** 115.52 (title) of the statutes is amended to read:

11 **115.52 (title) Wisconsin schools for the visually handicapped and**
12 **school for the deaf.**

13 **SECTION 17.** 115.52 (1) of the statutes is amended to read:

14 115.52 (1) The object of the Wisconsin school for the visually handicapped and
15 the Wisconsin school for the deaf is to afford the visually handicapped and the deaf
16 a practical education and physical rehabilitation which may aid them to make a
17 living, discharge their duties as citizens and secure to them all possible happiness.

18 **SECTION 18.** 115.52 (2) of the statutes is amended to read:

19 115.52 (2) The ~~department~~ state superintendent shall maintain and govern the
20 school for the visually handicapped and the school for the deaf. The ~~department~~ state
21 superintendent may fix the period of the school year at the ~~schools~~ school at not less
22 than 38 weeks, prescribe the school terms and confer diplomas upon meritorious
23 pupils who have completed the prescribed curricula.

24 **SECTION 19.** 115.52 (3) of the statutes is amended to read:

1 115.52 (3) All ~~the blind and~~ the deaf residents of this state 6 to 20 years old,
2 and for the duration of a school term all the ~~blind or~~ deaf residents of this state who
3 become 21 years old during that school term, who are capable of receiving instruction
4 shall be received and taught in the ~~schools~~ school free of charge. Like nonresident
5 pupils also may be received upon payment in advance of the fees fixed by the
6 ~~department~~ state superintendent at an amount not less than \$75 per month, but no
7 nonresident shall be received to the exclusion of a resident pupil. The ~~department~~
8 state superintendent also may admit pupils who are 21 years of age or older prior to
9 the beginning of a school term upon the payment of fees fixed by the superintendent
10 and upon the recommendation of the secretary of health and family services, the
11 director of the technical college system or the superintendent of the school ~~to which~~
12 ~~the pupil will be assigned~~. All pupils shall equally and freely enjoy the benefits and
13 privileges of the ~~schools~~ school and have the use of the library and books of
14 instruction and receive board, lodging and laundry, without discrimination. The
15 ~~schools~~ school may provide transportation for resident pupils.

16 **SECTION 20.** 115.52 (5) of the statutes is amended to read:

17 115.52 (5) The ~~department~~ state superintendent may grant approval for the
18 maintenance of a summer school at the school for the deaf whenever it will be to the
19 advantage of deaf persons and may grant approval for the maintenance of a summer
20 school ~~at the school for the visually handicapped whenever it will be to the advantage~~
21 ~~of visually handicapped minors. There shall be a summer school each year at the~~
22 ~~school for the visually handicapped~~ for visually handicapped adults.

23 **SECTION 21.** 115.52 (6) of the statutes is amended to read:

24 115.52 (6) The department may make charges for meals, living quarters,
25 laundry and other services furnished to employes of the ~~schools~~ school and their

1 families. The department also may make charges for services furnished to visitors
2 at the schools school and participants in training programs and institutes.

3 **SECTION 22.** 115.52 (7) of the statutes is amended to read:

4 115.52 (7) The Wisconsin school for the deaf may provide instruction for
5 preschool deaf children and their parents. ~~The Wisconsin school for the visually~~
6 ~~handicapped may provide instruction for preschool visually handicapped children~~
7 ~~and their parents.~~ Such instruction or treatment shall be subject to the approval of,
8 and shall comply with requirements established by, the department.

9 **SECTION 23.** 115.53 (2) of the statutes is amended to read:

10 115.53 (2) Arrange for vocational, trade or academic training for any pupil in
11 ~~either state~~ the school qualified to take such training advantageously, in either a
12 public school or technical college or a private business establishment in ~~Janesville~~
13 ~~or Delavan.~~ The public school and the technical college shall be paid the regular
14 tuition for full-time attendance and proportionally for part-time attendance by the
15 school district responsible for the pupil's placement in an appropriate program under
16 s. 115.85 (1).

17 **SECTION 24.** 115.53 (3) of the statutes is amended to read:

18 115.53 (3) Arrange for otological ~~or ophthalmic~~ examination of any pupil or
19 prospective pupil of the schools school. The examination shall be paid for from the
20 appropriation in s. 20.255 (1) (b).

21 **SECTION 25.** 115.53 (4) of the statutes is amended to read:

22 115.53 (4) Apply to the board of directors of the University of Wisconsin
23 Hospitals and Clinics Authority for admission to the University of Wisconsin
24 Hospitals and Clinics of any pupil in the state schools school.

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

4 (b) The net cost of hospital treatment shall be at the rate established under s.
5 233.40 (1) and shall be chargeable to the appropriation for operating the patient's
6 school. The ~~department~~ state superintendent likewise may authorize payment for
7 the expense of transporting patients to and from the hospital. The ~~department~~ state
8 superintendent shall make payments for the treatment to the University of
9 Wisconsin Hospitals and Clinics Authority. Funds collected by the ~~department~~ state
10 superintendent on account of the hospitalization shall be deposited in the
11 appropriation under s. 20.255 (1) (b) for the school concerned.

12 **SECTION 26.** 115.53 (5) of the statutes is amended to read:

13 115.53 (5) Arrange for visits by members of the staff of either the school to other
14 public schools or to families of blind or deaf children, whenever it appears to the
15 ~~department~~ state superintendent that such visits will be of advantage to blind or deaf
16 children.

17 **SECTION 27.** 115.53 (6) of the statutes is amended to read:

18 115.53 (6) Charge the school district responsible for a pupil's placement in a
19 the school under this subchapter for the costs of transporting the pupil to and from
20 the pupil's home on weekends. All fees received under this subsection shall be
21 deposited in the appropriation under s. 20.255 (1) (gt).

22 **SECTION 28.** 115.54 of the statutes is amended to read:

23 **115.54 Compulsory education.** If it appears, by affidavit, to any circuit
24 judge that any blind or deaf child between the ages of 6 and 21 is deprived of a
25 suitable education by the failure of the person having the care and custody of the

1 child to provide a suitable education, the judge shall order the person to bring the
2 child before the judge. If the material allegations of the affidavit are denied, the
3 judge shall subpoena witnesses and hear testimony. If the allegations are admitted
4 or established, the judge may, if appropriate, order the child sent to the school for the
5 visually handicapped or for the deaf or to some class or other school for instruction,
6 but the order shall not make a direct charge for the class or school against any county.

7 **SECTION 29.** 115.55 of the statutes is amended to read:

8 **115.55 Library for the blind and visually handicapped.** Embossed, clear
9 type or large type text books acquired by the school for the visually handicapped
10 department shall constitute a circulating collection for the blind and visually
11 handicapped. The collection shall be ~~kept at the school and be~~ under the supervision
12 of its ~~superintendent~~ the department. All blind and visually handicapped school age
13 children of the state may use such books ~~upon compliance with rules made by the~~
14 ~~superintendent and approved by the department~~ with the approval of the
15 department.

16 **SECTION 30.** 115.58 of the statutes is amended to read:

17 **115.58 (title) Park grounds of the former state school for the visually**
18 **handicapped.** The ~~department state superintendent~~ may, with the approval of the
19 department of administration, permit the city of Janesville to use portions of the
20 grounds of the former state school for the visually handicapped at Janesville, which
21 abut on the Rock river, for purposes of operating a city park. Any construction on
22 such grounds is subject to prior approval by the ~~department~~ state superintendent.
23 Any agreement pursuant hereto shall be cancelable at the option of either party
24 without liability. Any such grounds so used by the city of Janesville shall be

1 supervised by the city and shall be subject to the ordinances of the city of Janesville
2 applicable to city parks.

3 **SECTION 31.** 115.77 (3) (a) of the statutes is amended to read:

4 115.77 (3) (a) Services for children with exceptional educational needs who are
5 under the jurisdiction of the ~~department~~ state superintendent and for the Wisconsin
6 school for the deaf and the ~~Wisconsin school for the visually handicapped~~.

7 **SECTION 32.** 115.88 (2) of the statutes is amended to read:

8 115.88 (2) TRANSPORTATION AID. If upon receipt of the report under s. 115.84 the
9 ~~department~~ state superintendent is satisfied that the transportation of children with
10 exceptional educational needs has been maintained during the preceding year in
11 accordance with the law, the ~~department~~ state superintendent shall certify to the
12 department of administration in favor of each county, cooperative educational
13 service agency or school district transporting such pupils 63% of the amount
14 expended for such transportation. Pupils for whom aid is paid under this subsection
15 shall not be eligible for aid under s. 121.58 (2) or (4). The department of
16 administration shall pay such amounts to the county, agency or school district from
17 the ~~appropriations~~ appropriation under s. 20.255 (2) (b) and ~~(u)~~. This subsection
18 applies to any child with exceptional educational needs who requires special
19 assistance in transportation, including any such child attending regular classes who
20 requires special or additional transportation. This subsection does not apply to any
21 child with exceptional educational needs attending regular or special classes who
22 does not require any special or additional transportation.

23 **SECTION 33.** 115.88 (8m) of the statutes is created to read:

24 115.88 (8m) AID FOR CREATING AND IMPROVING PROGRAMS AND SERVICES FOR
25 CHILDREN WITH VISUAL DISABILITIES. The full cost of salaries, fringe benefits and other

1 approved costs attributable to providing new and expanded educational and related
2 programs and services for children with visual disabilities shall be paid from the
3 appropriation under s. 20.255 (2) (bj). If the program or service is eligible for aid
4 under subs. (1) to (6) or (8) and under this subsection, the department shall consider
5 it eligible for aid only under this subsection. This subsection does not apply after
6 June 30, 2004.

7 **SECTION 34.** 115.882 of the statutes is amended to read:

8 **115.882 Proration of state aid.** If In the 1999-2000 to 2003-04 fiscal years,
9 if the sum of the appropriations under s. 20.255 (2) (b) and ~~(u)~~ (bj) in any one fiscal
10 year is insufficient to pay the full amount of aid under ss. 115.88 and 118.255, state
11 aid payments the funds shall be used first for the purpose of s. 115.88 (8m) and any
12 remaining funds shall be prorated among the counties, school districts and
13 cooperative educational service agencies entitled thereto. In the 2004-05 fiscal year
14 and thereafter, if the appropriation under s. 20.255 (2) (b) in any fiscal year is
15 insufficient to pay the full amount of aid under ss. 115.88 and 118.255, state aid
16 payments shall be prorated among the counties, school districts and cooperative
17 education service agencies entitled thereto.

18 **SECTION 35.** 115.93 (2) of the statutes is amended to read:

19 115.93 (2) If Subject to s. 115.882, if the appropriation under s. 20.255 (2) (b)
20 in any year the 1999-2000 to 2003-04 fiscal years is insufficient to pay the full
21 amount of aid under sub. (1), state aid payments shall be prorated among the entitled
22 school districts. In the 2004-05 fiscal year and thereafter, if the appropriation under
23 s. 20.255 (2) (b) in any fiscal year is insufficient to pay the full amount of aid under
24 sub. (1), state aid payments shall be prorated among the entitled school districts.

25 **SECTION 36.** 121.05 (1) (a) 8. of the statutes is amended to read:

1 121.05 (1) (a) 8. Pupils enrolled in a the residential school operated by the state
2 under subch. III of ch. 115 for whom the school district is paying tuition under s.
3 115.53 (2) determined by multiplying the total number of periods in each day in
4 which the pupils are enrolled in the local public school by the total number of days
5 for which the pupils are enrolled in the local public school and dividing the product
6 by 1,080.

7 **SECTION 37.** 121.54 (3) of the statutes is amended to read:

8 121.54 (3) TRANSPORTATION FOR CHILDREN WITH EXCEPTIONAL EDUCATIONAL NEEDS.
9 Every school board shall provide transportation for children with exceptional
10 educational needs, as defined in s. 115.76 (3), to any public or private elementary or
11 high school, to the ~~Wisconsin school for the visually handicapped~~ or the Wisconsin
12 school for the deaf or to any special educational program for children with
13 exceptional educational needs sponsored by a state tax-supported institution of
14 higher education, regardless of distance, if the request for such transportation is
15 approved by the ~~department~~ state superintendent. Approval shall be based on
16 whether or not the child can walk to school with safety and comfort. Section 121.53
17 shall apply to transportation provided under this subsection.

18 **SECTION 38.** 940.295 (1) (q) of the statutes is amended to read:

19 940.295 (1) (q) “State school for the ~~visually handicapped~~ or hearing impaired”
20 means ~~any schools~~ the school described in s. 115.52 (2).

21 **SECTION 39.** 940.295 (2) (j) of the statutes is amended to read:

22 940.295 (2) (j) ~~A~~ The state school for the ~~visually handicapped~~ or hearing
23 impaired.

24 **SECTION 40. Nonstatutory provisions.**

