

2001 DRAFTING REQUEST

Bill

Received: 03/16/2001

Received By: grantpr

Wanted: As time permits

Identical to LRB:

For: Luther Olsen (608) 266-8077

By/Representing: Mary

This file may be shown to any legislator: NO

Drafter: grantpr

May Contact:

Addl. Drafters:

Subject: Education - handicapped ed.
Education - state superintendent

Extra Copies: MJL

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Requester's email:

Pre Topic:

No specific pre topic given

Topic:

Wisconsin School for the Deaf

Instructions:

Same as DPI draft -0084.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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<END>

→ At Intro.

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LRB-2886 L1
PG: hmh

2001 BILL

(pp. 1 & 9)

Regenerate

1 AN ACT *to amend* 16.974 (7) (d), 20.255 (1) (b), 20.255 (1) (c), 20.255 (1) (gb),
 2 20.255 (1) (gh), 20.255 (1) (gL), 20.255 (1) (gs), 20.255 (1) (gt), 39.41 (1) (bm),
 3 39.41 (1m) (c) 2., 39.41 (1m) (fm), 44.70 (2g), 46.041 (1) (a), 49.45 (39) (a) 1., 49.45
 4 (39) (am), 49.45 (39) (b), 115.31 (1) (b), subchapter III (title) of chapter 115
 5 [precedes 115.51], 115.53 (2), 115.53 (3) (a), 115.53 (4), 115.53 (5), 115.54, 121.05
 6 (1) (a) 8., 121.54 (3) and 940.295 (2) (j); *to repeal and recreate* 115.51 (2) and
 7 115.52; and *to create* 15.377 (2) of the statutes; **relating to:** the Wisconsin
 8 School for the Deaf and creating a deaf and hard-of-hearing education council.

Analysis by the Legislative Reference Bureau

This bill changes the name of the Wisconsin School for the Deaf to the Wisconsin Educational Services Program for the Deaf and Hard of Hearing ~~Program~~, specifies the duties of the ~~P~~rogram, and creates a deaf and hard-of-hearing education council to advise the state superintendent of public instruction on issues relating to the education of children who are deaf or hearing impaired. The bill also requires the legislative audit bureau to conduct a performance evaluation audit of the ~~P~~rogram during the 2004-05 fiscal year.

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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.** 15.377 (2) of the statutes is created to read:

2 **15.377 (2) DEAF AND HARD-OF-HEARING EDUCATION COUNCIL.** There is created a
3 deaf and hard-of-hearing education council in the department of public instruction.
4 The council shall consist of the following members, at least 3 of whom must be
5 hearing impaired, appointed by the state superintendent of public instruction for
6 3-year terms:

7 (a) Two parents of children who are hearing impaired.

8 (b) One licensed teacher of pupils who are hearing impaired.

9 (c) One person who is licensed as a speech-language pathologist under subch.
10 II of ch. 459.

11 (d) One school district special education director.

12 (e) One person who is licensed as an audiologist under subch. II of ch. 459 and
13 whose expertise is in educational audiology.

14 (f) One person who is experienced in educating the hearing impaired, or in
15 educating teachers of the hearing impaired, and is affiliated with an institution of
16 higher education.

17 (g) One person who is an instructor in a technical college interpreter training
18 program.

19 (h) One person employed as an educational interpreter.

20 (i) Three other members.

21 **SECTION 2.** 16.974 (7) (d) of the statutes is amended to read:

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1 16.974 (7) (d) Coordinate with the technology for educational achievement in
2 Wisconsin board to provide the Wisconsin Center for the Blind and Visually Impaired
3 and the Wisconsin School Educational Services Program for the Deaf and Hard of
4 Hearing with telecommunications access under s. 44.73 and contract with
5 telecommunications providers to provide such access.

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

7 20.255 (1) (b) *General program operations; School Wisconsin Educational*
8 *Services Program for the Deaf and Hard of Hearing and Wisconsin Center for the*
9 *Blind and Visually Impaired.* The amounts in the schedule for the operation and
10 maintenance of the facilities of the Wisconsin School Educational Services Program
11 for the Deaf and Hard of Hearing and the Wisconsin Center for the Blind and Visually
12 Impaired, including the matching of federal funds, but not including expenses
13 financed under par. (js).

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

15 20.255 (1) (c) *Energy costs; School Wisconsin Educational Services Program for*
16 *the Deaf and Hard of Hearing and Wisconsin Center for the Blind and Visually*
17 *Impaired.* The amounts in the schedule to be used at the facilities of the Wisconsin
18 School Educational Services Program for the Deaf and Hard of Hearing and the
19 Wisconsin Center for the Blind and Visually Impaired to pay for utilities and for fuel,
20 heat and air conditioning, to pay costs incurred by or on behalf of the department
21 under ss. 16.858 and 16.895, and to repay to the energy efficiency fund loans made
22 to the department under s. 16.847 (6).

23 **SECTION 5.** 20.255 (1) (gb) of the statutes is amended to read:

24 20.255 (1) (gb) *School Wisconsin Educational Services Program for the Deaf*
25 *and Hard of Hearing and Wisconsin Center for the Blind and Visually Impaired;*

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SECTION 5

1 *nonresident fees.* All moneys received from fees charged nonresident pupils for
2 services provided at by the Wisconsin School Educational Services Program for the
3 Deaf and Hard of Hearing under s. 115.52 (3) and for services provided by the
4 Wisconsin Center for the Blind and Visually Impaired under s. 115.525 (3) (a) 3.

5 **SECTION 6.** 20.255 (1) (gh) of the statutes is amended to read:

6 20.255 (1) (gh) *School Wisconsin Educational Services Program for the Deaf*
7 *and Hard of Hearing and Wisconsin Center for the Blind and Visually Impaired;*
8 *hospitalization.* All moneys received on account of hospitalization under s. 115.53
9 (4) for the operation of the Wisconsin School Educational Services Program for the
10 Deaf and Hard of Hearing and the Wisconsin Center for the Blind and Visually
11 Impaired.

12 **SECTION 7.** 20.255 (1) (gL) of the statutes is amended to read:

13 20.255 (1) (gL) *Wisconsin Educational Services Program for the Deaf and Hard*
14 *of Hearing and Wisconsin Center for the Blind and Visually Impaired; leasing of*
15 *space.* All moneys received from leasing space at the facilities of the Wisconsin
16 Educational Services Program for the Deaf and Hard of Hearing under s. 115.52 (6)
17 and at the Wisconsin Center for the Blind and Visually Impaired under s. 115.525
18 (6) for the operation and maintenance of the center and program.

19 **SECTION 8.** 20.255 (1) (gs) of the statutes is amended to read:

20 20.255 (1) (gs) *School Wisconsin Educational Services Program for the Deaf*
21 *and Hard of Hearing and Wisconsin Center for the Blind and Visually Impaired;*
22 *services.* All moneys received from services provided at by the Wisconsin School
23 Educational Services Program for the Deaf and Hard of Hearing under s. 115.52 (6)
24 (5) and at by the Wisconsin Center for the Blind and Visually Impaired under s.
25 115.525 (5) for the operation and maintenance of the school program and the center.

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

2 20.255 (1) (gt) *School Wisconsin Educational Services Program for the Deaf and*
3 *Hard of Hearing and Wisconsin Center for the Blind and Visually Impaired; pupil*
4 *transportation.* The amounts in the schedule for the weekend transportation of
5 pupils enrolled in the school operated by the Wisconsin School Educational Services
6 Program for the Deaf and Hard of Hearing under s. 115.52 or the school operated by
7 the Wisconsin Center for the Blind and Visually Impaired under s. 115.525 to and
8 from their homes. All moneys received under s. 115.53 (6) shall be credited to this
9 appropriation.

10 **SECTION 10.** 39.41 (1) (bm) of the statutes is amended to read:

11 39.41 (1) (bm) “Senior” means a pupil enrolled in the 12th grade in a public or
12 private high school, the school operated by the Wisconsin School Educational
13 Services Program for the Deaf and Hard of Hearing or the school operated by the
14 Wisconsin Center for the Blind and Visually Impaired.

15 **SECTION 11.** 39.41 (1m) (c) 2. of the statutes is amended to read:

16 39.41 (1m) (c) 2. For the school operated by the Wisconsin School Educational
17 Services Program for the Deaf and Hard of Hearing, designate the senior with the
18 highest grade point average in all subjects as a scholar.

19 **SECTION 12.** 39.41 (1m) (fm) of the statutes is amended to read:

20 39.41 (1m) (fm) If 2 or more seniors from the school operated by the Wisconsin
21 School Educational Services Program for the Deaf and Hard of Hearing have the
22 same grade point average and, except for the limitation of one designated senior, are
23 otherwise eligible for designation under par. (c) 2., the executive secretary shall
24 make the designation under par. (c) 2. of the senior who may be eligible for a higher
25 education scholarship as a scholar and, if that senior does not qualify for a higher

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1 education scholarship under sub. (2) (a) or (3) (a), shall designate one or more of the
2 remaining seniors with the same grade point average as eligible for a higher
3 education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship
4 may be awarded by the board.

5 **SECTION 13.** 44.70 (2g) of the statutes is amended to read:

6 44.70 (2g) “Educational agency” means a school district, private school,
7 cooperative educational service agency, technical college district, private college,
8 public library system, public library board, the Wisconsin Center for the Blind and
9 Visually Impaired, or the Wisconsin School Educational Services Program for the
10 Deaf and Hard of Hearing.

11 **SECTION 14.** 46.041 (1) (a) of the statutes is amended to read:

12 46.041 (1) (a) Provide for the temporary residence and evaluation of children
13 referred from courts assigned to exercise jurisdiction under chs. 48 and 938, the
14 institutions and services under the jurisdiction of the department, University of
15 Wisconsin Hospitals and Clinics Authority, county departments under s. 46.215,
16 46.22 or 46.23, private child welfare agencies, the Wisconsin School Educational
17 Services Program for the Deaf and Hard of Hearing, the Wisconsin Center for the
18 Blind and Visually Impaired, and mental health facilities within the state at the
19 discretion of the director of the institution providing services under this section.

20 **SECTION 15.** 49.45 (39) (a) 1. of the statutes is amended to read:

21 49.45 (39) (a) 1. “School” means a public school described under s. 115.01 (1),
22 a charter school, as defined in s. 115.001 (1), the Wisconsin Center for the Blind and
23 Visually Impaired, or the Wisconsin School Educational Services Program for the
24 Deaf and Hard of Hearing. It includes school-operated early childhood programs for
25 developmentally delayed and disabled 4-year-old and 5-year-old children.

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1 **SECTION 16.** 49.45 (39) (am) of the statutes is amended to read:

2 49.45 (39) (am) *Plan amendment.* No later than September 30, 1995, the
3 department shall submit to the federal department of health and human services an
4 amendment to the state medical assistance plan to permit the application of pars. (b)
5 and (c). If the amendment to the state plan is approved, school districts, cooperative
6 educational service agencies, and the department of public instruction on behalf of
7 the Wisconsin Center for the Blind and Visually Impaired and the Wisconsin ~~School~~
8 Educational Services Program for the Deaf and Hard of Hearing claim
9 reimbursement under pars. (b) and (c). Paragraphs (b) and (c) do not apply unless
10 the amendment to the state plan is approved and in effect. The department shall
11 submit to the federal department of health and human services an amendment to the
12 state plan if necessary to permit the application of pars. (b) and (c) to the Wisconsin
13 Center for the Blind and Visually Impaired and the Wisconsin ~~School~~ Educational
14 Services Program for the Deaf and Hard of Hearing.

15 **SECTION 17.** 49.45 (39) (b) of the statutes is amended to read:

16 49.45 (39) (b) *School medical services.* 1. 'Payment for school medical services.'
17 If a school district or a cooperative educational service agency elects to provide school
18 medical services and meets all requirements under par. (c), the department shall
19 reimburse the school district or the cooperative educational service agency for 60%
20 of the federal share of allowable charges for the school medical services that it
21 provides and, as specified in subd. 2., for allowable administrative costs. If the
22 Wisconsin Center for the Blind and Visually Impaired or the Wisconsin ~~School~~
23 Educational Services Program for the Deaf and Hard of Hearing elects to provide
24 school medical services and meets all requirements under par. (c), the department
25 shall reimburse the department of public instruction for 60% of the federal share of

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1 allowable charges for the school medical services that the Wisconsin Center for the
2 Blind and Visually Impaired or the Wisconsin School Educational Services Program
3 for the Deaf and Hard of Hearing provides and, as specified in subd. 2., for allowable
4 administrative costs. A school district, cooperative educational service agency, the
5 Wisconsin Center for the Blind and Visually Impaired or the Wisconsin School
6 Educational Services Program for the Deaf and Hard of Hearing may submit, and
7 the department shall allow, claims for common carrier transportation costs as a
8 school medical service unless the department receives notice from the federal health
9 care financing administration that, under a change in federal policy, the claims are
10 not allowed. If the department receives the notice, a school district, cooperative
11 educational service agency, the Wisconsin Center for the Blind and Visually
12 Impaired, or the Wisconsin School Educational Services Program for the Deaf and
13 Hard of Hearing may submit, and the department shall allow, unreimbursed claims
14 for common carrier transportation costs incurred before the date of the change in
15 federal policy. The department shall promulgate rules establishing a methodology
16 for making reimbursements under this paragraph. All other expenses for the school
17 medical services provided by a school district or a cooperative educational service
18 agency shall be paid for by the school district or the cooperative educational service
19 agency with funds received from state or local taxes. The school district, the
20 Wisconsin Center for the Blind and Visually Impaired, the Wisconsin School
21 Educational Services Program for the Deaf and Hard of Hearing, or the cooperative
22 educational service agency shall comply with all requirements of the federal
23 department of health and human services for receiving federal financial
24 participation.

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1 2. 'Payment for school medical services administrative costs.' The department
 2 shall reimburse a school district or a cooperative educational service agency specified
 3 under subd. 1. and shall reimburse the department of public instruction on behalf
 4 of the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin School
 5 Educational Services Program for the Deaf and Hard of Hearing for 90% of the
 6 federal share of allowable administrative costs, using time studies, beginning in
 7 fiscal year 1999-2000. A school district or a cooperative education educational
 8 service agency may submit, and the department of health and family services shall
 9 allow, claims for administrative costs incurred during the period that is up to 24
 10 months before the date of the claim, if allowable under federal law.

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

12 115.31 (1) (b) "Educational agency" means a school district, cooperative
 13 educational service agency, state correctional institution under s. 302.01, secured
 14 correctional facility, as defined in s. 938.02 (15m), secured child caring institution,
 15 as defined in s. 938.02 (15g), the Wisconsin Center for the Blind and Visually
 16 Impaired, the Wisconsin School Educational Services Program for the Deaf and Hard
 17 of Hearing, the Mendota mental health institute, the Winnebago mental health
 18 institute, a state center for the developmentally disabled, a private school, or a
 19 private, nonprofit, nonsectarian agency under contract with a school board under s.
 20 118.153 (3) (c).

21 **SECTION 19.** Subchapter III (title) of chapter 115 [precedes 115.51] of the
 22 statutes is amended to read:

CHAPTER 115

SUBCHAPTER III

STATE SCHOOL WISCONSIN

23
 24
 25 Can this line be moved to next page?
 No

BILL

EDUCATIONAL SERVICES PROGRAM
FOR THE DEAF AND HARD OF HEARING
AND STATE WISCONSIN CENTER
FOR THE BLIND AND
VISUALLY IMPAIRED

SECTION 20. 115.51 (2) of the statutes is repealed and recreated to read:

115.51 (2) "Hearing impaired" has the meaning given in the rules promulgated by the state superintendent to define "hearing impairments" under s. 115.76 (5) (a) 2.

SECTION 21. 115.52 of the statutes is repealed and recreated to read:

115.52 Wisconsin Educational Services Program for the Deaf and Hard of Hearing. (1) DEFINITION. In this section, "program" means the Wisconsin Educational Services Program for the Deaf and Hard of Hearing.

(1m) PURPOSE. The purpose of the program is to serve as a statewide educational resource relating to hearing impairments to benefit all Wisconsin children who are hearing impaired.

(2) GOVERNANCE. The state superintendent shall maintain and govern the program's facilities. The state superintendent shall appoint an individual who has training and experience in educating pupils who are hearing impaired to serve as the director of the program.

(3) SERVICES. The program shall provide services that benefit children throughout the state who are hearing impaired.

(a) *School.* 1. 'Residents 3 to 20 years old.' The program shall operate a school at which any resident of this state 3 to 20 years old who is hearing impaired, and for the duration of a school term any resident of this state who is hearing impaired and

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1 becomes 21 years old during that school term, shall be received and taught free of
2 charge if the individualized education program for the resident under s. 115.787 and
3 the educational placement under s. 115.79 specify the school operated by the
4 program as the appropriate placement.

5 2. 'Residents 21 years old or older.' The state superintendent may admit to the
6 school operated by the program a resident of the state who is hearing impaired and
7 is 21 years of age or older prior to the beginning of a school term upon the payment
8 of fees fixed by the state superintendent and upon the recommendation of the
9 secretary of health and family services, the director of the technical college system,
10 or the director of the program.

11 3. 'Nonresidents.' A nonresident of this state, who is hearing impaired, who
12 either is 3 to 20 years old or becomes 21 years old during a school term, whose
13 individualized education program under 20 USC 1414 (d) and educational placement
14 specify the school operated by the program as the appropriate placement, and who
15 is capable of receiving instruction may be received at the school upon payment in
16 advance of the fees fixed by the state superintendent, but no nonresident may be
17 received to the exclusion of a resident pupil.

18 4. 'Pupil use of residential facilities.' Except as provided in sub. (4), the director
19 of the program shall make the residential facilities of the program available to all
20 pupils received at the school operated by the program.

21 5. 'School term.' The state superintendent shall fix the period of the school term
22 at the school operated by the program at not less than 38 weeks, prescribe the school
23 sessions, and confer diplomas upon meritorious pupils who have completed the
24 prescribed curriculum. Pursuant to a pupil's individualized education program
25 under s. 115.787, a pupil may be placed at the school for less than a school term.

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1 6. ‘Transportation.’ The program may provide transportation for resident
2 pupils at the school operated by the program.

3 (b) *Other statewide services.* The program may do any of the following:

4 1. Provide evaluation services to assist local educational agencies, cooperative
5 educational service agencies, county children with disabilities education boards,
6 private schools, and others.

7 2. Provide technical assistance and consultation services to local educational
8 agencies, cooperative educational service agencies, county children with disabilities
9 education boards, private schools, and others.

10 3. Develop and disseminate curriculum and instructional materials.

11 4. Provide in–service and other training to teachers and other staff serving
12 pupils who are hearing impaired.

13 5. Provide training, technical assistance, and consultation services for parents
14 of children who are hearing impaired and for professionals who work with children
15 who are hearing impaired.

16 6. Provide access to educational materials to children who are hearing
17 impaired.

18 7. Loan books and other materials from the library described in par. (c) 2.

19 8. Serve as a clearinghouse for information about children who are hearing
20 impaired.

21 9. Teach American sign language, and teach other subjects using American
22 sign language, through the use of distance education technology.

23 10. Rent or lease technological materials and assistive technology devices, as
24 defined in s. 115.76 (1), to local educational agencies, cooperative educational service
25 agencies, county children with disabilities education boards, and private schools.

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1 11. Facilitate the preparation of teachers of pupils who are hearing impaired
2 by providing assistance to teacher preparation programs.

3 12. Provide other statewide services that relate to the education of children who
4 are hearing impaired.

5 (c) *Additional services.* 1. ‘Birth to 3 services.’ The program may provide
6 instruction or services, or both, for children who are under the age of 3 and are
7 hearing impaired and their parents. The instruction or services are subject to the
8 approval of, and shall comply with requirements established by, the department.

9 2. ‘Library.’ Educational media and materials acquired by the program
10 constitute a circulating collection for persons who are hearing impaired. The
11 collection shall be kept at the program’s facility and be under the supervision of its
12 director. All school age children of the state who are hearing impaired may use the
13 media and materials upon compliance with criteria established by the director of the
14 program and approved by the state superintendent.

15 3. ‘Summer programs.’ The program shall provide summer programs each year
16 for children who are hearing impaired.

17 4. ‘Independent living skills.’ With the approval of the state superintendent,
18 the program may allow individuals to receive instruction in and practice
19 independent living skills in state-owned housing at the program’s facility in
20 Delavan.

21 (d) *Provision of services.* In addition to providing services at the program’s
22 facility in Delavan, the program may provide services at any location in the state and
23 may operate regional satellite facilities throughout the state to provide services.

24 (4) **NONDISCRIMINATION.** All pupils in the program may equally and freely enjoy
25 the benefits and privileges of the program, have the use of the library and books of

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1 instruction, and receive board, lodging, and linens, without discrimination, except
2 that the director of the program may determine that board, lodging, and linens may
3 not be provided to an individual because appropriate services are not available for
4 that individual at the program's residential facilities.

5 (5) CHARGES. The state superintendent may charge for meals, living quarters,
6 laundry, and other services furnished to employees of the program and their families.
7 The state superintendent may charge for services furnished to visitors to the
8 program's facilities and participants in training programs and institutes.

9 (6) LEASING OF SPACE. The state superintendent may lease space at the
10 program's facilities in Delavan that is not required by the program to any person if
11 the state superintendent determines that the use will not be inconsistent with the
12 operation of the program.

13 (7) AUDIT. In the 2004–05 fiscal year, the legislative audit bureau shall perform
14 a performance evaluation audit of the program. The bureau shall submit copies of
15 the audit report to the chief clerk of each house of the legislature for distribution to
16 the appropriate standing committees under s. 13.172 (3) by June 30, 2005.

17 **SECTION 22.** 115.53 (2) of the statutes is amended to read:

18 115.53 (2) Arrange for vocational, trade or academic training for any pupil in
19 either the school operated by the Wisconsin Center for the Blind and Visually
20 Impaired or the Wisconsin School Educational Services Program for the Deaf and
21 Hard of Hearing qualified to take such training advantageously, in either a public
22 school or technical college or a private business establishment in Janesville or
23 Delavan. The public school and the technical college shall be paid the regular tuition
24 for full-time attendance and proportionally for part-time attendance by the school

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1 district responsible for the provision of a free appropriate public education under
2 subch. V.

3 **SECTION 23.** 115.53 (3) (a) of the statutes is amended to read:

4 115.53 (3) (a) Arrange for otological or ophthalmic examination of any pupil or
5 prospective pupil of the Wisconsin School Educational Services Program for the Deaf
6 and Hard of Hearing. The examination shall be paid for from the appropriation in
7 s. 20.255 (1) (b), (gh) or (gs).

8 **SECTION 24.** 115.53 (4) of the statutes is amended to read:

9 115.53 (4) Apply to the board of directors of the University of Wisconsin
10 Hospitals and Clinics Authority for admission to the University of Wisconsin
11 Hospitals and Clinics of any pupil at the school operated by the Wisconsin School
12 Educational Services Program for the Deaf and Hard of Hearing or the school
13 operated by the Wisconsin Center for the Blind and Visually Impaired.

14 (a) The application shall be accompanied by the report of a physician appointed
15 by the superintendent director of the Wisconsin School Educational Services
16 Program for the Deaf and Hard of Hearing or the director of the Wisconsin Center
17 for the Blind and Visually Impaired and shall be in the same form as reports of other
18 physicians for admission of patients to such hospital.

19 (b) The net cost of hospital treatment shall be at the rate established under s.
20 233.40 (1) and shall be paid from the appropriation under s. 20.255 (1) (b), (gh) or (gs)
21 if the patient is a pupil at the school operated by the Wisconsin School Educational
22 Services Program for the Deaf and Hard of Hearing or from the appropriation under
23 s. 20.255 (1) (b), (gh), (gL) or (gs) if the patient is a pupil at the school operated by the
24 Wisconsin Center for the Blind and Visually Impaired. The state superintendent
25 likewise may authorize payment for the expense of transporting patients to and from

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1 the hospital. The state superintendent shall make payments for the treatment to the
2 University of Wisconsin Hospitals and Clinics Authority. Funds collected by the
3 state superintendent on account of the hospitalization shall be credited to the
4 appropriation under s. 20.255 (1) (gh) for the school or center concerned.

5 **SECTION 25.** 115.53 (5) of the statutes is amended to read:

6 115.53 (5) Arrange for visits by members of the staff of either the Wisconsin
7 School Educational Services Program for the Deaf and Hard of Hearing or the
8 Wisconsin Center for the Blind and Visually Impaired to other public schools or to
9 families of deaf children who are hearing impaired or children who are visually
10 impaired, whenever it appears to the state superintendent that such visits will be
11 of advantage to such children.

12 **SECTION 26.** 115.54 of the statutes is amended to read:

13 **115.54 Compulsory education.** If it appears, by affidavit, to any circuit
14 judge that any deaf child who is either hearing impaired or ~~child who is~~ visually
15 impaired and who is between the ages of 6 and 21 is deprived of a suitable education
16 by the failure of the person having the care and custody of the child to provide a
17 suitable education, the judge shall order the person to bring the child before the
18 judge. If the material allegations of the affidavit are denied, the judge shall subpoena
19 witnesses and hear testimony. If the allegations are admitted or established, the
20 judge may order the child sent to the school operated by the Wisconsin School
21 Educational Services Program for the Deaf and Hard of Hearing, the school operated
22 by the Wisconsin Center for the Blind and Visually Impaired or to some class or other
23 school for instruction, but the order may not make a direct charge for the class or
24 school against any county.

25 **SECTION 27.** 121.05 (1) (a) 8. of the statutes is amended to read:

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1 121.05 (1) (a) 8. Pupils enrolled in the school operated by the Wisconsin School
2 Educational Services Program for the Deaf and Hard of Hearing or the school
3 operated by the Wisconsin Center for the Blind and Visually Impaired under subch.
4 III of ch. 115 for whom the school district is paying tuition under s. 115.53 (2)
5 determined by multiplying the total number of periods in each day in which the
6 pupils are enrolled in the local public school by the total number of days for which
7 the pupils are enrolled in the local public school and dividing the product by 1,080.

8 **SECTION 28.** 121.54 (3) of the statutes is amended to read:

9 121.54 (3) **TRANSPORTATION FOR CHILDREN WITH DISABILITIES.** Every school board
10 shall provide transportation for children with disabilities, as defined in s. 115.76 (5),
11 to any public or private elementary or high school, to the school operated by the
12 Wisconsin Center for the Blind and Visually Impaired or the school operated by the
13 Wisconsin School Educational Services Program for the Deaf and Hard of Hearing
14 or to any special education program for children with disabilities sponsored by a state
15 tax-supported institution of higher education, including a technical college,
16 regardless of distance, if the request for such transportation is approved by the state
17 superintendent. Approval shall be based on whether or not the child can walk to
18 school with safety and comfort. Section 121.53 shall apply to transportation provided
19 under this subsection.

20 **SECTION 29.** 940.295 (2) (j) of the statutes is amended to read:

21 940.295 (2) (j) The Wisconsin School Educational Services Program for the
22 Deaf and Hard of Hearing under s. 115.52 and the Wisconsin Center for the Blind and
23 Visually Impaired under s. 115.525.

24 **SECTION 30. Nonstatutory provisions. (1) DEAF AND HARD-OF-HEARING**
25 **EDUCATION COUNCIL.** Notwithstanding the length of term specified in section 15.377

BILL

1 (2) of the statutes, as affected by this act, one of the initial members of the deaf and
2 hard-of-hearing education council appointed under section 15.377 (2) (a) of the
3 statutes, as affected by this act, one of the initial members appointed under section
4 15.377 (2) (i) of the statutes, as affected by this act, the initial member appointed
5 under section 15.377 (2) (b) of the statutes, as affected by this act, and the initial
6 member appointed under section 15.377 (2) (c) of the statutes, as affected by this act,
7 shall serve for terms expiring on July 1, 2002; the initial member appointed under
8 section 15.377 (2) (d), (e) and (f) of the statutes, as affected by this act, and one of the
9 initial members appointed under section 15.377 (2) (i) of the statutes, as affected by
10 this act, shall serve for terms expiring on July 1, 2003; and the initial member
11 appointed under section 15.377 (2) (g) and (h) of the statutes, as affected by this act,
12 one of the initial members appointed under section 15.377 (2) (a) of the statutes, as
13 affected by this act, and one of the members appointed under section 15.377 (2) (i)
14 of the statutes, as affected by this act, shall serve for terms expiring on July 1, 2004.

15 (END)



State of Wisconsin
2001 - 2002 LEGISLATURE

LBB-2886/1

PG:mhb:pg

stays

2001 BILL

Regenerate

1 AN ACT to amend 16.974 (7) (d), 20.255 (1) (b), 20.255 (1) (c), 20.255 (1) (gb),
2 20.255 (1) (gh), 20.255 (1) (gL), 20.255 (1) (gs), 20.255 (1) (gt), 39.41 (1) (bm),
3 39.41 (1m) (c) 2., 39.41 (1m) (fm), 44.70 (2g), 46.041 (1) (a), 49.45 (39) (a) 1., 49.45
4 (39) (am), 49.45 (39) (b), 115.31 (1) (b), subchapter III (title) of chapter 115
5 [precedes 115.51], 115.53 (2), 115.53 (3) (a), 115.53 (4), 115.53 (5), 115.54, 121.05
6 (1) (a) 8., 121.54 (3) and 940.295 (2) (j); to repeal and recreate 115.51 (2) and
7 115.52; and to create 15.377 (2) of the statutes; relating to: the Wisconsin
8 School for the Deaf and creating a deaf and hard-of-hearing education council.

Analysis by the Legislative Reference Bureau

This bill changes the name of the Wisconsin School for the Deaf to the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, specifies the duties of the program, and creates a deaf and hard-of-hearing education council to advise the state superintendent of public instruction on issues relating to the education of children who are deaf or hearing impaired. The bill also requires the legislative audit bureau to conduct a performance evaluation audit of the program during the 2004-05 fiscal year.

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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.** 15.377 (2) of the statutes is created to read:

2 **15.377 (2) DEAF AND HARD-OF-HEARING EDUCATION COUNCIL.** There is created a
3 deaf and hard-of-hearing education council in the department of public instruction.
4 The council shall consist of the following members, at least 3 of whom must be
5 hearing impaired, appointed by the state superintendent of public instruction for
6 3-year terms:

7 (a) Two parents of children who are hearing impaired.

8 (b) One licensed teacher of pupils who are hearing impaired.

9 (c) One person who is licensed as a speech-language pathologist under subch.
10 II of ch. 459.

11 (d) One school district special education director.

12 (e) One person who is licensed as an audiologist under subch. II of ch. 459 and
13 whose expertise is in educational audiology.

14 (f) One person who is experienced in educating the hearing impaired, or in
15 educating teachers of the hearing impaired, and is affiliated with an institution of
16 higher education.

17 (g) One person who is an instructor in a technical college interpreter training
18 program.

19 (h) One person employed as an educational interpreter.

20 (i) Three other members.

21 **SECTION 2.** 16.974 (7) (d) of the statutes is amended to read:

BILL

1 16.974 (7) (d) Coordinate with the technology for educational achievement in
2 Wisconsin board to provide the Wisconsin Center for the Blind and Visually Impaired
3 and the Wisconsin School Educational Services Program for the Deaf and Hard of
4 Hearing with telecommunications access under s. 44.73 and contract with
5 telecommunications providers to provide such access.

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

7 20.255 (1) (b) *General program operations; School Wisconsin Educational*
8 *Services Program for the Deaf and Hard of Hearing and Wisconsin Center for the*
9 *Blind and Visually Impaired.* The amounts in the schedule for the operation and
10 maintenance of the facilities of the Wisconsin School Educational Services Program
11 for the Deaf and Hard of Hearing and the Wisconsin Center for the Blind and Visually
12 Impaired, including the matching of federal funds, but not including expenses
13 financed under par. (js).

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

15 20.255 (1) (c) *Energy costs; School Wisconsin Educational Services Program for*
16 *the Deaf and Hard of Hearing and Wisconsin Center for the Blind and Visually*
17 *Impaired.* The amounts in the schedule to be used at the facilities of the Wisconsin
18 School Educational Services Program for the Deaf and Hard of Hearing and the
19 Wisconsin Center for the Blind and Visually Impaired to pay for utilities and for fuel,
20 heat and air conditioning, to pay costs incurred by or on behalf of the department
21 under ss. 16.858 and 16.895, and to repay to the energy efficiency fund loans made
22 to the department under s. 16.847 (6).

23 **SECTION 5.** 20.255 (1) (gb) of the statutes is amended to read:

24 20.255 (1) (gb) *School Wisconsin Educational Services Program for the Deaf*
25 *and Hard of Hearing and Wisconsin Center for the Blind and Visually Impaired;*

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1 *nonresident fees.* All moneys received from fees charged nonresident pupils for
2 services provided at by the Wisconsin School Educational Services Program for the
3 Deaf and Hard of Hearing under s. 115.52 (3) and for services provided by the
4 Wisconsin Center for the Blind and Visually Impaired under s. 115.525 (3) (a) 3.

5 **SECTION 6.** 20.255 (1) (gh) of the statutes is amended to read:

6 20.255 (1) (gh) *School Wisconsin Educational Services Program for the Deaf*
7 *and Hard of Hearing and Wisconsin Center for the Blind and Visually Impaired;*
8 *hospitalization.* All moneys received on account of hospitalization under s. 115.53
9 (4) for the operation of the Wisconsin School Educational Services Program for the
10 Deaf and Hard of Hearing and the Wisconsin Center for the Blind and Visually
11 Impaired.

12 **SECTION 7.** 20.255 (1) (gL) of the statutes is amended to read:

13 20.255 (1) (gL) *Wisconsin Educational Services Program for the Deaf and Hard*
14 *of Hearing and Wisconsin Center for the Blind and Visually Impaired; leasing of*
15 *space.* All moneys received from leasing space at the facilities of the Wisconsin
16 Educational Services Program for the Deaf and Hard of Hearing under s. 115.52 (6)
17 and at the Wisconsin Center for the Blind and Visually Impaired under s. 115.525
18 (6) for the operation and maintenance of the center and program.

19 **SECTION 8.** 20.255 (1) (gs) of the statutes is amended to read:

20 20.255 (1) (gs) *School Wisconsin Educational Services Program for the Deaf*
21 *and Hard of Hearing and Wisconsin Center for the Blind and Visually Impaired;*
22 *services.* All moneys received from services provided at by the Wisconsin School
23 Educational Services Program for the Deaf and Hard of Hearing under s. 115.52 (6)
24 (5) and at by the Wisconsin Center for the Blind and Visually Impaired under s.
25 115.525 (5) for the operation and maintenance of the school program and the center.

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

2 20.255 (1) (gt) School Wisconsin Educational Services Program for the Deaf and
3 Hard of Hearing and Wisconsin Center for the Blind and Visually Impaired; pupil
4 transportation. The amounts in the schedule for the weekend transportation of
5 pupils enrolled in the school operated by the Wisconsin School Educational Services
6 Program for the Deaf and Hard of Hearing under s. 115.52 or the school operated by
7 the Wisconsin Center for the Blind and Visually Impaired under s. 115.525 to and
8 from their homes. All moneys received under s. 115.53 (6) shall be credited to this
9 appropriation.

10 **SECTION 10.** 39.41 (1) (bm) of the statutes is amended to read:

11 39.41 (1) (bm) "Senior" means a pupil enrolled in the 12th grade in a public or
12 private high school, the school operated by the Wisconsin School Educational
13 Services Program for the Deaf and Hard of Hearing or the school operated by the
14 Wisconsin Center for the Blind and Visually Impaired.

15 **SECTION 11.** 39.41 (1m) (c) 2. of the statutes is amended to read:

16 39.41 (1m) (c) 2. For the school operated by the Wisconsin School Educational
17 Services Program for the Deaf and Hard of Hearing, designate the senior with the
18 highest grade point average in all subjects as a scholar.

19 **SECTION 12.** 39.41 (1m) (fm) of the statutes is amended to read:

20 39.41 (1m) (fm) If 2 or more seniors from the school operated by the Wisconsin
21 School Educational Services Program for the Deaf and Hard of Hearing have the
22 same grade point average and, except for the limitation of one designated senior, are
23 otherwise eligible for designation under par. (c) 2., the executive secretary shall
24 make the designation under par. (c) 2. of the senior who may be eligible for a higher
25 education scholarship as a scholar and, if that senior does not qualify for a higher

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1 education scholarship under sub. (2) (a) or (3) (a), shall designate one or more of the
2 remaining seniors with the same grade point average as eligible for a higher
3 education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship
4 may be awarded by the board.

5 **SECTION 13.** 44.70 (2g) of the statutes is amended to read:

6 44.70 (2g) "Educational agency" means a school district, private school,
7 cooperative educational service agency, technical college district, private college,
8 public library system, public library board, the Wisconsin Center for the Blind and
9 Visually Impaired, or the Wisconsin School Educational Services Program for the
10 Deaf and Hard of Hearing.

11 **SECTION 14.** 46.041 (1) (a) of the statutes is amended to read:

12 46.041 (1) (a) Provide for the temporary residence and evaluation of children
13 referred from courts assigned to exercise jurisdiction under chs. 48 and 938, the
14 institutions and services under the jurisdiction of the department, University of
15 Wisconsin Hospitals and Clinics Authority, county departments under s. 46.215,
16 46.22 or 46.23, private child welfare agencies, the Wisconsin School Educational
17 Services Program for the Deaf and Hard of Hearing, the Wisconsin Center for the
18 Blind and Visually Impaired, and mental health facilities within the state at the
19 discretion of the director of the institution providing services under this section.

20 **SECTION 15.** 49.45 (39) (a) 1. of the statutes is amended to read:

21 49.45 (39) (a) 1. "School" means a public school described under s. 115.01 (1),
22 a charter school, as defined in s. 115.001 (1), the Wisconsin Center for the Blind and
23 Visually Impaired, or the Wisconsin School Educational Services Program for the
24 Deaf and Hard of Hearing. It includes school-operated early childhood programs for
25 developmentally delayed and disabled 4-year-old and 5-year-old children.

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1 **SECTION 16.** 49.45 (39) (am) of the statutes is amended to read:

2 49.45 (39) (am) *Plan amendment.* No later than September 30, 1995, the
3 department shall submit to the federal department of health and human services an
4 amendment to the state medical assistance plan to permit the application of pars. (b)
5 and (c). If the amendment to the state plan is approved, school districts, cooperative
6 educational service agencies, and the department of public instruction on behalf of
7 the Wisconsin Center for the Blind and Visually Impaired and the Wisconsin School
8 Educational Services Program for the Deaf and Hard of Hearing claim
9 reimbursement under pars. (b) and (c). Paragraphs (b) and (c) do not apply unless
10 the amendment to the state plan is approved and in effect. The department shall
11 submit to the federal department of health and human services an amendment to the
12 state plan if necessary to permit the application of pars. (b) and (c) to the Wisconsin
13 Center for the Blind and Visually Impaired and the Wisconsin School Educational
14 Services Program for the Deaf and Hard of Hearing.

15 **SECTION 17.** 49.45 (39) (b) of the statutes is amended to read:

16 49.45 (39) (b) *School medical services.* 1. 'Payment for school medical services.'
17 If a school district or a cooperative educational service agency elects to provide school
18 medical services and meets all requirements under par. (c), the department shall
19 reimburse the school district or the cooperative educational service agency for 60%
20 of the federal share of allowable charges for the school medical services that it
21 provides and, as specified in subd. 2., for allowable administrative costs. If the
22 Wisconsin Center for the Blind and Visually Impaired or the Wisconsin School
23 Educational Services Program for the Deaf and Hard of Hearing elects to provide
24 school medical services and meets all requirements under par. (c), the department
25 shall reimburse the department of public instruction for 60% of the federal share of

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1 allowable charges for the school medical services that the Wisconsin Center for the
2 Blind and Visually Impaired or the Wisconsin ~~School~~ Educational Services Program
3 for the Deaf and Hard of Hearing provides and, as specified in subd. 2., for allowable
4 administrative costs. A school district, cooperative educational service agency, the
5 Wisconsin Center for the Blind and Visually Impaired or the Wisconsin ~~School~~
6 Educational Services Program for the Deaf and Hard of Hearing may submit, and
7 the department shall allow, claims for common carrier transportation costs as a
8 school medical service unless the department receives notice from the federal health
9 care financing administration that, under a change in federal policy, the claims are
10 not allowed. If the department receives the notice, a school district, cooperative
11 educational service agency, the Wisconsin Center for the Blind and Visually
12 Impaired, or the Wisconsin ~~School~~ Educational Services Program for the Deaf and
13 Hard of Hearing may submit, and the department shall allow, unreimbursed claims
14 for common carrier transportation costs incurred before the date of the change in
15 federal policy. The department shall promulgate rules establishing a methodology
16 for making reimbursements under this paragraph. All other expenses for the school
17 medical services provided by a school district or a cooperative educational service
18 agency shall be paid for by the school district or the cooperative educational service
19 agency with funds received from state or local taxes. The school district, the
20 Wisconsin Center for the Blind and Visually Impaired, the Wisconsin ~~School~~
21 Educational Services Program for the Deaf and Hard of Hearing, or the cooperative
22 educational service agency shall comply with all requirements of the federal
23 department of health and human services for receiving federal financial
24 participation.

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1 2. 'Payment for school medical services administrative costs.' The department
2 shall reimburse a school district or a cooperative educational service agency specified
3 under subd. 1. and shall reimburse the department of public instruction on behalf
4 of the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin School
5 Educational Services Program for the Deaf and Hard of Hearing for 90% of the
6 federal share of allowable administrative costs, using time studies, beginning in
7 fiscal year 1999-2000. A school district or a cooperative ~~education~~ educational
8 service agency may submit, and the department of health and family services shall
9 allow, claims for administrative costs incurred during the period that is up to 24
10 months before the date of the claim, if allowable under federal law.

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

12 115.31 (1) (b) "Educational agency" means a school district, cooperative
13 educational service agency, state correctional institution under s. 302.01, secured
14 correctional facility, as defined in s. 938.02 (15m), secured child caring institution,
15 as defined in s. 938.02 (15g), the Wisconsin Center for the Blind and Visually
16 Impaired, the Wisconsin School Educational Services Program for the Deaf and Hard
17 of Hearing, the Mendota mental health institute, the Winnebago mental health
18 institute, a state center for the developmentally disabled, a private school, or a
19 private, nonprofit, nonsectarian agency under contract with a school board under s.
20 118.153 (3) (c).

21 **SECTION 19.** Subchapter III (title) of chapter 115 [precedes 115.51] of the
22 statutes is amended to read:

CHAPTER 115**SUBCHAPTER III****STATE SCHOOL WISCONSIN**

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EDUCATIONAL SERVICES PROGRAM
FOR THE DEAF AND HARD OF HEARING
AND STATE WISCONSIN CENTER
FOR THE BLIND AND
VISUALLY IMPAIRED

SECTION 20. 115.51 (2) of the statutes is repealed and recreated to read:

115.51 (2) "Hearing impaired" has the meaning given in the rules promulgated by the state superintendent to define "hearing impairments" under s. 115.76 (5) (a) 2.

SECTION 21. 115.52 of the statutes is repealed and recreated to read:

115.52 Wisconsin Educational Services Program for the Deaf and Hard of Hearing. (1) DEFINITION. In this section, "program" means the Wisconsin Educational Services Program for the Deaf and Hard of Hearing.

~~(1m) PURPOSE.~~ The purpose of the program is to serve as a statewide educational resource relating to hearing impairments to benefit all Wisconsin children who are hearing impaired.

(2) GOVERNANCE. The state superintendent shall maintain and govern the program's facilities. The state superintendent shall appoint an individual who has training and experience in educating pupils who are hearing impaired to serve as the director of the program.

(3) SERVICES. The program shall provide services that benefit children throughout the state who are hearing impaired.

(a) *School.* 1. 'Residents 3 to 20 years old.' The program shall operate a school at which any resident of this state 3 to 20 years old who is hearing impaired, and for the duration of a school term any resident of this state who is hearing impaired and

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1 becomes 21 years old during that school term, shall be received and taught free of
2 charge if the individualized education program for the resident under s. 115.787 and
3 the educational placement under s. 115.79 specify the school operated by the
4 program as the appropriate placement.

5 2. 'Residents 21 years old or older.' The state superintendent may admit to the
6 school operated by the program a resident of the state who is hearing impaired and
7 is 21 years of age or older prior to the beginning of a school term upon the payment
8 of fees fixed by the state superintendent and upon the recommendation of the
9 secretary of health and family services, the director of the technical college system,
10 or the director of the program.

11 3. 'Nonresidents.' A nonresident of this state, who is hearing impaired, who
12 either is 3 to 20 years old or becomes 21 years old during a school term, whose
13 individualized education program under 20 USC 1414 (d) and educational placement
14 specify the school operated by the program as the appropriate placement, and who
15 is capable of receiving instruction may be received at the school upon payment in
16 advance of the fees fixed by the state superintendent, but no nonresident may be
17 received to the exclusion of a resident pupil.

18 4. 'Pupil use of residential facilities.' Except as provided in sub. (4), the director
19 of the program shall make the residential facilities of the program available to all
20 pupils received at the school operated by the program.

21 5. 'School term.' The state superintendent shall fix the period of the school term
22 at the school operated by the program at not less than 38 weeks, prescribe the school
23 sessions, and confer diplomas upon meritorious pupils who have completed the
24 prescribed curriculum. Pursuant to a pupil's individualized education program
25 under s. 115.787, a pupil may be placed at the school for less than a school term.

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1 6. ‘Transportation.’ The program may provide transportation for resident
2 pupils at the school operated by the program.

3 (b) *Other statewide services.* The program may do any of the following:

4 1. Provide evaluation services to assist local educational agencies, cooperative
5 educational service agencies, county children with disabilities education boards,
6 private schools, and others.

7 2. Provide technical assistance and consultation services to local educational
8 agencies, cooperative educational service agencies, county children with disabilities
9 education boards, private schools, and others.

10 3. Develop and disseminate curriculum and instructional materials.

11 4. Provide in-service and other training to teachers and other staff serving
12 pupils who are hearing impaired.

13 5. Provide training, technical assistance, and consultation services for parents
14 of children who are hearing impaired and for professionals who work with children
15 who are hearing impaired.

16 6. Provide access to educational materials to children who are hearing
17 impaired.

18 7. Loan books and other materials from the library described in par. (c) 2.

19 8. Serve as a clearinghouse for information about children who are hearing
20 impaired.

21 9. Teach American sign language, and teach other subjects using American
22 sign language, through the use of distance education technology.

23 10. Rent or lease technological materials and assistive technology devices, as
24 defined in s. 115.76 (1), to local educational agencies, cooperative educational service
25 agencies, county children with disabilities education boards, and private schools.

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1 11. Facilitate the preparation of teachers of pupils who are hearing impaired
2 by providing assistance to teacher preparation programs.

3 12. Provide other statewide services that relate to the education of children who
4 are hearing impaired.

5 (c) *Additional services.* 1. 'Birth to 3 services.' The program may provide
6 instruction or services, or both, for children who are under the age of 3 and are
7 hearing impaired and their parents. The instruction or services are subject to the
8 approval of, and shall comply with requirements established by, the department.

9 2. 'Library.' Educational media and materials acquired by the program
10 constitute a circulating collection for persons who are hearing impaired. The
11 collection shall be kept at the program's facility and be under the supervision of its
12 director. All school age children of the state who are hearing impaired may use the
13 media and materials upon compliance with criteria established by the director of the
14 program and approved by the state superintendent.

15 3. 'Summer programs.' The program shall provide summer programs each year
16 for children who are hearing impaired.

17 4. 'Independent living skills.' With the approval of the state superintendent,
18 the program may allow individuals to receive instruction in and practice
19 independent living skills in state-owned housing at the program's facility in
20 Delavan.

21 (d) *Provision of services.* In addition to providing services at the program's
22 facility in Delavan, the program may provide services at any location in the state and
23 may operate regional satellite facilities throughout the state to provide services.

24 (4) **NONDISCRIMINATION.** All pupils in the program may equally and freely enjoy
25 the benefits and privileges of the program, have the use of the library and books of

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1 instruction, and receive board, lodging, and linens, without discrimination, except
2 that the director of the program may determine that board, lodging, and linens may
3 not be provided to an individual because appropriate services are not available for
4 that individual at the program's residential facilities.

5 (5) CHARGES. The state superintendent may charge for meals, living quarters,
6 laundry, and other services furnished to employees of the program and their families.
7 The state superintendent may charge for services furnished to visitors to the
8 program's facilities and participants in training programs and institutes.

9 (6) LEASING OF SPACE. The state superintendent may lease space at the
10 program's facilities in Delavan that is not required by the program to any person if
11 the state superintendent determines that the use will not be inconsistent with the
12 operation of the program.

13 (7) AUDIT. In the 2004–05 fiscal year, the legislative audit bureau shall perform
14 a performance evaluation audit of the program. The bureau shall submit copies of
15 the audit report to the chief clerk of each house of the legislature for distribution to
16 the appropriate standing committees under s. 13.172 (3) by June 30, 2005.

17 **SECTION 22.** 115.53 (2) of the statutes is amended to read:

18 115.53 (2) Arrange for vocational, trade or academic training for any pupil in
19 either the school operated by the Wisconsin Center for the Blind and Visually
20 Impaired or the Wisconsin School Educational Services Program for the Deaf and
21 Hard of Hearing qualified to take such training advantageously, in either a public
22 school or technical college or a private business establishment in Janesville or
23 Delavan. The public school and the technical college shall be paid the regular tuition
24 for full-time attendance and proportionally for part-time attendance by the school

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1 district responsible for the provision of a free appropriate public education under
2 subch. V.

3 **SECTION 23.** 115.53 (3) (a) of the statutes is amended to read:

4 115.53 (3) (a) Arrange for otological or ophthalmic examination of any pupil or
5 prospective pupil of the Wisconsin School Educational Services Program for the Deaf
6 and Hard of Hearing. The examination shall be paid for from the appropriation in
7 s. 20.255 (1) (b), (gh) or (gs).

8 **SECTION 24.** 115.53 (4) of the statutes is amended to read:

9 115.53 (4) Apply to the board of directors of the University of Wisconsin
10 Hospitals and Clinics Authority for admission to the University of Wisconsin
11 Hospitals and Clinics of any pupil at the school operated by the Wisconsin School
12 Educational Services Program for the Deaf and Hard of Hearing or the school
13 operated by the Wisconsin Center for the Blind and Visually Impaired.

14 (a) The application shall be accompanied by the report of a physician appointed
15 by the superintendent director of the Wisconsin School Educational Services
16 Program for the Deaf and Hard of Hearing or the director of the Wisconsin Center
17 for the Blind and Visually Impaired and shall be in the same form as reports of other
18 physicians for admission of patients to such hospital.

19 (b) The net cost of hospital treatment shall be at the rate established under s.
20 233.40 (1) and shall be paid from the appropriation under s. 20.255 (1) (b), (gh) or (gs)
21 if the patient is a pupil at the school operated by the Wisconsin School Educational
22 Services Program for the Deaf and Hard of Hearing or from the appropriation under
23 s. 20.255 (1) (b), (gh), (gL) or (gs) if the patient is a pupil at the school operated by the
24 Wisconsin Center for the Blind and Visually Impaired. The state superintendent
25 likewise may authorize payment for the expense of transporting patients to and from

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1 the hospital. The state superintendent shall make payments for the treatment to the
2 University of Wisconsin Hospitals and Clinics Authority. Funds collected by the
3 state superintendent on account of the hospitalization shall be credited to the
4 appropriation under s. 20.255 (1) (gh) for the school or center concerned.

5 **SECTION 25.** 115.53 (5) of the statutes is amended to read:

6 115.53 (5) Arrange for visits by members of the staff of either the Wisconsin
7 School Educational Services Program for the Deaf and Hard of Hearing or the
8 Wisconsin Center for the Blind and Visually Impaired to other public schools or to
9 families of deaf children who are hearing impaired or children who are visually
10 impaired, whenever it appears to the state superintendent that such visits will be
11 of advantage to such children.

12 **SECTION 26.** 115.54 of the statutes is amended to read:

13 **115.54 Compulsory education.** If it appears, by affidavit, to any circuit
14 judge that any deaf child who is either hearing impaired or child ~~who is~~ visually
15 impaired and who is between the ages of 6 and 21 is deprived of a suitable education
16 by the failure of the person having the care and custody of the child to provide a
17 suitable education, the judge shall order the person to bring the child before the
18 judge. If the material allegations of the affidavit are denied, the judge shall subpoena
19 witnesses and hear testimony. If the allegations are admitted or established, the
20 judge may order the child sent to the school operated by the Wisconsin School
21 Educational Services Program for the Deaf and Hard of Hearing, the school operated
22 by the Wisconsin Center for the Blind and Visually Impaired or to some class or other
23 school for instruction, but the order may not make a direct charge for the class or
24 school against any county.

25 **SECTION 27.** 121.05 (1) (a) 8. of the statutes is amended to read:

BILL

1 121.05 (1) (a) 8. Pupils enrolled in the school operated by the Wisconsin School
2 Educational Services Program for the Deaf and Hard of Hearing or the school
3 operated by the Wisconsin Center for the Blind and Visually Impaired under subch.
4 III of ch. 115 for whom the school district is paying tuition under s. 115.53 (2)
5 determined by multiplying the total number of periods in each day in which the
6 pupils are enrolled in the local public school by the total number of days for which
7 the pupils are enrolled in the local public school and dividing the product by 1,080.

8 **SECTION 28.** 121.54 (3) of the statutes is amended to read:

9 121.54 (3) TRANSPORTATION FOR CHILDREN WITH DISABILITIES. Every school board
10 shall provide transportation for children with disabilities, as defined in s. 115.76 (5),
11 to any public or private elementary or high school, to the school operated by the
12 Wisconsin Center for the Blind and Visually Impaired or the school operated by the
13 Wisconsin School Educational Services Program for the Deaf and Hard of Hearing
14 or to any special education program for children with disabilities sponsored by a state
15 tax-supported institution of higher education, including a technical college,
16 regardless of distance, if the request for such transportation is approved by the state
17 superintendent. Approval shall be based on whether or not the child can walk to
18 school with safety and comfort. Section 121.53 shall apply to transportation provided
19 under this subsection.

20 **SECTION 29.** 940.295 (2) (j) of the statutes is amended to read:

21 940.295 (2) (j) The Wisconsin ~~School~~ Educational Services Program for the
22 Deaf and Hard of Hearing under s. 115.52 and the Wisconsin Center for the Blind and
23 Visually Impaired under s. 115.525.

24 **SECTION 30. Nonstatutory provisions.** (1) DEAF AND HARD-OF-HEARING
25 EDUCATION COUNCIL. Notwithstanding the length of term specified in section 15.377

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1 (2) of the statutes, as affected by this act, one of the initial members of the deaf and
2 hard-of-hearing education council appointed under section 15.377 (2) (a) of the
3 statutes, as affected by this act, one of the initial members appointed under section
4 15.377 (2) (i) of the statutes, as affected by this act, the initial member appointed
5 under section 15.377 (2) (b) of the statutes, as affected by this act, and the initial
6 member appointed under section 15.377 (2) (c) of the statutes, as affected by this act,
7 shall serve for terms expiring on July 1, 2002; the initial member appointed under
8 section 15.377 (2) (d), (e) and (f) of the statutes, as affected by this act, and one of the
9 initial members appointed under section 15.377 (2) (i) of the statutes, as affected by
10 this act, shall serve for terms expiring on July 1, 2003; and the initial member
11 appointed under section 15.377 (2) (g) and (h) of the statutes, as affected by this act,
12 one of the initial members appointed under section 15.377 (2) (a) of the statutes, as
13 affected by this act, and one of the members appointed under section 15.377 (2) (i)
14 of the statutes, as affected by this act, shall serve for terms expiring on July 1, 2004.

15 (END)

INSERT

¶ The bill ~~specifically~~ authorizes the
Program to provide services at any location
in the state ^{and} ~~and~~ for operate regional
satellite facilities throughout the state.