

2001 Senate Bill 176

Date of enactment: **April 9, 2002**  
Date of publication\*: **April 23, 2002**

## 2001 WISCONSIN ACT 57

**AN ACT** *to amend* 16.974 (7) (d), 20.255 (1) (b), 20.255 (1) (c), 20.255 (1) (gb), 20.255 (1) (gh), 20.255 (1) (gL), 20.255 (1) (gs), 20.255 (1) (gt), 39.41 (1) (bm), 39.41 (1m) (c) 2., 39.41 (1m) (fm), 44.70 (2g), 46.041 (1) (a), 49.45 (39) (a) 1., 49.45 (39) (am), 49.45 (39) (b), 115.31 (1) (b), subchapter III (title) of chapter 115 [precedes 115.51], 115.53 (2), 115.53 (3) (a), 115.53 (4), 115.53 (5), 115.54, 121.05 (1) (a) 8., 121.54 (3) and 940.295 (2) (j); *to repeal and recreate* 115.51 (2) and 115.52; and *to create* 15.377 (2) and 115.372 of the statutes; **relating to:** the Wisconsin School for the Deaf and creating a deaf and hard-of-hearing education council.

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

**SECTION 1.** 15.377 (2) of the statutes is created to read:

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

- (a) Two parents of children who are hearing impaired.
- (b) One licensed teacher of pupils who are hearing impaired.
- (c) One person who is licensed as a speech-language pathologist under subch. II of ch. 459.
- (d) One school district special education director.
- (e) One person who is licensed as an audiologist under subch. II of ch. 459 and whose expertise is in educational audiology.
- (f) One person who is experienced in educating the hearing impaired, or in educating teachers of the hearing

impaired, and is affiliated with an institution of higher education.

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

(h) One person employed as an educational interpreter.

(i) Three other members.

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

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

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

20.255 (1) (b) *General program operations; ~~School Wisconsin Educational Services Program for the Deaf and Hard of Hearing and Wisconsin~~ Center for the Blind and Visually Impaired.* The amounts in the schedule for the operation and maintenance of the facilities of the Wis-

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\* Section 991.11, WISCONSIN STATUTES 1999-00 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

consin School Educational Services Program for the Deaf and Hard of Hearing and the Wisconsin Center for the Blind and Visually Impaired, including the matching of federal funds, but not including expenses financed under par. (js).

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

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

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

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

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

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

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

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

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

20.255 (1) (gs) *School Wisconsin Educational Services Program for the Deaf and Hard of Hearing and Wisconsin Center for the Blind and Visually Impaired; services*. All moneys received from services provided at by

the Wisconsin School Educational Services Program for the Deaf and Hard of Hearing under s. 115.52 (6) (5) and at by the Wisconsin Center for the Blind and Visually Impaired under s. 115.525 (5) for the operation and maintenance of the school program and the center.

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

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

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

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

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

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

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

39.41 (1m) (fm) If 2 or more seniors from the school operated by the Wisconsin School Educational Services Program for the Deaf and Hard of Hearing have the same grade point average and, except for the limitation of one designated senior, are otherwise eligible for designation under par. (c) 2., the executive secretary shall make the designation under par. (c) 2. of the senior who may be eligible for a higher education scholarship as a scholar and, if that senior does not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), shall designate one or more of the remaining seniors with the same grade point average as eligible for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be awarded by the board.

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

44.70 (2g) “Educational agency” means a school district, private school, cooperative educational service agency, technical college district, private college, public library system, public library board, the Wisconsin Center for the Blind and Visually Impaired, or the Wisconsin

School Educational Services Program for the Deaf and Hard of Hearing.

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

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

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

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

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

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

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

49.45 (39) (b) *School medical services.* 1. 'Payment for school medical services.' If a school district or a cooperative educational service agency elects to provide school medical services and meets all requirements under par. (c), the department shall reimburse the school district or the cooperative educational service agency for 60% of the federal share of allowable charges for the school med-

ical services that it provides and, as specified in subd. 2., for allowable administrative costs. If the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin School Educational Services Program for the Deaf and Hard of Hearing elects to provide school medical services and meets all requirements under par. (c), the department shall reimburse the department of public instruction for 60% of the federal share of allowable charges for the school medical services that the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin School Educational Services Program for the Deaf and Hard of Hearing provides and, as specified in subd. 2., for allowable administrative costs. A school district, cooperative educational service agency, the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin School Educational Services Program for the Deaf and Hard of Hearing may submit, and the department shall allow, claims for common carrier transportation costs as a school medical service unless the department receives notice from the federal health care financing administration that, under a change in federal policy, the claims are not allowed. If the department receives the notice, a school district, cooperative educational service agency, the Wisconsin Center for the Blind and Visually Impaired, or the Wisconsin School Educational Services Program for the Deaf and Hard of Hearing may submit, and the department shall allow, unreimbursed claims for common carrier transportation costs incurred before the date of the change in federal policy. The department shall promulgate rules establishing a methodology for making reimbursements under this paragraph. All other expenses for the school medical services provided by a school district or a cooperative educational service agency shall be paid for by the school district or the cooperative educational service agency with funds received from state or local taxes. The school district, the Wisconsin Center for the Blind and Visually Impaired, the Wisconsin School Educational Services Program for the Deaf and Hard of Hearing, or the cooperative educational service agency shall comply with all requirements of the federal department of health and human services for receiving federal financial participation.

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

to 24 months before the date of the claim, if allowable under federal law.

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

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

**SECTION 18m.** 115.372 of the statutes is created to read:

**115.372 Deaf and hard-of-hearing education council.** (1) In this section:

(a) "Council" means the deaf and hard-of-hearing education council.

(b) "Hearing impaired" has the meaning given in s. 115.51 (2).

(2) The state superintendent shall seek the advice of and consult with the council on issues related to persons who are hearing impaired. The state superintendent and the director of the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, or their designees, shall attend meetings of the council.

(3) The council shall do all of the following:

(a) Meet at least twice each year.

(b) Advise the state superintendent on such statewide services, activities, programs, investigations, and research as in its judgment will benefit pupils who are hearing impaired.

(c) Make recommendations for the improvement of services provided by the Wisconsin Educational Services Program for the Deaf and Hard of Hearing.

(d) Review the level and quality of services available to pupils in the state who are hearing impaired and make recommendations about those services.

(e) Propose to the state superintendent ways to improve the preparation of teachers and other staff who provide services to pupils who are hearing impaired.

(f) Propose to the state superintendent ways to improve coordination between the department and other agencies in providing services to persons who are hearing impaired.

(4) The council may initiate consultations with the department.

(5) The council shall have access to public files, public records, and statistics kept in the department that relate to matters concerning children who are hearing impaired.

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

**CHAPTER 115**

**SUBCHAPTER III**

**STATE SCHOOL WISCONSIN**

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

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

3. 'Nonresidents.' A nonresident of this state, who is hearing impaired, who either is 3 to 20 years old or



becomes 21 years old during a school term, whose individualized education program under 20 USC 1414 (d) and educational placement specify the school operated by the program as the appropriate placement, and who is capable of receiving instruction may be received at the school upon payment in advance of the fees fixed by the state superintendent, but no nonresident may be received to the exclusion of a resident pupil.

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

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

6. 'Transportation.' The program may provide transportation for resident pupils at the school operated by the program.

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

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

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

3. Develop and disseminate curriculum and instructional materials.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) **NONDISCRIMINATION.** All pupils in the program may equally and freely enjoy the benefits and privileges of the program, have the use of the library and books of instruction, and receive board, lodging, and linens, without discrimination, except that the director of the program may determine that board, lodging, and linens may not be provided to an individual because appropriate services are not available for that individual at the program's residential facilities.

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

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

(7) **AUDIT.** In the 2005-06 fiscal year, the legislative audit bureau shall perform a performance evaluation

audit of the program. The bureau shall submit copies of the audit report to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3) by June 30, 2006.

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

115.53 (2) Arrange for vocational, trade or academic training for any pupil in either the school operated by the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin ~~School~~ Educational Services Program for the Deaf and Hard of Hearing qualified to take such training advantageously, in either a public school or technical college or a private business establishment in Janesville or Delavan. The public school and the technical college shall be paid the regular tuition for full-time attendance and proportionally for part-time attendance by the school district responsible for the provision of a free appropriate public education under subch. V.

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

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

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

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

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

(b) The net cost of hospital treatment shall be at the rate established under s. 233.40 (1) and shall be paid from the appropriation under s. 20.255 (1) (b), (gh) or (gs) if the patient is a pupil at the school operated by the Wisconsin ~~School~~ Educational Services Program for the Deaf and Hard of Hearing or from the appropriation under s. 20.255 (1) (b), (gh), (gL) or (gs) if the patient is a pupil at the school operated by the Wisconsin Center for the Blind and Visually Impaired. The state superintendent likewise may authorize payment for the expense of transporting patients to and from the hospital. The state superintendent shall make payments for the treatment to the University of Wisconsin Hospitals and Clinics Authority. Funds collected by the state superintendent on account of

the hospitalization shall be credited to the appropriation under s. 20.255 (1) (gh) for the school or center concerned.

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

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

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

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

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

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

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

121.54 (3) TRANSPORTATION FOR CHILDREN WITH DISABILITIES. Every school board shall provide transportation for children with disabilities, as defined in s. 115.76 (5), to any public or private elementary or high school, to the school operated by the Wisconsin Center for the Blind and Visually Impaired or the school operated by the Wisconsin ~~School~~ Educational Services Program for the Deaf and Hard of Hearing or to any special education program for children with disabilities sponsored by a state

tax-supported institution of higher education, including a technical college, regardless of distance, if the request for such transportation is approved by the state superintendent. Approval shall be based on whether or not the child can walk to school with safety and comfort. Section 121.53 shall apply to transportation provided under this subsection.

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

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

**SECTION 30. Nonstatutory provisions.**

(1) DEAF AND HARD-OF-HEARING EDUCATION COUNCIL. Notwithstanding the length of term specified in section 15.377 (2) of the statutes, as affected by this act, one of the initial members of the deaf and hard-of-hearing education council appointed under section 15.377 (2) (a)

of the statutes, as affected by this act, one of the initial members appointed under section 15.377 (2) (i) of the statutes, as affected by this act, the initial member appointed under section 15.377 (2) (b) of the statutes, as affected by this act, and the initial member appointed under section 15.377 (2) (c) of the statutes, as affected by this act, shall serve for terms expiring on July 1, 2003; the initial member appointed under section 15.377 (2) (d), (e) and (f) of the statutes, as affected by this act, and one of the initial members appointed under section 15.377 (2) (i) of the statutes, as affected by this act, shall serve for terms expiring on July 1, 2004; and the initial member appointed under section 15.377 (2) (g) and (h) of the statutes, as affected by this act, one of the initial members appointed under section 15.377 (2) (a) of the statutes, as affected by this act, and one of the members appointed under section 15.377 (2) (i) of the statutes, as affected by this act, shall serve for terms expiring on July 1, 2005.

