

No. 143, A.]

[Published April 29, 1921.]

**CHAPTER 163.**

AN ACT to repeal subsection (4) of section 40.29 and create a new subsection (4) of section 40.29, relating to attendance of nonresident pupils in rural schools, state graded schools, and grades below the free high school.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Subsection (4) of section 40.29 of the statutes is hereby repealed.

SECTION 2. There is hereby created a new subsection to be numbered and to read: (40.29) (4) (a) In all cases where nonresident children of school age shall attend school in a district maintaining a one or two department rural school or some department below the ninth grade in a district maintaining a state graded school or the grades in a district maintaining a free high school or the equivalent thereof, the school board or board of education of such district shall have authority to determine whether such nonresident children shall be admitted and to fix the rate of tuition for such nonresident children unless the electors at the annual district meeting next preceding shall have taken action in accordance with subsection (12) of section 40.09, provided the tuition below the ninth grade in any school shall not exceed the per capita cost of instruction in said school for the year or part of year for which tuition is charged. The per capita cost of instruction shall be determined by dividing the total salary paid the teacher or teachers by the total enrollment for the year.

(b) In all cases arising under paragraph (a) of this subsection it shall be the duty of the school board or board of education to enter into a written agreement with the parent or guardian prior to the admission of such nonresident pupil to the school providing for the payment of tuition at the rate legally fixed, except where such nonresident pupil resides in a district in which all the schools have been suspended by a vote of the electors of the district, in which case the agreement shall be entered into with the school board of said district.

(c) In case children of school age reside more than two miles from the schoolhouse in the home district and one-half mile or more nearer a school in an adjoining district, distance in each case measured by the nearest travelled highway, and transporta-

tion is not provided by the home district, such children shall be privileged to attend the nearer school. It shall be the duty of any school district to admit such pupils if the facilities for seating and instruction will permit, and provided the admission of such children will not cause the enrollment in any one room to exceed fifty pupils. The clerk of the school district in which such children attend shall file with the clerk of the school district in which the parents or guardians reside a statement on or before the first day of July in each year showing the name, age, residence, date of admission and attendance of each such person admitted from said district. The statement shall also show the rate of tuition per week, month, or year, and the amount of tuition due for each pupil, provided the tuition per pupil below the ninth grade shall in no case exceed the per capita cost of instruction for the year or part of year for which tuition is due. The per capita cost of instruction shall be determined as provided in paragraph (a) of this subsection. Upon the filing of the foregoing statement, the school board or board of education of the district in which such parents or guardians reside is hereby authorized and directed to pay to the treasurer of the district in which such children attend school the sum due said district.

(d) The payment of tuition shall in all cases entitle the pupil to all the rights and privileges enjoyed by resident pupils therein. In computing tuition due five days including legal school holidays shall constitute a school week; twenty days including legal school holidays shall constitute a school month. No deduction in amount of tuition shall be made on account of absence on the part of any pupil unless such pupil shall have been absent two entire school weeks at one time. In case of absence of more than two school weeks at one time the deduction shall be made only for the absence in excess of two school weeks.

SECTION 3. This act shall take effect upon passage and publication.

Approved April 26, 1921.

No. 146, A.]

[Published April 29, 1921.

## CHAPTER 164.

AN ACT to amend sections 959x—1, 959x—2, 959x—3, 959x—4, relating to creation of utility districts in towns.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*