

No. 33, A.]

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**CHAPTER 25.**

AN ACT to repeal 41.01 (4) (a) to (c) and to amend 40.34 (2) and (4) and 41.01 (4) (introductory paragraph) and (5) of the statutes, relating to tuition for handicapped children and their transportation in certain cases.

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

SECTION 1. 40.34 (2) and (4) of the statutes are amended to read:

40.34 (2) Every district shall provide transportation for physically disabled children, as defined in section 41.01 (4), to any elementary or secondary schools regardless of distance, provided the request for such service is approved by the state superintendent \* \* \*. State aid for such approved cases will be granted on the same basis as transportation of normal children. *These aids are to be supplemented by the aids provided for by section 41.03 (1) and (2) in an amount not to exceed the full cost.* The approval of such cases shall be based on whether or not the child can walk to school with safety and comfort \* \* \*.

(4) If, in the judgment of the school board or municipality board providing the transportation and the parent or guardian, it is to the advantage of the district or municipality and also to the advantage of the child to provide board and lodging in lieu of transportation for all or part of the time for children of the district for whom transportation must be provided or for whom it has been authorized under the provisions of subsection (1), the board or municipality shall enter into a written contract under which such children shall be properly boarded and lodged, and the board or municipality shall pay for such board and lodging from the general fund \* \* \*, except that in the case of non-resident high school pupils the cost shall be paid by the portion of the county lying outside of high school districts in the same manner as is provided for the payment of nonresident high school tuition. This provision shall also apply to physically disabled children. The district or municipality shall be reimbursed by the state at the rate of \* \* \* 60 per cent of the actual cost, but not to exceed \$6 per week of 5 days for each child so boarded and lodged. *In the case of handicapped children the aids herein provided for are to be supplemented from the aids provided for by section 41.03 (1) and (a) in an amount which, when added to the aids herein provided, will not be in excess of the cost of such board and lodging.* It shall also be the privilege of the parent or guardian to select the home in which the child be boarded and lodged. *The board and lodging costs paid under the provisions of this section and section 41.03 (1) (a) shall not be classified as public relief.* \* \* \* The board may, if in its judgment it is to the interest of the district, in lieu of furnishing transportation or board and lodging, pay the tuition of such children in a school in another district which such children can conveniently attend without transportation and the state superintendent may grant permission for a handicapped child to be transported to a school in another district if he resides on an established bus route and if this results in equal or better educational opportunities for the child and an acceptable form of transportation is provided.

SECTION 2. 41.01 (4) (introductory paragraph) of the statutes is amended to read:

41.01 (4) (introductory paragraph) There is created in the state department of public instruction a bureau for handicapped children. Whenever the word "bureau" appears in this section it means the bureau for handicapped children. The state superintendent of public instruction shall appoint a person with the status of assistant superintendent to serve as director for the bureau. Wherever the word "director" appears in this section it means the director of the bureau. The director is responsible for the services established under the state department of public instruction for children who are crippled, blind, partially seeing, deaf, hard of hearing, defective in speech, cardiopathic, malnourished, otherwise physically handicapped or who are mentally handicapped. He is responsible for the auditing of expenditures incurred for such services subject to the direction of the state superintendent. The responsibility of the director is concerned with the services carried on through day classes and resident schools under the jurisdiction of the state department of public instruction, for children with handicaps as designated in this section.

The director *with the approval of the state superintendent* shall appoint \* \* \* *qualified personnel necessary to perform the duties required in this section.*

SECTION 3. 41.01 (4) (a) to (e) of the statutes is repealed.

SECTION 4. 41.01 (5) of the statutes is amended to read:

41.01 (5) Handicapped children residing within the district or outside the district may be admitted to special classes or schools according to standards of eligibility which are determined by the bureau for handicapped children and according to available facilities in each such class or school. In case a disabled child who does not reside in a school district maintaining special classes or schools for children with such disabilities is eligible for special class attendance, he may be admitted as a nonresident pupil. Tuition \* \* \* shall be chargeable to the county, town, city or village of which such pupil is a resident. *In determining the tuition for such handicapped children, the total cost of items reported in accordance with section 41.03 (1) of the statutes plus the actual cost of operation and maintenance for each type of handicap, less any federal, state and county aids for the education of the handicapped for the preceding year, shall be divided by the total number of children receiving such services. On or before August 1 following the close of the school year, the clerk or secretary of the board of the district shall file the tuition claims for handicapped children on the elementary level with the clerks of the towns, villages or cities of their residences and shall file the tuition claims for handicapped children on the high school level with the clerks of the counties of their residences. Upon receipt of such tuition claims the respective clerks shall cause the amounts thereof to be spread upon the tax rolls for collection. When the taxes are collected tuition claims shall be paid to the treasurers of the school districts to which they are due by the municipal treasurers subject to the priority that is given to high school tuitions under section 74.03 (5) of the statutes. For the purpose of this section "municipality" is defined as a town, village, city or county. Whenever such child resides in a district which maintains a special school or class for children with such disabilities and if he attends a special class in another district, his tuition shall be a charge against the parent or guardian of such pupil. In the case of a crippled child who lives either within the district or outside, the basis for his enrollment in an orthopedic school shall be his need for special school facilities because of his inability to walk or climb stairs or his need for supervision or treatment as provided at such schools. Only children who are mentally able to carry the regular academic course shall be admitted to orthopedic schools.*

Approved March 16, 1951.

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