

No. 469, A.]

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CHAPTER 333

AN ACT to amend 41.01 (5) of the statutes, relating to the manner of charging tuition for handicapped children.

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

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, *including any child mentioned in sub. (2a)*, 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. In cases where the state and local superintendents approve a transfer to \* \* \* *an equivalent special class in another district for good reason to serve the best interests of the child, he thereby becomes eligible to attend such class \* \* \**, and the tuition shall be paid \* \* \* *by the district of his residence. Otherwise tuition shall be chargeable \* \* \* as provided in this section.* In determining the tuition for such handicapped children, the total cost of items reported in accordance with s. 41.03 (1) 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 \* \* \* *with the clerk of the county and the municipality of residence of such nonresident children, a sworn statement of claim against the county, setting forth the residence, name, age, date of entrance and the number of weeks attendance of each such child, and a statement of the amount of tuition to which the district lays claim for each such pupil, and the aggregate sum for tuition due the district from the county. The county clerk shall examine all such claims for the purpose of determining their accuracy and the legal authority for claiming tuition. For that purpose the county clerk may call upon school or other local officials to supply data which will verify such claims. After examining the claims, the county clerk shall notify the school district clerk of the result of his examination of such claims, and in cases where corrections are necessary, notify the clerk of the school district who shall meet with the county clerk, at the school district's expense, to make such corrections. He shall then apportion the amount thereof, for each type of handicap, on the basis of the ratio of the equalized valuation of that portion of each municipality within the county that lies outside of school districts which operate such special classes, to the total equalized valuation of all the territory in the county that lies outside of school districts which operate such classes, and certify that amount to the clerks of said municipalities.* 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 \* \* \* *county treasurers subject to the priority that is given to high school tuitions under s. 74.03 (5).* For the purpose of this subsection "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, except where the state and local superintendents have approved a transfer, 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 July 5, 1957.

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