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CHAPTER 163

AN ACT to amend 38.23; and to create 40.905 of the statutes, relating to permitting senior and other high school students in Milwaukee county and adjoining districts changing residence to complete school terms without payment of tuition, and to permit nonresident high school students to enroll in such districts upon application, declaration of intent to become a resident and paying partial tuition fees.

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

SECTION 1. 38.23 of the statutes is amended to read:

38.23 Sections 40.01 (1), (2), 40.19, 40.30 (17) and (19), 40.435, 40.44, 40.47, 40.48 (2) to (4), 40.50, 40.53 (2), (5) to (7), 40.55, 40.56 (5), 40.57, 40.63, 40.65 (1), (2), 40.655, 40.657, 40.68, 40.77, 40.78 (1), (2), (4) to (8), 40.819, ~~40.905~~, 40.93, 41.01 to 41.03, 41.175, 43.50, 59.07

(21) (a) and 66.03 (3) (c) are applicable to boards of school directors and to schools in cities of the first class. The board shall exercise the powers and perform the functions and shall be entitled to all school aids insofar as the same are relevant to cities of the first class. The school board and the schools in cities of the first class shall be governed in all matters by the general laws of the state, except as they are altered or modified by express amendments.

SECTION 2. 40.905 of the statutes is created to read:

40.905 HIGH SCHOOLS; CHANGING RESIDENCE; COMPLETING TERMS; TUITION WAIVED. (1) MID-YEAR RESIDENCE CHANGES. The board of school directors of the city of Milwaukee and the board of any school district in Milwaukee county outside the city of Milwaukee or of any school district adjoining the county of Milwaukee, which operates a high school, shall permit a high school pupil who is enrolled in a high school in a school district under its jurisdiction and is a resident of such school district on or after March 31 of any school year, to complete his course of study for such school year at such high school without payment of tuition even though he moves out of such school district before the close of such school year, provided he resides during the remainder of such school year within the county or city of Milwaukee or a school district which adjoins the county of Milwaukee and which operates a high school.

(2) **SENIORS CHANGING RESIDENCE.** The board of school directors of the city of Milwaukee and the board of any school district in Milwaukee county outside the city of Milwaukee or of any school district which adjoins the county of Milwaukee, and which operates a high school, shall permit a high school pupil who has gained and maintains status and is enrolled as a senior in a high school in a school district under its jurisdiction and is a resident of such school district at the time of gaining such senior status and such enrollment, to undertake and complete the courses of study for his senior year at such high school without payment of tuition even though he moves or has moved out of such school district, provided he resides during his senior year or the remainder thereof within the county or city of Milwaukee or a school district which adjoins the county of Milwaukee and which operates a high school.

(3) **COUNTED RESIDENT PUPILS FOR STATE AID PURPOSES.** Any pupil who, pursuant to this section, continues for any period of time to attend a high school in a school district after he moves out of such district, shall be deemed to be and shall be counted a resident pupil of such high school during that period of time for the purpose of determining state aids.

(4) **ENROLLMENT OF NONRESIDENT PUPILS INTENDING TO BECOME RESIDENTS.** (a) Whenever previous to the commencement of any semester a nonresident high school student makes and files with the governing school board written application for enrollment for such semester in any high school district within the area composed of the school districts specified in sub. (1), and such application is accompanied with a written declaration of the pupil's parents or other persons having legal custody of the pupil that they will establish residence in such school district by a time therein specified, the pupil may, if the student load is not excessive, be enrolled in such high school upon prepayment of a tuition fee for 9 school weeks. If the parents or legal custodians of the pupil establish residence in the school district during such 9-school-week period the tuition fee prepaid shall be refunded, and if not, the pupil and his parents or legal custodians shall be given the same opportunity with respect to another and next succeeding 9-school-week period upon filing with such board a like or

similar written declaration and prepayment of a tuition fee for such additional 9-school-week period. If the parents or legal custodians of the pupil establish residence in such district prior to the expiration of either or both of such 9-school-week periods, the pupil shall be counted as a resident pupil of the school district for the purpose of determining state aids but only one such 9-week prepaid tuition shall be refunded.

(b) The parents or legal custodians of a pupil enrolling in and attending high school pursuant to this section shall be personally responsible for the transportation of such pupil to the high school he so attends and no state aid shall be paid for such transportation.

Approved June 29, 1959.
