

CHAPTER 402

AN ACT to amend 40.65 (3) (a), (b) and (d), 40.70 (1), (3), (4), (5) (a), (b) and (c), (6) and (7), (8) (a) as renumbered and amended and (b), as created by chapter 3, laws of 1959, 40.71 (1), (6) (b) and (c), 40.91 (2) and (4) (a) and (b) of the statutes, relating to state aids and the use of average daily membership instead of average daily attendance in computing aids and costs of public schools.

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

SECTION 1. 40.65 (3) (a), (b) and (d) of the statutes are amended to read:

40.65 (3) (a) In a basic aid district: From the total cost of operating and maintaining the school there shall be subtracted an amount equal to the sum of the county aid and the difference so determined shall be divided by the average daily \* \* \* *membership* for the given year.

(b) In an integrated aid district: From the total cost of operating and maintaining the school there shall be subtracted an amount equal to the sum of the county aid and the difference so determined shall be divided by the average daily \* \* \* *membership* for the given year.

(d) In school districts authorized to operate and maintain elementary schools the board may, in all operating districts, but in suspended districts only until July 1, 1957, upon its own order provide for the enrollment of pupils in elementary schools located in states other than Wisconsin and pay for the tuition that accrues because of such enrollment and for the transportation costs necessitated by such enrollment of pupils who reside 2 miles or over from such out-of-state schools, from school district operation and maintenance funds until the following compact [see ch. 573, Laws 1955] has been approved for the operation of interstate school districts between such state and Wisconsin, but in suspended districts not later than July 1, 1957. The cost of such tuition shall be treated as a part of the cost of instruction of such districts and they shall be credited with the enrollment and average daily \* \* \* *membership* of such tuition pupils for aids purposes as though they had been enrolled in the schools of the districts of their residence. The districts shall be entitled to receipt of aids for the transportation of such pupils on the same basis as though they had been transported to the schools of the districts of their residences.

SECTION 2. 40.70 (1), (3), (4), (5) (a), (b) and (c) and (6) and (7) of the statutes are amended to read:

40.70 (1) "Pupils in average daily \* \* \* *membership*" is the sum of actual daily \* \* \* *memberships*, as expressed by official enrollments, in all schools of the district for each day of the school term divided by the number of days school is actually held. The quotient, if it contains a fraction, shall be expressed as the nearest whole number. In computing the number of pupils in average daily \* \* \* *membership* no first grade pupil shall be counted unless he attains the age of 6 years on or before December 1 of the school year in which he enters first grade. A pupil enrolled in a recognized half-day kindergarten program shall be counted as one-half pupil provided he attains the age of 5 years on or before December 1 of the year in which he enrolls. A pupil enrolled in a 4-year-old-half-day kindergarten program shall be counted as one-half pupil if

he attains the age of 4 years on or before December 1 of the year in which he enrolls. The same formula shall be used in computing average daily \* \* \* *membership* for resident pupils, nonresident pupils, or both.

(3) "Teacher-pupil ratio" is the quotient of number of pupils in average daily \* \* \* *membership* divided by the number of teachers employed as defined in sub. (2). As a basis for aid payments, teacher-pupil ratio must be approved by the state superintendent.

(4) In the computation of aids for all districts the average daily \* \* \* *membership* and the teacher-pupil ratio for the previous school year shall be used, except that in districts newly altered, created, re-established or recreated, the computation of aids for the first year shall be based on the average daily \* \* \* *membership* and the teacher-pupil ratio of the district for the third week in September of the first year of operation on such newly altered, created, reestablished or recreated basis and the estimated budget of said year of operation and the estimated required tax levy rate on the equalized valuation of territory comprising said district as determined by the department of taxation for the same year upon which the aids would have been apportioned if the district had not been reorganized, except when the valuation of the district is increased or decreased in excess of 10 per cent in which case the computation shall be made on the basis of the full valuation of the districts affected by the order or reorganization.

(5) (a) In basic aid districts which did levy a tax of 3 mills or more in the year prior to that in which the aids are granted on the equalized valuation of the district for the year prior to the levy of such tax, state aids for elementary pupils shall be paid as follows:

1. If the district has a total of one to 9 resident pupils in average daily \* \* \* *membership*, \* \* \* \$30 per resident pupil in average daily \* \* \* *membership*.

2. If the district has a total of 10 or more resident pupils in average daily \* \* \* *membership*, a sum equal to the mill rate required for the current operation and maintenance by the district up to 15 mills on the amount by which the equalized valuation per resident pupil in average daily \* \* \* *membership* is less than \* \* \* \$24,500 per resident pupil in average daily \* \* \* *membership* not to exceed 25 resident pupils in average daily \* \* \* *membership* per teacher, but not less than \* \* \* \$30 per resident pupil in average daily \* \* \* *membership*, except that the state shall provide not less than: a. In a one-teacher unit school district with 12 or more resident pupils in average daily \* \* \* *membership*, a sum equal to the amount produced by applying the mill rate levied by the district not to exceed 15 mills on the amount by which the equalized valuation of the district is less than \$300,000; b. in a 2-teacher unit school district with 26 or more resident pupils in average daily \* \* \* *membership*, a sum equal to the amount produced by applying the mill rate levied by the district not to exceed 15 mills on the amount by which the equalized valuation of the district is less than \$600,000; c. in a 3-teacher unit school district with 45 or more resident pupils in average daily \* \* \* *membership*, a sum equal to the amount produced by applying the mill rate levied by the district not to exceed 15 mills on the amount by which the equalized valuation of the district is less than \$900,000; but d. in no case less than \* \* \* \$30 per resident pupil in average daily \* \* \* *membership* not exceeding 25 pupils per teacher.

(b) High school aids shall be paid to basic districts operating high schools at the rate of \* \* \* \$40 per pupil in average daily \* \* \* *membership* during the previous year in grades 9 through 12 for both resident and nonresident pupils, except as provided in s. 40.71 (6) (c). Aid paid on account of nonresident pupils shall be deducted from the nonresident tuition claims made under s. 40.91 (4) and (5).

(c) In union high school districts that meet the requirements of high schools in a basic district the aid shall be \* \* \* \$40 per pupil in average daily \* \* \* membership during the previous year in grades 9 through 12 for both resident and nonresident pupils.

(6) (a) State aids shall be paid to integrated aid districts for both elementary and high school resident pupils on the following basis: The state shall provide a sum equal to the amount produced by applying the required mill rate levied by the district on that equalized valuation indicated in sub. (5) (a) upon which the eligibility for receipt of aids is determined up to 15 mills on the amount by which that equalized valuation per resident pupil in average daily \* \* \* membership for the previous year not exceeding 25 resident pupils in average daily \* \* \* membership per teacher is less than \* \* \* \$33,000 but in no case shall the state pay less than \* \* \* \$40 per resident elementary pupil in average daily \* \* \* membership and \* \* \* \$53 per resident high school pupil in average daily \* \* \* membership, not exceeding 25 resident pupils in average daily \* \* \* membership per teacher. Aids under this subsection shall be payable only to such integrated districts which did levy a tax of 5 mills or more in the year prior to that in which the aid is granted on the equalized valuation of the districts for the year prior to the levy of such tax.

(b) State aid shall be paid to integrated districts for nonresident high school pupils at the rate of \* \* \* \$53 per nonresident high school pupil in average daily \* \* \* membership which sum shall be deducted from the nonresident tuition claim made under s. 40.91 (4) and (5).

(7) (a) State aids shall be paid to each elementary school district providing education from first grade through eighth grade or kindergarten through eighth grade, in a sum equal to the amount produced by applying the required mill rate levied in the elementary school districts on that equalized valuation of the districts indicated in this section upon which eligibility for receipt of aids is determined up to 15 mills, on the amount by which the equalized valuation per resident pupil in average daily \* \* \* membership for the preceding year in such elementary school district, not exceeding 25 resident pupils in average daily \* \* \* membership per teacher, is less than \* \* \* \$28,000 if the elementary school district meets the requirements of s. 40.67 (2) (a), (b), (d), (e), (f) and (g) 1, 3 and 4, and provided such elementary district has been at some prior date a part of an integrated school district, or employs not less than 4 teachers in the elementary school.

(b) In no case shall any elementary school district to which this subsection applies receive state aid of less than \* \* \* \$40 per resident elementary pupil in average daily \* \* \* membership, not exceeding 25 resident pupils in average daily \* \* \* membership per teacher. Aids under this subsection shall be payable only to those elementary school districts which levied a tax of 3 mills or more in the year prior to that in which the aid is granted on the basis of the equalized valuation of the district for the year prior to the levy of the tax.

SECTION 3. 40.70 (8) (a) of the statutes, as renumbered and amended by chapter 3, laws of 1959, is amended to read:

40.70 (8) AIDS TO NEWLY CREATED DISTRICTS OPERATING HIGH SCHOOLS. (a) When a new union high school district is created such district may, in its first year of operation, operate classes for ninth and tenth grades and provide for its eleventh and twelfth grade pupils on a tuition basis, and in its second year of operation, operate classes for the ninth, tenth and eleventh grades and provide for its twelfth grade pupils on a tuition basis, and qualify for receipts of aids on account of such 2

first years of operation at the same rate of aids per pupil in average daily \* \* \* *membership* as it would have been eligible to receive if it had operated the ninth, tenth, eleventh and twelfth grades. The board of such newly created districts may determine whether the eleventh and twelfth grades shall be operated in the first year of operation and whether the twelfth grades shall be operated in the second year of operation.

SECTION 4. 40.70 (8) (b) of the statutes, as created by chapter 3, laws of 1959, is amended to read:

40.70 (8) (b) When a new common school district to operate grades one or kindergarten through twelfth grade is created, such district may, in its first year of operation, operate classes for ninth and tenth grades and provide for its eleventh and twelfth grade pupils on a tuition basis, and in its second year of operation, operate classes for the ninth, tenth and eleventh grades and provide for its twelfth grade pupils on a tuition basis, and qualify for receipts of aids on account of such 2 first years of operation at the same rate of aids per pupil in average daily \* \* \* *membership* as it would have been eligible to receive if it had operated the ninth, tenth, eleventh and twelfth grades. The board of such newly created districts may determine whether the eleventh and twelfth grades shall be operated in the first year of operation and whether the twelfth grade shall be operated in the second year of operation.

SECTION 5. 40.71 (1), (6) (b) and (c) of the statutes are amended to read:

40.71 (1) Biennially following the release of data on property valuations by the state department of taxation in even-numbered years, the committee on education of the legislative council shall, with the cooperation of the state department of public instruction, representatives of the local school administrators and 3 members of school boards representing, respectively, common school districts with grades 1 to 8, school districts with grades kindergarten to 12 or 1 to 12 and union high school districts consider the advisability of readjusting the valuation per resident pupil in average daily \* \* \* *membership* in the basic and integrated aid districts upward or downward in terms of changes in valuations or school costs, and shall report their findings to the governor and to the legislature, recommending action to be taken to properly adjust the aid program to the appropriation provided by s. 20.650 (13).

(6) (b) If the state superintendent is satisfied that the educational program of any union high school district meets the requirements of s. 40.67 (1), (2) (d), (f), (g) 2 and 3 and that the district did levy a tax of 3 mills, or more in the year prior to that in which the aid is granted on the equalized valuation of the district for the year prior to the levy of such tax, the state superintendent shall grant in aids an amount equal to the required mill levy made by the district up to 10 mills on the amount by which the equalized valuation per resident pupil in average daily \* \* \* *membership* up to 25 resident pupils in average daily \* \* \* *membership* per teacher is less than \* \* \* \$70,000, but not less than \* \* \* \$53 per resident pupil in average daily \* \* \* *membership* up to 25 resident pupils in average daily \* \* \* *membership* per teacher. State aids shall be paid on account of nonresident union high school pupils at the rate of \* \* \* \$53 per nonresident in average daily \* \* \* *membership* which \* \* \* \$53 shall be deducted from the non-resident tuition claims under s. 40.91 (4) and (5).

(c) If the state superintendent is satisfied that the educational program of any union high school district meets the requirements of a high school in a basic district and that the district did levy a tax of 3

mills, or more, in the year prior to that in which the aid is granted on the equalized valuation of the district for the year prior to the levy of such tax, the state superintendent shall grant in aids an amount equal to the required mill levy made by the district up to 10 mills on the amount by which the equalized valuation per resident pupil in average daily \* \* \* *membership* up to 25 resident pupils in average daily \* \* \* *membership* per teacher is less than \$55,000, but not less than \* \* \* \$40 per resident pupil in average daily \* \* \* *membership* up to 25 resident pupils in average daily \* \* \* *membership* per teacher. State aids shall be paid on account of nonresident union high school pupils at the rate of \* \* \* \$40 per nonresident in average daily \* \* \* *membership* which \* \* \* \$40 shall be deducted from the nonresident tuition claims under s. 40.91 (4) and (5).

SECTION 6. 40.91 (2), (4) (a) and (b) of the statutes are amended to read:

40.91 (2) Every high school shall be free to all persons of school age resident in the district. The board may charge a tuition for each nonresident pupil, excepting a nonresident pupil having a legal settlement as defined in s. 49.10 in the high school district; this provision for tuition shall be available to a public high school without this state if its course of study is equivalent to Wisconsin's and if it is at least 1½ miles nearer the pupil's home than is any Wisconsin high school. The boards of districts which operate high schools may upon their own order provide for the enrollment of pupils in high schools located in states other than Wisconsin and pay for the tuition that accrues on account of such enrollment and for the transportation costs necessitated by such enrollment on account of such pupils who reside 2 miles or over from such schools out of school district operation and maintenance funds. The cost of such tuition shall be treated as a part of the cost of instruction of such districts and they shall be credited with the enrollment and average daily \* \* \* *membership* of such tuition pupils for aids purposes as though they had been enrolled in the schools of the districts of their residence. The districts shall be entitled to receipt of aids on account of the transportation of such pupils on the same basis as though they had been transported to the schools of the districts of their residences.

(4) (a) The tuition for any given year for nonresident pupils who have pursued high school work shall be determined as follows: From the sum total of money expended by the school district for interest and in operating and maintaining grades 9 through 12, including either the sum of \$15 per nonresident pupil to be deposited and expended as provided in s. 40.22 (17) or an item for building and equipment costs equal to 2 per cent of the original expenditures by the districts prior to January 1, 1945, and 5 per cent for original expenditures on and after January 1, 1945, for buildings and equipment thereof as certified by the state superintendent of public instruction, such charge not to apply for a greater period of time than 50 years in the case of a building built prior to January 1, 1945, and 20 years in the case of a building built since January 1, 1945, or for the unexpired portion of 50 years or 20 years of the life of an old building, excluding land costs, such sinking fund or indebtedness charge to be deposited and expended as provided in s. 40.22 (17) or applied in lieu of taxes authorized by irrevocable tax levies for payment of principal and interest on indebtedness for capital outlay, there shall be subtracted an amount equal to the sums of federal aids, county aids and the cost of transportation, and the difference so determined shall be divided by the average daily \* \* \* *membership* for the given year. From this amount shall be subtracted the state aid received per nonresident

pupil in average daily \* \* \* *membership*. The amount so determined shall be the amount per pupil chargeable as nonresident high school tuition.

(b) Before August 1 in each year, beginning with the year 1947, the school clerk shall file with the clerk of each county and municipality from which any tuition pupil was admitted, a sworn statement of claim against the county setting forth the residence, name, age, date of entrance and the number of weeks' attendance, during the preceding school year, of each person admitted from such county, the average daily \* \* \* *membership* of the high school for the year, the statement of the cost of operation and maintenance of the high school as computed in accordance with this section, the amount of tuition to which the district lays claim for each pupil, and the aggregate sum for tuition due the district from the county. This statement shall be rendered on a form prescribed by the state superintendent. Whenever the total claim for tuition and transportation made by any school district exceeds \$7,000 and request is made by the county clerk or upon petition of 10 taxpayers of the county filed with the county clerk, the claim to each county must be accompanied by a certified statement that an audit has been prepared by a certified public accountant or other qualified accountant showing that the true and accurate costs on which the claims are based are as set forth in the statement. If the audit report cannot be completed by August 1, it shall be filed with the county clerk, not later than the next January 1, and the county clerk shall make necessary adjustments for the claims of the school in the subsequent year. Within 10 days of the receipt of such statement the clerk of each municipality receiving the same shall make return to the county clerk of any suggested corrections therein together with all necessary factual information in support of such corrections.

Approved September 3, 1959.

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