

1973 Assembly Bill 1547

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**CHAPTER 307, Laws of 1973**

AN ACT to amend 20.255 (1) (d) and 119.04; and to create 118.255 of the statutes, relating to providing health treatment services to private school pupils with special physical or mental health treatment needs and making an appropriation.

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

**SECTION 1. Purpose.** The intent of this act is to provide for the health and welfare of children by providing health treatment services within the private school facilities to private school pupils with special physical or mental health treatment needs.

**SECTION 2.** 20.255 (1) (d) of the statutes, as affected by chapter 90, laws of 1973, is amended to read:

20.255 (1) (d) *State aids for handicapped children and private school pupils with certain health treatment needs.* A sum sufficient for the payment of aids under subch. IV of ch. 115 and s. 118.255.

**SECTION 3.** 118.255 of the statutes is created to read:

**118.255 Health treatment services for children with special physical or mental health treatment needs.** (1) (a) Under this section "physical or mental health treatment services" means treatment for physical, crippling or orthopedic disability, developmental disability, emotional disturbance, hearing impairment, visual disability, speech or language disability; and includes itinerant services such as evaluative and diagnostic services.

(am) "Private school" has the meaning set forth in s. 121.51 (3).

(b) Words and phrases used in this section which are identical to words and phrases defined in s. 115.76 shall be given the meaning contained in s. 115.76.

(2) (a) If a school board, cooperative educational service agency or county handicapped children's education board provides physical or mental health treatment services to its pupils, it may also provide such services within the private school facilities to those private school pupils who are referred to the public school board, cooperative educational service agency or county handicapped children's education board by the administrator of a private school for evaluation for possible servicing. There shall be no charge for health treatment services provided to any pupils unless public school students or their parents are charged for similar services. For purposes of state aid, as it is provided under s. 115.88 to the public school district, for the health treatment service program, private school pupils receiving such health treatment services shall be counted among the pupils of the public school district receiving such services, although each child may receive health treatment services within his own school facilities, whether public or private.

(b) A school board, cooperative educational service agency, or county handicapped children's education board providing services under this section may enter into agreements with the administrator of a private school on the scheduling, space and other necessary arrangements for performance of such health treatment services. A school board, cooperative educational service agency or county handicapped children's education board shall not pay any private school for any services or facilities provided under this section. Control of the health treatment services program shall rest with the public school board, cooperative educational service agency or county handicapped children's education board.

(c) A school board cooperative educational service agency or county handicapped children's education board may provide health treatment services only within private school facilities located within the boundaries of the school district, cooperative educational service agency or county.

(3) The school board, cooperative educational service agency or county handicapped children's education board maintaining health treatment services shall report annually to the department of public instruction, and at such other times as the department directs, such information as the department requires.

(4) If the state superintendent is satisfied that the health treatment services program has been maintained during the preceding school year in accordance with law he shall certify to the department of administration in favor of each school board, cooperative educational service agency and county handicapped children's education board maintaining such health treatment services, an amount equal to 70% of the amount expended for items listed in s. 115.88 (1) by the school board, cooperative educational service agency and county handicapped children's education board during the preceding year for these health treatment services. The department of administration, upon such certification shall distribute the amounts to the appropriate school board, cooperative educational service agency and county handicapped children's education board.

SECTION 4. 119.04 of the statutes, as amended by chapters 89 and 90, laws of 1973, is amended to read:

**119.04 Public instruction laws applicable.** Subchapter I of ch. 121 and ss. 66.03 (3) (c), 115.01 (1) and (2), 115.76, 115.77, 115.79 to 115.90, 118.03 (1) (b) to (d) and (2), 118.04, 118.06, 118.07, 118.10, 118.12 (1), 118.14, 118.15, 118.16 (1), (2) and (4) to (6), 118.18, 118.19 (7), 118.20, 118.24 (2) to (5), 118.255, 120.13 (1), 120.16 (6), 120.49 (6), 120.61, 121.52, 121.53, 121.54 (1), (3) and (4), 121.55, 121.58 (2) (b), (4) and (6), 121.77 (1), 121.79, 121.80, 121.81 (2), 121.82 (1), 121.83 and 121.84 (1) are applicable to the board of school directors and to schools in cities of the 1st class. The board shall exercise the powers, perform the functions and be entitled to all school aid therein provided insofar as the same are relevant to cities of the 1st class. The board and the schools in cities of the 1st class shall be governed in all matters by the general laws of the state, except as altered or modified by express amendments.

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