

CHAPTER 121

SCHOOL FINANCE

SUBCHAPTER I

STATE AID FOR ELEMENTARY AND HIGH SCHOOLS

- 121.01 Purpose.
 121.02 Classification of aid districts.
 121.03 Aid district classification change.
 121.04 Application for aid district classification.
 121.05 Budget and membership report.
 121.06 Determination and certification of equalized valuation.
 121.07 General provisions; state aid computation.
 121.08 State aid to basic districts operating elementary grades.
 121.09 State aid to basic union high school districts.
 121.10 State aid to basic districts operating elementary and high school grades.
 121.11 State aid to integrated districts operating elementary grades.
 121.12 State aid to integrated union high school districts.
 121.13 State aid to integrated districts operating elementary and high school grades.
 121.14 State aid for summer classes.
 121.15 State aid for driver education programs.
 121.16 State aid to counties.
 121.17 State aid withheld.
 121.18 Approval of budgets.
 121.19 Advance payment of state aid.

SUBCHAPTER I

STATE AID FOR ELEMENTARY
AND HIGH SCHOOLS

121.01 Purpose. It is declared to be the policy of this state that education is a state function and that some relief should be afforded from the local general property tax as a source of public school revenue where such tax is excessive, and that other sources of revenue should contribute a larger percentage of the total funds needed. It is further declared that in order to provide reasonable equality of educational opportunity for all the children of this state, the state must guarantee that a basic educational opportunity be available to each pupil, but that the state should be obligated to contribute to the educational program only if the school district provides a program which meets state standards. It is the purpose of the state aid formula set forth in this subchapter to cause the state to assume a greater proportion of the costs of public education and to relieve the general property of some of its tax burden.

History: 1967 c. 92.

Legislative Council Note, 1967: Combines and restates ss. 40.66 and 40.69. (Bill No. 353-S)

121.02 Classification of aid districts. For the purpose of computing state aid under this subchapter, the following classes of aid districts are established:

- 121.20 Use of state aid; exemption from execution.
 121.21 Proration of state aid.

SUBCHAPTER II

TRANSPORTATION

- 121.51 Definitions.
 121.52 Vehicle, operator and driver requirements.
 121.53 School bus insurance.
 121.54 Transportation by school districts.
 121.55 Methods of providing transportation.
 121.56 School bus routes.
 121.57 Board and lodging or house rental in lieu of transportation.
 121.58 State aid.

SUBCHAPTER III

TUITION

- 121.76 Definitions.
 121.77 Admission of nonresident pupils.
 121.78 Tuition payments by school districts.
 121.79 Tuition payments by state.
 121.80 Tuition payments by counties.
 121.81 Tuition payments by parents.
 121.82 Computation of tuition.
 121.83 Tuition payments for summer classes.
 121.84 High school; special cases.

(1) **BASIC AID DISTRICT.** To be classified as a basic aid district, a school district shall meet the following requirements:

(a) Every teacher, supervisor and administrator shall hold a certificate, license or permit issued by the state superintendent before he enters on duty in such position.

(b) Every teacher shall be paid at least the minimum salary and granted the sick leave specified in s. 121.17.

(c) School shall be held at least 180 days each year, the days to be computed in accordance with s. 115.01 (10).

(d) It shall comply with ss. 42.39 to 42.43, 118.01, 118.02, 118.07 (2) and 120.13 (14).

(2) **INTEGRATED AID DISTRICT.** Integrated aid is the highest level of state aid. To be classified as an integrated aid district, a school district shall meet all the following requirements, unless the requirement applies only to grades which the school district does not operate.

(a) All requirements under sub. (1).

(b) It shall furnish satisfactory evidence to the state superintendent of continuous in-service improvement of its professional staff, such as summer session attendance and participation in workshops, extension classes and similar activities.

(c) It shall make adequate provision for healthful, safe school facilities in accordance

with standards established by the state superintendent.

(d) It shall have sufficient pupils and the proper teacher-pupil ratio to be able to provide a modern enriched educational program as defined by the state superintendent which, except for such modification as the state superintendent approves, in addition to the proper academic subjects, shall include:

1. Training in elementary school by a qualified teacher at regular intervals in health and physical education and in at least 2 of the following fields: kindergarten, arts, applied arts and music, including vocal.

2. More than 5 teachers in high school.

3. Instruction in high school in at least 2 of the following fields: home economics, industrial arts, commercial work and agriculture.

4. Instruction in high school in at least one subject, taught by teachers who teach in no more than one other field, in at least one of the following general fields: music and art.

5. At least 2 of the following auxiliary services: hot lunch program, periodic dental inspection, periodic medical examination, school nurse service, at least one-quarter of the time of one teacher devoted to guidance and counseling, provision for at least one type of handicapped child, audio-visual aids and library facilities.

6. Instruction in the conservation and wise use of natural resources in both elementary and high schools.

(e) If the school district operates only elementary grades, it either shall have been part of a school district classified as an integrated aid district or shall employ not less than 4 teachers.

History: 1967 c. 92.

Legislative Council Note, 1967: Based on s. 40.67. Sub. (1) (d) also includes the substance of s. 40.71 (7) (b) (last sentence). A requirement for compliance with present s. 40.23 (2) is deleted (see 2nd NOTE following s. 120.23). Sub. (2) (intro.) also includes s. 40.71 (2) (a) (4th sentence). Sub. (2) (e) includes the last phrase of s. 40.70 (7) (a). Sub. (2) (d) 4 is based on the latter part of present s. 40.67 (2) (g) 2. Present departmental interpretation is that this provision requires instruction in only one of the 3 fields. Present s. 40.46 (3) [118.01 (3)] requires that "physical instruction and training shall be provided for all pupils in conformity with the course of instruction in physical education prescribed by the state superintendent." In view of this general directive, all school districts fulfill the requirement that they teach one of the 3 subjects. Thus, the teaching of music and art was in no way encouraged under this subdivision, which appears to be contrary to the legislative intent. Therefore, the reference to physical education is deleted and the subdivision is rewritten to clearly require the teaching of either music or art for receipt of integrated aid. (Bill No. 353-S)

121.03 Aid district classification change. The state superintendent may change the aid

classification of a school district from basic aid district to integrated aid district, if the school district levied a tax in the school year in which the state aid is paid at a rate equal to 5 mills or more on the school district equalized valuation and if in his judgment the geography, sparsity of population, inadequacy of property valuation, difficulties of transportation or other factors make it impossible for the school district to qualify as an integrated aid district.

History: 1967 c. 92.

Legislative Council Note, 1967: Based on s. 40.71 (6) (a) (1st sentence). (Bill No. 353-S)

121.04 Application for aid district classification. (1) If a school board desires to have the school district under its jurisdiction qualify for state aid as an integrated aid district for the current school year, the school district clerk shall file a report, on or before July 15, with the state superintendent on forms provided by him requesting classification as an integrated aid district. The report, with supporting evidence, shall set forth the program which will be in effect during the current school year. The state superintendent shall review the report, with the supporting evidence and supervisory recommendations, and classify the school district as either a basic aid district or integrated aid district. The state superintendent shall notify the school district clerk of such classification on or before September 15 of the year of filing. Within 15 days after receipt of such notification, a school board may apply for reconsideration of the aid classification. Upon receipt of such application, the state superintendent may change the aid classification.

(2) Any school district about to incur indebtedness may apply to the state superintendent for and he may issue a certificate as to the eligibility of the school district for the highest level of state aid, which shall be conclusive as to such eligibility for 30 days, but not beyond the next June 30.

History: 1967 c. 92.

Legislative Council Note, 1967: Based on s. 40.71 (2). (Bill No. 353-S)

121.05 Budget and membership report. Annually on or before October 1, the school district clerk shall file with the state superintendent a report stating the number of pupils enrolled and the number of teachers employed in the school district on the 3rd Friday of September of the current school year and the estimated budget for the current school year.

History: 1967 c. 92.

Legislative Council Note, 1967: Makes statutory the requirement for the filing of a fall report which is, in fact, required now by the department and which is used as the basis for state aid computations. The information to be contained in the report is specified in present s. 40.70 (4). (Bill No. 353-S)

121.06 Determination and certification of equalized valuation. (1) Annually on or before August 1, the full value of the taxable property in each school district, in each part of a city, village and town in a joint school district and in each city authorized to issue bonds for school purposes, including territory attached only for school purposes, shall be determined by the department of taxation according to its best judgment from all sources of information available to it and shall be certified by the department to the state superintendent.

(2) The state superintendent shall certify to each school district clerk the appropriate full values certified to the state superintendent under sub. (1).

History: 1967 c. 92.

Legislative Council Note, 1967: Sub. (1) restates s. 40.68.

Sub. (2) based on a requirement contained in present ss. 39.02 (27) and 40.35 (8). (Bill No. 353-S)

121.07 General provisions; state aid computation. In this subchapter:

(1) **PUPILS ENROLLED.** "Pupils enrolled" is the total number of pupils, as expressed by official enrollments, in all schools of the school district as reported under s. 121.05, except as provided in pars. (a) to (c). If such total contains a fraction, it shall be expressed as the nearest whole number. The same method shall be used in computing the number of pupils enrolled for resident pupils, nonresident pupils or both.

(a) A first grade pupil may be counted only if he attains the age of 6 years on or before December 1 of the school year in which he enters first grade.

(b) A pupil enrolled in kindergarten may be counted only if he attains the age of 5 years on or before December 1 of the school year in which he enrolls. A kindergarten pupil shall be counted as one-half pupil.

(c) In computing state aid, the number of resident pupils enrolled shall not exceed 25 times the number of teachers reported under s. 121.05.

(2) **TEACHERS EMPLOYED.** "Teacher" means a person holding a license or certificate under s. 115.28 (7), but does not include any person under s. 115.29 (3). In computing the number of teachers employed, professional workers who devote less than full time to their professional duties shall be counted in

proportion to the time devoted to such duties. Teachers who devote full time to handicapped children shall not be counted.

(3) **TEACHER-PUPIL RATIO.** "Teacher-pupil ratio" is the quotient of the number of pupils enrolled divided by the number of teachers employed.

(4) **SCHOOL DISTRICT EQUALIZED VALUATION.** "School district equalized valuation" is the full value of the taxable property of the territory in the school district as last certified under s. 121.06 (2).

(5) **BASIS FOR STATISTICS.** (a) The number of pupils enrolled and teacher-pupil ratio of the school district on the 3rd Friday in September and the estimated net operating cost for the current school year shall be used in computing state aid.

(b) If the school district valuation is increased or decreased due to an alteration in school district boundaries before the 3rd Friday in September, the estimated net operating cost for the current school year and the estimated mill levy rate shall be based on the school district equalized valuation of the territory comprising the altered school district.

(c) If an order of school district reorganization is not effective due to litigation until after the 3rd Friday in September but takes effect before April 1 of the current school year, state aid for the reorganized school district for the first year of operation shall be computed after the order takes effect using calculations by the state superintendent of the number of pupils enrolled and teacher-pupil ratio for the territory in the reorganized school district, which shall be made as if the school district had been in existence on the 3rd Friday in September.

(d) At the end of the school year, the state superintendent shall adjust state aid payments according to the actual net operating cost of the school district for that school year.

(6) **NET OPERATING COST.** "Net operating cost" is the cost of operation and maintenance of a school district, minus its operational receipts, for the current school year. Amounts paid by school districts as rent, which are used to retire indebtedness on the buildings or properties for which the rent is paid, shall not be included in the cost of operation and maintenance in computing state aid.

(7) **SCHOOL DISTRICT GUARANTEED VALUATION.** "School district guaranteed valuation" is the amount set forth in pars. (a) to (e).

multiplied by the number of resident pupils enrolled.

(a) For basic aid districts operating elementary grades, \$24,500.

(b) For basic aid districts which are union high school districts, \$55,000.

(c) For integrated aid districts operating only elementary grades, \$30,500.

(d) For integrated aid districts which are union high school districts, \$76,000.

(e) For integrated aid districts operating both elementary and high school grades, \$39,000.

(8) **MILL LEVY RATE.** "Mill levy rate" is the lesser of the following:

(a) The "required operating levy rate," which is the quotient of the net operating cost divided by the school district guaranteed valuation.

(b) The "actual levy rate," which is the quotient of the amount raised by the tax levy for school purposes divided by the school district equalized valuation.

History: 1967 c. 92, 209 ss. 9, 10 and 19; 1967 c. 313.

Legislative Council Note, 1967: This section sets forth the essential elements basic to the state aid formula. Although rearranged and restated, the provisions in this section are based on present law and departmental interpretations. The purpose of this section is to combine in one section these essential elements, so that the description of each need not be repeated in each of the sections relating to the aid formula.

Sub. (1) based on s. 40.70 (1). Since state aid is presently computed using the number of pupils enrolled and teachers employed as of the 3rd Friday in September, an obsolete provision for a cumulative computation of average daily membership is deleted. Par. (c) expresses a limitation presently contained in each state aid provision. An unnecessary prohibition against counting 4-year olds in computing pupils enrolled is deleted.

Sub. (2) revises s. 40.70 (2) and the meaning of "teacher" is spelled out.

Sub. (3) revises s. 40.70 (3) and deletes a redundant reference to state superintendent approval of the teacher-pupil ratio.

Sub. (4) defines a term which is used repeatedly in the state aid formula.

Sub. (5) based on s. 40.70 (4). It preserves and clarifies the 1965 act (ch. 261, laws of 1965) which placed the determination of state aids on a current basis.

Sub. (6) describes the cost figure which the department presently uses in computing state aid. The last sentence restates s. 40.71 (11) as it relates to state aid.

Sub. (7) brings together in one subsection the valuations guaranteed by the state in each of the different classes and types of school districts.

Sub. (8) defines an element used in the state aid formula. The department compares the required operating levy rate, computed on net operating cost and guaranteed valuation, with the actual levy rate, computed on actual tax levy and equalized valuation, and uses the lower as the mill levy rate in computing state aid for each school district. This subsection states specifically this procedure. (Bill No. 353-S)

121.08 State aid to basic districts operating elementary grades. If a basic aid district operating only elementary grades which levied a tax in the year in which the state aid is paid at a rate equal to 3 mills or more on the

school district equalized valuation, state aid for elementary pupils shall be paid as follows:

(1) If the school district has one to 9 resident pupils enrolled, it shall be paid \$30 per resident pupil enrolled.

(2) If the school district has 10 or more resident pupils enrolled and sub. (3) does not apply, it shall be paid a sum equal to the amount by which the school district guaranteed valuation exceeds the school district equalized valuation, multiplied by the mill levy rate or 15 mills, whichever is less.

(3) In a one-teacher unit school district with 12 or more resident pupils enrolled, it shall be paid a sum equal to the amount by which the school district equalized valuation is less than \$300,000, multiplied by the actual levy rate or 15 mills, whichever is less.

(4) No school district under this section may be paid less than \$30 per resident pupil enrolled.

History: 1967 c. 92.

Legislative Council Note, 1967: Based on s. 40.70 (5) (a) which is considerably shortened and simplified because standard terminology was developed in s. 121.07 for use throughout this subchapter. That portion of s. 40.70 (5) (a) 2 relating to 2- and 3-teacher unit school districts is deleted because the present guaranteed valuation makes these provisions obsolete. (Bill No. 353-S)

121.09 State aid to basic union high school districts. If a basic aid district which is a union high school district levied a tax in the year in which the state aid is paid at a rate equal to 3 mills or more on the school district equalized valuation, state aid shall be paid as follows:

(1) The union high school district shall be paid a sum equal to the amount by which the school district guaranteed valuation exceeds the school district equalized valuation multiplied by the mill levy rate or 10 mills, whichever is less.

(2) No union high school district under this section may be paid less than \$40 per resident pupil enrolled.

(3) The union high school district shall be paid \$40 per nonresident pupil enrolled which shall be deducted from nonresident tuition claims under s. 121.82 (2).

History: 1967 c. 92.

Legislative Council Note, 1967: Based on ss. 40.70 (5) (c) and 40.71 (6) (c) which are considerably shortened and simplified because standard terminology was developed in s. 121.07 for use throughout this subchapter. (Bill No. 353-S)

121.10 State aid to basic districts operating elementary and high school grades. If a basic aid district operating elementary and high school grades levied a tax in the year

in which the state aid is paid at a rate equal to 3 mills or more on the school district equalized valuation, state aid shall be paid as follows:

(1) For elementary pupils, the school district shall be paid in accordance with s. 121.08.

(2) For high school pupils, the school district shall be paid \$40 per resident and nonresident pupil enrolled. State aid paid for nonresident pupils shall be deducted from nonresident high school tuition claims under s. 121.82 (2).

History: 1967 c. 92, 313.

Legislative Council Note, 1967: Based on s. 40.70 (5) (b) and departmental interpretation. (Bill No. 353-S)

121.11 State aid to integrated districts operating elementary grades. If an integrated aid district operating only elementary grades levied a tax in the year in which the state aid is paid at a rate equal to 3 mills or more on the school district equalized valuation, state aid shall be paid as follows:

(1) The school district shall be paid a sum equal to the amount by which the school district guaranteed valuation exceeds the school district equalized valuation, multiplied by the mill levy rate or 17 mills, whichever is less.

(2) No school district under this section may be paid less than \$45 per resident pupil enrolled.

History: 1967 c. 92, 209 ss. 9 and 19.

Legislative Council Note, 1967: Based on s. 40.70 (7) which is considerably shortened and simplified because standard terminology was developed in s. 121.07 for use throughout this subchapter. The specific requirements which must be met by an elementary, integrated aid district were moved to s. 121.02 (2). (Bill No. 353-S)

121.12 State aid to integrated union high school districts. If an integrated aid district which is a union high school district levied a tax in the year in which the state aid is paid at a rate equal to 3 mills or more on the school district equalized valuation, state aid shall be paid as follows:

(1) The union high school district shall be paid a sum equal to the amount by which the school district guaranteed valuation exceeds the school district equalized valuation, multiplied by the mill levy rate or 10 mills, whichever is less.

(2) No union high school district under this section may be paid less than \$58 per resident pupil enrolled.

(3) The union high school district shall be paid \$58 per nonresident pupil enrolled which

shall be deducted from nonresident tuition claims under s. 121.82 (2).

History: 1967 c. 92, 209 ss. 10 and 19.

Legislative Council Note, 1967: Based on s. 40.71 (6) (b) which is considerably shortened and simplified because standard terminology was developed in s. 121.07 for use throughout this subchapter. The specific requirements which must be met by a union high, integrated aid district were moved to s. 121.02 (2), where it is made clear that the in-service training requirement applies to these districts. (Bill No. 353-S)

121.13 State aid to integrated districts operating elementary and high school grades.

If an integrated aid district operating elementary and high school grades levied a tax in the year in which the state aid is paid at a rate equal to 5 mills or more on the school district equalized valuation, state aid shall be paid as follows:

(1) The school district shall be paid a sum equal to the amount by which the school district guaranteed valuation exceeds the school district equalized valuation, multiplied by the mill levy rate or 17 mills, whichever is less.

(2) No school district under this section may be paid less than:

(a) \$45 per resident elementary pupil enrolled.

(b) \$58 per resident high school pupil enrolled.

(3) The school district shall be paid \$58 per nonresident high school pupil enrolled which shall be deducted from nonresident high school tuition claims under s. 121.82 (2).

(4) In school districts having a required operating levy rate exceeding 17 mills, state aid also shall be paid in a sum equal to the amount of the net operating cost in excess of the amount produced by a levy rate equal to 17 mills on the school district equalized valuation.

History: 1967 c. 92, 209 ss. 9, 10 and 19; 1967 c. 313.

Legislative Council Note, 1967: Based on s. 40.70 (6) which is considerably shortened and simplified because standard terminology was developed in s. 121.07 for use throughout this subchapter. (Bill No. 353-S)

121.14 State aid for summer classes. (1) State aid shall be paid to each school district operating summer classes which:

(a) Offers a course of study on no less than a half-day basis beginning not earlier than June 1 and terminating prior to September 1; and

(b) Offers classroom and laboratory work in subjects which provide credit toward graduation and are accredited by the state superintendent; and

(c) Employs only teachers meeting the requirements of s. 118.19.

(2) (a) State aid for summer classes shall be incorporated into the state aid paid for regular classes under this subchapter. The aid classification of a school district shall apply to summer classes operated by the school district.

(b) Annually on or before October 1, the school district clerk shall file with the state superintendent a report stating the number of pupils enrolled in summer classes. In computing the number of pupils enrolled in summer classes, the total number of accredited classroom or laboratory periods in which each pupil is enrolled, as determined by multiplying the total number of periods in each day in which the pupil is enrolled by the total number of days in which enrolled, shall be divided by 720. The quotient represents the proportion of a pupil enrolled for which the school district shall be paid state aid.

(c) For the purpose of computing state aid, the total number of pupils enrolled in summer classes determined under par. (b) shall be added to the number of pupils enrolled in the school district as reported under s. 121.05. For nonresident high school pupils in summer classes, school districts shall be paid the amounts set forth in ss. 121.09 (3), 121.10 (2), 121.12 (3) and 121.13 (3).

History: 1967 c. 92.

Legislative Council Note, 1967: Based on s. 40.99 (5). The present departmental requirement that a separate annual report of summer classes be filed is specifically stated. Since all school districts now receive state aid based on current year statistics, the method of computing state aid for summer classes is considerably shortened and simplified to reflect present departmental practice. (Bill No. 353-S)

121.15 State aid for driver education programs. To promote a uniformly effective driver education program among high school and vocational, technical and adult education school pupils, each school district operating high school grades and each school of vocational, technical and adult education shall receive \$25 for each pupil of high school age who successfully completes a course in driver education approved by the state superintendent, but in no case may the state aid exceed the actual cost of instruction. If the appropriation under s. 20.255 (2) (v) is inadequate in any year to provide \$25 per pupil, the state aid shall be prorated after the appropriation for administration is deducted. Such state aid shall be paid at the same time as the state aid under ss. 121.08 to 121.13 is paid.

History: 1967 c. 92, 291 s. 14.

Legislative Council Note, 1967: Revises s. 40.71 (12). (Bill No. 353-S)

Note: This section is printed as created by ch. 92, Laws 1967. Chapter 292, laws of 1967, amended the predecessor section (40.71 (12)) to increase the

per pupil aids to \$30 per pupil, subject to prorating if necessary.

121.16 State aid to counties. If a county maintains an institution in which children are received for care and if such institution maintains the educational facilities required to be provided by a common school district, the county shall be paid state aid under ss. 115.85 and 121.08 to 121.13. The educational facilities in such institutions shall be under the supervision of the state superintendent and the co-ordinator of the co-operative educational service agency in which the institution is located.

History: 1967 c. 92.

Legislative Council Note, 1967: Revises s. 40.73. (Bill No. 353-S)

121.17 State aid withheld. (1) (a) The state superintendent may withhold state aid from any school district in which the scope and character of the work are not maintained in such manner as to meet his approval.

(b) No state aid may be paid in any year under this subchapter to a school district which fails to meet the requirements under subs. (2) and (3).

(2) Unless the state superintendent is satisfied that the failure to meet the requirements of pars. (a) and (b) was occasioned by some extraordinary cause not arising from intention or neglect on the part of the responsible officers, every school district, except a school district operating under ch. 119, shall:

(a) Hold school for at least 180 days each year, the days to be computed in accordance with s. 115.01 (10).

(b) Employ teachers qualified under s. 118.19.

(c) Provide in the contract between the school board and teacher the following:

1. A leave of absence for each teacher because of personal sickness, without deduction from the salary of the teacher, of at least 5 days each school year with an accumulation of at least 30 days of unused sick leave from year to year.

2. A salary for each school year for each teacher of not less than \$2,400 if the teacher's certificate or license is based on 2 years of professional training, not less than \$3,000 if the teacher's certificate or license is based on not less than 3 years of professional training and not less than \$4,000 if the teacher's certificate or license is based on 4 years of professional training and a bachelor's degree.

(3) Unless the state superintendent is satisfied that failure to meet the requirements

of this subsection was occasioned by some extraordinary cause not arising from intention or neglect on the part of the responsible officers, a school district operating under ch. 119 shall, for the full period during which school is in session during each year as provided by the rules of the board of school directors, employ teachers qualified under s. 118.19 and pay a salary of not less than \$266 a month to each regular teacher and of not less than \$10 a day to each qualified continuous substitute teacher.

History: 1967 c. 92.

Legislative Council Note, 1967: Sub. (1) (a) restates s. 40.71 (6) (a) (last sentence). Sub. (1) (b) based on part of first sentences in s. 40.71 (7) (a) and (b).

Sub. (2) based on s. 40.71 (7) (a). Sub. (3) revises s. 40.71 (7) (b).

Obsolete reference to "common schools" deleted, since the requirements apply to all school districts. (Bill No. 353-S)

40.71 (7), as amended in 1959, does not prohibit paying of state aids for 1959-1960 to a school district paying salaries meeting previous standards and which were prescribed by contracts made prior to amendment. 49 Atty. Gen. 53.

121.18 Approval of budgets. If in a school year the state aid received by a school district exceeded 50% of the total receipts of the school district or excess state aid was required because the school district exceeded the maximum actual levy rate specified in s. 120.10 (8), the budget for the next school year shall be filed with the state superintendent on or before July 1 for his approval unless the state superintendent permits submission at a later date.

History: 1967 c. 92.

Legislative Council Note, 1967: Based on s. 40.71 (4) and states specifically departmental procedures followed in approving school district budgets. (Bill No. 353-S)

121.19 Advance payment of state aid. Upon the request of a school board filed on or after July 15 and if the annual report of the school district for the previous school year has been filed, the state superintendent upon his determination of need may grant advance payment of the state aid payable to the school district in an amount not to exceed 75% of its total state aid for the school year.

History: 1967 c. 92.

Legislative Council Note, 1967: Restates s. 40.71 (2a). (Bill No. 353-S)

121.20 Use of state aid; exemption from execution. All moneys paid to a school district under s. 20.255 (2) (b), (bm) and (c) and (3) (e) and all moneys paid by any county to a school district from taxes under s. 59.07 (21) shall be used by the school district solely for the purposes for which paid. Such moneys are exempt from execution, attach-

ment, garnishment or other process in favor of creditors, except as to claims for salaries or wages of teachers and other school employes and as to claims for school materials, supplies, fuel and current repairs.

History: 1967 c. 92, 291 s. 14.

Legislative Council Note, 1967: Revises s. 40.71 (8). (Bill No. 353-S)

121.21 Proration of state aid. If the appropriation under s. 20.255 (2) (b) in any one year is insufficient to pay the full amount under ss. 121.08 to 121.13, state aid payments shall be prorated among the school districts entitled thereto.

History: 1967 c. 92, 291 s. 14.

Legislative Council Note, 1967: Revises s. 40.71 (3). (Bill No. 353-S)

SUBCHAPTER II

TRANSPORTATION

121.51 Definitions. In this subchapter:

(1) "School bus" means a motor vehicle which transports children to or from a school or which transports school groups engaged in extracurricular activities to or from points designated by public school authorities, even though the motor vehicle also transports children or school groups to or from colleges or other institutions or points designated by them, but does not include:

(a) A motor vehicle owned or operated by a parent or guardian transporting only his own children, whether or not the school board has made a contract with or paid compensation to such parent or guardian for such transportation.

(b) A motor vehicle having a seating capacity of less than 10 persons, including the operator, used in casual, occasional or reciprocal transportation of school children and not under contract.

(2) "School board" has the meaning designated in s. 115.01 (4) and includes any governmental agency transporting children to and from public schools.

(3) "Private school" means any parochial or private elementary or high school in this state offering any academic grades comparable to those described in s. 115.01 (2), including kindergarten.

History: 1967 c. 92, 313.

Legislative Council Note, 1967: Sub. (1) restates s. 40.52. Sub. (2) is new. Present law makes occasional reference to "other governmental agency" in the material covered by this subchapter. This definition is designed to make unnecessary the repeated use of such a phrase and to clarify that when county handicapped children's education boards and co-operative educational service agencies provide transportation they are covered by this subchapter. (Bill No. 353-S)

121.52 Vehicle, operator and driver requirements. (1) (a) Rules governing the design, construction, inspection and operation of school busses adopted by the commissioner of motor vehicles under s. 110.06 (2) shall by reference be made part of any contract for the transportation of pupils.

(b) The school board may adopt additional rules, not inconsistent with law or with rules of the commissioner of motor vehicles or the state superintendent, for the protection of the pupils or to govern the conduct of the person in charge of the motor vehicle used for transportation of pupils for compensation.

(2) (a) All drivers of motor vehicles owned by the school district and used for the transportation of pupils shall be under written contract with the school board of the district.

(b) The owner or lessee of all privately owned motor vehicles transporting pupils for compensation shall be under written contract with the school board of the district for which such transportation is provided.

(c) The form of contract shall be prescribed by the state superintendent and shall provide that all parties to the contract are subject at all times to rules adopted by the commissioner of motor vehicles under s. 110.06 (2) and by the state superintendent.

(3) (a) If the contract is made under sub. (2) (b), the contract shall provide that the owner or lessee require his bus drivers, as a condition of employment, to take a physical examination, including a chest X-ray or tuberculin test, and to submit the physical examination report to the school board. If the reaction to the tuberculin test is positive, a chest X-ray shall be required. Freedom from tuberculosis in a communicable form is a condition of employment as a bus driver. Additional physical examinations shall be required thereafter at intervals determined by the school board but at not less than 3-year intervals for each bus driver.

(b) The contract shall provide that a physical examination report may be submitted on forms prescribed by the federal authority regulating motor carriers or the state superintendent and that a copy of a physical examination report obtained for other purposes within one year of the date of the contract may be substituted for the examination, if the report contains substantially the same information required by the state superintendent.

(c) Such physical examinations, chest X-rays or tuberculin tests shall not be required

of a bus driver who files with the school board an affidavit setting forth that he depends exclusively upon prayer or spiritual means for healing in accordance with the teachings of a bona fide religious sect, denomination or organization and that he is to the best of his knowledge and belief in good health and that he claims exemption from health examination on these grounds. Notwithstanding the filing of such affidavit, if there is reasonable cause to believe that the bus driver is suffering from an illness detrimental to the health of the pupils, the school board may require a health examination of the bus driver sufficient to indicate whether or not he is suffering from such an illness. No bus driver may be discriminated against by reason of his filing such affidavit.

(4) The use of any motor vehicle to transport pupils shall be discontinued upon receipt of an order signed by the state superintendent or the commissioner of motor vehicles ordering such discontinuance. Personnel under the state superintendent or the commissioner of motor vehicles may ride any school bus at any time for the purpose of inspection.

History: 1967 c. 92, 313.

Legislative Council Note, 1967: Restates and re-arranges s. 40.53 (7). Sub. (1) (a) restates s. 40.53 (7) (a). Sub. (1) (b) restates s. 40.53 (7) (c). Sub. (2) based on s. 40.53 (7) (b) (1st and 2nd sentences), and makes it clear that both drivers of publicly owned and operators of privately owned vehicles used for transportation of public school pupils shall be under contract with the school board. Sub. (3) (a) based on s. 40.53 (7) (b) (3rd, 4th and 5th sentences) and specifies that the driver of a privately owned school bus must submit the physical examination report to the school board. It further specifies that the bus driver cannot have tuberculosis. Sub. (3) (b) restates s. 40.53 (7) (b) (9th sentence). Sub. (3) (c) restates s. 40.53 (7) (b) (6th, 7th and 8th sentences). The driver of a school district-owned school bus is covered under new s. 118.25. Sub. (4) restates s. 40.53 (7) (d). (Bill No. 353-S)

121.53 School bus insurance. (1) No motor vehicle may be used as a school bus unless a policy of bodily injury and property damage liability insurance, issued by an insurer authorized to transact business in this state, is maintained thereon. The policy shall provide property damage liability coverage with a limit of not less than \$5,000. The policy also shall provide bodily injury liability coverage with limits of not less than \$10,000 for each person and, subject to such limit for each person, total limits as follows:

(a) \$30,000 for each accident for each such motor vehicle having a seating capacity of 7 passengers or less.

(b) \$40,000 for each accident for each such motor vehicle having a seating capacity of 8 to 15 passengers.

(c) \$50,000 for each accident for each such motor vehicle having a seating capacity of 16 to 24 passengers.

(d) \$75,000 for each accident for each such motor vehicle having a seating capacity of 25 to 36 passengers.

(e) \$100,000 for each accident for each such motor vehicle having a seating capacity of 37 to 49 passengers.

(f) Not less than \$2,000 for each accident for each passenger seat accommodation for each such motor vehicle having a seating capacity of 50 or more passengers.

(2) The policy under this section shall cover the transportation of pupils, their parents or guardians, authorized chaperones, school district officers, faculty and employees and school doctors, dentists and nurses:

(a) To and from the school or school district which operates the school bus or contracts for its operation.

(b) In connection with any extracurricular school activity authorized by and made in compliance with s. 121.54 (7). When so used, such insurance shall apply only to accidents occurring in this state and not exceeding 50 miles beyond its boundaries, but the Wisconsin school for the deaf may procure insurance without regard to this mileage limitation.

(3) An insurer issuing a policy under this section may exclude coverage for public or livery use of the school bus, but any such exclusion does not apply:

(a) When the school bus, while regularly used as such, also is used to transport pupils of another public or private school, whether or not a charge is made for such transportation.

(b) When used in accordance with sub. (2), whether or not any person lawfully transported is required to pay a charge therefor.

(4) Every school board shall require that there be filed with it and with the motor vehicle department a certificate of insurance showing that an insurance policy has been procured and is in effect which covers the owner and operator of the school bus and the school board or shall procure an insurance policy and file such certificate with the motor vehicle department. Unless such certificate is on file with the motor vehicle department, no registration plates for a school bus may be issued by the motor vehicle department. No such policy may be terminated prior to its expiration or canceled for any reason, unless a notice thereof is filed with the motor vehicle department and with the school board by the

insurer at least 10 days prior to the date of termination or cancellation. The motor vehicle department shall revoke the registration of a school bus on which the policy has been terminated or canceled, effective on the date of termination or cancellation.

(5) Subsections (1) to (4) do not apply to:

(a) A motor vehicle owned or operated by a parent or guardian transporting only his own children, whether or not any contract is made with or compensation paid to the parent or guardian for such transportation by a school board.

(b) A motor vehicle operated by a common carrier certificated under ch. 194, where such motor vehicle is used under contract pursuant to this subchapter, if the common carrier has complied with s. 194.41 or 194.42.

(6) Within 10 days after its occurrence, every accident involving a motor vehicle while providing transportation under this subchapter shall be reported to the appropriate school board and promptly by it to the state superintendent on forms provided by him.

History: 1967 c. 92.

Legislative Council Note, 1967: Sub. (1) based on s. 40.57 (1) and (2). Sub. (2) based on s. 40.57 (3), and adds a requirement that the policy also cover the transportation of authorized chaperones and all school district officers and employees. Sub. (2) (b) makes it clear that only the Wisconsin school for the deaf can procure insurance for travel beyond the stated limit. This is consistent with the grant of authority in s. 121.54 (7) (a) 3. Sub. (3) restates s. 40.57 (4). Sub. (4) based on s. 40.57 (5) and clarifies that a school board procuring an insurance policy must file a certificate of insurance with the motor vehicle department. Sub. (5) (a) restates s. 40.57 (7). Sub. (5) (b) restates s. 40.57 (9). Sub. (6) based on s. 40.53 (9). Present s. 40.57 (6) deleted because *Holytz v. City of Milwaukee* 17 Wis. (2d) 26 (1962), rendered this provision meaningless. (Bill No. 353-S)

121.54 Transportation by school districts.

(1) CITY OPTION. Subsections (2) and (6) and s. 121.57 do not apply to pupils who reside in cities, except that where an annual or special meeting of a common school district or a union high school district, or the school board of a city school district or unified school district determines to provide transportation for such pupils, state aid shall be paid in accordance with s. 121.58 and there shall be reasonable uniformity in the transportation furnished pupils who reside in cities as between pupils attending public and private schools.

(2) GENERAL TRANSPORTATION. (a) Except as provided in sub. (1), every school board shall provide transportation to and from public school for all pupils who reside in the school district 2 miles or more from the nearest public school they are entitled to attend.

(b) 1. Except as provided in sub. (1), the school board of each district shall provide transportation to and from the school he attends for each pupil residing in the school district who attends any elementary grade, including kindergarten, or high school grade, comparable to any grade offered by such school district, at a private school located 2 miles or more from his residence, if such private school is the nearest available private school which the pupil may reasonably choose to attend and is situated within the school district. The school board may elect to provide transportation during the 1967-68 school term for pupils to a private school situated not more than 5 miles beyond the boundaries of the school district if a private contractor has transported public and private pupils on the same bus during the 1966-67 school year.

2. Except as provided in sub. (1), beginning with the 1968-69 school term the school board of each district operating high school grades shall provide transportation to and from the school he attends for each pupil residing in the school district who attends any elementary grade, including kindergarten, or high school grade at a private school located 2 miles or more from his residence, if such private school is the nearest available private school which the pupil may reasonably choose to attend and is situated within the school district or not more than 5 miles beyond the boundaries of the school district measured along the usually traveled route.

3. No later than May 15 in each year, each private school shall notify each school board of the names, grade levels and locations of all pupils, if any, eligible to have transportation provided by such school board under this paragraph and planning to attend such private school during the forthcoming school term. The school board may extend the notification deadline.

(c) An annual or special meeting of a common school district or union high school district, or the school board of a city school district or unified school district may determine to provide transportation for all or part of the pupils who reside in the school district to and from the nearest public school they are entitled to attend or the nearest available private school within or without the school district they may reasonably choose to attend, but if transportation is provided for less than all such pupils there shall be reasonable uniformity in the minimum distance that pupils attending public and private schools will be transported. This paragraph

does not permit the annual or special meeting or school board in a district operating only elementary grades to provide for the transportation of pupils attending private schools.

(d) A school board may provide transportation for teachers to and from public school, subject to the same controls and limitations as apply to the transportation of pupils.

(3) TRANSPORTATION FOR HANDICAPPED. Every school board shall provide transportation for handicapped children, as defined in s. 115.76 (1), to any public or private elementary or high school, to the Wisconsin school for the visually handicapped or the Wisconsin school for the deaf or to any special educational program for handicapped children sponsored by a state tax-supported institution of higher education, regardless of distance, if the request for such transportation is approved by the state superintendent. Approval shall be based on whether or not the child can walk to school with safety and comfort. Section 121.53 shall apply to transportation provided under this subsection.

(4) SUMMER CLASS TRANSPORTATION. A school board may provide transportation for pupils residing in the school district and attending summer classes. If the school board provides transportation for less than all pupils, there shall be reasonable uniformity in the minimum and maximum distances pupils are transported.

(5) TRANSPORTATION TO VOCATIONAL SCHOOLS. The school board of a district operating high school grades may provide for the transportation or board and lodging of residents of the school district attending vocational, technical and adult education schools outside the school district who are not high school graduates, are less than 20 years of age and attend such schools full time. The school district shall be paid state aid for such transportation or board and lodging in accordance with s. 121.58. This subsection shall not apply to cases where the distance between a pupil's home and the vocational, technical and adult education school along the usually traveled public highway is more than 15 miles, except where the pupil resides on an approved bus route or where board and lodging are provided.

(6) TRANSPORTATION IN SPECIAL CASES. The school board of a district operating high school grades which, under s. 121.84 (2), must permit a pupil to attend high school outside the school district shall provide transportation for such pupil if he resides 2 or more miles from the high school he attends.

(7) TRANSPORTATION FOR EXTRACURRICULAR ACTIVITIES. (a) A school board may provide transportation for pupils attending public schools only, their parents or guardians, authorized chaperones, school district officers, faculty and employes and school doctors, dentists and nurses in connection with any extracurricular school activity, such as a school athletic contest, school game, school outing or school field trip or any other similar trip when:

1. A school bus which is regularly used by or for the school district is used and such transportation is under the immediate supervision of a competent adult employe of the school district and the school bus is operated by a driver regularly used as a bus driver by the school district;

2. A school operated by the school district has an actual educational interest in such activity;

3. Such use does not extend more than 50 miles beyond the boundary of this state, but this restriction does not apply to any such use by the Wisconsin school for the deaf; and

4. The school principal or other person with comparable authority authorizes such use.

(b) The school board may make a charge for such transportation, to be paid by the persons transported, sufficient to reimburse it for the use of the school bus. If the school bus is operated by a person under contract with the school board under s. 121.52 (2) (b), the school board may authorize a charge for the transportation, to be paid by the persons transported, sufficient to make reimbursement for such use.

(8) PAYMENT OF TRANSPORTATION COSTS. The cost of providing transportation for pupils under subs. (1) to (6) and s. 121.57 shall be paid by the school district in which they reside, and no part of such cost may be charged to the pupils or their parents or guardians.

(9) TRANSPORTATION IN AREAS OF UNUSUAL HAZARDS. In school districts in which unusual hazards exist in walking to and from school for pupils who reside less than 2 miles from the school where they are enrolled, the school board may develop a plan which shall show by map and explanation the nature of the unusual hazards to pupil travel and propose a plan of transportation which will provide proper safeguards for the school attendance of such pupils. Copies of the plan shall be filed with the sheriff of the county in which

the principal office of the school district is located. The sheriff shall review the plan and may make suggestions for revision that he deems appropriate. He shall investigate the site and plan and make a determination as to whether unusual hazards exist which cannot be corrected by local government. He shall report his findings in writing to the school board concerned. Any person aggrieved by the determination made by the sheriff may appeal the determination to the state superintendent who shall make a determination upon which the school board shall act. If the findings support the plan and the determination that unusual hazards exist which seriously jeopardize the safety of the pupils in their travel to and from school, the school board may put the plan for transportation into effect, but no part of the costs resulting from the transportation of pupils under this subsection may be reimbursed from state funds.

History: 1967 c. 92, 313.

Legislative Council Note, 1967: Throughout this section material is deleted which was made obsolete by the requirement that all territory be in a high school district.

Sub. (1) based on s. 40.55. The new cross references are not identical to present cross references, but are intended to clearly indicate the provisions of law which do *not* apply to pupils who reside in cities. The bodies which may authorize transportation for such pupils are specifically enumerated.

Sub. (2) based on s. 40.53 (1) and incorporates ch. 68, laws of 1967.

Sub. (3) revises s. 40.53 (2). The last sentence is new and clarifies that the compulsory insurance requirements apply to transportation for handicapped children. "Handicapped children" is substituted in this subsection for "disabled children," to be consistent with uniform language established in ch. 115, subch. IV of this act. The 2nd and 3rd sentences of present s. 40.53 (2) transferred to s. 121.58 (2) (b).

Sub. (4) based on s. 40.99 (2).

Sub. (5) based on s. 40.53 (3).

Sub. (6) restates s. 40.53 (3m).

Sub. (7) revises s. 40.53 (4) and inserts "authorized chaperones" and school district officers and employes. See note to s. 121.53 (2).

Sub. (8) based on s. 40.56 (2). (Bill No. 353-S)

121.55 Methods of providing transportation. (1) School boards may provide transportation by any of the following methods:

(a) By contract with a common carrier, a taxi company or other parties.

(b) By contract with the parent or guardian of the pupil to be transported. If the school board and the parent or guardian cannot agree upon the amount of compensation, the state superintendent shall determine the amount of compensation to be designated in the contract.

(c) By contract with another school board, board of control of a co-operative educational service agency or the proper officials of any private school or private school association.

(d) By contract between 2 or more school boards and an individual or a common carrier.

(e) By the purchase and operation of a motor vehicle.

(2) The term of any contract made under this section shall not exceed 3 years.

History: 1967 c. 92, 313.

Legislative Council Note, 1967: Restates s. 40.53 (5) and (6). (Bill No. 353-S)

121.56 School bus routes. The school board of each district shall make and be responsible for all necessary provisions for the transportation of pupils, including establishment, administration and scheduling of school bus routes. Upon the request of any school board, the state superintendent shall provide advice and counsel on problems of school transportation. Any private school shall, upon the request of the public school officials, supply all necessary information and reports. The transportation of public and private school pupils shall be effectively co-ordinated to insure the safety and welfare of the pupils. Upon receipt of a signed order from the state superintendent, the school board shall discontinue any route specified by him.

History: 1967 c. 92, 313.

Legislative Council Note, 1967: Based on s. 40.53 (8), and deletes material made obsolete by the requirement that all territory be in a high school district. (Bill No. 353-S)

121.57 Board and lodging or house rental in lieu of transportation. (1) (a) If a school board determines it is to the advantage of the school district and if the parent or guardian determines it is to the advantage of the pupil that board and lodging in lieu of transportation be provided for all or part of the time for a pupil of the school district required to be transported or for whom it has been authorized under s. 121.54 (2), the school board shall enter into a written contract under which the pupil shall be properly boarded and lodged and the school board shall pay for such board and lodging. The parent or guardian may select the home in which his child is boarded and lodged. If a school board determines it is in the interest of the school district, it may pay the tuition of a pupil in a school in another school district in lieu of providing transportation to a school in the school district of residence or board and lodging. If the distance from the pupil's home to the school in another school district is 2 miles or more, the school board of the district of residence shall provide transportation.

(b) This subsection also applies to handicapped children. The state superintendent may grant permission for a handicapped child to be transported to a school in another school district if an acceptable form of transportation is provided and if such school offers equal or better educational opportunities for the child.

(2) If a school board determines it is in the interest of the school district to rent a house for the family of children required to be transported in lieu of providing such transportation, it may enter into a written lease for such housing and pay as rental therefor not more than the amount which otherwise would be paid for transportation.

(3) This section does not apply to pupils who attend private schools.

History: 1967 c. 92, 313.

Legislative Council Note, 1967: Revises and rearranges s. 40.54, and deletes material made obsolete by the requirement that all territory be in a high school district. (Bill No. 353-S)

121.58 State aid. (1) **REPORT.** In the report filed under s. 120.18 the school district clerk shall include such information as the state superintendent requires on the number of pupils for whom transportation or board and lodging is provided.

(2) **STATE AID FOR TRANSPORTATION.** (a) A school district which provides transportation to and from a school under ss. 121.54 (1) to (3), (5) and (6) and 121.57 shall be paid state aid for such transportation at the rate of \$24 per school year per pupil so transported whose residence is at least 2 miles and not more than 5 miles from the school attended, and \$36 per school year per pupil so transported whose residence is at least 5 miles and not more than 8 miles from the school attended and \$48 per school year per pupil so transported whose residence is more than 8 miles from the school attended. Such state aid shall be reduced proportionately in the case of a pupil transported for less than a full school year because of nonenrollment. State aid for transportation shall not exceed the actual cost thereof. No state aid of any kind may be paid to a school district which charges the pupil transported or his parent or guardian any part of the cost of transportation provided under ss. 121.54 (1) to (3), (5) and (6) and 121.57 or which wilfully or negligently fails to transport all pupils for whom transportation is required under s. 121.54.

(b) State aid for approved transportation under s. 121.54 (3) shall be paid on the same basis as it is paid for transportation of non-

handicapped children, except that state aid shall be paid for such approved transportation of less than 2 miles at the rate of \$24 per school year per pupil. Such state aid shall be supplemented by the state aid under s. 115.85 in an amount not to exceed the full cost.

(3) STATE AID FOR BOARD AND LODGING. A school district which provides board and lodging or housing under s. 121.57 (2) in lieu of transportation shall be paid state aid for such board and lodging or housing at the rate of not more than \$6 per week of 5 days for each pupil so boarded and lodged or housed, but not to exceed 60% of the cost. For handicapped children such state aid shall be supplemented by the state aid under s. 115.85 in an amount not to exceed the full cost of such board and lodging.

(4) STATE AID FOR SUMMER CLASS TRANSPORTATION. Annually on or before October 1 of the year in which transportation is provided under s. 121.54 (4), the school district clerk shall file with the state superintendent a report, containing such information as the state superintendent requires, on transportation provided by the school board to and from summer classes. Upon receipt of such report and if the summer classes meet the requirements of s. 121.14 (1), state aid shall be paid for such transportation. A school district which provides such transportation shall be paid state aid for such transportation at the rate of \$4 per pupil transported to and from public school whose residence is at least 2 miles and not more than 5 miles by the nearest traveled route from the public school attended, and \$6 per pupil transported to and from public school whose residence is more than 5 miles by the nearest traveled route from the public school attended, if the pupil is transported 30 days or more. The state aid shall be reduced proportionately if the pupil is transported less than 30 days.

(5) STATE SUPERINTENDENT APPROVAL. If the state superintendent is satisfied that transportation or board and lodging was provided in compliance with law, he shall certify to the department of administration the sum due the school district. In case of differences concerning the character and sufficiency of the transportation or board and lodging, the state superintendent may determine such matter and his decision thereon is final.

(6) APPROPRIATION PRORATED. If the appropriation under s. 20.255 (2) (bm) in any one year is insufficient to pay the full amount of approved claims under this section, state

aid payments shall be prorated among the school districts entitled thereto.

History: 1967 c. 92, 291 s. 14; 1967 c. 313.

Legislative Council Note, 1967: Sub. (1) is based on a report requirement contained in s. 40.56 (1) (1st, 2nd, 3rd and 4th sentences) and deletes obsolete material.

Sub. (2) (a) based on s. 40.56 (3).

Sub. (2) (b) restates s. 40.53 (2) (2nd and 3rd sentences).

Sub. (3) based on s. 40.56 (4), and deletes material made obsolete by the requirement that all territory be in a high school district. The scope of this subsection is extended to include state aid payment for house rental. The last sentence of present s. 40.56 (4) is deleted because it is unnecessary.

Sub. (4) based on s. 40.99 (3), and affirmatively states the report requirement. The filing date is changed to reflect existing departmental requirements.

Sub. (5) restates s. 40.56 (1) (5th and 6th sentences).

Sub. (6) restates s. 40.56 (5).

Present s. 40.56 (2a) deleted because it was made obsolete by the requirement that all territory be in a high school district. (Bill No. 353-S)

SUBCHAPTER III

TUITION

121.76 Definitions. In this subchapter:

(1) "Pupils in average daily membership" is the sum of actual daily memberships, as expressed by official enrollments, in all schools of the school district for each day of the school term, divided by the number of days school is actually taught. If it contains a fraction, the quotient shall be expressed as the nearest whole number. A first grade pupil may be counted only if 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 kindergarten may be counted only if he attains the age of 5 years on or before December 1 of the school year in which he enrolls. A kindergarten pupil shall be counted as one-half pupil.

(2) "Pupils enrolled" has the meaning set forth in s. 121.07 (1).

History: 1967 c. 92.

Legislative Council Note, 1967: Sub. (1) revises s. 40.70 (1).

Sub. (2) is new. Both definitions are necessary. Because of changes made by the 1965 legislature, "pupil in average daily membership" has meaning only for the purpose of computing tuition. (See s. 121.82) (Bill No. 353-S)

121.77 Admission of nonresident pupils.

(1) Every elementary school and high school shall be free to all persons of school age who reside in the school district. If facilities are adequate, a school board may admit nonresident pupils who meet the entrance requirements to the schools of the school district. Nonresident pupils shall have all the rights and privileges of resident pupils and shall be subject to the same rules and regulations as resident pupils. The school board shall

periods in which each pupil is enrolled by 720. The membership in summer classes shall be added to the estimated number of pupils in average daily membership for the succeeding school term and the estimated cost of operating the summer classes shall be added to the estimated cost of operating the schools of the school district during the succeeding school term. The combined cost shall be divided by the combined membership. The quotient shall be multiplied by the total number of approved classroom or laboratory periods in which the pupil is enrolled, and divided by 720, to determine the tuition charge for each pupil enrolled in summer classes.

History: 1967 c. 92.

Legislative Council Note, 1967: Based on s. 40.99 (4). A single method of computing tuition payments for both elementary and high school grades is set forth. Although substantially revised and consolidated, the new language employs the same procedure contained in present s. 40.99 (4). (Bill No. 353-S)

121.84 High school; special cases. (1)

(a) The school board of a district operating high school grades may permit a pupil who is enrolled in a high school under its jurisdiction and is a resident of the school district at the beginning of the 2nd semester of the school year to complete the school year at the high school without payment of tuition, even though his parents move out of the school district before the close of the school year.

(b) The school board of a district operating high school grades may permit a pupil who has gained 12th grade status in a high school under its jurisdiction and is a resident of the school district at the time of gaining such status to complete 12th grade at the high school without payment of tuition, even though his parents move out of the school district.

(c) The transportation requirement in s. 121.54 (2) shall not apply to transportation beyond the school district boundaries for pupils under this subsection.

(2) The school board of a district operating high school grades shall permit a high school pupil who resides in the school district as the result of school district reorganization and has completed 9th and 10th grades at

one high school outside the school district to complete his high school education at such high school. The school board of residence shall pay tuition for such pupil. If the parent or guardian of such pupil has paid tuition in order to enroll such pupil in such high school, the school board of residence shall reimburse the parent or guardian for the tuition upon receipt of a tuition claim within 3 years from the date such tuition was paid.

(3) (a) A reorganized school district, in its first year of operating high school grades, may provide for its 11th and 12th grade pupils on a tuition basis and, in its 2nd such year, may provide for its 12th grade pupils on a tuition basis. The clerk of the school district in which nonresident pupils under this subsection are enrolled shall certify the number of such pupils enrolled to the state superintendent and to the clerk of their school district of residence. The school district of residence shall include such pupils in determining for state aid purposes the total number of pupils enrolled in the school district and if the school district of residence is determined to be an integrated aid district and eligible for state aid under s. 121.12 (1) or 121.13 (1), it shall be paid state aid for such pupils, reduced by any amounts paid for such pupils under ss. 121.09 (3), 121.10 (2), 121.12 (3) and 121.13 (3).

(b) A reorganized school district which has at least one operating high school within its territory and which does not have sufficient building facilities to provide high school educational services for all of the high school pupils residing in the reorganized school district may provide for such high school pupils on a tuition basis for a period of 2 years. The reorganized school district shall be eligible for state aid in accordance with par. (a).

History: 1967 c. 92.

Legislative Council Note, 1967: Sub. (1) (a) restates s. 40.905 (1). Sub. (1) (b) restates s. 40.905 (2). Sub. (1) (c) like s. 40.905 (3) (last sentence). Section 40.905 (3) (1st sentence) was deleted, because only those pupils enrolled on the 3rd Friday of September are counted in computing state aid payments.

Sub. (2) revises s. 40.91 (3).

Sub. (3) based on s. 40.70 (8), the provisions of which were substantially consolidated and shortened.