

CHAPTER 341

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CHAPTER 341

AN ACT to amend 40.08 (1); and to create 40.08 (3) of the statutes, relating to dissolution of district by neglect to keep school.

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

SECTION 1. 40.08 (1) of the statutes is amended to read:

40.08 (1) \* \* \* *Except as otherwise provided in this subsection, if a district for 2 or more successive years neglects to operate a school for its children as required by law, it shall be attached to a district or districts that do operate a school or schools, by referendum pursuant to the provisions of s. 40.07, by county school committee pursuant to the provisions of s. 40.03, or by municipal board action pursuant to the provisions of s. 40.06. If orders of attachment of any such district to an operating district have not been issued pursuant to ss. 40.03, 40.06 or 40.07 prior to or within 30 days after June 30, 1955, or within 30 days after any such district becomes subject to this action, whichever is later, orders attaching such districts to operating districts shall be issued by the county school committee having jurisdiction under s. 40.03 prior to August 30, 1955, or prior to August 30 of any year in which such a district becomes subject to attachment. Notwithstanding the provisions of s. 40.03 (1), orders by the county school committee issued under this subsection shall take effect upon being filed under s. 40.03 (3). The state superintendent shall notify the school district clerks of districts which are subject to the provisions of this section and shall notify the clerks of the municipalities in which all parts of such districts lie and the secretaries of the county school committees of the counties in which these districts lie within 60 days of the date on which the districts become subject to \* \* \* this section. However, only during the period ending June 30, \* \* \* 1957 any district which does not operate a school and which is contiguous to a city operating under a city school plan or which is adjacent to such contiguous district, is authorized to and shall arrange for the attendance of its pupils at the elementary grades of some other district on a nonresident tuition basis and provide transportation to and from such school by the methods provided in s. 40.53 (5) for all its pupils who reside 2 miles or more from the school of such other district that they attend, and may use such funds on hand as have been raised or appropriated for operation and maintenance or levy taxes to pay for such tuition and transportation and to reimburse parents for any such tuition or transportation they have paid or furnished. If a district fails so to do during said period its pupils may attend the elementary grades at the nearest available school of another district or the school which is certified by the county superintendent having jurisdiction as more feasible for them to attend and such district of residence shall be liable to the district whose schools such pupils attend for the nonresident tuition and cost of transportation said district is required to provide, or to the parents of such children for any such tuition or transportation they have paid for or furnished. The school board of a district to which any territory is attached or consolidated therewith shall levy and collect a special tax against the property in the territory attached thereto or consolidated therewith for such amount as is payable for tuition and transportation, at the time of such attachment or consolidation, by the district in which such territory so attached or consolidated was located prior thereto, in the proportion that the valuation of the territory attached*

thereto or consolidated therewith bears to the total valuation of the district in which such territory was located prior to such attachment or consolidation. This amendment shall operate retroactively to and including May 15, 1953.

SECTION 2. 40.08 (3) of the statutes is created to read:

40.08 (3) (a) Sections 40.03 (6) and 40.06 (6) shall not apply to orders issued by the county school committees pursuant to this section.

(b) If an order issued by the county school committee or by municipal boards pursuant to this section is voided by a circuit court the nonoperating district designated in the order of the court shall arrange for the attendance of its pupils in the elementary grades of some other district or districts on a nonresident tuition basis and provide transportation to and from such school by the methods provided in s. 40.53 for all of its pupils who reside 2 miles or more from the school of such other district or districts that they attend, and may use such funds on hand as have been raised or appropriated for operation and maintenance or levy taxes to pay for such tuition and transportation, until a valid order has been issued. The county school committee shall in such cases issue new orders within the succeeding year.

SECTION 3. This act shall take effect July 1, 1955.

Approved June 29, 1955.

Reapproved July 6, 1955.

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