

Assembly Bill 220

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CHAPTER 45, LAWS OF 1967

AN ACT to repeal 40.65 (1), (3) (a) to (d) and (4); to renumber 40.65 (2) and 40.91 (3); to renumber and amend 40.65 (3) (intro.); to amend 40.91 (2); and to repeal and recreate 40.91 (1), (4) and (5) of the statutes, relating to the computation of elementary and high school tuition.

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

SECTION 1. 40.65 (1), (3) (a) to (d) and (4) of the statutes are repealed.

SECTION 2. 40.65 (2) of the statutes is renumbered 40.91 (3m).

SECTION 3. 40.65 (3) (intro.) of the statutes is renumbered 40.65 and amended to read:

40.65 TUITION IN ELEMENTARY GRADES. Tuition for nonresident children in grades below the 9th shall be ~~fixed as follows:~~ *determined in accordance with s. 40.91.*

SECTION 4. 40.91 (1), (4) and (5) of the statutes are repealed and recreated to read:

40.91 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 regula-

tions as resident pupils. The school board shall charge tuition for each non-resident pupil, except a nonresident pupil having legal settlement, as defined in s. 49.10, in the school district.

(4) The tuition for any given year shall be determined as follows:

(a) From the sum total of money expended by the school district for interest on short-term indebtedness, operation and maintenance, transportation, principal and interest on long-term indebtedness, there shall be subtracted an amount equal to the sums of federal, state (except general), county and transportation aids to establish the net cost of the school district.

(b) For a school district operating only elementary grades, the net cost of the school district divided by the number of pupils in average daily membership for the given year shall be the amount chargeable as elementary school tuition.

(c) For a school district operating only high school grades, the net cost of the school district shall be divided by the number of pupils in average daily membership for the given year. From this amount shall be subtracted the state aid received for each nonresident pupil in average daily membership. The amount so determined shall be the amount chargeable per pupil as nonresident high school tuition.

(d) In school districts operating both elementary and high school grades, the net cost for elementary and the net cost for high school grades shall be determined by the school district under procedures established by the state superintendent and using a state-wide ratio which the state superintendent shall establish annually based on his best judgment, from all sources of information available to him, of the division of elementary and high school costs in school districts operating both elementary and high school grades.

(5) Annually on or before August 15, the school district clerk shall file with the state superintendent a certified copy of each tuition claim of the school district.

SECTION 5. 40.91 (2) of the statutes is 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 non-resident 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~~ *If a public high school without this state if it has a 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 a school board may upon their its own order provide for the enrollment of pupils a pupil in high schools located in states other than Wisconsin the school and pay for 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.*

SECTION 6. 40.91 (3) of the statutes is renumbered 40.905 (5)

SECTION 7. In the sections listed in column A below, the cross refer-

ences to the sections in column B are changed to the cross references shown in column C:

A	B	C
Statute sections	Old cross references	New cross references
38.23	40.65 (1) and (2)	40.65
40.19	40.65 (3)	40.91
40.22 (17) (b)	40.65 (3)	40.91 (4)
40.22 (17) (c)	40.91 (4) (a)	40.91 (4)
40.30 (12)	40.65 (3)	40.91
40.53 (3m)	40.91 (3)	40.905 (5)
40.70 (5) (b)	40.91 (4) and (5)	40.91 (4)
40.70 (6) (b)	40.91 (4) and (5)	40.91 (4)
40.71 (6) (b)	40.91 (4) and (5)	40.91 (4)
40.71 (6) (c)	40.91 (4) and (5)	40.91 (4)
40.99 (4) (a)	40.65 (3)	40.91 (4)

Approved June 13, 1967.