

1969 Assembly Bill 794

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CHAPTER 501, LAWS OF 1969

AN ACT to repeal 42.46 (2) (c) and chapter 154, laws of 1969, section 381z (2) (a) and (b); to amend 20.255 (2) (fm), 38.13 (8), 42.71 (1) (e) and 121.07 (6) and (7) (e), 121.51 (4) and chapter 154, laws of 1969, section 381z (1) and (2) (intro.); to repeal and recreate 118.15; and to create 20.255 (1) (ar) of the statutes, relating to adjustments in the state school aid formula and aidable costs incidental thereto, and making appropriations.

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

SECTION 1. At the appropriate place in the schedule in section 20.005 of the statutes, insert the following amounts for the purposes indicated:

20.255	Public Instruction, Department of	1969-70	1970-71
(1)	Improvement of Curriculum and Instruction		
(ar)	Special classroom and language training support	GPR B 1,000,000	2,000,000

SECTION 2. 20.255 (1) (ar) of the statutes is created to read:

20.255 (1) (ar) *Special classroom and language training support.* Biennially, the amounts in the schedule, to be released to the board of school directors of the Milwaukee school system upon the approval of the state superintendent, for the purpose of continuing the interrelated language skill centers begun in 1968 which provide remedial efforts in reading, writing, mathematics and other basic communication skills. The state superintendent shall also release funds available under this appropriation to the board of school directors for continuation of the teacher aide program.

SECTION 3. 20.255 (2) (fm) of the statutes, as affected by chapter 154, laws of 1969, is amended to read:

20.255 (2) (fm) A sum sufficient to make the contributions required for nonstate employed members of the state teachers retirement system under s. 42.46 and for members of the Milwaukee teachers retirement fund under s. 119.24 (9) (g), but if the total salary base in elementary and

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~~secondary in 1970-71 or in any subsequent school year exceeds 10% of the total salary base in the preceding school year, then state aids for such employer contributions to said retirement funds shall be limited to 110% of the total salary base in the preceding school year. For teachers employed by vocational, technical and adult education districts, the state shall continue to pay the full amount of the employer contribution to said retirement funds.~~

SECTION 4. 38.13 (8) of the statutes, as affected by chapter 276, laws of 1969, is amended to read:

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38.13 (8) To foster and maintain instruction in courses approved by the board in part-time and full-time day or evening classes, ~~including courses and programs for compulsory attendance by students,~~ a system of vocational, technical and adult education is established. It is the intent of this section that every person 16 years of age or over who can profit thereby shall be eligible to attend such tax-supported instruction under the rules established by the board.

SECTION 5. 42.46 (2) (c) of the statutes, as affected by chapter 154, laws of 1969, is repealed.

SECTION 6. 42.71 (1) (e) of the statutes, as affected by chapters 154 and 158, laws of 1969, is amended to read:

42.71 (1) (e) Annually, prior to July 15, estimate the amount of the payment to be made by the state to such fund during the fiscal year beginning on the next July 1, to maintain the assets of the fund as provided in s. 42.89. The board shall certify such estimate to the department of administration which shall prepare a warrant each month for one-twelfth of said estimated amount and upon such warrants the state treasurer shall transfer the sums specified therein to the teachers annuity and retirement fund from funds appropriated for that purpose. When the board has determined the exact amounts payable by the state to the fund for such fiscal year in accordance with s. 42.89, a final certification thereof shall be made by ~~said the~~ board to the department of administration and a final transfer shall be made to or from the fund, as determined from said final certification. ~~If the required state contribution certified under this paragraph exceeds the amount available under s. 20.255 (2) (fm), the department of administration shall pay such amount forthwith but shall then, at its discretion, either withhold such amount from the next apportionment or apportionments of state aids or taxes of any kind payable to the city of the 1st class or include such amount in the next certification of taxes and charges to the city of the 1st class. Whichever method is used, such amount shall be considered an operational expense of the public schools in such city in the fiscal year that the required state contribution is made to the retirement fund, and when collected shall be credited as a reduction of expenditures made under s. 20.255 (2) (fm).~~

SECTION 7. 118.15 of the statutes is repealed and recreated to read:

118.15 COMPULSORY SCHOOL ATTENDANCE. (1) (a) Unless the child has a legal excuse or has graduated from high school, any person having under his control a child who is between the ages of 7 and 16 years shall cause such child to attend school regularly during the full period and hours, religious holidays excepted, that the public or private school in which such child should be enrolled is in session until the end of the school term, quarter or semester of the school year in which he becomes 16 years of age.

(b) Unless the child has a legal excuse or has graduated from high school, any person having under his control a child who is between the ages of 7 and 18 years and who resides within a school district which also contains within its boundaries a vocational, technical and adult education school designated by the board of vocational, technical and adult education as a school with a day class program, shall cause such child to attend

school regularly during the full period and hours, religious holidays excepted, that the public or private school in which such child should be enrolled is in session until the end of the school term, quarter or semester of the school year in which he becomes 18 years of age.

(c) If his parent or legal custodian and the school board of his district so determine, any child who is 16 years of age or over shall attend, in lieu of high school or on a part-time basis, a vocational, technical and adult education school.

(d) A school board may permit a pupil who is in good standing academically to attend school part-time during his last school term preceding graduation from high school.

(2) (a) If the determination is made under sub. (1) (c) that a child shall attend a vocational, technical and adult education school, the district board governing the vocational, technical and adult education school shall establish appropriate vocational and technical courses in accordance with par. (b) 1 and the school board of the district and the district board governing the vocational, technical and adult education school shall enter into a contract for such attendance.

(b) The contract shall set forth:

1. The courses at the vocational, technical and adult education school which are approved by the state superintendent as being courses for which credit will be given to meet high school graduation requirements.

2. The amount per period of instruction, not including any debt retirement cost, which the school board shall pay to the district board of the vocational, technical and adult education school for pupils attending such school. If either board sends written notice to the state superintendent or the director of the board of vocational, technical and adult education that the boards are unable to reach an agreement on the amount to be paid, the state superintendent and the director shall determine the amount within 15 days of receipt of such notice.

(c) Pupils attending a vocational, technical and adult education school under this subsection may receive general education subjects at the vocational, technical and adult education school and shall be counted as pupils enrolled in the high school for all purposes including computing state aid for the school district and contractual payments therefor by the school district shall be deemed costs of operation and maintenance. No state aid may be paid to the vocational, technical and adult education district for pupils attending the vocational, technical and adult education school under this subsection.

(d) Transportation, or board and lodging under s. 121.57 (1) (a), for pupils attending a vocational, technical and adult education school under this subsection shall be provided by the school district, and state aids shall be paid therefor, on the same basis as is transportation for pupils attending high school.

(3) This section does not apply to any child who is not in proper physical or mental condition to attend school, to any child exempted for good cause by the school board of the district in which the child resides or to any child who has completed the full 4-year high school course. The certificate of a reputable physician in general practice shall be sufficient proof that a child is unable to attend school.

(4) Instruction during the required period elsewhere than at school may be substituted for school attendance. Such instruction must be approved by the state superintendent as substantially equivalent to instruction given to children of like ages in the public or private schools where such children reside.

(5) Whoever violates this section or files a false statement under s. 118.16 (1) may be fined not less than \$5 nor more than \$50 or impris-

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oned not more than 3 months or both. In a prosecution under this subsection, if the defendant proves that he is unable to comply with the law because of the disobedience of the child in question, the action shall be dismissed and the child shall be proceeded against as delinquent under ch. 48.

SECTION 8. 121.07 (6) of the statutes, as affected by chapter 154, laws of 1969, is amended to read:

121.07 (6) "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. In computing state aid for a school district, that portion of its net operating cost per pupil which is more than 10% above the average per pupil net operating cost for the current school year for school districts of like organization, as determined by the state superintendent, shall be excluded. ~~No cost of transporting children less than 2 miles to public or private schools may be included in the cost of operation and maintenance under this paragraph.~~

SECTION 9. 121.07 (7) (e) of the statutes, as affected by chapter 154, laws of 1969, is amended to read:

121.07 (7) (e) For integrated aid districts operating both elementary and high school grades, \$42,000 in the 1969-70 school year and ~~\$42,500 in 1970-71~~ \$43,500 thereafter.

SECTION 9m. 121.51 (4) of the statutes, as created by chapter 154, laws of 1969, is amended to read:

121.51 (4) "Attendance area" is the geographic area designated by the governing body of a private school as the area from which its pupils attend and approved by the school board of the district in which the private school is located. If the private school and the school board cannot agree on the attendance area, the state superintendent shall, upon the request of the private school and the board, make a final determination of the attendance area. The attendance areas of private schools affiliated with the same religious denomination shall not overlap ~~except that by mutual consent of the private school officials of both private schools involved and the school board, a determination may be made to transport a pupil to a private school outside his regular attendance area, and he shall be then deemed in that school's attendance area.~~

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SECTION 10. Chapter 154, laws of 1969, Section 381z (1) and (2) (intro.) are amended to read:

(Chapter 154, laws of 1969) Section 381z. (1) In no case shall any school district receive an amount of state school aid under subchapter I of chapter 121 of the statutes ~~in the 1969-70 school year~~ which, as the result of the changes made therein by this act, is less than 100% for the 1969-70 school year and 80% for the 1970-71 school year of the amount such district received in the 1968-69 school year as state school aid under said subchapter including excess aids, if any.

(2) (intro.) If the school district equalized valuation in any school district which received excess aids under section 121.13 (4), 1967 stats., for the 1968-69 school year was less than \$23,000 per pupil in the 1968-69 school year, such district shall ~~for the 1969-70 and 1970-71 school years,~~ in addition to any school aids received by such district under sub. (1) and sections 121.08 to 121.13, also receive excess aids phase-out assistance ~~as follows:~~ in an amount equal to 70% for the 1969-70 school year and 40% for the 1970-71 school year, of the excess aids received for the 1968-69 school year.

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SECTION 11. Chapter 154, laws of 1969, Section 381z (2) (a) and (b) are repealed.

SECTION 12. APPROPRIATION DECREASE. The appropriation under section 20.255 (2) (b) of the statutes, as affected by the laws of 1969, is decreased by \$3,906,000 for the 1969-71 biennium.

SECTION 13. EFFECTIVE DATE. SECTIONS 4 and 7 shall take effect July 1, 1970.

Approved March 11, 1970.