



1997 ASSEMBLY BILL 603

November 11, 1997 - Introduced by COMMITTEE ON EDUCATION. Referred to
Committee on Education.

1 **AN ACT to repeal** 20.255 (1) (jm), 20.255 (1) (js), 39.41 (1m) (c) 1. and 39.41 (1m)
2 (f); **to amend** 20.255 (1) (b), 20.255 (1) (c), 20.255 (1) (d), 20.255 (1) (gt), 20.866
3 (2) (zh), 39.41 (1) (bm), 115.31 (1) (b), subchapter III (title) of chapter 115
4 [precedes 115.51], 115.52 (title), 115.52 (1), 115.52 (2), 115.52 (3), 115.52 (5),
5 115.52 (6), 115.52 (7), 115.53 (2), 115.53 (3), 115.53 (4) (intro.) and (a), 115.53 (4)
6 (b), 115.53 (5), 115.53 (6), 115.54, 115.55, 115.58, 115.77 (3) (a), 115.882, 115.93
7 (2), 121.05 (1) (a) 8., 121.54 (3), 940.295 (1) (q) and 940.295 (2) (j); and **to create**
8 20.255 (2) (bj) and 115.88 (8m) of the statutes; **relating to:** eliminating the
9 Wisconsin School for the Visually Handicapped and making an appropriation.
10

Analysis by the Legislative Reference Bureau

Current law requires the department of public instruction (DPI) to maintain the Wisconsin school for the visually handicapped (WSVH), whose object is to afford the visually handicapped a practical education and physical rehabilitation. Current law also provides that DPI may grant approval for the maintenance of a summer school for visually handicapped minors, that an annual summer school be held at

WSVH for visually handicapped adults and that DPI may contract with the city of Janesville to use portions of the grounds of WSVH as a city park.

Under current law, counties, cooperative educational service agencies (CESAs) and school districts are eligible to receive state categorical aid as reimbursement for 63% of the costs of salaries and fringe benefits for special education teachers and consulting teachers, coordinators and paraprofessionals; 51% of the costs of salaries and fringe benefits for school psychologists and social workers; 63% of transportation costs and other special education costs approved by the department; 100% of the costs of board and lodging of nonresident children enrolled in special education programs; and 100% of the special education costs for children in hospitals and convalescent homes for the orthopedically disabled. Current law also requires that aid for special education costs of children in hospitals and convalescent homes for the orthopedically disabled be paid as a first draw on the special education appropriation. If, after this first draw, the appropriation for special education in any one year is insufficient to pay the full amount of special education aid and health treatment aid for children with exceptional educational needs, state categorical aid payments are prorated among the counties, CESAs and school districts entitled to the aid.

This bill eliminates WSVH, provides that DPI may continue to sponsor a summer school for visually handicapped adults and allows DPI, with the approval of the department of administration, to contract with the city of Janesville to use the grounds of the former WSVH as a city park. Until June 30, 2004, counties, CESAs and school districts are eligible to receive up to 100% of the costs of creating and improving programs for children with visual disabilities in state categorical aid as a 2nd draw on both the special education appropriation and the appropriation created by this bill and funded with the money saved by the elimination of WSVH. If, after this 2nd draw, the special education appropriation in any one year is insufficient to pay the full amount of aid for creating and improving new programs for children with visual disabilities, state categorical aid is prorated among the counties, CESAs and school districts entitled to the aid.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 20.255 (1) (b) of the statutes is amended to read:

2 20.255 (1) (b) (title) *General program operations; residential schools school.*

3 The amounts in the schedule for the operation and maintenance of the Wisconsin

4 schools school for the deaf and the visually handicapped, including the matching of

5 federal funds, ~~but not including expenses financed under par. (js).~~ All moneys

1 received in reimbursement for services rendered institutional employes,
2 participants in institutes and training programs and visitors at the state schools
3 school for the deaf and the visually handicapped under s. 115.52 (6), ~~except~~
4 ~~reimbursements credited under par. (js)~~, shall be refunded to the appropriation made
5 by this paragraph. Such reimbursements shall be accumulated in an account named
6 “maintenance credits”.

7 **SECTION 2.** 20.255 (1) (c) of the statutes, as affected by 1997 Wisconsin Act 27,
8 is amended to read:

9 20.255 (1) (c) *Energy costs.* The amounts in the schedule to be used at the
10 ~~schools~~ school for the deaf and visually handicapped to pay for utilities and for fuel,
11 heat and air conditioning, to pay costs incurred by or on behalf of the department
12 under ss. 16.858 and 16.895, and to repay to the energy efficiency fund loans made
13 to the department under s. 16.847 (6).

14 **SECTION 3.** 20.255 (1) (d) of the statutes is amended to read:

15 20.255 (1) (d) *Principal repayment and interest.* A sum sufficient to reimburse
16 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
17 the acquisition, construction, development, enlargement or improvement of
18 institutional facilities for the hearing impaired and visually handicapped under s.
19 115.52 and reference and loan library facilities under s. 43.05 (11).

20 **SECTION 4.** 20.255 (1) (gt) of the statutes is amended to read:

21 20.255 (1) (gt) (title) *Residential schools* school; *pupil transportation.* The
22 amounts in the schedule for the weekend transportation of pupils enrolled in the
23 residential ~~schools~~ school under subch. III of ch. 115 to and from their homes. All
24 moneys received under s. 115.53 (6) shall be credited to this appropriation.

25 **SECTION 5.** 20.255 (1) (jm) of the statutes is repealed.

1 **SECTION 6.** 20.255 (1) (js) of the statutes is repealed.

2 **SECTION 7.** 20.255 (2) (bj) of the statutes is created to read:

3 20.255 (2) (bj) *Programs and services for children with visual disabilities.* A
4 sum sufficient equal to the amount determined under 1997 Wisconsin Act ... (this
5 act), section 38, for the payment of aid under s. 115.88 (8m). No moneys may be
6 encumbered from this appropriation after June 30, 2004.

7 **SECTION 8.** 20.866 (2) (zh) of the statutes, as affected by 1997 Wisconsin Act 27,
8 is amended to read:

9 20.866 (2) (zh) (title) *Public instruction; state ~~schools~~ school and library*
10 *facilities.* From the capital improvement fund, a sum sufficient for the department
11 of public instruction to acquire, construct, develop, enlarge or improve institutional
12 facilities for the hearing impaired ~~and the visually handicapped~~ and reference and
13 loan library facilities. The state may contract public debt in an amount not to exceed
14 \$7,367,700 for this purpose.

15 **SECTION 9.** 39.41 (1) (bm) of the statutes is amended to read:

16 39.41 (1) (bm) “Senior” means a pupil enrolled in the 12th grade in a public or
17 private high school, or the Wisconsin school for the deaf ~~and the Wisconsin school for~~
18 ~~the visually handicapped.~~

19 **SECTION 10.** 39.41 (1m) (c) 1. of the statutes is repealed.

20 **SECTION 11.** 39.41 (1m) (f) of the statutes, as affected by 1997 Wisconsin Act
21 27, is repealed.

22 **SECTION 12.** 115.31 (1) (b) of the statutes is amended to read:

23 115.31 (1) (b) “Educational agency” means a school district, cooperative
24 educational service agency, state correctional institution under s. 302.01, secured
25 correctional facility, as defined in s. 938.02 (15m), secured child caring institution,

1 as defined in s. 938.02 (15g), ~~the Wisconsin school for the visually handicapped, the~~
2 Wisconsin school for the deaf, the Mendota mental health institute, the Winnebago
3 mental health institute, a state center for the developmentally disabled, a private
4 school or a private, nonprofit, nonsectarian agency under contract with a school
5 board under s. 118.153 (3) (c).

6 **SECTION 13.** Subchapter III (title) of chapter 115 [precedes 115.51] of the
7 statutes is amended to read:

8 **CHAPTER 115**

9 **SUBCHAPTER III**

10 **STATE SCHOOLS AND SCHOLARSHIPS**

11 **FOR THE HANDICAPPED**

12 **SCHOOL FOR THE DEAF**

13 **SECTION 14.** 115.52 (title) of the statutes is amended to read:

14 **115.52 (title) Wisconsin schools for the visually handicapped and**
15 **school for the deaf.**

16 **SECTION 15.** 115.52 (1) of the statutes is amended to read:

17 115.52 (1) The object of the Wisconsin school for the ~~visually handicapped and~~
18 ~~the Wisconsin school for the deaf~~ is to afford the ~~visually handicapped and the deaf~~
19 a practical education and physical rehabilitation which may aid them to make a
20 living, discharge their duties as citizens and secure to them all possible happiness.

21 **SECTION 16.** 115.52 (2) of the statutes, as affected by 1997 Wisconsin Act 27,
22 is amended to read:

23 115.52 (2) The state superintendent shall maintain and govern the school for
24 the ~~visually handicapped and the school for the deaf~~. The state superintendent may
25 fix the period of the school year at the ~~schools~~ school at not less than 38 weeks,

1 prescribe the school terms and confer diplomas upon meritorious pupils who have
2 completed the prescribed curricula.

3 **SECTION 17.** 115.52 (3) of the statutes, as affected by 1997 Wisconsin Act 27,
4 is amended to read:

5 115.52 (3) ~~All the blind and the deaf~~ residents of this state 6 to 20 years old,
6 and for the duration of a school term all the ~~blind or~~ deaf residents of this state who
7 become 21 years old during that school term, who are capable of receiving instruction
8 shall be received and taught in the ~~schools~~ school free of charge. Like nonresident
9 pupils also may be received upon payment in advance of the fees fixed by the state
10 superintendent at an amount not less than \$75 per month, but no nonresident shall
11 be received to the exclusion of a resident pupil. The state superintendent also may
12 admit pupils who are 21 years of age or older prior to the beginning of a school term
13 upon the payment of fees fixed by the superintendent and upon the recommendation
14 of the secretary of health and family services, the director of the technical college
15 system or the superintendent of the school ~~to which the pupil will be assigned~~. All
16 pupils shall equally and freely enjoy the benefits and privileges of the ~~schools~~ school
17 and have the use of the library and books of instruction and receive board, lodging
18 and laundry, without discrimination. The ~~schools~~ school may provide transportation
19 for resident pupils.

20 **SECTION 18.** 115.52 (5) of the statutes, as affected by 1997 Wisconsin Act 27,
21 is amended to read:

22 115.52 (5) The state superintendent may grant approval for the maintenance
23 of a summer school at the school for the deaf whenever it will be to the advantage of
24 deaf persons and may grant approval for the maintenance of a summer school ~~at the~~
25 ~~school for the visually handicapped whenever it will be to the advantage of visually~~

1 ~~handicapped minors. There shall be a summer school each year at the school for the~~
2 ~~visually handicapped for visually handicapped adults.~~

3 **SECTION 19.** 115.52 (6) of the statutes, as affected by 1997 Wisconsin Act 27,
4 is amended to read:

5 115.52 (6) The state superintendent may make charges for meals, living
6 quarters, laundry and other services furnished to employes of the schools school and
7 their families. The state superintendent also may make charges for services
8 furnished to visitors at the schools school and participants in training programs and
9 institutes.

10 **SECTION 20.** 115.52 (7) of the statutes is amended to read:

11 115.52 (7) The Wisconsin school for the deaf may provide instruction for
12 preschool deaf children and their parents. ~~The Wisconsin school for the visually~~
13 ~~handicapped may provide instruction for preschool visually handicapped children~~
14 ~~and their parents.~~ Such instruction or treatment shall be subject to the approval of,
15 and shall comply with requirements established by, the department.

16 **SECTION 21.** 115.53 (2) of the statutes is amended to read:

17 115.53 (2) Arrange for vocational, trade or academic training for any pupil in
18 ~~either state~~ the school qualified to take such training advantageously, in either a
19 public school or technical college or a private business establishment in Janesville
20 or Delavan. The public school and the technical college shall be paid the regular
21 tuition for full-time attendance and proportionally for part-time attendance by the
22 school district responsible for the pupil's placement in an appropriate program under
23 s. 115.85 (1).

24 **SECTION 22.** 115.53 (3) of the statutes is amended to read:

1 115.53 (3) Arrange for otological or ~~ophthalmic~~ examination of any pupil or
2 prospective pupil of the ~~schools~~ school. The examination shall be paid for from the
3 appropriation in s. 20.255 (1) (b).

4 **SECTION 23.** 115.53 (4) (intro.) and (a) of the statutes are amended to read:

5 115.53 (4) (intro.) Apply to the board of directors of the University of Wisconsin
6 Hospitals and Clinics Authority for admission to the University of Wisconsin
7 Hospitals and Clinics of any pupil in the state ~~schools~~ school.

8 (a) The application shall be accompanied by the report of a physician appointed
9 by the ~~appropriate~~ school superintendent and shall be in the same form as reports
10 of other physicians for admission of patients to such hospital.

11 **SECTION 24.** 115.53 (4) (b) of the statutes, as affected by 1997 Wisconsin Act 27,
12 is amended to read:

13 115.53 (4) (b) The net cost of hospital treatment shall be at the rate established
14 under s. 233.40 (1) and shall be chargeable to the appropriation for operating the
15 ~~patient's~~ school. The state superintendent likewise may authorize payment for the
16 expense of transporting patients to and from the hospital. The state superintendent
17 shall make payments for the treatment to the University of Wisconsin Hospitals and
18 Clinics Authority. Funds collected by the state superintendent on account of the
19 hospitalization shall be deposited in the appropriation under s. 20.255 (1) (b) for the
20 school ~~concerned~~.

21 **SECTION 25.** 115.53 (5) of the statutes, as affected by 1997 Wisconsin Act 27,
22 is amended to read:

23 115.53 (5) Arrange for visits by members of the staff of either the school to other
24 public schools or to families of ~~blind or~~ deaf children, whenever it appears to the state
25 superintendent that such visits will be of advantage to ~~blind or~~ deaf children.

1 **SECTION 26.** 115.53 (6) of the statutes is amended to read:

2 115.53 (6) Charge the school district responsible for a pupil's placement in a
3 the school under this subchapter for the costs of transporting the pupil to and from
4 the pupil's home on weekends. All fees received under this subsection shall be
5 deposited in the appropriation under s. 20.255 (1) (gt).

6 **SECTION 27.** 115.54 of the statutes is amended to read:

7 **115.54 Compulsory education.** If it appears, by affidavit, to any circuit
8 judge that any blind or deaf child between the ages of 6 and 21 is deprived of a
9 suitable education by the failure of the person having the care and custody of the
10 child to provide a suitable education, the judge shall order the person to bring the
11 child before the judge. If the material allegations of the affidavit are denied, the
12 judge shall subpoena witnesses and hear testimony. If the allegations are admitted
13 or established, the judge may, if appropriate, order the child sent to the school for the
14 visually handicapped or for the deaf or to some class or other school for instruction,
15 but the order shall not make a direct charge for the class or school against any county.

16 **SECTION 28.** 115.55 of the statutes, as affected by 1997 Wisconsin Act 27, is
17 amended to read:

18 **115.55 Library for the blind and visually handicapped.** Embossed, clear
19 type or large type text books acquired by the school for the visually handicapped
20 department shall constitute a circulating collection for the blind and visually
21 handicapped. The collection shall be ~~kept at the school and be~~ under the supervision
22 of its ~~superintendent~~ the department. All blind and visually handicapped school age
23 children of the state may use such books ~~upon compliance with rules made by the~~
24 superintendent and approved by the with the approval of the state superintendent.

1 **SECTION 29.** 115.58 of the statutes, as affected by 1997 Wisconsin Act 27, is
2 amended to read:

3 **115.58 (title) Park grounds of the former state school for the visually**
4 **handicapped.** The state superintendent may, with the approval of the department
5 of administration, permit the city of Janesville to use portions of the grounds of the
6 former state school for the visually handicapped at Janesville, which abut on the
7 Rock river, for purposes of operating a city park. Any construction on such grounds
8 is subject to prior approval by the state superintendent. Any agreement pursuant
9 hereto shall be cancelable at the option of either party without liability. Any such
10 grounds so used by the city of Janesville shall be supervised by the city and shall be
11 subject to the ordinances of the city of Janesville applicable to city parks.

12 **SECTION 30.** 115.77 (3) (a) of the statutes, as affected by 1997 Wisconsin Act 27,
13 is amended to read:

14 115.77 (3) (a) Services for children with exceptional educational needs who are
15 under the jurisdiction of the state superintendent and for the Wisconsin school for
16 the deaf ~~and the Wisconsin school for the visually handicapped.~~

17 **SECTION 31.** 115.88 (8m) of the statutes is created to read:

18 115.88 (8m) AID FOR CREATING AND IMPROVING PROGRAMS AND SERVICES FOR
19 CHILDREN WITH VISUAL DISABILITIES. The full cost of salaries, fringe benefits and other
20 approved costs attributable to providing new and expanded educational and related
21 programs and services for children with visual disabilities shall be paid from the
22 appropriation under s. 20.255 (2) (bj). If the program or service is eligible for aid
23 under subs. (1) to (6) or (8) and under this subsection, the department shall consider
24 it eligible for aid only under this subsection. This subsection does not apply after
25 June 30, 2004.

1 **SECTION 32.** 115.882 of the statutes, as affected by 1997 Wisconsin Act 27, is
2 amended to read:

3 **115.882 Proration of state aid.** If In the 1999-2000 to 2003-04 fiscal years,
4 if the sum of the appropriations under s. 20.255 (2) (b), (bj) and (br) in any one fiscal
5 year is insufficient to pay the full amount of aid under ss. 115.88 and 118.255, funds
6 in the appropriations shall be used first for the purpose of s. 115.88 (4), then for the
7 purpose of s. 115.88 (8m), and any remaining funds shall be prorated among the
8 counties, school districts and cooperative educational service agencies entitled
9 thereto. In the 2004-05 fiscal year and thereafter, if the sum of the appropriations
10 under s. 20.255 (2) (b) and (br) in any fiscal year is insufficient to pay the full amount
11 of aid under ss. 115.88 and 118.255, state aid payments shall be prorated among the
12 counties, school districts and cooperative education service agencies entitled thereto.

13 **SECTION 33.** 115.93 (2) of the statutes, as affected by 1997 Wisconsin Act 27,
14 is amended to read:

15 115.93 (2) Subject to s. 115.882, if the appropriation under s. 20.255 (2) (b) in
16 any year the 1999-2000 to 2003-04 fiscal years is insufficient to pay the full amount
17 of aid under sub. (1), state aid payments shall be prorated among the entitled school
18 districts. In the 2004-05 fiscal year and thereafter, if the appropriation under s.
19 20.255 (2) (b) in any fiscal year is insufficient to pay the full amount of aid under sub.
20 (1), state aid payments shall be prorated among the entitled school districts.

21 **SECTION 34.** 121.05 (1) (a) 8. of the statutes is amended to read:

22 121.05 (1) (a) 8. Pupils enrolled in a the residential school operated by the state
23 under subch. III of ch. 115 for whom the school district is paying tuition under s.
24 115.53 (2) determined by multiplying the total number of periods in each day in
25 which the pupils are enrolled in the local public school by the total number of days

1 for which the pupils are enrolled in the local public school and dividing the product
2 by 1,080.

3 **SECTION 35.** 121.54 (3) of the statutes, as affected by 1997 Wisconsin Act 27,
4 is amended to read:

5 121.54 (3) TRANSPORTATION FOR CHILDREN WITH EXCEPTIONAL EDUCATIONAL NEEDS.
6 Every school board shall provide transportation for children with exceptional
7 educational needs, as defined in s. 115.76 (3), to any public or private elementary or
8 high school, to the Wisconsin school for the visually handicapped or the Wisconsin
9 school for the deaf or to any special educational program for children with
10 exceptional educational needs sponsored by a state tax-supported institution of
11 higher education, regardless of distance, if the request for such transportation is
12 approved by the state superintendent. Approval shall be based on whether or not the
13 child can walk to school with safety and comfort. Section 121.53 shall apply to
14 transportation provided under this subsection.

15 **SECTION 36.** 940.295 (1) (q) of the statutes is amended to read:

16 940.295 (1) (q) "State school for the visually handicapped or hearing impaired"
17 means any schools the school described in s. 115.52 (2).

18 **SECTION 37.** 940.295 (2) (j) of the statutes is amended to read:

19 940.295 (2) (j) ~~A~~ The state school for the visually handicapped or hearing
20 impaired.

21 **SECTION 38. Nonstatutory provisions.**

22 (1) Not later than August 1, 1998, the department of administration shall
23 determine the amount appropriated in the 1998-99 fiscal year under section 20.255
24 (1) (b) of the statutes, as affected by the acts of 1997, that will be saved by the closing
25 of the Wisconsin School for the Visually Handicapped. The department of public

1 instruction shall ensure that the amount determined by the department of
2 administration under this subsection lapses to the general fund.

3 **SECTION 39. Initial applicability.**

4 (1) The treatment of sections 20.255 (2) (bj), 115.88 (8m), 115.882 and 115.93
5 (2) of the statutes first applies to the payment of special education aid in the
6 1999-2000 school year.

7 **SECTION 40. Effective dates.** This act takes effect on July 1, 1998, except as
8 follows:

9 (1) The treatment of sections 20.255 (2) (bj), 115.882 and 115.93 (2) of the
10 statutes takes effect on July 1, 1999.

11 (END)