

TITLE XIV Public Instruction

CONVERSION TABLE (1967)

This table is designed to assist in tracing the various provisions of chs. 39 and 40 and ss. 41.01 to 41.06 and 41.72 to 41.77 into the sections created by this act. The table does not show, except for deletions, what specifically happened to a particular section. To find that information, turn to the new section and the NOTE thereto.

Old Section	New Section
39.01	115.26
39.015	115.27, 115.29 (1)
39.02	
(1)	115.28 (1)
(2)	115.28 (2)
(3)	115.29 (2)
(4)	115.28 (3)
(5)	115.52 (2) (1st sentence)
(5b)	115.52 (6) (part)
(5c)	Deleted; see 115.52 NOTE
(6)	115.28 (4)
(7)	115.28 (5)
(8)	Deleted; see 115.28 NOTE
(9)	115.30 (1) (1st sentence)
(10)	115.31 (1)
(11)	115.31 (2)
(12)	115.31 (3)
(13)	115.31 (4)
(14)	Deleted; see 115.28 NOTE
(15)	115.30 (5)
(16)	115.30 (4)
(17)	Deleted; see 115.28 NOTE
(18)	115.28 (6)
(19)	115.30 (1) (2nd sentence)
(20)	Deleted; see 115.30 NOTE
(21)	115.28 (7)
(21a)	115.29 (3)
(22)	Deleted; see 115.28 NOTE
(23)	115.31 (5)

Old Section	New Section
(24)	115.28 (8)
(25)	115.29 (4)
(26)	115.28 (9)
(27)	121.06 (2) (part)
(28)	Deleted; see 115.28 NOTE
(29)	Deleted; see 115.28 NOTE
39.022	115.32
39.023	
(1)	39.26 (1)
(2)	39.26 (2)
(3)	39.28 (2) (1st sentence)
(4)	39.28 (2) (last sentence)
(5)	39.30
(6)	39.31
(7)	39.32
(8)	39.28 (1) (last sentence)
(9)	39.28 (1) (1st and 2nd sentences)
(10)	39.29
(11)	39.27
(12)	39.28 (3)
39.024	
(1)	39.01
(2) (a), (b), (c)	39.02
(2) (d), (e)	39.04
(3)	39.03
(4)	39.05
39.025	115.30 (2)
39.027	115.30 (3)
39.03	
(1)	115.33 (2)
(2)	115.33 (1)
(3)	115.33 (3) (a)
(4)	115.33 (3) (b)
(5)	115.33 (3) (c)
39.04	115.34
39.35	Deleted; see 2nd NOTE following s. 39.32
39.51	116.01
39.52	Deleted; see NOTE preceding s. 116.01

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Old Section	New Section	Old Section	New Section
39.53	Deleted; see NOTE preceding s. 116.01	(b)	116.52 (3)
		(3)	117.02 (2)
39.54	116.06	40.025	
39.545	116.07	(1)	117.01 (1)
39.55		(2)	117.02 (3)
(1)	116.02 (1) (a)	(3)	117.01 (2) (a)
(2)	116.02 (1) (c)	(4)	117.01 (2) (b)
(3)	116.02 (2)	(5)	117.01 (2) (c)
(4)	116.02 (3)	(6)	117.01 (4) (a) and (c)
39.56		(7)	117.01 (6)
(1)	116.03 (1)	(8)	117.01 (5)
(2)	116.03 (2)	(9)	117.01 (3)
(3)	116.03 (3)	(10)	117.02 (1) (c)
(4)	116.03 (4)	40.032	117.08
(5)	116.03 (5)	40.035	117.01 (1) (e) and deleted in part
(6)	116.03 (6)	40.05	117.02 (7)
(7)	116.03 (7)	40.055	117.02 (8)
(8)	116.03 (8)	40.07	117.06
(9)	116.03 (9)	40.078	117.07
(10)	116.03 (10)	40.08	
(11)	116.03 (11)	(1)	117.09 (1)
(12)	Deleted; see 116.03 NOTE	(2)	Deleted; see 117.09 NOTE
(13)	Deleted; see 116.03 NOTE	(3) (a)	117.09 (2)
(14)	116.03 (13)	(b)	117.09 (3)
39.57	116.04	40.09	Deleted; see 121.78 NOTE
39.58	116.05	40.095	
39.59	116.08	(1) (1st and 4th sentences)	117.04 (1)
39.75	39.75	(1) (2nd, 3rd, 5th sentences)	117.04 (2)
39.76	39.76	(1) (last sentence)	120.50 (6)
40.01		(2) (2nd sentence part; remainder deleted)	117.04 (3)
(1)	115.01 (1)	(3) (a) (1st part of 1st sentence)	120.75 (1st sentence) (a) (1st sentence) (part)
(2)	115.01 (2)	(a) (last part of 1st sentence and 2nd sentence)	120.72 (1st sentence) (a) (3rd sentence)
(3)	115.01 (3) and (4)	(a) (last part of 1st sentence and 2nd sentence)	120.73 (1) (b) (part) (a) (last sentence)
(4)	115.01 (5)	(a) (last sentence)	120.74 (3)
(5)	115.01 (12)	(c)	120.73 (1) (a) (part)
(6) (a) to (d)	115.01 (13)	(d) (1st sentence)	120.73 (1) (b) (part)
(6) (e)	Deleted; see 115.01 NOTE	(2nd sen-	
(7)	115.01 (6)		
(8)	115.01 (7)		
(9)	115.01 (8)		
(10)	115.01 (14)		
(11)	115.01 (15)		
(12)	115.01 (16)		
(13)	115.01 (17)		
(14)	115.01 (18)		
(15)	115.01 (11)		
40.02			
(1) (intro.), (a) and (b)	116.51 (1)		
(c)	116.51 (2)		
(2) (intro.)	116.52 (1)		
(a)	116.52 (2)		

Old Section	New Section	Old Section	New Section
	tence) 120.73 (2) (part)	(b) (2nd sen-	
	(3rd sen-	tence) 117.05 (3) (b) (4th	
	tence) 120.73 (2) (part)	sentence)	
	(4th sen-	(c) 117.05 (4) (2nd,	
	tence) 120.73 (1) (a) (part)	3rd and 4th	
	(5th sen-	sentences)	
	tence) 120.73 (1) (a) (part)	(5) 117.05 (5)	
	(6th sen-	(5a) 117.05 (6)	
	tence) 120.73 (2) (part)	(6) Deleted; see 117.05	
	(7th sen-	NOTE	
	tence) 120.73 (2) (part)	(7) 117.05 (7)	
	(last sen-	(8) 117.05 (1) (a)	
	tence) 120.73 (1) (b) (part)		
	(e) 120.73 (1) (c)	40.13	
	(f) (1st sen-	(1) (a) 117.02 (1) (a)	
	tence) 120.74 (2)	(b) 117.02 (1) (b)	
	(f) (last sen-	(2) 116.51 (3)	
	tence) 120.74 (4)	(3) 117.03 (1)	
	(4) 120.71 (2)	(4) (intro.) and	
	(5) (1st and 2nd	(a) 117.03 (2)	
	sentences) 120.75 (2nd and 3rd	(b) 117.03 (3)	
	sentences)	(c) 117.03 (4)	
	(5) (last sentence) . 120.75 (6th sen-	(5) (a) 117.02 (4) (a)	
	tence)	(b) 117.02 (4) (b)	
		(c) 117.02 (4) (c)	
40.10		(d) (1st and 2nd	
(1) 117.10 (1)		sentences) . 117.02 (4) (d)	
(2) 117.10 (2) (1st		(d) (3rd, 4th	
sentence)		and 5th	
(3) 117.10 (2) (2nd		sentences) . 117.02 (4) (e) (1st	
sentence)		and 5th sentences)	
(4) 117.10 (3) (1st, 2nd,		(e) (1st sen-	
3rd and 4th		tence) 117.02 (4) (h)	
sentences)		(e) (2nd and 3rd	
(5) Deleted; see 117.10		sentences) . 117.02 (4) (e) (3rd	
NOTE		and 4th sentences)	
(6) 117.10 (3) (5th		(e) (4th sen-	
sentence)		tence) 117.02 (4) (f) (2nd	
(7) Deleted; see 117.10		sentence)	
NOTE		(f) 117.02 (4) (f) (1st	
(8) Deleted; see 117.10		sentence)	
NOTE		(g) 117.02 (4) (g)	
40.11 Deleted; see 117.10		(6) 117.02 (5)	
NOTE		(7) 117.02 (6)	
40.12		40.135	
(1) 117.05 (1) (a),		(1) 117.03 (1) (a)	
(b), (c)		(2) 117.03 (2)	
(2) (part) 117.05 (1) (a)		40.14	
(2) (part) 117.05 (2)		(1) Deleted; see 117.05	
(3) (1st and 2nd		NOTE	
sentences) . 117.05 (3) (intro.)		(2) Deleted; see 117.05	
(3) (3rd sentence) . 117.05 (3) (a)		NOTE	
(4) (a) 117.05 (3) (b) (1st,		40.15 Deleted; see 117.05	
2nd and 3rd		NOTE	
sentences)		40.16 120.23	
(b) (1st sen-		40.18	
tence) 117.05 (4) (1st		(1) 117.01 (7)	
sentence)			

Old Section	New Section	Old Section	New Section
(1a).....	117.01 (7)		sentence)
(2).....	Deleted; see 117.01 NOTE	(last sentence)	120.03 (5) (a) (part)
40.19	119.135	40.26	
40.20		(1).....	120.01, 120.42 (part)
(1).....	120.08 (1) (part)	(2).....	120.02 (1)
(2).....	120.08 (1) (part)	(3).....	120.02 (3) (a) to (c)
(3).....	120.08 (1) (part)	(4) (1st sentence)	120.03 (2) (part)
(4).....	120.08 (2) (a) (part)	(2nd sentence)	120.03 (5) (a) (last sentence)
(5).....	120.08 (2) (b) (part)	(3rd sentence)	120.03 (5) (a) (1st sentence), 120.10 (3) (1st sentence)
(6).....	120.08 (3) (part)	(last sentence)	120.03 (1) (part)
40.21	120.09 (part)	(5).....	Deleted; see 120.02 NOTE
40.22 (intro.)	120.10 (intro.) (part)	(6).....	120.02 (3) (e)
(1).....	120.10 (1)	(7).....	120.02 (3) (d)
(2).....	120.10 (2)	(8).....	120.02 (2)
(3).....	Deleted; see 120.10 NOTE	40.27	
(4).....	120.10 (5) (part)	(1) (a)	120.04 (1)
(5).....	120.10 (6) (part)	(b)	120.04 (2)
(6).....	120.10 (7)	(c) (1st sen- tence)	120.04 (4)
(7).....	120.10 (8)	(c) (2nd sen- tence)	120.04 (7) (2nd sentence)
(8).....	120.10 (12)	(d) (1st and 2nd sentences)	120.04 (3)
(9).....	120.10 (9)	(d) (3rd and 4th sentences)	120.04 (5) (1st and 2nd sentences)
(10).....	120.10 (11)	(e)	120.04 (5) (3rd to last sentences)
(11).....	120.10 (15) (part)	(f) (1st sen- tence)	120.04 (6) (1st sentence)
(12).....	120.10 (13) (part)	(f) (2nd sen- tence)	120.04 (7) (1st sentence)
(13).....	120.10 (14)	(f) (3rd sen- tence)	120.04 (6) (1st sentence)
(14).....	120.10 (3) (part)	(g)	120.04 (7) (last sentence)
(14a).....	120.10 (4)	(2)	
(15).....	120.10 (16)	(a)	120.05 (2) (a) (part)
(16).....	120.10 (17)	(b).....	120.05 (2) (a) (part)
(17) (a)	120.10 (10)	(c)	120.05 (2) (b)
(b)	Deleted; see 120.10 NOTE	(d)	120.05 (4) (intro.) (1st sentence)
(c)	Deleted; see 120.10 NOTE	(e)	120.05 (5)
(18).....	120.14 (3)	(f).....	120.05 (6)
(20).....	120.10 (18)	(g).....	120.05 (8)
40.23		(h).....	120.05 (9)
(1).....	Deleted; see 120.14 NOTE	(3)	
(1m)	Deleted; see 120.14 NOTE	(a)	120.06 (1) (intro.)
(2).....	Deleted; see 2nd NOTE following 120.23	(b).....	120.06(1) (a)
40.24	120.08 (2) (c) (part)		
40.25 (1st sentence)	120.03 (5) (a) (part)		
(2nd sentence)	120.03 (1) (part) and (2)		
(3rd sentence)	120.03 (5) (b)		
(4th sentence)	120.03 (3) (intro.) and (a) (part)		
(5th sentence)	120.03 (4) (1st sentence)		
(6th sentence)	120.03 (4) (2nd		

Old Section	New Section	Old Section	New Section
(c)	120.06 (1) (b) (1st and 2nd sentences)	40.29	(1).....120.12 (1)
(d)	120.06 (1) (b) (last sentence)	(2).....120.12 (5)	(3).....120.12 (6)
(dm).....	120.06 (2) (1st sentence)	(4).....120.12 (12)	(5).....120.12 (8)
(e)	120.06 (2) (2nd and last sentences)	(6).....120.12 (9)	(7).....120.12 (10)
(f)	120.06 (3)	(8).....120.12 (3) (part)	(8a).....120.12 (4)
(g)	120.06 (4)	(9).....Deleted; see 120.12	NOTE
(h)	120.06 (7) (part)	(10).....120.12 (13)	(11).....120.12 (7)
(i)	120.06 (7) (part)	(12).....120.12 (2)	(13).....120.12 (11)
(j)	120.03 (3) (b)	(14).....120.14 (1)	
(4)		40.30	(1).....120.14 (2)
(a)	120.03 (1) (part)	(2).....120.13 (17)	(3).....120.13 (18)
(b)	120.06 (5)	(4).....120.13 (20)	(5).....120.13 (19)
(c).....	120.04 (6) (2nd sentence), 120.05 (7) (1st sentence), 120.06 (6) (1st sentence)	(6).....120.13 (21)	(7).....120.13 (13)
(d) 1. to 3.....	Deleted; see 120.03	(8).....120.13 (6)	(9).....120.13 (10)
	NOTE	(10).....120.13 (11) (a)	(10c).....120.13 (11) (b)
4.....	120.06 (7) (part)	(10m).....118.25	(11).....120.13 (4) (a)
(e)	120.05 (7) (2nd sentence), 120.06 (6) (2nd sentence)	(12).....120.13 (4) (b)	(13).....120.13 (12)
(f)	120.03 (8)	(14).....120.13 (3), 120.49 (4) (c)	(15).....120.13 (5)
(g)	120.03 (1) (part)	(16).....120.13 (7)	(17).....120.13 (1)
(h)	120.03 (7)	(17m).....120.13 (8)	(18).....120.13 (14)
(i)	120.03 (10)	(19).....120.13 (2), 120.49 (6)	(20).....120.13 (16)
(j)	120.03 (11)	(21).....120.13 (9)	
(k)	120.03 (12)	40.301	118.27
(l) (intro.).....	120.05 (4) (intro.) (part)	40.305	120.19
1.....	120.05 (4) (a)	40.31	118.26
2.....	120.05 (4) (b)	40.33 (intro.).....	120.15 (intro.) (part)
3.....	120.06 (7) (part)	(1).....	120.15 (1) (part)
(5).....	Deleted; see 2nd	(2).....	120.15 (2) and (3)
	NOTE following	(3).....	120.15 (4)
	120.23	(4).....	120.15 (5)
(6) (intro.).....	120.03 (3) (intro.) (part)	40.34	(1).....120.16 (1)
(a)	120.43 (6)	(2) (intro.).....	120.16 (intro.) (part)
(b)	120.73 (1) (b) (part)	(a)	120.16 (2) (part)
(c)	120.03 (3) (a) (part)		
(d)	120.03 (3) (a) (part)		
(11).....	117.01 (4) (d)		
40.28			
(1) (1st, 5th, 6th and last sentences).....	120.11 (1) (part)		
(1) (2nd, 3rd and 4th sentences).....	120.11 (2)		
(2).....	120.11 (3)		
(3).....	120.11 (4)		
(4).....	120.03 (9)		

Old Section	New Section	Old Section	New Section
(b)	120.16 (3)	(4)	118.01 (4)
(c)	120.16 (4)	(5)	118.01 (5)
(d)	120.16 (5)	(6)	118.01 (6)
(3)	120.16 (2) (part)	(7)	118.01 (7)
40.35		(8)	118.01 (8)
(intro.)	120.17 (intro.) (part)	(9)	118.01 (9)
(1)	120.17 (1)	(10)	118.01 (10)
(2)	120.17 (2)	40.47	
(3)	120.17 (3)	(1)	118.06
(4)	120.17 (4)	(2)	118.07 (1)
(5)	120.17 (5)	(3)	118.07 (2)
(6)	120.17 (6)	40.48	
(7) (first part)	120.03 (4) (part)	(1)	118.03 (1) (a)
(7) (last part)	120.17 (7)	(2)	118.03 (1) (b)
(8) (1st and 2nd sentences)	120.17 (8) (a)	(3)	118.03 (1) (c)
(8) (last sentence)	120.17 (8) (b), 121.06 (2) (part)	(4)	118.03 (1) (d)
(8a)	120.17 (8) (c)	40.50	
(9)	120.17 (9)	(1)	118.03 (2)
40.40	118.21	(2)	Deleted; see 118.03 NOTE
40.41	118.22	(3)	Deleted; see 118.03 NOTE
40.42		(4)	Deleted; see 118.03 NOTE
(1)	118.23 (1) (part) and (2) (part)	40.51	118.13
(2)	118.23 (2) (part)	40.52	
(3)	118.23 (3)	(intro.)	121.51 (1) (intro.)
(4)	118.23 (1) (part)	(1)	121.51 (1) (a)
(5)	118.23 (4)	(2)	121.51 (1) (b)
(6)	118.23 (1) (part)	40.53	
(7)	118.23 (1) (part)	(1)	121.54 (2)
40.43		(2) (1st and last sentences)	121.54 (3)
(1)	118.19 (1)	(2) (2nd and 3rd sentences)	121.58 (2) (b)
(2)	118.21 (2)	(3)	121.54 (5)
(3)	118.19 (2)	(3m)	121.54 (6)
(3a)	118.19 (3)	(4)	121.54 (7)
(4)	118.19 (4)	(5)	121.55 (1)
(5)	118.19 (5)	(6)	121.55 (2)
(6)	118.19 (6)	(7) (a)	121.52 (1) (a)
40.435	118.20	(b) (1st and 2nd sentences)	121.52 (2)
40.44		(3rd, 4th and 5th sentences)	121.52 (3) (a)
(1)	118.14	(6th, 7th and 8th sentences)	121.52 (3) (c)
(2) and (3)	118.18	(last sentence)	121.52 (3) (b)
40.45		(c)	121.52 (1) (b)
(1)	115.01 (9) and (10)	(d)	121.52 (4)
(2)	118.02	(8)	121.56
40.46		(9)	121.53 (6)
(1)	118.01 (1)	40.54	121.57
(2)	118.01 (2)		
(3) (a)	118.01 (3) (1st and 2nd sentences)		
(b) (part; remainder deleted)	41.395		
(c)	118.01 (3) (3rd sentence)		

Old Section	New Section
40.55	121.54 (1)
40.56	
(1) (1st to 4th sentences)	121.58 (1)
(1) (5th and last sentences)	121.58 (5)
(2)	121.54 (8)
(2a)	Deleted; see 121.58 NOTE
(3)	121.58 (2) (a)
(4)	121.58 (3)
(5)	121.58 (6)
40.57	
(1)	121.53 (1) (part)
(2)	121.53 (1) (part)
(3)	121.53 (2)
(4)	121.53 (3)
(5)	121.53 (4)
(6)	Deleted; see 121.53 NOTE
(7)	121.53 (5) (a)
(9)	121.53 (5) (b)
40.60	
(1)	118.08 (1)
(2)	118.08 (2)
(3)	118.08 (3)
(4)	Deleted; see 118.08 NOTE
40.61	118.09
40.62	118.11
40.63	118.10
40.65	
(1)	121.77 (1) (part)
(2)	121.82 (1) (a)
(3) (intro.) to (c)	121.82 (1) (b)
(d) (part)	121.78 (2) (part)
(d) (part)	Deleted; see 121.78 NOTE
(4)	121.78 (2) (part)
40.654	
(1)	121.81 (1)
(2)	121.78 (1)
40.655	121.79
40.657	121.80
40.66	121.01 (part)
40.67	121.02
40.68	121.06 (1)
40.69	121.01 (part)
40.70	
(1)	121.07 (1), 121.76 (1)
(2)	121.07 (2)
(3)	121.07 (3)
(4)	121.05 (part), 121.07

Old Section	New Section
	(5)
(5) (a)	121.07 (7) (a), 121.08, 121.10 (1)
(b)	121.10
(c)	121.09 (part)
(6)	121.07 (7) (e), 121.13
(7)	121.07 (7) (c), 121.11
(7) (a) (last part)	121.02 (2) (e) (part)
(8)	121.84 (3)
40.71	
(2) (part)	121.04
(2) (a) (4th sentence)	121.02 (2) (intro.) (1st sentence)
(2a)	121.19
(3)	121.21
(4)	121.18
(5)	Deleted; see 2nd NOTE following 121.21
(6) (a) (1st sentence)	121.03
(a) (last sentence)	121.17 (1) (a)
(b)	121.02 (2) (part), 121.07 (7) (d), 121.12
(c)	121.07 (7) (b), 121.09 (part)
(7) (a)	121.17 (1) (b) (part), 121.17 (2)
(b)	121.17 (1) (b) (part), 121.17 (3), 121.02 (1) (d) (part)
(8)	121.20
(9)	Deleted; see 2nd NOTE following 121.21
(10)	Deleted; see 2nd NOTE following 121.21
(11)	121.07 (6) (part), 121.82 (3)
(12)	121.15
40.73	121.16
40.74	
(1) (intro.)	120.18 (intro.) (part)
(a)	120.18 (1) (part)
(b)	120.18 (2)
(c)	120.18 (3)
(d)	120.18 (4)
(e)	120.18 (5)
(f)	120.18 (6)
(g)	120.18 (7)

PUBLIC INSTRUCTION

Old Section	New Section	Old Section	New Section
(h)	Deleted; see 120.18 NOTE	(2)	120.48 (1)
(i)	120.18 (8)	(3)	120.48 (2)
(2)	120.18 (intro.) (part)	40.805	Deleted; see 2nd NOTE following 120.58
(3)	120.18 (intro.) (part)		
(4)	120.18 (1) (part)	40.807	
40.77	118.15	(1)	120.50 (1)
40.78	118.16	(2) (1st, 2nd, 3rd sentences)	120.50 (2)
(1)	118.16 (1)	(2) (4th and last sentences)	120.50 (4)
(2)	118.16 (5) (1st sentence)	(3)	120.50 (3)
(3)	118.16 (3)	(4)	120.50 (5)
(4)	118.16 (2) (b)	(4a) (a)	120.71 (1) (part)
(5)	118.16 (2) (a)	(4a) (b) and (c)	120.58
(6)	118.16 (4)	(5)	Deleted; see 3rd NOTE following 120.58
(7) (a) and (b)	118.16 (5) (2nd to last sentences)	40.809	
(c)	118.16 (6) (b)	(intro.)	120.49 (intro.)
(8)	118.16 (6) (a)	(1)	120.49 (1) (part), 120.49 (10)
40.79	118.17	(2)	120.49 (3) (a)
40.80		(3)	120.49 (1) (part)
(1)	120.41 (1) (part)	(4)	120.49 (4) (a) (part), 120.49 (4) (b)
(2) (a)	Deleted; see 120.41 NOTE	(5)	120.49 (5)
(b)	120.41 (3)	(6)	120.49 (8)
(c)	120.41 (2)	(7)	120.49 (3) (b)
40.801		(8)	120.49 (3) (c)
(1)	120.41 (1) (part)	(9)	120.49 (4) (a) (part)
(2)	120.45	(10)	120.49 (9)
40.803		(11)	120.49 (11)
(1) (intro.) (1st sentence)		(12)	120.49 (7) (a)
(part)	120.42 (part)	(13)	120.49 (7) (b)
(1st sentence)		(14)	120.49 (2)
(part)	Deleted; see 120.42 NOTE	(15)	Deleted; see 120.49 NOTE
(2nd to 6th sentences)	Deleted; see 120.42 NOTE	40.811	
(7th sen- tence)	120.43 (2) (intro.)	(1)	120.49 (4) (d)
(8th sen- tence)	120.43 (5)	(2)	120.55
(9th sen- tence)	120.43 (3)	40.813	
(10th and 11th sen- tences)	120.43 (4)	(1)	120.56
(a) (1st sen- tence)	120.42 (part)	(2)	120.51 (1)
(2nd and last sentences)	120.43 (2) (a) and (b)	(2a)	120.52
(b)	120.43 (1) (b), 120.44	(3)	120.51 (2)
(c)	120.46	40.815	120.53
		40.817	120.54
		40.819	
		(1)	118.24 (1) (2nd sen- tence), 120.75 (5th sentence)
		(2)	118.24 (3)
		(3) (1st and first part of last	

Old Section	New Section
	sentence)118.24 (2)
(3) (part of last sentence)	118.24 (4)
(3) (last part of last sentence)	Deleted; see 118.24 NOTE
(4)	Deleted; see 118.24 NOTE
(5)	118.24 (5)
40.821	120.57 (1)
40.823	120.57 (2)
40.825	120.48 (4)
40.827	120.48 (5)
40.85	
(1)	120.08 (1), (2) (b), (c), (3) (parts), 120.09 (part)
(2)	120.08 (1) (part)
(3)	120.05 (1) and provisions incorporated in appropriate subsections of 120.03 to 120.06
(4)	120.08 (2) (a) (part)
40.86	
(1)	120.03 (6)
(2)	120.10 (5) (part), 120.10 (6) (part)
(3)	120.10 (19)
(4)	120.10 (15) (part)
(5)	120.10 (13) (part)
(6)	Deleted; see 120.10 NOTE
(7)	120.10 (intro.) (part)
40.87	Provisions incorporated in appropriate sections of ch. 120, subch. I
40.88	
(1)	120.15 (1) (part), 120.17 (8) (part), 120.16 (2) (part)
(2)	120.17 (8) (part)
(3)	120.17 (8) (part)
(4)	120.12 (3) (part)
40.89	
(1)	120.12 (14)
(2) (1st sentence)	120.13 (15)
(2) (last sentence)	Deleted; see 2nd NOTE following 120.23
(3)	120.21 (part)
(4)	120.21 (part)
(5)	Deleted; see 120.10 NOTE
(6)	120.22

Old Section	New Section
40.90	118.145
40.905	
(1)	121.84 (1) (a)
(2)	121.84 (1) (b)
(3) (1st sentence)	Deleted; see 121.84 NOTE
(3) (last sentence)	121.84 (1) (c)
(4)	121.81 (2)
40.91	
(1)	121.77 (1) (part)
(2) (1st and part of 2nd sentence)	121.77 (1) (part)
(2) (part of 2nd to last sentence)	121.78 (2) (part)
(3)	121.84 (2)
(4) (a)	121.82 (2)
(b)	Deleted; see 121.82 NOTE
(c)	Deleted; see 121.82 NOTE
(d)	121.77 (2)
(5)	Deleted; see 121.82 NOTE
40.92	118.24 (1)
40.93	
(1)	118.12 (1) (a)
(2)	118.12 (1) (b)
40.94	118.12 (3)
40.95	118.12 (2)
40.98	118.05
40.99	
(1)	118.04
(2)	121.54 (4)
(3)	121.58 (4)
(4)	121.83
(5)	121.14
41.01	
(1)	115.80 (1)
(1m) (a) (1st and 2nd sentences)	115.81 (2)
(a) (3rd, 4th, 6th, 7th, 8th, 9th sentences)	115.81 (3) (a)
(a) (5th sentence)	115.81 (3) (c)
(b)	115.81 (3) (b)
(c)	115.81 (5)
(d)	Deleted; see 115.81 NOTE
(e)	115.81 (7) (a)
(f)	115.81 (6)
(1r) (a)	115.81 (4)
(b)	115.81 (9)
(c)	115.80 (1), 115.81

Old Section	New Section	Old Section	New Section
	(2)	(9).....	115.84 (1)
(d).....	115.81 (5)	(9a).....	115.84 (2)
(e) (1st and 2nd sentences).....	115.81 (7) (a)	41.02.....	115.79
(e) (3rd and 4th sentences).....	115.81 (7) (b)	41.03	
(f).....	115.81 (8)	(1) (intro.) (3rd sentence).....	115.82 (6)
(g).....	115.81 (10)	(intro.) (part).....	115.85 (1)
(h).....	115.82 (1) (a)	(intro.) (part).....	115.85 (2)
(2).....	115.80 (2)	(a).....	115.85 (3)
(2a).....	115.83	(b).....	115.85 (4)
(3).....	115.80 (3)	(b) (last sentence).....	Deleted; see 115.85 NOTE
(4) (1st and 3rd sentences).....	115.77 (1)	(c).....	115.85 (5)
(4) (2nd sentence).....	115.76 (2)	(d) (1st sentence).....	115.85 (6)
(4) (4th sentence).....	115.76 (3)	(d) (last sentence).....	115.85 (7)
(4) (part of 5th sentence).....	115.76 (1)	(2).....	Deleted; see 115.85 NOTE
(4) (part of 5th sentence and 6th, 7th, 8th sentences).....	115.77 (2)	(3).....	116.08 (4)
(4m) (a).....	115.77 (5) (a)	41.04.....	115.78
(4m) (b).....	115.76 (1)	41.05.....	Deleted; see 120.57 NOTE
(4m) (c).....	115.77 (4)	41.06.....	Deleted; see 120.57 NOTE
(4m) (e).....	115.77 (5) (b)	41.72	
(5) (1st, 2nd, 15th, 16th sentences).....	115.82 (1) (b)	(1) (1st sentence).....	115.52 (1)
(5) (3rd and 14th sentences).....	115.82 (5)	(1) (2nd and last sentences).....	115.52 (5) (1st and 2nd sentences)
(5) (4th sentence and 5th sentence).....	115.82 (2)	(2).....	115.52 (2) (1st sentence)
(5) (6th, 7th, 8th sentences).....	115.82 (3) (a)	(3).....	115.51
(5) (9th and 10th sentences).....	115.82 (3) (b)	(5).....	115.58
(5) (11th and 12th sentences).....	115.82 (3) (c)	41.73	
(5) (13th sentence) Deleted; see 115.82 NOTE		(1) (except 2nd sentence).....	115.52 (3)
(5b).....	115.82 (4)	(1) (2nd sentence).....	115.52 (5) (last sentence)
(5d).....	Deleted; see 115.82 NOTE	(2).....	115.52 (2) (2nd sentence)
(5m).....	Deleted; see 115.82 NOTE	(3).....	115.53 (1)
(6).....	Deleted; see 115.82 NOTE	(4).....	115.53 (2)
(7).....	Deleted; see 115.82 NOTE	(5).....	115.53 (3)
(8) (1st and 2nd sentences).....	115.77 (3)	(6).....	115.53 (4) (a)
(8) (last sentence) Deleted; see 115.77 NOTE		(7).....	115.53 (4) (b)
		(8).....	115.53 (5)
		(9).....	115.53 (6)
		41.74.....	115.54
		41.75.....	115.55
		41.76.....	115.56
		41.77.....	115.57

TITLE XIV Public Instruction

CHAPTER 115

STATE SUPERINTENDENT; GENERAL CLASSIFICATIONS AND DEFINITIONS; HANDICAPPED CHILDREN

<p style="text-align: center;">SUBCHAPTER I GENERAL CLASSIFICATIONS AND DEFINITIONS</p> <p>115.01 Classifications and definitions.</p> <p style="text-align: center;">SUBCHAPTER II STATE SUPERINTENDENT OF PUBLIC INSTRUCTION</p> <p>115.26 Qualifications. 115.27 Deputy state superintendent. 115.28 General duties. 115.29 General powers. 115.30 Forms and reports. 115.31 Courses of study. 115.32 Indian scholarships. 115.33 Inspection of school buildings. 115.34 School lunch program. 115.40 Educational approval council.</p> <p style="text-align: center;">SUBCHAPTER III STATE SCHOOLS AND SCHOLARSHIPS FOR THE HANDICAPPED</p> <p>115.51 Definitions.</p>	<p>115.52 Wisconsin schools for the visually handi- capped and the deaf. 115.53 State superintendent; powers. 115.54 Compulsory education. 115.55 Library for the blind. 115.56 Scholarships for blind students. 115.57 Scholarships for deaf and hard of hearing students. 115.58 Park grounds.</p> <p style="text-align: center;">SUBCHAPTER IV HANDICAPPED CHILDREN</p> <p>115.76 Definitions. 115.77 Bureau for handicapped children. 115.78 Report of handicapped children. 115.79 Compulsory attendance. 115.80 Special schools, classes, centers and serv- ices. 115.81 Handicapped children's education board. 115.82 Admission, tuition and transportation. 115.83 Preschool handicapped children. 115.84 Home instruction. 115.85 State aid.</p>
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SUBCHAPTER I
GENERAL CLASSIFICATIONS AND DEFINITIONS

115.01 Classifications and definitions. In this title:

(1) **PUBLIC SCHOOLS.** Public schools are the elementary and high schools supported by public taxation.

(2) **GRADES.** The educational work of the public schools is divided into 12 grades, besides kindergarten, which are numbered from one to 12 beginning with the lowest. The first 8 grades are the elementary grades. Where reference is made to "elementary grades," the reference includes kindergarten, where applicable. The last 4 grades are the high school grades. A junior high school is a school in which only grades 7 to 9 or grades 7 to 10 are taught. A senior high school is a school in which only grades 10 to 12 are taught. This classification is not a limitation of the character of work or the studies that may be carried on in either the elementary or the high schools.

(3) **SCHOOL DISTRICTS.** The school district is the territorial unit for school administration. School districts are classed as common school districts, union high school districts, unified school districts, city school districts and school systems organized pursuant to ch.

119. A joint school district is a school district whose territory is not wholly in one municipality. "Basic aid district" and "integrated aid district" means school districts which meet the requirements set forth in s. 121.02 and refer to classification for state aid purposes only.

(4) **SCHOOL BOARD.** "School board" means the school board or board of education in charge of the schools of a school district.

(5) **NAME.** Each school district shall be known by number and by the name of the municipality or municipalities in which it lies.

(6) **SCHOOL YEAR.** "School year" means the time commencing with July 1 and ending with the next succeeding June 30.

(7) **SCHOOL TERM.** "School term" means the time commencing with the first school day and ending with the last school day that the schools of a school district are in operation for attendance of pupils in a school year, other than for the operation of summer classes.

(8) **SESSION.** "Session" means the time during a school term that the schools of a school district are operated for the attendance of pupils.

(9) **SCHOOL MONTH.** Twenty school days constitute a school month.

(10) SCHOOL DAY. (a) School days are days on which school is actually taught and the following days on which school is not taught:

1. Labor Day, Thanksgiving, Christmas, New Year's Day and Memorial Day, if within the scheduled school term and not within a scheduled vacation period.

2. Days on which state teachers' conventions are held.

3. Days on which school is closed by order of a health officer.

(b) Not to exceed 5 Saturdays may be counted as school days in any school year when school is taught thereon with the consent of the school board.

(11) SCHOOL DISTRICT ADMINISTRATOR. "School district administrator" means the school district superintendent, supervising principal or other person who acts as the administrative head of a school district and who holds an administrator's license.

(12) DISTANCE. The distance between home and school shall be measured from building to building along the usually traveled route.

(13) ELECTORS. (a) Whenever an action may be taken by a percentage of electors in an area, that percentage shall be based on the number of electors who voted for governor at the last general election in that area.

(b) If the area does not coincide with a municipality or part thereof for which election statistics are kept, the number of electors shall be determined as follows:

1. The area of the school district in square miles shall be divided by the area of the municipality in square miles in which it lies.

2. The vote for governor at the last general election in the municipality within which the school district lies shall be multiplied by the quotient determined under subd. 1 to determine the required number of electors.

(c) If a school district is in more than one municipality, the method of determination under par. (b) shall be used for each part of the school district which constitutes only a fractional part of any area for which election statistics are kept.

(14) REORGANIZE, REORGANIZATION OR REORGANIZING. "Reorganize," "reorganization" or "reorganizing," as applied to school districts, mean any alteration, dissolution, consolidation or creation of a school district.

(15) REORGANIZED SCHOOL DISTRICT OR PROPOSED REORGANIZED SCHOOL DISTRICT. "Reor-

ganized school district" or "proposed reorganized school district" means:

(a) When an order or proposed order attaches territory to a school district, only the territory in the school district to which the territory is attached or proposed to be attached and the territory attached thereto by such order or proposed order.

(b) When an order or proposed order consolidates the territory of 2 or more school districts, only the territory so consolidated by such order or proposed order.

(c) When an order or proposed order creates a new school district or proposed new school district, only the territory comprising such new school district or proposed new school district.

(d) In no instance, the territory remaining in any school district from which territory is detached by an order or proposed order.

(16) REORGANIZATION AUTHORITY. "Reorganization authority" means any officer, committee, agency, school board, electors, state appeal board or any group or combination thereof which is empowered by law to authorize or make orders of school district reorganization.

(17) SCHOOL DISTRICT AFFECTED. "School district affected" means the entire territory of any school district:

(a) From which any territory is detached.

(b) To which any territory is attached.

(c) Any territory of which is included in a newly created school district.

(d) Any territory of which is included in any consolidation.

(18) CITY, VILLAGE OR TOWN AFFECTED. "City, village or town affected" means any city, village or town which has lying within it all or part of a school district affected.

(19) SCHOOL DISTRICT CLERK. "School district clerk" means the school district clerk of a 3-member school board elected by the electors in a common or union high school district and the school district clerk elected by the school board in a unified school district, in a city school district and in a common or union high school district having a school board of more than 3 members.

History: 1967 c. 92.

Legislative Council Note, 1967: Sub. (1) identical to s. 40.01 (1).

Sub. (2) revises s. 40.01 (2) and specifies that references to elementary grades includes kindergarten, where applicable. The sentence which reads "A common school is an elementary school" is deleted, because the term "common school" is not used in this title and makes references to "common school districts" confusing.

Sub. (3) restates s. 40.01 (3) (1st, 2nd, 3rd and last sentences).

Sub. (4) restates s. 40.01 (3) (4th sentence).

Sub. (5) identical to s. 40.01 (4).
 Sub. (6) identical to s. 40.01 (7).
 Sub. (7) restates s. 40.01 (8) and excepts summer school from the definition.
 Sub. (8) like s. 40.01 (9).
 Sub. (9) identical to s. 40.45 (1) (intro.) (1st sentence).
 Sub. (10) restates and rearranges s. 40.45 (1).
 Sub. (11) restates s. 40.01 (15).
 Sub. (12) identical to s. 40.01 (5).
 Sub. (13) based on s. 40.01 (6) and deletes s. 40.01 (6) (c) because the formula has been more clearly stated and s. 40.01 (6) (e) as it appears to have no application.
 Sub. (14) like s. 40.01 (10).
 Sub. (15) like s. 40.01 (11).
 Sub. (16) restates s. 40.01 (12) and the references to municipal governing boards are deleted as obsolete.
 Sub. (17) like s. 40.01 (13).
 Sub. (18) like s. 40.01 (14).
 Sub. (19) is new and clarifies references to school district clerk throughout this act. In the case of a city school district, this act changes the designation of the person elected to serve as the "secretary" of the school board to "school district clerk". (Bill No. 353-S)

SUBCHAPTER II

STATE SUPERINTENDENT OF PUBLIC

INSTRUCTION

115.26 Qualifications. To be eligible to the office of state superintendent of public instruction, a person at the time of his election must have taught or supervised teaching in this state for at least 5 years and hold the highest certificate which the state superintendent may issue.

History: 1967 c. 92.

Legislative Council Note, 1967: Restates s. 39.01. (Bill No. 353-S)

115.27 Deputy state superintendent. The state superintendent shall appoint a deputy state superintendent who shall serve at the pleasure of the state superintendent. He may be appointed outside the classified service but subject to s. 16.274 and shall perform such duties as the state superintendent prescribes. In the absence or disability of the state superintendent, the deputy may perform all the acts required by law to be performed by the state superintendent and the state superintendent shall be responsible for all acts of his deputy. The deputy shall take and file the official oath of office.

History: 1967 c. 92.

Legislative Council Note, 1967: Like s. 39.015, except 4th sentence which is placed in s. 115.29 (1) of this act. (Bill No. 353-S)

115.28 General duties. The state superintendent shall:

(1) **GENERAL SUPERVISION.** Ascertain the condition of the public schools, stimulate interest in education and spread as widely as possible a knowledge of the means and methods which may be employed to improve the schools.

(2) **SECTARIANISM.** Exclude all sectarian books and instruction from the public schools.

(3) **SUPERVISION OF SCHOOLS.** Supervise and inspect the public schools, county teachers colleges and day schools for handicapped children, advise the principals and local authorities thereof and give assistance in organizing such schools.

(4) **PUBLIC INFORMATION.** By reports, bulletins, circulars, correspondence and public addresses, give the public information upon the different methods of school organization and management and the subject of education generally.

(5) **APPEALS.** Examine and determine all appeals which by law are made to him and prescribe rules of practice in respect thereto, not inconsistent with law.

(6) **ANNUAL CONVENTIONS.** Annually, hold conventions of school district administrators, supervisors and agency co-ordinators.

(7) **LICENSING AND CERTIFICATION OF TEACHERS.** License or certify all teachers for the public schools of the state, make rules and prescribe standards of attainment for the examination, licensing and certification of teachers within the limits prescribed in s. 118.19 (2) and (3), file in his office all papers relating to state teachers' licenses and certificates and register each such license or certificate.

(8) **ADMISSIONS TO FIRST GRADE.** Prescribe procedures, conditions and standards under which admissions to first grade may be made at an age earlier than that specified in s. 118.14 in exceptional cases.

(9) **FEDERAL AIDS.** Accept federal funds for any function over which the state superintendent has jurisdiction and act as the agent for the receipt and disbursement of such funds.

History: 1967 c. 92.

Legislative Council Note, 1967: Sub. (1) restates s. 39.02 (1).

Sub. (2) identical to s. 39.02 (2).

Sub. (3) restates s. 39.02 (4) and deletes references to nonexistent schools.

Sub. (4) like s. 39.02 (6).

Sub. (5) restates s. 39.02 (7).

Sub. (6) restates s. 39.02 (18).

Sub. (7) revises s. 39.02 (21).

Sub. (8) identical to s. 39.02 (24).

Sub. (9) identical to s. 39.02 (26).

Present s. 39.02 (8) is deleted as it is unnecessary.

Present s. 39.02 (14) deleted, as it is covered in s. 43.19.

Present s. 39.02 (17) deleted, as it is obsolete.

Present s. 39.02 (22) deleted, as it is obsolete.

Present s. 39.02 (28) deleted, as it is covered in s. 43.10.

Present s. 39.02 (29) deleted, as it is covered in s. 117.03 (2) of this act. (Bill No. 353-S)

115.29 General powers. The state superintendent may:

(1) **DESIGNATE REPRESENTATIVE.** Designate the deputy state superintendent or another employe under the state superintendent as his representative on any body on which the state superintendent is required to serve, except the regents of the university of Wisconsin, the co-ordinating committee for higher education and the board of state colleges.

(2) **EDUCATIONAL MEETINGS.** Attend such educational meetings and make such investigations as he deems important and as will acquaint him with the different systems of public schools in the United States.

(3) **NONPROFESSIONAL EMPLOYEES.** By order, establish classes of nonprofessional school employes and authorize their employment in the instructional program of the elementary and high schools for specific purposes and their reimbursement from the instructional budget. Such employes shall not be covered under ch. 42 or ss. 118.21 to 118.23 or 121.17 (2) or (3) but shall be eligible under the Wisconsin retirement fund if it is made applicable to the school district employing them.

(4) **HIGH SCHOOL GRADUATION EQUIVALENCY.** Grant declarations of equivalency of high school graduation to persons, if in his judgment they have presented satisfactory evidence of having completed a recognized high school course of study or its equivalent. He may establish the standards by which high school graduation equivalency is determined. Such standards may consist of evidence of high school courses completed in high schools recognized by the proper authorities as accredited, results of examinations given by or at the request of the state superintendent, successful completion of correspondence study courses given by acceptable correspondence study schools, course credits received in schools meeting the approval of the state superintendent or other standards established by him.

History: 1967 c. 92.

Legislative Council Note, 1967: Sub. (1) is like s. 39.015 (4th sentence). Sub. (2) like s. 39.02 (3). Sub. (3) revises s. 39.02 (21a). Sub. (4) restates s. 39.02 (25). (Bill No. 353-S)

115.30 Forms and reports. (1) The state superintendent shall prepare for the use of school officers suitable forms for making reports, and suitable outlines as aids in conducting school meetings. School district officers and employes shall make such reports to him as will enable him to distribute state school fund appropriations and state educational appropriations to the schools and persons entitled thereto, and to properly dis-

charge the other duties of his office.

(2) The state superintendent may require all school boards to report to him, on forms provided, the name of the school and its location, the name and address of the teachers, the number of months of school maintained during the year, the opening and closing dates, the names and ages of all pupils enrolled between the ages of 7 and 18, the names and post-office addresses and places of residence of the parents of such pupils, the number of the school district and the distance such pupils reside from the schoolhouse, the number of days each pupil was present during each month and any other information requested by him.

(3) On or before each October 15, each administrator of a public or private school system shall submit, on forms provided by the state superintendent, a statement of the enrollment on the 3rd Friday of September in the elementary and high school grades under his jurisdiction to the state superintendent who shall prepare such reports as will enable the public and private schools to make projections regarding school buildings, teacher supply and funds required.

(4) The state superintendent shall report to the governor, during the last half of each even-numbered year:

(a) The condition of all schools under his supervision.

(b) An abstract of the public school reports made to him.

(c) His visits to educational institutions.

(d) The work done by his staff in the performance of the duties of his office.

(e) Plans for improving the schools and advancing education.

(f) A summary of the receipts and disbursements of all schools under his jurisdiction.

(g) Such other matters as he deems appropriate.

(5) The state superintendent shall make certified copies, when required, of any papers deposited or filed or records kept in his office, and of any act or decision made by him. His fee therefor shall be 15 cents per page.

History: 1967 c. 92.

Legislative Council Note, 1967: Sub. (1) restates s. 39.02 (9) and (19). Sub. (2) restates s. 39.025. Sub. (3) restates s. 39.027. Sub. (4) restates s. 39.02 (16). Sub. (5) restates s. 39.02 (15). Present s. 39.02 (20) deleted, as it is superfluous. (Bill No. 353-S)

115.31 Courses of study. (1) **GENERAL.** The state superintendent shall prepare and

publish courses of study for the public schools, and the other schools under his supervision, and furnish copies thereof to the school boards.

(2) **PHYSICAL TRAINING.** The state superintendent shall prescribe a course in physical education and training adapted to the public schools, and have general supervision of physical education in the public schools.

(3) **SPECIAL PROGRAM.** The state superintendent shall compile and distribute annually to the public schools, in pamphlet form, matter suitable for the observance of Memorial Day and Arbor Day.

(4) **MUSICAL EDUCATION.** The state superintendent shall promote and supervise musical education in the public schools. He shall appoint a supervisor of musical education.

(5) **CO-OPERATIVES AND CONSERVATION.** The state superintendent, the dean of the college of agriculture at the state university and the conservation commission shall co-operate in the preparation of outlines to be used by teachers in the courses offered under ss. 37.29 and 118.01 (8). They also may make a recommended list of material for guidance to teachers of these courses.

History: 1967 c. 92.

Legislative Council Note, 1967: Sub. (1) restates s. 39.02 (10).

Sub. (2) restates s. 39.02 (11).

Sub. (3) like s. 39.02 (12).

Sub. (4) restates s. 39.02 (13).

Sub. (5) restates s. 39.02 (23). (Bill No. 353-S)

115.32 Indian scholarships. (1) The state superintendent may award scholarships to any Indian student who is a resident of this state to help defray the costs of tuition, incidental fees and room and board while attending any accredited degree-granting college or university located in and financed by this state.

(2) The state superintendent shall set standards to determine the amount to be granted. The grant to any one student shall not exceed \$900 in any one academic year. No student shall be eligible for a 2nd or subsequent scholarship unless he has completed the prior year's work satisfactorily, and no student shall be eligible for more than 4 years. The moneys shall be paid to the college or university upon the certification of the state superintendent. If the course of study is less than 36 weeks per year, the scholarship shall be prorated.

(3) A person is eligible under this section if he meets all of the following requirements:

- (a) Has one-fourth or more Indian blood.
- (b) Is a resident of this state.

(c) Has the capacity to profit from appropriate college or university work.

(d) Has completed high school in the upper two-thirds of his class.

History: 1967 c. 92.

Legislative Council Note, 1967: Restates s. 39.022 with minor revisions and clarifications. (Bill No. 353-S)

115.33 Inspection of school buildings. (1) The state supervisors of schools shall be inspectors of public school buildings under the direction of the state superintendent.

(2) If any school district administrator or elector in the school district complains in writing to the state superintendent that any building used for school purposes in the school district is in such condition as to endanger the lives or health of the pupils, or that the building is otherwise unfit for school purposes, the state superintendent shall investigate the matter and may hold a hearing in connection therewith.

(3) (a) If conditions warrant, the state superintendent shall order the school board or other officers having control of the school to repair, improve or remodel such building by a stated date so as to render it safe and sanitary. If he deems the building unfit for school purposes and not worth repairing, he shall order the erection or acquisition of an adequate school building by a stated date. Use of the building after the date specified in the order of the state superintendent without complying with the order shall deprive the school district of its right to share in the school fund income until the state superintendent determines that the school district has complied with his order.

(b) The state superintendent shall file the order in his office, and shall transmit copies to the clerk of the school district, the school district administrator and the clerk of the municipality in which the building is located.

(c) Upon the written application of the school board, the state superintendent shall grant a hearing on the order. Pending the hearing, execution of the order shall be stayed until the conclusion of the hearing, and the superintendent may affirm, amend or vacate his original order.

History: 1967 c. 92.

Legislative Council Note, 1967: Restates s. 39.03. (Bill No. 353-S)

115.34 School lunch program. The state superintendent may contract for the operation and maintenance of school lunch programs and for the distribution, transportation, warehousing, processing and insuring of food products provided by the federal government.

The form and specifications of such contracts shall be determined by the state superintendent. Amounts remaining unpaid for 60 days or more after they become payable under the terms of such contracts shall be deemed past due and shall be certified to the department of administration on October 1 of each year and included in the next apportionment of state special charges to local units of government as special charges against the school districts and municipalities charged therewith.

History: 1967 c. 92.

Legislative Council Note, 1967: Like s. 39.04, but omits a portion of 2nd sentence covered by s. 20.951. (Bill No. 353-S)

115.40 Educational approval council. (1) DEFINITIONS. In this section unless the context clearly requires otherwise:

(a) "Council" means educational approval council.

(b) "Solicitor" means a person employed by or representing a school located either within or outside this state who, in places other than the actual business premises of the school, personally attempts to secure the enrollment of a student in such school.

(c) "Person" means any individual, partnership, association, or corporation or any combination thereof.

(d) "School" means any person, located within or outside this state, maintaining, advertising or conducting any course or course of instruction for profit or a tuition charge; but in subs. (7) and (8) "school" means any private trade, correspondence, business or technical school not excepted under sub. (9).

(e) "Course" means an organized unit of subject matter in which instruction is offered within a given period of time or which covers a specified amount of related subject matter.

(f) "Course of instruction" means a series of classroom or correspondence courses having a unified purpose which lead to a diploma or degree or to an occupational or vocational objective.

(2) PURPOSE. The purpose of the council is to approve schools and courses of instruction for the training of veterans of the armed forces and war orphans receiving assistance from the federal government, protect the general public by inspecting and approving private trade, correspondence, business and technical schools doing business within this state whether located within or outside this state and courses of instruction offered by these schools and to regulate the soliciting of students for correspondence or classroom courses and courses of instruction offered by these schools.

(3) CREATION, MEMBERS, RULE - MAKING POWER. There is created the educational approval council to consist of such representatives of state agencies and such other persons with a demonstrated interest in educational programs as the governor selects. Members of the council shall serve at the convenience of the governor. The council shall prescribe rules and establish standards necessary to carry out its purpose. The council shall, for administrative purposes, be attached to the department of public instruction.

(4) OFFICERS; MEETINGS. The officers of the council shall consist of a chairman, vice chairman and secretary selected by the council from among its members. The council shall determine the time and place of meeting, but may be called by the governor or the chairman at any time.

(5) EMPLOYES, QUARTERS. The council shall employ a person to perform the duties of an executive secretary and such other persons under the classified service as may be necessary to carry out its purpose. The administrative functions of the council shall be in charge of the person performing the duties of the executive secretary. The council shall keep its office in the department of public instruction.

(6) APPROVAL AGENCY FOR VETERAN'S TRAINING. (a) Except as provided in par. (b) the council shall be the state approval agency for the education and training of veterans and war orphans. It shall approve and supervise schools and courses of instruction for their training under Title 38, U.S.C., and may enter into and receive money under contracts with the veterans administration or other appropriate federal agencies.

(b) The governor may designate the following agencies for approval and supervision of special phases of the program of veterans education:

1. On the job and apprenticeship training program, the industrial commission.
2. On the farm training program, the state board of vocational, technical and adult education.
3. Embalmers and funeral directors apprentices, the state board of health.

(7) APPROVAL OF SCHOOLS GENERALLY. In order to protect students, prevent fraud and misrepresentation in the sale and advertising of courses and courses of instruction and encourage schools to maintain courses and courses of instruction consistent in quality, content and length with generally accepted educational standards, the council shall:

(a) Investigate the adequacy of courses and courses of instruction offered by schools to residents of this state and establish minimum standards for such courses of instruction.

(b) Investigate the adequacy of schools' facilities, equipment, instructional materials and instructional programs and establish minimum standards therefor.

(c) Establish rules, standards and criteria to prevent fraud and misrepresentation in the sale and advertising of courses and courses of instruction.

(d) Establish rules restricting the negotiability of promissory instruments received by schools in payment of tuition and other charges.

(e) Establish minimum standards for refund of the unused portion of tuition, fees and other charges if a student does not enter a course or course of instruction or withdraws or is discontinued therefrom.

(f) Require schools offering courses and courses of instruction to residents of this state to furnish information concerning their facilities, curricula, instructors, enrollment policies, tuition and other charges and fees, refund policies and policies concerning negotiability of promissory instruments received in payment of tuition and other charges.

(g) Approve courses of instruction and schools meeting the requirements and standards established by the council and complying with rules established by the council and publish a list of such schools and courses of instruction.

(h) Issue permits to solicitors when all council requirements have been met.

(8) SOLICITING OF STUDENTS. (a) *In general.* No solicitor representing any school offering any course or course of instruction shall sell any course or course of instruction or solicit students therefor in this state for a consideration or remuneration, except upon the actual business premises of the school, unless he first secures a solicitor's permit from the council. If the solicitor represents more than one school, a separate permit shall be obtained for each school represented by him.

(b) *Solicitor's permit.* The application for a solicitor's permit shall be made on a form furnished by the council and shall be accompanied by a fee of \$5 and a surety bond acceptable to the council in the sum of \$1,000. Such bond may be continuous and shall be conditioned to provide indemnification to any student suffering loss as the result of any

fraud or misrepresentation used in procuring his enrollment or as a result of the failure of the school to faithfully perform the agreement made with him by the solicitor, and may be supplied by the solicitor or by the school itself as a blanket bond covering each of its solicitors in the amount of \$1,000. Upon approval of a permit the council shall issue an identification card to the solicitor giving his name and address, the name and address of his employing school, and certifying that the person whose name appears on the card is authorized to solicit students for the school. A permit shall be valid for one year from the date issued. Liability of the surety on the bond for each solicitor covered thereby shall in no event exceed the sum of \$1,000 as an aggregate for any and all students for all breaches of the conditions of the bond. The surety of a bond may cancel the same upon giving 30 days notice in writing to the council and thereafter shall be relieved of liability for any breach of condition occurring after the effective date of the cancellation. An application for renewal shall be accompanied by a fee of \$5, a surety bond if a continuous bond has not been furnished, and such information as the council requests of the applicant.

(c) *Refusal or revocation of permit.* The council may refuse to issue or renew, or may revoke, any solicitor's permit upon one or any combination of the following grounds:

1. Wilful violation of this subsection or any rule promulgated by the council under this section;

2. Furnishing false, misleading or incomplete information to the council;

3. Presenting information to prospective students relating to the school, a course or course of instruction which is false, fraudulent or misleading;

4. Refusal by the school to be represented to allow reasonable inspection or to supply information after written request therefor by the council;

5. Failure of the school which the solicitor represents to meet requirements and standards established by and to comply with rules prescribed by the council pursuant to sub. (7);

6. Cancellation of the solicitor's bond by surety;

7. That the applicant or holder of the permit is not of good moral character.

(d) *Notice of refusal to issue or renew permit.* Notice of refusal to issue or renew a permit or of the revocation of a permit

shall be sent by registered mail to the last address of the applicant or permit holder shown in the records of the council. Revocation of a permit shall be effective 10 days after the notice of revocation has been mailed to the permit holder.

(e) *Request for appearance.* Within 20 days of the receipt of notice of the council's refusal to issue or renew a permit or of the revocation of a permit, the applicant or holder of the permit may request that he be permitted to appear before the council in person, with or without counsel, to present reasons why the permit should be issued or reinstated. Upon receipt of such request the council shall grant a hearing to the applicant or holder of the permit within 30 days giving him at least 10 days' notice of the date, time and place.

(f) *Recovery by students.* The bond in force under par. (b) shall not limit or impair any right of recovery otherwise available under law, nor shall the amount of the bond be relevant in determining the amount of damages or other relief to which any plaintiff may be entitled.

(g) *Recovery on contracts.* No recovery shall be had by any school or its assignee on any contract for or in connection with a course or course of instruction if the representative who sold or solicited the course was not the holder of a solicitor's permit under this subsection at the time of the sale or solicitation.

(h) *Enforcement.* The attorney general or any district attorney may bring any appropriate action or proceeding in any court of competent jurisdiction for the enforcement of this subsection.

(i) *Penalty.* Whoever violates this subsection may be fined not more than \$500 or imprisoned not more than 3 months or both.

(j) *Effective date.* All permits issued prior to July 1, 1966 shall remain in effect until the date of their expiration and shall be subject only to the provisions of law under which they were issued.

(9) **EXCEPTIONS.** This section, except the provisions of sub. (6), shall not apply to the following:

(a) Schools organized on a nonprofit basis as defined by the U. S. internal revenue code.

(b) Schools that are supported mainly by taxes.

(c) Schools of a parochial or denominational character offering courses having a sectarian objective.

(d) Schools primarily offering instruction

avocational or recreational in nature and not leading to a vocational objective.

(e) Courses conducted by employers exclusively for their employes.

(f) Schools, courses of instruction and training programs which are approved or licensed and supervised by other state agencies and boards.

(g) Schools approved by the department of public instruction for the training of teachers.

(h) Schools accredited by accrediting agencies recognized by the council.

History: 1961 c. 525; 1963 c. 568; 1965 c. 595; 1967 c. 26 ss. 7, 93; 1967 c. 214, 327.

SUBCHAPTER III

STATE SCHOOLS AND SCHOLARSHIPS FOR THE HANDICAPPED

115.51 Definitions. In this subchapter:

(1) "Blind" includes persons visually handicapped, as determined by competent medical authority with the approval of the state superintendent.

(2) "Deaf" includes persons who because of some pathological or functional cause cannot attain proficiency in speech without special instruction and training.

History: 1967 c. 92.
Legislative Council Note, 1967: Restates s. 41.72 (3). (Bill No. 353-S)

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

(2) The state superintendent shall maintain and govern the school for the visually handicapped and the school for the deaf. He may fix the period of the school year at the schools at not less than 38 weeks, prescribe the school terms and confer diplomas upon meritorious pupils who have completed the prescribed curricula.

(3) All the blind and the deaf residents of this state between the ages of 6 and 21 who are capable of receiving instruction shall be received and taught in the schools free of charge. Like nonresident pupils also may be received upon payment in advance of the fees fixed by the state superintendent at an amount not less than \$75 per month, but no nonresident shall be received to the exclusion of a resident pupil. The state superintendent

also may admit pupils over 21 years of age upon the payment of fees fixed by him and upon the recommendation of the director of public welfare, the director of vocational, technical and adult education or the superintendent of the school to which the pupil will be assigned. All pupils shall equally and freely enjoy the benefits and privileges of the schools and have the use of the library and books of instruction and receive board, lodging and laundry, without discrimination. The schools may provide transportation for resident indigent pupils.

(5) The state superintendent may grant approval for the maintenance of a summer school at the school for the deaf whenever it will be to the advantage of deaf persons. There shall be a summer school each year at the school for the visually handicapped for adult visually handicapped persons. There is no age limitation on summer school admissions.

(6) The state superintendent may make charges for meals, living quarters, laundry and other services furnished to employees of the schools and their families. He also may make charges for services furnished to visitors at the schools and participants in training programs and institutes.

History: 1967 c. 92, 313.

Legislative Council Note, 1967: Sub. (1) identical to s. 41.72 (1) (1st sentence). Sub. (2) (1st sentence) like s. 39.02 (5) and incorporates s. 41.72 (2). Sub. (2) (2nd sentence) restates s. 41.73 (2). Sub. (3) restates s. 41.73 (1) except 2nd sentence transferred to new sub. (5), and 2nd to the last sentence deleted because unnecessary under s. 20.951. Sub. (5) (1st and 2nd sentences) like s. 41.72 (1) (2nd and 3rd sentences). Sub. (5) (last sentence) identical to s. 41.73 (1) (2nd sentence). Sub. (6) restates s. 39.02 (5b) and omits s. 39.02 (5c) and part of (5b) which are covered under ss. 20.650 (3) (a) 1 and 20.951. (Bill No. 353-S)

115.53 State superintendent; powers. The state superintendent may:

(1) Provide for the education of deaf-blind children of suitable capacity to receive instruction either in a special class for that purpose outside the state or in a special class to be established within the state whenever there is a sufficient number of deaf-blind children to warrant the establishment of such class. The cost of such education shall be charged to the appropriation in s. 20.255 (3) (b).

(2) Arrange for vocational, trade or academic training for any pupil in either state school qualified to take such training advantageously, in either a public school or vocational school or a private business establishment in Janesville or Delavan. The public school and the vocational school shall be paid

the regular tuition for full-time attendance and pro rata for part-time attendance from the appropriation in s. 20.255 (3) (a).

(3) Arrange for otological or ophthalmic examination of any pupil or prospective pupil of the schools. The examination shall be paid for from the appropriation in s. 20.255 (3) (a).

(4) Apply to the regents of the university of Wisconsin for admission to the Wisconsin general hospital of any pupil in the state schools.

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

(b) The net cost of such hospital treatment shall be at the rate charged to counties for county patients and shall be chargeable one-half to the appropriation for operating the patient's school and one-half to the state. The state superintendent likewise may authorize payment for the expense of transporting patients to and from the hospital. Payments for the treatment shall be made by him to the regents for the half chargeable to the operation fund of the school and the other half shall be paid as provided in s. 142.08 (2). Funds collected by him on account of such hospitalization shall be deposited one-half in the general fund and one-half in the appropriation under s. 20.255 (3) (a) for the school concerned.

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

(6) Set aside not to exceed \$3,000 annually from the appropriation under s. 20.255 (3) (b), to be used to defray the expenses of readers for blind or deaf pupils between the ages of 16 and 21 enrolled in any public high school or vocational, technical and adult education school in this state. The aid to any one pupil shall not exceed \$125 per year. This aid shall not be granted to any student unless the director of the bureau for handicapped children and the superintendent of the school for the visually handicapped or of the school for the deaf, depending upon whether the child is blind or deaf, agree that it is best for the student to attend such vocational or high school.

History: 1967 c. 92, 291 s. 14; 1967 c. 313.
Legislative Council Note, 1967: Restates s. 41.73 (3) to (9). (Bill No. 353-S)

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

History: 1967 c. 92.

Legislative Council Note, 1967: Like s. 41.74. (Bill No. 353-S)

115.55 Library for the blind. Embossed, clear type or large type books, talking book machines and talking book records acquired by the school for the visually handicapped shall constitute a circulating library for the blind. The library shall be kept at the school and be in charge of its superintendent. All blind citizens of the state may use such books upon compliance with rules made by the superintendent and approved by the state superintendent.

History: 1967 c. 92.

Legislative Council Note, 1967: Like s. 41.75. (Bill No. 353-S)

115.56 Scholarships for blind students. Under the direction of the superintendent of the school for the visually handicapped and subject to the approval of the state superintendent, any blind person who has been a resident of this state for at least 5 years preceding application for aid under this section and who is a regularly enrolled student in any university, college or conservatory of music may receive aid for the purposes of defraying tuition and other necessary expenses, including a reader, while in attendance at the university, college or conservatory of music. The aid to any such person shall not exceed \$400 in any one year, nor shall the total aid exceed \$2,000.

History: 1967 c. 92.

Legislative Council Note, 1967: Restates s. 41.76. (Bill No. 353-S)

115.57 Scholarships for deaf and hard of hearing students. Under the direction of the bureau for handicapped children and subject to the approval of the state superintendent, any deaf or hard of hearing person who has been a resident of this state for at least 5

years preceding application for aid under this section and who is a regularly enrolled student in any university or college may receive aid for the purposes of defraying tuition and other necessary expenses while in attendance at the university or college. The state superintendent shall set standards to determine the amount to be granted. The aid to any such person shall not exceed \$500 in any one year.

History: 1967 c. 92.

Legislative Council Note, 1967: Restates s. 41.77. (Bill No. 353-S)

115.58 Park grounds. The state superintendent may permit the city of Janesville to use portions of the grounds of the state school for the visually handicapped at Janesville, which abut on the Rock river, for purposes of operating a city park. Any construction on such grounds is subject to prior approval by the state superintendent. Any agreement pursuant hereto shall be cancelable at the option of either party without liability. Any such grounds so used by the city of Janesville shall be supervised by the city and shall be subject to the ordinances of the city of Janesville applicable to city parks.

History: 1967 c. 92.

Legislative Council Note, 1967: Like s. 41.72 (5). (Bill No. 353-S)

SUBCHAPTER IV

HANDICAPPED CHILDREN

115.76 Definitions. In this subchapter:

(1) "Handicapped children" means children who are crippled, cardiac handicapped, visually handicapped, auditorily handicapped, speech handicapped, otherwise physically handicapped or mentally handicapped.

(2) "Bureau" means the bureau for handicapped children.

(3) "Director" means the director of the bureau for handicapped children.

History: 1967 c. 92.

Legislative Council Note, 1967: Creates a definition of handicapped children based on s. 41.01 (4) (part of 5th sentence) and (4m) (b) and restates s. 41.01 (4) (2nd and 4th sentences). (Bill No. 353-S)

115.77 Bureau for handicapped children.

(1) There is created under the state superintendent a bureau for handicapped children. The state superintendent shall appoint, with the status of assistant superintendent, a person to serve as director of the bureau.

(2) Subject to the direction of the state superintendent, the director:

(a) Is responsible for services for handicapped children under the jurisdiction of the state superintendent and for the Wisconsin

school for the deaf and the Wisconsin school for the visually handicapped.

(b) Shall appoint qualified personnel necessary to perform the duties required of the bureau.

(c) Shall audit expenditures incurred for services for handicapped children under the state superintendent.

(3) The bureau is responsible for elementary and high school education for physically handicapped children under 21 years of age and for the supervision of special educational facilities provided mentally handicapped children through day classes. In the case of a physically handicapped child whose parents or guardian reside outside the school district in which the child attends a special class, the bureau shall make or approve arrangements for transportation to and from his home to the special class, or on school days for board, lodging and transportation to and from his boarding home to the special class.

(4) Any federal aid which is made available for special programs for handicapped children shall be granted the bureau for carrying out plans approved by the federal agency having supervision of the aid program.

(5) (a) The bureau through its crippled children division is responsible for assembling all records on crippled children from birth to 21 years of age and for providing facilities for diagnosis through orthopedic field clinics and for aftercare for children under 21 years of age who are crippled or who are suffering from conditions which lead to crippling. Such responsibility shall be for those facilities not provided through hospitals, by private physicians or through private organizations. The bureau shall approve applications and arrange for orthopedic hospital care when state aid is granted for any part of the cost. This subsection shall be administered in accordance with requirements of the federal social security act.

(b) The director shall submit to the proper federal authorities a state plan, prepared by the medical director of the crippled children division in accordance with federal requirements, for services for crippled children. The state plan may be revised as conditions require. The bureau shall make reports, in such form and containing such information as the proper federal authorities require, and shall comply with all requirements made to assure the correctness and verification of such reports.

History: 1967 c. 92.

Legislative Council Note, 1967: Sub. (1) like s. 41.01 (4) (1st and 3rd sentences). Sub. (2) restates s. 41.01 (4) (part of 5th sentence and 6th, 7th and 8th sentences). Sub. (3) based on s. 41.01 (8) and clarifies that reimbursement for transportation is either from home or boarding home to the special class and not for transportation from home to boarding home. The last sentence of present s. 41.01 (8) is deleted because it is covered in other state aid sections. Sub. (4) restates s. 41.01 (4m) (c). Sub. (5) (a) like s. 41.01 (4m) (a). Sub. (5) (b) restates s. 41.01 (4m) (e), in general terms, because the omitted specific language set requirements for a plan submitted several decades ago. (Bill No. 353-S)

115.78 Report of handicapped children.

Every school district administrator shall obtain information regarding handicapped children from birth to 21 years of age residing in the school district and shall report such information annually to the state superintendent. The report shall state the reason for the nonattendance of a handicapped child who is of school age but not attending school.

History: 1967 c. 92.

Legislative Council Note, 1967: Restates s. 41.04. (Bill No. 353-S)

115.79 Compulsory attendance. The provisions of s. 118.15 relating to compulsory school attendance apply to physically handicapped children who are eligible for attendance at a special class or school.

History: 1967 c. 92.

Legislative Council Note, 1967: Restates s. 41.02. (Bill No. 353-S)

115.80 Special schools, classes, centers and services. (1) Upon application by a school board, by a board of control of a cooperative educational service agency or, upon authorization of the county board, by a county handicapped children's education board, the state superintendent may upon the basis of need and the availability of sufficient funds authorize the school board, board of control or county handicapped children's education board to establish, maintain or discontinue a program of educational services for handicapped children, to employ teachers, qualified full-time senior co-ordinators of special education, senior school social workers and senior school psychologists and to provide special physical and occupational therapy services for handicapped children. The program may consist of one or more special schools, classes, treatment or instruction centers or other services for one or more types of handicapped children, including special classes and instruction centers for mentally handicapped children having an intelligence quotient of 35 to 50. A "part of a program" is that portion of the program in which a particular type of handicapped child participates.

(2) The courses, qualifications of teachers, co-ordinators, social workers and school psy-

chologists and plan of organizing and maintaining special schools, classes, centers and other services shall comply with requirements established by the state superintendent.

(3) The school board, board of control or county handicapped children's education board maintaining special schools, classes, centers or other services shall report annually to the state superintendent, and at such other times as he directs, such information as he requires. The report shall include the number of pupils instructed or provided service, their residence and the period of time each was instructed or otherwise served during the school year. Annually, each board shall submit to the state superintendent an itemized statement on oath of all receipts and disbursements on account of such special schools, classes, centers or other services during the preceding school year.

History: 1967 c. 92.

Legislative Council Note, 1967: Based on s. 41.01 (1), (2) and (3). Sub. (1) is also based on s. 41.01 (1r) (c) and describes what may be included in a program or a part of a program, since these terms are used generally throughout the subchapter. Sub. (3) shifts the responsibility for submitting the itemized statement from the board treasurer to the board. (Bill No. 353-S)

115.81 Handicapped children's education board. (1) **DEFINITIONS.** In this section "board" means the county handicapped children's education board.

(2) **ESTABLISHMENT.** Any county board may determine to establish a program of educational services for handicapped children for all school districts in the county. The program may provide for one or more special schools, classes, treatment or instruction centers or other services for one or more types of handicapped children. A school district shall be included under such county program only to the extent approved by formal action of the school board of the district. When the county board determines to establish such a program, it shall create a board to be known as the "Handicapped Children's Education Board."

(3) **ORGANIZATION.** (a) The board shall consist of 3 or 5 persons, as determined by the county board, elected by the county board or appointed by the chairman of the county board, as the rules of the county board direct. Board members shall be electors selected from that part of the county participating in the program and shall be representative of the area the board serves. The board may include school board members, county board members and other electors. Board members shall hold office for a term of 3 years, except that the terms of office of mem-

bers of the first board shall be 3 years, 2 years and one year. Board members shall receive compensation and reimbursement for mileage in an amount fixed by the county board, but not more than that of county board members.

(b) The board annually shall select one member as chairman and one as secretary. The county treasurer shall serve as board treasurer but shall not be a member of the board.

(c) The board shall appoint an advisory committee of school district administrators representative of the area the board serves.

(4) **APPLICATION.** Upon authorization of the county board, application for the establishment of a program or any part thereof shall be made by the board to the state superintendent. The application shall state whether the program or part will be available in the county at large or only to certain school districts.

(5) **BOARD DUTIES.** The board shall have charge of all matters pertaining to the organization, equipment, operation and maintenance of such programs and may do all things necessary to perform its functions, including, without restriction because of enumeration, the authority to erect buildings subject to county board approval and employ teachers and other personnel. The board shall prepare an annual budget which shall be subject to approval of the county board under s. 65.90 and shall include, without limitation because of enumeration, funds for the hiring of staff, the purchase of materials, supplies and equipment and the operation and maintenance of buildings or classrooms.

(6) **ASSIGNMENT OF FUNCTIONS.** The county board may assign by resolution the functions of the board to a co-operative educational service agency operating in the county, but if the board continues to exist, it may contract with the agency board of control or a school board of any district in the county for professional and administrative services.

(7) **WITHDRAWAL AND DISSOLUTION.** (a) The school board of any district which is included under the administration of a board may withdraw from participation in any part of the program only with the approval of the state superintendent after he has conferred with the board and is satisfied that such withdrawal is in the interest of the program in the county and the school district affected. Such withdrawal shall be effective only if the school board has the approval of the state superintendent to establish a com-

parable part of a program. Such withdrawal shall not be effective until the end of the next full school term. The withdrawing school district shall be liable for its proportionate share of all operating costs until its withdrawal becomes effective, shall continue to be liable for its share of debt incurred while it was a participant and shall receive no share in the assets.

(b) A program established under this section may be dissolved by action of the county board, but such dissolution shall not take place until the end of the school term in which the action was taken. When a program is dissolved, assets and liabilities shall be distributed under s. 66.03 to all units which participated in the program.

(8) TRANSPORTATION. The board may promulgate a plan for the transportation at county expense of handicapped children participating in programs under this section. The plan, upon approval of the state superintendent, shall govern the transportation of such handicapped children. Such plan supersedes ss. 115.85 and 121.54 (3).

(9) AREA TAXED. The tax for the operation and maintenance of each part of a program for handicapped children and for the transportation of handicapped children under sub. (8) shall be levied against the area of the county participating in the part of the program.

(10) STATE AIDS. The board may apply for and receive the state aid under ss. 115.85 and 121.58 (2) (a) for the transportation, board and lodging, treatment and instruction of handicapped children participating in programs under this section. All state aid shall be paid to the county treasurer and credited to the fund of the board.

History: 1967 c. 92.

Legislative Council Note, 1967: Based on s. 41.01 (1m) and (1r).

Sub. (1) is new.

Sub. (2) is based on s. 41.01 (1m) (a) (1st and 2nd sentences) and (1r) (c), and makes clear that if the county board determines to establish a program, it must create a handicapped children's education board. This paragraph emphasizes that this is only an initial determination by the county board and is subject to the approval of the state superintendent.

Sub. (3) (a) revises s. 41.01 (1m) (a) (3rd, 4th, 6th, 7th, 8th and 9th sentences). Sub. (3) (b) restates s. 41.01 (1m) (b). Sub. (3) (c) restates s. 41.01 (1m) (a) (5th sentence).

Sub. (4) based on s. 41.01 (1r) (a), and makes clear that application must be made before initiation of any part of a program.

Sub. (5) based on s. 41.01 (1m) (c) and (1r) (d) and deletes s. 41.01 (1m) (d) which is covered in s. 41.01 (1r) (d).

Sub. (6) like s. 41.01 (1m) (f).

Sub. (7) (a) revises and consolidates s. 41.01 (1m) (e) and (1r) (e) (1st and 2nd sentences). Sub. (7) (b) like s. 41.01 (1r) (e) (3rd and 4th sentences).

Sub. (8) restates s. 41.01 (1r) (f) to more clearly indicate that the plan is limited to children participating in board programs.

Sub. (9) restates s. 41.01 (1r) (b).

Sub. (10) revises s. 41.01 (1r) (g). (Bill No. 353-S)

Property in a school district not included in a county program of special instruction for handicapped children is not subject to county taxation therefor. 55 Atty. Gen. 11.

County may not contract with private association to construct and operate a greenhouse for handicapped children. County may accept gift of foregoing, employ handicapped adults, authorize transportation for them, and sell products. 55 Atty. Gen. 179.

115.82 Admission, tuition and transportation. (1) (a) Handicapped children residing outside the area served by a program established under s. 115.81 may be admitted to the program as nonresidents.

(b) Handicapped children residing within or outside a school district may be admitted to special programs for handicapped children which are available in the school district according to standards of eligibility determined by the bureau and according to available facilities. A handicapped child, including a preschool handicapped child, who resides in a school district which does not maintain a program for children with his handicap and is eligible to attend special schools, classes or centers, may be admitted as a nonresident. The basis for enrollment in an orthopedic school of a crippled child who lives within or outside the school district shall be his need for special school facilities because of his inability to walk or to climb stairs or his need for supervision or treatment as provided at such schools. Only children who are mentally capable of benefiting from the regular academic course or a special education curriculum shall be admitted to orthopedic schools.

(2) Tuition shall be charged nonresidents admitted to special programs for handicapped children in accordance with this section. For each part of a program, the tuition for a nonresident handicapped child shall be determined on the basis of costs, aids and children in such part for the preceding year by adding together the total cost of items reported under s. 115.85 (1) and the actual cost of operation and maintenance not so reported, subtracting federal, state and county aids and then dividing this amount by the number of children in average daily membership.

(3) In counties having a population of less than 500,000, if a handicapped child resides in a school district or county which does not maintain a special school, class or center for children with his handicap and attends a special school, class or center in another school district or county, tuition therefor shall be chargeable under this subsection.

(a) Annually on or before August 1, the school district clerk and the secretary of the county handicapped children's education board shall file with the clerks of the county and the city, village or town of residence of non-resident handicapped children admitted to the program of the school district or county a sworn statement of claim for tuition therefor against the county. The claim shall set forth the residence, name, age, date of entrance and number of weeks attendance during the preceding school year of each such child, the amount of tuition to which the school district or board lays claim for each such child and the total amount of tuition due the school district or board from the county. The county clerk shall examine the claims for the purpose of determining their accuracy and legality and may call upon school, county or local officials to supply data which will verify the claims.

(b) After examining the claims, the county clerk shall notify the school district clerk or secretary of the board of the result of his examination. If corrections are necessary, the county clerk shall notify the school district clerk or secretary of the board who shall meet with the county clerk, at the expense of the school district or board, to make the corrections. The county clerk then shall apportion the amount of the claims, for each type of handicap, on the basis of the ratio of the equalized valuation of that portion of each municipality within the county that lies outside of the territory served by all programs for children with that handicap that are operated by school districts or pursuant to s. 115.81 to the total equalized valuation of all the territory in the county that lies outside of the territory served by all programs for children with that handicap operated by school districts or under s. 115.81 and shall certify that amount to the clerks of such municipalities.

(c) Upon receipt of the certification from the county clerk, each municipal clerk shall spread the amounts thereof upon the tax rolls for collection. When taxes are collected, such amounts shall be paid by the county treasurer to the treasurer of each school district or county handicapped children's education board to which due, subject to the priority given to high school tuition under s. 74.03 (5).

(4) In counties having a population of 500,000 or more, the school district of residence shall pay tuition charges for handicapped children as provided in par. (a) or (b).

(a) Annually on or before August 1, the school district clerk shall file with the clerk of the school district of residence of such nonresident children who reside in school districts that lie wholly or partially in counties having a population of 500,000 or more a sworn statement of claim against the school district of residence. The claim shall set forth the name, age, date of entrance and number of weeks attendance during the preceding school year of each such child, the amount of tuition to which the school district lays claim for each such child and the total amount of tuition due the school district of attendance from the school district of residence. After examining the claim and verifying it, the clerk of the school district of residence shall cause reimbursement to be made to the treasurer of the claimant school district as other claims are paid.

(b) Any 2 or more school districts, by written agreement of their school boards, may admit residents of the other school districts to any phase of the program for handicapped children and waive all claims for tuition for such admittance.

(5) If a handicapped child residing in a school district which maintains a special school, class or center for children with his handicap, attends a special school, class or center in another school district, tuition therefor shall be charged his parent or guardian unless the state superintendent and the school district administrator have approved his transfer. If the state superintendent and school district administrator approve the transfer of a child to an equivalent special school, class or center in another school district for good reason to serve the best interests of the child, he thereby becomes eligible to attend such school, class or center and tuition therefor shall be paid by the school district of his residence.

(6) In addition to the requirements of s. 121.54 (3), when board and lodging are not furnished to nonresident handicapped children the school district in which the child resides shall provide transportation.

(7) Upon the advance approval of the state superintendent, the school board of any district may permit a handicapped child to attend a special school, class or center outside the state. If the child resides in a county having a population of less than 500,000, the county of residence shall pay the tuition and transportation in accordance with the procedure established for the payment of tuition by the county under sub. (3). If the

child resides in a county having a population of 500,000 or more, the school district of residence shall pay the tuition and transportation in accordance with the procedure established for the payment of tuition by the school district under sub. (4).

History: 1967 c. 92, 313.

Legislative Council Note, 1967: Based on s. 41.01 (5) and (5b) and incorporates the substance of ss. 41.01 (1r) (h) and 41.03 (1) (intro.) (3rd sentence).

Sub. (1) (a) based on s. 41.01 (1r) (h). Sub. (1) (b) based on s. 41.01 (5) (1st, 2nd, 15th and 16th sentences).

Sub. (2) based on s. 41.01 (5) (4th and 5th sentences). It clarifies that tuition is chargeable for nonresidents only and more precisely states the formula for determining tuition charges.

Sub. (3) (intro.) is new and states affirmatively the tuition provision applicable to most nonresident pupils. Sub. (3) (a) based on s. 41.01 (5) (6th, 7th and 8th sentences). The term "municipality" is not used, and the definition thereof in s. 41.01 (5) (13th sentence) is deleted, because the appropriate governmental units are referred to specifically. Sub. (3) (b) based on s. 41.01 (5) (9th and 10th sentences). Sub. (3) (c) based on s. 41.01 (5) (11th and 12th sentences).

Sub. (4) based on s. 41.01 (5b).

Sub. (5) based on s. 41.01 (5) (3rd and 14th sentences).

Sub. (6) based on s. 41.03 (1) (intro.) (3rd sentence) and reconciles chs. 163 and 518, laws of 1965.

Present s. 41.01 (5d) deleted because it was created to cover a specific situation which never arose.

Present s. 41.01 (5m) deleted because it is covered in general transportation provisions [see s. 121.54 (3) (last sentence)].

Present s. 41.01 (6) deleted because it is covered in s. 115.82 (2) (d).

Present s. 41.01 (7) deleted because it is covered in s. 38.09 (4) [s. 119.09 (4), as renumbered]. (Bill No. 353-S)

115.83 Preschool handicapped children. A school district operating special programs for handicapped children may provide instruction or treatment for preschool handicapped children and instruction for their parents. The Wisconsin school for the deaf may provide instruction for preschool deaf children and their parents. The Wisconsin school for the visually handicapped may provide instruction for preschool visually handicapped children and their parents. Such instruction or treatment shall be subject to the approval of and shall comply with requirements established by the state superintendent.

History: 1967 c. 92.

Legislative Council Note, 1967: Restates s. 41.01 (2a). (Bill No. 353-S)

115.84 Home instruction. (1) Education through home instruction, extension courses or any other suitable means may be provided by any school district or county handicapped children's education board on the elementary and high school level for physically handicapped children who, according to medical recommendations, are physically unable to attend school. The cost of instruction for such elementary and high school children shall be

paid one-half by the school district of the child's residence if the school district initiates the program, or one-half by the county of the child's residence if the county initiates the program, and one-half by the state, but the maximum state payment for any child under this subsection shall not exceed \$200 per school year. Children who require instruction under this section shall be considered as being in attendance in the school district of their enrollment. All sanatoria or convalescent homes providing care for children between the ages of 5 and 18 shall provide instruction for children who are physically able to receive it. Credit for work satisfactorily completed shall be granted by the proper school authorities. Whenever a teacher regularly employed for home, sanatoria or convalescent home instruction by the school district gives such instruction outside of regular school hours, he shall be paid for such instruction in addition to his regular salary. Teachers employed under this section shall be legally qualified to teach in this state. Annually on or before August 1, every school district or county handicapped children's education board operating programs under this subsection shall report to the bureau such information as the bureau requires regarding teachers and children involved in the programs.

(2) Education through home instruction may be provided by any school district or county handicapped children's education board to mentally handicapped children between the ages of 4 and 20 who, according to educational and psychological evaluation, are able to benefit by academic and nonacademic home instruction. The enrollment of children in this type of home instruction shall be approved in advance by the state superintendent. The cost of instruction shall be paid one-half by the school district of the child's residence if the school district initiates the program, or one-half by the county of the child's residence if the county initiates the program, and one-half by the state, but the maximum state payment for a child under this subsection shall not exceed \$200 per school year. Teachers employed under this subsection shall be legally qualified to teach in this state. Annually on or before August 1, every school district or county handicapped children's education board operating programs under this subsection shall report to the state superintendent such information as he requires regarding the programs. This subsection shall in no way substitute for spe-

cial classes for educable or trainable mentally handicapped children.

History: 1967 c. 92.

Legislative Council Note, 1967: Revises s. 41.01 (9) and (9a). Sub. (1) reflects the departmental interpretation that state aids are payable for both elementary and high school children and clarifies that the county as well as the school district of residence bears responsibility for costs. (Bill No. 353-S)

115.85 State aid. (1) If, upon receipt of the report under s. 115.80 (3), the state superintendent is satisfied that the special school, class, center or other service has been maintained during the preceding year in accordance with law, he shall certify to the department of administration in favor of each county, co-operative educational service agency and school district maintaining such schools, classes, centers and other services a sum equal to 70% of the amount expended by the county, agency and school district during the preceding year for salaries of qualified personnel enumerated in s. 115.80 (1), transportation and board and lodging of children residing within the county, agency or school district, special books and equipment used in programs under this subchapter and other expenses approved by the state superintendent. The department of administration shall pay such amounts to the county, agency and school district from the appropriation under s. 20.255 (3) (d).

(2) When transportation provided under s. 115.82 (6) has been approved in advance by the state superintendent through the bureau, he shall certify 70% of the approved amount expended for such transportation to the department of administration which shall pay such amounts to the school district from the appropriation under s. 20.255 (3) (d).

(3) There shall be paid the approved claims for board and lodging and transportation between the boarding home and the special school, class or center of nonresident handicapped children enrolled in the special school, class or center. The state superintendent shall certify the full approved amount to the department of administration which shall pay such amount from the appropriation under s. 20.255 (3) (d) to the school district operating the special school, class or center while providing board and lodging and transportation.

(4) The full cost of academic instruction for physically handicapped children in hospitals and convalescent homes for crippled children shall be paid from the appropriation under s. 20.255 (3) (d). If the hospital or convalescent home is located in a city or is a branch thereof located within 10 miles of the city, the supervision of such instruction shall be under the school board of the city school district and the state superintendent, and the school board of the district in which the hospital or convalescent home is located shall submit to the state superintendent an itemized statement of all receipts and disbursements for the actual cost of such instruction and any other information he requires.

(5) An amount not to exceed \$10,000 of the appropriation under s. 20.255 (3) (d) may be used annually to increase the reimbursement under s. 121.58 (2) (b) to school districts by an amount not to exceed 35 cents per day and to increase the reimbursement under s. 121.58 (3) by an amount not to exceed \$1.40 per week to assure educational opportunities to physically handicapped children.

(6) From the appropriation under s. 20.255 (3) (d) there shall be paid the full cost of salary and travel expenses, in amounts determined in advance by the state superintendent, to school districts operating an orthopedic school for services by physical therapists performed outside the employing school district.

(7) From the appropriation under s. 20.255 (3) (d) there shall be paid the full cost of salary and travel expenses, in amounts determined in advance by the state superintendent, to school districts for providing instruction outside the school district of employment to handicapped children.

History: 1967 c. 92, 291 s. 14.
 Legislative Council Note, 1967: Revises s. 41.03 and reconciles chs. 163 and 518, laws of 1965.
 Sub. (1) based on part of s. 41.03 (1) (intro.).
 Sub. (2) based on part of s. 41.03 (1) (intro.).
 Sub. (3) based on s. 41.03 (1) (a).
 Sub. (4) based on s. 41.03 (1) (b) and deletes last sentence which is obsolete.
 Sub. (5) restates s. 41.03 (1) (c).
 Sub. (6) revises s. 41.03 (1) (d) (1st sentence).
 Sub. (7) based on s. 41.03 (1) (d) (last sentence).
 Present s. 41.03 (2) deleted, because it is repetitious. (Bill No. 353-S)