

CHAPTER 503

AN ACT to amend 40.34 (2) and (3); and to create 39.03 (3) and 59.08 (63) of the statutes, relating to the organization, supervision and control of transportation of handicapped children in counties containing cities of the first class.

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

SECTION 1. 39.03 (3) of the statutes is created to read:

39.03 (3) TRANSPORTATION OF HANDICAPPED CHILDREN. In counties containing a city of the first class, he shall organize, supervise and control the transportation of handicapped children within his county when authorized to do so under par. (a).

(a) In counties containing a city of the first class the county superintendent shall organize and contract for the transportation of all handicapped children as defined in s. 41.01 (4) for all school districts within his jurisdiction when the county board has approved his doing so. When such authority has been given to the county superintendent of schools it will supersede the responsibility placed upon school boards in s. 40.34 (2). The superintendent shall upon authorization by the county board, possess all of the authority and perform all of the functions regarding the transportation of handicapped children granted to school districts under s. 40.34 (1) (a) to (f), (4), (5) and (8a) to (11). The county superintendent shall promulgate a plan for the transportation of handicapped children, which plan, upon approval by the state superintendent of public instruction, shall govern the transportation of disabled children as provided in s. 40.34 (2) and of making application for state reimbursement as provided in s. 40.34 (11) and s. 41.03 and the receiving of the same in the name of the county.

(b) The county superintendent shall appoint a handicapped children transportation committee for his county of not to exceed 7 members composed of school board members and school administrators actively concerned with the transportation of handicapped children. Such committee shall meet not to exceed 3 times per year to consider problems and advise the superintendent regarding the transportation of handicapped children in the county in matters relating to routes and schedules, adequacy of transportation facilities, cost of service and apportionment thereof among the several districts for whom transportation is provided. Members of the committee shall receive the same per diem and mileage allowed to members of the county school committee, except that school district employes shall not receive the per diem when meetings are held during the regular school day.

(c) Preceding the date of preparing and publishing budgets the county superintendent shall transmit to the various district boards who anticipate service for transportation of handicapped children the approximate cost of providing such service, the anticipated state aid and the net cost to the district. After receiving state aid the county superintendent shall bill the respective districts for the net balance of transportation costs prorated according to the number of handicapped children who reside within the district who are transported and the nature and cost of the transportation furnished. Upon receiving the bill from the county superintendent for the net cost of transportation service supplied by the county under this section, each school district shall draw its order-check for the amount thereof to the county treasurer who shall deposit such amount to the account of the county superintendent of schools for transportation of handicapped children.

SECTION 2. 40.34 (2) and (3) of the statutes are amended to read:

40.34 (2) Every district shall provide transportation for physically disabled children, as defined in s. 41.01 (4), to any elementary or secondary schools regardless of distance, provided the request for such service is approved by the state superintendent. *When the county board has authorized the county superintendent to provide transportation of handicapped children under s. 39.03 (3) this responsibility, duty and control shall transfer to the county superintendent of schools except that the school board of any district which has an enrollment of 1,000 or more children may be exempted from the provisions of s. 39.03 (3) upon filing before June 1 with the state superintendent of public instruction and the county superintendent of schools a declaration of its desire to have its district exempted from such section and to continue to operate under the general law. Such declaration shall remain in force continuously until revoked upon any subsequent filing stating a desire to come under s. 39.03 (3).* State aid for such approved cases will be granted on the same basis as transportation of normal children. These aids are to be supplemented by the aids provided for by s. 41.03 in an amount not to exceed the full cost. The approval of such cases shall be based on whether or not the child can walk to school with safety and comfort.

(3) The board or county superintendent, when authorized or required to provide transportation, shall have power to purchase busses, or otherwise provide means of trans-

porting school pupils to and from school in accordance with the provisions of this section or ss. 40.04 (5a), 40.55 and 65.90. The commissioner of the motor vehicle department shall adopt and enforce rules and regulations to cover the design, construction, inspection and operation of all vehicles used for the transportation of school children, and such rules and regulations shall by reference be made a part of any contract for transportation of school children. All drivers or operators of school busses shall be under written contract with the school district for which such drivers or operators transport pupils. The form of contract shall be prescribed by the state superintendent of public instruction and shall provide that any party to such contract shall be at all times subject to any rules the commissioner of the motor vehicle department and the school board may adopt for the protection of the children or to govern the conduct of the person in charge of the conveyance. All transportation vehicles purchased or contracted for shall meet the specifications prescribed by the commissioner of the motor vehicle department. School district boards and persons independently engaged in transportation of public school pupils shall discontinue any school bus route being operated by them and discontinue the use of any vehicle used by them upon receipt of an order signed by the state superintendent ordering such discontinuance.

SECTION 3. 59.08 (63) of the statutes is created to read:

59.08 (63) TRANSPORTATION OF HANDICAPPED CHILDREN. Authorize transportation of handicapped children by the county superintendent of schools under s. 39.03 (3).

Approved July 9, 1953.
