

State of Wisconsin



1995 Senate Bill 540

Date of enactment: **June 10, 1996**
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1995 WISCONSIN ACT 439

AN ACT *to amend* 121.545 (2); and *to create* 120.13 (36), 121.54 (2) (am) and 121.58 (2) (b) of the statutes; **relating to:** authorizing school boards to contract with day care centers; providing state transportation aid to school districts that transport children between school and a day care program; requiring the department of industry, labor and human relations to promulgate rules permitting children under the age of 24 months to be provided care on a floor other than the first floor or ground floor of a group day care center; requiring the department of health and social services to promulgate rules that establish the requirements for obtaining and procedure for granting exemptions to the outdoor play space requirements under the administrative rules relating to group day care centers and family day care homes; and granting rule-making authority.

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

SECTION 1. 120.13 (36) of the statutes is created to read:

120.13 (36) PREKINDERGARTEN AND KINDERGARTEN PROGRAM AGREEMENTS. Enter into an agreement with a licensed public or private nonsectarian day care center to lease space for prekindergarten or kindergarten programs offered by the school district or to place school district employes in day care centers to provide instruction in prekindergarten or kindergarten programs offered by the school district.

SECTION 2. 121.54 (2) (am) of the statutes is created to read:

121.54 (2) (am) In lieu of transporting a pupil who is eligible for transportation under par. (a) to and from his or her residence, a school district may transport the pupil to or from, or both, a before- and after-school day care program under s. 120.125, a day care program under s. 120.13 (14) or any other day care program, family day care home or child care provider.

SECTION 3. 121.545 (2) of the statutes is amended to read:

121.545 (2) A school board may provide transportation for children residing in the school district whom the school district is not required to transport under s. 121.54 to or from, or both, a before- and after-school day care program under s. 120.125, a prekindergarten class under s. 120.13 (13), a day care program under s. 120.13 (14) or any other day care program, family day care home, child care provider or prekindergarten class. The school board may charge a fee for the cost of providing such transportation. The school board may waive the fee or any portion of the fee for any person who is unable to pay the fee. State aid shall not be provided for transportation under this subsection.

SECTION 4. 121.58 (2) (b) of the statutes is created to read:

121.58 (2) (b) A school board that provides transportation under s. 121.54 (2) (am) shall be paid state aid for such transportation at the rates specified and according to the conditions established under par. (a), except

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

that the amount of state aid may not exceed the amount which the school district would receive for transporting the child between the child's residence and school attended under s. 121.54 (1) to (3), (5), (6) or (9) or 121.57.

SECTION 5. Nonstatutory provisions; health and social services.

(1) **OUTDOOR PLAY SPACE EXEMPTION RULES.** The department of health and social services shall promulgate rules that establish the procedure under which an applicant for a license to operate a group day care center or family day care home may obtain an exemption from the outdoor play space requirements in sections HSS 45.05 (11) and 55.33 (11), Wisconsin administrative code, and the requirements, if any, in addition to those specified in this subsection that an applicant must meet to obtain such an exemption. Those rules shall permit the department to grant an exemption to an applicant who has submitted an outdoor play space plan if the plan provides an alternative to on-site outdoor play space that is safe, provides for adequate supervision of the children and meets any other requirements established by the department. The department shall submit proposed rules establishing the requirements and procedure for granting the exemptions to

the legislative council staff under section 227.15 (1) of the statutes by no later than July 1, 1996.

SECTION 6. Nonstatutory provisions; industry, labor and human relations.

(1) The department of industry, labor and human relations shall, in consultation with the office of child care in the department of health and social services, promulgate rules permitting children under the age of 24 months to be provided care in a group day care center on a floor other than the first floor or ground floor. In promulgating those rules, the department shall consider whether there are circumstances in which children under the age of 24 months can be safely cared for in a day care setting on a floor other than the first floor or ground floor. The department of industry, labor and human relations shall submit the proposed rules required under this subsection to the legislative council staff under section 227.15 (1) of the statutes by no later than July 1, 1996.

SECTION 7. Initial applicability; public instruction.

(1) **TRANSPORTATION AID.** The treatment of sections 121.54 (2) (am) and 121.58 (2) (b) of the statutes first applies to the payment of transportation aid in the 1996–97 school year.

