37.29 History: 1935 c. 397, 445; Stats. 1935 s. 40.22 (12); 1953 c. 90 s. 170; Stats. 1953 s. 31.20; 1955 c. 146 s. 16; 1969 c. 276 ss. 602 (1), 603 (2).

37.30 History: 1925 c. 114; Stats. 1925 s. 40.20 (9); 1927 c. 435 s. 8; Stats. 1927 s. 37.30; 1935 c. 190 s. 400; 1943 c. 239; 1945 c. 20; 1951 c. 946; 1955 c. 146; 1969 c. 276 ss. 583 (1), 602 (1), 608 (1).

37.31 History: 1931 c. 185; Stats. 1931 s. 37.31; 1937 c. 142; 1951 c. 488, 489; 1953 c. 61; 1955 c. 19; 1965 c. 497; 1969 c. 276 ss. 259, 602 (4); 1944 c. 524 s. 26.

The board of regents cannot assign a permanent teacher in a state teachers college to a named position in which his principal occupation is that of teaching, and then effect his discharge by subsequent action abolishing the position although continuing the work. State ex rel. Karnes v. Board of Regents, 222 W. 542, 269 NW 284.

37.32 History: 1957 c. 453; 1957 c. 455 s. 3; 1959 c. 184; 1961 c. 32, 372; 1961 c. 61; 1961 c. 197; 1963 c. 442 s. 17; 1963 c. 446 s. 12; 1969 c. 32; 1971 c. 15; 1971 c. 13; 1971 c. 147; 1972 c. 213, 249; 1973 c. 265, 303; 1947 c. 255; 1945 c. 764; 1946 c. 61; 1969 c. 276 ss. 275, 276, 277, 604 (3); Stats. 1969 s. 38.14.

37.33 History: 1969 c. 83, 292; Stats. 1965 s. 41.146; 1969 c. 276 ss. 275, 616; Stats. 1969 s. 38.146.

38.15 History: 1911 c. 616; 1911 c. 644 s. 148; Stats. 1911 s. 533-p, 935 c. 618 s. 2; 1917 c. 378 s. 3; 1917 c. 379 s. 1; 1917 c. 379 s. 2; to 30; Stats. 1917 s. 41.18; 1919 c. 365 s. 2; 1921 c. 377; 1921 c. 343 s. 17; 1927 c. 436 s. 12; 1929 c. 13; 1931 c. 197; 1972 c. 213, 249; 1939 c. 265, 303; 1945 c. 142, 269; 1947 c. 544; 1949 c. 543, 656; 1951 c. 33, 372; 1953 c. 61; 1957 c. 224; 1965 c. 446; 1969 c. 359, 565, 622, 656; 1963 c. 52, 410; 1969 c. 163, 232, 1967 c. 302 ss. 6, 11 (3); 1967 c. 92 s. 22; 1969 c. 276 ss. 275, 604 (3); 161, 1969 c. 392 s. 94; Stats. 1969 s. 38.15.

On district schools see notes to sec. 3, art. X. The statutory scheme, specifically as reflected in 41.15 (9), (14) and (17), Stats. 1961, clearly recognizes that a school operated by a vocational and adult educational board of a municipality is an agency or department thereof, and such a municipality is properly a party to a suit answerable to judgment in an action instituted by one injured in an accident. Severson v. Beloit, 42 W. 2d (2d) 559, 167 NW 284.

A member of a local board of industrial education cannot be employed as a teacher in vocational schools. 4 Atty. Gen. 617.

The title to property acquired for vocational schools must be in the name of the school. The board of industrial education can not erect buildings thereon.
established, cannot be abolished either by the school board or by the common council. 19 Atty. Gen. 1066.

In the administration of the vocational education law a city must be treated on the basis of the population given to it by the federal census, although a preceding census may have credited the city with a greater population. 11 Atty. Gen. 652.

The name of the board of industrial education should not appear in a deed of real property to the municipality. A local board of industrial education has control of all property purchased for the use of industrial schools and such property cannot be conveyed by the board to other uses by it without the sanction of such local board of industrial education. Income derived from property purchased for the use of industrial schools but not presently needed goes to funds of the board of industrial education and not to the city. A person residing in a municipality of more than 5,000 inhabitants and not employed elsewhere is not eligible to attend an industrial school maintained in a neighboring municipality. 13 Atty. Gen. 667.

A board of industrial education of one municipality cannot conduct an apprentice school in another municipality. Individual members of the board would be personally liable for money illegally expended. 18 Atty. Gen. 461.

A local board of industrial or vocational education is required to maintain schools for industrial education and to require levy of sufficient taxes to enable it to carry on such school; in case the board is short of funds it can borrow money for that purpose. 18 Atty. Gen. 354.

A local board of education has power to transfer a junior high school building and site to a local board of vocational education, to be used as a vocational school. A local board of vocational education has not the legal right to sell a lot purchased for vocational school purposes and to apply the proceeds thereof to a necessary building project in connection with a junior high school. A local board of vocational education has no power to dispose of a site independently of the common council but the common council cannot convey property nor convert it to other uses without consent of the vocational board. 18 Atty. Gen. 323.

A member of a local board of vocational education in a city is not eligible to appointment by such board as local director of vocational education. 18 Atty. Gen. 430.

A vocational school board must carry insurance upon vocational school buildings. 19 Atty. Gen. 222.

The office of vocational school board member and alderman are incompatible; and the offices of board member and municipal treasurer are incompatible. 19 Atty. Gen. 669.

Where there is a contest as to the right to the office of superintendent of schools in a city, one actually exercising functions of the office under claim of right is a de facto office and entitled to serve as a member of the board of vocational education under provisions of 41.15. 21 Atty. Gen. 1105.

A member of the board who is appointed as employee will remain a representative of employees although during his term of office he became an employer. 22 Atty. Gen. 473.

An officer and stockholder in a utility company furnishing electricity to all schools in a city is not eligible to membership on a local board of vocational education. 24 Atty. Gen. 69.

An operator of an insurance agency who employs one stenographer and operator of a barbershop who employs one janitor and barber are "employers" within the meaning of 41.15, Stats. 1935. 36 Atty. Gen. 5.

Boards of vocational education have no power to furnish transportation to and from work for persons employed on national youth administration projects. 26 Atty. Gen. 457.

Local schools of vocational and adult education have insurable interest in machinery and equipment purchased and paid for originally by local schools for a defense training program but with respect to which they are reimbursed 100 per cent by allocation of federal defense training funds, title and ownership to which is vested in the state board of vocational and adult education subject to control of United States office of education. 31 Atty. Gen. 270.

A local board of vocational and adult education does not have authority to pay insurance premiums for hospital insurance for members of its teaching staff. 37 Atty. Gen. 440.

Neither teachers nor employees, full time or part time, employed by local boards of vocational and adult education under 41.15 and 41.17, Stats. 1967, are required to take periodic health examination under the provisions of ch. 893, Laws 1967, which repealed and created 40.30 (1m) (a) and created 148.16. 46 Atty. Gen. 253.

Except as otherwise provided in 41.15 (11) (a), 1969, a member of a city board of education should not serve on a local board of vocational and adult education. 53 Atty. Gen. 114.


39.18 History: 1911 c. 616; 1911 c. 664 s. 146; Stats. 1911 s. 855sp-4; 1917 c. 436, 484; 1917 c. 676 s. 3; 1917 c. 677 s. 31; Stats. 1917 s. 41.16; 1919 c. 191 s. 1; Spl. S. 1920 c. 25; 1921 c. 376 s. 8; 1927 c. 425 s. 122; 1939 c. 105, 261; 1941 c. 240; 1941 c. 123; 1947 c. 48, 362, 396; 1951 c. 372; 1953 c. 61; 1956 c. 555; 1957 c. 294; 1958 c. 6, 414; 1965 c. 827; 1967 c. 92 ss. 25; 1969 c. 296 s. 276; Stats. 1969 s. 38.16.

The common council of a city is not required to levy a tax for vocational school purposes at the mill rate requested by the local board of industrial education. It is sufficient if the amount so raised, added to funds otherwise provided for the same purpose, equals the amount so requested. The state and local boards of industrial education are vested, by state and local statutes and by the state board of industrial education, with authority to dispose of a defense training fund and to apply the proceeds thereof to a necessary building project in connection with a defense training program. 1917 c. 191 s. 2; Spl. S. 1917 c. 221; 1927 c. 301 s. 237; 1939 c. 105, 261; 1941 c. 240; 1941 c. 123; 1947 c. 48, 362, 396; 1951 c. 372; 1953 c. 61; 1956 c. 555; 1957 c. 294; 1958 c. 6, 414; 1965 c. 827; 1967 c. 92 ss. 25; 1969 c. 296 s. 276; Stats. 1969 s. 38.16.

The name of the board of industrial education should not serve on a local board of vocational and adult education. 53 Atty. Gen. 114.

A member of the board who is appointed as employee will remain a representative of employees although during his term of office he became an employer. 22 Atty. Gen. 473.
“The next fiscal year” means the city fiscal year and follows the year in which the report is made. 10 Atty. Gen. 903.

The city clerk and common council of a city maintaining vocational schools must receive and act on the report of the local board of industrial education even though it be filed after September 1. 10 Atty. Gen. 1048.

State aid granted to vocational schools is not a reimbursement of the city for moneys expended by it, but is supplementary to the city’s expenditure, and is subject to the sole control of the local board of industrial education. The tax levy limit applies only to local taxes levied under 41.16 (2), Stats. 1931. 11 Atty. Gen. 16.

The common council of a city may be compelled to provide funds for building operations of the local board of industrial education. No authority exists for the creation of a reserve fund for building purposes, but a city may issue bonds for such purpose. 9 Atty. Gen. 490 and 506; 11 Atty. Gen. 566.

The statutes contemplate an annual levy, and a levy that should have been made in 1924 is not authorized to be made in 1925. 14 Atty. Gen. 223.

Under 41.16 (5), Stats. 1925, a board of industrial education in a village has only power to issue orders directing payment; the village treasurer actually pays orders. 14 Atty. Gen. 563.

The limitation upon levy of taxes for vocational school purposes in 41.16 (2), Stats. 1931, is referable to local municipal assessment. 21 Atty. Gen. 303.

Where a local board of vocational and adult education has received the amount which it is requested from a city under this section, the city and not the local board of vocational education has authority to make short term loans from the bank to pay current expenses of such board. 32 Atty. Gen. 311.

30.17 History: 1911 c. 616; 1911 c. 664 s. 146; Stats. 1911 s. 553p-5; 1917 c. 494; 1917 c. 576 s. 3; 1917 c. 677 s. 32; Stats. 1917 s. 41.17; 1925 c. 325 s. 123; 1937 c. 240; 1945 c. 730 s. 11; 1966 c. 266 s. 11 (3); 1967 c. 276 ss. 275, 604 (3); 1969 s. 38.17.

A local board of industrial education has power to use funds under its control to publish information as to courses offered and terms of admission; information published in newspapers that such instruction is free is proper. 16 Atty. Gen. 777.

30.18 History: 1935 c. 92; Stats. 1935 s. 39.275; 1936 c. 180; Stats. 1935 x. 41.175; 1968 c. 270 s. 375; Stats. 1969 s. 36.175.

30.18 History: 1911 c. 616; 1911 c. 664 s. 146; Stats. 1911 s. 553p-7; 1915 c. 238; 1917 c. 576 s. 3; 1927 c. 576 s. 3; 1937 c. 240; 1945 c. 730 s. 11 (3); 1969 c. 241 s. 11 (3); Stats. 1969 s. 38.18.

The fact that a municipality has paid high school tuition for a person does not relieve it from the obligation to pay vocational school tuition for him. 25 Atty. Gen. 290.

A minor placed in a district school not primarily for the purpose of attending school has residence for school purposes in such district. 25 Atty. Gen. 508.

Vocational education at public expense may not be denied to Wisconsin residents meeting the standards prescribed in 41.18 (1), Stats. 1931, by a local board’s withholding approval on grounds other than those referred to in the statute. If a vocational school admits such a pupil on a tuition basis, it may not charge him tuition, but must bill the proper municipality as provided in 41.19. 41 Atty. Gen. 337.

A local board of vocational and adult education does not have the power to adopt a policy or rule which arbitrarily defines “resident” for admission purposes in a more restrictive manner than the term is used in 41.18 (1), Stats. 1931, and which would in effect deny free vocational school training to bona fide resident of the municipality who met other standards set forth in 41.18 (1). 46 Atty. Gen. 230.

30.19 History: 1911 c. 616; Stats. 1911 s. 553p-8; 1917 c. 576 s. 3; Stats. 1917 s. 41.19; 1939 c. 799 s. 33; 1927 c. 425 s. 125; 1929 c. 142; 1937 c. 849; 1939 c. 421; 1945 c. 41; 1947 c. 135; 1949 c. 155; 1951 c. 24, 274; 1953 c. 61 s. 2; 1953 c. 169; 1956 c. 246; 1957 c. 97; 1963 c. 294; 1965 c. 152 ss. 41 to 63, 85 (41); 1966 c. 202 s. 11 (3); 1965 c. 433 s. 121; 1967 c. 26, 43; 1967 c. 291 s. 14; 1968 c. 241 ss. 13, 33; 1969 c. 376 ss. 275, 604 (3), 616; 1969 c. 366 s. 117 (211); 1969 c. 392 ss. 19, 87 (22); Stats. 1969 s. 36.19.

Nonresident tuition fees provided for in 41.19, Stats. 1935, may be collected by bringing an action of mandamus to compel proper officials to allow a claim. 15 Atty. Gen. 31.

Under 41.19, Stats. 1937, a vocational school offering University of Wisconsin Extension Division courses may charge nonresident tuition fees. 26 Atty. Gen. 116.

The nonresident tuition charge for each day or evening of actual attendance is not dependent upon the number of hours involved, the word “day” being regarded as an indeterminate unit of time, including fractions of a day. 27 Atty. Gen. 435.

A vocational school student who became 21 on June 15, 1937, who, prior to entering said school in 1935, had been living with her parents, who has been entirely self-supporting while attending school, who voted in the general election in 1938 in a city where the school is located, who has not returned to her parent’s home for a visit within the past year and who claims present intention of making the city in which the school is located her permanent residence and is now looking for permanent work in such city, is a resident student for tuition purposes. 29 Atty. Gen. 115.

It is discretionary with a local board of vocational and adult education under 41.19, Stats. 1937, whether tuition shall be charged for nonresident pupils. If local boards require payment of tuition for nonresident students they may exempt pupils serving as apprentices of residents pursuant to ch. 106. A minor apprentice may acquire residence different from his parents for school purposes as to be entitled to attend vocational school maintained by the municipality in which the employer resides free of tuition charges, even though parent of the minor reside in another municipality. An adult apprentice is not entitled to attend a vocational school maintained by a municipality.
nicipality in which a contract is to be performed free of tuition charges unless such apprentice actually resides in that municipality or, if not residing therein, unless the board elects not to charge tuition for attendance of such person. 31 Atty. Gen. 155.

Children who live in a foster home "reside" in the municipal subdivision where said foster home is located as such word is used in 41.18 and this section. 39 Atty. Gen. 215.

An out-of-state resident who is an eligible veteran under Public Law 16 and Public Law 346 may be enrolled in an agricultural vocational course given by a Wisconsin high or vocational school under contract with the veteran administration. An instructor in such a school may cross the state line to visit the farm of the out-of-state resident for purposes of carrying out this educational program. If the instructor were otherwise eligible, he would not be deprived of the protection of the workmen's compensation act by crossing the state line in the course of his employment. 39 Atty. Gen. 214.

A nonresident student less than 21 years of age need not ordinarily return home every weekend in order to continue to be eligible for payment of tuition by the municipality of his residence. Such student, attending a school of vocational and adult education may accept part time jobs in the municipality where he is attending school without affecting his residence status for school purposes provided he does not thereby become emancipated or become an indentured apprentice. 39 Atty. Gen. 331.

A local board cannot adopt a policy of refusing to pay tuition for residents of its municipality under age 21 to attend a school of vocational and adult education elsewhere. A local board may withhold approval in individual cases where vocational training equivalent to that which is desired is available at the municipality under age 21 to attend a school of vocational and adult education elsewhere. A county normal school board has authority to remodel or to build a new building if the buildings which comprise part of the county school is subsequently closed. 22 Atty. Gen. 204.

The state board of vocational and adult education school districts established under 41.36 can be viewed as operating one "school" for the purposes of state aid under 41.21 (1) (b), Stats. 1967, 57 Atty. Gen. 241.

38.21 History: 1911 c. 616; 1911 c. 694 s. 146; Stats. 1911 s. 653p-8; 1917 c. 578 s. 2; Stats. 1917 s. 41.30; 1927 c. 425 s. 120; 1937 s. 349; 1945 c. 392; 1946 s. 276 ss. 276, 278, 616; 1969 s. 494; Stats. 1969 s. 38.21.

Course fees as provided in 41.20, Stats. 1951, should cover the cost of materials consumed in a course and should not be set so high as to cover both the cost of the materials consumed and the cost of instruction. 41 Atty. Gen. 357.

38.21 History: Stats. 1939 s. 20.33 (2) (a) to (c), 20.335 (2), (3); 1931 c. 67 s. 66, 72; Stats. 1937 s. 401; 1937 c. 549; 1943 c. 275; 1943 c. 562 s. 3; 1945 c. 122; 1947 c. 9, 273; 1967 c. 254; 1969 c. 658 s. 79; 1969 c. 696; 1969 c. 316; 1965 c. 165; 1965 c. 252 ss. 10, 11 (3); 1965 c. 453; 1967 c. 43; 1967 c. 93 s. 22; 1969 c. 154 ss. 140, 141, 143; 1969 c. 276 ss. 275, 604 (3); Stats. 1969 s. 38.21.

The state board of vocational and adult education in certifying reports of local boards to the director of budget and accounts for state aid under 41.21 (1)(b), Stats. 1937, may not consider items of instructional expense which have been incurred but which have not actually been paid. 39 Atty. Gen. 406.

41.31 (3), Stats. 1945, applies in situations where teachers are employed through circuit relations committee of schools of vocational and adult education to teach in several local vocational schools under arrangement where they are paid by said teachers spend one day each week teaching in each local school. Such teachers are employees of each of said local schools on the day or days they teach therein. As a result 41.21 (3) prevents payment of state aids to said local schools receiving the services of such teachers, commencing with school year 1945-1946, unless contracts containing provisions such as are therein specified have been entered into. 34 Atty. Gen. 492.

41.21 (3), Stats. 1945, is applicable when individuals are engaged in teaching in local schools of vocational and adult education on a part-time basis even though teaching is not the principal or major occupation of such individuals. 35 Atty. Gen. 26.

The new vocational, technical and adult education school districts established under 41.36 can be viewed as operating one "school" for the purposes of state aid under 41.21 (1) (b), Stats. 1967, 57 Atty. Gen. 241.

38.21 History: 1945 c. 381, 586; Stats. 1945 s. 41.21, 1947 c. 49; 1953 c. 169; 1955 c. 202 s. 11 (3); 1965 c. 433 s. 121; 1967 c. 291 s. 14; 1969 c. 276 ss. 275, 604 (3); Stats. 1969 s. 38.21.

A. The state board and the state department of veterans' affairs have no authority to negotiate a loan of funds from the appropriation of one department to that of the other. 35 Atty. Gen. 162.

38.21 History: 1899 c. 268 s. 1; 1901 c. 273 s. 1; 1905 c. 268 s. 1; Suppl. 1906 s. 411—1; 1917 c. 232; 1917 c. 578 s. 3; Stats. 1917 s. 41.30; 1919 c. 497; 1921 c. 255; 1927 c. 425 s. 138; 1931 c. 67 s. 68; 1945 c. 25; 1953 c. 61 s. 2; 1955 c. 37, 146, 652; 1969 c. 276 ss. 275, 602 (1); Stats. 1969 s. 38.36.

38.37 History: 1899 c. 268 s. 2; 1901 c. 273 s. 2; 1905 c. 268 s. 2; 1909 c. 559 s. 2; Suppl. 1909 s. 411—2; 1917 c. 578 s. 3; Stats. 1917 s. 41.37; 1919 c. 93 s. 15; 1921 c. 255 s. 34; 1927 c. 425 s. 135; 1943 c. 134; 1945 c. 509; 1953 c. 146; 1963 c. 565; 1969 c. 276 s. 275; Stats. 1969 s. 38.37.

Hold-over members of the county normal school board were de facto officers and the board a de facto board with authority to hire a school principal. The contract of hire did not require the approval of the state superintendent. State ex rel. Mattek v. Nimtz, 204 W. 211, 236 NW 125.

Where a county normal school board and a county are defendants in an action, and their interests are not identical, the school board may employ counsel, and expenses so incurred may be paid as operating expenses. 21 Atty. Gen. 59.

Faculty members of a county normal school can enforce a contract with the board if the school is subsequently closed. 22 Atty. Gen. 408.

A county normal school board has authority under 41.37, Stats. 1947, to repair existing buildings which comprise part of the county normal school buildings, but does not have authority to remodel or to build a new building or buildings. In the event it is desired to remodel an existing building or buildings or to build a new county normal school building or buildings, the county board or a committee