

No. 31, A.]

[Published June 20, 1951.

CHAPTER 372.

AN ACT to renumber and amend 41.15 (2); to renumber 41.15 (3); to amend 41.15 (1), (1a), (4), (5), (7), (10) (a) and (c) and (14), 41.16 (1), (3), (5) and (6), 41.18 (1) and 67.04 (6); and to create 41.15 (3) and 41.16 (2m) of the statutes, relating to vocational and adult education.

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

SECTION 1. 41.15 (1) and (1a) of the statutes are amended to read:

41.15 (1) In every town, village and city of over 5,000 * * * population there shall be, and in every town, village or city of less than 5,000 * * * population there may be a local board of vocational and adult education * * *.

Whenever a number of electors equal to 3 per cent of those voting in the last general election for governor from any district, the schools of which are classified as integrated, shall petition the county clerk at least 30 days prior to the next election, either primary or general, for a referendum on the question of the establishment of a local program of vocational and adult education in the district, the county clerk shall provide for such referendum, at county expense, at the next election, either primary or general, and such program shall be established if a majority of those residing in the unincorporated portion of the district voting at such election and a majority of those residing in the cities and villages in the district voting in such election shall vote in favor thereof. When the creation of a district to operate a vocational and educational program contemplates the inclusion of a portion of a city then maintaining such a program, such portion of the city shall first secure, by majority vote in a city-wide referendum, approval of the electors of the city for the separation of such portion of the city from the existing district providing a vocational and adult education program; such referendum to be called by the city clerk for the next general election upon petition of 15 per cent of the qualified electors of such portion of the city. When a referendum shall favor the establishment of a program of vocational and adult education, the school district shall appoint a local board of voca-

*tional and adult education in accordance with section 41.15 (3) (a) and such local board shall take over and maintain schools of vocational and adult education established in cities, towns or villages within the district. The duty of the local board * * * shall be to establish, foster and maintain schools of vocational and adult education for instruction in trades and industries, commerce, agriculture, and household arts in part-time-day, all-day and evening classes and such other courses as are enumerated in section 41.17. Said board may take over and maintain any existing schools of similar nature. Schools created under this section shall be known as schools of vocational and adult education.*

(1a) Towns, cities and villages of over 5,000 population adjoining any city of the first class, which do not now maintain a school of vocational and adult education, shall not be subject to the provisions of subsection (1) applicable to towns, cities and villages of over 5,000 * * * population, but shall be subject to the provisions of subsection (1) applicable to towns, cities and villages of less than 5,000 * * * population, shall be liable for the tuition specified in section 41.19, but shall not be subject to the provisions of subsection (9). Minors residing in such towns, cities and villages shall be subject to the provisions of sections 40.70 and 103.06. No local board of vocational and adult education shall by reason of this subsection be required to admit nonresidents to any school under its jurisdiction and control unless accommodations therefor are available, and shall not be required to admit such nonresidents until furnished with a certificate of residence signed by the clerk of the town, city or village in which such nonresident resides.

SECTION 2. 41.15 (2) of the statutes is renumbered 41.15 (2) (a) and amended to read:

41.15 (2) (a) Such board *except the school district board of vocational and adult education*, shall consist of the city superintendent of schools (or the principal of the high school, if there be no city superintendent, or the president or director of the local school board in case there be neither of the above-mentioned officers), and 4 other members, 2 employers, and 2 representative employes who have no employing or discharging power and who are not foremen or superintendents, who shall serve without pay, and who shall be appointed by the local school board, or if there be more than one local board, by such boards jointly. If there be more than one city superintendent, principal of the high school, or president or director of the local school board, the ex-officio member shall be selected by the appointing boards.

SECTION 3. 41.15 (3) of the statutes is renumbered 41.15 (2) (b).

SECTION 4. 41.15 (3) of the statutes is created to read:

41.15 (3) (a) Where school districts establish schools of vocational and adult education the board shall consist of the district school administrator and 6 other members, 3 employers, 3 representative employes who have no employing or discharging powers and who are not foremen and superintendents, 2 of whom shall reside in unincorporated areas of the district, who shall serve without pay, and who shall be appointed by the district school board.

(b) The term of the appointive members of the school district board of vocational and adult education shall be 6 years from January 1 provided, that in the first instance members shall be appointed so that the term of one member shall expire each year.

SECTION 5. 41.15 (4), (5), (7), (10) (a) and (c) and (14) of the statutes are amended to read:

41.15 (4) The local board of vocational and adult education shall elect from its membership, a chairman and a secretary *and in the case of boards of vocational and adult education appointed for school districts, a treasurer*; and with the co-operation of the state board of vocational and adult education, shall have general supervision of the instruction in the local schools of vocational and adult education.

(5) No state aid * * * granted to schools of vocational and adult education and no money appropriated by the city, town * * *, village or school district for these schools shall be spent without the approval of the local board of vocational and adult education.

(7) The board may purchase machinery, tools and supplies, and purchase or lease suitable grounds or buildings for the use of such schools; rent to others any portion of such buildings and grounds not presently needed for school purposes; and erect, improve or enlarge buildings for the use of said schools. Existing school buildings and equipment shall be used as far as practicable. All conveyances, leases and contracts shall be in the name of the municipality or school district.

(10) (a) Said local board shall have exclusive control of the schools established by it and over all property, acquired for the use of said schools, except as otherwise provided by the statutes. Said board may sue and be sued in the name of the municipality or school district, and may prosecute or defend all suits brought under this section.

(c) All proposals shall be directed to the board and shall be accompanied by a surety bid bond executed by a surety corporation licensed to transact business in Wisconsin in a penal sum to be fixed by the board in dollars, but the amount thereof shall not be less than 5 per cent nor more than 10 per cent of the estimated cost of the construction work or the materials, equipment or supplies. In lieu of such bid bond, the bidder may accompany his bid with a certified check, a bank cashier's check or cash in the amount required by the board. In case the bidder awarded the contract shall fail or refuse to execute the contract and performance bond, the amount of the said bid bond, certified check, cashier's check or cash shall be forfeited to the city as liquidated damages. Whenever the advertisement calls for the performance of different kinds of construction work or the furnishing of different kinds or qualities of materials, equipment or supplies, such contracts may be let in whole or in part to the lowest responsible bidder for particular parts of the proposed contract. The board may reserve the right to reject any and all bids and to waive minor irregularities. The board shall fix the time of completion of the contract and shall have power, for good reason, to extend the time for completion thereof. The board shall fix the amount of liquidated damages for failure of the contractor to complete the contract at the specified time, which damages shall not in any event exceed one-half of one per cent of the estimated cost involved for each day of default. All contracts shall run in the name of the city * * *, village or school district, be executed by the chairman and secretary of the board, and except as to school districts, be countersigned by the comptroller, and * * * approved as to form and execution by the city or village attorney. A bidder may, by written notice to the board, withdraw his bid before the time set for opening bids, and he may file an additional bid or bids before the opening date, but when the bids are opened at the prescribed time no bidder may withdraw or amend his bid for any reason, provided that in case the bidder appears to be acting in good faith and by oversight or error he has made an improvident bid, the board can, in its discretion, reject such bid, if it be the low bid, and award the contract to the next lowest responsible bidder. The board may demand that prospective bidders prequalify as to responsibility and competence. The board shall have power in its discretion for good reason to waive liquidated damages for failure to complete at the time prescribed in the contract. The board shall insert in all contracts appropriate provisions, terms and conditions for suitable indemnity to the city against loss or expense, as to the payment of prevailing wage rates and to hours of daily work, as to payments on account to the contractor as the work progresses or deliveries are made, and in other particulars for the protection of the city.

(14) The local board may furnish teaching services, staff, supervision and administration and equipment for the purpose of conducting vocational and adult education classes in other areas within the state upon the request of the institution or municipality or school district desiring the same and with the approval of the local board, if any, of such municipality or school district, upon such reimbursement basis as shall be agreed upon. Every town, city * * *, village and school district, and their respective governing boards are empowered to appropriate money to be paid to local boards of vocational and adult education * * * and other communities which render services to such town, city * * *, village or school district.

SECTION 6. 41.16 (1) of the statutes is amended to read:

41.16 (1) The local board of vocational and adult education shall annually report to the municipal clerk or school district clerk before September the amount of money required for the next fiscal year for the support of all the schools of vocational and adult education, but not including amounts required for debt service and retirement of vocational and adult education school bonds.

SECTION 7. 41.16 (2m) of the statutes is created to read:

41.16 (2m) The school clerk shall certify all taxes levied for purposes of vocational and adult education to the municipal clerk. If any school district is joint, the clerk of the district school board shall certify the clerk of each municipality the amount to be raised by each. The apportionment shall be determined and shall be equalized in the manner provided in section 40.11 (9). The district taxes for purposes of vocational and adult education shall be entered on the next tax roll of the municipality and collected and returned as other taxes are, and shall be paid to the treasurer of the local board of vocational and adult education. The taxes for purposes of vocational and adult education together with other funds provided for the same purposes shall be equal to the amount required by the local board of vocational and adult education but such taxes shall not exceed 2 mills on the dollar.

SECTION 8. 41.16 (3), (5) and (6) of the statutes are amended to read:

41.16 (3) Whenever the local board of vocational and adult education in any city or school district shall deem it necessary to erect, or to make additions to buildings, or

to purchase sites or * * * additions to sites * * *, the local board of vocational and adult education may inform the city council of the city or the school district board of the amount of funds needed for one or more of said purposes, and request the city council * * * or the school district board to borrow money or to have school bonds issued and sold in accordance with the procedure provided in chapter 67 or elsewhere in the statutes for * * * said purposes, or any 2 * * * of said purposes combined, * * * in the same manner as other loans are obtained or bonds are issued in such city or school district. * * * If the local school district board and the local board of vocational and adult education deem it necessary to erect a building to be used jointly by the high school and vocational and adult education school, they may jointly request the city council or the annual school district meeting for the amount of funds needed for the purpose, and the city council or the annual school district meeting, as the case may be, may authorize loans or school bonds issued and sold, in accordance with procedure as provided in chapter 67 or elsewhere in the statutes in the same manner as other bonds are issued or loans obtained in such city or school district.

(5) The municipal clerk (or comptroller where applicable) or secretary of a board of vocational and adult education organized in a school district shall keep separate accounts of all money appropriated or otherwise provided for vocational and adult education. Said money shall be paid out as follows: The local board of vocational and adult education shall present to the town, village or city clerk a certified bill, voucher or schedule signed by its president and secretary giving the names of the claimants and the amount and nature of each claim. The municipal clerk or secretary of a board of vocational and adult education organized in a school district shall issue proper order upon such certification, to the municipal treasurer, or treasurer of a board of vocational and adult education organized in a school district, who shall pay them from the proper funds in the manner provided by section 66.042.

(6) All moneys received by said board shall be paid to the town, village or city treasurer or treasurer of a board of vocational and adult education organized in a school district and are appropriated to the vocational and adult education fund.

SECTION 9. 41.18 (1) of the statutes is amended to read:

41.18 (1) The schools of vocational and adult education shall be open to all residents of the * * * municipalities in which such schools are located, who are 14 years of age and who are not by law required to attend other schools, and to all persons over 14 years of age employed in said * * * municipalities, but who are residents of other municipalities maintaining schools of vocational and adult education; provided, such nonresidents shall present the written approval of the local board of vocational and adult education of their home municipality. The schools of vocational and adult education shall be open to all persons 14 years of age or over who reside in other municipalities having local * * * boards of vocational and adult education but in which the specific courses desired by such persons are not given; provided, such courses are given in the municipality in which such persons elect to attend and the local board of such municipality agrees to admit them; provided further, that such nonresidents shall present the written approval of the local board of vocational and adult education of their home municipality. Any person over the age of 14 years who shall reside in any * * * municipality not having a vocational and adult education school, and who is otherwise qualified to pursue the course of study, may with the approval of the board of vocational and adult education, be allowed to attend any school under its supervision. Nonresident pupils shall be subject to the same rules and regulations as resident pupils.

SECTION 10. 67.04 (6) of the statutes is amended to read:

67.04 (6) By any common school district, consolidated district, state graded school district, free high school district, union free high school district, whether any such district is joint or otherwise, or by any board of education, by whatever name designated, which is especially authorized to issue bonds: To purchase, erect or improve school buildings or teacherages, to acquire schoolhouse or teacherage sites or school playgrounds, to acquire sites and erect or enlarge buildings thereon for schools of vocational and adult education or for use by the local board of vocational and adult education and to equip such buildings with heat, light, ventilation or other necessary apparatus; to purchase school transportation vehicles; to refund indebtedness heretofore contracted; to construct at school's without the limits of cities and villages safety zones and necessary connecting ways or roads to the public highway required by section 40.065; but no issue of bonds for purchasing a schoolhouse site, a teacherage site, or a school playground, or for purchasing or erecting a teacherage, or for purchasing school transportation vehicles, shall exceed \$25,000, except in counties containing a population of 150,000 or more, where the limit of indebtedness that may be incurred for the acquisition of a schoolhouse site or addition thereto, is any sum not in excess of an amount certified by the governing body of the town, village or city in which the site is situated as reasonable and necessary

for that purpose; and provided that any school district whose territory consists of a city of the fourth class or of a city of the fourth class and a part of the whole of any adjoining town or towns may borrow and issue bonds therefor up to 5 per cent of its assessed valuation for the purpose of purchasing schoolhouse sites and the construction and equipment of schoolhouses.

Approved June 12, 1951.
