

No. 449, A.]

[Published September 22, 1959.  
[Republished September 24, 1959.

**CHAPTER 446**

AN ACT to amend 17.26 (2), 40.01 (3), 40.30 (8), (13) and (14), 40.301, 40.67 (2) (b), 40.74 (2), 40.78 (2), 40.807 (1) (a) and (4), 40.819 (1), 41.05 (1), 41.15 (2) (a), 65.90 (4), 66.03 (2c), 66.901 (2), 67.01 (1), 67.04 (6) and 67.12 (8); and to create 40.078, 40.095, 40.807 (4a), 67.04 (7), 67.05 (7) (cc) and 67.12 (12) (aa) of the statutes, relating to the establishment of unified school districts.

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

SECTION 1. 17.26 (2) of the statutes is amended to read:

17.26 (2) In boards the members of which are elected otherwise than as provided in sub. (1) or are appointed, by appointment by the mayor for the residue of the unexpired term, subject to confirmation by the council, except in cities of the first class however organized, *or the school board of a unified school district*, wherein such vacancies shall be filled by the board, a majority of the remaining members being necessary to a choice, and members so chosen shall serve until the first Monday of July following the next school election at which election the vacancy shall be filled for the residue of the unexpired term.

SECTION 2. 40.01 (3) of the statutes is amended to read:

40.01 (3) The territorial unit for school administration is the school district. 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. 38*. A joint school district is a school district whose territory is not wholly in one municipality. Board means school district board or \* \* \* *boards of education* in charge of the schools of any district. Basic aid district and integrated aid district mean districts which meet the requirements set forth in s. 40.67 and refer to classification for aid purposes only.

SECTION 3. 40.078 of the statutes is created to read:

40.078 CHANGE OF COMMON SCHOOL DISTRICT OR UNION HIGH SCHOOL DISTRICT TO UNIFIED SCHOOL DISTRICT AND VICE VERSA. (1) Any common or union high school district having 1,000 electors or over, operating grades 1 to 12 or grades 9 to 12 and holding an annual meeting may be changed into a unified school district. Whenever a petition signed by 10 per cent of the electors in any such school district is filed with the school district clerk at least 30 days prior to the annual meeting date, the clerk shall incorporate in his notice of the annual district meeting a statement that a vote shall be taken on the ques-

tion raised by the petition. In addition the clerk shall, within 7 days after the filing of such petition, publish notice of the filing of such petition in 8 public places in the school district or in a newspaper having general circulation in the district. If a majority of the electors present and voting at said meeting vote in favor of such change, the school board shall issue an order making such change effective immediately, such order shall designate the number of school board members as provided in s. 40.095 (3) (a), and said school board shall, within 30 days of the date of the annual meeting, arrange for a special election of school board members as provided in s. 40.095. A certified copy of the order shall be promptly filed and recorded as provided in s. 40.025 (5).

(2) Whenever a petition signed by 10 per cent of the electors in a unified school district, asking that such district be changed to a common school district, is filed with the secretary of the county school committee that committee, or those committees, shall receive the same and assume jurisdiction as provided under s. 40.03.

SECTION 4. 40.095 of the statutes is created to read:

40.095 UNIFIED SCHOOL DISTRICT. (1) CREATION. Except as to school districts organized under ch. 38, the county school committee may, under s. 40.03 create or alter a unified school district for the operation of public schools in any territory containing more than 1,000 electors and containing a village, a village and surrounding territory, a city, a city or cities and surrounding territory, a city and village, a city and village and surrounding territory, or any territory containing not less than 1,000 electors, except that in the case of a city operating under the city school plan, a unified school district may be created under this section, only in accordance with s. 40.807 (1), (4), or by petition and referendum of the electors in a joint city school district, which petition and referendum shall be governed by the procedures set forth in s. 10.43 as far as possible, and the petition submitted to the city clerk and then referred to the body as provided in s. 40.807 (2) in lieu of the city council. The determination of the number of electors shall be governed by s. 40.01 (6). All orders affecting unified school districts shall be made effective as provided in s. 40.025 (4). A reorganization order under this section which is subject to a referendum election shall not become effective until approved at such election by a majority of the electors, voting thereon, residing within each city and incorporated village in the proposed unified school district and a majority of the electors residing within the remainder of such district. An order made or approved under s. 40.807 (1), (2) and (4) affecting a joint city school district containing an incorporated village shall not be effective until approved by the village board.

(2) REORGANIZATION. Except as to school districts organized under ch. 38, the municipal boards may, under s. 40.06, create or alter a unified school district for the operation of public schools in any territory containing more than 1,000 electors and containing a village, a village and surrounding territory, a city, a city or cities and surrounding territory, a city and village, a city and village and surrounding territory, or any territory containing not less 1,000 electors. Section 40.807 (4a) is applicable to this section but other provisions of s. 40.807 shall not be applicable to unified school districts created pursuant to this subsection. All orders affecting unified school districts shall be made effective as provided in s. 40.025 (4). Failure of the city council, or village board to make an order under this subsection shall not be subject to s. 40.06 (3).

(3) BOARD. (a) *Organization.* The public schools of a unified school district shall be under the management, control and supervision of a unified school board consisting of 5, 7 or 9 members selected from the district at large. The order creating the unified school district shall

designate the number of school board members. The members shall, before taking office, subscribe to and file an oath of office as provided in s. 19.01 (4) (h). The board shall elect annually a president, vice president, clerk and treasurer from among its members and a secretary who need not be a member of the board.

(b) *Salary.* Each member may be paid not to exceed \$10, for each regular or special meeting of the board actually attended, as fixed by the board.

(c) *Qualifications.* Board members shall be qualified voters of the district.

(d) *Election.* Board members shall be elected for terms of 3 years. The order creating the unified school district shall designate the date of the first election, which shall be subsequent to the effective date of the order. The terms of office for the first election of officers shall be determined as provided in s. 40.26 (3) (c) and (d). In all subsequent elections the board members shall be elected at the regular spring election, or annual town meeting date, by ballot, and nominated as provided in s. 40.27 (4). The school board election shall be held as provided by s. 40.27 (8) and (9). Declarations of intent for the first election shall be filed with the clerk of the most populous municipality included or partially included in the district. Such clerk shall give notice of the first election of such school board members of the district; thereafter all declarations as provided by s. 40.27 (4) shall be filed with the clerk of the unified school district.

(e) *Vacancies.* All vacancies shall be filled as provided by s. 17.26 (2). Such appointees shall serve only until the vacancy is filled in the next spring election and the successor qualifies.

(f) *Meetings.* The board shall meet at least once each calendar month and oftener at the call of the president or by a request signed by a majority of the board, and filed with the district clerk. Proceedings of the board shall be published as provided by s. 40.825.

(4) **POWERS OF THE DISTRICT.** The unified school district is a body corporate with the power to sue and be sued, levy and collect taxes, acquire, hold and dispose of property and do all other things reasonable for the performance of its functions in operating a system of public education.

(5) **POWERS OF THE BOARD.** In addition to the powers and duties granted common school district boards by ss. 40.29, 40.30, 40.31, 40.33, 40.34 and 40.35 the unified school district board shall have the powers of the common school district meeting under s. 40.22, except as provided in s. 40.22 (3). The board may exercise all powers granted to the annual meeting of a common school district except as provided in s. 40.22 (3). Such board may not, in the name of the district, issue bonds or incur any other long-term indebtedness except with the approval of the electors as a result of the referendum procedures as set forth in ch. 67.

SECTION 5. 40.30 (8), (13) and (14) of the statutes are amended to read:

40.30 (8) The boards of common school districts, high school districts, *unified school districts* and city school districts \* \* \* *may* apply for, receive and expend moneys made available to them by any act of congress for agricultural, vocational or military training or for enlargement of educational facilities including teaching staff or for school lunch programs.

(13) The boards of common school districts, high school districts, *unified school districts* and city school districts may transfer to the state historical society under s. 44.09 title to any school records deemed by \* \* \* *the* society to be of permanent historical interest which are no longer needed for the proper administration of the affairs of the school district.

(14) The boards of common school districts, high school districts, *unified school districts* and city school districts \* \* \* *may* enter into agreements, including leases for a term not exceeding 50 years, with the state or any department or agency thereof for the purchase, operation and maintenance of land, buildings and equipment for educational purposes. An agreement made by a city school district must be approved by the city council.

SECTION 6. 40.301 of the statutes is amended to read:

40.301 The boards of \* \* \* *any* school \* \* \* *district*, operating under this chapter may receive, accept and use gifts or grants of furniture, books, equipment, supplies, moneys, securities or other property used or useful for school and educational purposes. All moneys received as gifts or grants shall be deposited in the general educational fund but shall be considered as segregated trust funds. Whenever such board \* \* \* *receives* gifts or grants as \* \* \* *provided herein*, they shall make such use thereof or invest the same, in the case of moneys, as the donor or grantor \* \* \* *specifies* and in the absence of any specific directions as to the use of such gifts or grants by a donor or grantor, the board of school directors may determine the use or may invest the same in accordance with the provisions of law applicable to trust investments. In the use, control or investment of such gifts or grants, the board of school directors may exercise all of the rights and powers generally conferred upon trustees.

SECTION 7. 40.67 (2) (b) of the statutes is amended to read:

40.67 (2) (b) It must be organized as a common school district \* \* \* , a city school district *or a unified school district*.

SECTION 8. 40.74 (2) of the statutes is amended to read:

40.74 (2) The report shall be made on forms supplied by the state superintendent before July 15. Except for city districts *and unified school districts*, one copy shall be sent to the county superintendent. At the opening of school, one copy shall be sent to the person in charge of each school in the district. If the school district extends into 2 or more counties, the clerk shall make separate reports for the part of the district in each county and forward such report to the proper superintendent.

SECTION 9. 40.78 (2) of the statutes is amended to read:

40.78 (2) City superintendents *and superintendents or principals of unified school districts* shall require the teachers under their supervision to report all absences daily to the truant officer, and county superintendents shall require the teachers under their supervision and teaching in schools of 3 or more teachers to report all absences to their principals daily, and in all other schools under his supervision the county superintendent shall require the responsible teacher to report all absences to him at the end of each week of school.

SECTION 10. 40.807 (1) (a) and (4) of the statutes are amended to read:

40.807 (1) (a) Abolish the city school district and create a common school district *or create a unified school district*; or

(4) The city council or commission and the town chairmen and village presidents of the towns, villages and cities voting as prescribed in sub. (2) may by adoption of a resolution *at the end of any school fiscal year* abandon the method of fiscal control in use by \* \* \* *a school district* and adopt the common school district plan, *or the unified school district plan*. The

city clerk shall transmit a certified copy of such resolution to the state superintendent of public instruction and he shall make an order in accordance therewith and file it as provided in s. 40.025 (5).

SECTION 11. 40.807 (4a) of the statutes is created to read:

40.807 (4a) (a) When a unified school district is created, the school district or districts from which it was formed shall thereupon cease to exist, and all property, assets, claims, contracts, liabilities and obligations of such district or districts, except those of a city or city school district operating schools under the city school plan, shall thereupon become the property, assets, claims, contracts, liabilities and obligations of the unified school district.

(b) All school property other than vocational school property of a city or city school district then operating under the city school plan and situated in the unified school district at the time of its creation; and all property of any city or city school district which shall hereafter abandon the city school plan in favor of a common school district; and all property of any city or city school district which has heretofore, but not earlier than January 1, 1950, abandoned the city school plan in favor of a common school district; shall be sold by such city or city school district to the school district which thereafter shall assume the operation of the city schools at a price equal to the principal amount of the then outstanding obligations of such city issued for school purposes. The unified school district or common school district shall issue its bonds or promissory notes pursuant to ch. 67 to pay the cost of purchasing such school property. The city shall deposit the proceeds of the sale of the school property in the sinking fund or funds created for the payment of its obligations issued for school purposes, and the indebtedness of the city shall, for purposes of computing its legal debt limit, be deemed to be reduced by the amount of such deposit. The municipal treasurer shall invest these sinking fund moneys in the name of the city in compliance with s. 66.04 (2). Bonds and notes issued by unified school districts for the purposes provided in this subsection shall not be subject to referendum. The purchase agreement shall include an irrevocable clause providing that the school district shall pay annually to the city a sum of money equal to the amount in which the interest received by the city on account of the investment herein required is less than the amount of interest paid by the city on the bonds of the city for school purposes other than vocational schools.

SECTION 12. 40.819 (1) of the statutes is amended to read:

40.819 (1) The city superintendent of schools *or the superintendent or principal of the unified school district* shall have general supervision of the professional work of the schools, and the promotion of pupils.

SECTION 13. 41.05 (1) of the statutes is amended to read:

41.05 (1) The school board of or for any city \* \* \* *or a unified school district (which does not maintain vocational schools)* may establish or take over and maintain schools for practical instruction in the useful trades to young persons over 14 years of age as part of the public school system of the city *or school district*, and may exercise the same authority over such schools which the board has over the other schools under its charge. Trade schools, however, shall not be maintained unless there \* \* \* is an average enrollment of at least 30 pupils.

SECTION 14. 41.15 (2) (a) of the statutes is 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 superintendent of the unified school district schools (or the principal of the high school, if there \* \* \* is no city superintendent, or the president or director of the local school board in case there \* \* \* is 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 \* \* \* is more than one local board, by such boards jointly. If there \* \* \* is 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 15. 65.90 (4) of the statutes is amended to read:

65.90 (4) Not less than 10 days after the publication of the proposed budget and the notice of hearing thereon a public hearing shall be held at the time and place stipulated at which time any resident or taxpayer of the governmental unit shall have an opportunity to be heard on the proposed budget. The budget hearing may be adjourned from time to time. In towns and school districts *holding an annual meeting* the time and place of the budget hearing shall be the time and place of the annual meeting thereof.

SECTION 16. 66.03 (2c) of the statutes is amended to read:

66.03 (2c) SCHOOL DISTRICTS. When territory is transferred, in any manner provided by law, from one \* \* \* school district to another school district, there shall be assigned to each school district involved such proportion of the assets and liabilities of the \* \* \* school districts involved as the equalized valuation of all taxable property in the territory transferred bears to the equalized valuation of all the taxable property of the \* \* \* school district from which said territory is taken, said equalized valuation to be made by the department of taxation upon application by the clerk of the school district or city to which the territory is transferred. The clerk of any school district or city to which territory is transferred as aforesaid, within 30 days of the effective date of such transfer, shall certify to the clerk of the municipality from which such territory was transferred a metes and bounds description of the land area involved and upon receipt of such description the clerk of the municipality from which such territory was transferred shall certify to the supervisor of assessments of the department of taxation having jurisdiction over the land area involved, the latest assessed value of the real and personal property located within said area, and shall make such further reports as may be needed by such supervisor of assessments in the performance of duties required by law.

SECTION 17. 66.901 (2) of the statutes is amended to read:

66.901 (2) The state and any city, village, town, county, common school district, high school district, *unified school district*, county-city hospital established under s. 66.47, sewerage commission organized under s. 144.07 (4) or a metropolitan sewerage district organized under ss. 66.20 to 66.209, or any other unit of government, or any agency or instrumentality of 2 or more units of government now existing or hereafter created within the state.

SECTION 18. 67.01 (1) of the statutes is amended to read:

67.01 (1) "Municipality" includes a county, city, village, town, common school district, consolidated district, state graded school district, free high school district, union free high school district, *unified school*

*district*, whether any such district is joint or otherwise, a board of education, a board of park commissioners, and any other public body empowered to borrow money and issue written obligations to repay the same out of public funds or revenues.

SECTION 19. 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, *unified 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, teacherages or bus garages, to acquire schoolhouse, teacherage or bus garage 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 schools without the limits of cities and villages safety zones and necessary connecting ways or roads to the public highway required by s. 40.61; 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 the value of its taxable property as equalized for state purposes for the purpose of purchasing schoolhouse sites and the construction and equipment of schoolhouses.

SECTION 20. 67.04 (7) of the statutes is created to read:

67.04 (7) By any common school district or unified school district, by the board thereof: to purchase the school property, other than vocational school property, of a city therein because of abandonment of a city school plan under s. 40.807 or common school district plan under s. 40.078 or creation of a unified school district under s. 40.06. Such bonds shall not be subject to a referendum.

SECTION 21. 67.05 (7) (cc) of the statutes is created to read:

67.05 (7) (cc) An initial resolution adopted by the district board of a common school district or unified school district for the purpose of purchasing the school property of a city therein which formerly operated schools under the city school plan, shall not be submitted to a referendum vote.

SECTION 22. 67.12 (8) of the statutes is amended to read:

67.12 (8) The school board of any school district operating under the district system or *unified school district plan* may on its own motion, made and properly recorded at a lawful board meeting, borrow money in such sums as are needed to meet the immediate expenses of maintaining the schools in such district during the current school year. No such loan or loans except loans made by town boards to school districts shall be made to extend beyond September 1 of the following year nor to an amount

exceeding one-half the estimated receipts for the operation and maintenance of the school for the current school year in which the loan is made, as certified by the state superintendent of schools and the local school clerk. Such borrowing may be done any time after the tax for operation and maintenance of the school for the current school year has been voted to be collected on the next tax roll and such estimated receipts have been so certified. All such loans shall be evidenced by lawfully authorized and drawn school orders, each order, when paid, to be receipted and returned to the treasurer of the board.

SECTION 23. 67.12 (12) (aa) of the statutes is created to read:

67.12 (12) (aa) A school district board may issue promissory notes under this section to retire any indebtedness assumed by a school district because of abandonment of the city school plan and adoption of the common school plan under s. 40.807 or unified school district plan under s. 40.078, or creation of a unified school district under s. 40.06.

Approved September 10, 1959.

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