

CHAPTER 565

AN ACT to repeal 6.20 (3), 6.23 (5), 14.235 (2), 17.21 (4), 39.05 to 39.20, 40.49, 41.01 (10), 59.07 (56) and 63.03 (1) (r); to amend 5.24 (2), 8.01, 17.21 (6), 20.650 (11) and (26), 39.02 (18), 39.03 (1), 39.35 (3), 40.02 (1) (b) and (5), 40.025 (2) (a) and (3) to (5), 40.03 (1) (intro. par.), (1a) and (5), 40.08 (1), 40.09 (5), 40.27 (11) (a), 40.30 (10m) (e) and (11), 40.35 (8) and (9), 40.48 (1), 40.53 (2), (5) (intro. par.) and (c), 40.56 (1), 40.73, 40.74 (1) (intro. par.) and (2), 40.78 (2) and (4), 40.815 (3), 40.819 (4), 40.93 (1), 41.01 (1), (1m) (a) and (b), (1r) (a), (d) and (f) and (3), 41.04, 41.37, 41.42 (1), 43.19 (1), (4) and (5), 43.20, 43.21 (1) to (5), 59.07 (21) (b), 59.87 (8), 66.058 (3) (c) (intro. par.) and 70.62 (1); and to create 20.650 (21) and (22) subchapter I (title) and subchapter II of chapter 39, 39.02 (27), 40.01 (15) and 41.01 (1m) (f) of the statutes, relating to the creation of the state co-operative educational service committee, co-operative educational service agencies, discontinuance of the office of county superintendent and making an appropriation.

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

SECTION 1. 5.24 (2) of the statutes is amended to read:

5.24 (2) If nomination papers proposed 3 or more candidates for members of the county board of supervisors or for any elective town office, including constable, in towns adopting the primary for elective town officers as provided in s. 5.27 (4) in counties having a population of 500,000 or more, or for any judicial office * * * in any county having a population of 500,000 or more, or propose more than twice as many candidates for any elective town office in any such towns or for members of the board of school directors or the board of education as are to be elected in any city of any such county, or propose 3 or more candidates for justice of the supreme court, circuit or county judge or for state superintendent of public instruction, no person's name shall be placed on the ballot in the spring election unless he is nominated at the spring primary.

SECTION 1a. 6.20 (3) of the statutes is repealed.

SECTION 2. 6.23 (5) of the statutes is repealed.

SECTION 3. 8.01 of the statutes is amended to read:

8.01 In this chapter the word "justice" means a justice of the supreme court, "judge" means a judge of a circuit or county court, and "superintendent" means the state superintendent of public instruction * * * .

SECTION 3a. 14.235 (2) of the statutes is repealed.

SECTION 4. 17.21 (4) of the statutes is repealed.

SECTION 5. 17.21 (6) of the statutes is amended to read:

17.21 (6) For the information of all concerned appointments by the governor under subs. (1) and (2) * * * shall be reported by the appointing officer to the county clerk. Appointments of the county board under sub. (3) * * * shall be reported by the county clerk to the secretary of

state. Appointments of clerks of court by * * * a judge * * * of the circuit court under sub. (4m) shall be reported to the county clerk and to the secretary of state.

SECTION 6. 20.650 (11) of the statutes is amended to read:

20.650 (11) Beginning July 1, 1961, \$1,360,000 for the salaries and expenses of supervising teachers as provided in s. 39.20 (6) and (7) for the biennium ending June 30, 1963. *This appropriation shall not be extended beyond June 30, 1966.*

SECTION 6a. 20.650 (21) and (22) of the statutes are created to read:

20.650 (21) CO-OPERATIVE EDUCATIONAL SERVICE AGENCY. Annually, beginning July 1, 1965, not to exceed \$22,000 for each co-operative educational service agency, for not to exceed 25 such agencies, for the current operational expenses of these agencies created by subch. II of ch. 39 on the certification of the state superintendent.

(22) EXPENSES OF STATE CO-OPERATIVE EDUCATIONAL SERVICE COMMITTEE. On July 1, 1963, for the 1963-65 biennium, \$35,000 to carry out the duties imposed by ss. 39.52 and 39.53.

SECTION 6b. 20.650 (26) of the statutes is amended to read:

20.650 (26) On July 1, 1961, and annually thereafter *until June 30, 1966*, a sum sufficient to provide state aid to assist the counties in paying for services of the office of the county superintendent of schools for gathering data and information and making reports to the department of public instruction and to aid the county superintendent's office in administering educational services to the schools of the county or counties under s. 39.06 (6).

SECTION 7. 39.02 (18) of the statutes is amended to read:

39.02 (18) Annually hold conventions of * * * *school district administrators, supervisors and co-ordinators.*

SECTION 8. 39.02 (27) of the statutes is created to read:

39.02 (27) CERTIFICATION. Certify to joint district clerks the full valuation of the various parts of a joint school district as provided in s. 40.35 (8).

SECTION 9. 39.03 (1) of the statutes is amended to read:

39.03 (1) If any * * * *school district administrator*, member of a school board or board of education, or an elector of a school district, or a member of a board of health complains in writing to the state superintendent that any building used for school purposes in his district is in such a condition as to endanger the lives or health of the pupils, or that the schoolhouse is otherwise unfit for school purposes, the state superintendent shall investigate the matter.

SECTION 10. 39.05 to 39.20 of the statutes are repealed.

SECTION 10a. 39.35 (3) of the statutes is amended to read:

39.35 (3) Any person who resides in the state, is qualified to teach in the public schools as defined in s. 42.20, and is not regularly employed as a teacher, and any former teacher who has retired from teaching and is receiving benefit payments under the state retirement law, upon application in writing to the state superintendent, in such form as he * * *

prescribes, shall be placed upon said roster of substitute teachers or for other educational services. On August 1, 1953, the state superintendent shall prepare from said roster a list for each county which shall contain the names of all persons residing in such county who are registered on said roster, with their addresses and such other data as he * * * *deems* pertinent, and send a copy thereof to * * * the clerk of each school district * * * and to the clerk or secretary of every board or body having the control and management of a public school located in the county. On the first of each month thereafter the state superintendent shall prepare a supplemental list for each county containing the names of all persons residing in the county who have been added to or removed from said roster during the preceding month and any changes of address of persons on said roster residing in said county, and transmit copies thereof to the officials above mentioned.

SECTION 11. Subchapter I (title) of chapter 39 of the statutes is created to read:

SUBCHAPTER I.

STATE SUPERINTENDENT AND OTHER STATE ACTIVITIES.

(To head ss. 39.01 to 39.35)

SECTION 11a. Subchapter II of chapter 39 of the statutes is created to read:

SUBCHAPTER II.

CO-OPERATIVE EDUCATIONAL SERVICE AGENCIES.

(To head ss. 39.51 to 39.59)

39.51 PURPOSE. The organization of school districts in Wisconsin is such that there is a recognized need for some type of a service unit between the local district and state superintendent level. There is hereby created such units designed to serve educational needs in all areas of Wisconsin. Such co-operative educational service agencies are created by the state as a convenience for local districts in co-operatively providing special educational services to teachers, students, school boards, administrators and others and may include, but is not restricted because of enumeration, such programs as research, special student classes, data collection, processing and dissemination, inservice programs and liaison between the state and local school districts.

39.52 STATE CO-OPERATIVE EDUCATIONAL SERVICE COMMITTEE, CREATION. There is created a state co-operative educational service committee which shall first meet no later than 60 days after the effective date of this section (1963). The committee shall be composed of the following persons:

(1) The state superintendent of public instruction, who shall be chairman and who shall call all meetings.

(2) A nonvoting member of the state department of public instruction appointed by the state superintendent who shall be secretary of the committee.

(3) The chairmen of the senate and assembly education committees and a member of the minority party of each such committee chosen by the chairmen thereof.

(4) One citizen appointed by the governor.

(5) One member each of the following organizations appointed by the president thereof.

(a) Wisconsin education association;

(b) Wisconsin association of county superintendents;

- (c) Wisconsin association of school district administrators;
 - (d) Wisconsin association of school boards;
 - (e) Wisconsin county boards association;
 - (f) Wisconsin town boards association;
 - (g) League of Wisconsin municipalities;
 - (h) Wisconsin association for supervision and curriculum development.
- (6) One member of the faculty of the university of Wisconsin, appointed by the board of regents of the university.
- (7) One member of the faculty of the state colleges appointed by the board of regents of the state colleges.
- (8) One person appointed by the state board of vocational and adult education.

39.53 STATE COMMITTEE; DUTIES. The state co-operative educational service committee shall:

- (1) Establish criteria for the creation of not more than 25 service areas capable of providing the kind of service contemplated by s. 39.51, but no such service agency shall cross school district boundaries and the area of a service agency shall be contiguous and shall be as compact as may be.
- (2) By December 1, 1964, develop and publish a plan incorporating all of the state in co-operative educational service agencies to facilitate the initiation of the organizational functions on and after March 1, 1965.
 - (a) The committee may visit areas to be included in particular service agencies and may hold public hearings prior to the establishment of boundaries.
- (3) Upon petition of any resident, hear appeals from the original boundary determinations and transfer whole school districts from one service agency to another.
- (4) Vacancies shall be filled as are original appointments.
- (5) The committee shall cease to exist on December 31, 1966.

39.54 REVISION OF AGENCY BOUNDARIES AFTER JANUARY 1, 1967. Effective January 1, 1967, the state superintendent is empowered to shift a school district from one service agency to another upon the petition of such school board but shall transfer only whole school districts from one service agency to another. After investigation of the proposal, the state superintendent may by order transfer one or more entire school districts from one service agency to another effective on the succeeding July 1. Any school district transferred from one service agency to another shall pay its agreed share of all expenses incurred by the service agency in its behalf, but shall not be required to fulfill any commitments it may have made extending beyond the current year in the agency from which transferred.

39.545 REORGANIZING CO-OPERATIVE AGENCIES. (1) A co-operative agency board of control may on its own motion or shall on the petition of 100 electors of the service agency area, approach an adjoining agency board or boards regarding the consolidation of their service areas. The boards acting jointly shall devise a plan for the equitable distribution of the assets and liabilities of the existing service agency areas and provide for the transfer of existing contracts and programs.

(2) Upon completion of a plan for consolidation as herein provided, the co-operative service agency boards affected shall give a 30-day notice to those local school district boards affected announcing a public hearing on the proposed consolidation of service agency areas. This notice of public hearing shall also be published in a newspaper having general circulation in the areas affected 20 days prior to said hearing.

(3) Following the hearing on the proposed consolidation the service agency boards of control of those agencies affected shall vote on the consolidation. A majority vote of the members present and voting from each service agency board shall be necessary to approve and effect the proposed consolidation. These consolidations shall become effective on the next succeeding July 1.

(4) No such plan shall be valid if it permits any territory of the state to be outside of a co-operative agency area.

39.55 CO-OPERATIVE EDUCATIONAL SERVICE AGENCY, GOVERNING BODY. (1) Each co-operative educational service agency created by the state co-operative service committee shall be governed by a board of control composed of one delegate from each school district board in the agency designated annually in July by such school board, but not more than 11 members. Vacancies shall be filled as are original appointments. The first meeting of such board shall be called by the delegate from the school district in the service agency with the largest full valuation who shall act as temporary chairman. Such meeting shall be held on the third Monday in March 1965. The board of control shall hold an annual organizational meeting on the second Monday in August.

(2) If there are more than 11 school districts in the service agency, the state superintendent shall convene a convention composed of one delegate from each school district in the agency which shall formulate a plan of representation for such service agency including no more than 11 representatives, which plan shall be made effective at once.

39.56 FUNCTIONS OF BOARD OF CONTROL. The co-operative educational service agency board of control shall:

(1) Determine the policies of the service agency.

(2) Receive state aids for operation of the co-operative service agency.

(3) Approve service contracts with local school districts, county boards of supervisors and other co-operative educational service agencies but no such contracts shall extend beyond 3 years.

(4) Determine participating local unit's prorated share of the cost of co-operative programs and assess such costs against each participating unit, but no board of control may levy any taxes. No cost shall be assessed against a unit for a co-operative program unless the school district enters into a contract for such service.

(5) Appoint and contract with an agency co-ordinator, for a term of not more than 3 years, with qualifications established by rule of the state superintendent of public instruction but at least equal to the highest level of certification required for local school district administrators, who shall be considered a teacher as defined by s. 42.20 (13), and subject to ch. 42.

(6) Meet monthly and at the call of the chairman.

(7) Select a chairman, vice chairman and treasurer from its membership at the annual organizational meeting. The co-ordinator shall act as a nonvoting secretary to the board of control. Vacancies shall be filled as are original appointments.

(8) Adopt bylaws for the conduct of its meetings.

(9) The board shall require a bond of the treasurer and the co-ordinator.

(10) Authorize the expenditure of money for the purposes set forth in this subchapter and for the actual and necessary expenses of the board and co-ordinator and for the acquisition of equipment, space and personnel. All accounts of the agency shall be paid on voucher signed by the chairman and secretary.

(11) The board shall establish the salaries of the co-ordinator and other professional and nonprofessional employees. The salary of the co-ordinator shall be within the range of \$10,500 to \$13,500.

(12) Do all other things necessary to carry out the provisions of this subchapter.

39.57 AGENCY CO-ORDINATOR. The agency co-ordinator shall be responsible for co-ordinating the services, securing the participation of the individual districts, county boards and other co-operative educational service agencies and implementing the policies of the board of control.

39.58 PROFESSIONAL ADVISORY COMMITTEE. There shall be in each service agency a professional advisory committee composed of the highest professional school district administrator in each school district in such agency who shall meet at the request of the board of control or co-ordinator to advise them.

39.59 STATE AIDS. (1) Annually beginning July 1, 1965, there shall be paid to each co-operative educational service agency for the maintenance and operation of the office of the agency board of control and co-ordinator a sum not to exceed \$22,000 for each co-operative service agency, but after 1965-66 no aids shall be paid unless the service agency submits a detailed certified statement of its expenses for the prior year to the state superintendent by October 1, and such statement reveals that the aids were expended as provided by this section, and in no case shall the aids exceed the actual expenditures for the year for which the aids were paid.

(2) Service agencies may incur short term loans prior to the aid payments and making of contracts to permit the organizational steps required to establish a service agency.

(3) No school district shall ever lose any state educational aids based on refusal of such school district to subscribe to any such services provided by these educational service agencies.

SECTION 11a. 40.01 (15) of the statutes is created to read:

40.01 (15) SCHOOL DISTRICT ADMINISTRATOR. Unless the text clearly indicates otherwise "school district administrator" means a city superintendent, supervising principal or other person who acts as the administrative head of a school district and who holds an administrator's license.

SECTION 12. 40.02 (1) (b) and (5) of the statutes are amended to read:

40.02 (1) (b) If there * * * is one city within the county, at least one of the city-village members shall be a resident of that city. If there are 2 or more cities, at least 2 of the city-village members shall be residents of cities. If there is no city or village in the county, all members shall be residents of towns, but not more than one member shall be from any one town. Not more than 2 members of the committee may be members of the county board. Each term commences January 1 after appointment. All members shall serve until their successors have qualified. The * * * agency co-ordinator of the co-operative educational service agency which contained the largest proportion of the equalized valuation of the county shall serve as secretary to the committee but shall not be entitled to vote.

(5) If the territory to be affected by a proposed order of a county school committee lies in 2 or more counties the county school committees of said counties shall act as a joint committee. The secretaries shall agree which * * * secretary shall act as secretary of the joint committee and on the time and place and give notice of a public hearing as provided in s. 40.025 (2). If at the public hearing on such order the joint committee cannot agree, they shall appoint an additional member. The additional

member shall be a resident of the state but not a resident of either county affected. If the joint committee cannot agree upon an additional member within 30 days after such initial joint meeting, the secretary shall immediately notify the circuit court judge within whose jurisdiction the largest portion of the counties involved lies, and he shall appoint an additional member within 15 days.

SECTION 13. 40.025 (2) (a) and (3) to (5) of the statutes are amended to read:

40.025 (2) (a) All publication, posting and service of notice of a public hearing on a proposed reorganization required by s. 40.03 shall be made by the secretary of the county school committee or the secretary of the joint county school committee at least 10 days before the date of hearing. Such notice shall be in writing, shall state the hour, day and place of such hearing, and shall be served upon the clerk of each school district affected by the proposed reorganization. Pursuant to s. 40.01 (14) the secretary shall also serve notice upon the clerk of each town, village or city affected by the proposed reorganization and upon the * * * *school district boards* of any * * * school district affected by the reorganization * * *. Such service may be either by personal service or by registered mail with return receipt requested. The secretary shall also mail a copy of such notice to every other member of the board of each school district, town and village and the council of each city, affected by the proposed reorganization. The secretary shall also post notice of such hearing in 4 or more public places in each school district affected and shall cause notice thereof to be published once in at least one newspaper which has general circulation in the school districts affected by the proposed reorganization, all not less than 10 days before the date of such hearing. When all other requirements of notice have been complied with, the presence of an official at a hearing waives the required service upon or mailing to him of notice thereof.

(3) Every reorganization order shall state the districts from which any territory is detached and describe such territory, indicate the territory included within the reorganized district, number the reorganized district, name the same according to the municipalities in which it is located, and when it creates a new district, designate the number of school board members to be elected in accordance with s. 40.26 or 40.803. Every order creating a new district which holds an annual meeting shall fix the time and place for the first district meeting and the * * * *secretary of the county school committee* with whom the order is filed shall give notice thereof in the manner provided for giving notice of an annual district meeting.

(4) Every reorganization order shall state the date on which it is to take effect, which date shall not be more than one year from the day it is filed in accordance with sub. (5) nor less than 30 days from the date it is mailed to the proper officials by the * * * *secretary of the county school committee* following the filing thereof as provided in sub. (5). Such order shall be presumptive evidence of the facts recited therein and of the validity of all proceedings preliminary thereto.

(5) A certified copy of any order made under ss. 40.03, 40.06, 40.07 to 40.09, 40.11, 40.12, 40.14, 40.15 and 40.807 shall be filed within 10 days with the * * * *secretary of the county school committee* in which the reorganized district lies. The * * * *secretary of the county school committee*, upon receipt of the order, shall immediately place thereon the date upon which the same was received, and within 5 days after receipt thereof, shall send by registered mail a certified copy thereof together with a certification of the date of mailing of the same to the clerk of each school district and of each town, village or city affected and to the state superintendent. When an order affects a district that operates a high school, the * * * *secretary of*

*the county school committee shall also send copies to the county clerks of the counties concerned. When the territory of a reorganized district lies in more than one county the order shall be filed with the * * * secretary of the county school committee of the county in which the major portion of the area of the reorganized district lies and said * * * secretary shall mail certified copies thereof as hereinbefore provided and also to the * * * secretary of all other county school committees affected. The appeal and referendum period shall run from the date the certified copies of the order are mailed by the * * * secretary of the city school committee to the officials hereinbefore mentioned. An appeal taken from any order shall stay said order until the appeal has been determined and the result of the final determination made and filed. A referendum petition or resolution shall stay an order until the result of the referendum has been certified by the school district clerk, municipal or county clerk or the county election commission to the * * * secretary of the county school committee. When the results of a referendum election have been canvassed the proper clerk shall certify the same to the * * * secretary of the county school committee with whom the order was filed * * * who shall notify all the officials who received a copy of the order of the results of the referendum.*

SECTION 14. 40.03 (1) (intro. par.), (1a) and (5) of the statutes are amended to read:

40.03 (1) (intro. par.) Upon the filing of a petition of an elector residing in the area of a proposed reorganized district or upon a resolution adopted upon its own motion, the county school committee may order the reorganization of school districts within the county, subject to the referendum provisions of sub. (6). The secretary of the committee shall set a date for a public hearing on the proposed reorganization which shall be held not more than 30 days after the filing of the petition or the date on which the committee ordered such a hearing when the committee initiated the proceedings, at a place within the district proposed to be reorganized or within a reasonable distance of such district. If a proposed order is subject to joint committee action, the secretaries of the several committees shall agree which * * * secretary shall act as secretary of the joint committee and on the time and place for a public hearing, which shall be held simultaneously with the meeting of the joint committee to adopt an order therefor. Notice in writing of the time and place of the hearing shall be given as provided in s. 40.025 (2). Within 30 days after the hearing on any proposed plan of reorganization and before the making of any order thereon, the committee shall hold a conference on the proposed order of reorganization with the school boards of the districts involved. The committee action taken shall represent the decision reached at this conference and an order conforming therewith shall be made within 10 days and filed with the * * * secretary of the county school committee as provided in s. 40.025 (5).

(1a) If the county school committee determines that the * * * secretary is unable to perform duties assigned to him under this section as secretary of the county school committee, such committee shall appoint a competent person to perform such duties.

(5) Any person aggrieved by an order may appeal therefrom to the circuit court of any county in which any territory of the reorganized district lies, by serving written notice of such appeal stating specifically the grounds upon which it is based, upon the * * * secretary of the county school committee with whom the order was filed and filing such notice with the clerk of the court to which the appeal is taken, all within 30 days after the date of mailing of such order. The * * * secretary of the county school committee on whom the notice is served shall send notice of such appeal

to the secretaries of all other county school committees of counties in which any school district affected lies, the clerks of all towns, villages, cities and school districts affected and to the state superintendent by registered mail within 5 days after notice of appeal was served on him. Service of the notice of appeal and filing of said notice with the clerk of the court shall constitute perfection of the appeal. Each school district clerk shall forthwith post such notice of appeal in 4 public places in the district.

SECTION 15. 40.08 (1) of the statutes is amended to read:

40.08 (1) Except as otherwise provided in this subsection, if a district for 2 or more successive years neglects to operate a school for its children as required by law, it shall be attached to a district * * * that * * * does operate * * * schools, by referendum pursuant to * * * s. 40.07, by county school committee pursuant to * * * s. 40.03, or by municipal board action pursuant to * * * s. 40.06. If orders of attachment of any such district to an operating district have not been issued pursuant to s. 40.03, 40.06 or 40.07 prior to or within 30 days after June 30, 1955, or within 30 days after any such district becomes subject to this section, whichever is later, orders attaching such districts to operating districts shall be issued by the county school committee having jurisdiction under s. 40.03 prior to August 30, 1955, or prior to August 30 of any year in which such a district becomes subject to attachment. Notwithstanding the provisions of s. 40.025 (4), orders by the county school committee issued under this subsection shall take effect upon being filed as provided in s. 40.025. The state superintendent shall notify the school district clerks of districts which are subject to * * * this section and shall notify the clerks of the municipalities in which all parts of such districts lie and the secretaries of the county school committees of the counties in which these districts lie within 60 days of the date on which the districts become subject to this section. * * * The school board of a district to which any territory is attached or consolidated therewith shall levy and collect a special tax against the property in the territory attached thereto or consolidated therewith for such amount as is payable for tuition and transportation, at the time of such attachment or consolidation, by the district in which such territory so attached or consolidated was located prior thereto, in the proportion that the valuation of the territory attached hereto or consolidated therewith bears to the total valuation of the district in which such territory was located prior to such attachment or consolidation. This amendment (1955) shall operate retroactively to and including May 15, 1953.

SECTION 16. 40.09 (5) of the statutes is amended to read:

40.09 (5) In case of the irreconcilability of the statutes of both states regarding any matter not covered herein, the school board of the interstate district shall * * * consider the problem and make recommendations to the state superintendents of the states involved. The latter shall review the recommendations and reach an agreement which shall be submitted to the board and shall be spread on the minutes of the school board of such district and shall constitute the effective regulation until the next meeting of the legislatures of the states involved. The legislatures shall review the regulation as an amendment to this section, and it shall continue in effect only if approved by both legislatures.

SECTION 16a. 40.27 (11) (a) of the statutes is amended to read:

40.27 (11) (a) When a new common, union or unified school district is created by reorganization authority the procedure set forth in sub. (1) may be used except that the petition requesting an election shall be filed with the county * * * school committee secretary with whom the order of

reorganization is filed. Declaration of candidacy shall also be filed with the county * * * *school committee secretary*. Such * * * *person* shall then perform the duties that are assigned to the district clerk in this section. In performing his duty, the * * * *secretary* may proceed according to s. 40.025 (6) in obtaining assistance for the actual conduct of the election.

SECTION 17. 40.30 (10m) (e) of the statutes is amended to read:

40.30 (10m) (e) * * * *Special teachers, co-operative educational service agency personnel, school psychologists, school social workers and other personnel working * * * in public schools shall * * * have physical examinations under the conditions of employment in par. (a). The cost of such examinations shall be paid out of the funds allocated to the * * * district or agency by whom employed.*

SECTION 18. 40.30 (11) of the statutes is amended to read:

40.30 (11) If school district buildings are destroyed or if a qualified teacher cannot be obtained or if there is any other emergency which makes it impossible to conduct school within the district, the school board may, on its own order, provide for the educational needs of the district on a tuition basis, provided that * * * *it has first made a written finding of fact that such an emergency exists, stating the nature thereof. In addition to other requirements, no state aid shall be paid to any such suspended district until a copy of such finding of fact has been filed with the state superintendent. For a period of 2 years districts which suspend their schools under this subsection shall be eligible to receipt of state and county aids in the same amounts that they would be eligible to receive had they operated their schools.*

SECTION 19. 40.35 (8) and (9) of the statutes are amended to read:

40.35 (8) Deliver to the town clerk, before September 1 in each year, a certified statement showing the amount of taxes voted and not before reported, and also the amount of tax to be collected in such year, if any, for the annual payment of any loan. In a joint district, he shall deliver to the clerk of each municipality in which any part of the district is situated, a certified statement showing the proportion of such taxes to be assessed in that part of the district within his municipality, which proportion shall be ascertained from the full valuations to be certified to him * * * by the state superintendent from the certification of the full valuations of each part of a joint district made to the state superintendent by the state department of taxation under s. 40.68. When the equalized valuation of one of the municipalities or of a portion of one of the municipalities that comprises a part of a joint school district is reduced in any one year to an amount below its equalized valuation of the previous year by reason of the destruction or removal of all or of a portion of the property of a part of the freeholders with a resulting excessively inequitable apportionment of the school district tax levy on the remaining equalized valuations, the clerk shall call in the supervisor of assessments, who if he finds that such inequities will result shall reduce the equalized valuations of the previous year by the full value of the property so destroyed or removed and certify the resulting values to the school clerk for use in computing the tax levy certifications required by this section.

(9) Within 5 days after receipt of notification from the * * * *school board* of the name of a new school, notify the proper postmaster of the name and location of the school, and the number of the district. If a school is not located on any mail route, the clerk shall furnish the local postmaster with the names of persons to whom the mail for the school may be delivered. The school board may rent a lock box at district expense

for each school not on a mail route. The clerk shall notify the postmaster of school vacations, and shall direct what disposition shall be made of the school mail during vacations.

SECTION 19a. 40.48 (1) of the statutes is amended to read:

40.48 (1) * * * *The school district board shall adopt all the textbooks necessary for use in the schools under its charge. The list of the adopted books shall be filed with the school clerk.*

SECTION 19b. 40.49 of the statutes is repealed.

SECTION 20. 40.53 (2) and (5) (intro. par.) and (c) of the statutes are amended to read:

40.53 (2) Every district shall provide transportation for physically disabled children, as defined in s. 41.01 (4), to any elementary or high school or to the Wisconsin school for the visually handicapped or the Wisconsin school for the deaf, regardless of distance, provided the request for such service is approved by the state superintendent. * * * State aid for such approved cases shall be granted on the same basis as transportation of normal children. These aids shall 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.

(5) (intro. par.) Transportation may be provided by the school board * * * or in the case of nonresident high school students by the municipal board by any of the following methods:

(c) By contract with another public school district or co-operative educational service agency;

SECTION 21. 40.56 (1) of the statutes is amended to read:

40.56 (1) The school clerk shall give the teacher at the opening of the school the names of all children of school age in the district, residing more than 2 miles from the school, and the teacher shall inquire of every such child when enrolled, whether he is to be transported, and the manner of transportation, and shall keep a record that will show every day each pupil is transported. At the close of the term, the teacher shall file a report of such attendance with the clerk, who shall include such report with his annual report to the * * * *co-ordinator*, giving the names of the parents, the names and ages of the pupils, the distance transported, the number of days transported, the amount due for such pupil, and the total sum paid by the district. The parent shall keep a daily record of such attendance and present such record with his bill for transportation. A similar report and record shall be kept and made for all pupils who are boarded and lodged. * * * If the state superintendent is satisfied that the law and the contracts for the transportation and board and lodging of pupils have been substantially complied with, he shall certify to the * * * *department of administration* the sum due each district under * * * this section. In case of differences concerning the character and sufficiency of the transportation or board and lodging, the state superintendent * * * *may* determine such matter and his decision thereon shall be final.

SECTION 22. 40.73 of the statutes is amended to read:

40.73 Any county, which maintains a county home for dependent children or other institution in which children are received for care, and in which institution * * * the educational facilities required to be provided by a common school district are maintained, shall be entitled to state edu-

cational aids granted under ss. 40.70, 40.71 and 41.03. The educational facilities offered in such institutions shall be under the supervision of the * * * *agency co-ordinator* and state superintendent.

SECTION 23. 40.74 (1) (intro. par.) and (2) of the statutes are amended to read:

40.74 (1) (intro. par.) The district clerk (except in cities of the first class) shall during each July make and transmit to the * * * *state* superintendent a verified report as of June 30 of such year showing:

(2) The report shall be made on forms supplied by the state superintendent before * * * *August 1*. At the opening of school, one copy shall be sent to the person in charge of each school in the district. * * *

SECTION 24. 40.78 (2) and (4) of the statutes are amended to read:

40.78 (2) City superintendents * * *, superintendents or principals of unified school districts *and other school district administrators* shall require the teachers under their supervision to report all absences daily to the truant officer * * *.

(4) In cities of the first class, the school board shall appoint welfare workers or attendance officers who, when employed, shall have the powers of truant officers. To qualify for employment such welfare workers shall possess the qualifications required for teachers in such cities and, when employed, shall have all the rights and privileges of teachers. In school districts other than cities of the first class * * * *the local school* district administrator and the principals shall be truant officers, *and the board may appoint any additional such officers from its professional staff.*

SECTION 25. 40.815 (3) of the statutes is amended to read:

40.815 (3) The full value of the property within and without the city shall be ascertained from the report filed * * * *by the state superintendent pursuant to s. 40.35 (8).*

SECTION 26. 40.819 (4) of the statutes is amended to read:

40.819 (4) He shall make the *annual* report required by * * * the state superintendent *directly to him.*

SECTION 27. 40.93 (1) of the statutes is amended to read:

40.93 (1) No * * * school teacher, *agency co-ordinator*, school district administrator, school board member or other school employe connected with any public school shall act as an agent or solicitor for the sale of school books, school supplies or school equipment within the * * * school district of employment, nor be authorized to solicit or promote such sales to individuals or the school district of such restricted areas, or receive any fee or reward for any such sales within such restricted areas of his jurisdiction or employment.

SECTION 28. 41.01 (1), (1m) (a) and (b), (1r) (a), (d) and (f) and (3) of the statutes are amended to read:

41.01 (1) Upon application by a district board of any school district, *any co-operative educational service agency*, the board of education of any city or the county * * * *board education committee* of any county upon authorization of the county board, the state superintendent may upon the basis of need and the availability of sufficient funds authorize such *co-operative educational service agency*, school district board, board of education or county to establish * * *, maintain *and discontinue* classes, special

treatment and instructional centers for each of the various types of handicapped children, including special classes and instructional centers for mentally handicapped children having an intelligent quotient of 35 to 50.

(1m) (a) In any county the county board of supervisors may establish one or more instructional centers or special schools and provide other services for handicapped children for all school districts * * * *which indicate approval by formal action of the board * * * of education.* When the county board of supervisors so elects, it shall create a board to be known as the "Handicapped Children's Education Board". The handicapped children's education board shall consist of 3 or 5 residents of the county, as determined by the county board of supervisors, elected by the county board of supervisors or appointed by the chairman of said county board, as the rules of the board * * * *directs.* The handicapped children's education board shall be representative of the area it serves. The handicapped children's education board shall appoint an advisory committee of school administrators representative of the area served and they shall not be voting members of the board. The voting members of such board shall be electors selected from that part of the county that participates in this program. The handicapped children's education board may include school board members, county board members and other electors. The voting members of the board shall receive compensation and reimbursement for mileage and shall hold office for a term of 3 years except that the terms of office of the first board shall be for terms of 3 years, 2 years and one year. The compensation and mileage reimbursement of the voting members shall be fixed by the county board but shall not be more than that of the members of the county board.

(b) The board shall annually select one member as chairman * * * *and one as secretary.* The county treasurer shall be treasurer but not a member of the board.

(1r) (a) Whenever an application for the establishment of classes or special treatment and instructional centers for one or more types of handicapped children is made to the state superintendent by the county handicapped children's education board upon authorization of the county board of supervisors the application shall state whether such classes or centers are to be available to the county at large, * * * *or only certain * * * districts.*

(d) The establishment, organization and operation of classes or centers established under this subsection shall be under the handicapped children's education board. The board shall prepare an annual budget including, but not restricted because of enumeration * * *, the hiring of staff, the purchase of materials, supplies and equipment and the operation and maintenance of the buildings or classrooms. The annual budget of the handicapped children's education board shall be subject to approval of the county board under ch. 65.

(f) The county handicapped children's education board may promulgate a plan for the area-wide transportation of handicapped children at county expense which plan, upon approval of the state superintendent shall govern the transportation of children included in sub. (4). When such authority is assumed by the board, it shall supersede ss. * * * 40.53 (2) and 41.03.

(3) The * * * board of education maintaining such schools and classes, through its secretary or other executive officer, shall report annually to the state superintendent, or oftener, if he so directs, such facts relative to such schools and classes as he * * * *requires.* Such report shall include, among other things, the number of pupils instructed in each school or class * * *, their residence, and the period of time each shall have been instructed therein during the school year. The * * * treasurer of each of

said several boards shall render to the state superintendent annually an itemized statement on oath of all receipts and disbursements on account of such classes during the preceding school year.

SECTION 29. 41.01 (1m) (f) of the statutes is created to read:

41.01 (1m) (f) The county board of supervisors may by resolution assign the functions of the county handicapped children's education board to one of the co-operative educational service agencies operating in the county, but if the county handicapped children's education board continues to exist, it may contract with the co-operative educational service agency or a local board of education for professional and administrative services.

SECTION 29a. 41.01 (10) of the statutes is repealed.

SECTION 30. 41.04 of the statutes is amended to read:

41.04 Each * * * *school district administrator* shall obtain information from all schools under * * * *his* jurisdiction regarding those children from birth to 21 years of age residing in such school districts who are physically or mentally handicapped and report such information annually to the state superintendent. If a handicapped child is of school age, but is not attending school, the reason for his nonattendance is to be stated on the required reports.

SECTION 31. 41.37 of the statutes is amended to read:

41.37 A "county teachers college board" is created, which shall have charge and control of all matters pertaining to the organization, equipment and maintenance of such colleges. The board shall consist of 3 members, * * * elected by the county board at an annual meeting for the term of 3 years from January 1 following their election, and shall within 10 days after the notice of such election take and file the official oath and execute and file an official bond in such sum as may be fixed by the county board. The members thereof shall meet and elect one of their number president and one as secretary. The * * * county treasurer of the county in which the college is located shall be treasurer of the board, but not a member thereof. The board shall prescribe the duties of its officers. The members of such board shall receive such compensation for their services and reimbursement for traveling expenses necessarily incurred in the discharge of their functions as the county board * * * allows.

SECTION 31a. 41.42 (1) of the statutes is amended to read:

41.42 (1) The county boards of 2 or more adjoining counties may unite in establishing and maintaining a college for teachers on the same general plan as provided for such college in a single county, and may appropriate money for its maintenance. The * * * 3 members * * * chosen from each such county shall constitute the joint county teachers college board. The elective members of the school board shall choose one of * * * *its members as chairman and one as secretary* of the school board.

SECTION 32. 43.19 (1), (4) and (5) of the statutes are amended to read:

43.19 (1) Between October 1 and 15 of each year each * * * *school district administrator* or city superintendent of schools shall certify to the state superintendent on blanks provided by the state superintendent, a report of the total number of children between the ages of 4 and 20 years residing in each school district within his jurisdiction on the preceding May 30 or June 30, as the case may be. Such census report shall list only

those districts which, in the judgment of the superintendent, will maintain school at least 3 months during the school year in which the report is filed with the state superintendent.

(4) The state superintendent shall at the same time certify to the department of administration and the state treasurer the amount that each city of the fourth class is entitled to receive on the basis of the census report made by the superintendent of such city and shall forward a copy of such certification to the superintendent of each such city. Such city superintendent shall provide for the expenditure of all moneys, as nearly as can be, held by the state treasurer pursuant to this section for the purchase of library books * * * as provided in s. 43.21 and shall keep appropriate records of such books and make all necessary reports thereon to the state superintendent in the same manner as hereinafter provided for the records and reports of * * * school district * * * administrators.

(5) The state superintendent shall at the same time certify to the department of administration and to the state treasurer the amount that each * * * district or city is entitled to receive on the basis of the census report made pursuant to this section for the school districts under his jurisdiction and shall forward a copy of such certification to the respective * * * school district * * * administrator. The * * * school district * * * administrator shall * * * as prescribed in s. 43.21 provide for the expenditure of the common school fund income for each of the operating districts under his supervision.

SECTION 33. 43.20 of the statutes is amended to read:

43.20 Each * * * city superintendent * * * and school district administrator shall accession and care for as * * * district, or city school district property, free sample books which are on the school library list and which are received by him after his * * * appointment and during his term of office.

SECTION 34. 43.21 (1) to (5) of the statutes are amended to read:

43.21 (1) Each * * * school district administrator and superintendent of cities of the fourth class shall keep on file in his office a list of books in the library of each school * * * in his * * * district * * *. Guided by such lists and other information obtained regarding said libraries, each * * * school district administrator shall select, from the school library list and make lists of books to be purchased for each such library. He shall * * * certify to the state superintendent on a duplicate list the total cost of the books selected for * * * the district. Each city superintendent of any city of the fourth class shall be governed by the provisions of this subsection so far as applicable.

(2) A copy of each such list shall be furnished by the * * * school district administrator to the contract dealer, who shall deliver said books prepaid in accordance with said lists, to the clerk of each school district and city respectively. The contract dealer shall notify the proper school district clerk of such shipment stating the number of books shipped and periodicals for which subscriptions have been entered with the publishers, the manner of shipment and the total contract price thereof, and shall furnish a copy of such notice to the * * * district * * * school district administrator in whose jurisdiction the schoolhouse of such district is located. * * * The notification to the district clerk shall provide a form for acknowledgment of receipt of such * * * shipments.

(3) Immediately upon receipt of such shipment of books the school district clerk shall determine the number of books received and acknowledge such number to the contract dealer on the prepared form. * * *

(4) * * * *The district clerk* shall forthwith certify to the state superintendent a summary report * * * showing amount allotted, charges entered against each for shipments received and subscriptions entered, and the balance remaining to the credit of * * * *the district*, and shall send a copy of such certification to the contract dealer. On the basis of this report the state superintendent shall certify to the department of administration and to the state treasurer the amount due the contract dealer * * * and the state treasurer shall forthwith issue a check to the contract dealer in the amount certified.

(5) If any error or irregularity * * * *has* occurred in such delivery, the school district clerk or city clerk, respectively, shall within 10 days thereafter notify the contract dealer thereof in writing, and send a copy of said notice to the * * * *school district administrator* or city superintendent, respectively; and the contract dealer shall forthwith take steps to rectify such error or irregularity.

SECTION 35. 59.07 (21) (b) of the statutes is amended to read:

59.07 (21) (b) If a school district lies in more than one county, then the county in which such elementary teachers during the preceding year are employed shall be reimbursed by any other county in which the school district lies for its share of such \$350 for the number of elementary teachers in the whole district in the ratio which the full valuation of the property of the school district lying in the other county bears to the full valuation of all the property in the district; the * * * *school district administrator in the county* paying the whole amount in the first instance * * * shall compute the number, including a fraction of a number, that will be derived from applying to the whole number of teachers the same ratio as the full valuation of the property of the school district lying in any other such county bears to the full valuation of all the property of the school district; he shall then multiply the same by 350 and certify the results in dollars, at the time of the other certification, as the amount to be reimbursed by the other county; the clerk of the county receiving such certification shall certify to the clerk of the other county the amount required to be reimbursed and the board of the other county shall levy a tax in such amount in the same manner and by the same method as the tax levied under par. (a); when the tax is collected it shall be remitted by the treasurer of such other county to the treasurer of the county entitled thereto. The term "full valuation" as used in this paragraph means the full valuation prescribed in s. 40.35 (8). Section 40.71 (5) relating to aid shall apply to any such other county which does not comply with this paragraph.

SECTION 36. 59.07 (56) of the statutes is repealed.

SECTION 37. 59.87 (8) of the statutes is amended to read:

59.87 (8) The * * * *co-operative educational service agency coordinator* and the co-operative extension service shall co-operate in order to further educational work in the county. The personnel of the co-operative extension service shall, whenever feasible, co-operate with other educational programs relating to agriculture and home economics, conservation and citizenship in the county.

SECTION 37a. 63.03 (1) (r) of the statutes is repealed.

SECTION 38. 66.058 (3) (c) (intro. par.) of the statutes is amended to read:

66.058 (3) (c) (intro. par.) In addition to the license fee provided for in pars. (a) and (b), each licensee is * * * required to collect from each occupied mobile home occupying space or lots in his mobile home

park in the city, town or village a monthly parking permit fee equal to actual cost of services furnished by the school district, which cost shall be determined by the * * * school district administrator having jurisdiction and the cost of the municipal services which shall be determined by the governing body of the city, town or village and in both cases charged to the park every year payable monthly for maintenance, debt retirement, operation of schools and general administrative costs including, without limitation because of specific enumeration herein the following: fire protection, police protection, sewage disposal, garbage collection, and health services, in lieu of personal property tax. The amount of such parking permit fee that may be levied against each mobile home park shall be determined after a public hearing as hereinafter provided. The monthly parking permit fee shall be paid by the licensee on or before the tenth of the month following the month for which such parking permit fee is due * * *. The licensee of a mobile home park or trailer camp shall not be required to collect for any space occupied by a mobile home accompanied by an automobile, if said mobile home and automobile bear license plates issued by any other than this state, for an accumulating period not to exceed 60 days in any 12 months or if the occupants of the mobile home are non-resident tourists or vacationists. Exemption certificates in duplicate shall be accepted by the treasurer of the licensing authority from qualified non-resident tourists or vacationists in lieu of permit fees. When one or more persons occupying a mobile home are employed in this state, there shall be no exemption from the monthly parking permit fee.

SECTION 39. 70.62 (1) of the statutes is amended to read:

70.62(1) The county board shall also, at such meeting, determine by resolution the amount of taxes to be levied in their county for the year, and also any taxes for postwar planning under s. 59.07 (45), and also the amount to be raised by tax in each town, village and city for the support of common schools for the ensuing year, in accordance with * * * s. 59.07 (21) * * *.

SECTION 40. The provisions of this act relating to the state cooperative educational committee shall take effect upon passage and publication. All other provisions shall take effect July 1, 1965 except that section 39.55 of the statutes created by this act shall take effect March 1, 1965.

SECTION 41: Wherever the words "and the county superintendent" or "and the county superintendent of schools" appear in sections 40.11 (2), 40.12 (1), 40.35 (1) and 59.87 (2) of the statutes they are stricken. The revisor of statutes shall show the change in printing the statutes.

SECTION 42. Wherever the words "county and" appear in section 40.46 (9) of the statutes they are stricken. The revisor of statutes shall show the change in printing the statutes.

Approved May 28, 1964.