

## CHAPTER 47.

## EDUCATION AND RELIEF OF THE BLIND AND DEAF.

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**47.01 Schools for the blind and deaf.** The objects of the Wisconsin school for the blind and the Wisconsin school for the deaf are to afford to those unfortunate classes, respectively, so far as possible, enlightened and practical education, which may aid them to obtain the means of subsistence, discharge the duties of citizens, and secure all the happiness which they are capable of obtaining. A summer school for adult blind persons shall be maintained in connection with such school for the blind.

**47.02 Admission; nonresident tuition; school year; degrees.** (1) All the blind and deaf residents of this state between the ages of eight and twenty-five years, of suitable capacity to receive instruction, shall be received and taught in said schools, respectively, free of charge. Like pupils may also be received from any person or corporation without this state upon the payment quarterly in advance of the sums prescribed by the state superintendent of public instruction; but no such pupil shall ever be received to the exclusion of any resident pupil from any of the privileges or benefits of the institution. All pupils shall equally and freely enjoy all the benefits and privileges of the school and institution, have the use of the library and books of instruction, and receive board, lodging, washing, and fuel, without preference or distinction. The steward of the school may provide means of transportation for resident indigent pupils going from and returning thereto.

(2) The state superintendent of public instruction shall fix the period of the school year in said schools at not less than thirty-eight weeks, prescribe the school terms and confer upon meritorious pupils therein such academic and literary degrees as are usually conferred by similar institutions, and grant diplomas accordingly. [1935 c. 264, 309; 1939 c. 59; 1939 c. 513 s. 11]

**47.03 Compulsory education of the blind and deaf.** Whenever it shall be made to appear, by affidavit, to any county or municipal judge that any blind or deaf child of proper age is deprived of a suitable education by the neglect or refusal of its parents or either of them, or its guardian or other person having the care or custody of such child, such judge shall summon such parents or parent, guardian or other person to bring such child before him, and if the material allegations of such affidavit be denied he shall subpoena witnesses and hear testimony. If the facts be admitted or established the judge may, in his discretion, order such child to be sent to the Wisconsin school for the blind or the Wisconsin school for the deaf or to some other public or private institution for the instruction of the blind or deaf; but in no case shall such order be made so as to cause any direct charge to be made by such institution against any county.

**47.04 Library for the blind.** The books printed in embossed type and purchased pursuant to law, or otherwise acquired for the Wisconsin school for the blind constitute a state circulating library for the blind, which shall be kept at the school for the blind and be in charge of the superintendent thereof. All blind citizens of the state shall have the privilege of using such books on compliance with and subject to such regulations as said superintendent may make, on their approval by the state superintendent of public instruction. [1939 c. 59]

**47.045 Transfer of schools for the blind and deaf to department of public instruction.** (1) The Wisconsin school for the blind and the Wisconsin school for the deaf and all of the functions, powers and duties relating thereto vested in the state board of control under section 46.03 and chapter 47, excepting sections 47.05 and 47.06 thereof, or under any other provision of law, are transferred to and vested in the state superintendent of public instruction.

(2) The revisor of statutes is directed to make the necessary changes in the language of the statutes so as to indicate the transfer provided for in this section.

(3) The transfer herein provided for shall automatically transfer the personnel, records and equipment and the personnel so transferred shall have and retain the same rights and status after transfer as before. The emergency board shall determine and certify to the secretary of state the amount of the annual appropriation properly allocable in the state board of control for such functions, powers and duties so transferred and the amount so determined shall be deducted from the annual appropriation of the state board of control and shall be added to the appropriate annual appropriation for the state superintendent of public instruction and shall become a part of his annual continuing appropriation. [1939 c. 59]

**47.05 Field agency; workshop.** (1) A field agency for the care of the adult blind shall be established by the state board of control. The agency shall be divided into two divisions, one to be known as the commercial division and the other as the social and statistical division. The board of control shall appoint suitable persons to execute the duties of said divisions.

(2) The duties of the social and statistical division shall be as follows:

(a) To visit the blind at their homes; to investigate their living conditions and home surroundings; to give them such instruction and assistance as will seem likely to improve their condition, increase their happiness, and make them more useful, self-respecting and self-supporting citizens.

(b) To make and keep a record of all the blind of the state, showing as far as possible cause of blindness, physical, mental and financial condition, their capacity for educational and industrial training, and such other facts as the agency may think proper and valuable.

(c) To ameliorate the condition of the aged or helpless blind by promoting visits to them in their homes for the purpose of instruction, and by such other lawful methods as may seem to the bureau to be expedient.

(d) To perform such duties as in the judgment of the state board of control seem likely in any way to assist, to rehabilitate, or to ameliorate the condition of any adult blind of the state.

(e) To make inquiries concerning the cause of blindness, to learn what proportion of these cases are preventable, and to co-operate with the state board of health in adopting and enforcing proper preventive measures.

(f) To supply to the county authorities any information in its possession which may aid in any way the administration of the law providing pension or relief to blind persons.

(3) The duties of the commercial division of the agency shall be as follows:

(a) To establish an employment agency so that blind may be employed in industries for which they are fitted.

(b) To establish schools for industrial training and work schools or shops for the employment of suitable blind persons, and shall be empowered to equip and maintain the same, to pay the employes suitable wages and to devise means for the sale and distribution of the products thereof. The agency may also provide or pay for, during their training, temporary lodging and support for pupils or workmen received at any industrial schools and workshops established by it.

(c) To establish a trade bureau so that raw materials can be supplied to the blind at cost and the finished product disposed of by co-operative marketing.

(d) The state board of control is directed to make provisions for the leasing of such suitable buildings or apartments as may be necessary, for the use of the Wisconsin workshop for the blind, to provide for the heating and lighting of such buildings or apartments and for such water as may be necessary to be used therein. The rent of such buildings or apartments and the cost of such heating, lighting and water shall be paid by the state under the direction of the board of control. The board is also authorized to furnish such workmen as avail themselves of the privileges of said workshop, a limited amount of materials and tools required in their employments. [1935 c. 309; 1939 c. 59]

**Note:** Under ch. 435, Laws 1939, the state state department of public welfare; see sec-board of control has been superseded by the tions 58.36 and 58.37.

**47.06 Inmates of workshop; transportation.** The said board may, in its discretion, provide means of instruction in such workshop to any adult blind residents of the state who desire to learn a trade; and may provide for or make a reasonable allowance for the board of indigent blind persons who are not residents of the city of Milwaukee, for a reasonable time so as to enable them to learn a trade and become self-supporting, such allowance not to exceed in any case the sum of seventy-five dollars. Said board may also provide means of transportation from any point within the state to Milwaukee for any indigent blind person who is a resident of the state and who desires to avail himself of the privileges of said workshop. [1935 c. 309]

**47.07 Scholarships for blind students.** Any blind person who has been a resident of this state for at least five years next preceding the making of an application for aid under this section and who is a regularly enrolled student in any university, college or conservatory of music, may under the direction of the superintendent of the Wisconsin school for the blind, and subject to the approval of the state superintendent of public instruction, receive aid for the purpose of defraying his necessary expenses, including a reader, while in attendance at such university, college or conservatory of music. The amount of such aid to any such person shall not exceed three hundred dollars in any one year, nor shall the total amount of such aid exceed two thousand dollars. [1939 c. 59]

**47.08 Blind pension, eligibility, examiner.** (1) Any needy person eighteen years of age or more who is blind or blind and deaf, shall be entitled to receive from the county of which he or she is a resident an annual pension payable monthly. Such pension shall be an amount which, when added to any amount received as an income from other sources, shall not exceed seven hundred and eighty dollars. In no event, however, shall any pension exceed three hundred and sixty dollars if the person receiving the pension is blind, and four hundred and eighty dollars if both blind and deaf.

(2) In order for any person to receive such pension he must:

(a) Have been a resident of this state at the time he lost his sight, or have been a resident of this state for five years or more during the nine years immediately preceding the date of application, and during the last year preceding such application must have resided continuously in this state, and

(b) He must not be an inmate of any state, county or municipally owned charitable, reformatory or penal institution in this state, nor be in attendance at any state, county or municipally owned school for the blind or deaf, wherein instruction, room and board and other incidentals are furnished free of charge, except the summer school of the Wisconsin school for the blind, and

(c) He must not be publicly soliciting alms, and

(d) He must not have relatives legally responsible for his support and able to support him.

(3) If payments are made by any county to any person within and for the first year after such person takes up residence therein, the same shall be a charge against the county wherein such person resided for at least one full year before removal to the county which pays such pension. The clerk of the county making such payments shall certify to the clerk of such other county the amount of the pension so paid quarterly, and the latter clerk shall upon receipt of such certificate draw his warrant upon the county treasurer of his county in favor of the county making such payment for the amount named in such certificate.

(4) The county board shall appoint a regular practicing physician, whose official title shall be "Examiner of the Blind and Deaf," and whose duty it shall be to examine all applicants for pensions and peddlers' licenses, and to indorse on the application a certificate showing whether such applicant is blind, or blind and deaf, as the case may be, and file the application so indorsed in the office of the county clerk. Such examiner shall keep a register in which he shall enter the name and address of each applicant so examined, and the date and result of such examination. Such examiner shall be paid by the county for his services the sum of two dollars for each applicant for a pension so examined, and each such applicant for a peddler's license shall pay for his own examination, not to exceed two dollars.

(5) An applicant for a blind pension shall file his application in writing with the county judge of the county in which he resides, in such manner and form, and containing such information, as shall be prescribed by the state pension department. All statements in the application shall be sworn to or affirmed by the applicant, setting forth that all facts are true in every material point. Such application shall be transmitted to the examiner of the blind and deaf for the county who shall enter thereon the results of his examination and thereupon return the same to the county judge.

(6) (a) The county judge shall promptly make or cause to be made such further investigation of the condition and circumstances of the applicant as he may deem necessary or as may be required by rules and regulations promulgated by the state pension department. The county judge shall decide whether the applicant is entitled to a blind pension and fix the amount thereof. Such pension shall be paid monthly to the applicant.

(b) The decision of the county judge upon any application for a blind pension shall be final unless there is an appeal from such decision as provided in subsection (4) of section 49.50. The county judge shall have authority, however, after affording a fair opportunity to the pensioner to be heard, to revoke or modify any pension, as may be warranted on the basis of new information or altered conditions.

(7) Any person receiving a pension shall at any time submit to a re-examination as to his blindness and furnish such other information to the county board as it may require, whenever requested so to do by the county board.

(8) No blind pension shall be payable under this section to any person for any period with respect to which he is receiving old-age assistance under sections 49.20 to 49.39.

(10) The county board of every county shall annually levy a tax upon the taxable property therein, sufficient to pay the pension provided in this section, taking into account the state and federal aid available for this purpose.

(11) Monthly the county treasurer and county pension administrator of each county shall certify under oath to the state pension department at such time and in such manner as the department may prescribe, the claim of the county for state and federal reimbursement under the provisions of this section, and if the state pension department shall approve it shall certify to the secretary of state for reimbursement to the county eighty per cent of the approved amount paid by such county for blind pensions pursuant to the provisions of this section. If the total amount due all counties shall exceed the sum appropriated by subsection (4) of section 20.18, the same shall be prorated by the state pension department among the various counties according to the amounts due them. To facilitate prompt reimbursement the certification of the state pension department may be based upon the certified statements of the county officers, provided that any necessary audit adjustments for any month or months of current or prior fiscal years may be made and included in subsequent certifications. The secretary of state shall draw his warrant forthwith for reimbursement to the respective counties in accordance with the certification of the state pension department. [1933 c. 160 s. 1; 1933 c. 356; 1935 c. 554; 1939 c. 110]

**Note:** Under ch. 435, Laws 1939, the state pension department has been superseded by the state department of public welfare; see sections 58.36 and 58.37.

Person committed to county home is not entitled to blind pension for that reason, although he may otherwise be qualified to receive such aid. 19 Atty. Gen. 8.

Granting of pensions to blind and deaf persons is mandatory, but amount thereof is within discretion of county board within limitations prescribed. 21 Atty. Gen. 300.

Expenditure of money received by blind or deaf person under this section may not be supervised by county relief authorities. 24 Atty. Gen. 109.

Husband and wife, both blind and having on separate income, may each receive same blind pension as if single. 24 Atty. Gen. 445.

Person who is not committed to but who is living at county home and paying for his keep is not inmate within meaning of (2) (b). 25 Atty. Gen. 433.

County board, under 59.15 (1) (e), may allow examiner of blind and deaf more than fee fixed by 47.08 (4). 25 Atty. Gen. 671.

Under (2) (a) person losing his sight while resident of this state need not reside in this state continuously for one year before making application for blind pension. 27 Atty. Gen. 828.

See note to 49.50, citing 30 Atty. Gen. 71.

47.09 [Repealed by 1939 c. 513 s. 12]

47.10 [Repealed by 1923 c. 355 s. 1]

47.105 [Repealed by 1923 c. 355 s. 1]

47.11 [Repealed by 1923 c. 355 s. 1]

47.12 [Repealed by 1935 c. 309]

47.135 [Repealed by 1923 c. 355 s. 1]