

CHAPTER 41.

SPECIAL SCHOOLS.

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41.01 Schools for handicapped children. (1) Upon application by the district board of any school district or the board of education of any city, the state superintendent may upon the basis of need and the availability of sufficient funds authorize such school district board or board of education to establish and maintain classes, special treatment and instructional centers for each of the various types of handicapped children.

(2) The courses, qualifications of teachers and plan of organizing and maintaining such schools and classes shall comply with such requirements as may be outlined by the state superintendent of public instruction.

(3) The board of education maintaining such schools and classes, shall, through its secretary or other executive officer, report annually to the state superintendent, or oftener, if he so directs, such facts relative to such schools and classes as he may require. Such report shall include, among other things, the number of pupils instructed in each school or class and classes, 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.

(4) There is created in the state department of public instruction a bureau for handicapped children. Whenever the word "bureau" appears in this section it means the bureau for handicapped children. The state superintendent of public instruction shall appoint a person with the status of assistant superintendent to serve as director for the bureau. Whenever the word "director" appears in this section it means the director of the bureau. The director is responsible for the services established under the state department of public instruction for children who are crippled, blind, partially seeing, deaf, hard of hearing, defective in speech, cardiopathic, malnourished, otherwise physically handicapped or who are mentally handicapped. He is responsible for the auditing of expenditures incurred for such services subject to the direction of the state superintendent. The responsibility of the director is concerned with the services carried on through day classes and resident schools under the jurisdiction of the state department of public instruction, for children with handicaps as designated in this section. The director shall appoint the following persons who are qualified by technical training and experience:

(a) A supervisor of the services for children who are deaf, hard of hearing, blind, partially seeing or have defective speech.

(b) A supervisor of the services for children who are crippled or otherwise physically handicapped.

(c) A supervisor of the services for children who are mentally handicapped.

(d) Other qualified personnel necessary to perform duties assigned by the state superintendent of public instruction.

(e) Technical training and experience as used in section 41.01 (4), when applied to the supervisor of the deaf, hard of hearing, and defective of vision, specified in paragraph (a) is defined to mean: Four years of scholastic training beyond high school in regular elementary teacher training education plus a minimum of one year of special elementary teacher training for the teaching of the particular classification of services to the handicapped to be supervised, plus at least 2 years of teaching experience in the particular classification of the handicapped to be supervised.

(4m) (a) The bureau through the crippled children division shall be responsible for assembling all records on individual crippled children from birth to twenty-one years of age, and for providing facilities for aftercare, and for diagnosis through orthopedic field clinics, for children under twenty-one years of age who are crippled or who are suffering from conditions which lead to crippling. It shall approve applications and arrange for orthopedic hospital care when state aid is granted for any part of the cost. The responsibility of the bureau through the crippled children division regarding after-care and diagnosis shall be for those facilities not provided through hospitals, by private physicians, or through private organizations. The provisions of this subsection shall be administered in accordance with requirements of the federal social security act.

(b) Whenever reference is made in section 41.01 and in subsection (1m) of section 40.34 to the term "crippled children," it shall be interpreted to include the group known as cardiac cripples.

(c) Any federal aid which may be made available for the special classes or other special facilities for academic instruction for children who are crippled, blind, partially seeing, deaf, hard of hearing, defective in speech, cardiopathic, malnourished, otherwise physically handicapped or who are mentally handicapped shall be granted the bureau for the carrying out of plans as approved by the federal agency having supervision of such program.

(e) The director of the bureau shall submit to the proper federal authorities a unified and comprehensive state plan, prepared by the supervisor of the crippled children division of the bureau, for services for crippled children. Such plan shall include services for locating crippled children, and for providing medical, surgical, corrective and other services and care, and facilities for diagnosis, hospitalization and after-care for children who are crippled or suffering from conditions which lead to crippling. Such plan shall provide for co-operating with medical, health, nursing, educational, rehabilitation and welfare groups. It shall include provisions for methods of administration not already covered by legislation which will insure the efficient operation of the plan in conformity with the federal aids for services for crippled children. Such state plan for services for crippled children may be revised from time to time as conditions may require. The bureau shall make such reports, in such form and containing such information as the proper federal authorities may from time to time require, and shall comply with all requirements which may be made to assure the correctness and verification of such reports.

(5) Handicapped children residing within the district or outside the district may be admitted to special classes or schools according to standards of eligibility which are determined by the bureau for handicapped children and according to available facilities in each such class or school. In case a disabled child who does not reside in a school district maintaining special classes or schools for children with such disabilities is eligible for special class attendance, he may be admitted as a nonresident pupil. Tuition on the same basis as tuition charges to regular schools shall be chargeable to the town, city or village of which such pupil is a resident. Whenever such child resides in a district which maintains a special school or class for children with such disabilities and if he attends a special class in another district, his tuition shall be a charge against the parent or guardian of such pupil. In the case of a crippled child who lives either within the district or outside, the basis for his enrollment in an orthopedic school shall be his need for special school facilities because of his inability to walk or climb stairs or his need for supervision or treatment as provided at such schools. Only children who are mentally able to carry the regular academic course shall be admitted to orthopedic schools.

(5m) In the case of crippled children being transported to orthopedic schools, it shall be the duty of the district paying for the cost of service to employ, except in the case where parents furnish the service, transportation carriers who carry public liability insur-

ance. Each district owning a bus and providing transportation to orthopedic schools in such bus, shall carry public liability insurance, the cost of such insurance to be included in computing cost of transportation for state aid.

(6) On or before the first day of July in each year, the clerk or secretary of the board maintaining such class or classes shall make a sworn statement to the clerk of the town, city, or village from which any child may have been admitted to such school or class setting forth the residence, name, age and date of entrance to such school or class, and the number of months' attendance during the preceding school year of each child admitted from such city, town or village. Such statement shall further show the amount of tuition, which, under the provisions of this section the district is entitled to receive from each child reported as having been a member of the school or class from such city, town or village and the aggregate sum for tuition for all such children. Said statement shall be filed as a claim against the town, city or village where such child resides and shall be allowed as other claims are allowed.

(7) The board of school directors in cities of the first class may provide transportation, to places set apart for their education, for children mentally or physically disabled, who are of school age and desire to attend school, and the board may provide school lunches for such children under such terms as it shall determine.

(8) The bureau is responsible for the academic instruction concerned with elementary and high school education for physically handicapped children under twenty-one years of age and for the supervision of special educational facilities provided mentally handicapped children through day classes. The bureau is also responsible for arrangements for maintenance or transportation for school days for physically handicapped children under the supervision of special classes whose parents or guardian resides outside the district in which the special classes are conducted. The bureau shall reimburse any school district which, on approval of the bureau, has advanced funds for such service.

(9) Academic education through either home instruction or extension courses may be provided on the grade and high school level for physically handicapped children who are, according to medical recommendations, physically unable to attend either a regular or special class or school. The school district board, or in case of a child pursuing high school courses who does not reside in a high school district, the township or village of the child's residence may assume responsibility for the cost of extension courses or home instruction during the time the child is physically unable to attend school except in the case of children of indigent parents and children from children's homes, who are confined to sanatoria or hospitals not providing academic instruction when the cost of extension courses may be met in the same manner as tuition for such children under subsections (2) and (2a) of section 40.21. The child's grade or high school district shall grant credit for academic courses approved by such school if satisfactorily completed. The salary paid a home teacher shall be based on hours devoted to such home instruction. Whenever the home teacher is regularly employed by the school district, if he gives such instruction outside of regular school hours he shall be paid for the home instruction in addition to his regular salary. Teachers employed for home instruction must meet the same educational qualifications as those required for any other regularly employed within the district. A report on blanks provided for the purpose shall be submitted on or before July first of each year to the bureau, regarding teachers and pupils involved in home instruction or extension courses provided any physically handicapped child during that school year. [1933 c. 154 s. 1, 2; 1935 c. 555; 1937 c. 128 s. 3, 4; 1939 c. 230, 231; 1945 c. 428]

41.02 Compulsory education for physically handicapped children. The provisions of section 40.70 relating to compulsory school education apply to physically handicapped children who are eligible for attendance at a special class or school. [1939 c. 231]

41.03 State aid for day schools for handicapped children. (1) If upon the receipt of the report provided for in section 41.01 (3), the state superintendent is satisfied that the school or class or special treatment or instructional center has been maintained during the preceding year in accordance with the provisions of the statutes, he shall certify to the secretary of state in favor of each of the several school district boards or boards of education maintaining such schools or classes a sum equal to the amount expended by each said board during the preceding year for salaries of qualified teachers employed in such schools or classes, maintenance and transportation of pupils residing within the state and attending such schools or classes, special books and special equipment prepared or designed for instruction in such schools or classes, and such other expenses as shall be approved by the state superintendent. When transportation is not furnished to non-resident, handicapped children included in this section, by the districts maintaining the special classes, the school districts in which the child resides shall provide transportation for the handicapped children residing therein. When such transportation has been approved in advance by the state superintendent through the bureau for handicapped

children, he shall certify the full amounts for such transportation to the secretary of state because of such transportation and the secretary of state shall thereupon draw his warrant for such full amount in favor of such school district on funds provided for in section 20.32.

(a) Out of each of the several appropriations under section 20.32 for day schools for handicapped children he shall first set aside amounts equal to the approved claims for transportation or board and lodging of nonresident pupils enrolled in the classes or centers of each of the corresponding classifications of handicapped children, and certify said amount to the secretary of state for payment in full to the school districts which have furnished said transportation or board and lodging.

(b) There shall be paid out of the fund provided in section 20.32 (2) for children physically disabled the full cost of academic instruction in hospitals for crippled children. The supervision of such classes shall be under the city superintendent of schools of the city in which the hospital is located and the state superintendent of public instruction. The board of education of cities in which said hospitals are located shall render an itemized statement of all receipts and disbursements for the actual cost of such classes and such other information as may be required by the state superintendent of public instruction. Where a convalescent hospital for crippled children is located in a rural school district, the supervision of the academic instruction in such hospital is to be under the same supervision as in the main hospital provided the convalescent hospital is not more than 10 miles from the city in which the main hospital is located. If the convalescent home in a rural district is not under the authority of a hospital but is under the supervision of the bureau for handicapped children the teacher may be employed by the state superintendent through the bureau of personnel, and when this is done the state superintendent may purchase and pay from said funds for the necessary instructional supplies.

(c) An amount not to exceed \$3,000 of the appropriation made for crippled children may be used annually to increase the reimbursement to districts which is provided for in section 40.34 (1m) by an amount not to exceed 25 cents per day and to increase the reimbursement which is provided for in section 40.34 (4) by an amount not to exceed \$1 per week to assure educational opportunities to crippled children.

(d) Out of the appropriations for crippled children, there shall be paid in full a sum sufficient to cover the full cost of salary and travel expenses in amounts agreed upon in advance by the state superintendent to the district conducting an orthopedic school for the services rendered by the physical therapists outside the employing district at a time other than during the regular school term. Out of the appropriations made for the instruction of children defective of speech and of children who are mentally retarded a sum sufficient to cover the full cost of salary and travel expenses made necessary by providing instruction to children outside the district of employment in amounts agreed upon in advance by the state superintendent.

(e) Out of the remaining balances of the several appropriations the state superintendent shall certify in favor of each of the several school district boards or boards of education maintaining such schools or classes; or special centers a sum equal to the amount expended by each said board during the preceding year for salaries of qualified teachers employed in such school or classes or centers, and such other expenses as shall be approved by the state superintendent. In the event that said remaining balances are not sufficient to pay said claims in full, the payment shall be prorated on the basis of the ratio of each remaining balance to the aggregate of the claims against each said balance. In the event that the aggregate of the claims against any of the appropriation balances is or are less than said balances and the aggregate of the claims against other of said balances are in excess of said balances, amounts may be transferred from the excess balances to satisfy said excess claim or claims as nearly as may be.

(2) On receipt of such certificates the secretary of state shall draw his several warrants accordingly, payable to the treasurers of the school boards or boards of education, respectively from the several appropriations provided under section 20.32. [1931 c. 67 s. 67; 1931 c. 334; 1933 c. 140 s. 3; 1933 c. 154 s. 1; 1935 c. 115, 172; 1939 c. 231; 1943 c. 306; 1945 c. 428]

41.035 [Repealed by 1927 c. 488; 1927 c. 541 s. 9]

41.04 [Repealed by 1927 c. 541 s. 9]

41.05 Trade schools. (1) ESTABLISHMENT. The school board of or for any city (not maintaining vocational schools) may establish or take over and maintain schools for practical instruction in the useful trades to young persons over fourteen years of age as part of the public school system of the city, 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 be an average enrollment of at least thirty pupils.

(2) REFERENDUM. (a) When the school board of any city of the second, third or fourth class shall determine to establish or take over and maintain trade schools, it shall

publish notice of its intention so to do with a copy of the resolution or order expressing such determination once each week for four successive weeks in a newspaper published in the city.

(b) If within thirty days after the first publication of such notice, there shall be filed with the city clerk a petition signed by electors equal to twenty per cent of the votes cast in said city at the last municipal election, praying that the question of the establishment or taking over and maintenance of trade schools shall be submitted to the vote of the electors, the city clerk shall at the earliest opportunity lay such petition before the common council. The council shall thereupon, at its next regular meeting, by resolution or ordinance, direct the city clerk to call a special election for the purpose of submitting such question to the electors.

(c) Such election shall be noticed and conducted and canvassed in accordance with the provisions of section 10.40. All electors within the territory constituting such school district shall be entitled to vote.

(d) If any of said school district territory shall be beyond the limits of the city, the city clerk shall immediately upon the passage of the resolution or ordinance of the council, transmit a copy thereof to the clerk of the town or towns of which such territory is constituted. The clerks of the towns shall thereupon cause a notice of such election to be given, and such election shall be held and canvassed as provided in section 10.51.

(e) If a majority of the votes shall be against such proposition, the board shall proceed no further in the matter, but if a majority of the votes cast shall be in favor of the proposition, or if no petition to submit such proposition to the electors shall be filed within the time permitted therefor, the board shall proceed to establish or take over and maintain trade schools.

(3) **POWER OF BOARD.** The school board may equip trade schools with proper machinery and tools, employ instructors and give practical instruction in one or more of the common trades; may prescribe courses of study, purchase or lease suitable grounds or buildings for the use of such schools.

(4) **PAY FOR MATERIALS; SALE OF PRODUCT.** Trade school pupils may be required to pay the cost of all material consumed by them in their work, or in lieu thereof the board may establish a fixed sum to be paid by each student in such course, which sum shall be sufficient to cover the cost of the material to be consumed in such course; and may in its discretion dispose of any manufactured articles and the proceeds shall be paid into the trade school fund.

(5) **TRADE SCHOOL FUND.** A tax not exceeding six-tenths of a mill upon the dollar for the establishment and maintenance of trade schools shall be levied, upon the requisition of the school board, as other school taxes are levied; the fund derived from such taxation shall be known as "Trade School Fund," shall be used in establishing and maintaining trade schools, shall not be used for any other purpose, and may be disbursed by the board in the manner and pursuant to the regulations governing the disbursement of regular school funds by such board.

41.06 Temporary transfers from regular school funds. Any school board desiring to avail itself of the provisions of section 41.05 may, before the trade school fund becomes available, establish or take over, equip and maintain trade schools out of the regular school funds which may be at the disposal of such school board; provided, however, that all moneys used for these purposes out of the regular school funds shall be refunded within three years from the trade school fund.

41.07 to 41.10 [Renumbered section 41.05 by 1927 c. 425 s. 117]

41.11 [Renumbered section 41.06 by 1927 c. 425 s. 118]

41.12 [Renumbered section 41.05 by 1927 c. 425 s. 117]

41.13 State board of vocational and adult education. (1) There is hereby created a "State Board of Vocational and Adult Education." The board shall consist of eleven members, nine appointed by the governor (three to be employers of labor, three to be skilled employes other than those who have employing or discharging power, and three to be practical farmers), the state superintendent of public instruction and a member of the industrial commission to be selected by the commission. A majority of said board shall constitute a quorum.

(2) The term of appointive members shall be six years, and regular terms shall commence on the first day of July.

(3) Said board shall have control over all state aid given to schools of vocational and adult education; shall meet quarterly and at such other times as may be found necessary; shall elect its own officers; shall report biennially; may employ a director of vocational and adult education and assistants for the development and supervision of the work of vocational and adult education, and shall determine the organization, plans, scope and development of vocational and adult education. All salary accounts shall be certified by

the secretary of the board to the secretary of state. All positions except that of director of vocational and adult education shall belong to the classified civil service.

(4) The board shall co-operate with the federal board for vocational education in the execution of the provisions of the United States vocational education act, and is hereby empowered with full authority so to co-operate. The state treasurer is hereby designated custodian of all funds allotted to this state from the appropriations made by said act, and he shall receive and provide for the proper custody and disbursement of the same in accordance with said act.

(5) Whenever necessary to gain needed vault space, the board may turn over to the director of purchase for destruction, obsolete records in its possession, as follows:

(a) Correspondence after 5 years.

(b) Closed case files on physically handicapped persons when such cases have been closed for a period of 10 years.

(c) Monthly and quarterly reports received from local communities. [1937 c. 349; 1945 c. 72]

Note: State vocational board may not direct expenditure of funds received from federal government for vocational aid except in compliance with restrictions and conditions of federal laws. Each phase of program for which expenditures are contemplated should first be submitted to federal security agency for approval before any federal funds are utilized therefor. 31 Atty. Gen. 30.

41.14 [Repealed by 1927 c. 425 s. 120]

41.15 Local vocational boards; organization, powers, duties. (1) In every town, village and city of over five thousand inhabitants there shall be, and in every town, village or city of less than five thousand inhabitants there may be a local board of vocational and adult education, whose duty it shall be to establish, foster and maintain schools of vocational and adult education for instruction in trades and industries, commerce and household arts in part-time-day, all-day and evening classes and such other courses as are enumerated in section 41.17. Said board may take over and maintain any existing schools of similar nature. Schools created under this section shall be known as schools of vocational and adult education.

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

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

(3) The term of the appointive members shall be four years from the first of January; provided, however, that in the first instance members shall be appointed so that the term of one member shall expire each year and that in cities of the first class one employe member shall be appointed to begin service in each odd-numbered year and one employer member to begin service in each even-numbered year, and that in all other cities and in villages one employe member shall be appointed to begin service in each even-numbered year and one employer member to begin service in each odd-numbered year.

(4) The local board of vocational and adult education shall elect from its membership, a chairman and a secretary; and with the co-operation of the state board of vocational and adult education, shall have general supervision of the instruction in the local schools of vocational and adult education.

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

(6) The local board of vocational and adult education shall employ and fix the compensation of a local director of vocational education for the development and supervision of the local work of vocational and adult education and shall also employ and fix the compensation of other supervisors, co-ordinators, teachers and technical advisors and experts as may be necessary for the proper execution of its duties. The qualifications and fitness of these employes shall be subject to the approval of the state board of vocational education and shall meet the requirements designated by the said state board. The local board may also employ and fix the compensation of such clerical assistants, janitors and other employes as may be necessary.

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

(8) The board may contract with the extension division of the University of Wisconsin to give instruction in such branches as the department may offer.

(9) Whenever twenty-five persons qualified to attend a vocational and adult education school shall file a petition therefor with the local board of vocational and adult education, the board shall establish such school, or otherwise provide facilities for such instruction as is authorized in sections 41.13 to 41.20.

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

(b) All contracts made by such local board for work or supplies or material, involving the expenditure of five hundred dollars, shall be awarded to the lowest competent and reliable bidder, in accordance with the provision of section 62.15, so far as applicable; and for that purpose the board of vocational and adult education shall perform the duties imposed and shall possess the powers conferred by said section upon public bodies, boards and officers.

(d) Every such contract shall contain a provision that in case the contractor shall fail to fully and completely perform his contract within the time therein limited, he shall pay as liquidated damages for such default, a sum per day to be named in the contract, which shall be sufficient, in the judgment of said board, to save the municipality from any loss on account of such default.

(g) Said board may insert in such contract provisions for reasonable and lawful conditions as to hours of labor, wages, and the residence and character of workmen to be employed by the contractor, and especially such reasonable and lawful conditions as will tend to confine employment on such work, to bona fide residents of the state of Wisconsin.

(11) (a) The board may assist in the formation of advisory committees in every occupation in the locality. Each committee shall consist of equal numbers of employers and employes selected from candidates submitted by representative organizations or associations of each occupation, and may be called upon by the local board and by the directors for advice and assistance in the selection, purchase and installation of equipment, in the preparing of lessons, in developing methods of instruction, in the development of vocational guidance, in following up young persons after they leave school, and for such other purposes as may be found desirable.

(b) The names of the members of each such advisory committee shall be filed with the state board of vocational and adult education at the beginning of each school year. Each such advisory committee shall meet at least once each year and reports shall be made of activities and recommendations to the state board of vocational and adult education.

(12) All full time day teachers in any schools of vocational and adult education in cities of the first class shall be employed on probation, and after successful probation for three years, such employment may be terminated only in the manner as hereinafter provided; teachers having taught three years or more in any such school shall be deemed to have served their term of probation. No teacher in any such school after such successful probation for three years shall thereafter be discharged except for cause and upon a written statement of the reasons therefor. In such case, the charges shall, upon such teacher's request, after ten days' written notice thereof to such teacher, and within thirty days of such written notice, be investigated, heard and determined by the local board of vocational and adult education whose action and decision in the matter shall be final. The term "teachers" as used in this subsection shall include teachers, principal, supervisors, counselors, co-ordinators, technical advisors and experts, and other employes to whom the local board of

vocational and adult education shall assign teaching status, but shall not include the director; nothing herein contained shall apply to the director whose election, appointment, or tenure shall be left entirely to the local board of vocational and adult education.

(13) Effective June 1, 1945, any teacher and any director heretofore or hereafter coming under the provisions of section 41.15 (12) who has attained or shall attain the age of 70 years shall be retired by the local board at the end of the school year in which he reaches the age of 70. A school year shall begin on July 1 in any year and end on June 30 of the following year. [1931 c. 147; 1937 c. 213, 349; 1939 c. 265, 303; 1945 c. 142, 560]

Note: The statute which requires municipalities to either maintain vocational schools or pay tuition for residents attending such schools in other municipalities is constitutional. *City of Manitowoc v. Town of Manitowoc Rapids*, 231 W 94, 235 NW 403. Vocational school board must carry insurance upon vocational school buildings. 19 Atty. Gen. 222.

Where there is contest as to right to office of superintendent of schools in city, one actually exercising functions of office under claim of right is de facto officer and entitled to serve as member of school board of vocational education under provisions of (2). 21 Atty. Gen. 1105.

Member of board who is appointed as employe will remain representative of employes although during term of office he became employer. 22 Atty. Gen. 473.

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

Operator of insurance agency who employs one stenographer and operator of barber shop who employs one journeyman

barber are "employers" within meaning of (2). 25 Atty. Gen. 5.

Under this section, as amended by chapter 213, Laws 1937, year of appointment of members of local board of vocational education is year of commencement of term. 26 Atty. Gen. 414.

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

Vocational school district must be confined to one town, village or city. 27 Atty. Gen. 147.

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

41.16 Estimate for maintenance; tax. (1) The local board of vocational and adult education shall annually report to the municipal clerk before September the amount of money required for the next fiscal year for the support of all the schools of vocational and adult education, and for necessary school sites, buildings, fixtures and supplies.

(2) The municipality shall levy and collect and the clerk shall spread on the roll a tax, which together with the other funds provided for the same purpose, shall be equal to the amount so required by said local board, but such tax shall not exceed one and one-half mills on the dollar.

(3) Whenever the local board of vocational and adult education in any city shall deem it necessary to erect, or to make additions to buildings, or to purchase sites or addition to sites, and a natatorium or natatoria in connection therewith, whenever directed by the common council to erect a natatoria as a part of such buildings, said local board may inform the council of the amount of funds needed for one or more of said purposes, and request said council to issue vocational and adult education school bonds for any of said purposes, or any two or more of said purposes combined, and said council may cause vocational and adult education school bonds to be issued for any of said purposes or any two or more of said purposes combined, in the same manner as other bonds are issued in such city. Whenever bonds are issued for any two of said purposes combined, the local board may apply the proceeds to any of the purposes for which said bonds were issued in any proportion it deems necessary; provided, that whenever a natatorium shall be erected in connection therewith as herein provided, the maintenance cost of such natatorium shall be paid by the local board and the city in such proportions as shall be agreed upon by the common council and the local board, or if they cannot agree then each shall pay fifty per cent thereof. The comptroller of such city shall annually set aside, out of any taxes collected in such city for a vocational and adult education fund, a sufficient sum to pay the principal and interest which may become due on any of said bonds in the year for which such taxes are collected; if the local board shall neglect to report a sufficient amount required by it for the next fiscal year to pay the principal and interest on said bonds each year, the common council of such city shall nevertheless levy a sufficient tax for such purpose. It shall not be necessary for such city to comply with the provisions of chapter 65 of the statutes in making the first two bond issues, but all subsequent bond issues shall be subject to the provisions of said chapter.

(4) Taxes for the purposes named in this section shall be in addition to all other taxes, and shall be for the use and support of the schools of vocational and adult education.

(5) The municipal clerk (or comptroller where applicable) shall keep separate accounts of all moneys appropriated or otherwise provided for vocational and adult education. Said moneys shall be paid out as follows: The local board of vocational and adult education shall present to the town, village or city clerk a certified bill, voucher or

schedule signed by its president and secretary giving the names of the claimants and the amount and nature of each claim. The municipal clerk shall issue proper orders upon such certification, to the municipal treasurer, who shall pay them from the proper funds in the manner provided by subsection (8) of section 66.04.

(6) All moneys received by said board shall be paid to the town, village or city treasurer and are appropriated to the vocational and adult education fund. [1937 c. 349; 1941 c. 129]

Note: Offices of vocational board member and alderman are incompatible; and offices of board member and municipal treasurer are compatible. 19 Atty. Gen. 609.
Where local board of vocational and adult education has received amount which it requested from city under 41.16, city and not local board of vocational education has authority to make short term loan from bank to pay current expenses of such board. 32 Atty. Gen. 311.

41.17 Teachers and courses of study. (1) The qualifications of teachers and the courses of study in these schools shall be approved by the state board of vocational and adult education, and shall include English, citizenship, physical education, sanitation and hygiene, and the use of safety devices, and such other courses as the state board of vocational and adult education shall approve.

(2) The local board of vocational and adult education may allow pupils who have had courses equivalent to any of those offered, to substitute other courses therefor. [1937 c. 349]

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

(2) Local boards of vocational and adult education may receive such payments as may be made by the federal veterans' administration for tuition to cover cost of training provided resident students who are enrolled in schools of vocational and adult education and who are veterans eligible for benefits under the provisions of U. S. Public Law No. 16, Chapter 22, 1st session 78th Congress and U. S. Public Law No. 346, Chapter 268, 2d session 78th Congress and any acts amendatory thereof or supplementary thereto. Local boards of vocational and adult education may receive such payments as may be made by the state board of vocational and adult education under the provisions of section 41.71 to cover cost of training provided resident students who are enrolled in schools of vocational and adult education and who are veterans not eligible for benefits under the provisions of U. S. Public Law No. 16, Chapter 22, 1st session 78th Congress and U. S. Public Law No. 346, Chapter 268, 2d session 78th Congress and any acts amendatory thereof and supplementary thereto. No board shall accept payment in an amount which together with other receipts for the same purpose exclusive of the funds provided under section 41.16 would be in excess of the full cost of training provided such veterans. [1937 c. 349; 1945 c. 41]

Note: Under this section and 41.19, local board of education may give written approval for one of its high school graduates to attend vocational school in another municipality. Board in such municipality is required to pay tuition to vocational school which he attends. 22 Atty. Gen. 4.

Board of directors of vocational education of West Allis has power to refuse its consent to pupils resident of West Allis to attend vocational school of Milwaukee. 22 Atty. Gen. 891.

Fact that municipality has paid high

school tuition for person does not relieve it from obligation to pay vocational school tuition for him. 25 Atty. Gen. 200.

Minor placed in school district not primarily for purpose of attending school has residence for school purposes in such district 25 Atty. Gen. 608.

Phrase "board of vocational and adult education" in this section refers to local board of education, not to state board of vocational and adult education. 27 Atty. Gen. 506.

41.19 Nonresident tuition; aids for veterans. (1) The local board of vocational and adult education is authorized to charge tuition for nonresident pupils not to exceed fifty cents for each day or evening of actual attendance. Before July in each year the secretary of the board shall send a sworn statement to the secretary of the local board of vocational and adult education in the municipality in which such pupils reside in cities, towns or villages having local board of vocational and adult education. In case such nonresident pupils reside in a municipality in which no vocational and adult education school is maintained then such sworn statement shall be sent to the clerk of the municipality in which such pupils reside. In either case said sworn statement shall set forth the residence, name, age and date of entrance to such school, and the number of days' or evenings' attendance during the preceding year of each such pupil, and the amount of tuition due on account of such attendance. This statement shall be filed as a claim against said local board of vocational and adult education or against such municipality, as the case may be, and allowed as other claims are allowed. No local board of vocational and adult education, nor any city, village or town not having a school of vocational and adult education, shall be liable without its consent to pay such tuition for any pupil who has reached the age of twenty-one, nor for any course eligible for credit at the university of Wisconsin or at any state teachers college. Nonresident students over twenty-one years of age may pay such nonresident tuition charge. Neither shall any board of vocational and adult education, city, village or town be liable to pay such tuition for any student unless such board of vocational and adult education or the governing body of the city, village or town is notified in writing within thirty days after enrollment that the student is attending the school of vocational and adult education.

(2) Local boards of vocational and adult education may receive such payments from the federal veterans' administration for tuition of nonresident students as may be made by the federal veterans' administration to cover cost of training provided for veterans who are enrolled in schools of vocational and adult education and who are veterans eligible for benefits under the provisions of U. S. Public Law No. 16, chapter 22, 1st session 78th Congress and U. S. Public Law No. 346, chapter 268, 2d session 78th congress and any acts amendatory thereof or supplementary thereto. Local boards of vocational and adult education may receive such payments as may be made by the state board of vocational and adult education under the provisions of section 41.71 to cover cost of training provided nonresident students who are enrolled in schools of vocational and adult education and who are veterans not eligible for benefits under the provisions of U. S. Public Law No. 16, Chapter 22, 1st session 78th Congress and U. S. Public Law No. 346, Chapter 268, 2d session 78th Congress and any acts amendatory thereof and supplementary thereto. The amount authorized to be received by local boards of vocational and adult education under this subsection shall not be less than the amount specified in subsection (1) but it may be in excess of such amount. No board shall accept payments in an amount which together with other receipts for the same purpose exclusive of the funds provided under section 41.16 would be in excess of the full cost of training provided such veterans.

(3) Local boards of vocational and adult education may make charges for tuition of persons enrolled who are not residents of this state in an amount sufficient to pay for the cost of providing training to such persons. The full amount of such receipts shall be annually reported separately to the state board of vocational and adult education, and shall be taken into consideration when payments for state and federal aid are made under the provisions of section 20.33 (2) and section 41.21. Where the full cost of training is paid for from such receipts no state and federal aid shall be granted by the state board of vocational and adult education. [1937 c. 349; 1939 c. 421; 1945 c. 41]

Note: Under sec. 41.19, Stats. 1937, vocational school offering university of Wisconsin extension division courses may charge nonresident tuition. 26 Atty. Gen. 116.

Nonresident tuition charge for each day or evening of actual attendance is not dependent upon number of hours involved, word "day" there being regarded as indivisible unit of time, including fractions of day. 27 Atty. Gen. 433.

Vocational school student who became 21 on June 15, 1937, who, prior to entering said school in 1935, had been living with her parents, who has been entirely self-supporting while attending school, who voted in general election in 1938 in city where school is located, who has not even returned to her parents' home for visit within past year and who claims present intention of making city in which school is located her permanent residence and is now looking for permanent work in such city, is resident student for

tuition purposes. 28 Atty. Gen. 115.

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

41.20 Charges for material consumed; sale of products. Students attending vocational and adult school may be required to pay for all material consumed by them in their school work at cost prices, or in lieu thereof the local board of vocational and adult education may establish a fixed sum to be paid by each student in each course, which sum shall be sufficient to cover, as nearly as may be, the cost of the material to be consumed in such course; articles manufactured in such school may be disposed of at their market value, at the discretion of the school board, and the proceeds shall be paid to the municipal treasurer for the vocational and adult education fund. [1937 c. 349]

41.21 State aid to vocational and adult education. (1) (a) On the first day of July in each year the secretary of the local board of vocational and adult education of each city, town, or village maintaining such a school or schools shall report to the state board of vocational and adult education the cost of maintaining the same; the character of the work done; the number, names, and qualifications of the teachers employed; and such other information as may be required by the said board.

(b) If it appears from such report that such school or schools have been maintained pursuant to law, in a manner satisfactory to the state board of vocational and adult education, the said board shall certify to the secretary of state, in favor of the several local boards of vocational and adult education, amounts equal to one-half the amount actually expended for salaries for instruction and supervision; but not to exceed, exclusive of federal aid in any one year, thirty thousand dollars for any city of the first class, or fifteen thousand dollars for any other city, town or village. If the aggregate of such amounts exceeds the available funds of this appropriation, the state board of vocational and adult education shall deduct from each an equal proportion so as to reduce their aggregate to the amount of the available funds.

(c) On receipt of such certificates the secretary of state shall draw his several warrants accordingly, payable to the treasurers of the cities, towns, and villages, respectively.

(2) (a) On July 1 of each year the governing body of a school maintaining part-time instruction in agriculture in accordance with section 41.60 shall report to the state board of vocational and adult education in such form as the said board may require, the facts relating to the cost of maintaining such part-time instruction during the preceding school year, and the character of the work done, the number and names of teachers employed, the length of time such instruction was maintained, and such other facts as may be required.

(b) If it shall appear from such report that such classes have been maintained pursuant to law and in a manner satisfactory to the state board of vocational and adult education and in conformity with the state plan as accepted by the United States Office of Education, the state board of vocational and adult education shall certify to the secretary of state in favor of the several municipalities, including school districts, maintaining such schools an amount equal to one-third of the sums expended by each, respectively, for the wages of duly qualified and approved teachers therein during the school year. Upon receipt of such certificate, the secretary of state shall draw warrants upon the state treasurer accordingly, payable to the treasurers of such municipalities, including school districts.

(3) Commencing with the school year 1945-1946 no state aid shall be paid for or on account of any school of vocational and adult education for any year during which such school of vocational and adult education shall employ any teacher, administrator, principal or supervisor not under a contract providing for leave of absence of the teacher, administrator, principal or supervisor by reason of personal sickness, without deduction of salary of such teacher, administrator, principal or supervisor at the rate of at least 5 days per year and for accumulation of at least 30 days of unused sick leave from year to year. [1931 c. 67 s. 68, 72; 1937 c. 349; 1943 c. 272; 1943 c. 552 s. 3; 1945 c. 122]

Note: State board of vocational education in certifying reports of local boards to secretary of state for state aid under (1) (b) may not consider items of instructional expense which have been incurred but which have not actually been paid. 26 Atty. Gen. 406. State board of vocational and adult education in computing amounts actually expended for salaries for instruction and supervision upon which to compute federal and state aids under (1) (b) is not authorized to deduct tuition received by local school. 28 Atty. Gen. 196.

41.215 [Renumbered section 41.71 by 1927 c. 425 s. 162]

41.215 Federal aid for vocational and adult education. The state board of vocational and adult education is authorized to enter into contracts with the federal veterans administration when so authorized by a local board of education or a board of vocational and adult education for training to be provided by the local boards of education or boards of vocational and adult education in the field of vocational agriculture to veterans eligible for benefits under the provisions of U. S. Public Law No. 16, chapter 22, 1st session, 78th Congress and U. S. Public Law No. 346, chapter 268, 2d session, 78th Congress and any acts amendatory thereof or supplementary thereto and to receive from the federal

veterans administration such payments for tuition, supplies, materials and services, as may be granted to cover the cost of such training. All payments received by the state board of vocational and adult education under the provisions of this section shall be paid within one week after receipt into the general fund and are appropriated therefrom to said board under section 20.33 (8) (b) to be expended as provided in this section. [1945 c. 381, 586]

41.22 Board of trustees of the Stout institute; general powers and duties. The members of the state board of vocational and adult education and the state director of vocational and adult education shall constitute a body corporate under the name of the "Board of Trustees of the Stout Institute," and shall possess all powers necessary or convenient to accomplish the objects and perform the duties prescribed by law. In such capacity, such board shall also employ such clerks and assistants as may be necessary to properly conduct its affairs. The state treasurer shall be ex officio treasurer of the board, but the board shall appoint a suitable person to receive fees or other moneys that may be due such board, to account therefor, and to pay such moneys, within one week of their receipt, to the state treasurer. Such payments shall be credited to Stout institute. [1937 c. 349; 1945 c. 566]

Note: Board of trustees of Stout institute be charged to appropriation of Stout institute and local boards of vocational education tute or appropriation made by local municipalities may require auditor or other fiscal agent palities for vocational education. 21 Atty. to be bonded. Premium of such bond may Gen. 345.

41.23 Board may accept the Stout institute and other donations, and hold same in trust. Such board is authorized to accept free of cost to the state and to hold as a trustee for the state, the property of the Stout institute located at Menominee, Wisconsin, and to maintain such institute under the name of "The Stout Institute." Provided, that the trustees of said Stout institute turn over to the state, within two months after the passage and publication of this act, said property free and clear of all incumbrances and debt, released from all claims or interest which the city of Menominee or the heirs of James H. Stout may have had in said property and having put the buildings in good condition, and having made such repairs as may be necessary before turning over said property. The board is also authorized to accept such other property or moneys as it may deem advisable to be accepted which can profitably be used by it in promoting the interests intrusted to it. Such board may purchase, have, hold, control, possess and enjoy, in trust, for the state, for educational purposes, any lands, tenements, hereditaments, goods and chattels, of any nature, which may be necessary and required to accomplish the purposes and objects of the board, and may sell or dispose of any personal property when in its judgment it shall be for the interests of the state.

41.24 Purposes and objects of institute. The purposes and objects of the institute shall be to instruct young persons in industrial arts and occupations and the theory and art of teaching such, and to give such instruction as will lead to a fair knowledge of the liberal arts, a just and seemly appreciation of the nobility and dignity of labor, and in general to promote diligence, economy, efficiency, honor and good citizenship.

41.25 Powers of trustees to control and regulate institute. The said board shall have power:

(1) To make rules, regulations and by-laws for the government and management of the institute and the students therein, including the power to suspend or expel students for misconduct or other cause.

(2) To appoint a president of the institute and other officers, teachers and assistants, and to employ such other persons as may be required; to fix the salary of each person so appointed or employed and to prescribe their several duties; to remove at pleasure any president, other officer, teacher, assistant or person from any office or employment in connection with the institute.

(3) To purchase such supplies as may be necessary in the conduct of the institute and its various departments.

(4) To prescribe rules, regulations and terms for the admission and control of the students, to prescribe courses of study and methods and means of instruction, and to issue certificates or diplomas.

(5) To co-operate with other educational institutions and agencies in instruction and training, leading to efficiency in industrial arts and occupations.

(6) (a) The said board shall establish and maintain the necessary courses for the thorough instruction and training of teachers in the principles and practice of the industrial arts and of home economics and household arts. Such courses shall include such instruction in the comprehension and use of the English language, in mathematics, science, history, literature, economics, and sociology, with special reference to the bearing of such instruction upon the teaching of the industrial arts and of home economics and household arts, as shall give not only technical instruction and training for the vocation of teaching

but also the instruction needed for good citizenship and for a broad and sympathetic knowledge and appreciation of the reciprocal rights, duties, and relations of the individual, the state, and society and of the conditions for results in production and in the distribution of the products of industry which are essential to give the greatest efficiency and the largest measure of justice to every individual.

(b) Such courses shall be established as four and five-year college courses. Students who shall satisfactorily complete such courses shall receive from the Stout institute under the seal of the college, the degree of bachelor of science or of master of science with majors in industrial education, vocational education and in home economics education. [1935 c. 10; 1939 c. 367]

41.251 [Renumbered section 41.26 by 1927 c. 425 s. 128]

41.26 **Stout institute, tuition.** Any student attending Stout institute who shall not have been a resident of the state for one year next preceding his first admission thereto shall pay a tuition fee of one hundred twenty-four dollars for the school year, and a proportionate amount therefor for attendance at the summer session. The board of trustees of the Stout institute shall charge tuition at the rate of one hundred twenty-four dollars per school year for any student who shall not have been a bona fide resident of Wisconsin for one year next preceding his first admission to Stout institute, and shall charge a proportionate amount thereof for any such student attending the summer session division. Such nonresident students shall in addition to the tuition prescribed herein pay the usual incidental fees charged resident students. The board of trustees of Stout institute may remit either in whole or in part tuition, but not incidental fees, to a number of needy and worthy nonresident students, not exceeding eight per cent of the number of nonresident students registered in the preceding year, upon the basis of merit, to be shown by suitable tests, examinations or scholastic records and continued high standards of scholastic attainment.

41.27 **Wisconsin Institute of Technology; board of regents.** An institute shall be established in the city of Platteville, to be called the "Wisconsin Institute of Technology." The institute shall be under the control and management of a board of three members to be known as the "Wisconsin Institute of Technology Board of Regents," one of whom shall be the state superintendent of public instruction, and two shall reside in the southwestern part of the state in the mining district, who shall be appointed by the governor for terms of two and four years, respectively, beginning the first day of July following the appointment, and thereafter for a term of four years, who shall serve without compensation. [1939 c. 456]

41.28 [Repealed by 1939 c. 456]

41.29 **Same; equipment and faculty.** The institute of technology board of regents shall procure such furniture, apparatus, library and implements as may be necessary for the successful operation of said institute, and employ a president and teachers and assistants and regulate their duties. [1939 c. 456]

41.30 **Same; study courses, fees and tuition.** The courses of instruction shall be three and four years, and shall embrace such branches of practical and theoretical knowledge as will, in the opinion of the board of regents, give students a knowledge of the science, art and practice of engineering. No student who shall have been a resident of the state for one year next preceding his admission shall be required to pay tuition or other fees, except the cost price of materials consumed by such student. The tuition for students who shall not have been residents as aforesaid shall be fixed by the board of regents, but shall not be less than fifty nor more than two hundred dollars per year. [1939 c. 456]

41.31 **Same; school government.** The institute of technology board of regents shall enact laws, rules and regulations for the government of the institute in all its branches and shall determine the moral and educational qualifications of applicants for admission to various courses of instruction. The board may grant diplomas or certificates of graduation upon the completion of the required courses and may confer upon the graduates from the various courses such academic, scholastic or engineering degrees as they may deem suitable. [1939 c. 456]

41.32 **Same; debt limit, property transactions.** No debt shall be contracted beyond the means at the disposal of the institute. The board of regents may dispose of or lease any property donated to the state for the purposes of said institute. The board of regents shall not engage in mining, except so far as it may be necessary in the course of instruction, nor purchase any lands beyond those required for the reasonable accommodation of the institute. [1939 c. 456]

41.33 **Same; mineral collection.** The board of regents shall obtain a complete collection of the minerals of the lead and zinc region of Wisconsin and classify the same. [1939 c. 456]

41.34 Same; county aid. County boards may appropriate money for the equipment and maintenance of the Wisconsin institute of technology. When two or more counties unite in equipping and maintaining said institute, the board of regents shall apportion the amount to be raised by taxation among the counties in proportion to the assessed valuation of each county as last fixed by the state board of assessment, and shall report to the county clerk of each county such apportionment, on or before the first Monday of November in each year. The amount so apportioned to each county shall be included in the county tax for the ensuing year for the support of such institute. [1939 c. 456]

41.35 Same; city aid, reimbursement, limit. The city of Platteville may appropriate annually for equipping and maintaining said institute or for reimbursing counties which have appropriated money for the equipment and maintenance of such institute a sum not exceeding three thousand dollars. [1939 c. 456]

41.36 County normal schools; appropriation. Any county within which no state teachers college is located may appropriate money for the organization, equipment and maintenance of a normal school, to be known as a "County Normal School" for teachers of common schools, and for the erection of suitable school buildings and dormitories, or for purchasing and remodeling suitable buildings therefor. [1931 c. 67 s. 63; 1945 c. 20]

41.37 Same; board, appointment, bond, organization. A "county normal school board" is created, which shall have charge and control of all matters pertaining to the organization, equipment and maintenance of such schools. Said board shall consist of 3 members, one of whom shall be the county superintendent of schools. The other members shall be 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. The county superintendent of schools shall be secretary of the said board, and the county treasurer of the county in which the school is located shall be treasurer of said board, but not a member thereof. The said 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 shall allow. [1943 c. 384; 1945 c. 559]

Note: Hold-over members of the county normal school board were de facto officers and the board a de facto board with authority to hire a school principal. The contract of hire did not require the approval of the state superintendent. State ex rel. Mattek v. Nimitz, 204 W 311, 236 NW 125.

office of county superintendent, and his services as secretary are a part of his duties as county superintendent, so that he is not entitled to any salary for acting as secretary. Dodge County v. Kaiser, 243 W 551, 11 NW (2d) 343.

Faculty members of county normal school can enforce contract with board if school is subsequently closed. 22 Atty. Gen. 463.

Under 41.37, Stats. 1941, the county superintendent is a member of the county normal school board and is its secretary; the office of secretary is not an additional office but is only an ex officio position attached to the

Members of county normal school board are not entitled to salary. (Stats. 1933) 23 Atty. Gen. 778.

41.375 Same; extension courses for students. The county normal school board may contract with the university extension division of the university of Wisconsin for extension courses for pupils enrolled in county normal schools. [1945 c. 276]

41.38 Same; moneys, how paid. All moneys appropriated to such school shall be expended by the county normal school board, and shall be paid by the county treasurer on orders issued by said board and signed by its secretary and president.

Note: When county normal school is so located that it is impracticable to provide suitable practice teaching thereat, students may be transported at public expense to and from county school for that purpose. 19 Atty. Gen. 431.

41.39 Same; supervision by state superintendent. The state superintendent shall assist in organizing and maintaining such schools; shall prescribe the course of study to be pursued; shall have the general supervision of such schools; shall inspect the same and make recommendations relating to their management; and shall make full reports concerning their number, character, and efficiency.

41.40 Same; certificates to graduates, school credits. (1) Each graduate of a county normal school, who shall be of good moral character, shall receive a diploma signed by the principal of the school and by the school board, certifying that the person named herein has satisfactorily completed the course of study of the county normal school, and is of good moral character; and giving a list of the standings of the person on the completion of each study pursued in the school.

(2) Graduates of county normal schools, who are graduates of a four year high school, and who, after graduating from a county normal school, have taught one year, shall, on entering a state teachers college, receive one year of credit towards the completion of any course for training elementary teachers. [1945 c. 20]

41.405 [Renumbered section 41.40 by 1927 c. 425 s. 142]

41.41 Same; qualifications of teachers and principal. No member of any county normal school board shall be employed in said school, either as principal or as teacher during the term for which he was elected, nor shall any person be employed as a teacher in such school who does not hold a state license or certificate, nor shall any person be employed as principal of such school who is not legally qualified for the position of principal of a high school having a four years' course of study. This section shall not apply to any person engaged as a teacher in a county training school, on July 16, 1907.

41.42 Joint county normals; maintenance; model department. (1) The county boards of two or more adjoining counties may unite in establishing and maintaining a normal school for teachers on the same general plan as provided for such school in a single county, and may appropriate money for its maintenance. The county superintendents of the counties so uniting, and two members in addition chosen from each such county, shall constitute the joint county normal school board. The elective members of the school board shall choose one of the county superintendents as secretary of the school board.

(2) If, at the time of establishing such school, the counties shall neglect to procure a site, or to erect a school building therefor, such joint county normal school board shall have power, subject to the approval of the state superintendent, to procure such site and to erect a suitable school building thereon; to borrow not to exceed twelve thousand dollars for said purposes from the trust funds of the state, payable in equal annual instalments in not to exceed ten years, with the annual interest at the rate of not to exceed three and one-half per cent. Provision for the payment of each instalment, and accrued interest, shall be made in the tax levy and apportionment mentioned in section 41.43.

(3) The rural normal board of any rural normal and the school board of any village or city in which a county normal school is located may enter into a contract, for a period of not more than five years, whereby a ward school, or pupils selected from any portion of town or city, where such normal school is located may be selected to serve as a model department for the practical demonstration of methods of teaching and the instruction of the students enrolled in the county normal school. Such school or department shall be placed under the instructional direction of the normal school faculty and housed and maintained in the normal school building. Said boards may determine and agree upon the due proportion of the cost of instruction and maintenance that shall be borne by the county and by the village or city. Any contract or agreement jointly entered into already existing, and having for its purpose the maintenance of a school is hereby validated, and shall be continued in full force and effect for a period not exceeding five years from the original date of the contract.

41.43 Same; maintenance, equipment, apportionment. When counties unite in establishing and maintaining such school, the school board shall annually determine the amount of money necessary for the maintenance and equipment of the school for the next succeeding year, and shall apportion the amount to be raised by taxation among the counties in proportion to the valuation of the taxable property in each county as last fixed by the state board of assessment, and shall report to the county clerk of each county before November in each year, the amount of the apportionment so fixed, and such amount shall be included in the county tax for the ensuing year for the support of the school. Each county treasurer shall pay over all moneys so levied and collected for said school to the treasurer of the joint county normal school board and file the latter's receipt therefor.

41.44 State aid to county normal schools. (1) The state superintendent shall keep a list of such training schools, whose course of study and the qualifications of whose teachers have, on application, been approved by him; and any such training school once entered on such list may remain listed and be entitled to state aid so long as the scope and character of its work are maintained in such manner as to meet his approval, but such sums shall be paid only to training schools on the approved list of the state superintendent on January 1, 1927. After July 1, 1930, no state aid shall be paid to any such training school located in the same county as a state teachers college.

(2) If it shall appear that such training school has been maintained, pursuant to law, for a period of not less than 9 months during the preceding school year, in a manner satisfactory to the state superintendent, he shall certify to the secretary of state in favor of each such training school, an amount equal to the sum expended for instruction, school supplies and operation during the school year; but not to exceed \$6,000 to any school employing 2 teachers, and not to exceed \$8,000 to any school employing 3 teachers, and not to exceed \$10,000 to any school employing 4 or more teachers. Any such training school maintained for more than 9 months during the school year shall receive for such additional time an additional sum of money in the same proportion to the amount receivable for 9 months as such additional time bears to 9 months. The number of teachers in each such school, the salaries paid to each teacher, and the qualifications for teachers shall be approved by the state superintendent.

(3) Upon receipt of such certificates the secretary of state shall draw his several warrants accordingly, payable to the treasurers of the counties maintaining such county nor-

mal schools, respectively; and payable to the treasurers of the boards maintaining such schools, respectively, if they are joint county normal schools; provided, that if the total amount of state aid to be paid under subsection (2) of this section shall exceed the appropriation made in subsection (2) of section 20.31, the secretary of state shall equitably prorate the amount available. [1931 c. 67 s. 61, 62; 1943 c. 132, 534; 1945 c. 20]

Revisor's Note, 1943: Section 60 of Ch. 132, Laws 1943, repealed and recreated 41.44 (2), which is printed in the 1943 statutes as so recreated. However, that change does not take effect until July 1, 1944. For the law prior to that date, see the 1941 Statutes. Section 66 of Ch. 132 provides: "Section 60 shall take effect July 1, 1944. The state aid provided for in said section, payable during the fiscal year 1944-1945 and during each succeeding year, shall apply to the school year 1943-1944 and each succeeding corresponding school year, respectively."

Note: Where county normal school board and county are defendants in action, and their interests are not identical, school board may employ counsel and expenses so incurred may be paid as operating expenses. 21 Atty. Gen. 89.

If county normal school incurs expense for university extension courses as part of its course of study, such expense may be included under expenditures upon which state aid is granted. 23 Atty. Gen. 405.

41.45 Same; nonresident pupils. The county normal school board shall admit to said school, whenever the facilities will warrant, any person prepared to enter such school, who reside in a county which does not maintain such a normal school. Persons so admitted shall be entitled to the privileges and be subject to the rules of such school.

41.46 Same; nonresident pupils, tuition, tax. The board may charge nonresident students a tuition to be fixed by said board, which tuition shall not exceed two dollars per week, and which shall be a charge against the county in which such students reside, and shall be by it paid to the treasurer of the normal school enrolling such students. [1933 c. 241]

41.465 [Repealed by 1927 c. 425 s. 148]

41.47 County schools of agriculture; creation. (1) The county board may appropriate money for the organization, equipment and maintenance of a county school of agriculture, pursuant to the provisions of sections 41.47 to 41.58. The boards of two or more counties may unite in establishing and maintaining such a school.

(2) The county clerk or clerks shall notify the dean of the college of agriculture whenever it has been voted to establish such school.

(4) The county boards may borrow money and issue bonds for the purpose of procuring the necessary grounds and erecting the necessary buildings, and for improving the same from time to time, for such schools.

41.48 Same; school board, appointment, oath, organization. In all counties whose population is less than two hundred fifty thousand, a board to be known as the "County Agricultural School Board" is created, which shall have charge and control of all matters pertaining to the organization, equipment and maintenance of such school. The membership and organization and officers of said board and the election, appointment, terms and qualification of the members and officers of the board shall be the same as is provided in the case of "county normal school board."

41.49 [Repealed by 1927 c. 425 s. 151]

41.50 Same; apportionment of maintenance. When counties unite in establishing and maintaining such school, the school board shall determine the amount of money necessary for the equipment and maintenance of the school for the succeeding year; shall apportion the amount to be raised by taxation among the counties in proportion to the valuation of each county, as last fixed by the state board of assessment; and shall report to the county clerk of each county the apportionment so made before November in each year. The amount so apportioned to each county shall be included in the county taxes for the ensuing year for the support of the school.

41.51 Same; treasurer of board, disbursements. All moneys appropriated for such school shall be paid to its treasurer, and shall be by him disbursed on orders issued by said board, and signed by the secretary and president.

41.52 Same; courses of study. County schools of agriculture shall teach the elements of agriculture, including soil, plant and animal life, farm accounts, manual training and domestic economy; and such other subjects as may be prescribed.

41.53 Same; land required. Each county agricultural school shall have connected with it not less than three acres of land suitable for purposes of experiment and demonstration.

41.54 Same; schools free, special classes. (1) The county agricultural schools shall be free to inhabitants of the counties which maintain them, who shall be qualified to pursue the course of study; provided, they shall have at least the qualifications required for completion of the course of study for common schools. When adults desire admission to the school during the winter months in sufficient number to warrant the organization of

special classes for their instruction, such classes shall be organized and continued for such time as their attendance may make necessary.

(2) The board may admit nonresident students and charge a tuition fixed by said board, but not to exceed one dollar per week, which tuition shall be a charge against and shall be paid by the home counties of such nonresident pupils, to the treasurer of the school.

41.55 Same; duty of state superintendent. The state superintendent shall give such information and assistance, and establish such requirements as may seem necessary for the proper organization and maintenance of such schools. With the advice of the dean of the college of agriculture of the state university, he shall prescribe the courses of study to be pursued, and determine the qualifications required of teachers in such schools. He shall have the general supervision of such schools; shall from time to time inspect the same, and make such recommendations relating to their management as he may deem necessary, and shall report fully concerning their number, character and efficiency.

41.56 Same; villages may contribute. Any village in which or adjacent to which a county school of agriculture is located may contribute for the organization, erection, construction and equipment of such school not to exceed one-fifth of the entire cost thereof.

41.57 State aid to county schools of agriculture. (1) The state superintendent shall keep a list of not more than four of such schools, whose course of study and the qualifications of whose teachers have, on application, been approved by him and the dean of the college of agriculture; and any such school once entered on such list may remain listed and be entitled to state aid so long as the scope and character of its work are maintained in such manner as to meet the approval of the state superintendent. On and after July 1, 1925, no new county schools of agriculture and domestic science shall be placed on the approved list and granted state aid under the provisions of this subsection.

(2) If it shall appear that such school has been maintained, pursuant to law, for a period of not less than eight months during the preceding school year, in a manner satisfactory to the state superintendent, he shall certify to the secretary of state, in favor of the several counties maintaining such schools, an amount equal to the sums expended by each, respectively, for wages of duly qualified and approved teachers therein during the school year; but not to exceed in any one year four thousand dollars for any such school.

(3) Upon receipt of such certificates the secretary of state shall draw his several warrants accordingly, payable to the treasurers of the counties, respectively. [1931 c. 67 s. 64; 1933 c. 140 s. 3]

41.58 Same; dissolution. The county board may discontinue any county school of agriculture, and devote, use or permit to be used, any lands, buildings, equipment and property that may have been purchased or used by such school for any other public purpose permitted by law to counties.

41.60 Part-time instruction in agriculture. (1) The state board of vocational and adult education may co-operate with any school organized under the provisions of chapters 40 and 41 in part-time instruction in agriculture for persons over 14 years of age.

(2) The person or body entitled by law to provide for the curriculum of any such school may provide for such part-time instruction and the municipality, including school districts, entitled by law to appropriate money to carry on such school may appropriate money for such purpose.

(3) The authorities entitled by law to receive and disburse funds in behalf of schools furnishing instruction under the provisions of this section are authorized to receive and to use for such purpose such federal funds as may be apportioned by the state board of vocational and adult education and all donations. [1937 c. 349; 1943 c. 272]

41.70 Evening and part-time classes. The common council or school board of any city may establish evening and part-time college classes. The common council may appropriate money to maintain such classes and may accept and use donations therefor.

41.71 Rehabilitation law. (1) The state of Wisconsin hereby assents to and accepts the provisions and benefits of the act of congress entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, as amended. The state board of vocational and adult education shall co-operate with the United States Office of Vocational Rehabilitation to carry out the purposes of such act. The state treasurer is designated and appointed custodian of all moneys received by the state from appropriations made by the Congress of the United States under the authority of such act, and is authorized to receive and provide for the proper custody of same, and to make disbursements therefrom upon the order of the state board of vocational and adult education.

(2) This section may be cited as the "Rehabilitation Law."

(3) As used in this section the terms:

(a) "Handicapped person" means any person who, by reason of a physical or mental

defect or infirmity, whether congenital or acquired by accident, injury or disease, is or may be expected to be totally or partially incapacitated for remunerative occupation, and who may reasonably be expected to be fit to engage in a remunerative occupation after receiving vocational rehabilitation service.

(b) "Rehabilitation" means the rendering of a handicapped person fit to engage in a remunerative occupation.

(c) "Board" means the state board of vocational and adult education.

(d) "Federal act" means the act of congress entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, as amended.

(e) "Homebound person" means one who, because of the severity of his physical or mental disabilities, is not expected to be able to compete with the able-bodied persons in normal employment.

(4) The provisions of this section shall not apply to any person who, in the judgment of the board, may not be susceptible of rehabilitation.

(5) Any handicapped person who has been domiciled within the state for one year or more, or who resides in the state and shall so reside at the time of becoming handicapped, may apply to the board for advice and assistance relative to his rehabilitation.

(6) The board shall:

(a) Provide that all persons reporting or making application to it as handicapped shall be promptly visited by its agent or representative with a view of determining whether or not vocational rehabilitation is feasible; acquaint all such persons for whom vocational rehabilitation is feasible with the rehabilitation facilities afforded by the state and counsel them regarding the selection of a suitable vocation; register all such persons electing to take advantage of the benefits of rehabilitation offered and prescribe and provide such training as may be necessary to insure their vocational rehabilitation; maintain a record of all such persons, together with the measures taken for their rehabilitation; utilize in the rehabilitation of such persons such existing educational facilities of the state as may be advisable and practicable including public and private educational institutions, public and private establishments, plants or factories and the services of persons specially qualified for the instruction of handicapped persons.

(b) Promote and aid in the establishment of schools and classes for the rehabilitation of handicapped persons; supervise the training of such persons and confer with their relatives and other persons interested concerning any matter affecting their vocational rehabilitation.

(c) Aid handicapped persons in securing such employment as will facilitate their training or will be suitable to their condition and provide for the placement in suitable gainful occupation of persons completing courses of training provided by the board, including supervision for a reasonable time after placement.

(d) Utilize the facilities of such agencies, both public and private, as may be practicable in securing employment for such persons and all public agencies are authorized and directed to co-operate with the board for the purposes stated.

(e) Procure and furnish at cost to handicapped persons artificial limbs and other orthopedic and prosthetic appliances, to be paid for in instalments, when such appliances cannot be otherwise provided. The proceeds of the sale thereof shall be paid to the state treasurer and shall be held by him in a special fund for the purpose of this paragraph. Payments from this fund shall be made at the direction of the board.

(f) Arrange for the physical or psychiatric examination of any person applying for or reported as needing rehabilitation; and arrange for such therapeutic treatment as may be necessary for rehabilitation of any handicapped person who registered with the board, except persons who are entitled to such treatment under the workmen's compensation law.

(g) Co-operate with any department in the state government or with any county or other municipal authority within the state, or with any private agency, in carrying out the provisions of this section.

(h) Make such rules and regulations as may be necessary to carry out the provisions of this section.

(i) Report to the governor and to the United States Office of Vocational Rehabilitation annually on or before September first for the year ending the preceding June thirtieth.

(7) The board may also provide maintenance cost during actual training for handicapped persons registered for rehabilitation, except persons entitled to maintenance under the workmen's compensation law; but when the payment of maintenance cost is authorized by the board, such maintenance payments to any one person shall not exceed \$400 in any fiscal year, unless an increased amount is granted by unanimous vote of the board.

(8) The industrial commission shall communicate to the board all reports made to the said commission of cases of injury to employes which in the opinion of the commission may render the persons injured handicapped; and shall co-operate with the board in carrying out the provisions of this section.

(9) The state board of health shall:

(a) Co-operate with the board in arranging with all public and private hospitals, clinics and dispensaries, and with practicing physicians, to send to the board prompt and complete reports of any persons under treatment in such hospitals, clinics or dispensaries, or by such physician, for any injury or disease that may render them handicapped.

(b) Arrange with health officers to send to the board prompt and complete reports of any persons who in the course of their official duties they find to be suffering from any injury or disease that may render them handicapped, if such persons have not already been reported.

(c) Co-operate generally with the board in carrying out the provisions of this section.

(10) The board and the industrial commission shall co-operate in carrying out the provisions of this section according to a plan which shall be formulated by them and which shall be effective when approved by the governor.

(11) The board may receive and accept gifts and donations, which may be offered unconditionally, for the purposes of this section. All moneys received as gifts or donations shall be paid to the state treasurer and shall constitute a special fund to be used under the direction of the board. A full report of all such gifts and donations, together with the names of the donors, the amounts contributed by each and all disbursements therefrom shall be included in the annual report of the board.

(12) (a) The board shall provide such services as vocational training or instruction in crafts as may be practicable for severely handicapped persons 16 years of age or over, who cannot be inducted into the regular types of remunerative employment, and who elect to take advantage of the benefits of the state services herein described. When deemed advisable and feasible, handicapped persons may be transported to a central place where classes or schools shall be provided for giving vocational training and instruction in the various crafts as will propitiate the rehabilitation of the individual.

(b) No vocational training or craft instruction shall be rendered to a homebound handicapped person whose disability may be of a progressive nature without a certificate from the regular physician certifying that such handicapped person can carry on such work without injurious results.

(c) The board shall aid the homecraft clients in the disposition of the finished products and shall utilize the facilities of such agencies both public and private in such manner as may be practical in providing ways and means of disposing of the products made by such handicapped homebound persons.

(d) When products are sold which are made by severely handicapped persons who are under the supervision of the state board of vocational and adult education, the cost of the raw material furnished such persons for use in fabricating products may be deducted from receipts which are obtained from the sale of such products. Such material cost refunds will be deposited by the state board of vocational and adult education in the general fund of the state treasury and are appropriated therefrom to the state board of vocational and adult education to be used in purchasing raw materials for severely handicapped persons who are under the supervision of the state board of vocational and adult education. [1937 c. 349; 1941 c. 104; 1945 c. 249, 586]

Note: State board of vocational and adult education may pay tuition for attendance of physically handicapped person at school having courses especially designed for rehabilitation which is outside district of his residence. 27 Atty. Gen. 464. Aliens are not denied benefits of this section if otherwise eligible. 32 Atty. Gen. 47.