

## CHAPTER 41.

## SPECIAL SCHOOLS.

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**41.01 Schools for handicapped children.** (1) Upon application by a district board of any school district, the board of education of any city or the county superintendent of any county upon authorization of the county board, the state superintendent may upon the basis of need and the availability of sufficient funds authorize such school district board, board of education or county to establish and maintain classes, special treatment and instructional centers for each of the various types of handicapped children, including special classes and instructional centers for mentally handicapped children having an intelligence quotient of 35 to 50.

(1m) **HANDICAPPED CHILDREN'S EDUCATION BOARD.** (a) *Creation.* In counties other than those containing a city of the first class, if the county board of counties other than those containing a city of the first class determines to establish or has already established one or more instructional centers or special schools for handicapped children for all school districts under the jurisdiction of the county superintendent, or provides other services for handicapped children, it shall create a board to be known as the "Handicapped Children's Education Board". The handicapped children's education board shall consist of 3 or 5 residents of the county, as determined by the county board of supervisors, elected by the county board of supervisors or appointed by the chairman of said county board, as the rules of the board may direct. The members of such board shall be citizens selected from the county at large, but may include members of the county board. The members of the board shall receive such compensation and shall hold office for such term as fixed by the county board of supervisors, but such compensation shall not be more than that of the members of the county board of supervisors.

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

(c) *Duties.* The board or committee designated by the county board as being in charge of such schools or centers or other services for handicapped children shall have charge and control of all matters pertaining to the organization, equipment, operation and maintenance of such schools or other services for handicapped children, and is empowered

to do all things necessary to accomplish such objectives including but not restricted because of enumeration the authority to erect buildings subject to county board approval and employ teachers and other personnel.

(d) The budget of the committee or board is subject to review and approval of the county board.

(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.

(2a) Any school district which operates a class for handicapped children may provide instruction or treatment for preschool handicapped children and instruction for their parents. The Wisconsin school for the deaf may provide instruction for preschool deaf children and their parents. The Wisconsin school for the visually handicapped may provide instruction for preschool visually handicapped children and their parents. The conducting of such instruction or treatment shall be subject to approval of and shall comply with requirements established by the state superintendent.

(3) The county superintendent or the board of education maintaining such schools and classes, through its secretary or other executive officer, shall report annually to the state superintendent, or oftener, if he so directs, such facts relative to such schools and classes as he 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 county superintendent or 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. Wherever 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 with the approval of the state superintendent shall appoint qualified personnel necessary to perform the duties required in this section.

(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 s. 41.01 and in s. 40.53 (2) 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, including any child mentioned in sub. (2a), 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. In cases where the state and local superintendents approve a transfer to an equivalent special class in another district for good reason to serve the best interests of the child, he thereby becomes eligible to attend such class, and the tuition shall be paid by the district of his residence. Otherwise tuition shall be chargeable as provided in this section. In determining the tuition for such handicapped children, the total cost of items reported in accordance with s. 41.03 (1) plus the actual cost of operation and maintenance for each type of handicap, less any federal, state and county aids for the education of the handicapped for the preceding year, shall be divided by the total number of children receiving such services. On or before August 1 following the close of the school year, the clerk or secretary of the board of the district shall file with the clerk of the county and the municipality of residence of such nonresident children, a sworn statement of claim against the county, setting forth the residence, name, age, date of entrance and the number of weeks attendance of each such child, and a statement of the amount of tuition to which the district lays claim for each such pupil, and the aggregate sum for tuition due the district from the county. The county clerk shall examine all such claims for the purpose of determining their accuracy and the legal authority for claiming tuition. For that purpose the county clerk may call upon school or other local officials to supply data which will verify such claims. After examining the claims, the county clerk shall notify the school district clerk of the result of his examination of such claims, and in cases where corrections are necessary, notify the clerk of the school district who shall meet with the county clerk, at the school district's expense, to make such corrections. He shall then apportion the amount thereof, for each type of handicap, on the basis of the ratio of the equalized valuation of that portion of each municipality within the county that lies outside of school districts which operate such special classes, to the total equalized valuation of all the territory in the county that lies outside of school districts which operate such classes, and certify that amount to the clerks of said municipalities. Upon receipt of such tuition claims the respective clerks shall cause the amounts thereof to be spread upon the tax rolls for collection. When the taxes are collected tuition claims shall be paid to the treasurers of the school districts to which they are due by the county treasurers subject to the priority that is given to high school tuitions under s. 74.03 (5). For the purpose of this subsection "municipality" is defined as a town, village, city or county. 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, except where the state and local superintendents have approved a transfer, 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.

(5d) A municipality may with the approval of the state superintendent transport and pay the tuition, for handicapped children with sight defects, to day classes for kindergarten pupils in a school district providing training for such children other than the district of residence, provided the district of residence maintains no such classes. Such tuition charges shall be made in accordance with sub. (5).

(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 insurance. 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) Education through either home instruction or extension courses or any other suitable means may be provided by school districts or counties on the grade and high school level for physically handicapped children who are, according to medical recommendations, physically unable to attend school. The cost of instruction for such elementary children shall be paid one-half by the district of the child's residence and one-half by the state and the cost of home instruction given to such high school students by the district of residence and in the case of pupils who do not live in a high school district in the same manner as for other high school nonresident pupils when such physically disabled nonresident high school pupils are enrolled in a public high school or vocational school. Pupils who require instruction under this section shall be considered as being in attendance in the school district of their enrollment. All sanatoria or convalescent homes providing care for children between the ages of 5 and 18 shall provide instruction for children who are physically able to receive it. Credit for such work satisfactorily completed shall be granted by the proper school authorities. The state reimbursement made for any child who receives instruction under this subsection shall not exceed \$200 for any one year. Whenever a teacher regularly employed for home sanatoria, or convalescent home instruction by the school district gives such instruction outside of regular school hours, he shall be paid for the home instruction in addition to his regular salary. Teachers employed under this section must be legally qualified. A report on blanks provided for the purpose shall be submitted on or before July 1 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.

(9a) Education through home instruction may be provided by school districts or counties to mentally handicapped children between the ages of 4 and 20, who, according to educational and psychological evaluation, are able to benefit by academic and nonacademic home instruction. All pupils enrolled in this type of homebound instruction shall be approved, in advance, by the state department of public instruction. The cost of this instruction shall be paid one-half by the district of the child's residence if the district initiates the program, or one-half by the county of the child's residence if the county initiates the program, and the remaining one-half by the state except that the maximum state reimbursement made for any child under this subsection shall not exceed \$200 per school year. Teachers employed under this subsection shall be legally qualified to teach in this state. All records required to maintain this program shall be submitted to the department of public instruction by July 1 of each year. This subsection shall in no way substitute for the special classroom provision for educable or trainable mentally retarded pupils.

(10) Whenever any special instruction for handicapped children shall be provided under the direction of the county superintendent of schools the cost of such special instruction shall be included in the budget for his department and it shall not be a charge upon any territory in the county which does not come under the jurisdiction of his office. The foregoing shall not prevent the county from contracting with any city for the services of any special teacher in cases where such special instruction is desired and the program of the teacher is adjusted to provide for such special instruction in accordance with the provisions of section 41.03 (1) (d).

**History:** 1951 c. 25, 213, 611, 734; 1953 c. 27, 61, 352; 1955 c. 193; 1957 c. 153, 298, 333, 584, 634.

The town of residence of a 5-year old special schools or classes for such children, handicapped child, which maintains no is liable under (5) and (6) for the tuition of

such child in the special school provided by any other municipality which may be selected by his parents and to which he is duly admitted. 39 Atty. Gen. 506.

Department of public instruction, under 41.01 (8) and 41.03 (1), is authorized to re-

imburse school districts for expenditures in finding and supervising boarding homes for physically handicapped children attending special classes outside the school district of their residence, in certain instances. 45 Atty. Gen. 286.

**41.02 Compulsory education for physically handicapped children.** The provisions of s. 40.77 relating to compulsory school education apply to physically handicapped children who are eligible for attendance at a special class or school.

**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 director of budget and accounts in favor of each of the counties, and school districts maintaining such schools or classes a sum equal to the amount expended by each board during the preceding year for salaries of qualified teachers employed to teach 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 nonresident, 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 director of budget and accounts because of such transportation and the director of budget and accounts shall thereupon draw his warrant for such full amount in favor of such school district on funds provided for in s. 20.650 (20) to (25).

(a) Out of each of the several appropriations under s. 20.650 (20) to (25) 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 director of budget and accounts 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 s. 20.650 (23) 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 \$9,000 of the appropriation made for crippled children may be used annually to increase the reimbursement to districts which is provided for in s. 40.53 (2) by an amount not to exceed 25 cents per day and to increase the reimbursement which is provided for in s. 40.56 (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. Out of appropriations made for the instruction of children, defective of speech, hearing or vision and of children who are mentally retarded a sum sufficient to cover the full cost of salary and travel expenses made necessary for 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 in s. 20.650 (20) to (24) 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 ex-

penses 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 director of budget and accounts 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 s. 20.650 (20) to (25).

**History:** 1951 c. 611; 1953 c. 26; 1957 c. 501.  
See note to 41.01, citing 45 Atty. Gen. 286.

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

**History:** 1953 c. 90.

**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 s. 10.54.

(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.

**History:** 1957 c. 97.

**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.

**41.13 State board of vocational and adult education.** (1) There is created a "State Board of Vocational and Adult Education." The board shall consist of 11 members, 9 appointed by the governor (3 to be employers of labor, 3 to be skilled employes other than those who have employing or discharging power, and 3 to be persons whose principal occupation is farming and who are actually engaged in the operation of farms), the state superintendent of public instruction or his representative and a member of the industrial commission to be selected by the commission or his representative. 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 director of the board to the director of budget and accounts. 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 United States office of education and the federal government in the execution of the provisions of the United States vocational education act and any federal statutes pertaining to vocational education and amendatory or supplementary acts thereto, 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 federal statutes.

**History:** 1951 c. 33; 1951 c. 319 s. 236; 1955 c. 10; 1957 c. 528.

**41.14 Training program for firemen.** (1) **PURPOSE.** In order to promote safety to life and property the state board of vocational and adult education is authorized to establish and supervise a program of training in fire prevention and protection.

(2) **ELIGIBILITY.** The program shall be available to members of volunteer and paid fire departments maintained by both public and private agencies including industrial plants.

(3) **ADVISORY COMMITTEE.** To advise and guide the board in the establishment and maintenance of training programs in fire prevention and protection, there is created an advisory committee composed of 4 bona fide members of volunteer fire departments and 2 bona fide members of paid fire departments appointed by the governor on July 1, 1957, a representative of the state director of civil defense, a representative of the industrial commission selected by the commission and the commissioner of insurance or his designated representative. Of those first appointed by the governor, 2 shall be appointed for 6 years, 2 for 4 years and 2 for 2 years. Thereafter the appointments shall be for 6 years. Vacancies shall be filled as are original appointments. The committee shall meet semiannually and at such other times as the board may require to advise and guide the board in the establishment and maintenance of the training program. Members shall be paid their actual and necessary expenses while engaged in the performance of their duties.

**History:** 1957 c. 453.

**41.15 Local vocational boards; organization, powers, duties.** (1) In every town, village and city of over 5,000 population there shall be, and in every town, village or city of less than 5,000 population there may be a local board of vocational and adult education. Whenever a number of electors equal to 3 per cent of those voting in the last general election for governor from any district, the schools of which are classified as integrated, shall petition the county clerk at least 30 days prior to the next election, either primary or general, for a referendum on the question of the establishment of a local program of vocational and adult education in the district, the county clerk shall provide for

such referendum, at county expense, at the next election, either primary or general, and such program shall be established if a majority of those residing in the unincorporated portion of the district voting at such election and a majority of those residing in the cities and villages in the district voting in such election shall vote in favor thereof. When the creation of a district to operate a vocational and educational program contemplates the inclusion of a portion of a city then maintaining such a program, such portion of the city shall first secure, by majority vote in a city-wide referendum, approval of the electors of the city for the separation of such portion of the city from the existing district providing a vocational and adult education program; such referendum to be called by the city clerk for the next general election upon petition of 15 per cent of the qualified electors of such portion of the city. When a referendum shall favor the establishment of a program of vocational and adult education, the school district shall appoint a local board of vocational and adult education in accordance with section 41.15 (3) (a) and such local board shall take over and maintain schools of vocational and adult education established in cities, towns or villages within the district. The duty of the local board shall be to establish, foster and maintain schools of vocational and adult education for instruction in trades and industries, commerce, agriculture, and household arts in part-time day, all-day and evening classes and such other courses as are enumerated in section 41.17. Said board may take over and maintain any existing schools of similar nature. Schools created under this section shall be known as schools of vocational and adult education.

(1a) Towns, cities and villages of over 5,000 population adjoining any city of the first class, which do not now maintain a school of vocational and adult education, shall not be subject to the provisions of sub. (1) applicable to towns, cities and villages of over 5,000 population, but shall be subject to the provisions of sub. (1) applicable to towns, cities and villages of less than 5,000 population, shall be liable for the tuition specified in s. 41.19, but shall not be subject to the provisions of sub. (9). Minors residing in such towns, cities and villages shall be subject to the provisions of ss. 40.77 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) (a) Such board except the school district board of vocational and adult education, shall consist of the city superintendent of schools (or the principal of the high school, if there be no city superintendent, or the president or director of the local school board in case there be neither of the above-mentioned officers), and 4 other members, 2 employers, and 2 representative employes who have no employing or discharging power and who are not foremen or superintendents, who shall serve without pay, and who shall be appointed by the local school board, or if there be more than one local board, by such boards jointly. If there be more than one city superintendent, principal of the high school, or president or director of the local school board, the ex officio member shall be selected by the appointing boards.

(b) The term of the appointive members shall be 4 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.

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

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

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

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

(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 or school district.

(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 or school district, and may prosecute or defend all suits brought under this section.

(b) All contracts made by such local board for construction work involving the expenditure of \$1,000 or more and all contracts for the purchase of materials, supplies and equipment not to be used for new construction work where the estimated cost is \$2,000 or more shall be awarded to the lowest competent responsible bidder; in respect to any such contracts the board shall advertise for sealed proposals based upon a plan or profile of the work to be done and specifications therefor, or other appropriate sufficient description of the work required to be done, and the kinds or qualities of materials, equipment and supplies to be furnished, which shall be first placed on file in the office of the board for the information of bidders; the board may submit alternative plans and specifications for any contemplated public work or purchase as provided in section 62.15 (8); such advertisement shall be published at least 6 consecutive days, excluding Sundays or legal holidays, prior to the day set for the opening of the bids, and the contract may be awarded on the day the bids are opened or thereafter; the board at its option may call for competitive bids on advertised notice when the amounts of the expenditures involved are less than \$1,000 for construction work and less than \$2,000 for the purchase of materials, supplies and equipment not to be used for new construction work; and the board may call for informal bids on plans and specifications without advertised notice when the amount involved is less than \$1,000 for construction work and less than \$2,000 for the purchase of materials, supplies and equipment not to be used for new construction work. A performance bond in the principal amount of the contract shall be required in such cases and on all contracts let by the board.

(c) All proposals shall be directed to the board and shall be accompanied by a surety bid bond executed by a surety corporation licensed to transact business in Wisconsin in a penal sum to be fixed by the board in dollars, but the amount thereof shall not be less than 5 per cent nor more than 10 per cent of the estimated cost of the construction work or the materials, equipment or supplies. In lieu of such bid bond, the bidder may accompany his bid with a certified check, a bank cashier's check or cash in the amount required by the board. In case the bidder awarded the contract shall fail or refuse to execute the contract and performance bond, the amount of the said bid bond, certified check, cashier's check or cash shall be forfeited to the city as liquidated damages. Whenever the advertisement calls for the performance of different kinds of construction work or the furnishing of different kinds or qualities of materials, equipment or supplies, such contracts may be let in whole or in part to the lowest responsible bidder for particular parts of the proposed contract. The board may reserve the right to reject any and all bids and to waive minor irregularities. The board shall fix the time of completion of the contract and shall have power, for good reason, to extend the time for completion thereof. The board shall fix the amount of liquidated damages for failure of the contractor to complete the contract at the specified time, which damages shall not in any event exceed one-half of one per cent of the estimated cost involved for each day of default. All contracts shall run in the name of the city, village or school district, be executed by the chairman and secretary of the board, and except as to school districts, be countersigned by the comptroller,

and approved as to form and execution by the city or village attorney. A bidder may, by written notice to the board, withdraw his bid before the time set for opening bids, and he may file an additional bid or bids before the opening date, but when the bids are opened at the prescribed time no bidder may withdraw or amend his bid for any reason, provided that in case the bidder appears to be acting in good faith and by oversight or error he has made an improvident bid, the board can, in its discretion, reject such bid, if it be the low bid, and award the contract to the next lowest responsible bidder. The board may demand that prospective bidders prequalify as to responsibility and competence. The board shall have power in its discretion for good reason to waive liquidated damages for failure to complete at the time prescribed in the contract. The board shall insert in all contracts appropriate provisions, terms and conditions for suitable indemnity to the city against loss or expense, as to the payment of prevailing wage rates and to hours of daily work, as to payments on account to the contractor as the work progresses or deliveries are made, and in other particulars for the protection of the city.

(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 employees 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 employees 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.

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

**History:** 1951 c. 33, 372; 1953 c. 61; 1957 c. 224.

**41.155 Vocational and adult education area school district.** A vocational and adult education area school district may be established when comprised of an area of compact and contiguous territory in which the governing bodies of counties or municipalities have agreed to establish and maintain a single unit of vocational and adult education, supported by public funds levied in the area.

(1) A vocational and adult education area school district may be established with the approval of the state board of vocational and adult education and shall follow municipal or county lines. The action to create such a district may be initiated in one of the following manners:

(a) By action of a municipal or county board where only one unit is involved.

(b) By joint action of 2 or more municipal or county boards.

(c) By joint action of 2 or more such boards following a petition by 5 per cent of the qualified electors in each governmental unit to be included in the district.

(2) A vocational and adult education area school district shall possess an equalized valuation of not less than \$60,000,000.

(3) A vocational and adult education area school district shall have a population of not less than 20,000.

(4) The following governing bodies may establish vocational and adult education area school districts subject to approval by the state board of vocational and adult education and the criteria set up in the statutes. A majority vote in favor by each is required for approval.

(a) In the case of a district containing all of one county by a majority vote of the county board. If a municipality within the county has established a school of vocational and adult education, the supervisors from such municipality shall not vote in making this determination and a majority of those supervisors present who are eligible to vote is required for approval. If a municipality within the county has established a program of vocational and adult education the majority vote of the governing body of the municipality is required before the territory incorporated in the municipality is included in the vocational and adult education area school district.

(b) In the case of a district containing all of more than one county, by majority vote of each board. If a municipality within the area has established a program of vocational and adult education the majority vote of the governing body of the municipality is required before the territory incorporated in the municipality is included in the vocational and adult education area school district.

(c) In the case of a district containing more than one municipality including cities, villages or towns, but not composed exclusively of complete counties, by the governing body of each municipality.

(d) Such approval means that the governing bodies of such districts agree to the establishment of a single system of vocational and adult education within that area.

(5) (a) The boundary of a vocational and adult education area school district may not be altered until it has been in operation 2 full years.

(b) No change in district boundaries shall include less than a complete city, village or town.

(c) Territory annexed or otherwise attached to a city, village, town or county shall become a part of the same vocational school district as the unit to which attached or annexed.

(d) The municipal board may request that the state board detach the municipality from one district and attach it to another. If such transfer is approved by the governing body of both the vocational school districts involved, the state board shall approve it. If the governing body of either district disapproves the detachment or attachment, the state board shall determine whether or not to detach and attach on the merits of the case.

(e) All changes in boundary lines shall be made on July 1, and at least 2 years shall elapse between actions to change any identical boundary.

(f) A proposal to create a district may be initiated in the following manner. The municipal board of any municipality or a county board may initiate action by resolution calling a meeting of the several governing bodies interested in the proposed district to consider the matter. If a plan is agreed upon at such a meeting, each governing body shall adopt a resolution approving participation in the plan. The resolutions of the several governing bodies shall be submitted to the clerk of the unit participating with the largest equalized valuation who shall submit them to the state board of vocational and adult education for consideration and action.

(6) A vocational and adult education area school district shall be administered by a board composed of 9 citizens elected in the April election on a nonpartisan basis at large for terms of 6 years except as provided in par. (d).

(a) Of the members of the board, 3 shall at all times be employers with power to employ and discharge, 3 shall be employes who have no power of employment or discharge and are not foremen or superintendents and 3 shall be farmers who are engaged in the actual operation of a farm. In districts containing only cities and villages there shall be 3 citizens-at-large posts and no farmer posts.

(b) The ballot shall designate those who are seeking election as employes, employers, farmers and citizens-at-large.

(c) The ballot shall be prepared and the election supervised by the following officials:

1. In a district composed of 2 or more complete counties, by the county clerk of the county with the greatest equalized valuation for general property tax purposes.

2. In a district composed of more than one city, village or town or any combination thereof, by the clerk of the municipality with the greatest equalized valuation for general property taxing purposes.

(d) The clerk prior to the first election shall by lot designate the posts to be filled for 2, 4 and 6 years at the first election. Thereafter all shall be elected for 6 years.

(e) Vacancies shall be filled by the board until the next election with due regard to the requirement of the position. Vacancies shall be filled at the next spring election for the remainder of the term.

(f) All board members shall take office on July 1 and shall hold office until a successor has been selected and qualified. Board members shall receive no compensation but shall receive their actual and necessary expenses incurred in the performance of their duties.

(g) Section 41.15 (5) to (11) and (13) and (14) shall apply to area districts.

(h) Whenever a municipality operating a school of vocational and adult education determines that the territory within their corporate limits shall be included in a vocational school district established under this section, all assets, liabilities, rights, duties, property and obligations of existing districts shall be transferred to the newly established district in accordance with s. 66.03. Existing buildings and equipment used by the schools of vocational and adult education may be transferred to the district or the board may enter an agreement for the use of such facilities.

**History:** 1957 c. 224

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

(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 2 mills on the dollar, except that when such tax shall not produce sufficient revenue the municipality may by ordinance provide that such tax shall not exceed 2 mills on the last equalized valuation of the taxable property in the municipality.

(2m) The school clerk shall certify all taxes levied for purposes of vocational and adult education to the municipal clerk. If any school district is joint, the clerk of the district school board shall certify [to] the clerk of each municipality the amount to be raised by each. The apportionment shall be determined and shall be equalized in the manner provided in s. 40.35 (8). The district taxes for purposes of vocational and adult education shall be entered on the next tax roll of the municipality and collected and returned as other taxes are, and shall be paid to the treasurer of the local board of vocational and adult education. The taxes for purposes of vocational and adult education together with other funds provided for the same purposes shall be equal to the amount required by the local board of vocational and adult education but such taxes shall not exceed 2 mills on the dollar.

(2p) The vocational and adult education area district board is authorized to levy on or before October 1 in any year a tax upon all the taxable property of the district for the purpose of operating and maintaining area schools of vocational and adult education. The amount of such tax shall not exceed in any one year, 2 mills on each dollar of equalized valuation.

(a) The secretary of the area district shall deliver to the clerk of each municipality in which any part of the district is located, a certified statement showing the amount of taxes voted and the amount of taxes to be collected in that year for the payment of any loan and the portion of such taxes to be assessed in that part of the area district within the municipality which proportion shall be ascertained from the full valuation certified to him by the department of taxation.

(b) Upon receipt of such report the clerk of each such municipality shall place the same on the tax roll to be collected as are other taxes, and such money when collected shall be paid to the treasurer of such district.

(2q) The vocational and adult education area district board may incur indebtedness for the acquisition of sites, buildings and equipment for the operation of a school and levy taxes for such capital outlay and interest.

(3) Whenever the local board of vocational and adult education in any city or school district shall deem it necessary to erect, or to make additions to buildings, or to purchase sites or additions to sites, the local board of vocational and adult education may inform the city council of the city or the school district board of the amount of funds needed for one or more of said purposes, and request the city council or the school district board to

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

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

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

**History:** 1951 c. 372; 1953 c. 61; 1955 c. 555; 1957 c. 224.

**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.

**41.175 Industrial arts teachers' certificates.** No state license or certificate to teach industrial arts subjects shall be issued to any person who has not had 3 years' practical experience beyond apprenticeship, or who has not had 4 years of institutional training in such fields. Any person teaching any industrial arts subject on January 1, 1936, who had 5 years' practical or teaching experience in such subject shall be deemed for the purpose of salary schedule and promotion to have the equivalent of a bachelor's degree.

**History:** 1953 c. 90.

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

(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.

**History:** 1951 c. 372; 1957 c. 224.

22 Atty. Gen. 891 no longer applies to pupils younger than 21. 39 Atty. Gen. 532. Vocational education at public expense may not be denied to Wisconsin residents meeting the standards prescribed in (1), by a local board's withholding approval on grounds other than those referred to in the statute. If a vocational school admits such a pupil on a tuition basis, it may not charge him tuition, but must bill the proper municipality as provided in 41.19. 41 Atty. Gen. 357.

**41.19 Nonresident tuition; aids for veterans.** (1) The local board of vocational and adult education is authorized to charge tuition for nonresident pupils an amount sufficient to pay instructional costs of providing training to such persons but not exceeding \$1.50 for each day, or 50 cents for each evening, of actual attendance. In determining such cost appropriate reduction shall be made for all state and federal aids, tuition fees, and special course fees where applicable. Local boards of vocational and adult education are authorized to make tuition charges to veterans who are enrolled in institutional on-farm training under the provisions of P. L. 550, ch. 875, 2nd session, 82nd congress, for all classroom, group, individual or other instruction recognized by the veterans administration in the payment of education and training allowances. Nothing in this section shall be construed to apply to, affect or limit tuition charges to the veterans administration or other federal agency for training services rendered to veterans.

(1a) Before July 1 of each year beginning with 1955, the secretary of each local board of vocational and adult education shall file with the clerk of each county and municipality from which any tuition pupil was admitted, except as provided in sub. (1c), a sworn statement setting forth the residence, name, age, date of entrance and the number of days attended during the preceding school year and the total tuition charge for courses approved by the state board of vocational and adult education for each pupil admitted from such county. This statement shall be rendered on a form prescribed by the state director of vocational and adult education. Within 10 days after the receipt of such statement the clerk of each municipality shall return the same to the county clerk with his certification as to the correctness of the statement, or indicating in what respects he believes such statement to be incorrect, together with all necessary factual information in support of such belief. Nothing in this subsection shall apply to tuition for any pupil who has reached 21 years of age or to any tuition for any course eligible for credit at the university of Wisconsin or at any state college.

(1a) Where the county clerk has satisfied himself that the statements made under sub. (1a) are accurate, he shall determine the total tuition charge to be collected within that portion of the county lying outside districts operating schools of vocational and adult education, and apportion the amount thereof on the basis of the ratio of the equalized valuation of that portion of each municipality within the county which lies outside districts which operate schools of vocational and adult education as certified by the state board of vocational and adult education to the total equalized value of all the territory within the county that lies outside districts which operate such schools, and certify the amount so obtained to the clerks of such municipalities. The aforesaid equalized valuation shall be determined and certified to the county clerk annually on or before August 15 by the department of taxation. The municipal clerk shall enter upon the next tax roll in a local column such sums as may be due for such tuition from his municipality and the amount so entered shall be collected when and as other taxes are collected. If a portion of such municipality forms a part of a vocational school district the taxable property in that portion shall be exempt from such tuition tax. In lieu of placing the amount due for vocational and adult school tuition upon the tax roll the governing body of any municipality required to pay such tuition may by resolution authorize its treasurer to pay the amount of such tuition as certified by the county clerk out of surplus municipal funds, provided no portion of such municipality forms a part of a vocational and adult school district.

(1ad) Before July 1 in each year the secretary of the local board of vocational and adult education shall send to the secretary of the local board of vocational and adult education in the municipality in which the pupils reside, a sworn statement of tuition charges for pupils residing therein who had reached 21 years of age and for any tuition for any

pupil residing therein for any course eligible for credit at the university of Wisconsin or at any state college. Where pupils reside in a municipality in which no vocational and adult education school is maintained then such sworn statement of said tuition charges shall be sent to the clerk of the municipality. In either case the 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 the local board of vocational and adult education or against such municipality, as the case may be, and allowed as other claims are allowed. The secretary of the board shall, in submitting the certificate of tuition charges to the municipality of residence of tuition pupils, indicate the number of class units of work for which a pupil was enrolled and attended.

(1b) 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 under sub. (1ad) without its consent to pay such tuition for any pupil who has reached the age of 21 years, nor for any course eligible for credit at the university of Wisconsin or at any state college. Nonresident students over 21 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 30 days after enrollment that the student is attending the school of vocational and adult education.

(1c) Before July 1 of each year, beginning with 1955, the secretary of each local board of vocational and adult education shall file a list of the pupils who attended that school of vocational and adult education because the specific courses desired by such persons were not given in their municipality of residence and who resided in another municipality having local board of vocational and adult education with the secretary of the board in the municipality in which such pupils reside together with a statement of the tuition due because of such pupils. This statement shall be filed as a claim against the local board of vocational and adult education and allowed as other claims are allowed.

(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 s. 20.850 (11) and s. 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.

**History:** 1951 c. 24, 274; 1953 c. 61 s. 2; 1953 c. 169; 1955 c. 249; 1957 c. 97.

An out-of-state resident who is an eligible veteran under Public Law 16 and Public Law 346 may be enrolled in an agricultural vocational course given by a Wisconsin high or vocational school under contract with the veterans administration. An instructor in such a school may cross the state line to visit the farm of the out-of-state resident for purposes of carrying out this educational program. If the instructor were otherwise eligible, he would not be deprived of the protection of the workmen's compensation act by crossing the state line in the course of his employment. 39 Atty. Gen. 214. A nonresident student less than 21 years of age need not ordinarily return home every week and in order to continue to be eligible for payment of tuition by the municipality of his residence. A nonresident student less than 21 years of age, attending a school of vocational and adult education may accept part time jobs in the municipality where he is attending school without affecting his residence status for school pur-

poses provided he does not thereby become emancipated or become an indentured apprentice. 39 Atty. Gen. 331.

A board cannot adopt a policy of refusing to pay tuition for residents of its municipality under age 21 to attend a school of

vocational and adult education elsewhere. A board may withhold approval in individual cases where vocational training equivalent to that which is desired is available at home. 39 Atty. Gen. 582.

**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.

Course fees should cover the cost of materials consumed in a course and should not be set so high as to cover the cost of instruction and collected in lieu of tuition. 41 Atty. Gen. 357.

**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 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 director of budget and accounts, 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, \$30,000 for any city of the first class, or \$15,000 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 director of budget and accounts shall draw his several warrants accordingly, payable to the treasurers of the cities, towns, villages and area school districts, 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 director of budget and accounts 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 director of budget and accounts shall draw warrants upon the state treasurer accordingly, payable to the treasurers of such municipalities, including school districts.

(3) (a) Commencing with the school year 1947-1948 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 person as a teacher, administrator, principal or supervisor not under a contract providing for leave of absence by reason of sickness of such person, without deduction from salary, for not less than 5 days per year and for accumulation of unused sick leave from year to year to a total of not less than 30 days but no allowance shall be paid for such absences from teaching or other educational services rendered in evening school by any person employed at least 30 hours per week in day school.

(b) This section shall not apply to persons so employed for less than 30 hours per week unless such persons are so employed more than 10 hours per week and are also employed by a board of education for a total of 30 or more hours per week for both employments. When a person is employed in such dual capacity he shall receive such proportionate part of his sick leave benefits from each employer as the number of hours

employed by such employer bears to the total number of hours employed by both employers.

(c) In computing the number of hours of such employment for persons employed in more than one school of vocational and adult education, the aggregate shall be used.

**History:** 1957 c. 224.

**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 P. L. 16, ch. 22, 1st session, 78th congress and P. L. 346, ch. 268, 2nd session, 78th congress, P. L. 550, ch. 875, 2nd session, 82nd 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, and for costs of administration by the state board of vocational and adult education. 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 s. 20.850 (44) to be expended as provided in this section.

**History:** 1953 c. 169.

**41.36 County teachers colleges; appropriation.** Any county within which no state college operating an elementary department is located may appropriate money for the organization, equipment and maintenance of a teachers college, to be known as a "County Teachers College" for teachers of common schools, and for the erection of suitable school buildings and dormitories, or for purchasing and remodeling suitable buildings therefor.

**History:** 1953 c. 61; 1955 c. 37, 146, 652.

**41.37 Same; board, appointment, bond, organization.** A "county teachers college board" is created, which shall have charge and control of all matters pertaining to the organization, equipment and maintenance of such colleges. The board shall consist of 3 members, 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 board and the county treasurer of the county in which the college is located shall be treasurer of the board, but not a member thereof. The board shall prescribe the duties of its officers. The members of such board shall receive such compensation for their services and reimbursement for traveling expenses necessarily incurred in the discharge of their functions as the county board shall allow.

**History:** 1955 c. 146.

The county treasurer of the county in which the school is located is the treasurer of a joint county normal school board. The board may not select one of its members for such position. 39 Atty. Gen. 32. County superintendent of schools is not entitled to receive a per diem for services on the board in addition to his salary. 43 Atty. Gen. 237.

**41.375 Same; extension courses for students.** The county teachers college board may contract with the university extension division of the university of Wisconsin for extension courses for pupils enrolled in county teachers colleges.

**History:** 1955 c. 146.

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

**History:** 1955 c. 146.

Moneys payable out of funds appropriated to a joint county normal school are to be paid by the county treasurer of the county in which the school is located, upon order of the board properly signed, under this section. 39 Atty. Gen. 32.

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

**History:** 1955 c. 146.

**41.40 Same; certificates to graduates, school credits.** (1) Each graduate of a county teachers college, who shall be of good moral character, shall receive a diploma signed by the president of the college and by the college board, certifying that the person named

therein has satisfactorily completed the course of study of the county teachers college, 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 college.

(2) Graduates of county teachers colleges, who are graduates of a 4-year high school, and who, after graduating from a county teachers college, have taught one year, shall, on entering a state college, receive one year of credit toward the completion of any course for training elementary teachers.

**History:** 1953 c. 61; 1955 c. 146.

**41.41 Same; qualifications of teachers and president.** No member of any county teachers college board shall be employed in said college, either as president or as teacher during the term for which he was elected, nor shall any person be employed as a teacher in such college who does not hold a state license or certificate, nor shall any person be employed as president of such college who is not legally qualified for the position of principal of a high school having a 4 year course of study. This section shall not apply to any person engaged as a teacher in a county training school, on July 16, 1907.

**History:** 1955 c. 146.

**41.42 Joint county teachers colleges; maintenance; demonstration department.** (1) The county boards of 2 or more adjoining counties may unite in establishing and maintaining a college for teachers on the same general plan as provided for such college in a single county, and may appropriate money for its maintenance. The county superintendents of the counties so uniting, and 2 members in addition chosen from each such county shall constitute the joint county teachers college 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 college, the counties shall neglect to procure a site, or to erect a school building therefor, such joint county teachers college 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 \$12,000 for said purposes from the trust funds of the state, payable in equal annual instalments in not to exceed 10 years, with the annual interest at the rate of not to exceed 3½ per cent. Provision for the payment of each instalment, and accrued interest, shall be made in the tax levy and apportionment mentioned in s. 41.43.

(3) The county teachers college board of any county teachers college may enter into a contract with any school, for a period of not more than 5 years, whereby pupils selected from such district may be selected to serve as a demonstration department for the practical demonstration of methods of teaching and the instruction of the students enrolled in the county teachers college. Such school or department shall be placed under the instructional direction of the county teachers college faculty and housed and maintained in the county teachers college building or in a school in the contracting district. 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 district. 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 5 years from the original date of the contract. Districts which suspend their schools on account of the contract authorized under this section shall be eligible to receipt of aids in the same amounts that they would be eligible to receive if they had operated their schools.

(4) A county by resolution of its county board may, by written notice prior to March 1 of any year to the joint teachers college board and to any other county participating in the maintenance of a joint teachers college, withdraw its support of such school as of the beginning of the next succeeding school year, and thereupon the assets and liabilities of such joint teachers college shall be adjusted and divided as provided by s. 66.03, except that by agreement between the counties owning the school the assets and liabilities need not be divided at the time any county withdraws its support, in which case, until assets and liabilities are divided, the school may be continued in use under such terms and conditions as may be mutually agreed upon by the counties owning the school.

**History:** 1955 c. 146.

See note to 40.08, citing 44 Atty. Gen. 59.

**41.43 Same; maintenance, equipment, apportionment.** When counties unite in establishing and maintaining such college, the college board shall annually determine the amount of money necessary for the maintenance and equipment of the college 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 department of taxation, 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 college. Each county treasurer shall pay over all moneys so levied and collected for the college to the treasurer of the joint county teachers college board and file the latter's receipt therefor.

**History:** 1955 c. 146, 652.

**41.44 State aid to county teachers colleges.** (1) The state superintendent shall keep a list of such county teachers colleges, whose course of study and the qualifications of whose teachers have, on application, been approved by him; and any such county teachers college 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 county teachers colleges 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 county teachers college located in the same county as a state teachers college.

(1m) If it appears from an actual inspection by direction of the state superintendent that the work of such county teachers college has been efficient, and that the college has been devoted exclusively to the training of teachers, the state superintendent shall certify, in favor of the county operating such teachers college, the amount of the salary paid to each teacher and president but not to exceed an amount to which such teacher or president is entitled under a salary schedule for teachers and presidents of county teachers colleges to be adopted and promulgated by him. The salary schedule shall provide for a salary range of from \$3,800 to \$6,000 per year, varying with length of service and professional training.

(3) Upon receipt of such certificates the director of budget and accounts shall draw his several warrants accordingly, payable to the treasurers of the counties maintaining such county teachers colleges, respectively; and payable to the treasurers of the boards maintaining such colleges, respectively, if they are joint county teachers colleges; provided, that if the total amount of state aid to be paid under sub. (1m) shall exceed the appropriation made in s. 20.650 (18), the director of budget and accounts shall equitably prorate the amount available.

**History:** 1953 c. 61, 476, 631; 1955 c. 146, 410; 1957 c. 364.

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

**History:** 1955 c. 146.

**41.46 Same; nonresident students; tuition.** The board may charge tuition for any given year for nonresident students at a rate not to exceed \$9 per week, or such lesser amount per week as the county board of supervisors of the county wherein the college is located may determine, which shall be determined as follows: From the sum total of money expended by the county in operating and maintaining the teachers college, including an item for building and equipment costs equal to 2 per cent of the original expenditures for buildings and equipment thereof as certified by the state superintendent of public instruction, such charge not to apply for a greater period of time than 50 years in the case of a new building or for the unexpired portion of 50 years of life of an old building, excluding land costs, and not to exceed 30 cents per week per student, there shall be subtracted an amount equal to the sum of the state and federal aids, the cost of transportation and money expended for the payment of principal and interest of bonded indebtedness or other building loans, and the difference so determined shall be divided by the average daily attendance for the given year. Such tuition shall be a charge against the county in which such students reside and shall be by it paid to the treasurer of the teachers college enrolling such students.

**History:** 1951 c. 405; 1955 c. 146.

**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 250,000, 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 teachers college board."

**History:** 1955 c. 146 s. 16.

See note to 41.37, citing 43 Atty. Gen. 237.

**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 department of taxation; 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.

**History:** 1955 c. 652.

**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 tuition for their attendance for any given year. Such tuition shall be computed in the same manner as prescribed for high school tuition in s. 40.91 (4). Such tuition shall be a charge against the county in which such students reside and shall be paid by it to the treasurer of the county agricultural school enrolling such students.

**History:** 1957 c. 77.

**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 4 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 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 8 months during the preceding school year, in a manner satisfactory to the state superintendent, he shall certify to the director of budget and accounts, in favor of the several counties maintaining such schools, an amount equal to the sums ex-

pended by each, respectively, for wages of duly qualified and approved teachers therein during the prior school year; but not to exceed in any one year \$8,000 for any such school.

(3) Upon receipt of such certificates the director of budget and accounts shall draw his several warrants accordingly, payable to the treasurers of the counties, respectively.

(4) Any county agricultural school board which may be authorized by the county board of supervisors to maintain and operate school busses for the transportation of any or all full-time students to and from such institutions or may be authorized to contract for the transportation of any or all such students by any of the means provided in ss. 40.53 to 40.56 shall be eligible to receive transportation aids provided in ss. 20.650 (12) and 40.56 (3) for all such full-time students transported to and from such school provided that the full cost of transportation is borne by the county and that no fares are collected from the students, their parents or guardians. Provided, however, the amount of such cost of transportation paid by the county with respect to any such student, over and above the amount payable therefor as state aid, may be charged back by the county to the municipality wherein the student resides and such municipality shall be liable to the county therefor. If the county board does not provide such transportation, the municipality in which the agricultural school students reside may arrange for such transportation and shall be entitled to receive the transportation aids provided in ss. 20.650 (12) and 40.56 (3).

**History:** 1951 c. 672; 1955 c. 266.

**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.

**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, and any amendatory or supplementary acts thereto as the congress of the United States may enact. The state board of vocational and adult education shall co-operate, pursuant to agreements, with the federal government and the United States Office of Vocational Rehabilitation in carrying out the purposes of any federal statutes pertaining to vocational rehabilitation and is authorized to adopt such methods of administration as are found by the federal government to be necessary for the proper and efficient operation of such agreements or plans for vocational rehabilitation and to comply with such conditions as may be necessary to secure the full benefits of such federal statutes. The state treasurer is designated and appointed custodian of all moneys received by the state from the federal government for the purpose of carrying out any federal statutes pertaining to vocational rehabilitation, and to make disbursements therefrom and from all state funds available for vocational rehabilitation purposes 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, and any amendatory or supplementary acts thereto.

(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 instalment payments of the sale thereof shall be paid to the state treasurer and shall be held by him in a special account in the general fund for the purpose of this paragraph. Payments from this account 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, the federal government or with any county or other municipal authority within the state, or with any private agency, in carrying out 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) Pursuant to rules, regulations and standards prescribed by the state board of vocational and adult education, the board may provide maintenance cost during actual training to handicapped persons registered for rehabilitation services, except that no maintenance cost shall be provided to persons receiving maintenance cost under section 102.61 of the workmen's compensation act.

(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, including gifts and donations from persons benefited under this section, 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 account in the general fund to be used under the direction of the board for vocational rehabilitation purposes. 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.

(13) It shall be unlawful, except for purposes directly connected with the administration of the vocational rehabilitation program, and in accordance with rules and regulations prescribed by the state board, for any person or persons to solicit, disclose, receive or make use of, or authorize, knowingly permit, participate in or acquiesce in the use of any list of, or names of, or any information concerning, persons applying for or receiving vocational rehabilitation, directly or indirectly derived from the records, papers, files or communications of the state or subdivisions or agencies thereof, or acquired in the course of the performance of official duties. Any person who shall violate any provision of this section or rules and regulations prescribed thereunder, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$500, or by imprisonment not exceeding 6 months, or both.

**History:** 1955 c. 75, 204, 652.

The state board of vocational and adult education has the duty of administering and interpreting the federal and state rehabilitation law; the industrial commission has a limited power of review under 102.61, if any; except for fraud or clear-cut abuse of power, the commission must approve the payment of rehabilitation expenses. Massachusetts Bonding & Ins. Co. v. Industrial Comm. 275 W 505, 82 NW (2d) 191.

**41.72 Wisconsin schools for the visually handicapped and the deaf.** (1) The object of the Wisconsin school for the visually handicapped and the Wisconsin school for the deaf is to afford the visually handicapped and the deaf a practical education and physical rehabilitation which may aid them to make a living, discharge their duties as citizens, and secure to them all possible happiness. The state superintendent may grant approval for the maintenance of a summer school at the school for the deaf whenever it will be to the advantage of deaf persons. There shall be a summer school each year at the Wisconsin school for the visually handicapped for adult visually handicapped persons.

(2) All of the functions, powers and duties relating to such schools are vested in the state superintendent of public instruction.

(3) As used in this chapter, blind includes persons visually handicapped, as determined by competent medical authority, with the approval of the state superintendent of public instruction; and deaf includes persons who because of some pathological or functional cause cannot attain proficiency in speech without special instruction and training.

(4) The state superintendent of public instruction shall employ the teachers at the Wisconsin school for the deaf and determine their compensation, in the manner provided in ss. 40.40 and 40.41.

(5) The state superintendent of public instruction is authorized to permit the city of Janesville to use portions of the grounds of the Wisconsin state school for the visually handicapped at Janesville, which abut on the Rock River, for purposes of operating a city park. Any construction on such grounds is subject to prior approval by the state superintendent of public instruction. Any agreement pursuant hereto shall be cancelable at the option of either party without liability. Any such grounds so used by the city of Janesville shall be supervised by said city and shall be subject to the ordinances of the city of Janesville applicable to city parks.

**History:** 1955 c. 276; 1957 c. 222.

**41.73 Admission to schools; tuition; school year; degrees; diplomas.** (1) All the blind and the deaf residents of this state between the ages of 6 and 21, capable of receiving instruction, shall be received and taught in said schools free of charge. There is no age limitation on summer school admissions. Like nonresident pupils may also be received upon payment, in advance, of the fees fixed by the state superintendent at an amount not less than \$75 per month. All pupils shall equally and freely enjoy the benefits and privileges of the school and have the use of the library and books of instruction and receive board, lodging and washing, without discrimination. The steward of the school may provide transportation for resident indigent pupils. The state superintendent may also admit pupils over 21 years of age upon the recommendation of the director of public welfare or director of adult and vocational education, or upon that of the superintendent of the school to which the pupil is to be assigned, upon the payment of fees fixed by the state superintendent. All fees shall be deposited in the state treasury and be credited to the general fund. No nonresident shall be received to the exclusion of a resident pupil.

(2) The state superintendent may fix the period of the school year at not less than 38 weeks; prescribe the school terms; and confer diplomas upon meritorious pupils who have completed the prescribed curricula.

(3) The state superintendent may provide for the education of deaf-blind children of suitable capacity to receive instruction either in a special class for that purpose outside the state or in a special class to be established within the state whenever there is a sufficient number of deaf-blind children to warrant the establishment of such class. The cost of such education shall be charged to the appropriation in s. 20.650 (31).

(4) The state superintendent may arrange for vocational, trade or academic training for any pupil in either of such state schools qualified to take such training advantageously, in either the public schools or vocational school or a private business establishment in Janesville or Delavan. The public schools and the vocational school shall be paid the regular tuition for full-time attendance and pro rata for part-time attendance out of the appropriation in s. 20.650 (31).

(5) The state superintendent may arrange for otological or ophthalmic examination of any pupil or prospective pupil of such schools; and said examination shall be paid for out of the appropriation in s. 20.650 (31).

(6) The state superintendent may apply to the board of regents of the university of Wisconsin for the admission to the Wisconsin general hospital of any pupil in such schools. His application shall be accompanied by the report of a physician appointed by the school superintendent and in the same form as reports of other physicians for admission of patients to such hospital.

(7) The net cost of such hospital treatment shall be at the rate charged to counties for county patients and shall be chargeable one-half to the appropriation for operating the patient's school and one-half to the state. The state superintendent may likewise authorize payment of the expense of transporting patients to and from the hospital. Payments for the treatment shall be made by him to the university regents for the half chargeable to the operation fund of the school and the other half shall be paid as provided in s. 142.08 (2). Funds collected by him on account of such hospitalization shall be deposited one-half in the general fund of the state, and one-half in the appropriation made by s. 20.650 (31) for the school concerned.

(8) The state superintendent may arrange for visits by members of the staff of either school to other public schools or to families of blind or deaf children whenever it appears to him that such visits will be of advantage to blind or deaf children.

(9) The state superintendent may set aside a sum not in excess of \$3,000 annually out of appropriations made to such schools to be used to defray the expenses of readers for blind or deaf pupils between the ages of 16 and 21 enrolled in any public high school or vocational school in the state. The amount of aid to one pupil shall not exceed \$125 per year. This aid shall not be granted to any student unless the director of the bureau for handicapped children and the superintendent of the school for the visually handicapped or of the school for the deaf (according as the child is blind or deaf) agree that it is best for said student to attend such vocational or high school.

**History:** 1953 c. 25.

**41.74 Compulsory education of blind and deaf persons.** If it appears, by affidavit, to any county or municipal judge that any blind or deaf child between the ages of 6 and 21 is deprived of a suitable education by the failure of the person having the care and custody of the child, the judge shall order such person to bring the child before him; and if the material allegations of the affidavit are denied he shall subpoena witnesses and hear testimony. If the allegations are admitted or established, the judge may order the child sent to the school for the visually handicapped or for the deaf or to some class or other school for instruction; but such order shall not make a direct charge for such class or school against any county.

**41.75 Library for blind persons.** Embossed, clear type or large type books, talking book machines and talking book records acquired by the school for the visually handicapped constitute a circulating library for the blind. It shall be kept at the school and be in charge of its superintendent. All blind citizens of the state may use such books upon compliance with regulations made by the superintendent and approved by the state superintendent.

**41.76 Scholarships for blind students.** Any blind person who has been a resident of this state for at least 5 years next preceding the making of an application for aid under this section and who is a regularly enrolled student in any university, college or conservatory of music, may under the direction of the superintendent of the Wisconsin school for the visually handicapped, and subject to the approval of the state superintendent of public instruction, receive aid for the purpose of defraying his necessary expenses, including a reader, while in attendance at such university, college or conservatory of music. The amount of such aid to any such person shall not exceed \$400 in any one year, nor shall the total amount of such aid exceed \$2,000.

**41.77 Scholarships for deaf and hard of hearing students.** Any deaf or hard of hearing person who has been a resident of this state for at least 5 years preceding application for aid under this section and who is a regularly enrolled student in any university or college may, under the direction of the bureau for handicapped children, and subject to the approval of the state superintendent, receive aid for the purposes of defraying tuition and other necessary expenses while in attendance at such university or college. The amount of such aid to any such person shall not exceed \$500 in any one year, nor shall the total of such aid exceed \$2,500. All such sums shall be paid from the appropriation made in s. 20.650 (1).

**History:** 1957 c. 476.