

[No. 299, A.]

[Published March 20, 1878.]

## CHAPTER 171.

AN ACT to revise and amend an act entitled an act in relation to public schools in the city of Watertown, approved March 15, 1856, and the several acts amendatory thereof, and to repeal chapter one hundred and forty of the laws of 1856, and all acts amendatory thereof relating to public schools in the city of Watertown.

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

**School district.** SECTION 1. The city of Watertown, in this state, shall constitute one school district.

**Board of education.** SECTION 2. The management of all public schools in said city shall be under the control of a board of education, consisting of one school commissioner from each ward of said city, and a superintendent of schools. Each school commissioner shall be a resident of the ward for which he is elected, and shall be entitled to one vote on every question acted upon by said board.

**Manner of election.** SECTION 3. The school commissioners shall be elected at the annual election for city and ward officers in said city, for the term of two years, in the following manner, to-wit: In each odd numbered year there shall be elected one commissioner in each of the odd numbered wards; and in each even numbered year there shall be elected one commissioner in each of the even numbered wards.

**Vacancies.** SECTION 4. Whenever there shall be a vacancy in the office of school commissioner in any ward, that fact shall be reported by the clerk of the board of education, in writing, to the common council of said city, and the said council shall fill all vacancies, so reported, by appointment, and the commissioners so appointed shall be residents of the wards for which they are appointed, and shall hold the office during the unexpired part of the term of those whose places they are appointed to fill. No member of the board of education shall be removed by the common council.

**When to be deemed vacant.** SECTION 5. The only cases in which the office of school commissioner shall be deemed to be vacant shall be in case of the death or resignation of the incumbent, or his removal from said city, and all resignations of said office shall be in writing, and addressed to the board of education, and such resignations shall be preserved and filed by the clerk of said board, and a record thereof kept in the journal.

SECTION 6. Every person who shall be elected or appointed to the office of school commissioner, shall, before he enters upon the discharge of the duties of his office, and within ten days after his election or appointment, take the oath of office prescribed by the constitution of this state, and cause the same to be filed in the office of the city clerk. Oath.

SECTION 7. Whenever there shall have been a failure in any ward to elect a school commissioner at the proper time, as required by this act, and whenever any person elected or appointed to such office, shall neglect to qualify, as required by this act, then in each of such cases the common council of said city shall have the power and it shall be its duty to appoint a commissioner for such ward, and the commissioner so appointed shall continue in office until the expiration of the term for which he would have held, had he been elected at the proper time for a full term, as the successor in office of one whose term was about to expire. Failure to elect

SECTION 8. At the first regular meeting of said board of education, in May of each year, said board shall elect a superintendent of schools of said city, who shall be *ex-officio* clerk of the board, whose term of office shall commence on the second Monday after his election, and shall continue for one year and until the election and qualification of his successor. In the election of such superintendent, the members of said board shall vote *viva voce*, and it shall require a majority of all the members of said board to elect; and the clerk of said board shall record in the journal of the board, the result of such election, and also enter therein for whom each member voted on the final vote. Supt. of schools

SECTION 9. The said board shall have the power, and it shall be its duty, to elect a superintendent to fill any vacancy in that office occasioned by death, resignation or removal from said city. An election to fill a vacancy shall be conducted in the same manner as regular elections, and the superintendent so elected shall hold the office for the unexpired part of the term. Vacancy.

SECTION 10. Said board shall be styled the board of education of the city of Watertown, which shall be a body corporate in relation to all the powers and duties conferred on it by virtue of this act. A majority of the board shall form a quorum. At the first meeting after their election, as provided by this act, the commissioners shall elect one of their number president, and the president shall appoint the following committees, each to consist of three members of the board, viz.: Powers and duties of board.

On Finance.  
 On Text-books.  
 On Buildings.

When the president shall be absent, a president *pro tem.* may be elected.

Committees—  
 duties of.

SECTION 11. The duties of said committees shall be as follows, viz.: The committee on finance shall examine the condition of the school fund and tuition fund once every three months, and oftener if it deems it advisable to do so, and shall pass upon all bills presented to said board before the same shall be allowed, and have a general advisory supervision over the financial interests and transactions of the board.

The committee on text-books shall —

1st. Keep a list of all the books purchased by the board of education.

2d. Audit all the bills and examine all the vouchers for said books.

3d. Make all needful rules and regulations in regard to text-books, subject to the approval of the board.

4th. Report to the board whenever required.

The committee on buildings shall advise with the superintendent in all things relating to buildings and grounds.

No compensa-  
 tion allowed.

SECTION 12. The school commissioners shall receive no compensation for their services.

Duties of clerk.

SECTION 13. The clerk of said board shall keep a record of the proceedings thereof, and perform such other duties as the board may prescribe, which record, or a transcript thereof, certified by the president and clerk, shall be received in all courts as *prima facie* evidence of the facts therein set forth; and such records, and all the books and accounts of the said board, shall at all times be subject to the inspection of any committee thereof.

Taxes for  
 school purposes

SECTION 14. The city council of the said city shall have the power, and it shall be its duty, to raise from time to time, by tax upon real and personal estate in said city, which shall be liable to taxation for the ordinary city taxes, or for city and county charges, in addition to the amount of school moneys now or hereafter appropriated or provided by law for common schools in said city, such sums as may be determined and certified by the said board of education to be necessary or proper for any or all of the following purposes: *provided*, the common council is of the opinion the same ought to be raised:

1st. To purchase, lease or improve sites for school houses.

2d. To build, purchase, lease, enlarge, alter, improve and repair school houses and their outhouses and appurtenances.

3d. To purchase, exchange, improve and repair school apparatus, text-books, furniture and appendages.

4th. To procure fuel, and defray the contingent expenses of the common schools, and the expenses of the district library of said city.

5th. To pay wages of teachers due after the application of the public moneys, which may by law be appropriated and provided for that purpose: *provided, nevertheless*, that no tax shall be levied for such purpose more than once in each year; *and provided, also*, that the amount to be raised for teachers' wages and for contingent expenses in any one year, shall in no case exceed eight mills, or be less than five mills on the dollar of the assessed valuation of all property in said city.

SECTION 15. The city council shall cause the tax or taxes herein provided for to be levied and collected annually on all such real and personal property, or capital of any kind, within said city, as is subject to taxation by the laws for levying taxes for the state, for the time being; said taxes to be levied and collected in the same manner as annual taxes are levied and collected in said city. Levy and collection.

SECTION 16. All moneys to be raised pursuant to the provisions of this act, and all school moneys by law appropriated to or provided for said city, shall be paid to the treasurer of said city, who, together with the sureties upon his official bond, shall be accountable therefor in the same manner as for other moneys of the said city. The said treasurer shall also be liable to the same penalties for any official misconduct in relation to the said moneys as for any similar misconduct in relation to other moneys of the city. Funds payable to treasurer.

SECTION 17. After the passage of this act, the treasurer of said city shall not pay out any moneys in his hands, received by the said city, either as school moneys or collected or received by virtue of any of the provisions of this act, excepting upon an order drawn upon him and signed by the president and clerk of said board of education, and no such order shall be drawn except by virtue of a resolution of the said board. Funds payable only on order.

SECTION 18. The said board may cause a suit or suits to be prosecuted in the name of the city of Watertown, upon the official bond of the treasurer or of any collector for said city, for any default, delinquency, or Malfeasance.

official misconduct in relation to the collection, safe-keeping or payment of any moneys in this act mentioned.

**Duties of board.** SECTION 19. The said board shall have power, and it shall be its duty :

1st. To establish and organize such and so many schools in the several wards of the city, as it shall deem requisite and expedient, and to alter and discontinue the same.

2d. To purchase or hire school houses and rooms, and lots or sites for school houses, and to fence and improve them as it deems proper.

3d. Upon such lots and upon any sites now owned by said city, to build, enlarge, alter, improve and repair school houses, outhouses and appurtenances, as it may deem advisable.

4th. To purchase, exchange, improve and repair school apparatus, text-books, furniture and appendages, and to provide fuel for the schools and defray their contingent expenses, and the expenses of the district library.

5th. To have the custody and safe-keeping of the school houses, out-houses, books, furniture and appendages, and to see that the ordinances of the city council in relation thereto are observed.

6th. To contract with and employ all teachers in the common schools and the high schools, who shall have been licensed by the superintendent, and, if it deems expedient, to remove them.

7th. To pay the wages of said teachers out of the school moneys which shall be appropriated and provided in said city, so far as the same shall be sufficient, and the residue thereof from the money authorized to be raised for that purpose by section fourteen of this act, by tax upon the city.

8th. To defray the necessary contingent expenses of the board.

9th. To have, in all respects, the supervision, superintendence and management of the common schools in said city, and from time to time to adopt, alter, modify and repeal, as it may deem expedient, rules and regulations for their organization and government, instructions for the reception of pupils, and their transfer from one school to another, and generally for the promotion of their good order, prosperity and public utility.

10th. Whenever, in the opinion of the board, it may be advisable to sell any of the school houses, lots or

sites, or any of the school property now or hereafter belonging to the city, to report the same to the city council.

11th. To prepare and report to the city council such ordinances and regulations as may be necessary or proper for the protection, safe keeping, care and preservation of school houses, lots, sites and appurtenances, and all the property belonging to the city, connected with or appertaining to the school, and to suggest proper penalties for the violation of such ordinances and regulations, and annually to determine and certify to said city council the sums, in its opinion, necessary or proper to be raised under the fourteenth section of this act, specifying the sums required for each of the purposes therein named, and the reasons therefor.

12th. To suspend any pupil from the privileges of the school for non-compliance with the rules established by them, or by the teacher with their consent; and also for being infected, or being a member of a family infected by a contagious disease.

13th. To expel from the school and from the school premises any pupil who shall persistently refuse or neglect to obey the rules and regulations above mentioned, or who shall be guilty of open or gross immorality, whether manifested by licentious language, manners or habits, although not manifested by acts of licentiousness or immorality within the school, whenever, upon due examination, they shall become satisfied that the interests of the school demand such expulsion. And in all cases of suspension for contagious diseases or expulsion of pupils, it shall be the duty of the superintendent to give notice thereof in writing to the parents or guardians of such pupils, and to the common council or board of street commissioners, and give the reasons therefor.

SECTION 20. The said board shall have power to allow the children of persons not residents within the city, to attend any of the schools of said city, under the care and control of said board, upon such terms as said board shall by resolution prescribe, fixing the tuition to be paid therefor.

Non-resident  
children.

SECTION 21. It shall be the duty of said board, in all their expenditures and contracts, to have reference to the amount of moneys that shall be subject to their order during the current year, for the particular expenditure in question, and not to exceed such amount.

Available funds

SECTION 22. The said board of education shall be trustees of the district library in said city, and all the

Trustees of  
library.

provisions of law which now are or may hereafter be passed relating to district school libraries, shall apply to the said board in the same manner as if they were trustees of an ordinary school district; they shall also be vested with the discretion as to the disposition of the moneys appropriated by any law of the state for the purchase of libraries, which is therein conferred upon the inhabitants of school districts. It shall be their duty to provide a library room and the necessary furniture therefor, and to appoint a librarian; to make all purchase of books for the said library, and from time to time to exchange or cause to be repaired the damaged books belonging thereto. They may also sell any books they may deem useless or of an improper character, and apply the proceeds to the purchase of other books.

**Annual report.** SECTION 23. It shall be the duty of the said board, at least fifteen days before the annual election of commissioners in each year, to prepare and report to the city council a true and correct statement of the receipts and disbursements of moneys under and in pursuance of the provisions of this act during the preceding year, in which account shall be stated under appropriate heads:

1st. The school moneys received by the treasurer of the city from the county treasurer.

2d. The moneys received from direct tax.

3d. All other moneys received by the treasurer, subject to the order of the board, specifying the sources. And the city council shall cause the same to be published in the official newspaper of said city.

**Subject to rules of State Supt.** SECTION 24. The said board shall be subject from time to time, to the rules and regulations made by the state superintendent of common schools, so far as the same may be applicable to them and not inconsistent with the provisions of this act.

**Powers and duties of city superintendent.** SECTION 25. The city superintendent of schools shall be the executive officer of the board of education, shall examine all teachers making application for schools (examinations to be public and in the presence of the board), shall grant certificates to such persons so examined, as shall be deemed by him and a majority of the board, suitably qualified, and shall carry into effect the ordinances of the common council, and the rules and regulations of the board in reference to the common schools; he shall also be specially charged with the care and custody of the several school houses of the city, and under the direction of the board, shall

superintend the building, enlarging, improving, furnishing and repairing of all the school houses ordered to be erected by them, and the making of all repairs and improvements on and around the same. In addition to the foregoing duties, he shall visit the common schools of the city at least twice during each term, and report their condition to the board, with such suggestions for their improvement as he may deem proper. He shall also perform such other duties with respect to such schools as the board may assign to him. The amount of his compensation shall be determined by the city council, and the manner of payment.

SECTION 26. The superintendent shall have under his custody all the books owned by the board of education, and shall perform all the duties as are laid down for him in the rules and regulations adopted by the committee on free text-books. It shall also be his duty to prepare all the reports required by this act, or the general school laws, in the manner and at the time specified by said laws, and to transmit them to such authorities as the law requires. Furthermore, it shall be the duty of the superintendent to file at the office of the city clerk, every month, a correct list of the school orders issued during the past month.

Further duties of superintendent.

SECTION 27. The city council of the said city shall have the power, and it shall be its duty, to pass such ordinances and regulations as the board of education may report as necessary and proper for the protection, safe keeping, care and preservation of the school houses, lots, sites and appurtenances, and all necessary property belonging to or connected with the schools in said city, and to impose proper penalties for the violation thereof, subject to the restrictions and limitations contained in the act of incorporation of said city; and all such penalties shall be collected in the same manner that the penalties for a violation of the city ordinances are by law collected, and when collected shall be paid to the treasurer of the city, and be subject to the order of the board of education, in the same manner as other moneys raised pursuant to the provisions of this act.

Duties of council relating to interests of education.

SECTION 28. Whenever the board of education shall report to the city council that it is advisable to sell any of the school houses, lots or sites, or any of the school property now or hereafter belonging to the city, it shall be the duty of the city council to sell the same without unreasonable delay, and upon such terms as the said city council may deem advisable. The proceeds of all such sales shall be paid to the city treasurer,

Right to convey property.

and shall be subject to the said board to be expended by them in the purchase, leasing, repairs or improvements of other school houses, lots, school furniture, apparatus or appurtenances.

School property  
vested in city.

SECTION 29. The title of the school houses, lots, sites, furniture, books, apparatus and appurtenances, and all other property in this act mentioned, shall be vested in the city of Watertown; and the same, while used, or appropriated for school purposes, shall not be levied upon or sold by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever; and the said city, in its corporate capacity, shall be able to take, hold and dispose of, any real or personal estate, transferred to it by gift, grant, bequest or devise, for the use of the common schools of the said city, whether the same shall be transferred in terms to said city by its proper style, or by any other designation, or to any person or persons or body, for the use of said schools.

Funds.

SECTION 30. All moneys required to be raised by virtue of this act, on being raised as herein provided, shall be held by the treasurer of said city, and by him placed to the credit of the said board of education, and shall be drawn out in pursuance of a resolution or resolutions of said board, by drafts drawn by the president, and countersigned by the clerk, of said board, payable to the order of the person or persons entitled to receive such moneys; and said treasurer shall keep the funds authorized by this act to be received by him, separate and distinct from any other fund that he is or may be by law authorized to receive.

Failure to qual-  
ify.

SECTION 31. It shall be the duty of the clerk of the city, immediately after the election or appointment of any person as commissioner of common schools, personally to notify him of his appointment or election, and if any such person shall not, within ten days after receiving such personal notice of appointment or election, take and subscribe to the constitutional oath, and file the same with the clerk of said city, the city council may consider it a refusal to serve and proceed to supply the vacancy occasioned by such refusal.

High school  
building.

SECTION 32. Whenever, in the opinion of the board of education, it shall become necessary to erect a union or high school building, the estimated cost of which exceeds the amount at their disposal for such purpose, it shall report such fact, together with an estimate of the probable cost of such building, to the common council of said city. The common council of said city

is hereby authorized and it is hereby made the duty of said common council, upon the receipt by it of such reported estimate, to levy a tax in addition to the school taxes levied by section fourteen of this act, for the purpose of erecting such union or high school building: *provided, however*, that said tax shall not exceed six thousand dollars (\$6,000) in any one year, and that the proceeds from such tax shall in no case be appropriated for any other purpose.

SECTION 33. Chapter one hundred and forty of the private and local laws of 1856, and the several acts amendatory thereof, are hereby repealed. **Repealed.**

SECTION 34. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1878.

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[No. 340, A.]

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### CHAPTER 172.

AN ACT to amend section forty-three of chapter one hundred and fifty-five of the general laws of 1863, entitled "An act to codify the laws of this state relating to common schools."

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

SECTION 1. Section forty-three of chapter one hundred and fifty-five of the general laws of 1863, entitled "an act to codify the laws of this state relating to common schools," is hereby amended so as to read as follows: Section 43. It shall be the duty of the clerk, between the first and tenth days of September in each year, to make and transmit to the town, city or village clerk, a written report, dated on the first day of September of the year in which it shall be transmitted, signed by said district clerk, and verified by his affidavit, showing: **Amended.**

First. The number of children, male and female, designated separately, over the age of four and under the age of twenty years, residing in the district on the last day of August, previous to the making of such report, and the names of the parents or other persons with whom such children did respectively reside on the thirty-first day of August preceding such report.

Second. The whole number of children, male and female, each designated separately, taught in the dis-

**Clerk required to report.**