

No. 451, A.]

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CHAPTER 386.

AN ACT to amend chapter XII of the charter of the city of Milwaukee and the several acts amendatory thereof.

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

Amends city charter.

Amend chapter XII of the charter of the city of Milwaukee, relating to public schools, so that said chapter, when amended, shall read as follows:

SCHOOL BOARD, HOW ELECTED, TERM OF OFFICE, ETC.

School board, how constituted.

SECTION 1. The public schools of the city of Milwaukee shall be under the general management, control and supervision of a school board, consisting of two persons from each ward, to be appointed by the aldermen of such ward, subject to confirmation by the common council. The members of said board shall hold their offices for three years unless sooner removed; provided, that the present school commissioners shall remain in office for the terms for which they have been elected respectively.

PRESIDENT, HOW ELECTED.

Vacancies, how filled.

A president shall be elected by said board, who shall be a member thereof, and in his absence shall elect a president for the time. The seat of any member shall be declared vacant and the common council shall proceed to choose a successor to any member who shall be reported to the common council as having been absent for four successive meetings of the school board without a satisfactory excuse.

OFFICIAL OATH, LIABILITIES, DISABILITIES AND DUTIES OF SCHOOL BOARD.

SECTION 2. The members of the school board shall take the official oath, and be subject to all

the restrictions, disabilities, liabilities, punishments and limitations prescribed by the law as to the aldermen in said city of Milwaukee, and they shall be exempt from jury duty. The council may remove any member of the board for causes for which aldermen are removable. The school board shall not in any one year contract any debt or incur any expense greater than the amount of the school funds subject to their order, without any previous ordinance or resolution of the common council. A majority of the members of the board who have duly qualified shall constitute a quorum for the transaction of business, but a smaller number may adjourn.

Not to contract debt greater than amount of funds subject to their order

POWER AND AUTHORITY OF SCHOOL BOARD.

SECTION 3. The school board of the city of Milwaukee is hereby authorized and required, subject to the approval of the common council, to establish and organize so many public or common schools in addition to those already established in said city, as may be necessary for the accommodation of the children of the city entitled by the constitution and laws of this state to instruction therein; and the common council shall erect, purchase, hire or lease buildings and furniture, and lots for the accommodation of such schools, and the high schools of said city, and shall improve and enlarge such school buildings. The school board shall also have power to establish and define, from time to time, the boundaries of all common school districts in the city in such manner as they may deem best calculated to promote the interests of the schools. The school board shall also have power to employ all janitors necessary in the school houses, and to fix their compensation.

May establish additional public schools, and may purchase or lease lands and buildings therefor.

SCHOOL HOUSES AND GROUNDS, CITY PROPERTY.

SECTION 4. The school houses now erected, and the lots on which they are situated, and the lots now or hereafter purchased for school purposes, and the school houses thereon erected, shall be the property of the city; and no lot shall be purchased or leased, nor shall any school house be erected, without an ordinance or resolution duly

Ordinance or resolution to be passed by council authorizing same before property purchased or buildings erected.

passed by the common council. Deeds of conveyance and leases shall be made to the city of Milwaukee.

TEXT BOOKS AND SYSTEM OF INSTRUCTION.

Text-books not to be changed oftener than once in five years.

SECTION 5. The school board shall have power to adopt for use in the several public schools in the city suitable text books, which shall be uniform, and when the school board shall have adopted for use in the public schools of the city any text-book or text-books, the same shall not be changed by the board for five years next thereafter; and the school board shall require that the system of instruction in the several public schools of the city shall be as nearly uniform as possible.

DISCIPLINE AND MANAGEMENT OF SCHOOLS.

Rules and regulations for schools.

And shall adopt, at their discretion, modify or repeal by-laws, rules and regulations for their own government, and for the organization, discipline and management of the public schools of said city, and generally adopt such measures as shall promote the good order and public utility of the said schools; provided, that such by-laws, rules and regulations shall not conflict with the constitution and laws of the state.

SUPERINTENDENT OF SCHOOLS.

To be elected by board and hold office for two years.

SECTION 6. The school board shall biennially elect by ballot on the first Tuesday in March, a person of suitable learning and experience in the art of instruction and practical familiarity with the most approved methods of organizing and conducting a system of public schools, for superintendent of schools, and he shall hold his office for two years, or until his successor is elected, unless sooner removed.

HIS POWERS AND DUTIES.

Superintendent to have control of schools of city.

The superintendent of schools shall, under direction of the school board, have a general supervision of the public schools of the city and the manner of conducting and grading them, of the

teachers, and, in connection with a committee of the board, of the purchase of school apparatus. He shall, in connection with a committee of the board, and subject to confirmation by the board, examine, employ, certificate and classify and transfer teachers. He shall, also in connection with a committee of the board and subject to confirmation by the board, dismiss them for incompetency or inattention to duty, and he shall do and perform all such other duties as may be required by the board; provided, that in case of disagreement between himself and a committee, the school board may determine the matter by a vote of a majority of all its qualified members.

SALARY.

He shall receive a salary not exceeding four thousand dollars *per annum*, to be fixed by the school board. The superintendent of schools shall appoint, subject to confirmation by the board, an assistant superintendent, who shall hold his position during the term for which the superintendent is elected, unless sooner removed, and whose salary shall be fixed by the board, not to exceed twenty-five hundred dollars *per annum*.

Not to exceed four thousand dollars per annum.

APPEALS.

SECTION 7. Any person feeling himself aggrieved by any act of the superintendent may, within ten days after the time of such act, appeal to the school board, who shall dispose of such appeal as may be deemed right.

Superintendent's acts may be appealed from to school board.

SECRETARY OF THE SCHOOL BOARD.

SECTION 8. The board shall also appoint biennially some suitable person to act as secretary of the board, who shall receive a salary not exceeding two thousand dollars *per annum*, to be fixed by such board. It shall be his duty to attend the meetings of the board, to keep a record of the proceedings, and a full and fair account of all receipts and expenditures of the board, and to do and perform all such other duties as shall be required of him by said board. The secretary of the school board shall, before entering upon the

Salary not to exceed two thousand dollars per annum; his powers and duties.

duties of his office, execute a bond to the city of Milwaukee, in such form and penalty, and with such conditions as the board shall prescribe, with sureties to be approved by said board, which bond shall be filed with and kept in the office of the city clerk of said city; and the school board may require security to be given for the faithful performance of his duties by any officer or employe of said board, in such form and amount as the board shall deem best, and may at any time require of any officer or employe additional bonds and sureties, in its discretion. The secretary of the board shall also take the annual enumeration of the children of school age in the city of Milwaukee, required by law, and shall at the same time collect such further statistics and information relating to schools and to the population entitled to school privileges in said city, as may be directed and required by the school board, and he shall receive for such service a compensation or fee of two cents *per capita* upon the entire enumeration of persons between the ages of four and twenty, residing in said city, to be audited by the school board, and paid out of the funds provided for the support of the schools.

MAY BE REMOVED BY A TWO-THIRDS VOTE.

Proceedings.

SECTION 9. The superintendent of schools, or the secretary of the school board, may be removed from office for misdemeanor in office, incompetency or inattention to the duties of his office, by a vote of two-thirds of the school board; provided, that notice in writing of charges against him and of the time and place of hearing and acting upon the same, shall be served upon the accused at least five days before the time of hearing and before any action shall be taken by the board thereon.

ACCUSED SHALL BE HEARD.

And the accused shall be heard by himself or counsel, and either party shall produce witnesses who shall be sworn and give testimony subject to the pains and penalties of perjury.

**CERTIFIED LIST OF TEACHERS AND SALARIES TO BE
FILED WITH COMPTROLLER.**

SECTION 10. It shall be the duty of the secretary of the school board, within thirty days after the annual appointment of teachers and other salaried employes, to report to and file with the city comptroller a duly certified list of the teachers and employes so appointed, with the salaries allowed to each, and a statement of the time or times fixed for the payment thereof. He shall also, as often as any action shall be taken by said school board, changing the salaries of either of the officers of said board, or any of such teachers and employes, or making a new election or appointment to any position entitling the person appointed to receive a stated salary, within thirty days after such action is had, in like manner file with the comptroller a certified statement and list of all such changes and appointments. A list of all accounts which may be allowed by said school board, stating the character of the materials or service for which the same were rendered, shall be furnished to said comptroller for his information, immediately after the meeting of said board at which such allowance was made. And said secretary shall also make and file with the said comptroller quarterly statements of the condition of the fund for the support of schools and of the financial transactions of the school board during the three months next preceding such statement.

Duties of secretary of school board.

HIGH SCHOOL SITE AND BUILDINGS.

SECTION 11. The school board are hereby authorized, and it shall be their duty to maintain the high school now established in said city, and to establish and maintain such other high schools as may from time to time be found necessary, and whenever more than one high school is so established, said board may divide said city into high school districts, and said schools shall be open to students residing within the said district, and for that purpose the common council of the city of Milwaukee are hereby authorized to purchase suitable sites and erect or purchase all necessary buildings for the use of said schools and to enter

School board to maintain high schools and may divide city into high school districts when necessary.

into all contracts necessary for the accomplishment of the purpose of this section.

TEACHERS.

High schools to be under same supervision as other public schools. SECTION 12. The said high schools shall be public schools of Milwaukee, and as such shall be under the same supervision and control, except as herein provided, as other public schools of said city. The said board shall have power, and it shall be their duty to employ a principal and such other teachers as may be necessary for each of said high schools. The president of the board shall annually appoint a committee of said board of high schools, which, together with the superintendent, who shall be a member of said committee, shall employ or appoint all teachers in said high schools, subject to the approval of the board.

COURSE OF STUDY.

School board to prescribe course of study. SECTION 13. The course of study in the high schools shall be liberal, and shall embrace such studies as the said school board may deem proper; and the said board shall have power to grant diplomas and to confer degrees in testimony of scholarship and literary acquirements.

MANAGEMENT OF HIGH SCHOOLS.

Rules and regulations. SECTION 14. The said school board shall have power to make rules and regulations for the government of teachers and students of said high schools, to prescribe terms of admission, to determine the text-books to be used, to fix the number of classes and the conditions of graduation, and all other matters relating to the management of said high schools; provided, that no rule, order or regulation made by said board shall be valid, if inconsistent with the laws of this state.

Vacancies. SECTION 15. In case of the absence or inability from any cause, of the officers, appointed by said school board to perform the duties of their respective offices, said board may appoint some suitable person to act in their place and stead during their absence or inability, and such person shall have and possess the same power or authority as the

officer whose place he is appointed temporarily to fill.

SUPPORT OF THE PUBLIC SCHOOLS.

SECTION 16. The school board shall report to the common council of said city at or before the first meeting of the council in January in each year, the amount of money required for the support of all the public schools in said city, including the high schools for the next fiscal year.

Report of school board to be made to council.

TAX SHALL BE LEVIED.

And it shall be the duty of said common council to levy and collect a tax, in addition to the tax to be levied for general city purposes upon all the taxable property of the said city, at the same time and in the same manner as other taxes are levied and collected by law, which, with the other funds provided for the same purpose, shall be equal to the amount of money required by said school board for the support of said schools; provided, that the said common council may, by the votes of two thirds of all the members-elect, levy a tax for a greater or less amount for such purpose.

Annual levy of tax for support of schools.

SCHOOL MONEYS SHALL NOT BE USED FOR ANY OTHER PURPOSE.

The said tax and the entire school fund of the city shall not be used or appropriated directly or indirectly for any other purpose than the payment of the salaries of the superintendent of schools, the secretary of the board and the teachers, and such other employes as the board may deem necessary, and the necessary and current expenses of schools, including the purchase of school supplies, apparatus and fuel, and the ordinary and necessary repairs of school furniture.

Purposes for which school fund may be used.

SCHOOL MONEYS—HOW DISBURSED.

SECTION 17. All moneys received by or raised in the city of Milwaukee for school purposes shall be paid over to the city treasurer, to be disbursed by him on the orders of the president and

Orders how drawn on school fund.

secretary of the school board, countersigned by the city comptroller; provided, that the president, instead of signing each order, may certify upon the pay-rolls furnished by the secretary to the comptroller to the fact that the amounts therein are correct as allowed by the school board.

SCHOOL BOARD TO REPORT ANNUALLY.

Report what to contain.

SECTION 18. The school board shall be governed in all things by the school laws of the state, except as they are altered or modified by this act. They shall report to the common council annually the general proceedings and acts of said board, the number and condition of the public schools kept in said city during the year, the time they have severally been taught, the number and names of teachers, and the amount of salary of each; the number of children taught in said schools, respectively; the result of the annual enumeration required by law; the extent of school accommodations in the several schools; the amount of school moneys raised or received during the year, distinguishing the amount received from the state fund from the amounts derived from taxes levied by the county board of supervisors and by the common council, respectively, and the accounts allowed by them against the school fund in detail, together with such other information as they may deem useful, or as the common council may require. A copy of said report shall be transmitted to the state superintendent of public instruction, and a like copy to the librarian of the state historical society at Madison.

Repealing
ause.

SECTION 19. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 20. This act shall take effect and be in force from and after its passage and publication.

Approved April 28, 1891.