

**CHAPTER 599**

AN ACT to renumber 40.33 (1), as amended by chapter 127, laws of 1953; to renumber and amend 40.303 (8) (e), as amended by chapter 102, laws of 1953; to amend 39.10 (10), 39.14 (5), 39.15, 40.02 (2) and (5), 40.03 (3), (4) and (6) (b), 40.04 (2), 40.07 (1), 40.12 (1) and (3), 40.24, 40.25, 40.26 (1) (introductory paragraph), 40.27 (4) and (8), 40.29 (4), 40.35 (1), 40.44 (2), 40.46 (1), 40.48 (1) and 40.80 (2) (c), as renumbered and amended by chapter 90, laws of 1953; and to create 40.11, 40.33 (4) of the statutes, relating to the school laws.

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

SECTION 1. 39.10 (10) of the statutes, as renumbered and amended by chapter 90, laws of 1953, is amended to read:

39.10 (10) Report annually to the county board the condition of the schools under his supervision \* \* \*.

SECTION 2. 39.14 (5) of the statutes, as renumbered and amended by chapter 90, laws of 1953, is amended to read:

39.14 (5) The county superintendent shall send to the clerk of the district a written report of each personal visit he made to any school \* \* \*. He shall call the attention of the board to any needed supplies or equipment or needed improvements to the school buildings, outbuildings or grounds. The county superintendent shall send to the district clerk of each school visited by the supervising teacher a report based on such teacher's report \* \* \*.

SECTION 3. 39.15 of the statutes, as renumbered and amended by chapter 90, laws of 1953, is amended to read:

39.15 The county board may authorize the county superintendent to employ \* \* \* clerical personnel, and shall fix the compensation, which shall be paid in monthly instalments or in other regular manner used by the county in paying its personnel; and the board may appropriate money to enable the superintendent to employ assistants in examinations for common school diplomas, and may limit their per diem and the total amount to be paid for such assistants.

SECTION 4. 40.02 (2) and (5) of the statutes, as renumbered and amended by chapter 90, laws of 1953, are amended to read:

40.02 (2) Any vacancy shall be filled by appointment by the chairman of the county board for the remainder of the unexpired term, subject to confirmation by the county board at its next succeeding meeting. Upon failure of the county board to approve of an appointment made by the chairman of the county board, the board shall appoint a successor to fill the vacancy for the balance of the unexpired term. Resignations shall be made in writing to the secretary of the county school committee, *who shall immediately report the same to the county board.* If a member is not appointed for a full term or to fill a vacancy, the state superintendent shall appoint.

(5) If territory to be affected by a *proposed order of a county school committee* \* \* \* lies in 2 or more counties the county school committees of said counties shall act as a joint committee. The secretaries shall arrange the time and place of the first meeting. If the joint committee cannot agree, they shall appoint an additional member. The additional member shall be a resident of the state but not a resident of either county affected.

SECTION 5. 40.03 (3), (4) and (6) (b) of the statutes, as renumbered and amended by chapter 90, laws of 1953, are amended to read:

40.03 (3) A certified copy of the order shall be promptly filed and recorded in the office of the clerk of each municipality in which a school district affected by the order is situated and shall be mailed to the clerk of each school district affected \* \* \* and to the state superintendent. *The secretary shall file a copy with the county superintendent.*

(4) The committee shall call the first annual meeting of any district created by its order and shall cause notice to be posted and published as provided in sub. (1). The committee chairman or a member designated by him shall preside until a chairman of the district meeting is elected.

(6) (b) The petition, resolution or order demanding a referendum shall be filed with the county clerk of the county having the largest equalized valuation in the proposed district. The referendum election shall be called by the county clerk; it shall be set for a date not more than 30 days from the time the petition, resolution or order for a referendum is filed, *except that, if a spring election or general election is to be held within 90*

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days from the time of filing, such referendum election shall be held on the date of the spring or general election. The clerk shall cause notice of the purpose, time and place of holding such election and the hours of opening and closing of the polls to be published at least twice, one week apart, in a newspaper or newspapers of general circulation in the territory involved in the reorganization, if there are any, and if there are none, he shall post or cause to be posted such notices at least 15 days before the date set for such election in at least 3 public places in each of the school districts involved in the reorganization.

SECTION 6. 40.04 (2) of the statutes, as renumbered and amended by chapter 90, laws of 1953, is amended to read:

40.04 (2) Approve all school bus routes established by the several school districts or municipalities of the county.

SECTION 7. 40.07 (1) of the statutes, as renumbered and amended by chapter 90, laws of 1953, is amended to read:

40.07 (1) \* \* \* When 10 per cent of the electors, in each of 2 or more \* \* \* school districts, petition therefor, the school boards shall meet at a time and place designated by the school board of the most populous district, to fix a time for an election to determine whether the \* \* \* districts shall be consolidated. The election shall be not less than 2, nor more than 4 weeks from the date of their meeting. Such election shall be called for 8 p.m., at the regular places for holding the district meeting. The district clerks of the respective districts shall give notice of the election as notices of annual school district meetings are given. The elections shall be conducted by the school officers of the respective districts, and the vote shall be by ballot. The school officers shall, within 3 days, report the result of the elections in their respective districts to the clerk of the district in which the meeting to fix the time of the election was held. The several school boards, one week after the election, shall meet at said place \* \* \*, shall canvass the returns and shall file a report of the results with the county superintendent and the state superintendent. If all districts vote in favor of the consolidation the several school boards shall issue the proper orders as provided in s. 40.06 (4).

SECTION 8. 40.11 of the statutes is created to read:

40.11 JOINT HIGH SCHOOL DISTRICT; ESTABLISHED BY COMMON DISTRICTS. (1) In case 2 or more common school districts propose to jointly establish a high school, action shall be taken by each district as in the case of the establishment of such school by a single district.

(2) Within 6 days after the proposal is voted on, the school boards of the districts shall meet in joint session and canvass the returns and certify the results to the state superintendent. If the proposal be adopted by each district, and such action meets the approval of the state superintendent, he shall issue a certificate of establishment of a high school district, and thereupon the territory of said common school districts shall constitute a high school district; otherwise the proposal shall stand rejected.

(3) If a high school district is created all procedure subsequent to the issuance of said certificate shall be governed by s. 40.12; and the officers of the high school district and their election and term of office shall be as provided in that section.

SECTION 9. 40.12 (1) and (3) of the statutes, as renumbered and amended by chapter 90, laws of 1953, are amended to read:

40.12 (1) A union high school district may be established in any contiguous compact territory with an assessed valuation of \$1,250,000 or more. A high school district may also be established in any township comprising only island territory. At the time of filing the petition mentioned in subs. (2) and (3), the petitioners shall submit to the state superintendent, and to the clerk of each municipality affected by such proposed districts, a legal description and map of the territory proposed to be included in the district. Except as to such districts established by the county school committee pursuant to s. 40.303 (4) (b), no election on the establishment of such district shall be held in such territory unless the state superintendent has approved such territory. A copy of such description and map, with the approval of the state superintendent indorsed thereon, shall be submitted to the clerk of each governmental subdivision affected by the establishment of such district.

(3) If the territory is in more than one municipality the petition may be presented to any municipal clerk and he shall, within 5 days after receipt of said petition, notify the other clerks of the receipt of such petition, and shall set a date and place for a meeting with them to fix the time and place for holding the election. Said clerks shall meet accordingly and fix the time and place for holding such election and shall give notice thereof. Unless a city or village is included, the election shall be noticed for the entire territory proposed to be included in the district, and shall be conducted by the town board of the town in which the election is held.

SECTION 10. 40.24 of the statutes, as renumbered and amended by chapter 90, laws of 1953, is amended to read:

40.24 Special district meetings have the powers of the annual meeting except the power to elect officers. Not more than 2 special meetings shall be held in any year following the annual meeting to consider or act upon the same subject, except that in counties having a population of 500,000 or more, not more than 4 special meetings shall be held in any year following the annual meeting to consider or act upon the same subject. No tax shall be voted at a special meeting unless notice is given as provided in s. 40.20 (3) or (5). The amount proposed to be voted shall be mentioned in the notice. The electors at a special meeting may vote a less amount than that stated in said notice but not a greater amount.

SECTION 11. 40.25 of the statutes, as renumbered and amended by chapter 90, laws of 1953, is amended to read:

40.25 The officers of the common school district shall be a director, treasurer and clerk. They shall be electors of the district, and shall hold their respective offices for 3 years and until their successors have been elected or appointed and qualified. At the first election of officers, the clerk shall be chosen for a term to expire on the second Monday of July following, and the treasurer for a term to expire one year later, and the director for a term to expire 2 years later than that of the clerk. The officers elected shall be notified thereof by the clerk of the meeting within 5 days thereafter. A person elected and notified shall, within 10 days after his election, execute and file the official oath. The director, treasurer and clerk shall constitute the board of the district, unless the board is enlarged according to s. 40.26.

SECTION 12. 40.26 (1) (introductory paragraph) of the statutes, as renumbered and amended by chapter 90, laws of 1953, is amended to read:

40.26 (1) (introductory paragraph) Any school district, except a city school district, may at any annual school district meeting or at any special school district meeting called for such specific purpose, by resolution initiated upon the petition of \* \* \* 100 electors filed with the district clerk and adopted by a majority of the ballots cast on such resolution, change the number of school board members in the district as follows:

SECTION 13. 40.27 (4) and (8) of the statutes, as renumbered and amended by chapter 90, laws of 1953, are amended to read:

40.27 (4) The board may establish such additional polling places for the election of board members as it deems necessary. Whenever practical, such polling places shall be established in the building where the annual school meeting is held. The board shall provide for an official ballot for the election of board members upon which shall be printed only the name of each person who files with the district clerk, a written declaration of his candidacy at least 20 days prior to the date of such election. The school board shall cause notice to be published at least 10 days previous to the closing date for filing such declarations stating clearly the conditions which must be met for filing. Election ballots shall be arranged to permit names to be written in. *The clerk shall have the ballots prepared.*

(8) In counties having a population of 500,000 or more, any school district \* \* \* may at an election called and held as provided in this section if a majority of those voting approve, determine to elect its officers on \* \* \* either the first Tuesday of April \* \* \* or the second Monday of July. After such determination such election shall be held annually thereafter on the date so fixed and until the electors shall determine otherwise. All of the pertinent provisions of this section shall apply to such elections; but if the date of election is fixed for the first Tuesday of April, the hours of opening and closing of the polls, the polling places and the officers of election shall be the same as for the village election held on said day and the election officers shall serve without compensation additional to that provided by the village. When the school district election is conducted jointly with the village election pursuant to this subsection and where registration of voters is required for the election of village officers, the same \* \* \* requirements shall also apply to the voting for school district officers and provision may be made for identifying those electors of the municipality qualified to vote on school matters. In such joint elections voting machines may be used. The term of office of officers so elected prior to the second Monday of July shall begin on the second Monday of July following said election. However, elections held pursuant to this subsection shall not be subject to sub. (4) relating to a primary election.

SECTION 14. 40.29 (4) of the statutes, as renumbered and amended by chapter 90, laws of 1953, is amended to read:

40.29 (4) The board shall provide and maintain enough suitable and separate toilets and other sanitary facilities for both sexes at each school.

SECTION 15. 40.303 (8) (e) of the statutes, as amended by chapter 102, laws of 1953, is renumbered 40.03 (6) (e) and amended to read:

40.03 (6) (e) When a reorganized district includes territory in more than one county, the county clerk of the county having the largest \* \* \* *equalized* valuation within the reorganized district shall be responsible for conducting the referendum election \* \* \* but the cost of *ballots and other election supplies* shall be borne by each of the counties in such proportions as the equalized assessed valuation of the property in each county or portion thereof that is affected by such election bears to the total equalized assessed valuation of the property in the reorganized districts.

SECTION 16. 40.33 (1) of the statutes, as amended by chapter 127, laws of 1953, is renumbered 40.08 (1).

SECTION 17. 40.33 (4) of the statutes is created to read:

40.33 (4) Act as chairman of board meetings and see that minutes of the meetings are properly recorded, approved and signed.

SECTION 18. 40.35 (1) of the statutes, as renumbered and amended by chapter 90, laws of 1953, is amended to read:

40.35 (1) Report the name and post-office address of each officer of his district to the clerk and treasurer of each municipality in which his district is situated *and to the county superintendent*, within 10 days after the election or appointment of such officer.

SECTION 19. 40.44 (2) of the statutes, as renumbered and amended by chapter 90, laws of 1953, is amended to read:

40.44 (2) The teacher in each common school shall enter in the school register the names, ages and studies of all pupils and their daily attendance, and such other facts as the county superintendent or state superintendent requires, which register the teacher shall deliver to the clerk at the close of each term, and whenever it is required for the use of the board. *A standard loose-leaf pupil accounting record may be substituted for the school register.*

SECTION 20. 40.46 (1) of the statutes, as renumbered and amended by chapter 90, laws of 1953, is amended to read:

40.46 (1) Reading, writing, spelling, English grammar and composition, geography, arithmetic, elements of agriculture and conservation of natural resources, history and civil government of the United States and of Wisconsin, citizenship and such other branches as the board determines shall be taught in every \* \* \* *elementary* school. All instruction shall be in the English language, except that the board may cause any foreign language to be taught to such pupils as desire it, not to exceed one hour each day.

SECTION 21. 40.48 (1) of the statutes, as renumbered and amended by chapter 90, laws of 1953, is amended to read:

40.48 (1) Subject to the power of the county textbook board to adopt and supply books, the common school district board shall adopt all the textbooks necessary for use in the schools under its charge. The list of the adopted books shall be filed with the school clerk. \* \* \*

SECTION 22. 40.80 (2) (e) of the statutes, as renumbered and revised by chapter 90, laws of 1953, is amended to read:

40.80 (2) (e) No second or third class city may, because of this amendment (1953), change from the city school district plan to the common school district plan unless it does so as part of a school reorganization plan *under either s. 40.03, 40.06 or 40.07.*

Approved July 21, 1953.

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