

CHAPTER 39.

SCHOOL ADMINISTRATION.

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Cross Reference: For definitions of terms used in this chapter, see 40.01.

SUBCHAPTER I.

STATE SUPERINTENDENT AND OTHER STATE ACTIVITIES.

39.01 State superintendent, qualifications. No person is eligible to the office of state superintendent of public instruction, unless at the time of his election inthereto he has taught or supervised teaching in this state for a period not less than 5 years and, at such time, holds the highest grade of certificate which the state superintendent is by law empowered to issue.

39.015 State superintendent; deputy. The state superintendent shall appoint a deputy state superintendent who shall serve at the pleasure of the state superintendent. Such person may be appointed outside the classified service but subject to s. 16.274. The deputy shall perform such duties as are prescribed by the state superintendent. The state superintendent may designate the deputy or another departmental employe as his representative on any board, committee, commission, council or other body on which the state superintendent is required to serve, except for membership on the university board of regents, the co-ordinating committee for higher education and the state college board of regents. In the absence or disability of the superintendent, the deputy may do and perform all the acts provided by statute to be performed by the superintendent and the superintendent shall be responsible for all acts of his deputy. The deputy shall take and file the official oath of office.

History: 1965 c. 214.

39.02 State superintendent; duties. The state superintendent shall:

- (1) **GENERAL SUPERVISION.** Ascertain the condition of the public schools, stimulate interest in education, spread as widely as possible a knowledge of the means and methods which may be employed to improve the schools.
- (2) **SECTARIANISM.** Exclude all sectarian books and instruction from the public schools.
- (3) **EDUCATIONAL MEETINGS.** Attend such educational meetings and make such investigations as he may deem important, and such as will acquaint him with the different systems of public schools in the United States.
- (4) **SUPERVISION OF SCHOOLS.** Supervise and inspect the public schools, county schools of agriculture and domestic science, manual training schools, county teachers colleges, day schools for handicapped children; and advise with the principals and local authorities thereof, and give assistance in organizing such schools.
- (5) **STATE SCHOOLS FOR THE VISUALLY HANDICAPPED AND DEAF.** Maintain and govern the Wisconsin school for the visually handicapped and the Wisconsin school for the deaf.
- (5b) **CHARGES AGAINST EMPLOYEES OF STATE SCHOOLS FOR THE VISUALLY HANDICAPPED AND DEAF.** In compliance with the provisions of the compensation plan established pursuant to s. 16.105 (4) he shall have authority to make and determine charges for meals, living quarters, laundry and other services furnished to employes of the several institutions and members of the employe's family maintained as such. All moneys received from each and every person for or on account of such services shall be paid within one week

after receipt into the general fund and are to be credited to the appropriation provided for this purpose by ch. 20.

(5c) MAINTENANCE CHARGES FOR OTHERS. All moneys received from participants of institutes and training programs and from visitors at the state schools for the deaf and the visually handicapped for meals and living quarters shall be paid within one week after receipt into the general fund and are to be credited to the appropriation provided for this purpose by ch. 20.

(6) PUBLIC INFORMATION. By reports, bulletins, circulars, correspondence and public addresses give the public information upon the different methods of school organization and management and the subject of education generally.

(7) APPEALS. Examine and determine all appeals, which by law may be made to him, and prescribe rules of practice in respect thereto, not inconsistent with law.

(8) EDUCATIONAL LITERATURE. Collect in his office such schoolbooks, apparatus, maps and charts as may be obtained without expense to the state. He may purchase at an expense not exceeding \$250, in any one year, books and periodicals bearing upon the different phases of education.

(9) FORMS FOR SCHOOL OFFICERS. Prepare for the use of school officers suitable forms for making reports and suitable outlines as aids in conducting school meetings.

(10) COURSES OF STUDY. Prepare and publish, from time to time, courses of study for the public schools, and the other schools under his supervision, and furnish copies thereof to the school district boards.

(11) PHYSICAL TRAINING. Prescribe a course in physical education and training adapted to the public schools, and have general supervision of physical education in the public schools.

(12) SPECIAL PROGRAM. Compile and distribute annually to the public schools, in pamphlet form, matter suitable for the observance of Memorial day and Arbor day.

(13) MUSICAL EDUCATION. Promote and supervise musical education in the public schools; appoint, as a member of his department, a supervisor of musical education.

(14) SCHOOL FUND INCOME. Apportion the school fund income as provided by law.

(15) COPIES OF RECORDS. Make certified copies, when required, of any papers deposited or filed or records kept in his office, and of any act or decision made by him, and his fees therefor shall be 12 cents per folio.

(16) REPORT TO GOVERNOR. Report to the governor, during the last half of each even-numbered year:

- (a) The condition of all schools under his supervision.
- (b) An abstract of the public school reports made to him.
- (c) His visits to educational institutions.
- (d) The work done by the assistants, inspectors and others in the performance of the duties of his office.
- (e) Plans for improving the schools and advancing education.
- (f) A summary of the receipts and disbursements of all schools under his jurisdiction.
- (g) Such other matters as he deems expedient.

(17) TEACHERS' INSTITUTES. Supervise the public school teachers' institutes.

(18) ANNUAL CONVENTIONS. Annually hold conventions of school district administrators, supervisors and co-ordinators.

(19) REPORTS TO SUPERINTENDENT. Require from school district officers, superintendents, principals and teachers, and district officers shall make to him, such reports as will enable him to distribute and award the state school fund appropriations and the several state educational appropriations to the various schools and persons entitled thereto, and to properly discharge the other duties of his office.

(20) FORMS FOR REPORTS. Prepare, print and distribute blank forms upon which superintendents, clerks, principals, teachers and school district officers shall make the returns and reports required of them.

(21) LICENSING AND CERTIFICATION OF TEACHERS. License all teachers for the public schools of the state, and make rules and prescribe standards of attainment for the examination, licensing and certification of teachers within the limits prescribed in s. 40.43 (3) and (3a); file in his office all papers relating to state teachers' certificates and register each such certificate.

(21a) NONPROFESSIONAL EMPLOYEES. The state superintendent may, by order, establish classes of nonprofessional school employes and authorize their employment in the instructional program of the elementary and high schools for specific purposes and reimbursement from the instructional budget. Such employes shall not be covered by

the teachers retirement program established by ch. 42, the minimum salary law under s. 40.71 (7) or the continuous contract law under ss. 40.40 to 40.42, but shall be eligible under the Wisconsin retirement system if it is made applicable to the school district employing them.

(22) COUNTY SCHOOL COMMITTEE. Advise and consult with county school committees.

(23) TEXT MATERIAL. The state superintendent, the dean of the college of agriculture at the state university and the conservation commission shall co-operate in the preparation of outlines to be used by teachers in the courses offered under ss. 37.29 and 40.46 (8). They may request the assistance of any teacher or professor in any of the schools of the state in the preparation of such outlines. They may also make a recommended list of material for guidance to teachers of these courses.

(24) ADMISSIONS TO FIRST GRADE. Prescribe procedures, conditions and standards under which admissions to first grade may be made at an age earlier than that specified in s. 40.44 (1) in exceptional cases.

(25) TO DECLARE HIGH SCHOOL GRADUATION EQUIVALENCY. The state superintendent of public instruction may grant persons declarations of equivalency of high school graduation if in his judgment they have presented satisfactory evidence of having completed a recognized high school course of study or its equivalent. He may establish the standards by which high school graduation equivalency may be determined. Such standards may consist of evidence of high school courses completed in high schools recognized by the proper authorities as accredited, results of examinations given by or at the request of the state superintendent, successful completion of correspondence study courses given by acceptable correspondence study schools, course credits received in schools meeting the approval of the state superintendent or by other standards established by him.

(26) FEDERAL AIDS. Accept federal funds for any function over which the state superintendent has jurisdiction and act as the agent for the receipt and disbursement of such funds.

(27) CERTIFICATION. Certify to joint district clerks the full valuation of the various parts of a joint school district as provided in s. 40.35 (8).

(28) LIBRARY DEVELOPMENT. Be responsible for and supervise the library development activities enumerated in s. 43.10 in order to extend and improve library services to the people of the state.

(29) STATE APPEAL BOARD. Appoint a state appeal board under s. 40.13 (4), act as the chairman of the appeal board or assign a member of his department to act in his stead, and provide secretarial assistance from his staff.

History: 1955 c. 146 s. 16; 1961 c. 344; 1963 c. 565; 1965 c. 150, 249, 388.

39.022 Indian scholarships. The state superintendent may award scholarships to any Indian student resident of the state to help defray the costs of tuition, incidental fees, room and board while attending any accredited degree-granting college located in and financed by the state of Wisconsin.

(1) The state superintendent shall set standards to determine the amount to be granted. The grant to any one student shall not exceed \$900 in any one academic year. No student shall be eligible for a second or subsequent scholarship unless he has completed the prior year's work satisfactorily, and no student shall be eligible for more than 4 years. The moneys shall be paid to the college upon the certificate of the state superintendent. If the course of study is less than 36 weeks per year, the scholarship shall be prorated.

(2) An eligible Indian student is:

- (a) Any student who has one-fourth or more Indian blood; and
- (b) Is a resident of Wisconsin; and
- (c) Has the capacity to profit from appropriate college work; and
- (d) Has completed high school in the upper two-thirds of his class.

History: 1963 c. 545.

39.023 State commission for higher educational aids. (1) There is created a state commission for higher educational aids to consist of 15 members who shall be appointed by and serve at the pleasure of the governor.

(a) Five members shall be nominated by the co-ordinating committee on higher education from the membership of such committee who shall represent the state institutions of higher learning.

(b) Five members shall be nominated by joint action of the Wisconsin association of independent colleges and universities and the Wisconsin association of presidents and deans of institutions of higher learning who shall represent all private institutions of higher learning.

(e) Five citizen members shall be directly appointed by the governor to represent the general public.

(2) The commission shall annually select a chairman and a secretary from its membership. The committee shall hold meetings at the call of the chairman at such time and place as the chairman determines. Special meetings may be called at the request of a majority of the committee. Members of the committee shall be compensated for their actual and necessary expenses.

(3) The commission shall establish a plan to be administered by the commission for participation by this state under the higher education facilities act of 1963 (P.L. 88-204) or under similar federal acts in the future and submit to the U. S. commissioner of education for his approval. The plan shall:

(a) Provide that it shall be administered by the commission;

(b) Set forth, consistent with requirements of the U. S. commissioner of education, objective standards and methods for determining the relative priorities of eligible projects for the construction of academic facilities submitted by institutions of higher education within Wisconsin, and for determining the federal share of the development cost of each such project other than a project for a public community college or public technical institute (unless such plan provides for a uniform federal share for all such projects);

(c) Provide that the funds allotted or reallocated for any year under section 103 of P.L. 88-204 will be available only for use in the construction of academic facilities for public community colleges and public technical institutes, and that funds allotted or reallocated for any year under section 104 of P.L. 88-204 will be available only for use for the construction of academic facilities for institutions of higher education other than public community colleges and public technical institutes;

(d) Provide for assigning priorities solely on the basis of such criteria, standards and methods to eligible projects submitted to the commission and deemed by it to be otherwise approvable under P.L. 88-204, and provide for approving and recommending to the U. S. commissioner of education, in the order of such priority, applications covering such eligible projects and for certifying to the U. S. commissioner the federal share, determined by the commission, under this plan, of the development cost of the project involved;

(e) Provide for affording to every applicant which has submitted a project to the commission an opportunity for a fair hearing before the commission as to the priority assigned to such project or as to any determination of the commission adversely affecting such applicant; and

(f) Provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for federal funds paid to the commission and provide for the making of such reports as the U. S. commissioner of education may reasonably require.

(4) The commission may utilize such other criteria for determination of priorities, participation, or purpose as may be delineated in future federal acts.

(4m) The commission shall establish a program of grants to full-time resident students enrolled in accredited, nonprofit, post high school, educational institutions in this state.

(a) *Eligibility requirements.* To each full-time resident student registered as a freshman after September 1, 1965, as a freshman or sophomore after September 1, 1966, as a freshman, sophomore or junior after September 1, 1967, as a freshman, sophomore, junior or senior after September 1, 1968, and as a freshman, sophomore, junior, senior or graduate student after September 1, 1969, in an accredited, nonprofit, post high school, educational institution in this state, the state shall grant an amount as provided in this section for each semester of attendance. No student shall be eligible for grants in more than the equivalent of 8 semesters of undergraduate education and in more than the equivalent of 6 semesters of graduate education. No student shall be eligible for grants unless he maintains such minimum standards of academic performance as are determined by the commission. No grant shall be paid for the first semester of attendance at any institution until the student has completed the semester and attained minimum standards of academic performance as determined by the commission.

(b) *Basis of grants.* The amount of the grant to be paid for each semester shall be based on the figure represented by the effective income of the eligible student or on the effective income of the parent or parents providing a majority of the eligible student's support. The amount of the grant to be paid for each semester shall be computed and determined according to the following schedule, exceptions, limitations and variations:

1. When a parent or parents provide the majority of the support of an eligible student and the student applies for a grant the figure represented by the combined effective

income of such parent or parents shall be used in determining the amount of the grant under the schedule.

2. If more than one eligible student for which such parents provide a majority of support is registered in any such institution and qualifies for a grant hereunder, such combined effective income of the parents shall be divided by the number of such eligible students in the family in determining the amount of the grant payable under said schedule to each such student.

3. No grant shall be made under this section to any student enrolled in a course of study leading to a degree in theology, divinity, religious education or to religious aspirants.

4. Any student attending an institution with an academic term shorter than a 16-week semester shall be eligible for grants based on the ratio which such term bears to a 16-week semester.

5. The amount of a grant under this section for any semester shall not be more than that portion of a student's tuition and instruction related fees for a semester in excess of \$200; and the amount of a grant under this section for any term shorter than a 16-week semester shall not be more than such portion of the student's tuition and instruction related fees for the term in excess of such part of \$200 as the number of weeks in the shorter term bears to 16.

6. Schedule for determining amounts

Effective income	Amount of grant each semester of study
\$ 0—2,000	\$250
2,001—3,000	225
3,001—4,000	200
4,001—5,000	175
5,001—6,000	150
6,001—7,000	125
7,001—8,000	100
8,001—9,000	75
9,001—10,000	50
over 10,000	None

(c) *Administration by state commission for higher educational aids.* This section shall be administered by the state commission for higher educational aids herein referred to as the "commission." The commission shall prescribe, furnish and make available, at locations in the state convenient to the public, application forms for grants under this subsection. It shall, upon request, advise and assist applicants in making out such forms.

(d) Any student who becomes eligible and receives a grant under this subsection, who subsequently does not complete the semester for which the grant was received shall return a prorated share of the grant based on the number of weeks of the semester left unattended.

(e) *Definitions.* As used in this subsection:

1. "Semester" is any term 16 or more weeks in length.

2. "Net taxable income" is the figure reported as such on the Wisconsin income tax return for the previous calendar year.

3. "Effective income" is net taxable income plus tax exempt income less \$600 per dependent.

4. "Accredited" means accredited by a nationally recognized accrediting agency or by the state board of nursing pursuant to s. 149.01 (4), or, if not so accredited, is a non-profit institution of higher learning, whose credits are accepted on transfer by not less than 3 institutions which are so accredited, on the same basis as if transferred from an institution so accredited.

5. "Resident student" is deemed to have the same meaning as defined in s. 36.16, so far as applicable.

(5) The commission may establish such rules as are necessary to carry out its functions under this section. The commission may also accept and use any funds which it receives from participating institutions under this section.

(6) The Wisconsin association of independent colleges and universities, the Wisconsin association of presidents and deans of institutions of higher learning, the co-ordinating committee for higher education and the state department of administration shall make available such staff services as are requested by the commission. Such staff services shall be co-ordinated by an executive secretary outside the classified service appointed by the commission.

(8) HONOR SCHOLARSHIPS. (a) For the purpose of recognizing and awarding scholastically talented graduates of Wisconsin high schools who are residents of the state as defined in s. 36.16, so far as applicable, there are created, on July 1, 1966, honor scholarships which may be awarded to qualified students who plan to enroll as first-time, full-time freshmen at any approved, nonprofit publicly or privately supported institution of higher education in Wisconsin, including first-time, full-time students enrolling in associate degree programs approved by the state board of vocational, technical and adult education and nursing schools approved by the Wisconsin state board of nursing. Honor scholarships shall be cash stipends awarded directly to students. No honor scholarships shall be awarded to persons who plan to enroll in a course of study leading to a degree in theology, divinity, religious education or to religious aspirants.

(b) Honor scholarship recipients shall receive stipends based on individual financial need which is calculated by deducting resources available to the student from total educational costs. The amount of tuition used in calculating total educational costs shall not exceed \$400 for 2 semesters or its equivalent; and any amounts received under chapter 264, laws of 1965 [39.023 (4m)], shall not be included in calculating available resources. The minimum honor scholarship awarded to any student shall be \$100, notwithstanding the student's need. The maximum scholarship awarded to a student shall be \$800.

(c) The state commission for higher educational aids shall be the body responsible for administering the honor scholarship program. The commission shall formulate a method for identifying Wisconsin high school graduates who are scholastically talented. Honor scholarships shall be awarded to the most scholastically talented graduates of Wisconsin high schools through employment of the following methods:

1. Honor scholarships shall be awarded to 2 graduates at each Wisconsin publicly or privately supported secondary school enrolling less than 250 students who are scholastically ranked in the top 10% of their graduating classes; to 4 graduates at each Wisconsin publicly or privately supported secondary school enrolling 250 to 750 students who are scholastically ranked in the top 10% of their graduating classes; to 6 graduates at each Wisconsin publicly or privately supported secondary school enrolling 750 or more students who are scholastically ranked in the top 10% of their graduating classes.

2. To those who scholastically rank within the top 10% of their high school graduating class, scholarships shall be awarded in rank order based on criteria to be determined by the commission.

(d) The rule-making authority granted to the commission under sub. (5), shall apply to the administration of the honor scholarship program.

(9) ADVISORY COMMITTEE. The state commission for higher educational aids shall appoint an advisory committee composed of guidance counselors from Wisconsin publicly and privately supported secondary schools and financial aid officers from institutions of higher education to advise the commission on methods of identifying scholastically talented high school graduates. The committee shall also advise the commission on all matters pertaining to the operation, administration and improvement of the state's student financial aid program. All advisory committee members who are not employees of state agencies shall receive reimbursement for actual and necessary expenses while attending committee meetings. Advisory committee members who are employees of state agencies shall receive reimbursement for actual and necessary expenses from their employing state agencies.

(10) ANNUAL REPORT. The commission shall make an annual report to the legislature and governor which shall contain the status of present financial aid programs and shall include recommendations for improvement of the state's student financial aid program.

History: 1963 c. 573; 1965 c. 163, 264, 463.

39.024 Co-ordinating committee. (1) PURPOSE. The purpose of this section is to provide for the direction and co-ordination of the activities of the university of Wisconsin and the state colleges, schools of vocational, technical and adult education and county teachers colleges by providing a permanent joint committee to make a continuing study of the state-supported institutions of higher education under their jurisdiction and the relation thereto of the needs of the people of Wisconsin, to recommend necessary changes in programs and facilities, to provide for a single, consolidated, biennial budget request for the university of Wisconsin and the state colleges, and that portion of the budget request of the state board of vocational and adult education described in sub. (3) (c) and to report the results of its studies and recommendations to the governor and the legislature.

(2) COMMITTEE. (a) *Composition.* To carry out the purposes of this section,

there is created a co-ordinating committee of 17 members, one from the regents of the university of Wisconsin, one from the board of regents of state colleges, one from the state board of vocational, technical and adult education, 9 citizens, the president of the board of regents of the university of Wisconsin, the president of the board of regents of state colleges, the president of the state board of vocational, technical and adult education, the state superintendent of public instruction and one member of a county teachers college board, appointed annually by the governor from recommendations made by the association of county teachers college boards. The appointive regent members and the appointive members from the state board of vocational, technical and adult education of the committee shall be selected by a majority vote of the board of which they are members and shall be selected each year at the annual meeting of their board. The citizen members shall be appointed by the governor with the advice and consent of the senate. Terms of citizen members shall be for 8 years. Citizen members serving on September 22, 1965 shall serve out their full terms. The governor shall first appoint 2 of the citizen members added by this amendment (1965) for 2 years and one each for 4, 6 and 8 years, and thereafter for 8 years. The necessary reductions in membership of the present committee provided by this amendment (1965) shall be accomplished when appointments are to be made next.

(b) *Chairman.* The chairman of the committee shall be elected by a majority vote of the committee at the first meeting held after May 8, 1964. The chairmanship of the committee shall be determined annually by its members.

(c) *Secretary; meetings of committee.* The committee shall select a secretary from its membership. The committee shall hold regular meetings at least once every 3 months at such time and place as may be determined by the chairman. Special meetings may be called at the request of a majority of the committee or on the chairman's own initiative upon 5 days' notice. Members of the committee shall be compensated for their services on the committee in the manner provided for their services under chs. 36, 37 and 41.

(d) *Executive director.* The committee shall appoint and fix the salary of a full-time executive director who shall have a recognized and demonstrated interest in and knowledge of public higher education. The executive director shall employ, with the approval of the committee, such professional and clerical staff as is necessary, outside the classified service.

(e) *Executive director.* If the executive director or any professional staff of the co-ordinating committee for higher education are appointed from the faculty or staff of any of the higher education institutions participating in the co-ordinating committee, such institution shall grant the appointee a leave of absence for the duration of his service with the co-ordinating committee, and his tenure at the institution shall in no way be affected by the granting of such leave of absence.

(3) **POWERS.** Without limitation because of enumeration the committee is authorized and directed to make studies and recommendations in the following fields:

(a) *Educational planning.* The committee shall determine what over-all educational programs shall be offered in the several units of the university, the state colleges, the collegiate transfer and technical education programs of the schools of vocational, technical and adult education and county teachers colleges to avoid unnecessary duplication and to utilize to the best advantage the facilities and personnel available for instruction in the fields of higher education. No new educational program shall be developed or instituted at any institution of higher education except with the committee's approval. No educational program for which the legislature has made an appropriation existing at any institution of higher education shall be abandoned except with legislative approval.

(b) *Physical plant.* The committee shall adopt a co-ordinated plan for the integration and most efficient use of existing facilities and personnel, and an order of priority for the construction of new facilities at the University of Wisconsin and the state colleges.

(c) *Budget requests.* The committee shall review the separate budget requests of the university and the state colleges, the budget request of the state board of vocational, technical and adult education for state aid to vocational, technical and adult schools in support of post high school collegiate transfer and technical education programs, and shall recommend a single, consolidated, biennial budget request to the governor for the support of all institutions under its jurisdiction, retaining the identity of the appropriation sections contained in ch. 20 relating to said institutions. It shall also review and make appropriate recommendations to the department concerning the biennial budget requests of the department of public instruction for state aids for county teachers colleges.

(d) *Grants to institutions.* The committee shall establish a plan which will encourage and promote grants by private individuals and agencies to all such institutions.

(e) *Legislative recommendations.* The committee shall continuously study the needs of the people of Wisconsin for state-supported higher education and recommend any legislative proposals needed to carry out its decisions resulting from such study.

(g) *Report.* Semiannually the committee shall issue reports of its findings and recommendations, which reports shall be delivered to the board of regents of the university of Wisconsin, the board of regents of the state colleges, the boards of the several county teachers colleges, the state board of vocational, technical and adult education, the governor, to both houses of the legislature when in session, and to the executive secretary of the legislative council when the legislature is not in session. The first such report of findings and recommendations shall be made 6 months from the date of first convening of the committee.

(i) *Duties and functions of existing boards.* The co-ordinating committee has final authority in determining the single, consolidated, biennial budget requests of the university of Wisconsin and the state colleges and that portion of the budget request of the state board of vocational, technical and adult education described in par. (c) to be presented to the governor and has full responsibility for such presentation. The over-all educational programs offered in the state-supported institutions of higher education shall be those determined by the co-ordinating committee and facilities and personnel shall be utilized in accordance with the co-ordinated plan adopted by the committee. The boards of regents and the state board of vocational, technical and adult education in the discharge of their duties shall observe all decisions of the co-ordinating committee made pursuant to this section. Except as expressly provided in this section, nothing herein shall be construed to deprive the board of regents of the university, the board of regents of the state colleges, the state board of vocational, technical and adult education and boards of county teachers colleges of any of the duties and powers conferred upon them by law in the government of the institutions under their control.

(j) *Interstate agreements.* The co-ordinating committee, with the approval of the joint committee on finance if the legislature is in session or the board on government operations if the legislature is recessed or adjourned, or the governing boards of the systems under its jurisdiction, with the approval of the co-ordinating committee and the joint committee on finance if the legislature is in session or the board on government operations if the legislature is recessed or adjourned may enter into agreements or understandings which include remission of nonresident tuition for designated categories of students at state institutions of higher education with appropriate state agencies and institutions of higher education in other states to facilitate utilization of public higher educational institutions of this state and other states. Such agreements and understandings shall have as their purpose the mutual improvement of educational advantages for residents of this state and such other states or institutions of other states with whom agreements are made.

(4) **NEW COLLEGIATE INSTITUTIONS.** (a) New 3rd or 3rd and 4th year institutions of academic instruction shall be established in the northeastern area of this state and the Kenosha-Racine area as soon as is practicable.

(b) The responsibility for the government of both of the new institutions shall vest in the board of regents of the university of Wisconsin.

(c) The co-ordinating committee for higher education shall make a study relative to establishing a school of forestry and of establishing a wood utilization curriculum in connection with one of the existing extension centers of the university of Wisconsin.

(d) The educational programs offered by the new institutions shall be approved by the co-ordinating committee and shall be consistent with the courses of study offered by other institutions operated by the board of regents of the university of Wisconsin.

(e) The co-ordinating committee for higher education shall formulate a plan and schedule for the development and implementation of the new institutions; and shall report its plan to the governor, the legislature and the state building commission.

(f) The governor shall appoint a special committee consisting of the state architect, the state planning director, a representative of the board of regents of the university of Wisconsin and a representative of the state building commission to evaluate alternative sites for the new institutions according to criteria set by the committee and to report its recommended sites to the governor, the state building commission and the co-ordinating committee for higher education.

(g) The state building commission shall allocate from funds made available to it by s. 20.240 (2) (c) moneys adequate for all purposes in its judgment appropriate to the planning of the new collegiate institutions authorized by this subsection. Such allocation shall be made following completion of all actions contemplated by pars. (c), (d), (e) and (f).

History: 1961 c. 56; 1963 c. 415, 492; 1965 c. 19, 259, 286, 291, 292 s. 11 (3); 1965 c. 433 s. 121.

39.025 School reports. The state superintendent may require the boards of all school districts to report to him the name of the school and its location, the name and address of the teachers, the number of months of school maintained during the year; the opening and closing dates; the names and ages of all pupils enrolled between the ages of 7 and 18, the names and post-office addresses and places of residence of the parents of such pupils, the number of the district and the distance such pupils reside from the schoolhouse, the number of days each pupil was present during each month, and any other information requested by him. The superintendent shall furnish report forms.

39.027 School enrollment data. On or before October 15, 1959, and annually thereafter each administrator of a public or private school system shall submit, on forms provided, a statement of the enrollment on October 1 in the elementary and secondary schools under his jurisdiction to the department of public instruction which shall promptly prepare such reports as will enable both the public and private schools to make essential projections as to problems such as school buildings, teacher supply and funds required. The data shall be available to the public during regular office hours.

39.03 Inspection of school buildings. (1) If any school district administrator, member of a school board or board of education, or an elector of a school district, or a member of a board of health complains in writing to the state superintendent that any building used for school purposes in his district is in such a condition as to endanger the lives or health of the pupils, or that the schoolhouse is otherwise unfit for school purposes, the state superintendent shall investigate the matter.

(2) The state supervisors of schools shall be inspectors of public school buildings under the direction of the state superintendent.

(3) If conditions warrant, the state superintendent shall order the school board or other officers having control of the school to repair and improve or remodel such building, within a stated time, so as to render it safe and sanitary; or if he deems the building unfit for school purposes and not worth repairing, he shall so state, and shall order the erection of a new building by a stated date; and after said date use of such building shall deprive the district of its right to share in the school fund income.

(4) The state superintendent shall file said order in his office, and shall cause copies thereof to be promptly delivered by mail or otherwise to the clerk of the proper school district, to the proper school district administrator and to the clerk of the municipality in which the building is located.

(5) The state superintendent shall, upon the written application of the local school officers, grant a hearing in the matter; pending such hearing, execution of the order shall be stayed till the conclusion of the hearing, and the superintendent may affirm, amend or vacate his original order.

History: 1963 c. 565; 1965 c. 19.

39.04 School lunch program. The state superintendent may contract for the operation and maintenance of school lunch programs, and for the distribution, transportation, warehousing, processing and insuring of food products provided by the federal government. The form and specifications of such contracts shall be determined by the state superintendent, and the funds received under the terms and conditions of such contracts shall be deposited within one week of receipt thereof in the state general fund. Amounts remaining unpaid for 60 days or more after they become payable under the terms of such contracts shall be deemed past due and shall be certified to the department of administration on October 1 of each year and included in the next apportionment of state special charges to local units of government as special charges against the school districts and municipalities charged therewith.

39.35 Emergency substitute teachers; compensation. (1) The legislature hereby finds and declares: The difficulty of obtaining qualified persons to substitute during the absence of regularly employed teachers because of illness or other emergency is a serious problem in the day to day operation of the public schools. The shortage of teachers renders the problem particularly acute. Any steps to relieve the situation in any way are in the public interest. The number of qualified persons in a community who have made it known they are available to act as substitute teachers is inadequate. Former teachers in the public schools of this state, and especially those with sufficient number of years of teaching experience to retire and receive benefits under the state retirement law, ss. 42.20 to 42.54, are especially qualified to serve as substitute teachers. Registration of qualified persons available to be called in emergencies to act as substitute teachers in the public schools of this state and maintenance of a roster thereof will assist those in charge of the operation of said schools in speedily obtaining substitute teachers when emergency

absences of regularly employed teachers make the same necessary. In the main the benefits being received under said state retirement law by those former teachers in the public schools of this state who retired from active teaching prior to July 1, 1951, are comparably lower than the benefits received under said law by former teachers in said schools who retired on or after July 1, 1951. Those who retired under said law and were receiving benefits thereunder on June 30, 1951, in general feel inequitably treated by reason of this disparity. Their sense of aggrievement results in an attitude inappropriate to substitute teaching. Said teachers generally are not making themselves available for substitute teaching in the public schools. In order to promote in said retired teachers who were receiving retirement benefits under said law on June 30, 1951, an attitude conducive to acting as substitute teachers in said schools and to induce them to register their availability to be called to act as substitute teachers therein upon the short notice usual in such cases, it is necessary to compensate them during the time they are holding themselves in readiness to be called as such substitute teachers or for other educational services.

(2) There is hereby established in the office of the state superintendent of public instruction (hereinafter referred to as state superintendent) a roster of persons qualified to teach in the public schools of this state who are available to substitute therein as teachers or for other educational services during the absence of regularly employed teachers because of illness or other emergency.

(3) Any person who resides in the state, is qualified to teach in the public schools as defined in s. 42.20, and is not regularly employed as a teacher, and any former teacher who has retired from teaching and is receiving benefit payments under the state retirement law, upon application in writing to the state superintendent, in such form as he prescribes, shall be placed upon said roster of substitute teachers or for other educational services. On August 1, 1953, the state superintendent shall prepare from said roster a list for each county which shall contain the names of all persons residing in such county who are registered on said roster, with their addresses and such other data as he deems pertinent, and send a copy thereof to the clerk of each school district and to the clerk or secretary of every board or body having the control and management of a public school located in the county. On the first of each month thereafter the state superintendent shall prepare a supplemental list for each county containing the names of all persons residing in the county who have been added to or removed from said roster during the preceding month and any changes of address of persons on said roster residing in said county, and transmit copies thereof to the officials above mentioned.

(4) Persons shall be removed from said roster forthwith upon death or ceasing to reside in the state or when regularly employed as a teacher in any school, and may be removed therefrom for just cause in the manner provided herein. Upon the failure or refusal of any person upon said roster to act as substitute teacher or for other educational services in a public school of this state when requested so to do by any official charged with the obtaining of substitute teachers in said school, such official shall report the same to the board or body having the control and management of such school if such official deems that such failure or refusal was unreasonable. If such board or body deems such failure or refusal to be unreasonable, it may file with the state superintendent a written complaint, in duplicate, setting forth the circumstances thereof. The state superintendent shall send one copy thereof by registered mail to the person against whom such complaint is filed, addressed to the last address of said person upon said roster. The state superintendent shall conduct such investigations as he may deem advisable in order to ascertain the facts relative thereto, and is authorized, but not required, to hold hearings thereon. If the state superintendent finds that such failure or refusal was without just cause, he shall remove the name of said person from said roster of substitute teachers and shall notify such person thereof by registered mail, addressed to the last address thereof upon said roster. The making of application for registration upon said roster shall constitute agreement by such applicant to accept and abide by all determinations of the state superintendent in respect to such applicant's removal from or re-instatement upon said roster.

(5) Any person removed from said roster may apply for reregistration thereon, in the same manner and subject to the same requirements as provided herein for initial registration. No person removed from the roster for just cause shall so apply within 3 months following the month of removal.

(6) Every former teacher in the public schools of this state who has been retired therefrom continuously since June 30, 1951, and on that date was receiving benefit payments under the state retirement law, ss. 42.20 to 42.54, shall receive as compensation for services in standing by as an available substitute teacher or for other educational services in the public schools of this state, the sum of \$25 per month for each month subsequent to the month of June, 1953, such former teacher is registered upon said

roster, except as hereinafter provided, payable on the first of each month for the preceding month. For the purpose of this subsection, any former teacher in the public schools of this state whose last regular teaching service was at any time during the 60 days immediately preceding June 30, 1951, and whose granted application for payment of benefits under said state retirement law was made subsequent to June 30, 1951, but prior to January 1, 1952, shall be deemed to have been retired from teaching on June 30, 1951, and to have been on that date receiving benefit payments under said state retirement law, provided such former teacher is in all other respects eligible to receive the compensation provided in this subsection. Any person entitled to said compensation shall receive it for any month during which such person was registered on said roster for 15 days or more. On the first of each month the state superintendent shall prepare and certify a special pay roll for the payment of such monthly compensation to those registrants entitled thereto for the previous month.

(7) No person shall be entitled to receive for any month the compensation herein provided, to the extent said monthly compensation when added to the benefit received for that month under the state retirement law exceeds \$125. For the purpose of this subsection the benefit received for any month under the state retirement law shall not include any amount paid from additional deposits, including interest thereon. No person who has withdrawn all or any part of the required deposit made by said person under the state retirement law, including accumulations thereon, shall be entitled to the monthly compensation provided herein, except that one who taught 25 years or more in the public schools of the state prior to June 30, 1951, shall be entitled to the compensation provided herein even though such person prior to June 30, 1951, withdrew all or any part of the deposit made by such person under the retirement law.

(8) No person shall be paid compensation hereunder for any month during which such person serves as a substitute teacher or for other educational services in any school or schools in this state in excess of one-half of the normal teaching time of a regularly employed full-time teacher in such school or schools during said month. The state superintendent shall make such determination as may be necessary under this subsection upon such evidence or information as he is reasonably able to obtain.

(9) Every person who applies for and is registered upon said roster of substitute teachers or for other educational services shall thereby be constituted a special employe of this state as a standby potential substitute teacher or for other educational services but shall not by such registration be an employe of this state for any other purpose or be entitled to any benefit, payment, privilege, right or anything of any other kind or nature, except said monthly compensation herein provided, or be subject to any other law, rule or regulation applicable to state employes. Payment to any person upon said roster of said monthly compensation herein provided shall in no way affect the right of such person to benefits otherwise receivable under the state retirement law. Any amount paid as compensation hereunder shall not be considered as compensation received for teaching services for any of the purposes of said state retirement law.

(10) The state superintendent shall prepare and furnish such forms as he deems necessary in administering this section.

(11) "Public schools" as used herein means all schools supported wholly or in part by public funds, and under the control and management of this state, or any subdivision thereof, empowered by law to employ teachers, except schools in cities of the first class included under s. 38.24.

(12) Except as authorization to pay for the month of June, 1957, the compensation herein provided, this section shall expire on and not be effective after June 30, 1957.

(13) (a) This section shall be continued in effect for persons who on June 30, 1957 are included on the roster and who are required to make contributions under the federal insurance contributions act as a result of compensation paid under this section until they reach the qualifying age for retirement under the federal old-age and survivors insurance system.

(b) Such persons may withdraw from said roster if they wish to qualify for adjusted benefits under s. 42.49 (10).

(c) Such persons shall be removed from said roster when they are no longer required to make contributions under the federal insurance contributions act as the result of compensation received under this section.

(d) Compensation may not be received under this section by any person receiving adjusted benefits under s. 42.49 (10).

(14) (a) Notwithstanding the provisions of subs. (1) to (12), any person who is deemed an active member of the state teachers' retirement system under s. 42.241 (7) or a teachers' annuity and retirement fund under s. 38.24 (3) (g) shall be placed upon the

roster of substitute teachers established by this section, and shall be paid the compensation provided for under sub. (6) beginning December 1, 1957, without regard to the restrictions and limitations contained in subs. (1) to (12). Such compensation shall be paid to any such person until he again receives an annuity under the state teachers' retirement system or such teachers' annuity and retirement fund.

(b) The executive secretary of the state teachers' retirement system and the secretary of each teachers' annuity and retirement fund established under s. 38.24 shall certify to the state superintendent the names of the members of the respective systems who are entitled to be placed on the roster under par. (a) and such persons shall immediately be placed on such roster as of December 1, 1957, without applying therefor.

(c) This section shall be continued in effect until June 30, 1958, for the purposes of this subsection in addition to other purposes authorized by law.

History: 1963 c. 565.

SUBCHAPTER II.

CO-OPERATIVE EDUCATIONAL SERVICE AGENCIES.

39.51 Purpose. The organization of school districts in Wisconsin is such that there is a recognized need for some type of a service unit between the local district and state superintendent level. There is hereby created such units designed to serve educational needs in all areas of Wisconsin. Such co-operative educational service agencies are created by the state as a convenience for local districts in co-operatively providing special educational services to teachers, students, school boards, administrators and others and may include, but is not restricted because of enumeration, such programs as research, special student classes, data collection, processing and dissemination, inservice programs and liaison between the state and local school districts.

History: 1963 c. 565.

39.52 State co-operative educational service committee, creation. There is created a state co-operative educational service committee which shall first meet no later than 60 days after June 10, 1964. The committee shall be composed of the following persons:

(1) The state superintendent of public instruction, who shall be chairman and who shall call all meetings.

(2) A nonvoting member of the state department of public instruction appointed by the state superintendent who shall be secretary of the committee.

(3) The chairmen of the senate and assembly education committees and a member of the minority party of each such committee chosen by the chairmen thereof.

(4) One citizen appointed by the governor.

(5) One member each of the following organizations appointed by the president thereof.

(a) Wisconsin education association;

(b) Wisconsin association of county superintendents;

(c) Wisconsin association of school district administrators;

(d) Wisconsin association of school boards;

(e) Wisconsin county boards association;

(f) Wisconsin town boards association;

(g) League of Wisconsin municipalities;

(h) Wisconsin association for supervision and curriculum development.

(6) One member of the faculty of the university of Wisconsin, appointed by the board of regents of the university.

(7) One member of the faculty of the state colleges appointed by the board of regents of the state colleges.

(8) One person appointed by the state board of vocational and adult education.

History: 1963 c. 565.

39.53 State committee; duties. The state co-operative educational service committee shall:

(1) Establish criteria for the creation of not more than 25 service areas capable of providing the kind of service contemplated by s. 39.51, but no such service agency shall cross boundaries of a school district that operates high school grades and the area of a service agency shall be contiguous and shall be as compact as may be. Where a school district not operating high school grades lies in more than one agency, such district shall contract with that agency which contains the largest proportion of the equalized valuation of said district.

(2) By December 1, 1964, develop and publish a plan incorporating all of the state in co-operative educational service agencies to facilitate the initiation of the organiza-

tional functions on and after March 1, 1965.

(a) The committee may visit areas to be included in particular service agencies and may hold public hearings prior to the establishment of boundaries.

(3) Upon petition of any resident, hear appeals from the original boundary determinations and transfer whole school districts from one service agency to another.

(4) Vacancies shall be filled as are original appointments.

(5) The committee shall cease to exist on December 31, 1966.

History: 1963 c. 565, 578.

39.54 Revision of agency boundaries after January 1, 1967. (1) Effective January 1, 1967, the state superintendent is empowered to shift a school district operating high school grades from one service agency to another upon the petition of the board of such district but shall transfer only whole school districts operating high school grades from one service agency to another. After investigation of the proposal, the state superintendent may by order transfer one or more entire school districts operating high school grades from one service agency to another effective on the succeeding July 1. Any such school district affected by such transfer from one service agency to another shall pay its agreed share of all expenses incurred by the service agency in its behalf, but shall not be required to fulfill any commitments it may have made extending beyond the current year in the agency from which transferred. A transfer hereunder of the territory of a union high school district shall include and effect a transfer also of that territory of underlying school districts which lie within the boundaries of such union high school district.

(2) When a new school district is created, it shall become a part of the agency in which the greatest proportion of the equalized valuation thereof lies, effective July 1 next succeeding the effective date of the order of reorganization. When territory is detached from a school district operating high school grades and attached to a school district that is in another agency, such transferred territory shall become a part of the agency of the district to which it is attached, effective July 1 next succeeding the effective date of the order of reorganization.

History: 1963 c. 565, 578.

39.545 Reorganizing co-operative agencies. (1) A co-operative agency board of control may on its own motion or shall on the petition of 100 electors of the service agency area, approach an adjoining agency board or boards regarding the consolidation of their service areas. The boards acting jointly shall devise a plan for the equitable distribution of the assets and liabilities of the existing service agency areas and provide for the transfer of existing contracts and programs.

(2) Upon completion of a plan for consolidation as herein provided, the co-operative service agency boards affected shall give a 30-day notice to those local school district boards affected announcing a public hearing on the proposed consolidation of service agency areas. This notice of public hearing shall also be published in a newspaper having general circulation in the areas affected 20 days prior to said hearing.

(3) Following the hearing on the proposed consolidation the service agency boards of control of those agencies affected shall vote on the consolidation. A majority vote of the members present and voting from each service agency board shall be necessary to approve and effect the proposed consolidation. These consolidations shall become effective on the next succeeding July 1.

(4) No such plan shall be valid if it permits any territory of the state to be outside of a co-operative agency area.

History: 1963 c. 565.

39.55 Co-operative educational service agency governing body. (1) Each co-operative educational service agency created by the state co-operative service committee shall be governed by a board of control composed of one delegate from each school district board in the agency designated annually in July by such school board, but not more than 11 members. There shall be no more than one member on the board of control from the territory comprising each union high school district and the underlying school districts operating elementary grades only. For the purpose of determining representation on the board of control a common school district operating elementary grades only, lying in more than one union high school district, shall be considered part of the union high school district in which the major proportion of its equalized valuation lies. The board of control shall hold an annual organizational meeting on the 2nd Monday in August.

(2) If there are more than 11 school districts in the service agency, the state superintendent shall cause to convene annually a convention composed of one delegate from

each school district board in the agency. Upon the convening of the convention the representatives from all boards of each union high school area, meeting separately, shall determine the delegate of the union high school area to be announced prior to the selection of the board of control. For the purpose of determining the delegate of the union high school area, a representative from an elementary school district board shall be considered part of the union high school area in which the major proportion of its equalized valuation lies. After the meeting for the determination of delegates, the convention shall formulate a plan of representation for such service agency including no more than 11 delegates, which plan shall be effective at once.

(3) Membership on the board of control of a co-operative educational service agency shall be considered terminated upon the occurrence of any of the following:

(a) Immediately upon the incumbent's position as a school district board member becoming vacant as defined in s. 17.03.

(b) Upon the naming of a successor to his position on the board of control by the convention convened according to this section.

(c) Upon his resignation made in writing as designated in s. 17.01 (13) to the chairman or secretary of the board of control.

(4) If a vacancy occurs as described in sub. (3) (a) or (c), the chairman or secretary of the board of control shall request the school board of membership of the delegate creating the vacancy to appoint one of its members to the vacancy. Such appointments shall appear upon the school board minutes and be certified by the clerk or school board secretary to the agency board of control.

History: 1963 c. 565, 578; 1965 c. 458.

39.56 Functions of board of control. The co-operative educational service agency board of control shall:

(1) Determine the policies of the service agency.

(2) Receive state aids for operation of the co-operative service agency.

(3) Approve service contracts with local school districts, county boards of supervisors and other co-operative educational service agencies but no such contracts shall extend beyond 3 years.

(4) Determine participating local unit's prorated share of the cost of co-operative programs and assess such costs against each participating unit, but no board of control may levy any taxes. No cost shall be assessed against a unit for a co-operative program unless the school district enters into a contract for such service.

(5) Appoint and contract with an agency co-ordinator, for a term of not more than 3 years, with qualifications established by rule of the state superintendent of public instruction but at least equal to the highest level of certification required for local school district administrators, who shall be considered a teacher as defined by s. 42.20 (13), and subject to ch. 42.

(6) Meet monthly and at the call of the chairman.

(7) Select a chairman, vice chairman and treasurer from its membership at the annual organizational meeting. The co-ordinator shall act as a nonvoting secretary to the board of control. Vacancies shall be filled as are original appointments.

(8) Adopt bylaws for the conduct of its meetings.

(9) The board shall require a bond of the treasurer and the co-ordinator.

(10) Authorize the expenditure of money for the purposes set forth in this subchapter and for the actual and necessary expenses of the board and co-ordinator and for the acquisition of equipment, space and personnel. All accounts of the agency shall be paid on voucher signed by the chairman and secretary.

(11) The board shall establish the salaries of the co-ordinator and other professional and nonprofessional employees. The salary of the co-ordinator shall be within the range of \$10,500 to \$13,500.

(12) Select an agency school committee of 7 members pursuant to s. 40.02.

(13) Conduct the initial election of officers for newly created school districts under s. 40.27.

(14) Do all other things necessary to carry out the provisions of this subchapter.

History: 1963 c. 565; 1965 c. 388.

39.57 Agency co-ordinator. The agency co-ordinator shall be responsible for co-ordinating the services, securing the participation of the individual districts, county boards and other co-operative educational service agencies and implementing the policies of the board of control.

History: 1963 c. 565.

39.58 Professional advisory committee. There shall be in each service agency a professional advisory committee composed of the highest professional school district administrator in each school district in such agency who shall meet at the request of the board of control or co-ordinator to advise them.

History: 1963 c. 565.

39.59 State aids. (1) Annually beginning July 1, 1965, there shall be paid to each co-operative educational service agency for the maintenance and operation of the office of the agency board of control and co-ordinator a sum not to exceed \$29,000 for each co-operative service agency, but after 1965-66 no aids shall be paid unless the service agency submits a detailed certified statement of its expenses for the prior year to the state superintendent by October 1, and such statement reveals that the aids were expended as provided by this section, and in no case shall the aids exceed the actual expenditures for the year for which the aids were paid.

(2) Service agencies may incur short term loans prior to the aid payments and making of contracts to permit the organizational steps required to establish a service agency.

(3) No school district shall ever lose any state educational aids based on refusal of such school district to subscribe to any such services provided by these educational service agencies.

History: 1963 c. 565; 1965 c. 289.