

CHAPTER 38

VOCATIONAL, TECHNICAL AND ADULT EDUCATION; COUNTY TEACHERS COLLEGES

| | | | |
|--------|---|-------|---|
| 38.001 | Mission | 38.30 | Special aid for veterans |
| 38.01 | Definitions | 38.51 | Educational approval board |
| 38.02 | Establishment | 38.76 | County teachers colleges; appropriation |
| 38.04 | Board of vocational, technical and adult education; powers and duties | 38.77 | Same; board, appointment, bond, organization |
| 38.06 | District boundaries; alteration of boundaries | 38.78 | Same; extension courses for students |
| 38.08 | Composition and organization of district board | 38.79 | Same; moneys, how paid |
| 38.10 | Appointment of district board members | 38.80 | Same; supervision by state superintendent |
| 38.12 | District board duties | 38.81 | Same; physical education |
| 38.14 | District board powers | 38.82 | Same; certificates to graduates |
| 38.16 | District tax levy | 38.83 | Same; qualifications of teachers and president |
| 38.18 | Contracts and bidding | 38.84 | Joint county teachers colleges; maintenance; demonstration department |
| 38.20 | Adjustment of assets and liabilities | 38.85 | Same; maintenance, equipment, apportionment |
| 38.22 | Admission requirements | 38.86 | State aid to county teachers colleges, free tuition |
| 38.24 | Fees and tuition | 38.87 | Admission; nonresident pupils |
| 38.26 | Course fees | 38.88 | Nonresident students; tuition |
| 38.28 | State aid | | |

38.001 Mission. The board shall be responsible for the initiation, development, maintenance and supervision of programs with specific occupational orientations below the baccalaureate level, including terminal associate degrees, training of apprentices and adult education below the professional level.

History: 1971 c. 100, 125, 211.

38.01 Definitions. In this chapter:

(1) "Board" means the board of vocational, technical and adult education.

(2) "District" means a vocational, technical and adult education district established under this chapter.

(3) "District board" means the district board in charge of the vocational, technical and adult education schools of a district.

(4) "School district" means a school district operating high school grades.

(5) "School board" means the school board in charge of the public schools of a school district.

(6) "School year" means the time commencing with July 1 and ending with the next succeeding June 30.

(7) "Associate degree program" means a 2-year, post-high school program in an area designated and approved by the board for which the course requirements are established by the board.

(8) "Collegiate transfer program" means a state-wide, full-time program, designated and approved by the board, in which the credits earned may be transferable to a 4-year institution of higher education.

(9) "Vocational diploma program" means a one- or 2-year, full-time program in an area designated and approved by the board for which the course requirements are established by the board.

(10) "Vocational-adult program" means a part-time vocationally oriented program established by a district board which has not been approved by the board.

History: 1971 c. 154, 211.

38.02 Establishment. There is established under this chapter a system of vocational, technical and adult education to foster and maintain instruction in courses approved by the board in part-time and full-time day or evening classes. Every person at least the age specified in s. 118.15 (1) (b) who can profit thereby is eligible to receive instruction under this chapter and rules established by the board.

History: 1971 c. 154.

38.04 Board of vocational, technical and adult education; powers and duties. (1) **GENERAL.** The board shall determine the organization, plans, scope and development of vocational, technical and adult education. For state aid, credit determination and other purposes, the board shall establish criteria for the establishment of district schools and shall classify and name the district schools.

(2) **DIRECTOR.** The board shall appoint a director, outside the classified service, to serve at its pleasure.

(3) **STAFF.** The board shall appoint such staff as is necessary under the classified service. Three positions in addition to the director shall be filled outside the classified service.

(4) TEACHER AND COURSE REQUIREMENTS

(a) The qualifications of teachers and the courses of study offered in district schools shall be approved by the board.

(b) The board may authorize district boards to grant associate degrees to those students who successfully complete associate degree programs.

(c) Collegiate transfer programs shall not comprise more than 25% of the credit hours offered in any vocational, technical and adult education district.

(5) COOPERATE WITH FEDERAL GOVERNMENT. The board shall cooperate with the federal government in carrying out any federal act pertaining to vocational, technical and adult education.

(6) GIFTS AND GRANTS. The board may accept gifts, grants, bequests and devises to be used in the execution of its functions.

(7) SCHOLARSHIP PROGRAMS (b) *Associate degree and collegiate transfer scholarships.* The board may grant scholarships to residents of this state who maintained a satisfactory academic record at a high school or institution of higher education, are in financial need, possess qualifications for leadership and are enrolled in associate degree and collegiate transfer programs at a district school. The amount of the scholarship shall be based on the financial need of the recipient as determined by the district school he attends in accordance with procedures established by the higher educational aids board, but no scholarship may exceed an amount equal to 67% of the financial need of the recipient.

(c) *Vocational diploma programs.* The board may grant scholarships to residents of this state who are enrolled in vocational diploma programs approved by the board. The amount of the scholarship shall be based on the financial need of the recipient as determined by the district school he attends in accordance with procedures established by the higher educational aids board, but no scholarship may exceed an amount equal to 67% of the financial need of the recipient.

(8) PART-TIME INSTRUCTION IN AGRICULTURE. The board may cooperate with any school organized under this chapter or ch. 115 or 120 in offering part-time instruction in agriculture for persons at least the age specified in s. 118.15 (1) (b). The governing body of such school may provide for such part-time instruction and may appropriate funds for such purpose. The authorities entitled by law to receive and disburse funds for schools furnishing instruction under this subsection may receive and use for such purpose federal funds appropriated by the board and all donations.

(9) TRAINING PROGRAM FOR FIREMEN. In order to promote safety to life and property, the board may establish and supervise a training program in fire prevention and protection. The training program shall be available to members of volunteer and paid fire departments maintained by public and private agencies, including industrial plants. The council on fire prevention training programs shall advise the board on the establishment and maintenance of the program.

(10) ADDITIONAL FACILITIES. The board shall review and approve any proposals by district boards for additional facilities, which will house state-aided academic programs, prior to the letting of contracts to construct or incur debt for such facilities.

(11) UNIFORM ACCOUNTING SYSTEMS. The board shall establish a uniform accounting system for fiscal, enrollment, program and other data provided by the district boards as it deems necessary and shall require common use of the fiscal year for operations and data reporting.

History: 1971 c. 154, 211.

38.06 District boundaries; alteration of boundaries. (1) Each district shall include one or more counties, municipalities or school districts in any contiguous combination.

(2) (a) Upon order of the board, the boundaries of a district may be altered. Changes in boundary lines shall take effect on the July 1 next succeeding the date of such approval.

(b) The governing body of a county, municipality or school district may file a petition with the board 1) requesting that its territory be detached from the district in which it lies and attached to a district to which such territory is contiguous, or 2) if portions of its territory lie in more than one district, requesting that all such portions be placed within one of such districts. Immediately upon receipt of the petition, the board shall notify each district board affected of the receipt of the petition and the boundary alterations requested therein. Such district boards shall forthwith notify the board of their recommendations on the petition. Within 90 days of the receipt of the petition, the board shall notify the governing body filing the petition and the district boards affected of its approval or disapproval of the proposed detachment and attachment of the territory. In making its determination under this paragraph, the board shall consider the master plan for vocational, technical and adult education districts prepared by the board and the coordinating council for higher education under s. 41.155 (1), 1967 stats.

(c) If school district boundaries are changed in accordance with Title XIV, the board may act to change district boundaries to coincide with school district boundaries without holding a public hearing.

History: 1971 c. 154.

38.08 Composition and organization of district board. (1) (a) A district board shall administer the district and shall be composed of 7 members who are residents of the district, including 2 employers who have power to employ and discharge, 2 employees who do not have power to employ or discharge, 2 additional members and a school district administrator of a school district which lies within the district. The school district administrator shall be appointed by the other 6 members.

(b) District board members shall take office on July 1 and shall serve 6-year terms, except that the school district administrator shall serve a 2-year term.

(2) Members of a district board shall serve until their successors are appointed and qualified. A vacancy shall be filled for the unexpired term by a majority vote of the remaining members of the district board.

(3) The district board shall hold its annual organizational meeting on the 2nd Monday in July at which it shall elect from among its members a chairman, vice chairman, secretary and treasurer.

(4) District board members shall receive their actual and necessary expenses incurred in the performance of their duties.

(5) Where a function is assigned to the clerk of a governmental unit and a district is one of such governmental units, the function shall be performed by the district board secretary.

History: 1971 c. 154.

Note: Chap. 154, laws of 1971, which created this section also provides:

"Section 81. TERMS OF PRESENT MEMBERS PRESERVED. This act shall not affect present terms of members of vocational, technical and adult education district boards, but the first appointments after July 1, 1972, of successors to present members shall be made so that the terms of one employer, one employe and one additional member shall expire on July 1, 1975, and the terms of one employer, one employe and one additional member shall expire on July 1, 1978. Thereafter, appointments shall be made for terms prescribed in chapter 38 of the statutes".

38.10 Appointment of district board members. (1) District board members shall be appointed by an appointment committee constituted as follows:

(a) If the petition for creation of a district was filed by the governing bodies of school districts or municipalities, the school board presidents of school districts having territory within the district shall constitute the appointment committee.

(b) If the petition for creation of a district was filed by the governing bodies of counties or any combination of school districts, counties and municipalities, the county board chairmen of counties having territory within the district shall constitute the appointment committee.

(c) If the board created a district, the heads of the governing bodies designated by the board shall constitute the appointment committee. The designation shall be made in accordance with par. (a) or (b) depending upon which governmental units comprise the district.

(2) (a) The district board secretary shall fix a date, to be no later than May 15, and a time and place in the district for a meeting of the appointment committee and, at least 3 weeks prior thereto, shall send written notice of the time and place of such meeting to each member of the appointment committee, to each governing body having a member on the appointment committee and to the board. The appointment committee shall appoint district board members at the meeting.

(b) The appointment committee member from the appropriate governmental unit specified under sub. (1) (a), (b) or (c) having the largest population in the district shall act as chairman of the appointment committee.

(c) At the meeting and prior to the appointment of district board members, the appointment committee shall formulate a plan of representation for the membership of the district board. Such plan shall take into consideration the population distribution within the district.

(d) Within 5 days of the appointment of district board members, the chairman of the appointment committee shall send written notice of the appointments and lengths of terms to the board, to the members appointed to the district board and to the district board secretary.

(e) If the appointment committee cannot reach agreement on the representation plan and district board membership within 30 days after their first meeting, the board shall formulate the plan of representation and appoint the district board members in accordance with the plan.

History: 1971 c. 154.

This section is constitutional *West Milwaukee v. Area Bd. Vocational, T. & A. Ed.* 51 W (2d) 356, 187 NW (2d) 387.

38.12 District board duties. (1) CONTROL OF DISTRICT SCHOOLS. Except as otherwise provided by statute, the district board shall have exclusive control of the district schools established by it and of property acquired for the use of such schools.

(2) **DISTRICT FUNDS AND TREASURER.** (a) The district board shall deposit all moneys received by it with the district board treasurer who shall be accountable for such funds. All expenditures shall be approved by the district board. Disbursement of such funds shall be made in accordance with s. 66.042 (6).

(b) Within 15 days after his election, the district board treasurer shall execute and either file a bond executed by 2 qualified sureties approved by the district board or file a surety company bond in an amount determined by the district board, but at least equal to 5% of the annual district budget. If the district board so determines, the district board treasurer within 15 days thereafter shall file additional personal or surety bonds in such greater amounts as the district board requires. The district board treasurer may purchase surety company bonds with district funds.

(3) **DISTRICT DIRECTOR AND OTHER EMPLOYEES.** (a) The district board shall employ and fix the compensation of:

1. A district director who shall have general supervision and management of the development and work of the district schools.

2. Such supervisors, coordinators, teachers and technical advisors and experts as are necessary.

3. Such clerical assistants, custodians and other employes as are necessary.

(b) Employes under par. (a) 1 and 2 shall meet the requirements established by the board and, where applicable, the qualifications determined under s. 38.04 (4) (c).

(c) The district board shall retire the district director and each teacher in a district school at the end of the school year in which such person attains the age of 70 years.

(4) **PUBLICATION OF PROCEEDINGS.** The proceedings of the district board meetings shall be published within 45 days after the meeting as a class 1 notice, under ch. 985, in a newspaper published in the district. If no newspaper is published in the district, the proceedings may be publicized as the district board directs. The publication of the proceedings shall include a statement of each receipt and expenditure exceeding \$100 except salaries, which may be listed in the aggregate.

History: 1971 c. 154.

38.14 District board powers. (1) **LEGAL PROCEEDINGS.** The district board may sue and be sued in the name of the district and may prosecute or defend all suits brought by or against the district.

(2) **BUILDINGS AND EQUIPMENT.** (a) For the use of the district schools, the district board may:

1. Purchase or lease materials, supplies and equipment.

2. Purchase or lease suitable land and buildings and rent to others any portion of such land and buildings not needed for school purposes.

3. Construct, enlarge and improve buildings. Existing school buildings and equipment shall be used as far as practicable.

(b) If there is a county teachers college in the district which is no longer in operation, the district board shall utilize the existing buildings and equipment of the college to the extent possible.

(bm) With the approval of the director under s. 38.04 (2), the district board may sell any property which it finds to be no longer needed by the district.

(c) All conveyances, leases and contracts under this subsection shall be in the name of the district.

(3) **CONTRACTS FOR INSTRUCTIONAL SERVICES.** The district board may contract with public educational institutions and other district boards for instructional services.

(4) **GIFTS AND GRANTS.** The district board may accept gifts, grants, bequests and devises to be used in the execution of its functions.

(5) **ADVISORY COMMITTEES.** The district board may establish advisory committees representing every occupation in the district. Each advisory committee shall consist of equal numbers of employers and employes selected by the district board from recommendations submitted by representative organizations and associations of each occupation. The district board and the district director may request the advice and assistance of these advisory committees in selecting, purchasing and installing equipment, in preparing course materials, in developing instructional methods and vocational guidance programs and for such other purposes as the district board desires.

(6) **TRANSPORTATION.** The district board may provide transportation for students within the district, but no state aid may be paid for this service.

(7) **SALE OF ARTICLES.** The district board may sell at market value articles manufactured in district schools. The proceeds from such sales shall be paid to the district treasurer.

History: 1971 c. 154, 215.

The Milwaukee technical college may acquire and operate a retail service station as a part of a vocational training program. 58 Atty. Gen. 23.

38.16 District tax levy. (1) Annually on or before October 1, the district board may levy a tax, not exceeding 1.8 mills for 1972 and 1.7 mills thereafter on the full value of the taxable property of the district, for the purpose of making capital improvements, acquiring equipment and operating and maintaining the schools of the district, except that the mill limitation is not applicable to taxes levied for the purpose of paying principal and interest on valid bonds or notes now or hereafter outstanding as provided in s. 67.035. The district board secretary shall file with the clerk of each city, village and town, any part of which is located in the district, a certified statement showing the amount of the levy and the proportionate amount of the tax to be spread upon the tax rolls for collection in each city, village and town. Such proportion shall be ascertained on the basis of the ratio of full value of the taxable property of that part of the city, village or town located in the district to the full value of all taxable property in the district, as certified to the district board secretary by the department of revenue. Upon receipt of the certified statement from the district board secretary, the clerk of each city, village and town shall spread the amounts thereof upon the tax rolls for collection. When the taxes are collected, such amounts shall be paid by the treasurer of each city, village and town to the district board treasurer.

(2) The district board may borrow money and levy taxes to be used for the purchase or construction of buildings and for additions, enlargements and improvements to buildings and for the acquisition of sites and equipment. In financing activities under this subsection, the district may issue its bonds or promissory notes under ch. 67 to pay the cost thereof.

History: 1971 c. 154, 211.

This section is constitutional. *West Milwaukee v. Area Bd. Vocational, T. & A. Ed.* 51 W (2d) 356, 187 NW (2d) 387.

38.18 Contracts and bidding. All contracts made by a district board for public construction in a district, the estimated cost of which exceeds \$1,000, shall be let by the district board to the lowest responsible bidder in accordance with s. 62.15 (1) to (11) and (14). For purposes of this section, the district board shall possess the powers conferred by s. 62.15 on the board of public works and the common council. All contracts made under this section shall be made in the name of the district and shall be executed by the district board chairman and district board secretary.

History: 1971 c. 154.

38.20 Adjustment of assets and liabilities. (1) Except as provided in sub. (2), upon the creation of a district the property, assets, claims, contracts, obligations, rights, duties and liabilities relating and pertaining to the existing vocational and adult education schools in the territory included in the district shall become the property, assets, claims, contracts, obligations, rights, duties and liabilities of the district.

(2) (a) Upon the creation of a district the property, assets, claims, contracts, obligations, rights, duties and liabilities relating and pertaining to the existing vocational and adult education school operated in a city or village located in the territory included in the district shall remain the property, assets, claims, contracts, obligations, rights, duties and liabilities of such city or village, unless the governing body of such city or village transfers the whole or any portion thereof to the district under an agreement between such city or village and the district as to the use, obligation and ownership thereof.

(b) The purchase price of such property, except as otherwise agreed upon under par. (a), shall be the fair market value as determined by an independent appraiser selected jointly by the governing body of the city or village and the district board, less any outstanding obligations against the property which shall be assumed by the district.

(c) In financing the purchase of property transferred to the district under this subsection, the district may issue its bonds or promissory notes under ch. 67 to pay the cost thereof including assumption of outstanding obligations.

(d) The city or village shall deposit the proceeds of the sale of vocational and adult education school property in the sinking fund, if any, created for payment of existing vocational and adult education school obligations. The indebtedness of such city or village shall, for purposes of computing its legal debt limit, be deemed reduced by the amount of such deposit. The city or village may invest these sinking fund moneys under s. 66.04 (2) or 67.11 (2) and (3). Bonds and notes issued by districts for purposes of this subsection shall not be subject to referendum. The purchase agreement shall include an irrevocable clause providing that the district shall pay annually to the city or village a sum of money equal to the amount in which the interest received by the city or village upon investments authorized hereunder is less than the amount of interest paid by the city or village on the bonds of the city or village for vocational and adult education school purposes.

(e) The district purchasing property under this subsection may, with approval of the city council or village board involved, pay the purchase price by issuing and delivering directly to the city or village the general obligation promissory notes or the notes of the district under s. 67.12 (12), except that no referendum may be held and the 10-year limitation on such notes shall be inapplicable to such notes issued under this paragraph. Such notes shall mature and be payable at such times, in such amounts and at such rate of interest as will amortize and pay when due the principal and interest on the outstanding obligations of the city or village for vocational and adult education school purposes. All such notes, upon execution and delivery to the city or village, shall in all respects be held and considered as an authorized investment under s. 66.04 (2) or 67.11 (2) and (3) of the sinking fund created for payment of the city or village obligations issued for vocational and adult education school purposes and shall be offset against city or village indebtedness in computing legal debt limit to the same extent as other authorized investments of the sinking fund and such notes may be sold and hypothecated. If the offset against city or village indebtedness under this paragraph is determined to be invalid in any respect, such city or village immediately may require the district issuing the promissory notes to such city or village to comply with pars. (c) and (d) to the extent necessary to cure such invalidity.

History: 1971 c. 154.

38.22 Admission requirements. (1) Every person who is at least the age specified in s. 118.15 (1) (b) is eligible to attend the schools of a district if he is:

- (a) A resident of the district.
- (b) A nonresident of the district who is employed in the district.
- (c) A nonresident of the district who desires to take specific courses which are offered in the schools of such district but not offered in the schools of the district in which he resides, and if the district board of attendance approves his enrollment.
- (d) A nonresident of this state, and if the district board of attendance approves his enrollment.

(2) Within 30 days of the enrollment of a student in a school of another district, the district board of attendance shall send written notice of his enrollment to the district board of the district in which he resides and state whether he is enrolled in a collegiate transfer program.

(3) Nonresident students shall be subject to the same rules and regulations as resident students.

History: 1971 c. 154.

38.24 Fees and tuition. (1) **PROGRAM FEES** Annually, the board shall establish uniform fees, based on 25% of the state-wide average instructional costs of liberal arts collegiate transfer programs in district schools, which district boards shall charge residents of this state enrolled in such programs in their districts of residence. In like manner the board annually shall establish such fees, based on at least 25% of such costs in such programs, which district boards shall charge nonresidents of their district enrolled in such programs.

(2) **TUITION CHARGES.** For students who are nonresidents of the district, the district board shall establish tuition charges based on moneys collected under s. 38.16 for the current school year divided by a figure representing the full-time student equivalency of the district for that school year. Full-time student equivalency shall be determined in accordance with procedures established by the board. If a student is in a collegiate transfer program, the tuition charge determined for him under this subsection shall be reduced by the amount of his fee under sub. (1). Unless liability for his tuition charge exists or is assumed under sub. (4), a nonresident student is liable for the tuition charge under this subsection.

(3) **REVIEW PROCEDURES.** (a) The director shall review fees and tuition charges under this section and if they are accurate he shall approve them. No fee or tuition may be charged until approved under this paragraph.

(b) The board shall establish fee and tuition refund policies.

(c) The board shall establish procedures to determine the residence of students attending district schools. In the case of any disagreement as to the residence of any student, the board shall make the final determination.

(4) **LIABILITY OF DISTRICT OF RESIDENCE.** (a) The district board of the student's district of residence is liable for the tuition charge by the district of attendance for a nonresident student who is a resident of this state, but is not liable for the following:

- 1. Any student for whom the district board of attendance fails to file notice under s. 38.22 (2).
- 2. Any student who enrolls in a collegiate transfer program, if there is located within the district of residence a public institution of higher education.

3. Unless the district board of residence consents, any student 18 years of age or over. For purposes of this subdivision, a student shall be considered 18 years of age, if he attains the age of 18 prior to the beginning of the semester or lesser time period for which enrolled in a district school.

(b) In the case of any disagreement between district boards under this subsection, the board shall make the final determination.

(5) **CLAIM FOR FEE AND TUITION.** Annually on or before August 1, the district board secretary shall send a verified statement to the district board secretary of each district which is liable for a tuition charge under this section. For each student, the statement shall set forth his name, age and place of residence, date of enrollment in a district school and the instructional program of the student and the amounts due therefor under sub. (2). The statement shall be filed as a claim against the district board of the student's district of residence and allowed as other claims are allowed.

History: 1971 c. 154, 211, 228

38.26 Course fees. The district board may charge students for the cost of materials consumed by them in their courses. In lieu of such charge, the district board may charge a fixed sum to be paid by each student in each course which shall be sufficient to cover, as nearly as possible, the cost of the material to be consumed in each course.

History: 1971 c. 154.

38.28 State aid. (1) Annually at the time and on forms prescribed by the director, the district board secretary shall report to the board the cost of maintaining the schools of the district; the character of the work done; the number, names and qualifications of the teachers employed; the number of full-time students enrolled; and such other information as the board requires.

(2) The state aid to be paid to district boards shall be determined as follows:

(a) Annually, the board shall determine the state-wide operational cost per full-time equivalent student in collegiate transfer, associate degree and vocational diploma programs. The board shall furnish each district board with definitions of state-wide operational costs per full-time equivalent student and shall establish procedures for determining operational cost per full-time equivalent student. In computing its operational cost, a district board may include administrative costs attributable to such programs in an amount not exceeding 11% of its total instructional costs.

(b) The state-wide operational cost shall be multiplied by 40% for the 1971-72 fiscal year and 55% thereafter to determine the aid per full-time equivalent student in collegiate transfer, associate degree and vocational diploma programs. One-half of the aid so determined shall be the aid per full-time equivalent student in vocational-adult programs. Such per-pupil aid for each program shall be multiplied by the number of full-time equivalent students enrolled in that program in the district to determine the state aid payable to the district board under this paragraph.

(c) The board shall pay 25 cents for each student period of 50 minutes or more of actual attendance for instruction in driver training courses approved by the board. The board may provide aids under this paragraph on the basis of a minimum of 10 students per class period of actual instruction regardless of the number of students actually enrolled and attending.

(d) The board may withhold or suspend in whole or in part payment of state aid under this subsection to any district board whose academic program or faculty does not meet minimum standards set by the board. The board may discontinue aids to those academic programs which are no longer necessary to meet needs within the state.

(3) If the appropriation for state aid under s. 20.292 (1) (d) in any one year is insufficient to pay the full amount under sub. (2), state aid payments shall be prorated among the districts entitled thereto.

(4) (a) Annually on or before July 1, the governing body of a school maintaining part-time instruction in agriculture in accordance with s. 38.04 (8) shall report to the board, in such form as the board requires, the cost of maintaining such part-time instruction, the character of the work done, the number and names of teachers employed, the length of time such instruction was maintained and such other facts as the board requires.

(b) If the board is satisfied that instruction under par. (a) was maintained during the preceding year in accordance with law and in conformity with the state plan accepted by the U.S. office of education, the board shall certify to the department of administration in favor of each governing body an amount equal to one-third of the amount expended by each for salaries of qualified and approved teachers.

(5) State aid shall not be paid to a district for any year, unless every teacher, administrator, principal and supervisor employed by the district during that year is under a contract providing for leave of absence by reason of sickness of

such person, without deduction from salary, for not less than 5 days per year and for accumulation of unused sick leave from year to year to a total of not less than 30 days. No allowance may be paid for such absences from teaching or other educational services rendered in evening school by any person employed at least 30 hours per week in day school. This subsection does not apply to a person employed by the district board for less than 30 hours per week.

History: 1971 c. 154, 211.

38.30 Special aid for veterans. (1) (a) District boards may receive payments from the U.S. veterans administration for tuition to cover the cost of training for resident and nonresident students who are enrolled in district schools and are veterans eligible for benefits under federal law.

(b) District boards may receive payments from the department of health and social services under s. 55.01 to cover the cost of training for resident and nonresident students who are enrolled in district schools and are veterans ineligible for benefits under par. (a).

(c) District boards shall not receive payments under this subsection which, together with other receipts for the same purpose exclusive of the funds provided under s. 38.16, would exceed the full cost of training provided such veterans.

(d) The amounts received for nonresidents under this subsection shall not be less than the amounts specified in s. 38.24 (2) but may exceed such amounts.

(2) Upon the authorization of a school board or district board, the board may enter into contracts with the U.S. veterans administration for training in vocational agriculture to be provided by such school board or district board to veterans eligible for benefits under federal law. The board shall receive from the U.S. veterans administration payments granted to cover the cost of administration by the board and, to be paid to the school board or district board, payments granted to cover the cost of such training.

History: 1971 c. 154.

38.51 Educational approval board. (1) **DEFINITIONS.** In this section unless the context clearly requires otherwise:

(a) "Board" means educational approval board.

(b) "Solicitor" means a person employed by or representing a school located either within or outside this state who, in places other than the actual business premises of the school, personally attempts to secure the enrollment of a student in such school.

(c) "Person" means any individual, partnership, association, or corporation or any combination thereof.

(d) "School" means any person, located within or outside this state, maintaining, advertising or conducting any course or course of instruction for profit or a tuition charge; but in sub. (7) and (8) "school" means any private trade, correspondence, business or technical school not excepted under sub. (9).

(e) "Course" means an organized unit of subject matter in which instruction is offered within a given period of time or which covers a specified amount of related subject matter.

(f) "Course of instruction" means a series of classroom or correspondence courses having a unified purpose which lead to a diploma or degree or to an occupational or vocational objective.

(2) **PURPOSE.** The purpose of the board is to approve schools and courses of instruction for the training of veterans of the armed forces and war orphans receiving assistance from the federal government, protect the general public by inspecting and approving private trade, correspondence, business and technical schools doing business within this state whether located within or outside this state and courses of instruction offered by these schools and to regulate the soliciting of students for correspondence or classroom courses and courses of instruction offered by these schools.

(3) **RULE-MAKING POWER.** The board shall prescribe rules and establish standards necessary to carry out its purpose.

(5) **EMPLOYEES, QUARTERS.** The board shall employ a person to perform the duties of an executive secretary and such other persons under the classified service as may be necessary to carry out its purpose. The administrative functions of the board shall be in charge of the person performing the duties of the executive secretary. The board shall keep its office in the department of public instruction.

(6) **APPROVAL AGENCY FOR VETERAN'S TRAINING.** (a) Except as provided in par. (b) the board shall be the state approval agency for the education and training of veterans and war orphans. It shall approve and supervise schools and courses of instruction for their training under Title 38, U.S.C., and may enter into and receive money under contracts with the veterans administration or other appropriate federal agencies.

(b) The governor may designate the following agencies for approval and supervision of special phases of the program of veterans education:

1. On the job and apprenticeship training program, the department of industry, labor and human relations.

2. On the farm training program, the board of vocational, technical and adult education.

3. Embalmers and funeral directors apprentices, the department of health and social services.

(7) APPROVAL OF SCHOOLS GENERALLY. In order to protect students, prevent fraud and misrepresentation in the sale and advertising of courses and courses of instruction and encourage schools to maintain courses and courses of instruction consistent in quality, content and length with generally accepted educational standards, the board shall:

(a) Investigate the adequacy of courses and courses of instruction offered by schools to residents of this state and establish minimum standards for such courses of instruction.

(b) Investigate the adequacy of schools' facilities, equipment, instructional materials and instructional programs and establish minimum standards therefor.

(c) Establish rules, standards and criteria to prevent fraud and misrepresentation in the sale and advertising of courses and courses of instruction.

(d) Establish rules restricting the negotiability of promissory instruments received by schools in payment of tuition and other charges.

(e) Establish minimum standards for refund of the unused portion of tuition, fees and other charges if a student does not enter a course or course of instruction or withdraws or is discontinued therefrom.

(f) Require schools offering courses and courses of instruction to residents of this state to furnish information concerning their facilities, curricula, instructors, enrollment policies, tuition and other charges and fees, refund policies and policies concerning negotiability of promissory instruments received in payment of tuition and other charges.

(g) Approve courses of instruction and schools meeting the requirements and standards established by the board and complying with rules established by the board and publish a list of such schools and courses of instruction.

(h) Issue permits to solicitors when all board requirements have been met.

(8) SOLICITING OF STUDENTS. (a) *In general.* No solicitor representing any school offering any course or course of instruction shall sell any course or course of instruction or solicit students therefor in this state for a consideration or remuneration, except upon the actual business prem-

ises of the school, unless he first secures a solicitor's permit from the board. If the solicitor represents more than one school, a separate permit shall be obtained for each school represented by him.

(b) *Solicitor's permit.* The application for a solicitor's permit shall be made on a form furnished by the board and shall be accompanied by a fee of \$5 and a surety bond acceptable to the board in the sum of \$1,000. Such bond may be continuous and shall be conditioned to provide indemnification to any student suffering loss as the result of any fraud or misrepresentation used in procuring his enrollment or as a result of the failure of the school to faithfully perform the agreement made with him by the solicitor, and may be supplied by the solicitor or by the school itself as a blanket bond covering each of its solicitors in the amount of \$1,000. Upon approval of a permit the board shall issue an identification card to the solicitor giving his name and address, the name and address of his employing school, and certifying that the person whose name appears on the card is authorized to solicit students for the school. A permit shall be valid for one year from the date issued. Liability of the surety on the bond for each solicitor covered thereby shall in no event exceed the sum of \$1,000 as an aggregate for any and all students for all breaches of the conditions of the bond. The surety of a bond may cancel the same upon giving 30 days notice in writing to the board and thereafter shall be relieved of liability for any breach of condition occurring after the effective date of the cancellation. An application for renewal shall be accompanied by a fee of \$5, a surety bond if a continuous bond has not been furnished, and such information as the board requests of the applicant.

(c) *Refusal or revocation of permit.* The board may refuse to issue or renew, or may revoke, any solicitor's permit upon one or any combination of the following grounds:

1. Wilful violation of this subsection or any rule promulgated by the board under this section;

2. Furnishing false, misleading or incomplete information to the board;

3. Presenting information to prospective students relating to the school, a course or course of instruction which is false, fraudulent or misleading;

4. Refusal by the school to be represented to allow reasonable inspection or to supply information after written request therefor by the board;

5. Failure of the school which the solicitor represents to meet requirements and standards established by and to comply with rules prescribed by the board pursuant to sub. (7);

6. Cancellation of the solicitor's bond by surety;

7. That the applicant or holder of the permit is not of good moral character.

(d) *Notice of refusal to issue or renew permit.* Notice of refusal to issue or renew a permit or of the revocation of a permit shall be sent by registered mail to the last address of the applicant or permit holder shown in the records of the board. Revocation of a permit shall be effective 10 days after the notice of revocation has been mailed to the permit holder.

(e) *Request for appearance.* Within 20 days of the receipt of notice of the board's refusal to issue or renew a permit or of the revocation of a permit, the applicant or holder of the permit may request that he be permitted to appear before the board in person, with or without counsel, to present reasons why the permit should be issued or reinstated. Upon receipt of such request the board shall grant a hearing to the applicant or holder of the permit within 30 days giving him at least 10 days' notice of the date, time and place.

(f) *Recovery by students.* The bond in force under par. (b) shall not limit or impair any right of recovery otherwise available under law, nor shall the amount of the bond be relevant in determining the amount of damages or other relief to which any plaintiff may be entitled.

(g) *Recovery on contracts.* No recovery shall be had by any school or its assignee on any contract for or in connection with a course or course of instruction if the representative who sold or solicited the course was not the holder of a solicitor's permit under this subsection at the time of the sale or solicitation.

(h) *Enforcement.* The attorney general or any district attorney may bring any appropriate action or proceeding in any court of competent jurisdiction for the enforcement of this subsection.

(i) *Penalty.* Whoever violates this subsection may be fined not more than \$500 or imprisoned not more than 3 months or both.

(9) EXCEPTIONS. This section, except the provisions of sub. (6), shall not apply to the following:

(a) Schools organized on a nonprofit basis as defined by the U. S. internal revenue code.

(b) Schools that are supported mainly by taxes.

(c) Schools of a parochial or denominational character offering courses having a sectarian objective.

(d) Schools primarily offering instruction avocational or recreational in nature and not leading to a vocational objective.

(e) Courses conducted by employers exclusively for their employees.

(f) Schools, courses of instruction and training programs which are approved or licensed and supervised by other state agencies and boards.

(g) Schools approved by the department of public instruction for the training of teachers.

(h) Schools accredited by accrediting agencies recognized by the board.

(10) PROPRIETARY SCHOOL APPROVAL. All proprietary schools shall be examined and approved by the board before operating in this state. Existing schools on November 5, 1971 have until September 1, 1973, to receive approval. No school may advertise in this state unless approved by the board. All approved schools shall submit quarterly reports, including information on enrollment, number of teachers and their qualifications, course offerings, number of graduates, number of graduates successfully employed and such other information as the board deems necessary.

History: 1971 c. 125 ss. 249, 448; 1971 c. 211 s. 51.

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

History: 1971 c. 154 s. 13.

38.77 Same; board, appointment, bond, organization. A "county teachers college board" is created, which shall have charge and control of all matters pertaining to the organization, equipment and maintenance of such colleges. The board shall consist of 3 members, elected by the county board at an annual meeting for the term of 3 years from January 1 following their election, and shall within 10 days after the notice of such election take and file the official oath and execute and file an official bond in such sum as may be fixed by the county board. The members thereof shall meet and elect one of their number president and one as secretary. The county treasurer of the county in which the college is located shall be treasurer of

the board, but not a member thereof. The board shall prescribe the duties of its officers. The members of such board shall receive such compensation for their services and reimbursement for traveling expenses necessarily incurred in the discharge of their functions as the county board allows.

History: 1971 c. 154 s. 13

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

History: 1971 c. 154 s. 13.

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

History: 1971 c. 154 s. 13.

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

History: 1971 c. 154 ss. 13, 79 (1).

38.81 Same; physical education. (1) Every county teachers college shall require all students to take a course in physical education and playground games and management.

(2) In this section "physical education" means instruction in the theory and practice of physical exercise and instruction in hygiene, but does not include medical supervision.

History: 1971 c. 154 s. 13.

38.82 Same; certificates to graduates. Each graduate of a county teachers college, who shall be of good moral character, shall receive a diploma signed by the president of the college and by the college board, certifying that the person named therein has satisfactorily completed the course of study of the county teachers college, and is of good moral character; and giving a list of the standings of the person on the completion of each study pursued in the college.

History: 1971 c. 154 s. 13.

38.83 Same; qualifications of teachers and president. No member of any county teachers college board shall be employed in said college, either as president or as teacher during the term for which he was elected, nor shall any person be employed as a teacher in such college who does not hold a state license or certificate, nor shall any person be employed as president of such college who is not legally qualified for the position of principal of a high school having a 4-year course of study.

History: 1971 c. 154 s. 13.

38.84 Joint county teachers colleges; maintenance; demonstration department.

(1) The county boards of 2 or more adjoining counties may unite in establishing and maintaining a college for teachers on the same general plan as provided for such college in a single county, and may appropriate money for its maintenance. The 3 members chosen from each such county shall constitute the joint county teachers college board. The elective members of the school board shall choose one of its members as chairman and one as secretary of the school board.

(2) If, at the time of establishing such college, the counties shall neglect to procure a site, or to erect a school building therefor, such joint county teachers college board may, subject to the approval of the state superintendent of public instruction, procure such site and erect a suitable school building thereon; borrow not to exceed \$12,000 for said purposes from the trust funds of the state, payable in equal annual instalments in not to exceed 10 years, with the annual interest at the rate of not to exceed 3 1/2%. Provision for the payment of each instalment, and accrued interest, shall be made in the tax levy and apportionment mentioned in s. 38.85.

(3) The county teachers college board of any county teachers college may enter into a contract with any school, for a period of not more than 5 years, whereby pupils selected from such district may be selected to serve as a demonstration department for the practical demonstration of methods of teaching and the instruction of the students enrolled in the county teachers college. Such school or department shall be placed under the instructional direction of the county teachers college faculty and housed and maintained in the county teachers college building or in a school in the contracting district. Said boards may determine and agree upon the due proportion of the cost of instruction and maintenance that shall be borne by the county and by the district. Any contract or agreement jointly entered into already existing, and having for its purpose the maintenance of a school is hereby validated, and

shall be continued in full force and effect for a period not exceeding 5 years from the original date of the contract. Districts which suspend their schools on account of the contract authorized under this section shall be eligible to receipt of aids in the same amounts that they would be eligible to receive if they had operated their schools.

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

History: 1971 c. 154 ss. 13, 79 (1), 80.

38.85 Same; maintenance, equipment, apportionment. When counties unite in establishing and maintaining such college, the college board shall annually determine the amount of money necessary for the maintenance and equipment of the college for the next succeeding year, and shall apportion the amount to be raised by taxation among the counties in proportion to the valuation of the taxable property in each county as last fixed by the department of revenue, and shall report to the county clerk of each county before November in each year the amount of the apportionment so fixed, and such amount shall be included in the county tax for the ensuing year for the support of the college. Each county treasurer shall pay over all moneys so levied and collected for the college to the treasurer of the joint county teachers college board and file the latter's receipt therefor.

History: 1971 c. 154 s. 13; 1971 c. 164 s. 92.

38.86 State aid to county teachers colleges, free tuition. (1) (a) The state superintendent of public instruction shall keep a list of such county teachers colleges, whose course of study and the qualifications of whose teachers have, on application, been approved by him; and any such county teachers college once entered on such list may remain listed and be entitled to state aid so long as the scope and character of its work are maintained in such manner as to meet his approval, but such sums shall be

paid only to county teachers colleges on the approved list of the state superintendent of public instruction on January 1, 1927. After July 1, 1930, no state aid shall be paid to any such county teachers college located in the same county as a state university. No state aid shall be paid for the 1967-68 school year to any county teachers college whose full-time student enrollment in September 1966 was less than 50, except for those colleges which entered into contracts with employed teachers prior to March 23, 1967. No state aids shall be paid for the 1968-69 school year, or any year thereafter, to any county teachers college whose full-time student enrollment on the third Friday in September of the prior year is less than 50. Full-time students who, on April 1, 1967, are enrolled in a county college for which no state aid is paid for the 1967-68 school year and who would qualify for admission to that college if it were to open in September 1967 may enroll in any state university or the university of Wisconsin and be granted fee waivers for 2 semesters or 3 quarters or until the student is classified as a junior, whichever occurs first.

(b) Full-time students who, on April 1, 1967, are enrolled in a county college for which no state aid is paid for the 1967-68 school year and who would qualify for admission to that college were it to open in September 1967 may enroll in any state university or the university of Wisconsin and be granted fee waivers for 2 semesters or 3 quarters or until the student is classified as a junior, whichever occurs first.

(1m) If it appears from an actual inspection by direction of the state superintendent of public instruction that the work of such county teachers college has been efficient, and that the college has been devoted exclusively to the training of teachers, the state superintendent of public instruction shall certify, in favor of the county operating such teachers college, the amount of the salary paid to each teacher and president but not to exceed an amount to which such teacher or president is entitled under a salary schedule for teachers and presidents of county teachers colleges to be adopted and promulgated by him. The salary schedule shall provide for a salary range of from \$5,600 to \$9,500 per year for instructors, and \$9,500 to \$12,500 for presidents on a 12-month basis, varying with length of service and professional training.

(3) Upon receipt of such certificates the department of administration shall draw its several warrants accordingly, payable to the treasurers of the counties maintaining such county teachers colleges, respectively; and payable to the treasurers of the boards maintaining such col-

leges, respectively, if they are joint county teachers colleges; provided, that if the total amount of state aid to be paid under sub. (1m) shall exceed the appropriation made in s. 20.255 (1) (fd), the department of administration shall equitably prorate the amount available.

History: 1971 c. 125 s. 522 (1); 1971 c. 154 ss. 13, 79 (1).

38.87 Admission; nonresident pupils. The county teachers college board shall admit to said college, whenever the facilities will warrant, any person prepared to enter such college, who resides in a county which does not maintain such a county teachers college. Nonresident students from counties maintaining a county teachers college may be admitted, but the tuition of such students shall not be a charge against the county of residence. Persons so admitted shall be entitled to the privileges and be subject to the rules of such college.

History: 1971 c. 154 s. 13.

38.88 Nonresident students; tuition. The board shall charge tuition for any given year for nonresident students. The tuition charge shall

be determined as follows: from the sum total of money expended by the county in operating and maintaining the teachers college, including an item for building and equipment costs equal to 2% for buildings erected prior to 1945 and 5% for buildings erected in 1945, and thereafter, of the original expenditures for buildings and equipment thereof and interest costs, as certified to the state superintendent of public instruction, such charge not to apply for a greater period of time than 20 years in the case of a new building or for the unexpired portion of 50 years of life of an old building, excluding land costs, there shall be subtracted an amount equal to the sum of the state and federal aids, receipts from student fees, book rentals and from elementary pupil tuition, and the difference so determined shall be divided by the average daily attendance for the given year. Except as provided in s. 38.87, such tuition shall be a charge against the county in which such students reside and shall be paid by it to the treasurer of the teachers college enrolling such students.

History: 1971 c. 154 ss. 13, 80.