

CHAPTER 120

SCHOOL DISTRICT GOVERNMENT

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SUBCHAPTER I

COMMON AND UNION HIGH SCHOOL DISTRICTS

120.001 Applicability. This subchapter applies to common and union high school districts.

120.01 Number of school board members. In common or union high school districts, school boards shall be composed of the following number of members:

(1) A common school district operating elementary grades or a union high school district shall have 3 school board members, except that if such school district is coterminous with a town or has a population of 500 or more it may have 5 school board members.

(2) A common school district operating elementary and high school grades may have 3, 5, 7 or 9 school board members.

(3) A common or union high school district may have not exceeding 11 school board members if a plan of apportionment is established under s. 120.02 (2).

120.02 Method of changing number, apportionment or election of school board members. (1) CHANGE IN NUMBER OF SCHOOL BOARD

MEMBERS. If, at least 30 days prior to the day of the annual school district meeting, in a common or union high school district, or at least 30 days prior to the day of the election of school board members in a unified school district, a petition requesting a change in the number of school board members is filed with the school district clerk the clerk shall incorporate in the notice of the annual meeting or election a statement that at the meeting or election the question of changing the number of school board members to the number requested in the petition will be voted upon. The petition shall be signed by not less than 100 electors residing in the school district, except that in school districts which contain, in whole or in part, a city of the 2nd or 3rd class, the petition shall be signed by not less than 500 electors residing in the school district. If, at the meeting or election of school board members, a resolution based on a petition requesting a change in the number of school board members is adopted by a majority vote, school board members shall be elected at the next school board election and thereafter in accordance with sub. (3).

(2) PLAN OF APPORTIONMENT. (a) If, at least 30 days prior to the day of the annual meeting, in a common or union high school district, or at least 30 days prior to the day of the election of school board members in a unified school district, a petition requesting the establishment of

a plan of apportionment of school board members is filed with the school district clerk the clerk shall incorporate notice of receipt of such petition in the notice of the annual meeting or election. The petition shall specify the proposed plan of apportionment of school board members among the cities, towns and villages or parts thereof within the school district and set the total number of school board members at not more than 11. The petition shall be signed by not less than 100 electors residing in the school district, except that in school districts which contain, in whole or in part, a city of the 2nd or 3rd class the petition shall be signed by not less than 500 electors residing in the school district. If a majority vote of the annual meeting or election approves the plan set forth in the petition, the plan shall remain in operation until revised by the same procedure. School board members elected under this subsection shall be elected by a vote of the electors of the entire school district in accordance with the plan prepared under sub. (3).

(b) Any order of school district reorganization may contain such a plan of apportionment of school board members, and the determination of terms of school board members shall be as provided in sub. (3).

(3) ELECTION PLAN. (a) If a common, unified or union high school district votes to increase the number of school board members, the school district clerk shall promulgate, before the next election of school board members, a plan providing:

1. The number of school board members to be elected each year, distributing the number as evenly as possible.

2. The total number of positions to be filled at the first election for 1, 2 or 3 years.

3. An allocation of the number of candidates to be elected to 1, 2 and 3 year terms at the first election, the 3-year terms to be filled by the appropriate number of candidates receiving the highest number of votes, the 2-year terms to be filled by the appropriate number of candidates receiving the next highest number of votes and the 1-year terms to be filled by the appropriate number of candidates receiving the next highest number of votes.

(b) In case of a tie vote in the election of school board members, the election shall be determined by lot and the loser by lot shall become next in order of election if additional positions on the school board are to be filled.

(c) The tenure of school board members whose terms have not expired shall not be affected.

(d) If a school board in its order creating a school district under s. 117.07 (3) designates a school board of 5, 7 or 9 members, it shall

prepare a plan for allocating terms in accordance with this subsection. If a union high school district is established under s. 117.05, the state superintendent shall prepare a plan for allocating terms in accordance with this subsection.

(e) Whenever a school district with more than 3 school board members votes to reduce the number of school board members, one less school board member shall be elected annually thereafter until the school board is reduced to the approved number of members, but not less than one member shall be elected each year.

(4) ELECTION TO NUMBERED SEATS. If, at least 30 days prior to the day of the annual meeting, in a common or union high school district, or at least 30 days prior to the day of the election of school board members in a unified school district, a petition which sets forth a plan for the assignment of a number to each seat on the school board is filed with the school district clerk, the school district clerk shall incorporate notice of receipt of such petition in the notice of the annual meeting or election required under s. 120.06 (8) (c). The petition shall be signed by not less than 100 electors residing in the school district, except that in school districts which contain, in whole or in part, a city of the 2nd or 3rd class, the petition shall be signed by not less than 500 electors residing in the school district. If a majority vote of the annual meeting or election approves the plan set forth in the petition, the plan shall remain in operation until revised by the same procedure.

History: 1975 c. 138, 199; 1983 a. 27

120.05 School board officials. (1) (a) The members of a school board shall be the officers of a school district.

(b) In the case of a 3-member school board, the school district president, treasurer and clerk shall constitute the school board. At the first election of a 3-member school board, the clerk shall be elected for a one-year term, the treasurer for a 2-year term and the president for a 3-year term.

(c) In the case of a school board with more than 3 members, the school board shall annually elect a school district president, vice president, treasurer and clerk from among its members at a school board meeting held on or within 30 days after the 4th Monday in April.

(2) If the territory of a common school district and a union high school district is identical, the school board of the common school district shall constitute the school board of the union high school district.

(3) If the school district president, vice president, treasurer or clerk of any school board is unable to discharge the duties of the office due

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to disability or absence from the school district, the school board may appoint a person to discharge the duties of such person until the disability or absence no longer exists. In the case of a 3-member school board the appointee shall be an elector of the school district. In the case of a larger school board the appointee for the president shall be the vice president and the appointee for the other officers shall be another school board member. The school board shall determine the compensation of such appointees. A person acting as school district clerk or school district treasurer shall have the powers of a deputy and shall take and file an official bond covering the person's acts unless the bond of such officer includes a bond for the officer's deputy. This subsection does not apply to vacancies caused by absence from the school district for a period exceeding 60 days covered by s. 17.03 (4).

History: 1975 c. 138, 199; 1979 c. 173.

120.06 Election of school board members. In a common or union high school district:

(1) The school board shall be elected at the spring election.

(2) School board members shall be electors of the school district and shall be elected at large by a plurality vote of the electors of the school district.

(3) The regular terms of school board members shall be 3 years, except as otherwise provided under s. 17.26.

(4) School board members elected for regular or unexpired terms shall take office, provided they have taken and filed the official oath, on the 4th Monday in April.

(5) If elector registration is required under s. 6.27 in a city, village or town lying wholly or partially within a school district, the same requirement shall apply to electors for school board members within such city, village or town, and provisions shall be made for identifying the electors of the city, village or town who are eligible to vote at the primary and spring elections for school board members.

(6) (a) In a school district which does not contain a 2nd class city, in whole or in part, the school board may, or in a common or union high school district the annual meeting may, by resolution adopted not later than the last Tuesday in November preceding an election for members of the school, require that nomination papers be filed by all candidates seeking election to the school board. If the school board or annual meeting has previously required the filing of nomination papers in such a school district, the body imposing the requirement may, by similar resolution adopted not later

than the last Tuesday in November preceding an election for members of the school board, rescind the requirement.

(b) No later than the first Tuesday in December prior to the spring election, the school district clerk shall publish a class I notice, under ch. 985, of the school district election stating the time, place and manner of filing declarations of candidacy and nomination papers, where required. No later than 5 p.m. on the first Tuesday in January prior to the spring election, or on the next day if Tuesday is a holiday, any qualified elector may file a sworn declaration of candidacy with the school district clerk in the form provided in s. 8.21 at the place specified in the notice. If the school district contains territory lying within a 2nd class city, or if the school board requires nomination papers under par.

(a) a qualified elector who desires to be a candidate shall file nomination papers in the form prescribed under s. 8.10 (3) with the school district clerk at the place specified in the notice. In the case of a 3-member apportioned or numbered school board the qualified elector also shall state the office, apportioned area or numbered seat for which the elector is a candidate. If a candidate has not filed a registration statement under s. 11.05 by the time he or she files a declaration of candidacy, the candidate shall file the statement with the declaration. A candidate shall file an amended declaration under oath with the school district clerk if he or she changes his or her residence for voting purposes to a location outside the school district as provided in s. 8.21.

(7) (a) No later than 5 p.m. on the 2nd Tuesday in January, the school district clerk shall verify the declarations of candidacy and certify the names of candidates who have filed valid nomination papers, where required, and who qualify for office. In making verifications or certifications, the school district clerk shall designate the form of each candidate's name to appear on the ballot in the manner prescribed in s. 7.08 (2) (a). Once filed, a declaration of candidacy or nomination papers may not be withdrawn.

(b) If there are more than 2 candidates for any office on a 3-member school board or more than twice as many candidates as there are members to be elected to an unnumbered school board of more than 3 members the school board shall require a primary election. If there are more than twice as many candidates as there are members to be elected from any district of a school board to which members are elected pursuant to a plan of apportionment under s. 120.02 (2), or more than 2 candidates for any seat on a numbered school board, the school

board shall require a primary election for such positions:

(c) In school districts which include, in whole or in part, a city of the 2nd class, the school board shall require a primary election if there are more than 2 candidates for any seat on a 3-member board or more than twice as many candidates as there are members to be elected to an unnumbered school board of more than 3 members. In school districts which include, in whole or in part, a city of the 2nd class and in which a plan of apportionment of school board members under s. 120.02 (2) or a plan for election of school board members to numbered seats has been adopted, the school board shall require a primary election for particular apportioned areas for which there are more than twice as many candidates as there are members to be elected and for any numbered seat for which there are more than 2 candidates. When there is a primary election it shall be held at the time specified for the spring primary.

(8) The school district clerk shall:

(a) Notify the municipal clerk of each municipality lying wholly or partially within the school district of the primary election if one is to be held and of the spring election and furnish such clerks with a copy of the notice of the school board election;

(b) Determine for the primary, if any, and again for the spring election the order in which the names of candidates are printed on the ballot by supervising the drawing of lots not later than the 7th day following the last day for filing written declarations of candidacy and nomination papers and the 3rd day following the completion of the canvass of the primary election, if any;

(c) Cause to be given a class 1 notice, in accordance with ch. 985, at least 7 days prior to the primary election, if one is to be held, and 7 days prior to the spring election. The notice shall contain the following information:

1. The date of the election;

2. The names of all candidates in the order in which they are listed on the ballot;

3. The location and open hours of polling places and a designation of which persons should vote at each polling place;

(d) Where paper ballots are utilized, provide the municipal clerk an adequate supply of ballots for the spring primary and election at least 3 weeks before the primary and election;

(e) Receive all ballots after they have been counted, reported and secured;

(f) After the primary, if any, and again after the spring election, canvass the election returns pursuant to s. 7.60 (3), insofar as applicable:

1. The school district clerk shall choose 2 reputable citizens prior to the date of the elec-

tion being canvassed who shall, with the school district clerk, constitute the board of canvassers. If the school district clerk is a candidate at the election being canvassed, the other 2 members of the board of canvassers shall designate a 3rd member to serve in lieu of the clerk for that election.

2. The canvass shall begin within 24 hours after the polls close, and continue, without adjournment, until completed.

(g) Retain and supervise the destruction of election materials from the primary, if any, and the spring election pursuant to s. 7.23 insofar as applicable; and

(h) Supervise a recount of the primary, if any, or the spring election, pursuant to s. 9.01 by the board of canvassers named in par. (f).

(9) (a) The primary and spring elections for school board members shall be conducted by the election officials for state and municipal elections. In a school board election held in conjunction with a state, county, municipal or judicial election, the polling places for the state, county, municipal or judicial election shall be the polling places for the school board election and the municipal election hours shall apply. If no state, county, municipal or judicial election is held on the day of the school board election, the school board may set the election hours and the polling places to be used and the election costs shall be charged to the school district.

(b) The school board may not select a polling place to be closed under par. (a) if:

1. Ten percent or more of the electors voting in the last school board election voted at the polling place; or

2. The polling place is located in a municipality which is located entirely within the school district.

(c) The school board shall post a notice on the door of any polling place not selected indicating all polling places selected and open for voting.

(10) Within 8 days after the election or appointment of any person to the school board, the school district clerk shall notify the person of his or her election or appointment. Notice of election shall be provided in the manner prescribed in s. 7.53 (3). On or prior to the day provided for taking office, a school board member shall take and file the official oath.

(11) The absentee ballot provisions of ss. 6.85 to 6.89 apply to elections under this section. Voting machines may be used in any city, village or town lying wholly or partially within a school district conducting an election under this section.

(12) An election in accordance with s. 17.26 to fill an unexpired term on a school board shall

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be held in the same manner as a regular school board election is held. In the case of a school board of more than 3 members, elections to fill unexpired terms shall be held simultaneously with the elections for regular terms, the regular terms to be filled by the appropriate number of candidates receiving the highest number of votes and the unexpired terms to be filled by the appropriate number of candidates receiving the next highest number of votes.

(13) A person attempting to vote at an election of school board members may be challenged as provided in s. 6.92, 6.925 or 120.08 (3).

(15) Unless otherwise provided by this chapter, s. 117.01, or other applicable law, the elections for school board members shall be guided by the municipal election laws.

History: 1973 c. 340; 1975 c. 138, 199; 1977 c. 340; 1979 c. 32, 260; 1981 c. 47; 1983 a. 484.

120.08 School district meetings. Every elector of a common or union high school district is eligible to vote at an annual or special meeting of the school district.

(1) **ANNUAL MEETING.** (a) Common school districts shall hold an annual meeting on the 4th Monday in July at 8 p.m. and union high school districts shall hold an annual meeting on the 3rd Monday in July at 8 p.m. unless the electors at one annual meeting determine to thereafter hold the annual meeting on a different date or hour, or authorize the school board to establish a different date or hour. No annual meeting may be held before May 15 or after September 30. The first school district meeting in a reorganized school district shall be considered an annual meeting.

(b) The place of the annual meeting shall be in a schoolhouse in the school district. If a schoolhouse which will accommodate the electors is not available, the place of the annual meeting shall be the nearest available place designated by the school board.

(c) The school district clerk shall publish a class 2 notice, under ch. 985, of the time and place of the annual meeting, the last insertion to be not more than 8 days nor less than one day before the annual meeting. The school district clerk shall give like notice for any adjourned meeting, if the adjournment is for more than 30 days. No annual meeting shall be deemed illegal for want of notice.

(2) **SPECIAL MEETING.** (a) Upon petition filed with the school district clerk signed by 3% of the number of heads of families residing in the school district as enumerated by the last school census or 100 electors, whichever is less, or upon the motion of the school board in a common or union high school district, a special meeting shall be called by the school district clerk or, in

his or her absence, by the school district president or school district treasurer. If the petition includes a subject beyond the power of the special meeting to transact, the school district clerk shall reject such subject and so notify each elector signing the petition.

(b) Notice of a special meeting shall be published as a class 2 notice, under ch. 985. The last insertion shall be not more than 8 days nor less than one day before the day of the special meeting. If no hour for the special meeting is fixed in the notice, it shall be held at 8 p.m.

(c) A special meeting has the powers of the annual meeting. No more than 2 special meetings may be held between annual meetings to consider or act upon the same subject, except that in counties having a population of 500,000 or more no more than 4 such meetings may be held. No tax may be voted at a special meeting, unless notice thereof is included in the notice under par. (b). The amount of the tax proposed to be voted shall be set forth in the notice. The special meeting may vote a tax of a lesser amount than stated in the notice, but not a greater amount.

(3) **CHALLENGE.** If a person attempting to vote at an annual or special meeting is challenged, the chairman of the meeting shall state to the person challenged the qualifications necessary to vote at the meeting. If such person declares that he is eligible to vote and if such challenge is not withdrawn, the chairman shall administer the following oath or affirmation to him: "You do solemnly swear (or affirm) that you are an actual resident of this school district and that you are qualified, according to law, to vote at this meeting". A person taking such oath or affirmation shall be permitted to vote, but if he refuses to take such oath or affirmation he may not vote.

History: 1979 c. 164, 301.

120.09 Consideration of special subject. If in a common or union high school district at least 60 days prior to the annual meeting a petition is filed with the school district clerk signed by 100 electors requesting that the annual meeting consider a special subject or item of business which is a proper subject or item for consideration at the annual meeting, the school district clerk shall incorporate a statement of the subject or item in the notice of the annual meeting. The school district clerk shall prepare the proper ballot to permit voting on the subject or item at the annual meeting. If the petition includes a subject beyond the power of the annual meeting, the school district clerk shall reject that part of the petition which contains such subject and notify the proper person within 20 days of the school district clerk's receipt of the petition.

The petition shall designate a person or a representative of an organization to be notified in case of its rejection.

History: 1975 c. 138, 199

120.10 Powers of annual meeting. The annual meeting of a common or union high school district may:

(1) **CHAIRMAN AND CLERK.** Elect a chairman and, in the absence of the school district clerk, elect a person to act as the clerk of the meeting.

(2) **ADJOURNMENT.** Adjourn from time to time.

(3) **SALARIES OF SCHOOL BOARD MEMBERS.** Vote annual salaries for school board members or an amount for each school board meeting the member actually attends.

(4) **REIMBURSEMENT OF SCHOOL BOARD MEMBERS.** Authorize the payment of actual and necessary expenses of a school board member when traveling outside the school district in the performance of duties and the reimbursement of a school board member for actual loss of earnings when duties require the school board member to be absent from regular employment.

(5) **BUILDING SITES.** Designate sites for school district buildings and provide for the erection of suitable buildings or for the lease of suitable buildings for a period not exceeding 20 years with annual rentals fixed by the lease.

(6) **TAX FOR SITES, BUILDINGS AND MAINTENANCE.** Vote a tax to purchase or lease suitable sites for school buildings, to build, rent, lease or purchase and furnish, equip and maintain school district buildings. The tax may be spread over as many years as are required to pay any obligations approved or authorized at the annual meeting including rental payments due in future years under an authorized lease.

(7) **TAX FOR TRANSPORTATION VEHICLES.** Vote a tax to purchase, operate and maintain transportation vehicles and to purchase liability insurance for such vehicles, and to finance contracts for the use and services of such vehicles.

(8) **TAX FOR OPERATION.** Vote a tax for the operation of the schools of the school district.

(9) **TAX FOR DEBTS.** Vote a tax necessary to discharge any debts or liabilities of the school district.

(10) **SCHOOL DEBT SERVICE FUND.** Vote a tax to create a fund for the purpose of financing all current and future capital expenditures and for paying all current bonded indebtedness for capital expenditures. All money raised through taxation or otherwise collected pursuant to this subsection shall be deposited by the school district treasurer in a segregated fund. Such money shall not be used for any other purpose, except as provided by s. 67.11 (1), or be trans-

ferred to any other fund except by authorization by a two-thirds majority vote of the total number of electors of the school district.

(11) **TAX FOR RECREATION AUTHORITY.** Vote a tax for the purposes specified in s. 66.527.

(12) **SALE OF PROPERTY.** Authorize the sale of any property belonging to and not needed by the school district. If a school site or other lands are to be abandoned which were acquired or are held upon condition that they revert to the prior owner when no longer used for school purposes, the school board shall sell any school buildings thereon or move them to another site within 8 months after the school buildings cease to be used for school purposes or the site ceases to be maintained as a school district playground or park.

(13) **SCHOOL TERM.** Fix the number of days school shall be held during the school term at not less than 180 days, as defined in s. 115.01 (10). If the annual meeting does not fix the number of days, the school board shall fix the number of days. A subsequent school district meeting or school board shall act only to change the number of days school shall be held during the school term.

(14) **LEGAL PROCEEDINGS.** Direct and provide for the prosecution or defense of any action or proceedings in which the school district is interested.

(15) **TEXTBOOKS.** Authorize the school board to furnish textbooks under conditions prescribed by the annual meeting or by the school board. The authorization shall continue in effect until revoked by a subsequent annual meeting.

(16) **SCHOOL LUNCHESES.** Direct the school board to furnish school lunches to the pupils of the school district and appropriate funds for that purpose.

(19) **CONSOLIDATION OF HIGH SCHOOLS.** In a union high school district, vote to consolidate schools or to discontinue a school where more than one high school is operated by the school district.

History: 1975 c. 39, 115, 199; 1977 c. 206; 1979 c. 301; 1981 c. 20; 1983 a. 207, 339.

Action may be instituted and maintained by board of directors of school district without specific approval of the district where management, control and conservation of school district property requires speedy application for process. Joint School Dist. No. 1 v. City of Chilton, 78 W (2d) 52, 253 NW (2d) 879.

Power to convert elementary school to another educational use is not granted by 120.10 (5) and (12), 1977 stats.; board has this power under 120.13 (1), 1977 stats. State ex rel. Waldeck v. Goedken, 84 W (2d) 408, 267 NW (2d) 362 (1978).

Sub. (10) authorizes tax levy for purposes of current or future capital expenditures even without corresponding, existing bonded indebtedness. Barth v. Monroe Board of Education, 108 W (2d) 511, 322 NW (2d) 694 (Ct. App. 1982).

Common school district's authority under (12) to lease surplus property discussed 67 Atty. Gen. 332.

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120.11 School board meetings and reports.

(1) The school board in a common or union high school district shall hold a regular meeting at least once each month at a time and place determined by the school board and may hold special school board meetings under sub. (2). A majority of the school board members constitute a quorum at a regular or special school board meeting. The school district president shall preside at school board meetings. In the president's absence, the school district vice president shall preside or, in the case of a 3-member board, the school board may select another school board member to preside. The school district clerk shall record the minutes of school board meetings and, in his or her absence, the school board may select another school board member to act as the clerk of the meeting.

(2) A special school board meeting shall be held upon the written request of any school board member. The request shall be filed with the school district clerk or, in the clerk's absence, the school district president who shall notify in writing each school board member of the time and place of the special school board meeting at least 24 hours before the meeting. The notice shall be delivered to each school board member personally or shall be left at the usual place of abode of the school board member or shall be mailed by 1st class mail to the usual place of abode of the school board member so as to arrive at least 24 hours before the special school board meeting. A special school board meeting may be held without prior notice, if all school board members are present and consent, or if every school board member consents in writing even though he or she does not attend.

(3) Before the annual meeting, the school board shall meet to examine the accounts of the school district treasurer and to prepare a full, itemized written report which shall be presented and read at the annual meeting. The report shall state all receipts and expenditures of the school district since the last annual meeting, the current cash balance of the school district, the amount of the deficit and the bills payable of the school district, the amount necessary to be raised by taxation for the support of the schools of the school district for the ensuing year and the amount required to pay the interest and principal of any debt due during the ensuing year. The report also shall include the budget summary required under s. 65.90. The school district clerk shall copy the report, with the action taken thereon, and all other proceedings of the annual meeting in full in the school district record book.

(4) The proceedings of a school board meeting shall be published within 45 days after the meeting as a class 1 notice, under ch. 985, in a newspaper published in the school district, if any, or publicized by school district-wide distribution prepared and directed by the school board and paid out of school funds. If there is no newspaper published in the school district, the proceedings shall be posted or published as the school board directs. For the purpose of publication, the proceedings shall include the substance of every official action taken by the school board at the meeting and a statement of receipts and expenditures in the aggregate. The school board shall make a detailed record of all receipts and expenditures available to the public for inspection at each school board meeting and upon request.

History: 1979 c. 141, 173; 1983 a. 27, 339.

120.12 School board duties. The school board of a common or union high school district shall:

(1) **MANAGEMENT OF SCHOOL DISTRICT.** Subject to the authority vested in the annual meeting and to the authority and possession specifically given to other school district officers, have the possession, care, control and management of the property and affairs of the school district, except for property of the school district used for public library purposes under s. 43.52.

(2) **GENERAL SUPERVISION.** Visit and examine the schools of the school district, advise the school teachers and administrative staff regarding the instruction, government and progress of the pupils and exercise general supervision over such schools.

(3) **TAX FOR OPERATION AND MAINTENANCE.**
 (a) On or before the 3rd Monday in October, determine the amount necessary to be raised to operate and maintain the schools of the school district and public library facilities operated by the school district under s. 43.52, if the annual meeting has not voted a tax sufficient for such purposes for the ensuing school term. On or before the last working day in October, the school district clerk shall certify the appropriate amount so determined to each appropriate municipal clerk who shall assess the amount certified and enter it on the tax rolls as other school district taxes are assessed and entered.

(b) If a tax sufficient to operate and maintain the schools of a school district for the ensuing school year has not been determined, certified and levied prior to the effective date of school district reorganization, except an attachment to a city school district, affecting any territory of the school district, the school board of the reorganized school district shall determine, on or before the 3rd Monday of October following

the effective date of the reorganization, the amount of deficiency in operation and maintenance funds on the effective date of the reorganization which should have been paid by the property in the reorganized school district if such tax had been determined, certified and assessed prior to the effective date of the reorganization. On or before the last working day in October, the school district clerk shall certify the appropriate amount to each appropriate municipal clerk who shall assess, enter and collect such amount as a special tax on such property. This paragraph does not affect the apportionment of assets and liabilities under s. 66.03.

(c) If on or before the 3rd Monday in October the school board determines that the annual meeting has voted a tax greater than that needed to operate the schools of the school district for the ensuing school year, the school board may lower the tax voted by the annual meeting. On or before the last working day in October, the school district clerk shall certify the appropriate amount so determined to each appropriate municipal clerk who shall assess the amount certified to him and enter it on the tax rolls in lieu of the amount previously reported.

(4) **TAX FOR DEBT RETIREMENT.** On or before the 3rd Monday of October, determine the amount necessary to meet any irrevocable tax obligations or other financial commitments of the school district not otherwise provided for. The school district clerk shall certify the amount apportioned to each appropriate municipal clerk who shall include the amount certified to him and enter it on the tax rolls as other school district taxes are assessed and entered.

(5) **REPAIR OF SCHOOL BUILDINGS.** Keep the school buildings and grounds in good repair, suitably equipped and in safe and sanitary condition at all times.

(6) **INSURANCE ON SCHOOL PROPERTY.** Keep the school buildings, equipment and other property amply insured. If there are no funds in the school district treasury sufficient to pay the premium, the school board may execute a note for that purpose.

(7) **DEPOSITORY.** Designate one or more public depositories in which the money belonging to the school district shall be deposited and specify whether the moneys shall be maintained in time deposits subject to the limitations of s. 66.04(2), demand deposits or savings deposits. When the money is so deposited in the name of the school district, the school district treasurer and bondsmen are not liable for any loss as defined in s.

34.01(2). The interest on such deposits shall be paid into the school district treasury.

(8) **INVENTORY.** Annually make an inventory of the school district property.

(9) **DISCUSSION OF PUBLIC QUESTIONS.** Upon the written application of one-half of the electors of the school district, allow the use of the school buildings or grounds for the free discussion of public questions so far as such use does not interfere, in the opinion of the school board, with the prime purpose of the school buildings or grounds.

(10) **CITIZEN ASSOCIATIONS.** If the citizens of any community are organized into a nonpartisan, nonsectarian, nonexclusive association for the discussion of public questions or for the promotion of public health by instruction in physical culture and hygiene or by physical exercises, grant to such association the use, when not being used for its prime purpose, of a school building or other school district property which is capable of being used in the work of such association, provide free of charge any necessary light, heat and janitor service and make such other provisions as are necessary for the free and convenient use of such school buildings or property by the association at such times as the association designates. All such gatherings shall be free to the public.

(11) **INDIGENT CHILDREN.** Provide books and school supplies for indigent children residing in the school district.

(12) **SANITARY FACILITIES.** Provide and maintain enough suitable and separate toilets and other sanitary facilities for both sexes at each school.

(13) **MAIL BOX.** Provide and maintain a mail box for each school of the school district located on a rural mail route.

(14) **COURSE OF STUDY.** Determine the school course of study, with the advice of the state superintendent.

(15) **SCHOOL HOURS.** Establish rules scheduling the hours of a normal school day. The school board may differentiate between the various elementary and high school grades in scheduling the school day. The equivalent of 180 such days, as defined in s. 115.01(10), shall be held during the school term. This subsection shall not be construed to eliminate a school district's duty to bargain with the employe's collective bargaining representative over any calendaring proposal which is primarily related to wages, hours and conditions of employment.

(16) **IMMUNIZATION OF CHILDREN.** Require each student to present evidence of completed basic and recall (booster) series immunizations unless the student, if an adult, or the parent, guardian or legal custodian of a minor student

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submits a written waiver to the school board under s. 140.05 (16) (c).

History: 1973 c. 61, 90; 1975 c. 180, 421; 1977 c. 206, 418; 1979 c. 301, 318, 334; 1983 a. 189 s. 329 (21).
See note to 62.25, citing Joint School Dist. No. 1 v. City of Chilton, 78 W (2d) 52, 253 NW (2d) 879.

120.13 School board powers. The school board of a common or union high school district may:

(1) **SCHOOL GOVERNMENT RULES; SUSPENSION; EXPULSION.** (a) Make rules for the organization, gradation and government of the schools of the school district, including rules pertaining to conduct and dress of pupils in order to maintain good decorum and a favorable academic atmosphere, which shall take effect when approved by a majority of the school board and filed with the school district clerk.

(b) The school district administrator or any principal or teacher designated by the school district administrator also may make rules, with the consent of the school board, and may suspend a pupil for not more than 3 school days or, if a notice of expulsion hearing has been sent under par. (c), for not more than a total of 7 consecutive school days for noncompliance with such rules or school board rules, or for knowingly conveying any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives, or for conduct by the pupil while at school or while under the supervision of a school authority which endangers the property, health or safety of others, or for conduct while not at school or while not under the supervision of a school authority which endangers the property, health or safety of others at school or under the supervision of a school authority. Prior to any suspension, the pupil shall be advised of the reason for the proposed suspension. The pupil may be suspended if it is determined that the pupil is guilty of noncompliance with such rule, or of the conduct charged, and that the pupil's suspension is reasonably justified. The parent or guardian of a suspended minor pupil shall be given prompt notice of the suspension and the reason for the suspension. The suspended pupil or the pupil's parent or guardian may, within 5 school days following the commencement of the suspension, have a conference with the school district administrator or his or her designee who shall be someone other than a principal, administrator or teacher in the suspended pupil's school. If the school district administrator or his or her designee finds that the pupil was suspended unfairly or unjustly, or that the suspension was inappropriate, given the nature of the alleged offense, or that the pupil suffered undue consequences or penalties as a result of

the suspension, reference to the suspension on the pupil's school record shall be expunged. Such finding shall be made within 15 days of the conference. A pupil suspended under this paragraph shall not be denied the opportunity to take any quarterly, semester or grading period examinations missed during the suspension period.

(c) The school board may expel a pupil from school whenever it finds the pupil guilty of repeated refusal or neglect to obey the rules, or finds that a pupil knowingly conveyed or caused to be conveyed any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives, or finds that the pupil engaged in conduct while at school or while under the supervision of a school authority which endangered the property, health or safety of others, or finds that a pupil while not at school or while not under the supervision of a school authority engaged in conduct which endangered the property, health or safety of others at school or under the supervision of a school authority, and is satisfied that the interest of the school demands the pupil's expulsion. Prior to such expulsion, the school board shall hold a hearing. Not less than 5 days' written notice of the hearing shall be sent to the pupil and, if the pupil is a minor, to the pupil's parent or guardian, specifying the particulars of the alleged refusal, neglect or conduct, stating the time and place of the hearing and stating that the hearing may result in the pupil's expulsion. Upon request of the pupil and, if the pupil is a minor, the pupil's parent or guardian, the hearing shall be closed. The pupil and, if the pupil is a minor, the pupil's parent or guardian may be represented at the hearing by counsel. The school board shall keep written minutes of the hearing. Upon the ordering by the school board of the expulsion of a pupil, the school district clerk shall mail a copy of the order to the pupil and, if the pupil is a minor, to the pupil's parent or guardian. The expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal the expulsion to the state superintendent. An appeal from the decision of the state superintendent may be taken within 30 days to the circuit court of the county in which the school is located. This paragraph shall be printed in full on the face or back of the notice.

(2) **ACCIDENT INSURANCE.** Provide for accident insurance covering pupils in the school district. Such insurance shall not be paid from school district funds unless the expenditure is authorized by an annual meeting.

(3) **AGREEMENTS WITH GOVERNMENTAL UNITS.** Enter into agreements, including leases for a

term not exceeding 50 years, with a school board, vocational, technical and adult education district board, city, village, town, county or the state or any department or agency thereof for the purchase, operation and maintenance of land, buildings and equipment for educational purposes, including, without limitation because of enumeration, contracts for the construction or repair of school driveways, roadways and parking areas or for the operation of any school program authorized by law.

(4) TUITION PAYMENTS. (a) On its own order, provide for the education of the pupils of the school district on a tuition basis, if it first has made a written finding of fact that an emergency exists, stating the nature thereof, because of the destruction of school buildings of the school district, failure to obtain a qualified teacher or any other emergency which makes it impossible to conduct school within the school district. No state aid may be paid to such school district until a copy of the finding of fact has been filed with the state superintendent. For a period of 2 years after making such order, a school district which suspends its schools under this paragraph is eligible to receive state and county aid in the same amount as if it had operated schools.

(b) On its own order, provide for the education of a portion of the pupils of the school district on a tuition basis, if the enrollment of a school district increases to a number exceeding 30 pupils per classroom. For a period of 2 years after making such order, the school district shall be eligible to receive state and county aid as though the pupils included in the order had been enrolled in the schools of such school district. The state superintendent may extend such period of eligibility from year to year, if he is satisfied on the basis of evidence presented to him that the school district is unable to provide sufficient funds for the construction of additional school buildings because of constitutional limitations on debt or that a school district reorganization which affects the school district is being contemplated under ch. 117. Thereafter the school district is not eligible to receive state and county aid until adequate school building facilities are provided in the school district to properly accommodate pupils eligible to attend the schools of the school district.

(5) BOOKS, MATERIAL AND EQUIPMENT. Purchase or otherwise acquire necessary books and stationery, equipment, school apparatus and materials for the use of the schools of the school district and purchase any school books which in its judgment are needed by pupils whose parents are not able to furnish such books.

(6) FEDERAL AID. Apply for, receive and expend moneys made available to it by any act of congress for educational programs, school property and facilities, research, school food service and other school district programs.

(7) EXCHANGE TEACHERS AND ADMINISTRATORS. Exchange any teacher or administrator employed by the school board for a teacher or administrator employed by a school board in another state or country or employed by a college or university, the state, a vocational, technical and adult education district board or a cooperative educational service agency. No exchange may be for a longer period than one year. A teacher or administrator of this state exchanged under this subsection shall be deemed to have taught during the period in the school district by which the teacher or administrator is employed and shall be assessed, for the benefit of the public employe trust fund, the full amount which would have been assessed against the teacher or administrator had the teacher or administrator actually taught in the school district.

(8) FUNDS FOR REWARDS. Establish a reward, not exceeding \$500, for information leading to the arrest and conviction of persons who damage or destroy school property or who injure any person while at school or under the supervision of a school authority.

(9) ARCHITECTS AND ENGINEERS. Contract with or employ architects and engineers for the preparation of plans and specifications for school buildings, structures and other improvements to school district property and for all other related services.

(9m) LEGAL SERVICES. Retain an attorney or attorneys to represent the board or school district in any action or proceeding brought for or against the board or district and provide for any other legal service for the welfare of the school district.

(10) SCHOOL FOOD SERVICE. Furnish school meals to pupils and pay for the meals out of school district funds. The school board may charge pupils and employes for the cost of school meals.

(11) NURSES AND DENTISTS. (a) In counties having a population of less than 500,000, employ public health nurses and licensed dentists, who shall be under the supervision of the local board of health, the department of health and social services, registered nurses and school nurses.

(b) In counties having a population of 500,000 or more, employ qualified public health nurses, school nurses, registered nurses and licensed dentists who shall cooperate with the

local board of health and the department of health and social services.

(12) HISTORICAL RECORDS. Under s. 44.09, transfer title to any school records to the state historical society which are no longer needed for the proper administration of the school district and which the society determines are of permanent historical interest.

(13) PREKINDERGARTEN CLASSES. Establish and maintain classes for children less than 4 years of age under such regulations as it prescribes. The school board may accept and receive federal funds for such purpose and expend such funds in conformity with the purposes and requirements thereof. The school board may charge a reasonable fee for attendance at such classes but may waive the fee or any portion thereof to any person who is unable to make payment.

(14) DAY CARE PROGRAMS. Establish and provide or contract for the provision of day care programs for children. The school board may receive federal or state funds for this purpose. The school board may charge a fee for all or part of the cost of the service for participation in a day care program established under this subsection. Costs associated with a day care program under this subsection may not be included in shared costs under s. 121.07 (6). Day care programs established under this subsection shall meet the standards for licensed day care centers established by the department of health and social services.

(15) SPECIAL HIGH SCHOOL COURSES. In a union high school district or a common school district operating elementary and high school grades, establish and maintain courses in industrial arts, home economics, agriculture, commercial subjects and such other courses as the school board determines.

(16) SCHOOL BOARD ORGANIZATION; FEE. Pay the membership fee in an organization of school boards in this state and the actual and necessary expenses of its representatives incurred in attending meetings of such organization.

(17) TEMPORARY USE OF SCHOOL PROPERTY. Grant the temporary use of school grounds, buildings, facilities or equipment, upon such conditions, including fees not to exceed actual costs, as determined by the school board, to any responsible person for any lawful nonschool purpose if such use does not interfere with use for school purposes or school-related functions. The school board shall charge a reasonable fee for such use by religious organizations. Fees received under this subsection shall be paid into the school district treasury and accounted for as prescribed under s. 115.28 (13). The user shall be primarily liable, and the school board secondarily

liable, for any damage to property and for any expense incurred in consequence of any use of school grounds, buildings, facilities or equipment under this subsection.

(18) PROPERTY FOR ECOLOGICAL, AGRICULTURAL OR VOCATIONAL INSTRUCTION. Subject to the authority of the annual or special meeting to approve the acquisition of real property, acquire real or personal property for ecological, agricultural or vocational instruction, experimentation or other school-related purposes.

(19) COMMUNITY PROGRAMS AND SERVICES. Establish and maintain community education, training, recreational, cultural or athletic programs and services, outside the regular curricular and extracurricular programs for pupils, under such terms and conditions as the school board prescribes. The school board may establish and collect fees to cover all or part of the costs of such programs and services. Costs associated with such programs and services shall not be included in the school district's shared cost under s. 121.07 (6).

(20) OPTIONS TO PURCHASE REAL PROPERTY. Solicit and obtain one or more options to purchase real property and, upon approval of the annual or special meeting, exercise such option.

(21) LECTURES. Provide free lectures on educational subjects in school buildings, public library buildings or other suitable places, and provide for the further education of the adult residents of the school district. The school board may purchase books, stationery, charts and other things necessary to conduct such lectures and may designate a person to manage such lectures.

(22) CABLE TELEVISION AND DATA PROCESSING SERVICES. Enter into leases for a term not exceeding 20 years for acquisition of cable television or data processing services and facilities for educational purposes.

(23) BONDS FOR OFFICERS AND EMPLOYEES. Require an officer or employe of the board to give security in such form and amount as the board determines, and may require at any time additional bonds and sureties of any officer or employe.

(24) CONTRACTS WITH OTHER GOVERNMENTAL UNITS. Participate and enter into contracts with school boards and other governmental units as provided under s. 66.30 (6).

(25) LEASE SCHOOL PROPERTY. In addition to any other authority, lease school sites, buildings and equipment not needed for school purposes to any person for any lawful use at a reasonable rental for a term not exceeding 15 years if approved at an annual or special school district meeting.

(26) CONTRACTS WITH PRIVATE EDUCATION SERVICES. Upon the approval of the state superintendent and applicable for school years 1980-81 to 1984-85, contract with private education services for pupils who need concurrent education and treatment services, the educational portion of which is not available in the schools in which the pupils are enrolled. Private education services provided under this subsection may not include religious or sectarian teachings or instruction.

(26m) CONTRACTS WITH COUNTY HANDICAPPED CHILDREN'S EDUCATION BOARDS. Contract with a county handicapped children's education board for special education services. The costs of such services shall be included in the school district's shared cost under s. 121.07 (6). This subsection applies beginning on the effective date of a resolution adopted under s. 115.86 (9) (c).

(27) TRANSPORTATION OF PERSONS WHO ARE NOT PUPILS. (a) Subject to par. (b), the school board may use or allow the use of school buses owned and operated by the school district to transport persons who are not pupils of the school district. School buses may be used by persons who are not pupils of the school district during school hours if such use does not interfere with the transportation of pupils of the school district. The school board shall charge a fee for use of the school buses under this subsection. The fee shall be an amount equal to the actual cost of transportation under this subsection, including but not limited to costs for depreciation, maintenance, insurance, fuel and compensation of vehicle operators. If the school board denies a written request for use of the school buses, the school board shall provide the requester a written statement of the basis for the denial within 14 days after the denial.

(b) No school bus may be used to provide transportation under this subsection unless the vehicle is insured by a policy providing property damage coverage and bodily injury liability coverage for such transportation in the amounts specified in s. 121.53 (1).

(27m) TRANSPORTATION OF INDIGENT PUPILS. Provide transportation to and from school for indigent pupils who reside in the school district and who are not required to be transported under s. 121.54. In this subsection, "indigent pupils" means pupils eligible for free lunches or reduced-price lunches under 42 USC 1758 or aid to 18-year-old students under s. 49.20 or for whom aid to families with dependent children is being received under s. 49.19 or any combination thereof, as determined by the school board. If a school board determines to provide transportation under this subsection, there shall be

reasonable uniformity in the transportation furnished such pupils whether they attend public or private schools. The cost of transporting pupils under this subsection may not be included in the school district's shared cost under s. 121.07 (6) (a).

(28) RECORDS CUSTODIAN. On behalf of any school district authority as defined in s. 19.32 (1), including the school board, school district officers and any subunit of the school board or school district, designate one or more persons to be legal custodians of records.

(29) BORROWING. Borrow money and issue municipal obligations, as provided in ch. 67.

(30) VOCATIONAL EDUCATION INSTRUCTOR OCCUPATIONAL COMPETENCY PROGRAM. Submit to the department proposals for participation in the vocational education instructor occupational competency program under s. 38.32.

History: 1973 c. 94, 290; 1975 c. 115, 321; 1977 c. 206, 211, 418, 429; 1979 c. 20, 202, 221, 301, 355; 1981 c. 96, 314, 335; 1983 a. 27, 193, 207, 339, 370, 518, 538.

See note to Art. X, sec. 3, citing *Pacyna v. Board of Education*, 57 W (2d) 562, 204 NW (2d) 671.

School board may issue subpoena to compel attendance of witness at expulsion hearing. Expulsion may be partially based on hearsay statements by school staff. Due process discussed. *Racine Unified School Dist. v. Thompson*, 107 W (2d) 657, 321 NW (2d) 334 (Ct. App. 1982).

Because of lack of statutory authority, speech therapists may not supply services to students attending therapy sessions in parochial school buildings. 63 Atty. Gen. 8.

Students may have bus riding privileges suspended without being suspended or expelled from school. However, both public and private school students must be afforded due process under (1) before such suspension can take place. 63 Atty. Gen. 526.

Democracy in the classroom: due process and school discipline. 58 MLR 705.

120.14 Audit of school district accounts. In a common or union high school district:

(1) At the close of each fiscal year, the school board of each school district shall authorize an audit of the school district accounts pursuant to sub. (2) or employ a licensed accountant to audit the school district accounts and certify the audit. If required by the state superintendent under s. 115.28 (18), the audit shall include an audit of the number of pupils reported for membership purposes under s. 121.004 (5). The cost of the audit shall be paid from school district funds.

(2) The school board may request the department of revenue in accordance with s. 73.10 (5) to audit the school district accounts, install a system of accounts compatible with the uniform financial accounting system prescribed in s. 115.28 (13) and advise and make recommendations concerning current financial practices and procedures.

(3) The annual meeting may authorize and direct an audit of the school district accounts either by a licensed accountant or by the department of revenue.

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(4) The department shall establish by rule a standard contract and minimum standards for audits performed under this section.

History: 1971 c. 108 ss. 5, 6; 1971 c. 125 s. 523; 1975 c. 224; 1977 c. 29; 1983 a. 27; 1983 a. 189 s. 329 (17m).

120.15 School district president; duties. The school district president of a common or union high school district shall:

(1) Countersign all checks, share drafts or other drafts for disbursement of school district moneys.

(2) Defend on behalf of the school district all actions brought against the school district.

(3) Prosecute, when authorized by an annual meeting or the school board, actions brought by the school district.

(4) Prosecute an action for the recovery of any forfeiture incurred under chs. 115 to 121 in which the school district is interested. If the school district president has incurred the forfeiture, such action shall be prosecuted by the school district treasurer. Of the net sum recovered under such action, one-half shall be paid into the school district treasury and one-half to the county treasury for the benefit of the school fund.

(5) Act as chairperson of school board meetings and see that minutes of the meetings are properly recorded, approved and signed. In the absence of the president, the vice president or, in the case of a 3-member board, another school board member selected by the school board, shall act as chairperson of school board meetings.

History: 1979 c. 89, 173; 1981 c. 20; 1983 a. 368

120.16 School district treasurer; duties. The school district treasurer of a common or union high school district shall:

(2) Apply for, receive and sue for all money appropriated to or collected for the school district and disburse the same in accordance with this subsection and s. 66.042. Disbursements from the school district treasury shall be made by the school district treasurer upon the written order of the school district clerk after proper vouchers have been filed with the school district clerk. Such disbursements shall be by order check, share draft or other draft and no order check, share draft or other draft is valid nor may it be released to the payee unless signed by the school district clerk and school district treasurer and countersigned by the school district president. In a school district having 5 or more school board members, another school board member may countersign such order checks, share draft or other draft in lieu of the school district president. No order check, share draft or other draft may be drawn for the

payment of which money has not been appropriated according to law. The school district treasurer may receive money raised in extracurricular activities. The school board may by resolution authorize the use of facsimile signatures as provided in s. 66.042 (3). A certified copy of the resolution shall be filed with the school district clerk and each public depository concerned.

(3) Enter in his account books all money received and disbursed by him, specifying the source from which it was received, the person to whom it was paid and the object for which it was paid.

(4) Present to the annual meeting a written statement of all money received and disbursed by him during the preceding year.

(5) Immediately upon receipt, deposit the funds of the school district in the name of the school district in a public depository deposit designated by the school board under s. 120.12 (7). Failure to comply with this subsection shall be prima facie grounds for removal from office. When such funds are so deposited, the school district treasurer and his or her bonders are not liable for losses as defined in s. 34.01 (2). The interest derived from such funds shall be paid into the school district treasury.

(6) Withdraw funds of the school district deposited in savings or time deposits by written transfer order in accordance with this subsection and s. 66.042. Written transfer orders may be executed only for the purpose of transferring deposits to an authorized deposit of the school district in the same or another authorized public depository. The transfer shall be made directly by the public depository from which the withdrawal is made. No transfer order is valid unless signed by the school district clerk and school district treasurer and countersigned by the school district president. In a school district having 5 or more school board members, another school board member may countersign transfer orders in lieu of the school district president. The school board may, by resolution, authorize the use of facsimile signatures as provided in s. 66.042 (3). A certified copy of the resolution shall be filed with the school district clerk and each public depository concerned.

History: 1973 c. 90; 1977 c. 29, 211; 1979 c. 318; 1981 c. 20; 1983 a. 189 s. 329 (21); 1983 a. 368

120.17 School district clerk; duties. The school district clerk of a common or union high school district shall:

(1) Report the name and post-office address of each officer of the school district, within 10 days after the election or appointment of the officer, to the clerk and treasurer of each munic-

ipality having territory within the school district.

(2) Act as clerk and record the proceedings of annual and special meetings.

(3) Enter in the record book provided by the school board the minutes of its meetings, orders, resolutions and other proceedings.

(4) Enter in the record book copies of all his reports to the municipal clerks and the certificate of the proceedings of a meeting returned by a temporary clerk.

(5) Draw orders on the school district treasurer as directed by an annual or special meeting or the school board and record all orders drawn on the school district treasurer.

(7) Furnish each teacher with a copy of the contract between him and the school board.

(8) (a) Annually on or before the last working day in October, deliver to the clerk of each municipality having territory within the school district a certified statement showing that proportion of the amount of taxes voted and not before reported, and that proportion of the amount of tax to be collected in such year, if any, for the annual payment of any loan to be assessed on that part of the school district territory lying within the municipality. Such proportion shall be determined from the full values certified to the school district clerk under s. 121.06 (2).

(bm) If the equalized valuation of that part of a municipality lying within a school district is reduced due to the removal of property from the tax roll because the imposition of the property tax on that property is found unconstitutional, the school district clerk shall notify the supervisor of equalization. The supervisor of equalization shall reduce the equalized valuation by the full value of the property so removed and certify the resulting equalized valuation to the state superintendent and the school district clerk for use in computing the tax levy certifications under this subsection. Corrections may be made under this paragraph only for the valuations used by the department of public instruction for the last 2 school years.

(c) If an order of school district reorganization or an ordinance of annexation is effective after January 1 and before July 1 of any year, the school district clerks of the school districts affected shall prepare the certified statement under par. (a) based on the equalized valuation of the school districts as altered by the order and related to the equalized valuation of the year upon which the tax levy is required to be made. If the school district clerk has filed such statement prior to the effective date of the order, the clerk shall file a corrected certification which shall be accepted by the clerks of the

municipalities affected and acted upon by them as provided in par. (a). Failure of the school district clerk to file a corrected certification of the levy based on the equalized valuation of each of the municipalities or portions thereof within the school district shall be corrected by the school district clerk by an appropriate adjustment in the levy certified in the following year.

(9) Within 5 days after receipt of notification from the school board of the name of a new school, notify the proper postmaster of the name and location of the school and the number of the school district. If a school is not located on a mail route, the school district clerk shall furnish the postmaster with the names of persons to whom the mail for the school may be delivered. The school board may rent a lock box at school district expense for each school not on a mail route. The school district clerk shall notify the postmaster of school vacations and shall direct what disposition shall be made of the school mail during vacations.

(10) Have authority to administer the oath of office to school board members.

History: 1971 c. 56; 1973 c. 61, 90; 1977 c. 29 s. 1647 (4); 1977 c. 418; 1983 a. 275 s. 15 (3); 1983 a. 339, 405.

Sub. (8) (b) applies only when equalized valuation decreases. 60 Atty. Gen. 251

120.18 Annual school district report. Annually at such times as the department prescribes but on or before August 15, the school district clerk of a common or union high school district shall file a verified annual school district report with the department, on forms supplied by the department. At the beginning of the school term, the school district clerk shall send a copy of the annual school district report to the school district administrator and shall notify the person in charge of each school in the school district that the reports are on file in the school district clerk's office. Accounting and financial information provided by the school district in the annual report shall be prepared from the system of accounts prescribed by the department. If the school district clerk neglects to make the annual report, the clerk shall be liable to the school district for the whole amount of money lost by the school district because of such neglect. The annual report shall contain:

(1) Except in a union high school district, the school census, showing the numbers and ages of children between the ages of 4 and 20 residing in the school district. Children cared for at a charitable or penal institution of this state may not be included in the report. The school district clerk may employ a competent person to take the school census.

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(2) The number of children between the ages of 4 and 20 taught in the schools of the school district during the school year.

(3) The number of children attending the schools of the school district during the school year under the age of 4 and over the age of 20 years.

(4) The number of school days taught, including holidays, by teachers legally qualified to teach.

(5) The names of all teachers employed by the school district during the school year; the number of days taught by each, including holidays; the monthly salary paid to each; and the time allowed each teacher for attendance at an educational convention for which no wages were deducted.

(6) The amount of money received during the school year, designating separately the amount received from the school fund income, from taxes levied by the county board, from taxes voted by the school district and from all other sources and the manner in which such money was expended, showing separately the expenditure of school money received from the state.

(7) The amount and character of school district debts.

(8) Such other facts and statistics in relation to the schools, public or private, in the school district as the department requires.

History: 1975 c. 189, 224.

120.21 School board contracts for courses.

(1) The school board of a union high school district or a common school district operating elementary and high school grades may contract:

(a) With the university extension division of the university of Wisconsin for extension courses for pupils enrolled in high school.

(b) With flight operator schools, approved by the U.S. civil aeronautics administration, for courses in flight instruction approved by the state superintendent.

(2) The cost of such contracts shall be paid out of school district funds and shall be included in the cost of operation and maintenance of the school district for the purpose of computing tuition costs.

120.22 On-farm training to veterans. The school board of a union high school district or a common school district operating elementary and high school grades may provide institutional on-farm training to veterans who are eligible for such training under any act of congress and may charge tuition on the basis of the cost per week to each veteran enrolled for all classroom, group, individual or other instruc-

tion recognized by the veterans administration in the payment of education and training allowances.

SUBCHAPTER II**CITY SCHOOL DISTRICTS**

120.40 Applicability. School districts operating under this subchapter are city school districts.

120.41 General provisions. (1) General school law governs the schools of a city school district, insofar as applicable and in harmony with this subchapter. Every city operating a school system under this subchapter is a single and separate school district, but the school system does not constitute a separate legal entity. Territory outside a city which is joined with city territory in the formation of a city school district is attached to the city for school purposes and such a school district constitutes a joint city school district.

(2) No city school district may be created or abolished except under ss. 117.02, 1981 stats., and 120.50.

(3) Any territory of a city operating a city school district which lies within another school district shall not pay school tax within such city. The electors residing in territory which lies within the other school district shall continue to vote on school matters within such other school district and shall not vote on any matter relating to the city school district.

History: 1981 c. 340 s. 8; 1983 a. 27 s. 2202 (42).

Pupils within area attached to city for school purposes are not city residents. *Morrisette v. DeZonia*, 63 W (2d) 429, 217 NW (2d) 377.

120.42 Number of school board members. A city school district operating elementary grades may have 3 or 5 school board members. A city school district operating elementary and high schools grades may have 3, 5, 7 or 9 school board members. A city school board which is not elected at large may have additional school board members.

120.43 Method of selecting school board members. (1) (a) School board members shall be electors of the school district and may be elected at large, at large to numbered seats or by aldermanic districts at the spring election. A plan of apportionment of school board members may be adopted in accordance with s. 120.02 (2).

(b) School board members are city officials. Prior to taking office, they shall take and file the official oath.

(2) Electors residing in any territory attached to the city for school purposes may be elected or appointed to and may serve upon the school board in the same manner as electors of the city.

(a) If city school board members are elected by aldermanic districts, each municipality in the attached territory shall elect the same number of school board members as are elected from each city aldermanic district.

(3) Nomination papers are required for all electors seeking election to the school board. The nomination papers shall be filed with the city clerk in accordance with the laws governing the filing of nomination papers for city officers.

(4) (a) The city clerk shall prepare all ballots for the election of school board members, including ballots solely for the attached territory when the school board is not elected at large. The clerk shall designate the form of each candidate's name to appear on the ballot in the manner prescribed in s. 7.08 (2) (a).

(b) Voting machines or electronic voting systems shall be used in an election of school board members if an entire ward is included. For a partial ward, paper ballots may be used. In such case, a special registration or poll list shall be prepared by the appropriate municipal clerk and printed ballots shall be supplied by the city clerk.

(5) When an order of school district reorganization attaching territory to a city school district becomes effective, the first additional members on the school board required under sub. (2), (a) shall be appointed in accordance with s. 17.26.

(6) The regular terms of school board members shall be for 3 years, except as otherwise provided under s. 17.26. School board members selected for regular or unexpired terms shall take office, if they have taken and filed the official oath, on the 4th Monday in April.

History: 1971 c. 304 s. 29 (1), (2); 1975 c. 138, 200; 1977 c. 427; 1979 c. 260, 311; 1981 c. 287; 1983 a. 484.

120.44 Changing number or method of selection of school board members. (1) Within the limitations prescribed in s. 120.42, the number of members of a school board in a city school district or their method of selection, or both, may be changed by any of the following methods:

(a) By adoption of an ordinance by the common council and approval of the ordinance at a referendum of the electors of the city school district.

(b) By adoption of an ordinance initiated under s. 9.20 by the electors of the city school district.

(c) By adoption of a resolution by the electors of the city school district at a referendum initi-

ated by a petition signed by 300 electors of the city school district.

(2) An ordinance or resolution under sub. (1) may provide for a plan under either par. (a) or (c) and the provisions thereof shall be set forth in the ordinance or resolution.

(a) The plan may provide that school board members shall be chosen at large at the spring election for terms of 3 years beginning on the 4th Monday in April. If the number of school board members is increased, the city clerk shall prepare an election plan under s. 120.02 (3) and, prior to the first election of such additional members, the city clerk shall publish notice of the plan as a class 1 notice, under ch. 985. They shall be nominated and elected as are other city officials.

(c) The plan may provide that school board members shall be elected at large to numbered seats and that the school board shall, at its first meeting after the adoption of the ordinance or resolution, assign a number to each seat on the school board. Thereafter, candidates for school board membership shall file as candidates for a particular numbered seat on the school board.

History: 1975 c. 138, 199; 1977 c. 26, 384; 1981 c. 287.

120.45 Attached territory; elections. The electors residing in territory attached to a city for school purposes may vote on all school matters, including the borrowing of money for school purposes, which are voted upon by the electors residing in the city. Electors residing in such attached territory may vote at the polling place where they vote at state, municipal and judicial elections or at any other convenient polling place agreed upon by the city clerk and the clerk of the municipality whose electors are concerned. Such electors may initiate and sign petitions pertaining to city bonds for school purposes as provided in s. 67.05 (7) (b). When a school matter is to be voted upon, the city clerk shall ascertain from the clerks of the municipalities in which the attached territory lies the number of ballots each municipality will require and shall prepare and supply sufficient ballots for such purpose at the city's expense. Upon receipt of the election returns, the clerks of such municipalities shall certify to the city clerk the results of an election at which a school matter is voted upon, including the election of school board members.

120.46 School board election by classes. (1) In a joint city school district, the school board may be elected by classes if the school district meets all of the following requirements:

(a) It contains a city of the 2nd class and territory of one or more adjacent cities and one village all of which was attached to the city for

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school purposes by an order of school district reorganization.

(b) Prior to such attachment, the school board consisted of 7 members elected at large.

(c) Following the attachment, the school board was enlarged to 9 members to provide representation of the village on the school board.

(2) Upon the call of the mayor of the city containing the largest equalized valuation in the joint city school district, the governing bodies of the cities and village shall meet jointly, under the chairmanship of such mayor and each municipality shall have the number of votes prescribed in s. 120.50 (2). Upon a majority vote, the joint meeting may divide the 9-member school board into 2 classes, as follows:

(a) One class shall consist of 7 members elected at large by the entire school district, who shall be residents of the city of the 2nd class or the territory of the adjacent cities.

(b) The other class shall consist of 2 members elected at large by the entire school district, who shall be residents of the village.

(3) The joint meeting shall designate which of the existing school board positions shall be placed into each class.

(4) After action by the joint meeting, the clerk of the city of the 2nd class shall prepare all subsequent election notices and ballots which shall indicate the classifications, the positions to be filled thereunder and the candidates therefor.

(5) The positions shall be filled by the candidates in each respective class who receive the largest plurality of votes from the school district at large.

(6) The election of school board members by classes under this section may be terminated at a joint meeting held in accordance with sub. (2). Thereafter, the school board shall be elected from the school district at large.

120.48 School board meetings. (1) The school board in a city school district shall hold regular monthly meetings at such times as it prescribes by rule. Special meetings may be held under rules adopted by the school board. The school board shall inform the public of its regular monthly meetings, either by publication of a class 1 notice, under ch. 985, with the specific exception that insertion thereof need not be at least one week before the meeting, or by other means which may include posting. All school board meetings shall be open to the public, except as provided in subch. IV of ch. 19 and except that the public shall be excluded from a hearing before the school board on charges against an employe, if requested by the

employe against whom the charges are preferred.

(2) Annually, the school board in a city school district shall elect a school board president and school board vice president from among its members and a school district clerk who need not be a member of the school board. The city treasurer shall be the school district treasurer.

(3) Annually, the school district clerk shall file the report required under s. 120.18.

(4) Except in school districts operating under ch. 119, the proceedings of a school board meeting in a city school district shall be published within 45 days after the meeting as a class 1 notice, under ch. 985, in a newspaper published in the city. If no newspaper is published in the city, the proceedings may be publicized as the school 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.

(5) Before the annual city budget is prepared, the governing body or, where applicable, the fiscal board under s. 120.50 of a city operating a school system under this subchapter may fix the amount of compensation of school board members for the ensuing year and until changed, which amount shall be included in the annual city school budget and tax.

History: 1975 c. 426 s. 3

See note to 19.81, citing 66 Atty. Gen. 93.

120.49 School board powers and duties. In a city school district the school board shall have the powers and be charged with the duties of the school board of a common school district, as far as the same are not otherwise provided for or limited by statute. The school board of a city school district may:

(1) **SCHOOLS AND COURSES.** Establish, organize and grade the high schools, elementary schools, night schools and kindergartens and prescribe the courses to be taught therein.

(2) **RULES.** Adopt rules for its meetings and deliberations and for the government of the schools, the faculty and other school board employes, including adoption of rules pertaining to conduct and dress of pupils in order to maintain good decorum and favorable academic atmosphere.

(3) **EMPLOYES.** (a) Employ personnel in accordance with ss. 118.22 and 118.24.

(b) The school board may employ janitors and engineers and other needed help to care for the school buildings and other school property.

(c) The school board may fix the compensation and prescribe the duties of all persons employed or appointed by the school board.

(4) PROPERTY AND BUDGET. (a) Estimate the expenses of the schools and prepare a budget, purchase sites for school buildings or other school uses and construct buildings or additions thereto. Any action under this paragraph shall be submitted to the common council for approval or, where applicable, the fiscal board under s. 120.50. Deeds and leases taken shall be in the name of the city and the title to all school property shall vest in the city.

(b) The school board may select sites and employ architects and engineers for the preparation of plans and specifications for school buildings and adopt such plans and specifications.

(c) An agreement made by the school board under s. 120.13 (3) shall be approved by the common council or, where applicable, the fiscal board under s. 120.50.

(d) All money appropriated for school purposes shall be under the direction of and shall be expended by the school board.

(e) The school board may enter into a contract with other school boards under s. 66.30 (6).

(5) EQUIPMENT. Purchase and preserve necessary school equipment and apparatus.

(6) INSURANCE. Provide for accident insurance covering pupils in the school district. Such insurance shall not be paid from school district funds unless the expenditure is authorized by the common council or, where applicable, the fiscal board under s. 120.50.

(7) TEXTBOOKS. (a) Determine the textbooks to be used in the schools and keep a list of such books in the school board office. The school board shall not change such textbooks within 3 years of adoption, unless the school district furnishes free textbooks.

(b) The school board may purchase textbooks and fix the terms and conditions under which they are furnished to pupils, but no book may be used or permitted which tends to teach sectarian ideas.

(8) UTILITIES. Contract for the necessary fuel, light, water and supplies for the schools.

(9) SCHOOL FOOD SERVICE. Furnish school meals to pupils at cost. School meals may be furnished to needy pupils at such prices and on such conditions as the school board prescribes, but the fact that such meals are furnished to some pupils at less than cost shall not be disclosed to others.

(10) PREKINDERGARTEN CLASSES. Establish and maintain classes for children under 4 years of age in accordance with rules and regulations prescribed by the school board. The school board may accept and receive federal funds for the operation of such classes and expend such

funds in conformity with the purposes and requirements thereof. The school board may charge a reasonable fee for attendance at such classes in order to sustain the classes but may waive such fee or any portion thereof to any person who is unable to make such payment.

(11) SCHOOL BOARD ORGANIZATION; FEE. Pay the membership fee of the school board in an organization of school boards in this state, and the actual and necessary expenses of its representatives in annually attending a meeting of such organization.

(12) LEGAL COUNSEL. In the case of a city school district or a joint city school district, determine either to employ outside legal counsel or to retain the city attorney.

(13) BONDS FOR OFFICERS AND EMPLOYEES. Require an officer or employe of the board to give security in such form and amount as the board determines, and may require at any time additional bonds and sureties of any officer or employe.

(14) LEASE SCHOOL PROPERTY. In addition to any other authority, lease school sites, buildings and equipment not needed for school purposes to any person for any lawful use at a reasonable rental for a term not exceeding 15 years if approved by the common council or, where applicable, the fiscal board under s. 120.50.

(15) CONTRACTS WITH PRIVATE EDUCATION SERVICES. Upon the approval of the state superintendent and applicable for school years 1980-81 to 1984-85, contract with private education services for pupils who need concurrent education and treatment services, the educational portion of which is not available in the schools in which the pupils are enrolled. Private education services provided under this subsection may not include religious or sectarian teachings or instruction.

(16) RECORDS CUSTODIAN. On behalf of any school district authority as defined in s. 19.32 (1), including the school board, school district officers and any subunit of the school board or school district, designate one or more persons to be legal custodians of records.

History: 1975 c. 21, 379; 1977 c. 26, 211, 418; 1979 c. 20, 221, 301; 1981 c. 335

Conditions under which a city school district may employ legal counsel discussed: 61 Atty. Gen. 129

120.50 Fiscal board. (1) Whenever an order of school district reorganization under s. 117.02, 1981 stats., or 117.03 affecting a city school district becomes effective, the aldermen, town chairman or the chairman's designee as provided in sub. (2) and village president of the municipalities affected by the reorganization shall determine by the voting method prescribed in sub. (2), whether to:

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(a) Abolish the city school district and create a common school district or a unified school district containing the territory of the city school district. If a determination is made under this paragraph, the city clerk shall transmit a certified copy of the determination to the state superintendent who shall make an order in accordance therewith and file it as provided in s. 117.01 (2) (c).

(b) Continue as a city school district with the fiscal control of the school district exercised by a fiscal board constituted under sub. (2).

(2) The fiscal board shall exercise fiscal control of the city school district in the following manner:

(a) If the town chairman does not reside within the city school district, the chairman shall designate a town supervisor who resides within the city school district as the chairman's representative. If no members of the town board reside within the city school district, the town chairman shall designate an elector of the town who resides within the city school district as the chairman's representative.

(am) Each town chairman or designee of the chairman and village president shall have one vote for each full \$200,000 of equalized valuation and remaining major fraction thereof of the school district within his or her town or village, but in no case may a town chairman or village president have less than one vote.

(b) Each mayor of a city having territory which lies within a city school district operated by another city shall have one vote for each full \$200,000 of equalized valuation and remaining major fraction thereof of the school district within his city, but in no case shall the mayor have less than one vote.

(c) The aldermen of the city operating the city school district shall have one vote for each full \$200,000 of equalized valuation and remaining major fraction thereof of the school district within the city. Each alderman present at a meeting of the fiscal board shall have the number of votes determined by dividing the total number of votes to which the aldermen are entitled by the total number of aldermen present at such meeting.

(3) The fiscal board shall have the power to approve the school budget, to levy the general property tax for school purposes and to exercise all other fiscal controls over the city school district which were exercised by the common council prior to the establishment of the fiscal board.

(4) (a) Not less than 72 hours prior to a meeting of the fiscal board, the city clerk shall notify in writing each alderman, town chairman or designee of the chairman, village president

and mayor under sub. (2) (b) of the time and place of the meeting. An emergency fiscal board meeting may be held without prior written notice, if each alderman, town chairman or designee of the chairman, village president and mayor under sub. (2) (b) is notified by telephone or other means as far as possible in advance of such meeting and if each town chairman or designee of the chairman, village president and mayor and a majority of the aldermen under sub. (2) are present and consent or if every such person consents in writing even though he or she does not attend.

(b) If a town chairman or designee of the chairman, village president or mayor under sub. (2) (b) is temporarily incapacitated by illness or accident or will be absent from the school district at the time of the meeting of the fiscal board, he or she shall so notify the town board, village board or common council which then may appoint and certify in writing to the city clerk at the meeting of the fiscal board a suitable person to attend the meeting and to vote in the place of the town chairman or designee of the chairman, village president or mayor under sub. (2) (b).

(5) By the adoption of a resolution effective at the end of a school fiscal year, the fiscal board may abolish the city school district and fiscal board and create a common school district or a unified school district containing the territory of the city school district. In a joint city school district, if the boundaries of the joint city school district and the proposed unified school district are identical, any such resolution shall state whether the school board of a joint city school district shall become the first school board of the unified school district. The city clerk shall transmit a certified copy of such resolution to the state superintendent who shall make an order in accordance therewith and file it as provided in s. 117.01 (2) (c).

(6) An action under sub. (1) or (5) affecting a city school district whose territory contains a village is not effective until approved by the village board.

History: 1975 c. 111, 138, 199; 1977 c. 384; 1981 c. 287; 1983 a. 27 s. 2202 (42)

One person, one vote principle is not applicable to weighted voting of fiscal board: 69 Atty. Gen. 14

120.51 Tax levy. (1) Annually, on or before the 4th Monday in July, the school board in a city school district shall make an estimate of the expenses of the public schools for the ensuing school year and the amount which must be raised by city taxation and shall certify the estimate to the city clerk who shall submit the estimate to the common council at its next meeting. The city clerk shall forthwith cause to be published a notice under s. 65.90 (3). Follow-

ing a public hearing under s. 65.90 (4), the common council shall consider such estimate and, by resolution shall, on or before the 4th Monday in August, determine and levy the amount to be raised by city taxation for school purposes for the ensuing school year. Such amount shall be included in the annual city budget and shall be called the "City School Tax".

(2) In a city school district having a fiscal board, the city clerk shall submit the school board estimate made under sub. (1) to the fiscal board at its next meeting. The fiscal board shall consider the estimate and, by resolution, shall determine and levy the amount to be raised by taxation for school purposes for the ensuing year.

History: 1975 c. 353

120.52 Special tax levy; attached territory.

(1) When all or part of the territory of a common school district, union high school district or unified school district is attached to a city school district and the net excess of noncapital assets over the net noncapital liabilities allocable to such attached territory under s. 66.03 (2c), as of the effective date of the attachment, is not equal to the attached territory's proportionate share of the cost of operation and maintenance of the reorganized city school district for the period between the effective date of the attachment and January 1 next succeeding such date, the school board of the reorganized city school district shall forthwith determine and certify to the city clerk an amount of a special tax to be assessed and entered against the territory, describing it, attached to the city school district. The amount determined and certified, as of the effective date of the attachment, shall be the sum of:

(a) The excess, if any, of the noncapital liabilities over the noncapital assets of the attached territory; and

(b) The amount by which the noncapital assets of the attached territory is less than the proportionate share of the operation and maintenance tax that such attached territory would bear for cost of operation and maintenance if it had been a part of the city school district at the time of the approval of the last city school district budget computed for the period of time between the effective date of the attachment and the next succeeding January 1.

(2) The city clerk to whom such tax was certified shall forthwith certify such tax to the clerk of each municipality in which such specially taxed territory lies and the municipal clerk shall assess and enter such special tax on the tax roll as other taxes are assessed and

entered. The amount of the special tax shall be computed on the basis of the ratio of the equalized valuation of the attached territory to the total equalized valuation of the reorganized city school district. This subsection does not affect the apportionment of assets and liabilities under s. 66.03.

120.53 Taxation of attached territory. (1) All property attached to a city for school purposes shall be taxed for such purposes the same as property within the city. The equalized valuation of the property of each municipality lying within the city school district shall be the equalized valuation certified under s. 121.06 (2).

(2) Annually, the city clerk shall ascertain the total taxes levied for city school district purposes and shall apportion to property attached for school purposes its proportionate share thereof, based upon the equalized valuation of all property subject to such taxes within the city school district. Such proportionate amount shall be certified to the clerk of each municipality having territory attached to the city for school purposes and such amount shall be entered on the tax roll, collected and returned in accordance with s. 120.17 (8).

120.54 Disbursements. In a city school district, the city clerk shall keep separate accounts of all money raised and apportioned for city school purposes and such money shall be disbursed in accordance with this section and s. 66.042. The school board shall present to the city clerk a certified bill, voucher or schedule, signed by the school board president and school district clerk, giving the name of the claimant and the amount and nature of each claim. Upon such certification, the city clerk shall issue proper orders to the city treasurer, who shall pay them from the proper funds.

120.55 Construction work. (1) In a city school district the construction of school buildings shall be let by the school board to the lowest responsible bidder, in accordance with s. 62.15, and for that purpose the school board shall possess the powers conferred by s. 62.15 on the board of public works.

(2) In a city school district the alteration or repair of school buildings or other construction work, the estimated cost of which exceeds \$5,000, may be done under either par. (a) or (b).

(a) The work may be let by the school board to the lowest responsible bidder, in accordance with s. 62.15, and for that purpose the school board shall possess the powers conferred by s. 62.15 on the board of public works.

(b) Upon the passage of an ordinance under s. 62.15 the work may be done directly by the school board without submitting it to bids.

History: 1975 c. 244.

120.56 Sinking fund. (1) A city school district may establish a sinking fund for the purpose of financing the construction of school buildings. All money raised by taxation pursuant to this authorization shall be deposited by the city treasurer in a separate fund, designated a sinking fund, to be used to finance the construction of school buildings. Such money shall not be used for any other purpose, except as provided in s. 67.11 (1), nor shall it be transferred to any other fund unless either so authorized by adoption of a resolution by a three-fourths vote of the school board members and the adoption of a resolution by the common council approving the school board resolution or, where applicable, so authorized by a three-fourths vote of the fiscal board under s. 120.50.

(2) In the case of a joint city school district, the proceeds from sale of school property shall be deposited in the sinking fund authorized by sub. (1) to be used and expended as provided in sub. (1).

120.57 Technical, collegiate and evening programs. (1) Upon the adoption of a resolution by the common council and approval of the resolution by the electors of the city, the common council may establish a technical school or college as a school of the city school district. The resolution shall be submitted to the electors in substantially the same manner as other school matters are submitted. The resolution shall provide for the organization of such school or college and shall confer the management and control of the school or college on the school board of the city school district. The resolution may be amended or repealed by a resolution submitted and approved in the same manner.

(2) The common council or the school board of a city school district may establish evening and part-time college classes. The common council may appropriate money to maintain such classes and may accept and use donations therefor.

(3) In a city school district having a fiscal board under s. 120.50, any action taken under sub. (1) or (2) shall be by the fiscal board in lieu of the common council.

120.58 Transfer of property. (1) (a) All school property, except vocational school property, of a city or city school district operating under this subchapter and located in a unified school

district at the time of the creation of the unified school district, and all school property of a city or city school district which abolishes the city school district and creates a common or unified school district shall be sold by such city or city school district to the unified or common school district at a price equal to the principal amount of the then outstanding obligations of such city issued for school purposes.

(b) The unified school district or common school district may issue bonds or promissory notes pursuant to ch. 67 to pay the cost of purchasing such school property. The city shall deposit the proceeds of the sale of the school property in the debt service fund or funds created for the payment of its obligations issued for school purposes. The indebtedness of the city for the purpose of computing its legal debt limit shall be deemed to be reduced by the amount of such deposit. The municipal treasurer shall invest these debt service fund moneys in the name of the city in accordance with s. 66.04 (2). Bonds and notes issued by school districts for the purposes of this section are not subject to referendum. The purchase agreement shall include an irrevocable clause providing that the school district shall pay annually to the city a sum of money equal to the amount by which the interest received by the city on account of the investment under s. 66.04 (2) is less than the amount of interest paid by the city on the bonds of the city for school purposes other than vocational schools.

(2) A unified or common school district required to purchase school property under this section may pay the purchase price by issuing and delivering directly to the city one or more general obligation promissory notes of the school district pursuant to the provisions, including an irrevocable tax levy, of s. 67.12 (12), but no right to a referendum exists on the school board resolution directing the issuance of such notes and the 10-year limitation of time for payment is not applicable to such notes. Such notes shall mature and be payable at such times, in such amounts and at such a rate of interest as will amortize and pay when due the principal and interest on the then outstanding obligations of the city issued for school purposes. Upon execution and delivery to the city, all such notes shall be held and considered as an authorized investment, under s. 66.04 (2), of the sinking fund created for payment of the city obligations issued for school purposes and shall be offset against city indebtedness in computing the city's legal debt limit to the same extent as other authorized investments of the sinking fund. Such notes may be sold and hypothecated. If the offset against any city's indebtedness under this subsection is determined to be invalid in

any respect, such city immediately may require the school district issuing promissory notes under this subsection to the city to comply with sub. (1).

History: 1981 c. 340; 1983 a. 207 s. 93 (8).

A city which issued multipurpose bonds cannot, by attributing repayments of principal to the items other than school purposes so as to create a larger liability under this section. The repayments must be apportioned to the various purposes in proportion to the amounts borrowed for each purpose. *Kenosha v. Unified School Dist. No. 1*, 55 W (2d) 642, 201 NW (2d) 66.

120.61 Use of school buildings and grounds for civic purposes.

(1) Boards of school directors in cities of the 1st, 2nd or 3rd class may, on their own initiative, and shall, upon petition as provided in sub. (2), establish and maintain for children and adult persons, in the school buildings and on the school grounds under the custody and management of such boards, evening schools, vacation schools, reading rooms, library stations, debating clubs, gymnasiums, public playgrounds, public baths and similar activities and accommodations to be determined by such boards; and may cooperate, by agreement, with other commissioners or boards having the custody and management in such cities of public parks, libraries, museums and public buildings and grounds of whatever sort, to provide the equipment, supervision, instruction and oversight necessary to carry on such public educational and recreational activities in and upon such other buildings and grounds.

(2) Upon the filing of a petition with the city clerk, signed by not less than 10% of the number of voters voting at the last school or other election in such city, the question of exercising the powers granted for any of the purposes specified in sub. (1) shall be submitted to the electors of the school district at the next election of any sort held therein, and if a majority of the votes cast upon such question shall be in the affirmative, the board of school directors shall exercise said powers in accordance with said petition, pursuant to this section.

(3) The board shall report to the common council on or before the 4th Monday in July of each year in cities of the 2nd and 3rd class, on or before the first Monday in August of each year in cities of the 1st class, the amount of money required during the ensuing school year for the support of such activities and thereupon, subject to sub. (5), the common council shall levy and collect a special tax in the manner that other taxes are levied and collected, equal to the amount of money so required; but said tax shall not in any one year exceed the maximum mill tax rate prescribed for the school extension fund in s. 65.07, for all the activities conducted in said city pursuant to this section, and said tax

shall not be used or appropriated, directly or indirectly, for any other purpose.

(4) All moneys received by or raised in such city for the purposes mentioned in this section shall be paid over to the city treasurer, to be disbursed by him, in the manner that other funds at the disposal of such board of school directors in such city are disbursed.

(5) The tax provided for in sub. (3) shall not be levied or collected until after the question of the levy and collection of such tax shall have been submitted to the qualified school electors of such city pursuant to law, at some regular or special election, and shall have been favorably voted by a majority of those voting upon such question at such election. After a favorable vote on such question, as provided above, such tax shall be levied and collected annually until the voters of the school district of such city shall, by majority vote, order the discontinuance thereof. The question of such discontinuance shall be submitted in the manner the question of authorizing the levy and collection of the said tax is required by law to be submitted.

(6) The board may receive and expend for the purposes of this section any sums of money appropriated by the common council of such city for such purposes, and the common council may appropriate from the general or a similar fund to said board such sums of money as said council deems expedient for the purposes of this section.

(7) Nothing in this section shall be construed as prohibiting the board from granting the use of school property to religious organizations under s. 120.13 (17).

History: 1971 c. 152 s. 31; 1973 c. 290; 1975 c. 353; 1983 a. 339 s. 10.

SUBCHAPTER III

UNIFIED SCHOOL DISTRICTS

120.70 Applicability. This subchapter applies to unified school districts.

120.71 Establishment; powers of school district.

(1) A unified school district may be established in accordance with s. 117.043, 117.045, 117.07 or 120.50 (1) (a) or (5). Upon the establishment of a unified school district, all school districts from which it was formed shall thereupon cease to exist, and all property, assets, claims, contracts, liabilities and obligations of such school districts, except those of a city or city school district operating under subch. II, shall thereupon become the property, assets, claims, contracts, liabilities and obligations of the unified school district.

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(2) A unified school district is a body corporate with the power to sue and be sued, to levy and collect taxes, to acquire, hold and dispose of property and to do all other things reasonable for the performance of its functions in operating a system of public education.

History: 1981 c 340 s. 8.

120.72 Composition of school board. The school board of a unified school district shall be composed of 5, 7 or 9 members as designated in the order of school district reorganization creating the unified school district. The number of school board members may be changed in accordance with s. 120.02 (1). A plan of apportionment of school board members may be adopted in accordance with s. 120.02 (2). A representation plan for election of school board members by election district may be adopted under s. 120.73 (1) (e).

History: 1981 c. 20 *

120.73 Election of school board members.

(1) (a) 1. Except as provided in subd. 2, school board members in a unified school district shall be electors of the school district and shall be elected at large, or at large to numbered seats, at large to an apportioned election district by a plurality vote of the electors of the school district or from election districts pursuant to a representation plan under s. 120.73 (1) (e) by a plurality of the electors of each election district within the school district. School board members shall be elected under s. 120.06 at the spring election, except that those provisions of s. 120.06 (2), (6) (b) and (12) relating to at-large elections do not apply to elections conducted under a district representation plan. All candidates for school board seats shall file a declaration of candidacy as provided in s. 120.06 (6) (b).

2. School board members in a unified school district that encompasses a city with a population greater than 150,000 but less than 500,000 shall be elected at large to numbered seats.

(b) The regular terms of school board members shall be for 3 years. School board members elected for regular or unexpired terms shall take office, if they have taken and filed the official oath, on the 4th Monday in April. Elections to fill unexpired terms shall be held simultaneously with the elections for regular terms. In school districts electing members of the school board at large, the regular terms shall be filled by the appropriate number of candidates receiving the highest number of votes and the unexpired terms shall be filled by the appropriate number of candidates receiving the next highest number of votes.

(c) All vacancies shall be filled by appointment, in accordance with s. 17.26 (1).

(d) If a school district votes, pursuant to s. 120.02 (4) to adopt a plan requiring school board members to be elected to numbered seats, the school board shall, at its first meeting after the adoption of such plan, assign a number to each seat on the school board. Thereafter candidates for school board membership shall file as candidates for a particular numbered seat on the school board.

(e) A school district which has at any time reported a number of pupils exceeding 20,000 in its annual report under s. 121.05 may, in the manner provided in s. 120.02 (4), adopt a plan of apportionment for the election of school board members by election district. Under such a plan, the school board shall, within 60 days after adoption of the plan and decennially thereafter within 60 days after the population count by block or enumeration district for the school district established in the federal decennial census of population becomes available in printed form from the federal government or is published by an agency of this state, adopt a district apportionment plan which provides for election districts within the school district of substantially equal population. The plan shall number the election districts and divide them into 3 classes, with as nearly as possible to one-third of the members elected in each year. The plan shall be implemented at the spring election following adoption of the plan if it is adopted after the spring election and before November 1 in any year, or otherwise at the 2nd following spring election. At the election in which the plan is implemented, the first class of members shall be elected to serve a term of one year; the 2nd class of members shall be elected to serve a term of 2 years; and the 3rd class of members shall be elected to serve a term of 3 years. At the time the members initially elected under the plan take office, all incumbent members shall cease to hold office. After the adoption of the plan, candidates for school board membership shall file as candidates for a particular numbered election district. If there are more than 2 candidates for any seat on the school board from any election district, there shall be a primary election for that seat on the school board. Members of the school board shall reside in the election district within the school district from which they are elected.

(2) The order of school district reorganization creating a unified school district shall designate the date of the first election of school board members, which shall be subsequent to and within 4 months of the effective date of such order. The first election of school board members under the order of school district reorganiza-

zation shall be conducted pursuant to s. 117.01 (4) (b).

History: 1975 c. 138, 200; 1977 c. 427; 1981 c. 20; 1983 a. 484

120.74 School board meetings. (1) Annually, the school board shall elect a school board president, school board vice president, school district clerk and school district treasurer from among its members and a school board secretary who need not be a member of the school board.

(2) The school board shall meet at least once each month and at other times upon the call of the school board president or upon the filing of a request with the school district clerk signed by a majority of the school board members.

(3) Each school board member may be paid an annual salary or an amount fixed by the school board for each school board meeting the member actually attends.

(4) Proceedings of the school board shall be published in accordance with s. 120.11 (4).

History: 1977 c. 418; 1979 c. 301; 1983 a. 27 s. 2202 (42).

120.75 School board powers and duties. The public schools of a unified school district shall be under the management, control and supervision of a school board. The school board shall have the powers and duties of the school board and annual meeting in a common school district. The officers of a unified school district have the powers and duties of the officers of a common school district. No annual meeting shall be held in a unified school district. The school board shall not, in the name of the school district, issue bonds or incur other indebtedness without approval of the electors of the school district in any instance where the school board of a common school district is not authorized to do so.

History: 1981 c. 20; 1983 a. 339