

## CHAPTER 38

## VOCATIONAL, TECHNICAL AND ADULT EDUCATION

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**38.001 Mission and purpose. (1)** The legislature finds it in the public interest to provide a system of vocational, technical and adult education which enables eligible persons to acquire the occupational skills training necessary for full participation in the work force; which stresses job training and retraining; which recognizes the rapidly changing educational needs of residents to keep current with the demands of the work place and through its course offerings and programs facilitates educational options for residents; which fosters economic development; which provides education through associate degree programs and other programs below the baccalaureate level; which functions cooperatively with other educational institutions and other governmental bodies; and which provides services to all members of the public.

**(1m)** The board shall be responsible for the initiation, development, maintenance and supervision of programs with specific occupational orientations below the baccalaureate level, including terminal associate degrees, training of apprentices and adult education below the professional level.

**(2)** The principal purposes of the vocational, technical and adult education system are to:

(a) Provide occupational education and training and retraining programs, including the training of apprentices, that enable residents to obtain the knowledge and skills necessary for employment at a technical, paraprofessional, skilled or semiskilled occupation. Such programs include general education courses to facilitate student achievement in occupational skills training. The district boards should maintain courses at standards acceptable to national, regional and professional accrediting agencies and associations.

(b) Provide customized training and technical assistance to business and industry in order to foster economic development and the expansion of employment opportunities.

**(3)** The additional purposes of the vocational, technical and adult education system are to:

(a) 1. Contract with secondary schools to provide educational opportunities for high school age students in order to enhance their potential for benefiting from postsecondary education and for obtaining employment.

2. Coordinate and cooperate with secondary schools to facilitate the transition of secondary school students into postsecondary vocational education through curriculum articulation and collaboration.

(b) Provide a collegiate transfer program.

(c) Provide community services and avocational or self-enrichment activities.

(d) Provide education in basic skills to enable students to effectively function at a literate level in society.

(e) Provide education and services which address barriers created by stereotyping and discriminating and assist minorities, women and the handicapped or disadvantaged to participate in the work force and the full range of vocational, technical and adult education programs and activities.

**History:** 1971 c. 100, 125, 211; 1981 c. 269, 391; 1983 a. 379.

**38.01 Definitions.** In this chapter:

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

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

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

**(4)** "Community service program" means an avocational or self-enrichment course that does not lead to a paying occupation or present essential skills needed in nonpaying occupations and that is established by a district board and approved by the state director under procedures established by the board.

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

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

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

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

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

**(10)** "Vocational-adult program" means a part-time vocationally oriented program established by a district board which is approved by the state director under procedures established by the board.

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

**History:** 1971 c. 154, 211; 1975 c. 39; 1979 c. 34; 1983 a. 189.

**38.02 Establishment.** There is established under this chapter a system of vocational, technical and adult education to foster and maintain instruction in courses approved by the board in part-time and full-time day or evening classes. Every

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person at least the age specified in s. 118.15 (1) (b) who can profit thereby is eligible to receive instruction under this chapter and rules established by the board.

*History:* 1971 c. 154.

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

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

(3) **STAFF.** The board shall appoint such staff as is necessary under the classified service. Two division administrator positions shall be filled outside the classified service.

(4) **TEACHER AND COURSE REQUIREMENTS.** (a) Except as provided in par. (ag), the qualifications of educational personnel and the courses of study for each program offered in district schools shall be approved by the board. The board may charge the districts for the full costs associated with certification of educational personnel. Such certification expenses shall not be included in the district aidable cost.

(ag) A program approved by the development finance board under subch. IV of ch. 560 is exempt from board approval under par. (a).

(am) The board shall not consider any course of study for approval under par. (a) that has not first been approved by the district board.

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

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

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

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

(7) **FUNDING SOURCES.** The board shall develop policies for the purpose of specifically identifying the general purpose revenue and nongeneral purpose revenue funding sources used for noninstructional student activities and for the purpose of governing the allocation of funds to those noninstructional student activities supported by both general purpose and nongeneral purpose revenue.

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

(10) **ADDITIONAL FACILITIES.** (a) Except as provided under par. (b), the board shall review and approve any proposals by district boards for land acquisition, additional or new facilities, rentals and remodeling of existing facilities, prior to the letting of contracts to construct, remodel, rent or incur debt for such facilities or acquisition of land. The board shall encourage district boards to finance capital building proposals with long-term benefits through bonding or promissory note obligations.

(b) Proposals by district boards for minor rentals and minor remodeling projects are exempt from board review and approval under par. (a). The board shall promulgate rules defining "minor rental" and "minor remodeling" and establishing criteria and procedures for exempting such proposals under this paragraph.

(11) **DISTRICT REPORTING AND AUDIT REQUIREMENTS.** (a) *Uniform format and reporting systems.* The board shall establish uniform reporting methods for fiscal, enrollment, program and other information which shall be provided by the district boards as the board deems necessary and shall require common use of the fiscal year for operations and data reporting. The board shall establish, by rule, uniform formats and reporting standards for district board contracts under s. 38.14 (3) and for budgets approved by district boards under s. 38.12 (5m). The board shall promulgate rules governing the financing of capital expenditures under s. 38.15 and the management of reserve funds.

(b) *Annual audit.* The board shall promulgate rules governing the annual district audit under s. 38.12 (5). The rules shall provide for a standard audit contract and shall specify the minimum disclosures to be made by the firm conducting the audit and the persons authorized to have access to and obtain the working papers of the firm conducting the audit. The board may conduct or contract for an audit of any district.

(bm) *Uniform financial fund accounting system.* The board shall prescribe a detailed uniform financial fund accounting system, applicable to all district boards, which provides for the recording of all financial transactions inherent in the management of the districts and the administration of the district aid programs. The system shall be in operation by July 1, 1987.

(c) *Withholding of state aid.* The board shall withhold or suspend payment of all or a portion of state aid to any district board which fails to comply with accounting, budget, audit, contracting and reporting standards established by the board under this subsection.

(12) **PRISON INMATE EDUCATIONAL PROGRAM.** The board may establish vocational educational programs for inmates within the state correctional system and contract with the department of health and social services for reimbursement of that portion of the district program costs which exceeds amounts received as state and federal aid.

(13) **DISPLACED HOMEMAKERS' PROGRAM.** (a) 1. The board shall accept and process applications from district boards and local community organizations to provide services, which may include but are not limited to personal counseling and outreach, to or on behalf of displaced homemakers. The board shall make grants for these purposes from the appropriation under s. 20.292 (1) (b). Grants under this subsection shall be distributed on a statewide basis and shall supplement rather than replace funds received under any other law to provide services to displaced homemakers. To the extent possible while maintaining statewide distribution, except as provided in subd. 2, in awarding grants preference shall be given to district boards. If a particular district board does not apply for a grant under this subsection, the board may award a grant to a local community organization located in that district which submits an application. No grant may equal more than 90% of approved expenditures. Any cost to the board of administering this subsection shall be paid from the appropriation under s. 20.292 (1) (a).

2. If the board receives an application from a local community organization offering a displaced homemakers' program in the 1981-83 biennium and from a district board, the board may not give preference to the district board's application.

(b) No person may, on the ground of sex, age, race, color, religion or national origin, be excluded from participating in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this subsection.

(c) In this subsection, "displaced homemaker" means an individual who:

1. Has worked in the home for a substantial number of years providing unpaid household services for family members;
2. Is not gainfully employed;
3. Has had, or would have, difficulty in securing employment; and
4. Has been dependent on the income of another family member but is no longer supported by such income, has been dependent on public assistance but is no longer eligible for such assistance, or is supported as the parent of minor children by public assistance or spousal support but whose children are within 2 years of reaching their majority.

**(14) GENERAL DISTRICT POLICIES.** (a) The board shall promulgate rules, applicable to all district boards, establishing general district policies and procedures on all of the following:

1. Employe and district board member travel and expenses. The policies and procedures established under this subdivision shall be similar to the provisions of ss. 16.535 and 20.916, insofar as applicable.
2. Procurement.
3. Personnel, including the district director.
4. Contracts to provide services.

(b) The board may direct the district boards to establish written policies relating to any matter not enumerated under par. (a).

**(15) REVIEW OF DISTRICT BOARD APPOINTMENTS.** The board shall, by rule, establish criteria and procedures for the review of district board member appointments by the board.

**(16) INTERDISTRICT AGREEMENTS.** The board shall promulgate rules defining "jointly offered" for the purpose of s. 38.24 (3) (c) 1 and establishing criteria and procedures for determining hardship for the purpose of s. 38.24 (3) (c) 2.

**(17) INFORMATION FOR TAX BILLS.** By October 1, the board shall provide to the department of revenue the information about aids distributed under ss. 38.28 and 38.32 to each vocational, technical and adult education district that will enable the department of revenue to furnish to taxation districts the information required under s. 73.03 (31).

**History:** 1971 c. 154, 211; 1973 c. 90, 333; 1975 c. 39; 1977 c. 29; 1979 c. 221; 1981 c. 20; 1981 c. 93 ss. 19m, 30m, 30o; 1981 c. 269, 314; 1983 a. 27, 379; 1985 a. 12, 29; 1985 a. 332 s. 251 (1); 1987 a. 27.

Sub. (4) (a) does not empower teachers authorized to teach vocational students to teach high school students. 68 Atty. Gen. 248.

See note to 66.433, citing 70 Atty. Gen. 226.

See note to 19.21, citing 71 Atty. Gen. 9.

State board review of district board appointments discussed. 73 Atty. Gen. 108.

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

**(2)** In this section, "reorganization" means any alteration, dissolution, creation or merger of any district.

**(3) (a)** Upon its own motion or upon approval of a petition filed under sub. (4), the board may issue a district reorganization order. Prior to issuing an order under this subsection, the board shall conduct such studies, investigations and hearings as it deems necessary.

**(b)** Any reorganization order issued by the board shall take effect on the July 1 next succeeding the date of such order except that no order for reorganization of any district shall become effective before July 1, 1976.

(c) Three months prior to the effective date of any reorganization order, the board shall report to the joint committee on finance the fiscal and educational impact of the reorganization order upon the affected districts.

**(4) (a)** The governing body of a county, municipality or school district may file a petition with the board requesting that its territory be detached from the district in which it lies and attached to a district to which such territory is contiguous, or if portions of its territory lie in more than one district, by requesting that all such portions be placed within one of such districts.

(b) Immediately upon receipt of the petition, the board shall notify each district board affected of the receipt of the petition and the boundary reorganization requested therein. Such district boards shall within 45 days notify the board of their recommendations on the petition.

(c) Within 90 days of the receipt of the petition, the board shall notify the governing body filing the petition and the district boards affected of its approval or disapproval of the proposed detachment and attachment of territory.

**(5)** If school district boundaries are changed in accordance with chs. 115 to 121, the board may act to change district boundaries to coincide with school district boundaries without holding a public hearing.

**History:** 1971 c. 154; 1973 c. 333.

**38.08 Composition and organization of district board. (1)**

**(a) 1.** A district board shall administer the district and shall be composed of 9 members who are residents of the district, including 3 employers, 3 employes, 2 additional members and a school district administrator, as defined under s. 115.001 (8). The board shall by rule define "employer" and "employee" for the purpose of this subdivision.

2. The employer and employe members of the district board shall be representative of the various businesses and industries in the district. The school district administrator shall be employed by the school board of a school district located in the district. At least 2 of the members of the district board shall be elected officials who hold a state or local office, as defined in s. 5.02, except for the office of party committeeman or party committeewoman. No 2 members of the district board may be officials of the same governmental unit nor may any district board member be a member of the school board that employs the school district administrator member.

**(b)** District board members shall take office on July 1 and shall serve staggered 3-year terms.

**(2)** Members of a district board shall serve until their successors are appointed and qualified. A vacancy shall be filled for any unexpired term of more than 90 days in the manner provided for the making of original appointments in s. 38.10, except that if a vacancy occurs within 120 days preceding a spring election, the vacancy need not be filled until 60 days after the spring election, in the manner provided in s. 38.10.

**(2m)** Any member of a district board serving as an elected official under sub. (1) (a) 2 shall cease to be a member upon vacating his or her office as an elected official.

**(3)** The district board shall hold its annual organizational meeting on the 2nd Monday in July at which it shall elect from among its members a chairperson, vice chairperson, secretary and treasurer. If a vacancy occurs in any of the district board officer positions after the annual organizational meeting, the district board may elect an officer to fill the vacancy at any subsequent district board meeting. No person may serve as chairperson for more than 2 successive annual terms.

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87-88 Wis. Stats. 750

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

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

**History:** 1971 c. 154; 1977 c. 29; 1981 c. 269; 1983 a. 189 s. 329 (17); 1985 a. 29; 1987 a. 94.

Office of commissioner on policy board of consortium of counties under federal comprehensive employment and training act and office of president of district VTAE board which would be applicant and competitor for funds allocated are incompatible; however, counties under present statutes do not have power to form consortium for purposes of federal act where Governor has not designated them as participating units of government under 16.54 (6). 63 Atty. Gen. 453.

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

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

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

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

(1m) An appointment committee member may designate another officer of his or her governmental unit to represent the member at appointment committee meetings.

(2) (a) 1. On or before the first Monday in March, or within 30 days of the date on which a vacancy on the district board occurs, the district board secretary shall notify each member of the appointment committee, each governing body having a member on the appointment committee and the board of the vacancy or of terms of office which will expire during the year.

2. The chairperson of the appointment committee shall fix a date, to be no later than 60 days after receipt of notification of the vacancy or term expiration, or 60 days after a spring election if a vacancy occurs within 120 days preceding a spring election, and a time and place for a public hearing and meeting of the appointment committee to approve a representation plan and to appoint district board members, and shall send written notice of the public hearing and meeting to each district board member, each governing body having a member on the appointment committee, each member of the appointment committee and the board.

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

(c) At the meeting and prior to the appointment of district board members, the appointment committee shall formulate a plan of representation for the membership of the district board. The plan shall give equal consideration to the general population distribution within the district and the distribution of women and minorities within the district. The plan shall form the basis upon which membership of the district board is determined. The board shall review district board appointments to determine whether they comply with the provisions of the plan and the requirements of s. 38.08 (1) (a).

(d) 1. Upon receiving notice of the vacancy or term expiration under par. (a) 1 and at least 14 days before publication of the notice required under subd. 3, the appointment committee shall publish a notice announcing the intent to appoint district board members, including the criteria for selection, and soliciting the submission of names and qualifications of candidates.

2. In order to be eligible for consideration for appointment to the district board, a candidate shall submit his or her name and qualifications to the appointment committee within 14 days of the date of publication of the notice under subd. 1.

3. Notwithstanding s. 19.84 (3), the appointment committee shall publish a notice of any meeting or public hearing at which the appointment committee will consider the filling of any vacancy on the district board or any other matter pertaining to the appointment of district board members at least 14 days before the meeting or public hearing. The subject matter of the meeting or public hearing as specified in the notice shall contain the names of individuals being considered for appointment. Prior to the meeting at which an appointment is made, the appointment committee shall hold a public hearing at which the names and qualifications of individuals being considered for appointment to the district board shall be discussed. No person may be appointed to a district board by an appointment committee unless his or her name appeared in at least one notice of a public hearing or meeting of the committee.

4. All notices under this paragraph are class 1 notices under ch. 985, except that they shall be 8-point type or larger.

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

(f) Selection of district board members and approval of a representation plan by the appointment committee shall be by majority vote of a quorum under par. (g). If the appointment committee cannot reach agreement on the representation plan and district board membership within 30 days after their first meeting, the board shall formulate the plan of representation and appoint the district board members in accordance with the plan.

(fm) If the board determines under par. (c) that district board appointments do not comply with the plan of representation under par. (c) or do not comply with s. 38.08 (1) (a), the board shall notify the appointment committee that the district board appointments are in noncompliance. Within 45 days after receipt of the board's determination that the district board appointments are in noncompliance, the appointment committee shall make district board appointments that comply with the provisions of the plan of representation under par. (c) and with s. 38.08 (1) (a). The board shall review any appointments made under this paragraph. If the board determines that the appointments made under this paragraph do not comply with a plan of representation under par. (c) or do not comply with s. 38.08 (1) (a), the board shall formulate a plan of representation that conforms with par. (c) and the board shall appoint the district board members in accordance with the plan of representation and with s. 38.08 (1) (a).

(g) County board chairpersons from counties having a combined population exceeding 50% of the population of the district constitute a quorum to do business for appointment committees composed of county board chairpersons under sub. (1) (b). School board presidents from school districts having a combined population exceeding 50% of the population of the district constitute a quorum to do business for appointment committees composed of school board presi-

dents under sub. (1) (a). In no case may fewer than 2 people constitute a quorum.

**History:** 1971 c. 154; 1977 c. 29; 1981 c. 269; 1983 a. 192; 1987 a. 94. This section is constitutional. *West Milwaukee v. Area Bd. Vocational, T. & A. Ed.* 51 W (2d) 356, 187 NW (2d) 387.

County board chairman acts for county on special group which appoints members of district board of vocational, technical and adult education, even where there is a county administrator or executive. 60 Atty. Gen. 257.

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

**(2) DISTRICT FUNDS AND TREASURER.** The district board shall deposit all moneys received by it with the district board treasurer who shall be accountable for such funds. All expenditures exceeding \$2,500 shall be approved by the district board. Disbursement of such funds shall be made in accordance with s. 66.042 (6).

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

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

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

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

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

(d) Employment of the district director under par. (a) 1 shall be by written contract which shall be filed with the district board secretary. The contract shall set forth all of the terms and conditions of employment.

**(4) PUBLICATION OF PROCEEDINGS; OPEN RECORDS.** The proceedings of the district board meetings shall be published within 45 days after the meeting as a class 1 notice, under ch. 985, in a newspaper published in the district. If no newspaper is published in the district, the proceedings may be publicized as the district board directs. The publication of the proceedings shall include a statement of receipts and expenditures in the aggregate. The district board shall make a detailed record of all receipts and expenditures available to the public for inspection at each district board meeting and upon request.

**(5) ANNUAL AUDIT.** The district board shall annually authorize an audit of the district in accordance with rules promulgated by the board under s. 38.04 (11) (b). The district board shall submit the audit report to the board no later than 6 months following the end of each fiscal year.

**(5m) ANNUAL BUDGET.** The district board shall prepare its annual budget in compliance with rules promulgated by the board under s. 38.04 (11) (a). The district board shall submit an approved copy of its budget to the board by July 1 of each year and shall report any subsequent budget modification to the board within 30 days of approval of the modification by the district board.

**(6) TRANSPORTATION PLANNING.** The district board shall work with the regional planning commissions and the local authorities of the community in which the district school is located to evaluate the transportation needs of the district school population. The district board shall develop a transportation plan for the district school to effect energy resource conservation and efficient use of transportation resources. The plan shall include pedestrian walkways, bikeways, bike routes, bicycle storage racks, car and van pools, and to the extent feasible, improved mass transit services. The transportation plans shall detail parking management strategies and

parking fee policies which provide incentives for the use of mass transit and high occupancy vehicles. The plans shall be implemented by January 1, 1982.

**(7) DISTRICT POLICIES.** The district boards shall establish specific written policies on district matters, including all of the matters enumerated under s. 38.04 (14), which are consistent with the rules promulgated under s. 38.04 (14). The policies may not conflict with any collective bargaining agreement and are subject to review and approval by the board.

**(8) COOPERATION WITH OTHER STATE AGENCIES.** (a) The district boards shall actively coordinate, with the department of public instruction and the school boards, the responsibility for providing vocational training to pupils attending high school and for providing education to persons who have dropped out of high school.

(b) The district boards shall actively coordinate, with the institutions and centers within the university of Wisconsin system, the sharing of programs and facilities, including the collegiate transfer program, adult education and evening courses and part-time student and associate degree programs, in order to reduce the duplication of such programs and facilities.

(c) Annually by July 1, the district board shall report to the school boards of every school district located in whole or in part within the boundaries of the district on the steps the district board has taken in the previous year to satisfy its responsibility under par. (a).

**(9) FIRE FIGHTER TRAINING PROGRAMS.** The district board shall make available to members of volunteer and paid fire departments maintained by cities, villages and towns located in the district a fire fighter training program approved by the board and funded under s. 20.292 (1) (gr). No district board may charge a fee for training provided under this subsection.

**History:** 1971 c. 154; 1975 c. 198 s. 65; 1977 c. 29; 1979 c. 221; 1981 c. 20, 269; 1981 c. 391 s. 210; 1983 a. 27, 192; 1983 a. 379 ss. 2, 5, 6, 7; 1983 a. 391; 1985 a. 332 s. 251 (1), (3); 1987 a. 399.

**38.125 Public broadcasting stations.** If the district board governing the Milwaukee area technical college determines to relinquish its public broadcasting licenses, it shall offer to assign the licenses to the educational communications board, subject to approval of the federal communications commission.

**History:** 1985 a. 29; 1987 a. 399.

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

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

1. Purchase or lease materials, supplies and equipment.

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

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

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

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

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

**(3) CONTRACTS FOR SERVICES.** (a) The district board may enter into contracts to provide services to public and private educational institutions, local governmental bodies, industries and businesses.

(b) The district board may enter into contracts with local community-based organizations for basic skills instruction.

(bm) The district board may enter into contracts to provide fiscal and management services to state and local governmental units.

(c) A district board may contract with a foreign government or any business which is not operating in this state, if a district board demonstrates that the district will receive a direct and measurable benefit from the contract and that the contract will not result in a reduction in the quality of education at district schools and if all of the following conditions are met:

1. The contract meets all of the requirements for a district board contract under this subsection.

2. The contract provides for full cost recovery so that no direct or indirect costs under the contract will be funded by the district.

3. The district board reviews all cost allocation and record-keeping systems for all services provided under the contract, which shall be subject to audit by the district board, and provides guidelines which conform with the requirements of this paragraph.

4. The district board agrees to conduct an audit, on at least an annual basis, to determine that no state aids or district tax funds are spent in the execution of the contract.

(d) No district employe may receive compensation from a contract under par. (c) in excess of the compensation that he or she receives as compensation as a district employe, and any compensation that a district employe receives from a contract under par. (c) shall be paid in proportion to the percentage of an employe's workload that represents the amount of time that an employe is assigned to work under a contract.

(e) The district board shall establish and file with the board policies governing contracting under this subsection. Monthly, the district board shall submit to the board a report identifying all contracts entered into under this subsection in which the value of the services exceeds \$500. For each such contract, the report shall identify the parties, the dates during which the services will be provided, the total compensation due the district, the number of persons to be served, the type of service to be provided and the number of credits granted for instructional services performed.

**(4) GIFTS AND GRANTS.** The district board may accept gifts, grants and bequests to be used in the execution of its functions and may accept grants to provide fiscal and management services for the office of justice assistance in the department of administration or its subsidiaries or, if applicable, its successor agency.

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

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

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

**(9) ACTIVITY AND INCIDENTAL FEES.** The district board may establish student activity and incidental fees to fund, in whole or in part, the cost of services and activities offered as support services for regular instruction.

**(10) BONDS FOR OFFICERS AND EMPLOYES.** The district board may require an officer or employe of the district board to give security for the faithful performance of his or her duties in such form and amount as the district board determines, and may require at any time additional bonds and sureties of any officer or employe.

**(11) DISPLACED HOMEMAKERS' PROGRAM.** The district board may apply for and spend grant funds from the board for displaced homemakers' programs. The district board may spend those grant funds for contracts with local community organizations.

**History:** 1971 c. 154, 215; 1977 c. 29; 1979 c. 221; 1981 c. 20, 93, 269; 1985 a. 29; 1987 a. 27, 403.

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

See note to art. VIII, sec. 10, citing 60 Atty. Gen. 231.

Sub. (3) permits district vocational, technical and adult education boards to contract only with public educational institutions for instructional services. 61 Atty. Gen. 345.

VTAE districts and the state board of vocational, technical and adult education do not have the power of eminent domain and, therefore, are not subject to 32.19 to 32.27, the relocation act. 63 Atty. Gen. 367.

VTAE board may subsidize public bus line to provide transportation under (6). 65 Atty. Gen. 305.

See note to 38.04, citing 68 Atty. Gen. 248.

**38.15 Financing of capital expenditures.** (1) Subject to subs. (3) and (4), if the district board intends to make a capital expenditure in excess of \$500,000, excluding moneys received from gifts, grants or federal funds, for the acquisition of sites, purchase or construction of buildings, the lease/purchase of buildings if costs exceed \$500,000 for the lifetime of the lease, building additions or enlargements or the purchase of fixed equipment relating to any such activity, it shall adopt a resolution stating its intention to do so and identifying the anticipated source of revenue for each project and shall submit the resolution to the electors of the district for approval. The referendum shall be noticed, called and conducted as provided in s. 67.05 (3) insofar as applicable. For the purposes of this section, all projects located on a single campus site within one district which are bid concurrently or which are approved by the board under s. 38.04 (10) within a 2-year period shall be considered as one capital expenditure project.

(2) No more than \$500,000 in reserve funds, consisting of property tax revenues and investment earnings on those revenues, may be utilized by the district board to finance capital expenditures in excess of \$500,000 for the purposes under sub. (1).

(3) This section does not apply to building program actions approved by the board prior to February 1, 1980, or to building remodeling or improvement projects.

(4) The referendum requirement under sub. (1) does not apply to a project under sub. (1) if the following requirements and conditions are met:

(a) The district board intends to make a capital expenditure of not more than \$1,000,000 for the project.

(b) The amount of the total cost of the project that is funded through property tax revenues and state aid under s. 38.28 does not exceed \$500,000.

**History:** 1979 c. 221; 1983 a. 380; 1985 a. 323; 1987 a. 27, 391.

**NOTE:** Sub. (1) is shown as amended by 1987 Wis. Act 27, s. 680p and 1987 Wis. Act 391, s. 78. Sub. (1) is repealed and recreated by Act 27, s. 680pm and amended by 1987 Wis. Act 391, s. 79, both eff. 7-1-90, to read:

“(1) Subject to subs. (3) and (4), if the district board intends to make a capital expenditure in excess of \$500,000 for the acquisition of sites, purchase or construction of buildings, the lease/purchase of buildings if costs exceed \$500,000 for the lifetime of the lease, building additions or enlargements or the purchase of fixed equipment relating to any such activity, it shall adopt a resolution stating its intention to do so and identifying the anticipated source of revenue for each project and shall submit the resolution to the electors of the district for approval. The referendum shall be noticed, called and conducted under s. 67.05 (3) insofar as applicable. For the purposes of this section, all projects located on a single campus site within one district which are bid concurrently or which are approved by the board under s. 38.04 (10) within a 2-year period shall be considered as one capital expenditure project.”

Sub. (3) is amended by 1983 Wis. Act 380 and 1985 Wis. Act 323 eff. 7-1-90 to read:

“(3) This section applies to building program actions approved by the board after January 31, 1980. This section does not apply to capital expenditures in excess of \$500,000 which are fully funded by gifts, grants or federal funds or to building remodeling or improvement projects.”

This section requires approval by referendum of general building plan and source of funding, not specific project proposal which is definite as to cost, location and campus configuration. *Ball v. District No. 4, Area Board*, 117 W (2d) 529, 345 NW (2d) 389 (1984).

**38.16 District tax levy.** (1) Annually by October 31, or within 10 days after receipt of the equalized valuations from the department of revenue, whichever is later, the district board may levy a tax, not exceeding 1.5 mills on the full value of the taxable property of the district, for the purpose of making capital improvements, acquiring equipment and operating and maintaining the schools of the district, except that the mill limitation is not applicable to taxes levied for the purpose of paying principal and interest on valid bonds or notes now or hereafter outstanding as provided in s. 67.035. The district board secretary shall file with the clerk of each city, village and town, any part of which is located in the district, a certified statement showing the amount of the levy and the proportionate amount of the tax to be spread upon the tax rolls for collection in each city, village and town. Such proportion shall be ascertained on the basis of the ratio of full value of the taxable property of that part of the city, village or town located in the district to the full value of all taxable property in the district, as certified to the district board secretary by the department of revenue. Upon receipt of the certified statement from the district board secretary, the clerk of each city, village and town shall spread the amounts thereof upon the tax rolls for collection. When the taxes are collected, such amounts shall be paid by the treasurer of each city, village and town to the district board treasurer.

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

**History:** 1971 c. 154, 211; 1973 c. 61, 90; 1975 c. 39; 1977 c. 29 ss. 493, 1647 (13); 1977 c. 300 ss. 1, 8; 1977 c. 418 s. 918m; 1979 c. 34; 1981 c. 20.

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

Levy limit under 38.16 (1) does not include amounts charged under 74.73 (2). 75 Atty. Gen. 6.

**38.18 Contracts and bidding.** All contracts made by a district board for public construction in a district, the estimated cost of which exceeds \$5,000, shall be let by the district board to the lowest responsible bidder in accordance with s. 62.15 (1) to (11) and (14). For purposes of this section, the district board shall possess the powers conferred by s. 62.15 on the board of public works and the common council. All contracts made under this section shall be made in the name of the district and shall be executed by the district board chairperson and district board secretary.

**History:** 1971 c. 154; 1975 c. 244; 1981 c. 269.

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

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

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

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

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

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

be invalid in any respect, such city or village immediately may require the district issuing the promissory notes to such city or village to comply with pars. (c) and (d) to the extent necessary to cure such invalidity.

**History:** 1971 c. 154; 1983 a. 207 s. 93 (8).

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

(a) A resident of the district.

(b) A nonresident of the district who is employed in the district.

(c) A nonresident of the district who desires to take specific courses which are offered in the schools of such district but not offered in the schools of the district in which he or she resides, consistent with nonresident enrollment procedures established under sub. (5).

(d) A nonresident of this state, and if the district board of attendance approves the enrollment.

**(1m)** Notwithstanding sub. (1) (intro.), a person who is at least 15 years and 6 months of age, who satisfies the other requirements for admission under sub. (1) and who obtains a letter from his or her high school principal recommending that the person be permitted to attend the schools of a district in order to take a course in motorcycle safety is eligible to attend the schools of a district for the purpose of taking a course in motorcycle safety. A person under the age of 16 years who takes a course in motorcycle safety under this subsection may not use in the course a motorcycle other than a motorcycle provided by the school of the district for the course.

**(2)** Within 30 days of the enrollment of a student in a school of another district, the district board of attendance shall send written notice of such enrollment to the district board of the district in which the student resides.

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

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

**(5)** The board shall promulgate rules for admission of nonresident students, who are Wisconsin residents, in postsecondary and vocational-adult programs which are not offered statewide, but may not require that any district reserve places in any program for such nonresident students in excess of the percentage of nonfederal operating costs of postsecondary and vocational-adult programs funded under s. 20.292 (1) (d).

(a) The board shall promulgate rules for the admission of residents of this state who wish to transfer from their district of residence to attend another district in order to enroll in a postsecondary or vocational-adult program which is not offered in their district of residence.

(b) Rules under this subsection shall establish a method of providing placement for students under par. (a). However, no district may be required to reserve placement for students specified in par. (a) in excess of the percentage of nonfederal operating costs of postsecondary and vocational-adult programs funded under s. 20.292 (1) (d).

**(6)** Any person who has been employed as a migrant worker for at least 2 months each year for 3 of the 5 years next preceding the beginning of the semester or session for which the person wishes to enroll at a district school, or for at least 3 months each year for 2 of the 5 years next preceding the beginning of the semester or session for which the person wishes to enroll at a district school, any adult whose parent or

legal guardian has been so employed while the adult was a minor, and any minor whose parent or legal guardian has been so employed, shall be considered a resident of this state for the purposes of this section and s. 38.24. In this subsection, "migrant worker" has the meaning specified in s. 103.90 (5).

**History:** 1971 c. 154; 1977 c. 29 ss. 494, 494m, 501m; 1977 c. 273; 1985 a. 29; 1985 a. 332 s. 251 (1); 1987 a. 122.

District may not refuse to admit nonresident Wisconsin students to approved apprenticeship program because district of student's residence fails to reimburse district, unless state board adopts rules sanctioning refusal. 69 Atty. Gen. 257.

**38.24 Fees and tuition. (1) PROGRAM FEES.** The district boards shall charge students the fees established by the state board under this subsection. Annually, the board shall establish:

(a) *Liberal arts collegiate transfer programs.* Uniform fees based on 29.3% of the statewide average operational costs of liberal arts collegiate transfer programs in district schools.

(b) *Postsecondary and vocational-adult programs.* Uniform fees based on not less than 12% of the combined estimated statewide operational cost of postsecondary, exclusive of collegiate transfer, and vocational-adult programs. The board shall maintain statewide uniformity in the program fees charged for postsecondary and vocational-adult credits. Students 62 years old and over shall be exempted from program fees under this paragraph in vocational-adult programs. Students enrolled in adult high school, adult basic education and English as a 2nd language courses shall be exempted from program fees under this paragraph.

(c) *Materials fees.* Establish uniform fees against all students, including tuition exempted students under par. (b), to cover the cost of consumable materials in addition to program fees.

(d) *Programs for inmates.* Fees, for vocational programs offered to inmates by the division of corrections in cooperation with a district board, not more than 9.5% of the actual operational costs of the program in which the inmate is enrolled that are incurred by the vocational district.

**(2) REFUNDS.** The board shall establish fee and tuition refund policies.

**(3) NONRESIDENT FEES AND LIABILITIES.** (a) 1. For postsecondary and vocational-adult students who are Wisconsin residents, other than students in approved apprenticeship programs, the board shall annually establish a fee based on 37.5% of the statewide property tax funded cost per full-time equivalent student for operating these programs. The fee established under this subdivision shall be in addition to the fee charged under sub. (1).

2. For all students who are not residents of Wisconsin, nor subject to reciprocal agreements with the board, the board shall annually establish a fee based on 100% of the statewide cost per full-time equivalent student for operating the programs in which they are enrolled.

3. Except as provided under par. (b), the fees established under subs. 1 and 2 are the liability of the student.

(b) The district board of a student's district of residence is liable for the nonresident fee under par. (a) 1 only if the program in which the student enrolled is not offered by the district of residence and the district board of attendance files notice of enrollment under s. 38.22 (2). In the case of any disagreement between district boards as to liability under this paragraph, the state board shall make the final determination.

(c) District boards may enter into interdistrict contractual agreements to waive, or establish interdistrict payments for, nonresident tuition charges to any Wisconsin resident who:

1. Is enrolled in vocational-adult courses or a jointly offered postsecondary program; or

2. Meets the hardship criteria established under s. 38.04 (16). The number of students for whom nonresident tuition charges may be waived in any school year under this subdivision is limited to 5 or 2% of the district's nonresident postsecondary student enrollment in the previous school year, whichever is greater. Agreements under this subdivision may not be used to reduce a district board's liability under par. (b).

(cm) A copy of any contractual agreement between districts under par. (c) shall be submitted by the district boards to the board within 30 days after the effective date of the agreement. The district boards shall file a copy of any amendments to an agreement with the board within 30 days after the effective date of the amendments and shall notify the board whenever the agreement is terminated within 30 days after the termination.

(d) Annually on or before August 1, the district board secretary shall send a verified statement to the district board secretary of each district which is liable for a tuition charge under par. (b) for the previous year. For each student, the statement shall set forth his or her name, age and place of residence, date of enrollment in a district school and the instructional program of the student and the amounts due therefor under par. (b). The statement shall be filed as a claim against the district board of the student's district of residence and allowed as other claims are allowed.

**History:** 1971 c. 154, 211, 228; 1975 c. 39, 224; 1977 c. 29, 418; 1981 c. 20; 1983 a. 27; 1985 a. 29; 1987 a. 27.

Guidelines for determination of district of residency of a VTAE student and statutes affecting attendance at a particular VTAE school are discussed. 61 Atty. Gen. 151.

VTAE schools are not "district schools" within meaning of Art. X, sec. 3. 64 Atty. Gen. 24.

Apprentices indentured under ch. 106 may be charged tuition at VTAE schools for related instruction that apprentices must receive as a condition of their apprenticeship. 65 Atty. Gen. 37.

VTAE districts cannot enter into agreements with each other to waive nonresident tuition under (3) (b). Sub. (3) (b) is constitutional. 69 Atty. Gen. 139.

**38.27 Incentive grants. (1)** The board shall annually notify each district board of those purposes for which grants may be awarded under this section. Grants may be awarded only for the purposes of assisting in:

(a) The creation or expansion of adult high school, adult basic education and English as a 2nd language courses. The board shall give priority to courses serving minority, unemployed, disadvantaged or handicapped students.

(b) The funding of new or expanding programs, and related staff and instructional material development:

1. Which address emerging skilled training needs;
2. For which there is significant projected long-term job growth; and

3. That comply with state program priorities and plans for coordinating the efficient and cost-effective delivery of services.

(c) The purchase or lease of high-cost instructional equipment necessary to develop or improve new or expanding occupational training programs:

1. Which address emerging skilled training needs;
2. For which there is significant projected long-term job growth; and

3. That comply with state program priorities and plans for coordinating the efficient and cost-effective delivery of services.

(d) Programs that foster the provision of classroom instruction for apprentices and the upgrading of journeymen.

(e) Educational programs that would not otherwise be established or maintained because of limitations in district fiscal capacity.

(2) (a) Any district board may apply to the board for a grant to accomplish the purposes identified by the board under sub. (1).

(b) The board shall review the applications submitted under par. (a) according to procedures and criteria established by the board. Prior to awarding a grant for the purpose of sub. (1) (e), the board shall consider the principle of comparable budgetary support for similar programs and ensure that the program being considered for a grant is efficient and cost-effective. The board shall notify the district board whether the district board's application has been approved and, if approved, of the amount and the conditions of the grant to be awarded.

(c) Amounts awarded under par. (b) shall be paid from the appropriation under s. 20.292 (1) (dc) and may be paid to the district board in instalments. Amounts awarded for the purposes of sub. (1) (a) to (d) shall range from 25% to 75% of the total project cost. The board shall require the district board to provide the remaining percentage share of total project cost.

(d) Amounts awarded for the purpose of sub. (1) (a) or (e) may be awarded on a continuing basis, pending the availability of funds. Amounts awarded to support the establishment of new programs under sub. (1) (b) may be awarded for a period of up to 3 years, pending the availability of funds.

(e) Funds received under this section for the purpose of sub. (1) (a), (b), (c) or (d) may not be used to supplant funds otherwise available for such purposes.

**(2m)** The board shall ensure that:

(a) Not more than 40% of the total amount awarded under this section in any fiscal year is awarded for the purpose of sub. (1) (e).

(b) Not more than 25% of the total amount awarded under this section in any fiscal year is for the purposes of sub. (1) (c).

(3) (a) Each district board receiving a grant under this section shall, by September 1 of the fiscal year following receipt of the grant, file a report with the board. The report shall evaluate the district board's performance in attaining the goals specified in the application submitted under sub. (2).

(b) The board shall develop and implement an audit program to assess the effectiveness of the grants made under this section in accomplishing the intended goals.

**History:** 1985 a. 29; 1987 a. 399, 419.

**38.28 State aid. (1)** Annually at the time and on forms prescribed by the director, the district board secretary shall report to the board the cost of maintaining the schools of the district; the character of the work done; the number, names and qualifications of the teachers employed; the number of full-time students enrolled; the number of full-time students exempted from tuition, by course credits; the actual amount of tuition collected in postsecondary and in vocational-adult programs; and such other information as the board requires.

**(1m)** In this section:

(a) 1. "District aidable cost" means the annual cost of operating a vocational, technical and adult education district, including debt service charges for district bonds and promissory notes for building programs or capital equipment, but excluding all expenditures relating to auxiliary enterprises and community service programs, all expenditures funded by or reimbursed with federal revenues, all receipts under s. 38.14 (3), all receipts under sub. (7), all receipts from grants awarded under s. 38.27, all fees collected under s. 38.24 and driver education and chauffeur training aids.

2. "District aidable cost" for any district that does not have an institution or center located in the district does not include

costs associated with the collegiate transfer program at the district school. In this subdivision, "institution" and "center" have the meanings specified under s. 36.05.

(b) "Equalization index" means a ratio determined by:

1. Dividing the most current statewide full valuation by the board's estimate of the districts' total aidable full-time equivalent student count for the next fiscal year;

2. Dividing the most current full valuation for each district by the board's estimate of that district's full-time equivalent student count for the next fiscal year; and

3. Dividing the quotient of subd. 1 by the quotient of subd. 2, rounded to the 5th decimal place.

(2) (a) Annually, by January 1, the board shall estimate the statewide operational cost per full-time equivalent student in collegiate transfers and other postsecondary and vocational-adult programs for the next fiscal year. The board shall furnish each district board with definitions of statewide operational costs per full-time equivalent student and shall establish procedures for determining operational cost per full-time equivalent student.

(b) Each district's share of aids under this section shall be computed as follows:

1. The district's aidable cost shall be multiplied by the applicable percentage and this product shall be multiplied by the equalization index to determine state aids. In this subdivision, the "applicable percentage" is the percentage sufficient to generate total aid under this section that will fall within the range of 0.999 and 1.001 of the amount appropriated under s. 20.292 (1) (d), as determined by the board.

2. The most current equalized values certified by the department of revenue shall be used in aid determinations.

3. Beginning with the 1975-76 fiscal year, state aids shall be calculated and paid on the basis of 1975-76 district aidable cost. Annually thereafter, aid payments in any fiscal year shall fund the district aidable cost in that same fiscal year.

4. The board shall make such adjustments in aid payments during the fiscal year as are necessary to reflect more current data under sub. (1m) and s. 20.292 (1) (d). Final adjustments of state aid payments, on the basis of actual enrollments and costs, shall be made from the following year's aid appropriation under s. 20.292 (1) (d).

(c) The board shall pay 40 cents for each student period of 50 minutes or more of actual attendance for instruction in driver training courses approved by the board. The board may provide aids under this paragraph on the basis of a minimum of 10 students per class period of actual instruction regardless of the number of students actually enrolled and attending.

(d) Notwithstanding par. (b), the board may withhold, suspend or reduce in whole or in part payment of state aid under this subsection to any district board whose program or educational personnel does not meet minimum standards set by the board or which violates this chapter or any rule promulgated by the board under the authority of this chapter. The board shall discontinue aids to those programs which are no longer necessary to meet needs within the state.

(dm) Notwithstanding par. (b), the board shall withhold state aid from any district board that fails to comply with a board determination under s. 38.24 (3) (b) within 60 days of the determination. The amount withheld shall be an amount equal to the district board's liability under s. 38.24 (3) (b) and shall be paid to the district board entitled to such payment.

(e) Aids shall not be paid to a district board for any program unless the intended content of each course has been thoroughly described, and the program has been designated and approved by the state director and reviewed by the board. The board shall establish procedures to implement

this subsection which shall enhance the district's ability to respond rapidly to the needs of its citizens.

(f) The board shall compile information on anticipated cost for each succeeding fiscal year by the preceding January 1.

(g) The board shall pay \$2 for each student period of 50 minutes or more of actual instruction in chauffeur training courses approved by the board.

(3) If the appropriation for state aid under s. 20.292 (1) (d) in any one year is insufficient to pay the full amount under sub. (2), state aid payments shall be prorated among the districts entitled thereto. If the appropriation for state aid under s. 20.292 (1) (u) in any one year is insufficient to pay the full amount under subs. (2) (c) and (g), funds in the appropriation shall be used first for the purposes of sub. (2) (c) and any remaining funds shall be prorated among the districts entitled to support under sub. (2) (g). If the appropriation for state aid under s. 20.292 (1) (u) in any one year is insufficient to pay the full amount under sub. (2) (c), funds in the appropriation shall be prorated among the districts entitled to the funds.

(4) From the appropriation under s. 20.292 (1) (dm), the board shall annually pay to any district that does not have an institution or center located within the district an amount equal to that portion of the instructional costs of the district's collegiate transfer program not supported by fees and tuition that is equal to the state support of similar programs in the university of Wisconsin system, as determined by the board. In this subsection, "institution" and "center" have the meanings specified under s. 36.05.

(5) State aid shall not be paid to a district for any year, unless every teacher, administrator, principal and supervisor employed by the district during that year is under a contract providing for leave of absence by reason of sickness of such person, without deduction from salary, for not less than 5 days per year and for accumulation of unused sick leave from year to year to a total of not less than 30 days. No allowance may be paid for such absences from teaching or other educational services rendered in evening school by any person employed at least 30 hours per week in day school. This subsection does not apply to a person employed by the district board for less than 30 hours per week.

(6) (a) The board shall award a one-time supplemental aid payment to each district which levied a tax in 1986 at the maximum rate allowed in 1986 under s. 38.16.

(b) Payments to each eligible district shall be calculated as 50% of a district's loss of equalized value, determined by subtracting the district's equalized value in 1986 from the district's equalized value in 1985 multiplied by 1.5 mills.

(7) From the appropriation under s. 20.292 (1) (q), the board shall annually pay to each district an amount equal to the fee established under s. 38.24 (1) (b) for the number of credits necessary for the training required under s. 146.50 (9) and (10), multiplied by the sum of the number of ambulance attendants and ambulance service providers participating in the training required under s. 146.50 (9) and the number of ambulance attendants participating in the training required under s. 146.50 (10) that are enrolled in the district. If the amount in the appropriation under s. 20.292 (1) (q) in any fiscal year is insufficient to fully fund the payments to districts under this subsection, the payments shall be prorated.

**History:** 1971 c. 154, 211; 1973 c. 90; 1975 c. 39, 224; 1977 c. 29, 418; 1979 c. 34, 221; 1981 c. 20, 269; 1983 a. 27; 1985 a. 29; 1985 a. 332 s. 251 (3); 1987 a. 27, 399.

**38.29 Chauffeur training grants.** (1) The board shall annually notify each district board receiving state aid under s. 38.28 (2) (g) of the amounts available for grants under this section. Grants under this section may be awarded only for

the development of advanced chauffeur training facilities, the acquisition of instructional equipment for such facilities, operational costs associated with the maintenance of such facilities and equipment and costs incurred in the coordination of the training programs.

(2) (a) Any district board receiving aid under s. 38.28 (2) (g) may apply to the board for a grant for the purposes described under sub. (1).

(b) The board shall review the application according to criteria and procedures established by the board. If an application submitted under par. (a) is approved, the board shall notify the district board of the amount and conditions of the grant to be awarded.

(c) Amounts awarded shall be paid from the appropriation under s. 20.292 (1) (v).

(3) Each district board receiving a grant under this section shall, by September 1 of the fiscal year following receipt of the grant, file a report with the board. The report shall evaluate the district board's performance in attaining the goals specified in the application submitted under sub. (2) (a).

History: 1985 a. 29.

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

(b) District boards may receive payments from the department of health and social services under s. 47.02 to cover the cost of training for resident and nonresident students who are enrolled in district schools and are veterans ineligible for benefits under par. (a).

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

(d) The amounts received for nonresidents under this subsection shall not be less than the amounts specified in s. 38.24 (3) but may exceed such amounts.

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

History: 1971 c. 154; 1973 c. 284 s. 32; 1977 c. 29; 1983 a. 435 s. 7.

**38.32 Vocational education instructor occupational competency program. (1)** The board and the department of public instruction shall jointly establish a vocational education instructor occupational competency program. The program shall be designed to provide vocational education instructors in district schools and public high schools with temporary work experiences in business and industry in order to improve their knowledge and skills in the subjects they teach.

(2) The board and the department of public instruction shall review proposals submitted by district boards and school boards that are consistent with sub. (1). Beginning July 1, 1984, from the appropriations under ss. 20.255 (2) (e) and 20.292 (1) (e), the board and the department shall award grants to district boards and school boards to partially pay the salaries of teachers participating in approved proposals. Any funds received by a district board or a school board

under this subsection shall be equally matched by the district board or school board.

(3) To the extent possible, grants awarded under sub. (2) shall be equally distributed on a statewide basis.

(4) The board, in conjunction with the department of public instruction, shall promulgate rules to implement and administer the program under this section. The rules shall ensure that no worker in the participating business or industry will be displaced or laid off as a result of the program and that the program does not conflict with any collective bargaining agreement in effect on the effective date of the rules.

History: 1983 a. 370.

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

(a) "Board" means educational approval board.

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

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

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

(e) "School" means any person, located within or outside this state, maintaining, advertising or conducting any course or course of instruction for profit or a tuition charge; but in subs. (7), (8) and (10) "school" means any private trade, correspondence, business or technical school not excepted under sub. (9).

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

(g) "Teaching location" means the area and facilities designated for use by a school required to be approved by the board under this section.

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

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

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

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

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veterans administration or other appropriate federal agencies.

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

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

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

3. Funeral directors apprentices, the funeral directors examining board.

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

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

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

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

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

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

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

(g) Approve courses of instruction, schools, changes of ownership or control of schools and teaching locations meeting the requirements and standards established by the board and complying with rules established by the board and publish a list of the schools and courses of instruction approved.

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

(8) **SOLICITING OF STUDENTS.** (a) *In general.* No solicitor representing any school offering any course or course of instruction shall sell any course or course of instruction or solicit students therefor in this state for a consideration or remuneration, except upon the actual business premises of the school, unless he first secures a solicitor's permit from the board. If the solicitor represents more than one school, a separate permit shall be obtained for each school represented by him.

(b) *Solicitor's permit.* The application for a solicitor's permit shall be made on a form furnished by the board and shall be accompanied by a fee set by the board, not to exceed \$50, and a surety bond acceptable to the board in the sum of \$1,000. Such bond may be continuous and shall be conditioned to provide indemnification to any student suffering loss as the result of any fraud or misrepresentation used in procuring his or her enrollment or as a result of the failure of the school to faithfully perform the agreement made with the student by the solicitor, and may be supplied by the solicitor or by the school itself as a blanket bond covering each of its

solicitors in the amount of \$1,000. Upon approval of a permit the board shall issue an identification card to the solicitor giving his or her name and address, the name and address of the employing school, and certifying that the person whose name appears on the card is authorized to solicit students for the school. A permit shall be valid for one year from the date issued. Liability of the surety on the bond for each solicitor covered thereby shall not exceed the sum of \$1,000 as an aggregate for any and all students for all breaches of the conditions of the bond. The surety of a bond may cancel the same upon giving 30 days' notice in writing to the board and thereafter shall be relieved of liability for any breach of condition occurring after the effective date of the cancellation. An application for renewal shall be accompanied by a fee set by the board, not to exceed \$50, a surety bond if a continuous bond has not been furnished, and such information as the board requests of the applicant.

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

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

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

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

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

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

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

7. Subject to ss. 111.321, 111.322 and 111.335, the applicant has an arrest or conviction record.

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

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

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

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

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

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

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

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

(b) Schools that are supported mainly by taxes.

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

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

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

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

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

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

(10) **PROPRIETARY SCHOOL APPROVAL.** (a) *Authority.* All proprietary schools shall be examined and approved by the board before operating in this state. Approval shall be granted to schools meeting the criteria established by the board for a period not to exceed one year. No school may advertise in this state unless approved by the board. All approved schools shall submit quarterly reports, including information on enrollment, number of teachers and their qualifications, course offerings, number of graduates, number of graduates successfully employed and such other information as the board deems necessary.

(b) *Application.* Application for initial approval of a school or a course of instruction, approval of a teaching location,

change of ownership or control of a school, renewal of approval of a school or reinstatement of approval of a school or course of instruction which has been revoked shall be made on a form furnished by the board and shall be accompanied by a fee set by the board under par. (c), and such other information as the board deems necessary to evaluate the school in carrying out the purpose of this section.

(c) *Fees; rule making.* The board shall promulgate rules to establish fees to accompany all applications under par. (b). In promulgating rules to establish fees, the board shall:

1. Require that the amount of fees collected under this paragraph be sufficient to cover all costs that the board incurs in examining and approving proprietary schools under this subsection.

2. Give consideration to establishing a variable fee structure based on the size of a proprietary school.

(d) *Enforcement.* The attorney general or any district attorney may bring any appropriate action or proceeding in any court of competent jurisdiction for the enforcement of this subsection, including but not limited to bringing an action to restrain by temporary or permanent injunction any violation of par. (a).

(e) *Penalties.* Any person who violates par. (a) may be required to forfeit not more than \$500. Each day of operation in violation of par. (a) constitutes a separate offense.

(f) *Other remedies.* In addition to any other remedies provided by law, a student who attends a school which is in violation of par. (a) may bring a civil action to recover fees paid to the school in violation of par. (a) together with costs and disbursements, including reasonable attorney fees.

**History:** 1971 c. 125 ss. 249, 448; 1971 c. 211 s. 51; 1973 c. 12, 90; 1975 c. 39, 224, 422; 1981 c. 380; 1981 c. 391 s. 211; 1983 a. 27, 189, 485; 1985 a. 156; 1985 a. 332 s. 251 (3), (6); 1987 a. 27.