

No. 138, S.]

[Published June 29, 1907.

CHAPTER 446.

AN ACT to amend sections 439a and 439b of the statutes, as amended by chapter 189 of the laws of 1903, and to add thereto sections 439cb, 439cc, and 439cd, relating to attendance at school.

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

SECTION 1. Section 439a of the statutes is amended to read:
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SECTION 2. Section 439b of the statutes is amend to read as follows:
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SECTION 3. There is added to the statutes a new section to read:
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SECTION 4. There is added to the statutes a new section to read:
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SECTION 5. There is added to the statutes a new section to read:
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Approved June 28, 1907.

(In effect July 1, 1907.)

shall at the annual meeting fail to vote a tax of a sufficient amount to enable the board to comply with the provisions of this section, it shall be the duty of the district board or the town board of school directors, prior to the third Monday of the November following, to determine the sum necessary to be raised to carry out the provisions of this section, and the clerk or secretary shall forthwith certify to the town clerk the amount so fixed, who shall assess this amount as school district taxes are assessed, and such amount shall be assessed, levied and collected at the same time and in the same manner as other taxes for school purposes.

(Ch. 232, 1907)

District school equipment: expenditure per year; approval. SECTION 436. The board may purchase such books, blanks and stationery as are necessary for keeping a record of the proceedings of meetings and the accounts of the treasurer and for doing the business of the district in an orderly manner, and such *other equipment, including supplementary readers, dictionaries, library catalog cards and card cases, maps, charts, globes, books and school apparatus, heating and ventilating apparatus, as may be* * * * approved by the state superintendent or by the county superintendent for the use of schools, not exceeding *one hundred* * * * dollars in value in any one year, *from any funds in the district treasury not otherwise specifically appropriated,* and such school books as in their judgment may be necessary for the use of any children attending school in their district whose parents and guardians may not be able to furnish the same. All such purchases shall be approved at a regular meeting of the board at which all * * * members are present. The board shall keep an accurate account of * * * expenses incurred by them under the provisions of this section and present an itemized statement of such purchases to the annual meeting.

(Ch. 39, 1907.)

Compulsory school attendance; regularity, periods, transportations; tutoring; prosecutions; age. SECTION 439a. Any person having under his control any child between the ages of seven and fourteen years, or any child between the ages of fourteen and sixteen years not regularly and lawfully employed in any useful employment or service at home or elsewhere, *as provided by chapter 349 of the laws of 1903,* shall cause such child to

be enrolled in and to attend some public, parochial or private school regularly (*regular attendance for the purpose of this statute shall be an attendance of twenty days in each school month, unless the child can furnish some legal excuse*), in cities of the first class during the full * * * period and hours of the calendar year (religious holidays excepted) * * * that the public, parochial or private school in which such child is enrolled may be in session; in all other cities not less than eight school months; and in towns and villages not less than six school months in each year, * * * and all children subject to the provisions of this act shall be enrolled in some public, parochial or private school within one school month after the commencement of the school term in the district in which such children reside, except that in cities of the first class such children shall be enrolled at the time of the opening of the school which they will attend (and the word "term," for the purposes of this act, shall be construed to mean the entire time that school is maintained during the school year); * * *. provided * * * that this section shall not apply to any child not in proper physical or mental condition to attend school, who shall present the certificate of a reputable physician in general practice to that effect, nor to any child who lives in country districts more than two miles by the nearest traveled road from the school house in the district where such child resides: provided that if transportation is furnished by the district this exemption as to distance shall not apply, nor shall this section apply to any child who shall have completed the course of study for the common schools of this state or the first eight grades of work as taught in state graded or other graded schools of Wisconsin, and can furnish the proper diploma, certificate, or credential showing that he has completed one of said courses of study, or its equivalent. Instruction during the required period elsewhere than at school, by a teacher or instructor selected by the person having control of such child shall be equivalent to school attendance, provided that such instruction received elsewhere than in school be at least substantially equivalent to instruction given to children of like ages in the public, parochial or private school where such children reside. Any person who shall violate the provisions of this section shall upon conviction thereof, be punished by a fine of not less than five dollars nor more than fifty dollars, together with costs of prosecution, or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment in the discretion of the court, for each offense. It shall

be the duty of the district attorney and his assistants to prosecute in the name of the state all violations of the provisions of this section. Any person who shall be proceeded against under the provisions of this section may prove in defense that he is unable to compel the child under his control to attend school or to work, and he shall be thereupon discharged from liability, and such child shall be proceeded against as incorrigible, or otherwise, according to law, and in case of commitment, if the parents or person having control of such child desire it, such child shall be committed to a school or association controlled by persons of the same religious faith as such child, which is willing and able to receive and maintain it without compensation from the public treasury. When in any * * * *proceedings* under this section there is any doubt as to the age of any child, a verified baptismal certificate or a duly attested birth certificate shall be produced and filed * * * *in court.* In case such certificates cannot be secured, upon proof of such fact, the record of age stated in the first school enrollment of such child *or first school enrollment to be found* shall be admissible as evidence thereof.

(Ch. 446, 1907.)

Truant officers: number in cities; sheriffs to be, where.

SECTION 439b. In all cities of the first class the board of education or any board having similar powers, shall appoint * * * ten or more truant officers and in all other cities having more than 2,000 population by the last United States or state census, such board shall appoint one or more truant officers whose duty it shall be to see that the provisions of this * * * *act* are enforced, and when of his personal knowledge, or by report or complaint from any resident of the city, *or by report or complaint as provided herein,* a truant officer believes that any child is unlawfully and habitually absent from school and not otherwise receiving instruction as provided in section 439a as amended, he shall immediately investigate and render all service in his power, * * * to compel such child to attend some public, parochial or private school which the person having control of the child shall designate, or if over 14 *and under 16* years of age, to attend school or become regularly employed at home or elsewhere, and upon failure he shall serve a written notice * * * *as required in section 4 of this act and proceed as hereinafter provided against the person having charge of such child.* And in all cities having less than * * * 2,000 population by

such census, and in all towns *and* villages * * * *the sheriff of the county, his under-sheriff, and deputies shall be the truant officers, and it shall be the duty of all truant officers named in this section to enforce the provisions of this act as provided herein.* * * *

(Ch. 446, 1907.)

Attendance: aid by clerks: records and reports by teachers, public and private; forfeit for failure. SECTION 439eb. It shall be the duty of the school clerk of every school district, the clerks of boards of education, and the clerks of sub-districts, or other officers whose duty it is to take the school census under the law, at the time of taking the school census of their respective districts, cities, or sub-districts, to make out three copies of such census reports, on blanks to be furnished by the state superintendent, and send one of such copies by mail, or otherwise to the proper superintendent on or before the fifteenth day of July each year and at the time of the opening of school in his district, he shall deliver, with the register, a copy of such census report to the teacher employed in said district, and if the school consists of two or more departments the copy shall be placed in the hands of the principal. In case the district includes within its boundaries, territory lying in two or more counties it shall be the duty of the clerk of such district to make out separate copies of the census reports for each part of said joint district, and forward the same to the proper superintendents; provided that in all cities having a population of 2,000 or more the clerk of the board of education or other officer, whose duty it is to take the school census shall not be required to furnish copies of the census returns to the county superintendent, city superintendent or teachers. Said clerks of boards of education and other officers who shall have the care and custody of the school census returns, shall have their offices open at all reasonable hours, and allow and assist superintendents, teachers, and truant officers to examine and secure information from the school census reports on file in their offices, that may, in any way, aid in the enforcement of the provisions of this act. All teachers in public schools except teachers in high schools, shall at the request of the proper superintendent, while school is in session report to him. Said report shall show the name of the school and its location, the name and address of the teacher, the number of months school is maintained during the year,

the date of opening and of closing of the school, the names and ages of all children enrolled in their respective schools between the ages of seven and fourteen and fourteen and sixteen, the names and post office addresses of the parents or other persons having control of such children, the number of the district and the name of the town, city, village and county in which said children reside, the distance such child or children reside from the school house in the district in which they live by the nearest traveled road, the number of days each such child was present and the number of days such child was absent during each month and such other reports requested by him, said reports to be made on blanks to be furnished by the county, district or state superintendent. It shall be the duty of every school clerk, or the clerk of the board of education to deliver to the teachers in the public schools a sufficient number of blanks as described above, to supply said teachers for one school year; provided that when there shall be enrolled and in attendance at parochial or private schools, children residing in a county or counties other than the one in which the school house is located, the teachers in such parochial or private schools may make the reports hereinbefore described to the county, district or city superintendent of the county, or the city in which the children between the ages of seven and fourteen and fourteen and sixteen so attending, reside; provided further that in districts that include within their boundaries territory lying in two or more counties, or districts joint with cities having separate superintendents, it shall be the duty of the public school teachers in such joint districts to make separate reports as provided herein to the county, district or city superintendent of the county or city in which the children between the ages of seven and fourteen and fourteen and sixteen so attending reside; and provided that the teachers in cities of 2,000 population or more shall not be required to make the report provided herein, except when called upon to do so by the proper county or city superintendent. All teachers of private and parochial schools shall keep a record embodying all the data enumerated in this section, and such record shall be open to the inspection of all truant officers specified in this act, at any and all reasonable times; and provided that when called upon by any truant officer, or superintendent, the teachers in private or parochial schools may furnish in writing on blanks furnished by the truant officer or superintendent the above mentioned data in regard to any child or children between the ages of seven and fourteen and four-

teen and sixteen who claim, or who are claimed to be in attendance upon said school; and every teacher in a public school shall, and every teacher in a private or parochial school may promptly notify the proper truant officer of any child whose attendance is habitually irregular; provided such irregularity is not excused by any provision of this act. Any officer or teacher in a public school who shall fail or neglect to make the reports required by this section as required, or any teacher in a private or parochial school who shall fail to keep a record as required in this section shall be subject to a forfeiture of not less than five nor more than twenty-five dollars for each such failure or neglect, said forfeiture to be sued for by any voter of the district where such officer resides, or where such teacher is employed, and recovered in the same manner other forfeitures are sued for and recovered under the Wisconsin statutes; one half of the amount of the forfeiture to be paid to the voter bringing the action and the other half to be paid into the school district treasury of the district where such offender resides.

(Ch. 446, 1907.)

Superintendents reports to truant officers: notices to parents; prosecutions. SECTION 439ee. It shall be the duty of the county, district and city superintendents upon receiving the reports and information as provided in the preceding sections, to compare carefully the reports of attendance and enrollment with the reports of the last school census on file in his office and ascertain therefrom the names of all children who are not complying with the provisions of this law, and it shall be the duty of such superintendents to report the names of such children together with the names and addresses of the parents or those having control of such children to the proper truant officer of the county, district or city. The truant officer shall immediately upon receipt of such report, or when he obtains information of delinquencies, notify by registered mail, or by the service of notice in the same manner as provided for the service of summons in a civil case in a justice court, the parent or the person having control of such child or children, to cause such child or children to be sent to some public, parochial, or private school within five days from the date notice is deposited, properly addressed in the post office, if notice is served by registered mail, or five days from the date of the personal service of said notice. The notice shall inform the

parent or other person in parental relation that the law requires that all children between the ages of seven and fourteen and between the ages of fourteen and sixteen if not regularly employed as provided by chapter 349, laws of 1903, are to be in regular attendance at some school as provided in section 439a. It shall be the duty of all truant officers, after having given the notice hereinbefore described, to determine whether the parent or other person in parental relation has complied with the notice, and in case of failure to so comply he shall immediately and within three days after having knowledge of or having been notified thereof, make complaint against said parent or person in parental relation having the legal charge and control of such child or children, before any justice of the peace in the county, where such party resides; provided that in counties where the criminal jurisdiction of the justice of the peace has been abolished the court or courts now having such powers, shall have jurisdiction in cases brought under the provisions of this act; for such refusal or neglect to send such child or children to some school as provided herein; and said justice of the peace or other court shall issue a warrant on said complaint and shall proceed to hear and determine the same, in the same manner as provided by statute for other criminal cases under his jurisdiction. All truant officers or other officers having the power of truant officers shall have the power to apprehend without warrant, any child or children found violating the provisions of this act, and cause such child or children to be placed in some public, parochial or private school. It shall be the duty of all school officers, superintendents, teachers or other persons to render such assistance and furnish such information as they may have at their command, to aid truant officers in the performance of their duties.

(Ch. 446, 1907.)

Truant officers' compensation. SECTION 439ed. Truant officers in cities of 2,000 population or more shall receive such compensation as shall be fixed by the boards of education of such cities or boards having similar powers. When the sheriff, under-sheriff, and his deputies are acting as truant officers as provided herein, they shall be paid the same fees as provided for such officers in criminal actions brought under the laws of this state, and in counties where the sheriff and deputies are paid an annual salary no extra compensation shall be allowed.

(Ch. 446, 1907.)