

No. 618, A.]

[Published July 1, 1907.]

CHAPTER 458.

AN ACT to amend section 1, chapter 124, laws of 1899, making the same section 959—81, statutes of 1898, authorizing towns, villages and cities to aid in bearing expense of memorial day observance.

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

SECTION 1. Section 1, chapter 124, laws of 1899, is amended and made a section of the statutes of 1898, to read:

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SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 29, 1907.

No. 850, A.]

[Published June 29, 1907.]

CHAPTER 459.

AN ACT relating to school boards and common and high schools in cities of the first class.

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

School board: members; oath. SECTION 1. The public schools in every city of the first class, whether organized under general or special charter, shall be under the general management, control and supervision of a board of school directors, consisting of fifteen members from the city-at-large, selected as provided in this act. No person holding any office in any political organization, or any lucrative city, county or state office other than a judicial office or that of notary public, shall be eligible to be a member of such board of school directors. The members of every such board of school directors shall, before

entering upon the duties of such office, take and subscribe to the oath of office prescribed in the constitution of this state, and shall file the same, duly certified by the officer administering the same, with the city clerk.

Board election: date, ballots, boxes. SECTION 2. The board of school directors of cities of the first class in Wisconsin shall consist of fifteen members, who shall be qualified voters of such city, who shall be elected as hereinafter provided at a school election to be held biennially on the first Tuesday in April, the first regular election under this act to be held on the first Tuesday in April, 1909. The school election shall be held at the same time and place and under the charge of the same election officials as the election of judges or other officers held on the same date; but unless the voting is by voting machines, separate ballot boxes shall be provided to receive the ballots for members of the board of school directors, which ballots shall be prepared and supplied to the election officials in the same way as other ballots are provided and supplied for other elections. At such school elections the candidates receiving the greatest number of votes for the several positions shall be declared elected.

A commission to appoint board at once; elections following, regular or special; vacancies. SECTION 3. Within five days after this act shall become effective in any city, the mayor, the city treasurer, the city comptroller, the city attorney and the president of the common council of such city, acting as a commission for such city, of which commission the secretary of the board of school directors or board of school commissioners, or of such board of education as such city may have, shall act as secretary, shall meet and appoint fifteen members of the board of school directors.

Five of the directors so appointed shall be appointed to serve from the first Tuesday of the month next following their appointment until the first Tuesday of July next following the first regular school election to be held in any city to which this act will apply; five of the directors so appointed shall be appointed to serve from the first Tuesday of the month next following their appointment until the first Tuesday of July next following the second regular school election to be held in any city to which this act will apply; and five from the first Tuesday of the month next following their appointment until the first Tuesday of July next following the third regular school

election to be held in any city to which this act will apply; and at the school elections to be held on the first Tuesday in April preceding the expiration of the terms of those members so appointed, their successors shall be elected by the qualified voters of such city to serve for the term of six years or until their successors are elected and qualified.

Within ninety days after such appointees shall have entered upon the duties of their office the common council of such city may by resolution concurred in by a majority of the members-elect thereof provide for a special school election to be held in such city to elect successors to such appointees; five of the directors so elected to be nominated and elected to succeed the five directors appointed for the term expiring on the first Tuesday of July next following the first regular school election to be held in such city; five of the directors so nominated and elected to succeed the five directors appointed for the term expiring on the first Tuesday of July next following the second regular school election in such city; and five of the directors so nominated and elected to succeed the five directors appointed for the term expiring on the first Tuesday of July next following the third regular school election in such city; the respective terms of office of such directors so elected at such special election shall terminate at the respective times when the terms of office of their predecessors would have terminated if no special school election had been called and held; in the event of such special school election in any city to which this act will apply, the terms of office of the directors-elect shall begin on the first Tuesday of the month next following such election. In the event such special school election be called by the common council of any city as hereinbefore provided, it shall be held at the polling places, in the manner and under the charge of the election officials, ballot clerks, inspectors, etc., as the regular school elections to be held under this act; and nominations for such special election shall be made and had in like manner as provided for the regular school elections under this act; provided, however, that no such resolution for the calling of a special school election under this act shall be introduced except at a regular meeting of the council, and no action shall be taken thereon before the next regular meeting thereof, nor until such proposed resolution shall be published at least once in an official city paper if there be one; and if there be none, in some newspaper to be designated by the council, together with a notice of the time said resolution will be considered.

All vacancies in the said board of school directors caused

by death, resignation, removal or resulting from any cause, shall be filled by the board, a majority of the remaining members being necessary to a choice. Members so elected by the board shall serve until the first Tuesday in July following the next school election, at which election the vacancies shall be filled for the unexpired terms in the same manner as members are elected for the full term. Provided, that the members of boards of school directors or of such board of education as such city may have in office when this act becomes effective in any such city, shall hold their offices until the time for newly appointed members to assume their duties as provided heretofore in this section, or until their successors so appointed are qualified, and during such period shall continue to exercise all the rights and privileges and discharge the duties devolving upon members of the board of school directors under the provisions of this act.

Nominations to be by petition, without party names.

SECTION 4. The nomination of candidates to be voted for as members of the board of school directors shall be by petition, and any person on whose behalf a petition shall be presented to the proper officials not less than ten days before the date of such school election, signed by not less than five hundred qualified voters of the city, shall be entitled to have his name placed upon the ballot to be voted for as a member of such board of school directors. Nominations for members of such board shall not be under any party designation, but shall be "for members of the board of school directors for the full term" or "for member of the board of school directors for two years, to fill vacancy," etc.

Board: president, committees, absentees, temporary officers. **SECTION 5.** The board of school directors shall meet on the first Tuesday of the month following the first appointment of its members, and in the event of a special election on the first Tuesday of the month following such special election, and thereafter on the first Tuesday of July in each year, and organize by the election of the proper officers. A president shall be elected by said board from their own number to serve for one year, or until his successor shall be chosen, and in his absence or during his disability the board shall elect a president pro tempore. After his election the president shall appoint standing committees, to serve for one year.

The seat of any members shall be declared vacant by the

board and the vacancy shall be filled by them by election in the manner hereinbefore provided, if the said member has been absent for four successive meetings of the board without satisfactory reason presented by him in writing.

In case of the absence or inability, from any cause, of any officer appointed by said board to perform the duties of his office, said board may appoint some suitable person to act in his place and stead during his absence or inability; and such person shall have and possess the same power or authority as the officer whose place he is appointed temporarily to fill.

Members' responsibility, jury exemption, malfeasance, board's debt power, procedure, meetings. SECTION 6. The members of the board shall be subject to all restriction, liabilities, punishments and limitations prescribed by law as to members of the common council in their city, and they shall be exempt from jury duty. A majority of all the members-elect of the board of school directors shall have power to dismiss from office for malfeasance in office in such city any member of the board of school directors, and the said board shall provide by resolution the manner of hearing and disposing of complaints against a member.

The board shall not in any one year contract any debt or incur any expense greater than the amount of the school funds subject to its order as provided in this act.

A majority of the members of the board who have duly qualified shall constitute a quorum for the transaction of business, but a smaller number may adjourn. A majority of the whole board shall be necessary to elect any officer authorized to be elected by said board.

Regular meetings of the board shall be held at least once each month at stated times to be fixed and published by the board in its rules, and special meetings may be called and held as shall be provided by the rules of the board, at which no other business shall be transacted than that specified in the notification thereof, which shall be given personally or mailed to each member at least twenty-four hours before the time of such meeting.

Buildings and equipment; competitive bids; contracts, deeds, leases; committee on sites and plans; district boundaries; janitors. SECTION 7. The board of directors of each city in which this act shall be applicable is hereby authorized and required to establish and organize so many public

schools, in addition to those already established in such city, as may be necessary for the accommodation of the children of the city entitled by the constitution and laws of the state, to instruction therein.

The said board, as herein provided, shall erect, purchase, hire or lease buildings, improve or enlarge the same, and purchase furniture and lots for the accommodation of such public schools of said city, and purchase, install and maintain heating systems in said schools, and enter into contract for the carrying out of any of the purposes authorized in this act; provided, however, that when the board of directors shall contemplate the doing of any work or the purchasing of any material, the estimated cost of which shall exceed the sum of five hundred dollars, said board of directors shall advertise for proposals for doing the same, a plan or profile of the work to be done, accompanied with specifications for doing the same, or other appropriate sufficient description of the work required to be done, and all the kinds or quality of material to be furnished, being first placed on file in the office of said board for the information of bidders and others. Such advertisement shall be published at least six days in the official papers of such city and shall state the work to be done and the time for doing the same, which shall in all cases be such reasonable time as may be necessary to enable the contractor with proper diligence to perform and complete such work.

All proposals shall be sealed, and directed to said board and shall be accompanied with a bond to such city in the penal sum not less than thirty per cent. of the amount of the board's estimate of the cost of such work, as such board in such advertisement may direct, and such board in letting any such contract and in doing such work shall proceed in manner and form and have the power and authority in manner and form as is vested in the board of public works, or other public officer or officers, of any such city for the doing of any public work and the entering into contracts therefor. Such board shall also have authority to reserve the right to reject any and all bids submitted. Such contracts shall run in the name of the said city, and shall be executed and signed by the president and secretary of the board of school directors, countersigned by the comptroller of said city, and shall be approved by the city attorney of the said city, as to form and execution. The selection of sites for school buildings and adoption of plans for the erection of school buildings, shall be determined by a committee consisting of the president of the board of school directors, the chairman

of the committee on buildings of said board of school directors and the superintendent of schools who shall be known as the statutory committee on school sites and plans. Their decision shall be subject to the approval of the said board of school directors. The school houses now erected and the lots on which they are situated and the lots now or hereafter purchased for school purposes and the school houses thereon erected shall be the property of the city; no lot shall be purchased or leased, nor shall any school house be erected without resolution duly passed by the board of school directors. Deeds of conveyance and leases shall be made to the city.

The said board shall also have the power to establish and define from time to time the boundaries of all common and high school districts, in such manner as they may deem best calculated to promote the interests of the schools.

The board shall also have the power, subject to the powers and regulations of the city service commission, to employ all janitors necessary in the school houses of their city and to fix their compensation, but the principal of each school shall be custodian of all buildings and rooms occupied by the school over which he presides and shall have the general supervision over the same, and shall direct the janitor thereof in relation to the keeping and care of such buildings and rooms.

Uniform text-books and instruction; changes therein; board's governing functions. SECTION 8. The board of school directors shall have the power to adopt for use in the several public schools of any such city, suitable text books subject to the provisions of the next following section.

Said text books shall be uniform in the various schools and when the board shall have adopted for use in the public schools of any such city, any text book or text books, the same shall not be changed by the board for five years next thereafter; and the board shall require that the system of instruction in the several schools under its control shall be as nearly uniform as possible, and shall adopt at its discretion, and modify or repeal, by-laws, rules and regulations for its own government, and for the organization, discipline and management of the public schools under its control, and generally adopt such measures as shall promote the good order and public usefulness of said schools; provided that such by-laws, rules and regulations shall not conflict with the constitution and laws of the state.

Superintendent: election, term, powers. Committees on teachers, courses and books. SECTION 9. The board of school directors shall elect by ballot at the regular meeting preceding the expiration of the term of office of the superintendent of schools who is in the office when this act shall become effective, a person of suitable learning and experience in the art of instruction, and practical familiarity with the most approved methods of organizing and conducting a system of schools, for superintendent of schools, and said superintendent of schools shall hold his office until the first day of July next following his election as herein provided, and for three years thereafter, except in case of removals as herein provided, and each third year thereafter the said board shall elect at the first regular meeting in May, a superintendent of schools, as provided herein, who shall serve for the term of three years from the first day of July next following his election.

The superintendent of schools shall, under the direction of the boards, have a general supervision of the public schools and of the teachers in the cities aforesaid and of the manner of conducting and grading of said schools. He shall appoint, subject to confirmation, by the board, assistant superintendents and such other assistants and supervisors as may be authorized by the board. Such superintendent shall be an advisory member of every committee of the board, except at times where an inquiry into his acts or investigation of his official conduct shall be under consideration by such committee. A committee, consisting of the president of the board and four members of the board selected by the president, shall on a strict basis of eligibility and fitness, examine, certificate, employ, classify, transfer and promote teachers. The action of such committee shall be subject to amendment, rejection or confirmation by the board.

The president of the board and four members of the board, to be selected by the president, shall constitute a committee to select and determine courses of study, for the schools, and text books to be used therein. The action of such committee shall be subject to amendment, rejection or confirmation by the board.

Secretary of board: official bonds and sureties; school census. SECTION 10. The board shall also appoint, as a vacancy shall occur, some suitable person to act as secretary of the board, who shall receive a salary to be fixed by such board. It shall be his duty to attend the meetings of the board, to keep a record of the proceedings, and a full and fair account of all receipts and expenditures of the board, and to do and perform

such other duties as shall be required of him by said board. The secretary of the board shall, before entering upon the duties of his office, execute a bond to the city for which he is appointed, in such form and penalty and with such conditions as the board shall prescribe, with sureties to be approved by said board, which bond shall be filed with and kept in the office of the city clerk of said city, and the board may require security to be given for the faithful performance of his duties by any officer or employe of said board, in such form and amount as the board shall deem best, and may at any time require of any officer or employe additional bonds and sureties, in its discretion. The secretary of the board shall also take the annual enumeration of the children of school age in the city, required by law, and shall at the same time collect such further statistics and information relating to schools and to the population entitled to school privileges in said city as may be directed and required by the board, and he shall receive for such service a compensation or fee of two cents per capita upon the entire enumeration of persons between the ages of four and twenty, residing in said city, to be audited by the board and paid out of the funds provided for the support of the schools.

City comptroller: lists and statements for; audit and warrants. SECTION 11. It shall be the duty of the secretary of the board, within thirty days after the appointment of teachers and other salaried employes, to report to and file with the city comptroller or other auditing officer of the city, a duly certified list of teachers and employes so appointed, and a statement of the time or times fixed for the payment thereof. He shall also, as often as any action by said board changing the salaries of any of the officers of said board, or of any of such teachers or employes, or making a new election or appointment to any position entitling the person appointed to receive a stated salary, immediately after such action is had, in like manner file with such comptroller or other auditing officer a certified list and statement of all such changes and appointments. All claims and demands against the city or board, before they are allowed, by the board, shall be audited and adjusted by the comptroller or other auditing officer of such city, and immediately after the allowance by the board of any claim or account it shall be the duty of the secretary of the board to furnish to such comptroller or other officer a complete list of the same, together with the proper voucher, stating the character of the material or service for which the same is rendered; and before

a warrant shall be issued therefor it shall be the duty of such comptroller or other officer to sign the same. And said secretary shall also make and file with the said comptroller or other auditing officer quarterly statements of the condition of the fund for the support of schools and of the financial transactions of the board during the three months next preceding such statement.

Dismissal of superintendent or secretary. SECTION 12. The superintendent of schools, or the secretary of the board, may be removed from office for misdemeanor in office, incompetency or inattention to the duties of his office, by a vote of two-thirds of the board; provided, that notice in writing of charges against him and of the time and place of hearing and acting upon the same shall be served upon the accused at least five days before the time of hearing and before any action shall be taken by the board thereon. And the accused shall be heard by himself or counsel, and either party may produce witnesses, who shall be sworn by the president of the board and give testimony subject to the pains and penalties of perjury.

High schools and their districts. SECTION 13. The board of school directors is hereby authorized and it shall be their duty, to maintain the high schools now established in said cities, and to establish and maintain such other high schools as may from time to time be found necessary by them, and said board shall divide said city into high school districts, and said schools shall be opened to students residing within said districts.

High schools: suspension. SECTION 14. The high schools shall be public schools and as such under the same supervision and control in respect to location, building, leases, furniture, teachers, text books and course of study, and all other matters as is provided hereinbefore in the case of common schools.

High schools: courses, diplomas. SECTION 15. The course of study in the high school shall be liberal, and shall embrace such studies as said board and the superintendent may deem proper, and the board shall have power to grant diplomas in testimony of scholarship and literary acquirements.

School finances: estimates, tax levies, disbursements. SECTION 16. The said board shall report to the common council of each city under this act, at or before the first meeting of the

council in September in each year, the amount of money required for the next fiscal year for the support of all the public schools in said city including high schools, and it shall be the duty of said common council to levy and collect a tax upon all the property subject to taxation in said city, at the same time and in the same manner as other taxes are levied and collected by law, which, together with the other funds provided by law, and placed at the disposal of said city for the same purpose, shall be equal to the amount of money so required by the said board of school directors for school purposes, as provided in this act; the said board shall also report to the common council, at the same time as above, the amount of money required for the next fiscal year for the repair and keeping in order of school buildings, fixtures, grounds and fences, the purchase of school furniture and the repair of broken or worn out furniture, the making of material betterments to school property and the purchase of the necessary additions to school sites, in accordance with the provisions of this act, and it shall be the duty of the said common council to levy and collect a tax upon all the real and personal property in said city subject to taxation, at the same time and in the same manner as other taxes are levied and collected by law, which shall be equal to the amount of money so required by the said board of school directors for the said purpose, as provided in this act; provided, that the tax so levied upon each dollar of the assessed valuation of all property, real and personal, in said city, subject to taxation shall not in any one year exceed three and one-half mills for the support of all schools, and one-half mill for the repair and keeping in order of school buildings, fixtures, grounds and fences, the purchase of school furniture and the repair of broken and worn out furniture, the making of material betterments to school property and the purchase of necessary additions to school sites, and the said taxes for the purpose named in this section shall be in addition to the tax to be levied for the general city purposes upon all the taxable property of said city. The said tax and the entire school fund of the city shall not be used or appropriated directly, or indirectly, for any other purpose than the payment of the salaries of the superintendent of schools and his legally authorized assistants, the secretary of the school board, and legally qualified teachers whose appointment is confirmed by said board and such employes as the board may deem necessary, the necessary and current expenses of the schools including the purchase of school supplies, apparatus, fuel, gas, electricity or electrical power and the other school purposes spe-

cified in this act. All moneys received by or raised in such city for school purposes shall be paid over to the city treasurer, to be disbursed by him on the orders of the president and secretary of said board, countersigned by the city comptroller; provided, that the president, instead of signing each order, may certify upon the pay rolls furnished by the secretary to the comptroller to the fact that the amounts therein are correct as allowed by said board. Provided, that the board of school directors may provide by resolution for the payment of all persons employed by said board in the service of the city upon monthly payrolls and the manner in which the same shall be certified, audited and approved and payment made thereon and such payrolls shall in all cases be certified by the president and secretary and finance committee of said board of school directors and countersigned by the city comptroller of such city.

School bonds: popular vote on; interest rate; levy for; maximum outstanding. SECTION 17. Whenever the board of school directors shall deem it necessary to erect new buildings or additions to old buildings, or to purchase school sites, they may by a two-thirds vote of the members, send a communication to the common council of said city, stating the amount of funds so needed and the purposes for which it is proposed to use the said funds, and requesting the said common council to submit to the voters of said city at the next election of any sort to be held in said city the question of issuing the school bonds of said city in the amount and for the purpose or purposes named; and upon receipt of such request from the board of school directors it shall be and is hereby made the duty of the said common council to cause the question of the issuance of the said bonds for the said school purposes to be submitted to the voters of the said city at the next regular, special or other election held in the said city. The question of the issuance of the said school bonds shall be submitted upon a separate ballot, or in some other manner so that the vote upon the issuance of said school bonds shall be taken separately from any other question submitted to the voters at the same election, and if a majority of the votes cast upon such bond proposition shall be in favor of the issuance of said bonds, then the common council of said city shall cause such school bonds to be issued forthwith in the same manner as other bonds which have been properly authorized are issued, and the proper officials of the said city shall sell or dispose of the said bonds in the same manner as other bonds are disposed of and the entire

proceeds of the same shall be placed in the city treasury, subject to the order of the said board of school directors, for the purposes named in the request for the issuance of the said bonds. Said school bonds shall not bear a greater rate of interest than four per cent. per annum, and shall be payable in twenty years from the date of their issue, one-twentieth of the principal to be payable each year, and the said common council is hereby authorized and it is made their duty to levy and collect a tax upon all property, real and personal, in the said city subject to taxation, in the same manner and at the same time as other taxes are levied and collected, which shall be sufficient to pay the interest on all school bonds outstanding, issued under the provisions of this act, and to pay such part of the principal of such school bonds so issued as becomes due and payable during the next fiscal year. The amount of such school bonds outstanding at any one time shall not be greater than one per cent. of the total assessed valuation of all property, real and personal, in the said city subject to taxation, and the tax levied to pay the interest on and the principal of the said school bonds shall be in addition to the tax levied for general purposes upon all the taxable property of said city.

School board's report. SECTION 18. The board shall be governed in all things by the school laws of the state, except as they are altered or modified by this act. They shall report to the common council annually the general proceedings and acts of said board, the number and condition of the public schools kept in said cities during the year, and the time they have severally been taught, the number and names of teachers; the number of children taught in said schools respectively; the result of the annual enumeration required by law; the extent of school accommodations in the several schools; the amount of school money raised or received during the year; distinguishing the amount received from the state fund, from the amounts derived from taxes levied by the county board of supervisors and by the common council respectively; and the amounts allowed by them against the school fund in detail, together with such other information as they may deem useful, or as the common council may require. A copy of said report shall be transmitted to the state superintendent of public instruction, and a like copy to the librarian of the state historical society in Madison.

Interest in contracts forbidden to board, teachers, employes. SECTION 19. No member of the board of school directors, superintendent, assistant superintendent, secretary of the board, other assistant, teacher of any common school or high school, or janitor or other employe of the board, shall be in any wise interested in any purchase or sale of any real or personal property by the city for the use or convenience of any of the schools, and no such contract made in violation of this provision shall be valid, and any consideration paid by the city upon any such purchase or sale herein prohibited, may be recovered in an action at law in the name of the city aggrieved thereby, and any person so offending against the provisions of this act shall be removed from any position held by him under this act.

Existing terms of office to continue. SECTION 20. This act is not intended to affect the term of office of any person now serving in any capacity by virtue of an appointment heretofore made by the school board in any such city, but such officer shall continue to serve in the same capacity under the board of school directors hereby created for the term for which he was so appointed; subject, nevertheless, to be removed from such office for the causes and in the manner mentioned in this act. Any vacancy for any cause occurring in any office subject to the provisions of this act, shall be filled by appointment for the unexpired term.

This act amendatory of charters; repeal of conflicting laws. SECTION 21. This act is amendatory of the charters of the various cities to which it applies or may hereafter become applicable, and any provision of said charters inconsistent herewith is hereby modified, amended or repealed by this act to the extent necessary to give full force and effect to the intent hereof. All acts or parts of acts contravening the provisions of this act are hereby repealed.

SECTION 22. This act shall take effect and be in force from and after its passage and publication.

Approved June 29, 1907.