

No. 735, A.]

[Published August 26, 1915.]

CHAPTER 620.

AN ACT to amend sections 412a, 430—8, 435a, 439cb, 490, 490a, subsections 1 and 2 of section 490b, the first paragraph and subdivisions (3), (5), (6) and (8) of section 496q, subsections 1 and 3 of section 496—1, section 496—3, subdivisions (1), (2), (3), (4) and (5) of section 496—6, and sections 496—12 and 513 of the statutes, eliminating therefrom certain words, phrases and clauses relating specifically to the township system of school government abolished by chapter 388, laws of 1911.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 412a, 430—8, 435a, 439cb, 490, 490a, subsections 1 and 2 of section 490b, the first paragraph and subdivisions (3), (5), (6) and (8) of section 496q, subsections 1 and 3 of section 496—1, section 496—3, subdivisions (1), (2), (3), (4) and (5) of section 496—6, and sections 496—12 and 513 of the statutes are amended to read: Section 412a. After the first day of January, 1904, it shall not be lawful for any town board of supervisors * * * or any other officer or officers to change the number of any school district, * * * joint or entire.

If a district * * * is dissolved, or by the exercise of proper authority attached to and made a part of another district or districts, no newly formed district shall, after January 1, 1904, be made to bear the number of the district so dissolved.

Section 430—8. Whenever the term "electors" or "board," or "district board" or "district" occurs in this chapter it shall apply with equal force to "electors of a town or towns." * * *

Section 435a. It shall be the duty of each school district board, * * * to provide at least two suitable and convenient outhouses or water-closets for each of the schoolhouses under its control. Said outhouses or water-closets shall be entirely separated each from the other and shall have separate means of access. The boys' outhouse shall be provided with suitable urinals. Said outhouses and said water-closets if detached from the schoolhouse, shall be placed at least thirty feet apart and separated by a substantial close fence not less than seven feet in height, and where placed on opposite sides of the schoolgrounds shall be suitably screened from view. The board of education shall have said outhouses and water-closets kept in a clean and wholesome condition. If the electors of the district or town 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 * * * 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.

Section 439eb. It shall be the duty of the school clerk of every school district, the clerks of boards of education, * * * 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 or cities, * * * 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 of 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 two thousand 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 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 schoolhouse 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 schoolhouse 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 two thousand 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 fourteen 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 at-

tendance 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.

Section 490. 1. Any town, village, city or school district * * * may establish and maintain not exceeding two high schools in the manner and with the privileges herein provided; but no such school shall be established or maintained unless twenty-five persons of school age, resident of the town, city or village or school district, * * * pass a satisfactory examination in the branches required to be taught in the common school and are prepared to begin a high school course.

2. The question of establishing such schools may be submitted by the town, district, * * * village board, or common council to the legally qualified voters at any annual or special meeting or election upon written resolution therefor proposed for adoption; provided that ten days' notice of such purpose embodying such resolution be given by posting five copies thereof in five different public places in such town, village, city or school district * * * or by publishing such notice in any newspaper published in any such town, village, city or school district * * * ten days prior to the time set for holding such meeting. District meetings of high schools of any kind shall be called for eight o'clock in the afternoon. * * * The vote shall be taken by ballot and canvassed according to the statutes for conducting elections in such municipality, those ballots in favor being written or printed "For high school," those opposed, "Against high school." If the resolution be adopted such town, district, * * * village or city shall constitute a high school district. But this section shall not apply to high schools already established.

3. No action heretofore taken by any town, village, city or school district * * * in voting to form a high school or joint high school shall be invalid by reason of any defect in the form

of notice given or the time such notice shall have been given, posted or published; but all steps heretofore taken by any town, village, city or school district * * * in forming a high school or joint high school are hereby validated, and declared to conform to law.

Section 490a. The electors of any town, village or city school district * * * maintaining a free high school, may at any annual meeting or election, vote upon the question of surrendering the certificate of organization of the free high school and the dissolving of the high school district; provided, that ten days' notice of such purpose be given by posting five copies thereof in five different public places in such town, village, or city school district * * * or by publishing such notice in any newspaper published in any such town, village or city school district * * * ten days prior to the time set for holding such meeting. The vote shall be taken by ballot and canvassed according to the statutes for conducting elections in such municipality. Those ballots in favor of the surrendering of the certificate and dissolution of the free high school district shall be written or printed "For surrender," those opposed, "Against surrender."

(Section 490b.) 1. The electors of any town, village, or city school district * * * or of two or more adjoining towns or school districts, or one or more towns or school districts and an incorporated village or city having organized and maintained two free high schools, may at any annual or special meeting vote upon the question of surrendering the certificate of organization for one of the two free high schools.

2. Ten days' notice of such purpose shall be given prior to the annual or special school meeting by posting five copies of a resolution, setting forth that the electors will be called upon to vote on the question of surrendering the certificate of organization for one of the two free high schools, in five different public places in such town or towns or town and village or city school district * * * or by publishing such notice in any newspaper published in such town or towns or village or town and village or city school district * * * ten days prior to the time set for holding such annual or special meeting.

(Section 496q) (first paragraph) Whenever the electors of any rural school district maintaining a one or two department rural school, * * * shall direct the school board or the town board of school directors to close the district * * * school, and provide transportation and tuition for all persons of school age, who may desire to attend school, at a district maintaining a one or two department rural school, or a state graded school, or the grades below the free high school in a free high

school district, each such rural school district * * * shall receive special state aid in the sum of one hundred fifty dollars annually upon complying with the following conditions:

(3) The district board * * * shall in all cases where the school is closed and transportation is provided by a team, enter into a written contract in the name of the district with one or more persons, whereby it is agreed that such person or persons are to safely and carefully carry or provide for carrying the children to and from the school or schools in the district where provision has been made for their schooling.

(5) No state aid under the provisions of sections 496q to 496t, inclusive, shall be paid to any district providing transportation and tuition for its pupils at a district maintaining a rural school of one or more departments, unless the school in the district where such nonresident children attend shall be a first-class rural school as defined in sections 560f to 560m, inclusive, and acts amendatory thereof, and it is further provided that in case the district * * * entering into a contract for the schooling of nonresident pupils, according to the provisions of sections 496q to 496t, inclusive, and shall fail to maintain a first-class rural school as provided in sections 560f to 560m, inclusive, then such school districts shall forfeit their rights to collect tuition from the district where such nonresident children reside for such school year or part of a school year that the school in such school district shall not have been maintained as a first-class rural school.

(6) The school board of each district * * * taking advantage of sections 496q to 496t, inclusive, shall make annually, on or before the first day of August, a special report under oath to the state superintendent of public instruction showing that the above conditions have been complied with, and this report shall give the names and ages of the persons transported, the number of days each such person was transported and attended school, the rate of tuition paid and the amount of tuition paid for each person.

(8) Upon the receipt of such sworn statement of the school board * * * and in case of the attendance of pupils at a rural school of a satisfactory report from the county superintendent of schools, it shall be the duty of the state superintendent to certify to the secretary of state the amount due each such school district under the provisions of sections 496q to 496t, inclusive. It shall then become the duty of the secretary of state to draw his warrant for the amount certified in favor of the treasurer of each such school district.

(Section 496—1.) 1. Whenever fifteen per cent of the electors of any rural school district, and one or more contiguous school districts * * * within or outside of an incorporated village shall petition therefor the respective school boards shall meet at a place designated by the school board of the petitioning district having the largest population to fix a time for an election to determine whether the district schools within the districts shall be consolidated. They shall fix the date of the election at not less than two nor more than four weeks from the time of their meeting and notify the district clerks of the date. Such election shall be called for eight o'clock in the afternoon. The district clerks of the respective districts * * * shall post the notices of election as notices of school district meetings are posted. The elections shall be held by the school officers of the respective districts by written ballots. They shall report the result of the election in their respective districts to the clerk of the district in which the meeting to fix the time of the election is held, within three days after the election. The respective school boards one week after the election shall meet in the same manner and place as for calling the election and shall canvass the returns.

3. The school boards at the time of canvassing the returns shall appoint a time and place for the first district meeting and shall post a written notice thereof in at least three public places in each of the several districts * * * which compose the consolidated school district.

Section 496—3. When a consolidated rural school district shall be lawfully organized, the school districts * * * out of which it shall have been formed shall cease to exist as school districts or bodies corporate, and the title to all property and assets of every nature of the several school districts * * * out of which it was organized, shall thereupon become vested in the consolidated rural school district, and all valid subsisting claims and obligations against and contracts of the said several school districts * * * shall continue to be valid claims and obligations against them severally. All claims and obligations arising after the formation of a consolidated school district shall be against the consolidated school district. The consolidated rural school district shall maintain and conduct the schools theretofore maintained and conducted by the several districts * * * until such time as the consolidated rural school district shall have purchased or erected and equipped a building in which school can be conducted.

(Section 496—6) (1) To a consolidated rural school district maintaining a school consisting of one department formed

by the uniting of two or more school districts * * * one-half the cost, not to exceed one thousand dollars to any one school;

(2) To a consolidated rural school district maintaining a school consisting of a graded school of two departments, formed by the uniting of the schools of two or more school districts * * * one-half the cost, not to exceed fifteen hundred dollars to any one school;

(3) To a consolidated rural school district maintaining a school consisting of a graded school of three departments, formed by the uniting of the schools of two or more school districts * * * one-half of the cost, not to exceed two thousand dollars to any one school;

(4) To a consolidated rural school district maintaining a school consisting of a graded school of four or more departments, formed by the uniting of the schools of three or more school districts * * * one-half of the cost, not to exceed three thousand dollars to any one school;

(5) To a consolidated rural school district maintaining a school consisting of a graded school and a high school, formed by the uniting of all the districts * * * of a township, one-half of the cost, not to exceed five thousand dollars to any one school.

Section 496—12. It shall also be lawful for the electors to authorize the school board to enter into an agreement with the parent, guardian or other person in charge of any pupil, to compensate such parent, guardian or other person, for transporting any pupil or pupils to and from school, and to enter into contracts for the transportation to and from school of all persons of school age who attend, and to levy a tax therefor. In all cases where the distance from the home of the pupil or pupils who are to be transported is two miles or less by the nearest traveled highway, the sum per pupil so paid shall be such as may be authorized by the electors; and in all cases where the distance is more than one and less than two miles, the state shall pay five cents per day, and where the distance is more than two miles, ten cents per day for each pupil transported regularly to and from school in some reasonable and comfortable manner for a period of not less than five months. The school board * * * and the principal teacher of the school in which such pupil is enrolled shall, on or before the fifteenth day of July of each year, make under oath a report giving the name and showing the distance and number of days each pupil was transported, the mode of transportation, and the total amount claimed by the districts on account of such transportation.

Section 513. Women of the age of twenty-one or more years who reside and for one year next prior to their election or appointment have resided in any school district, town, city, or county, are eligible by election or appointment to the offices of director, treasurer and clerk of such district, * * * member of the school board or board of education of such city, town inspector of schools of such town and county superintendent of such county.

SECTION 2. This act shall take effect upon passage and publication.

Approved August 23, 1915.

No. 774, A.]

[Published August 26, 1915.

CHAPTER 621.

AN ACT to amend sections 137 and 172—2 of the statutes and to repeal Chapter 456, Laws of 1885, relating to the biennial reports of state officers; making an appropriation for the executive department; and repealing the appropriation for the state claim agent.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 137 and 172—2 of the statutes are amended to read: Section 137. The governor shall communicate to the legislature at the commencement of each biennial session thereof the reports of all the state officers and boards of officers required by law to report to him, and the reports of the state officers whose term of office has expired, of the transactions in their respective offices from the thirtieth day of * * * June in the last year of their term. He shall also at the same time render a statement of all expenditures made by him out of any contingent fund appropriated by the legislature for the contingent expenses of the executive office.

Section 172—2. 1. There is * * * appropriated, * * * July 1, * * * 1915, * * * and each second year thereafter, sixteen thousand one hundred ten dollars and on July 1, 1916, and each second year thereafter, eighteen thousand one hundred ten dollars, payable from any moneys in the general fund not otherwise appropriated, for the executive department to carry into effect the powers, duties and functions provided by law for said department. *An unexpended balance at the end of any fiscal year shall be available thereafter.*

2. There is annually appropriated, beginning July 1, 1913, two thousand dollars, payable from any moneys in the general fund not otherwise appropriated, as a contingent appropriation