

No. 13, S.]

[Published July 26, 1927.]

CHAPTER 425.

AN ACT to revise and codify chapters 39, 40 and 41 of the statutes relating to public schools, and various sections of the statutes relating to said subject.

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

SECTION 1. Sections 14.55, 14.56, 14.57, 39.31, 40.57 and 40.571 of the statutes are consolidated, renumbered section 14.57 and revised to read:

14.57 STATE SUPERINTENDENT; POWERS AND DUTIES.

(1) **GENERAL SUPERVISION.** The state superintendent shall ascertain the conditions of the public schools, stimulate interest in education, spread as widely as possible a knowledge of the means and methods which may be employed to improve the schools.

(2) **SECTARIANISM.** He shall exclude all sectarian books and instruction from the public schools.

(3) **EDUCATIONAL MEETINGS.** He shall attend such educational meetings and make such investigations as he may deem important, and such as will acquaint him with the different systems of common schools in the United States.

(5) **SUPERVISION OF SCHOOLS.** He shall supervise and inspect the common schools, graded schools, high schools, county schools of agriculture and domestic science, manual training schools, county normal schools, and the day schools for the deaf and blind, and those of defective speech; and shall advise with the principals and local authorities thereof, and give assistance in organizing such school.

(6) **PUBLIC INFORMATION.** He shall by reports, bulletins, circulars, correspondence and public addresses give the public information bearing upon the different methods of school organization and management and the subject of education generally.

(7) **APPEALS.** He shall examine and determine all appeals, which by law may be made to him, and prescribe rules of practice in respect thereto, not inconsistent with law.

(8) **EDUCATIONAL LITERATURE.** He shall collect in his office such school books, apparatus, maps and charts as may be ob-

tained without expense to the state, and he shall purchase at an expense not exceeding two hundred and fifty dollars, in any one year, books and periodicals bearing upon the different phases of education.

(9) **FORMS FOR SCHOOL OFFICERS.** He shall prepare for the use of school officers suitable forms for making reports and suitable outlines as aids in conducting school meetings.

(10) **COURSES OF STUDY; PHYSICAL TRAINING.** (a) He shall prepare and publish, from time to time, courses of study for the common, graded and high schools, and the other schools under his supervision, and shall furnish copies thereof to the school board.

(b) He shall prescribe a course in physical education and training adapted to the common schools, and shall have general supervision of physical education in the public schools.

(11) **SPECIAL PROGRAM.** He shall compile and distribute annually to the schools, in pamphlet form, matter suitable for the observance of Memorial day and Arbor day.

(12) **SCHOOL FUND INCOME.** He shall apportion the school fund income as provided by law.

(13) **COPIES OF RECORDS.** He shall make certified copies, when required, of any papers deposited or filed or records kept in his office, and of any act or decision made by him, and his fees therefor shall be twelve cents per folio.

(14) **REPORT TO GOVERNOR.** He shall report to the governor, during the last half of each even-numbered year:

(a) The condition of all schools under his supervision and of the state university and normal schools.

(b) An abstract of the common school reports made to him by school superintendents.

(c) His visits to educational institutions.

(d) The work done by the assistants, inspectors and others in the performance of the duties of his office.

(e) Plans for improving the schools and advancing education.

(f) The receipts and disbursements of all school incomes.

(g) Such other matters as he shall deem expedient.

(15) **TEACHERS' INSTITUTES.** He shall supervise the public-school teachers' institutes.

(16) **ANNUAL CONVENTIONS.** He shall annually hold conventions of county superintendents, of city superintendents, and of supervising teachers.

(18) **REPORTS TO SUPERINTENDENT.** He shall require from school officers, superintendents, principals and teachers, and they shall make to him such reports as will enable him to distribute and award the state school fund appropriations and the several state educational appropriations to the various schools and persons entitled thereto, and to properly discharge the other duties of his office.

(19) **FORMS FOR REPORTS.** He shall prepare, print and distribute blank forms upon which superintendents, clerks, principals, teachers and other officers and persons shall make the school returns and reports required of them.

(21) **RECORD OF EXAMINATIONS AND CERTIFICATES.** He shall file in his office all papers relating to examinations for state certificates and shall register each state certificate.

SECTION 2. Subsections (1) and (1a) of section 20.26 of the statutes are consolidated, are numbered subsection (1) and are revised to read:

20.26 CONSOLIDATED SCHOOLS. (1) Annually, on July first, not to exceed ten thousand dollars, for aid to partially defray the cost of erecting and equipping a school building in each consolidated school district formed pursuant to section 40.35. Of this there is allotted to each such consolidated district one-half of the cost of erecting and equipping its school building; but not exceeding one thousand dollars for a school of one department; fifteen hundred dollars for a graded school of two departments; two thousand dollars for a graded school of three departments; three thousand dollars for a graded school of four or more departments in a district formed by uniting three or more districts; or five thousand dollars for a graded and high school uniting the schools of all the districts of a township. Such state aid shall be certified by the state superintendent to the secretary of state. To entitle a district to said state aid the plans for the school building must have been approved by the state superintendent.

SECTION 3. Paragraphs (a) and (b) of subsection (2) of section 20.26 of the statutes are amended to read:

20.26 (2) * * *

(b) If, in the judgment of the state superintendent, such graded school or junior high school has been maintained as prescribed in * * * sections * * * 40.37 and * * * 40.46, respectively, he shall fix the amount accruing to the dis-

trict pursuant to paragraph (c) and certify the same to the secretary of state.

SECTION 4. Paragraphs (a) and (b) of subsection (3) of section 20.27 of the statutes are amended to read :

20.27 (3) * * *

(b) * * * Before * * * October the state superintendent shall * * * fix and certify to the secretary of state the amounts accruing to each such district, as follows: For each district * * * high school which shall have been maintained *in a satisfactory manner* for not less than eight months in such school year, one-half of the amount expended for instruction in such school over and above the amount required by law to be expended for common school purposes, but not to exceed five hundred dollars; * * * for each * * * high school mentioned in subsection (2) one-half the amount expended for instruction in such school, but not exceeding nine hundred dollars to any such school having a principal and one assistant, not exceeding twelve hundred dollars to any such school having a principal and two assistants, and not exceeding fifteen hundred dollars to any such school having a principal and three or more assistants; but no state aid shall be apportioned to any * * * high school after it has been in operation for four years unless the average daily attendance for the year is at least fifteen pupils.

SECTION 5. Paragraphs (a) and (b) of subsection (1) and paragraphs (a) and (b) of subsection (2) of section 20.29 of the statutes are amended to read :

20.29 (1) * * *

(b) If it shall appear * * * that such special * * * courses have been maintained, pursuant to law, * * * in a manner satisfactory to the state superintendent, he shall certify to the secretary of state, in favor of the several school districts, one-half of the amounts actually expended for instruction in such * * * courses; but not to exceed two hundred and fifty dollars for each such special course in manual training, domestic economy, *commercial subjects*, or agriculture conducted only in the high school, or three hundred and fifty dollars for each such special * * * course conducted * * * in the high school, *and the seventh and eighth grades*, * * * and no such state aid shall be allowed to any school district for more

than three such special courses in any one school. * * *

(2) * * *

(b) If it shall appear * * * that such teachers' training course has been maintained, pursuant to law, for a period of not less than nine months during such school year, in a manner satisfactory to the state superintendent, he shall certify to the secretary of state, in favor of the several school districts, an amount equal to the sum expended for the wages of the duly approved and qualified teachers employed in each such teachers' training course during such school year.

SECTION 6. Paragraphs (a) and (b) of subsection (1), paragraphs (b) and (c) of subsection (2), and paragraphs (b) and (c) of subsection (3) of section 20.31 of the statutes are amended to read:

20.31 (1) * * *

(b) * * * The state superintendent shall apportion this appropriation among the several counties * * * in proportion to the number of duly qualified teachers actually engaged in teaching, * * * and certify such several amounts to the secretary of state.

(2) * * *

(c) If it shall appear * * * that such training school has been maintained, pursuant to law, for a period of not less than nine months during the preceding school year, in a manner satisfactory to the state superintendent, he shall certify to the secretary of state in favor of each such training school, an amount equal to the sum expended for instruction, school supplies and operation during the school year; but not to exceed six thousand dollars to any school employing two teachers, and not to exceed eight thousand dollars to any school employing three teachers, and not to exceed ten thousand dollars to any school employing four or more teachers. Any such training school maintained for more than nine months during the school year shall receive for such additional time an additional sum of money in the same proportion to the amount receivable for nine months as such additional time bears to nine months. The number of teachers in each such school, the salaries paid to each teacher, and the qualifications for teachers shall be approved by the state superintendent.

(3) * * *

(c) If it shall appear * * * that such school has been

maintained, pursuant to law, for a period of not less than eight months during the preceding school year, in a manner satisfactory to the state superintendent, he shall certify to the secretary of state, in favor of the several counties maintaining such schools, an amount equal to the sums expended by each, respectively, for wages of duly qualified and approved teachers therein during the school year; but not to exceed in any one year six thousand dollars for any such school.

SECTION 7. Paragraph (c) of subsection (1) of section 20.33 of the statutes is repealed.

SECTION 8. A new subsection is added to section 37.11 of the statutes to be numbered and to read:

(37.11) (11) The board shall provide a definite course in the theory and art of physical education, and instruction in games and playground management, to be taught in every state normal school. Examination in this branch shall be required of all candidates for normal school diplomas and certificates.

SECTION 9. Subsection (9) of section 40.30 of the statutes is renumbered 37.30 and revised to read:

37.30 AGRICULTURAL ECONOMICS. Courses in agricultural economics shall be given (including the business principles involved in farming and marketing and in financing agriculture), in the several normal schools and county normal schools, and shall be extended to schools in which agricultural subjects are taught, and to other schools as rapidly as practicable. The courses in agricultural economics to be given in the various schools shall be such as are approved and prescribed from time to time by the state superintendent of public instruction, with the advice of the commissioner of agriculture and the chairman of the department of agricultural economics of the state university.

SECTION 10. Chapter 39 of the statutes is entitled:

CHAPTER 39.

SCHOOL ADMINISTRATION.

SECTION 11. Sections 39.03 and 39.04 of the statutes are consolidated, renumbered and revised to read:

39.01 COUNTY SUPERINTENDENT OF SCHOOLS. (1) ELECTION AND TERM. A superintendent of schools shall be chosen at the election held in each county on the first Tuesday in April in each odd-numbered year, for the term of two years from the

succeeding first Monday of July, and shall hold office until his successor shall have qualified.

(2) **ELIGIBILITY.** To be eligible to the office of county superintendent of schools a person must be a resident of the county, have taught eight months in a public school in this state and hold a certificate entitling him to teach in any public school.

(3) **SALARY.** The county board, at its annual meeting next preceding the election of such school superintendent, shall fix his annual salary and when so fixed, it shall continue to be the salary of said officer until changed by the board or by operation of law. The following shall be the minimum annual salaries of county superintendents: If there shall be under his supervision fewer than one hundred teachers, one thousand two hundred dollars; if more than ninety-nine and less than one hundred and fifty teachers, one thousand four hundred dollars; if one hundred and fifty teachers or more, one thousand six hundred dollars. The county superintendent shall be allowed and shall receive (in addition to his salary) his reasonable, actual and necessary expenses for travel, stationery, postage and printing incurred in or necessary for the proper discharge of the duties of the office. He shall annually present itemized statements therefor to the county clerk prior to November. The county board may provide for the quarterly payment of such expenses.

(4) **DISQUALIFICATIONS.** No county superintendent of schools shall teach or absent himself from the county or engage in any business, profession, occupation or pursuit which will in anywise interfere with the proper discharge of his duties. (Violation of this subsection shall subject the superintendent to removal from office and loss of salary during the time of such violation.)

(5) **CITIES WITH SCHOOL SUPERINTENDENT.** Cities which have a city superintendent of schools shall form no part of the county superintendent's district, shall bear no part of the expense connected with the office of county superintendent of schools; and shall have no part in the determination of any question or matter connected with or arising out of said office, nor shall any elector or supervisor of such city have any voice therein.

(6) **INCOMPATIBILITY OF OFFICES.** The offices of county superintendent of schools and member of the county board of supervisors are incompatible.

SECTION 12. A new section of the statutes is created to be numbered and to read:

39.02 COUNTY SUPERINTENDENT; CLERK. The county board may authorize the county superintendent to employ a clerk, and shall fix the clerk's salary, which shall be paid in monthly instalments; and the board may appropriate money to enable the superintendent to employ assistants in examinations for common school diplomas, and may limit their per diem and the total amount to be paid for such assistants.

SECTION 13. Sections 39.07 and 39.25 of the statutes are consolidated, renumbered and revised to read:

39.03 COUNTY SUPERINTENDENT; DUTIES. (1) SCHOOL VISITATION, ETC. The county superintendent shall visit all schools under his supervision at least once each year and whenever necessary; shall inquire into all matters relating to the course of study, mode of instruction, textbooks, and discipline of such schools, and the condition of the grounds, buildings and equipment; shall advise the school boards and teachers as to their duties.

(2) DIRECT SCHOOL BOARD. He shall direct the school board to make any alterations and repairs which, in his opinion, shall be necessary to the health, comfort or progress of the pupils; and to abate any nuisance upon the school premises, provided the same can be done for twenty-five dollars.

(4) REPORT TO COUNTY BOARD. He shall annually report to the county board the condition of the schools under his supervision.

(6) REPORT TO MUNICIPAL CLERKS. He shall annually during July or August report to each town, village and city clerk, in his jurisdiction, the number of persons of school age in the several school districts on the last day of June preceding; and in case there are parts of joint districts in his county, the schoolhouses of which are situated in other counties, he shall report to the county superintendents of the other counties, the names of persons of school age residing in the parts of such joint districts in his county.

(7) TEACHERS' EXAMINATIONS. He shall annually hold public examinations for county teachers' certificates and shall give due notice thereof by publication in newspapers circulating in the county. Whenever necessary, he may give private examinations, and may issue certificates thereon of the proper grade which shall be in force until his next public examination.

(8) PRESERVATION OF PAPERS. He shall preserve in his office,

during the life of every teacher's certificate, the questions and papers upon which the certificate was issued.

(9) **SCHOOL BOARD CONVENTION.** He shall annually hold one or more school board conventions for the purpose of consultation, advice and instruction pertaining to the schools of his county. Each district clerk shall, and the director and treasurer may, attend such convention. Each district school officer shall be allowed four dollars for each day's attendance and mileage at the rate of three cents per mile each way (provided his certificate of attendance shall show that he was present at each session of the convention). The county superintendent shall keep a record of the attendance at each morning, afternoon and evening session of the convention, and shall issue to each school officer in attendance, a certificate setting forth his actual attendance, which certificate shall be filed with the school district clerk.

SECTION 14. Section 39.05 of the statutes is repealed.

SECTION 15. Section 39.06 of the statutes is repealed.

SECTION 16. Section 39.08 of the statutes is renumbered 39.04 and revised to read:

39.04 COUNTY SUPERINTENDENTS' CONVENTIONS. The county superintendent shall annually attend at least one convention called by the state superintendent for the purpose of consultation, advice and instruction pertaining to the public schools. His necessary and actual expenses for such attendance at the most accessible convention shall be paid by the county upon allowance by the county board of proper bills for such expense with the certificate of the state superintendent attached, showing that the claimant attended such convention for the number of days specified in the bill.

SECTION 17. Section 39.16 and 39.17 of the statutes are consolidated, renumbered and revised to read:

39.05 COUNTY TEACHERS' CERTIFICATES. (1) **THREE GRADES.** There shall be three grades of county teachers' certificates, namely, first, second and third grade. Each certificate shall show the studies in which the holder has been examined, and his standing in each study.

(2) **PRIVILEGES CONFERRED.** Such certificate shall authorize the holders to teach, but only in the superintendent's district in which they are issued, and for the period specified in the certificates, but not longer than one year under a third grade or two

years under a second grade, or five years under a first grade certificate.

(3) **EDUCATIONAL REQUIREMENTS.** The county superintendent shall not grant a license or certificate to teach unless the applicant therefor is of good character, and has completed five years of school work beyond the eighth grade of the public school system, or the equivalent of such work, at least one year of which work shall be devoted to pedagogical instruction and training. But this subsection shall not apply to any person who has taught two years in a public school, or who held on August 1, 1927, an unexpired license or teacher's certificate.

(4) **PEDAGOGY.** Such pedagogical instruction and training must include the common school studies, the manual of the course of study and school management, ten weeks each of observation and of practice teaching, and such other studies as may be required by the state superintendent; and may be obtained in a Wisconsin normal school, a county normal school, a Wisconsin high school offering a course in pedagogy, or any other school above high school which offers a course for the training of teachers equivalent to that offered in the Wisconsin normal schools.

SECTION 18. Section 39.18 of the statutes is renumbered and revised to read:

39.06 TEACHERS' CERTIFICATES; THIRD GRADE; RENEWAL. (1) Every applicant for a third grade certificate shall be examined in spelling, reading, penmanship, arithmetic, composition, grammar, geography, history and government of the United States and of Wisconsin, physiology and hygiene (with special reference to the effects of stimulants and narcotics), school government, course of study for common schools, agriculture, rural economics and cataloging and use of school libraries.

(2) A third grade certificate may be renewed if the holder shall, prior to one year after its date of expiration, attend a school for teachers not less than six weeks and there receive credits in two subjects required for a second grade certificate, or shall pass an examination in two such subjects and has completed the state teachers' reading circle work.

SECTION 19. Section 39.19 of the statutes is renumbered and revised to read:

39.07 TEACHERS' CERTIFICATES; SECOND GRADE; RENEWAL. (1) Every applicant for a second grade certifi-

cate shall be examined in all the branches required for a third grade certificate, and in general science and American literature and domestic science or manual training; and must have completed the course for teachers of common schools, in a normal school, a county normal school or a teachers' training course in a high school, or have taught eight months in a public school.

(2) The superintendent may transfer to a second grade certificate the standings of a third grade certificate (not over two years old), if the holder shall have attended a school for teachers six weeks, and received credits in two subjects required for a second grade certificate since receiving said third grade certificate and shall have completed the state teachers' reading circle work.

(3) A second grade certificate may be renewed (prior to one year after its expiration), provided the holder shall have taught successfully two years under it and shall have attended a school for teachers six weeks and there received credit in two subjects required for a first grade certificate or shall pass an examination in two of the additional subjects required for a first grade certificate and shall have completed, each year during the life of the certificate, the work of the state teachers' reading circle.

SECTION 20. Section 39.20 of the statutes is renumbered and revised to read:

39.08 TEACHERS' CERTIFICATES; FIRST GRADE; RENEWAL. (1) Each applicant for a first grade certificate shall be examined in all the branches required for a second grade certificate, and in English literature, modern history, pedagogy and elementary algebra, and must have completed the course for teachers of common schools in a normal school, a county rural normal school, or a teachers' training course of a high school, or have taught eight months in the public schools.

(2) The superintendent may transfer to a first grade certificate the standings of a second grade certificate, which is not over three years old, if the holder of such second grade certificate has taught school successfully eight months or attended a school for teachers six weeks, and there received credits in two subjects required for a first grade certificate, since receiving such second grade certificate and shall have completed, each year during the life of the certificate, the work of the state teachers' reading circle.

(3) A first grade certificate may be renewed without examination for periods of five years, provided the holder shall have

taught successfully five years and in addition shall have completed, each year during the life of the certificate, the work of the state teachers' reading circle.

SECTION 21. Section 39.09 of the statutes is revised to read:

39.09 **TEACHERS' CERTIFICATES; ANNULMENT.** The county superintendent may revoke any teacher's license or certificate for cause and after an opportunity to the holder to be heard. The revocation shall be in the form of an order which shall state the facts found by the superintendent and the reasons for the revocation. Said order shall be filed in the superintendent's office and a copy thereof furnished to the teacher, and to the district and town clerks and such order shall not be effective until such copies are so furnished. The teacher may, within thirty days, appeal such order to the state superintendent.

SECTION 22. Section 39.10 of the statutes is revised to read:

39.10 **DEAF AND BLIND CHILDREN.** The county and city superintendents of schools shall send to the state school for the deaf at Delavan and for the blind at Janesville, the address of the parents and the name and age of each deaf or blind child of school age known to be in his county or city; and shall inform the parents, guardian or custodian of such child respecting the schools for the deaf and the blind, and the conditions of admission to them; and the superintendents of those schools shall provide each county and city superintendent with sufficient printed information, and with the names and residences of all deaf and blind children in his county or city; and each superintendent shall include in his annual report to the county board or the city school board, a statement of the number of deaf and of blind children of school age in his county or city then receiving instruction, and the number of each not receiving an education, and of the efforts he has made during the year to induce the parents or guardians or custodians to give such children a proper education.

SECTION 23. Section 39.11 of the statutes is revised to read:

39.11 **COUNTY SUPERINTENDENTS' REPORTS, PROCEEDINGS THEREON.** (1) Each county superintendent shall annually and before September 15th submit to the state superintendent a written report as of June 30th containing a list of the districts and schools under his supervision, an abstract of the reports of school district clerks, and such other facts as may be required by the state superintendent.

(2) Each county superintendent shall, prior to said date, deliver to the county clerk and to the county treasurer a written statement of the number of children of school age in each town, village and city under his supervision, living in districts which have maintained schools for eight or more months during the last year, as appears from the reports of district clerks.

(3) Each county superintendent shall, each year before the tenth of June, forward to each school district clerk the necessary blanks upon which the school census and other facts, required by law, are to be reported.

(4) The state superintendent, on receipt of a satisfactory annual report within the time specified by law, shall issue to the county superintendent who made the report, a certificate setting forth the fact that such annual report has been filed and approved within the time specified therefor by law.

(5) The county clerk, when presented with such certificate of the state superintendent, shall draw an order on the county treasurer in favor of the county superintendent for twenty-five dollars, in superintendent districts containing fifty or less school districts; for fifty dollars in superintendent districts containing more than fifty and less than one hundred school districts; for seventy-five dollars in superintendent districts containing more than one hundred and less than one hundred fifty school districts, and for one hundred dollars in superintendent districts containing more than one hundred fifty school districts, which order shall be paid out of the general fund of the county.

(6) Every county superintendent, who shall fail to make such report to the state superintendent, shall be liable to each school district to the amount which it shall lose by such neglect or refusal with interest to be recovered in an action.

(7) The county superintendent shall send to the clerk of the district, a written report of each personal visit, made by the superintendent, to any school. He shall call the attention of the board to any needed supplies or equipment or needed improvements to the school buildings, outbuildings or grounds. The county superintendent shall send to the district clerk of each school visited by the supervising teacher, a report based on such teacher's report.

SECTION 24. Section 39.14 of the statutes is revised to read:

39.14 SUPERVISING TEACHERS. (1) EMPLOYMENT. The county superintendent shall employ a supervising teacher,

and, if there are more than one hundred twenty-five schools under his supervision, he shall employ two supervising teachers.

(2) **COMPENSATION.** The county board shall fix the salary of such teacher which shall be not less than one thousand dollars for ten months in each year. The supervising teacher shall be reimbursed for actual and necessary expenses incurred in the performance of her duties. The county board shall make provision for the monthly payment of her salary and expenses.

(3) **ELIGIBILITY.** A supervising teacher must hold a state certificate, or a first or second grade county certificate, or a certificate of graduation from a county normal school, or from the teachers' training course of a high school, and have taught three years, at least one of which was in the common schools.

(4) **DUTIES.** The supervising teacher shall, under the direction of the county superintendent, supervise and assist the school teachers in her district, devoting special attention to the less experienced teachers; assist in organizing the schools, classifying them according to the work done, and in grading pupils. She shall stimulate interest among the pupils, teachers and parents in agriculture and other subjects pertaining to rural communities and shall consult and advise with school boards. She shall report weekly to the county superintendent the schools visited, the time spent in each school, the names of school officers she met, the number of pupils enrolled, the number present, her opinion of the order, discipline, grading and spirit of the school, and such other information as may be required by the county superintendent. When the schools are not in session, she shall visit the homes in her district to promote a general educational interest and to increase her personal knowledge of the rural school, its needs and accomplishments and report the same to the county superintendent, and shall perform such other work as the superintendent may direct. She shall annually attend an institute called by the state superintendent, but she shall not be reimbursed for expenses incurred in attending such institute until she shall have filed with the county clerk a certificate of attendance signed by the state superintendent.

(5) **REMOVAL.** Any supervising teacher may be discharged for cause by the county superintendent after opportunity shall have been given her to be heard.

(6) **REPORT OF COST TO COUNTY.** The county superintendent shall in July of each year make a report to the state superin-

tendent of the name and qualifications of each supervising teacher employed in the county, the number of months employed, the total amount of her salary and actual and necessary expenses paid during the year ending the preceding June 30th, and such other facts as may be required by the state superintendent.

(7) STATE REIMBURSE COUNTY. On receipt of such report, and it appearing from an actual inspection by direction of the state superintendent that the work of such supervising teacher has been efficient, and that she has devoted her time exclusively to the duties of the position, the state superintendent shall certify in favor of the county which employed her, the amount of the salary and actual and necessary expenses paid to her in the year preceding, and file it with the secretary of state, whereupon he shall draw his warrant for the amount of the certificate and in favor of the proper county treasurer.

SECTION 25. Section 39.15 of the statutes is revised to read:

39.15 TEACHERS' CERTIFICATES. (1) If any person desires to teach in any of the common schools he shall procure a certificate from the proper examining officer, and no certificate shall have force except in the district of the officer by whom issued.

(2) It shall be the duty of every person who contracts to teach in any public school to file in the office of the county or city superintendent within ten days after entering into such contract a statement showing the date of expiration, by whom issued and the grade and character of certificate held, unless such certificate is one which shall have been issued by the superintendent having jurisdiction over such school. Any teacher who shall refuse or wilfully neglect to comply with the provisions of this subsection shall forfeit one week's salary, and it shall be the duty of the treasurer of the school board or board of education to withhold such amount and turn it over to the county treasurer for the benefit of the school fund. The superintendent shall promptly notify the proper school clerk of the receipt of such statement. No order or warrant shall be issued by the clerk of the school board or board of education in payment of the salary of any teacher, unless such teacher shall have complied with the provisions of this subsection.

SECTION 26. Section 39.21 of the statutes is renumbered and revised to read:

39.16 TEACHERS' CERTIFICATES TO NORMAL GRAD-

UATES. Upon presentation of a certificate of graduation from a course for teachers of rural schools in a normal school, a county normal school, or a teacher's training course of a high school, the superintendent of the county in which such school is located shall, and any other superintendent may, issue a teacher's certificate for one year of the grade to which the graduate is entitled on the basis of the standings given in the certificate of graduation. After one year of successful teaching in the county, the county superintendent shall extend first and second grade certificates for four and two years respectively (provided the date of expiration of any first grade certificate shall not be more than five years, and of any second grade certificate more than three years after graduation). Any superintendent issuing a certificate under this section shall file in his office a copy of the certificate of graduation upon which the teacher's certificate is based.

SECTION 27. Section 39.23 of the statutes is renumbered and revised to read:

39.17 TEACHERS' RE-EXAMINATION; PRIOR STANDINGS. (1) The county superintendent may, on any examination for a certificate, accept standings (not to exceed five) of the applicant on a prior certificate provided the applicant shall have taught successfully one year on the certificate.

(2) He may accept final standings obtained in any normal school of the state or county normal school or a teacher's training course of a high school at any time within five years after the completion of the course or after such standings were recorded in the school.

(3) He may accept as a substitute for examination in any required subject in which an applicant shall have previously passed a satisfactory examination for a teacher's certificate, proof that the applicant during each year of the life of her certificate then in force, read one of the books of the state teachers' reading circle (while the book was on the reading circle list) which had been prescribed for the group of teachers to which the applicant belongs, such reading to be additional to that required for the registration of the applicant's reading circle certificate.

SECTION 29. Section 39.26 of the statutes is renumbered and revised to read:

39.18 EXAMINATION PAPERS, TRANSFER TO OTHER COUNTY. If the holder of a county certificate desires to teach

in any county, other than the one for which the certificate was issued, the superintendent of that county may demand a transfer to him of the papers upon which the certificate was issued. If those papers warrant it, he shall issue a certificate of the proper grade. He shall preserve a copy of the papers in his office and shall return the original papers to the superintendent from whom he received them.

SECTION 30. Section 39.33 of the statutes is renumbered and revised to read :

39.19 **TEACHERS' INSTITUTES.** (1) The county superintendent of schools shall each year conduct one or more institutes for the teachers of his district. To assist him, he may employ institute instructors and lecturers, but no compensation for special lectures shall be paid to any person conducting the institute.

(2) No person shall be approved, employed or paid as an institute instructor or lecturer unless certified by the state superintendent. Nor shall any person be so employed or paid or approved who is the publisher of school textbooks or a dealer in school supplies, or who is an agent or employe of such publisher or dealer, or who is the proprietor or manager of or in any way pecuniarily interested in any teachers' employment agency or bureau.

SECTION 31. Section 39.22 of the statutes is renumbered and revised to read :

39.26 **STATE SUPERINTENDENT TO ESTABLISH EDUCATIONAL STANDARDS.** The state superintendent shall establish the standards or passing marks which must be reached to entitle an applicant to a county teachers' certificate, which standard shall be as uniform as practicable throughout the state. The standard shall be higher for the second than for the third grade certificate, and shall be higher for the first grade than for the second grade certificate.

SECTION 32. Section 39.27 of the statutes is revised to read :

39.27 **TEACHER'S CERTIFICATE; REFUSAL, APPEAL, ANNULMENT.** (1) Any applicant refused a teacher's certificate by the county superintendent may have a re-examination by the state superintendent. The county superintendent, upon demand, shall give such applicant a written statement of the reasons for such refusal, which statement shall be presented to the state superintendent. If upon such re-examination, the state

superintendent shall be satisfied that the applicant is qualified, he shall issue a certificate to her of the proper grade which shall have the same force as if issued by the county superintendent.

(2) The state superintendent may demand the examination papers upon which a certificate has been granted by a county superintendent. If from the papers, the state superintendent is satisfied that no certificate should have been granted, he may annul the certificate.

SECTION 33. Sections 39.28 and 39.285 of the statutes are consolidated, renumbered and revised to read:

39.28 STATE TEACHERS' CERTIFICATES. (1) The state superintendent may conduct at such place and under such rules as he shall prescribe, an annual examination of applicants for state teachers' certificates; and shall designate in what studies (in addition to those prescribed by statute) the applicants shall be examined.

(2) To entitle an applicant to a state certificate, she must satisfy the state superintendent that she possesses the requisite scholarship in all required studies, and shall furnish such evidence of good moral character, and experience and success in teaching as he may require; and thereupon there shall issue to her a state limited certificate or unlimited certificate, depending on the grade to which she is entitled.

(3) A limited state certificate qualifies the holder to teach in any school for five years from its date, but does not qualify the holder to be principal of a high school. An unlimited state certificate qualifies the holder to teach or to act as principal in any school.

SECTION 34. Section 39.275 and subsection (1) of section 39.29 of the statutes are consolidated, renumbered and revised to read:

39.29 WISCONSIN GRADUATES, AUTHORITY TO TEACH. (1) UNIVERSITY GRADUATES. The president of the University of Wisconsin shall issue to each graduate who has completed the courses in education approved by the state superintendent, a certificate showing such fact. This certificate shall entitle the holder to a license from the state superintendent to teach in any school.

(2) NORMAL SCHOOL GRADUATES. The president of each state normal school shall issue to each graduate of the full course, a certificate showing the date of graduation, and the course from

which graduated. This certificate shall entitle the holder to a license from the state superintendent to teach in any school. Such president shall issue to each graduate of every other course offered in such normal school, a certificate showing the date of graduation, and the course from which graduated. This certificate shall entitle the holder to a license from the state superintendent to teach the subject, grade or department covered by the course from which he graduated, in any school.

(3) **STOUT INSTITUTE GRADUATES.** The president of Stout institute shall issue to each graduate thereof a certificate showing the name of the graduate, the date of graduation and the course from which graduated. This certificate shall entitle the holder to a license from the state superintendent to teach the subject for which the diploma was granted in any school.

(4) **DURATION OF LICENSE.** Every such license shall be good for one year from its date; and upon presentation to the state superintendent of satisfactory evidence of successful teaching for one year in the public schools of the state under such license, it shall be renewed for one year.

(5) **CERTIFICATE FOLLOWING LICENSE.** The state superintendent, upon application therefor, and the presentation to him by the graduate of the University of Wisconsin, of a state normal school or the Stout institute, of such certified statement and satisfactory evidence of good moral character, and of two years' successful teaching in the public schools of this state, shall issue to the applicant, an unlimited state certificate, but such certificate shall qualify the holder to teach only the subjects or pupils included in the license authorized by this section.

(6) **OTHER ALUMNI.** The graduate of a college, university or normal school (other than the University of Wisconsin, state normal school or Stout institute) who shall present satisfactory evidence to the state superintendent of having completed a course fully equivalent to the corresponding course in the above institutions, and of having given to psychology and pedagogy as much study as is required for an unlimited state certificate, and satisfactory evidence of good moral character, shall receive such license from the state superintendent as he shall consider suitable to the applicant's attainments. Upon satisfactory proof of successful teaching for one year in the public schools of this state, such license may be renewed for one year, and upon evidence of good moral character and two years of successful teaching (after

graduation) in the public schools in this state the holder of such license shall be entitled to receive from the state superintendent an unlimited state certificate.

SECTION 35. Section 39.30 of the statutes is revised to read :

39.30 TEMPORARY LICENSES TO TEACH. (1) The state superintendent may grant a license or certificate to teach such special branches in the public schools as may be named in the license or certificate for a specified time, and he may limit it to a particular school or district.

(2) The state superintendent may issue state licenses or certificates to persons who supervise work in the public school or teach in other public educational institutions in the state, and who are otherwise legally qualified.

SECTION 36. Subsection (2) of section 39.29 of the statutes is renumbered, and revised to read :

39.31 FEES FOR STATE LICENSES AND CERTIFICATES. A fee of two dollars shall be paid to the state superintendent with each application for a license to teach school or for a renewal of such license, or for a state certificate to teach.

SECTION 37. Section 39.32 of the statutes is revised to read :

39.32 REVOCATION OF STATE LICENSES AND CERTIFICATES. Any license or certificate to teach, issued by the state superintendent, may be revoked by that officer for incompetency or immoral conduct on the part of the holder, after written notice to him of the charges and of an opportunity for defense.

SECTION 38. Section 39.325 of the statutes is repealed.

SECTION 39. Section 39.02 of the statutes is renumbered and revised to read :

39.33 INSPECTION OF SCHOOL BUILDINGS. (1) The inspectors of common, graded and high schools shall be inspectors of public school buildings under the direction of the state superintendent.

(2) Whenever any county or city superintendent of schools, member of a school board or board of education, or an elector of a school district, or a member of a board of health shall complain in writing to the state superintendent that any building used for school purposes in his district is in such a condition as to endanger the lives or health of the pupils, or that the school-house is otherwise unfit for school purposes, the state superintendent shall investigate the matter.

(3) If the conditions warrant it, the state superintendent shall order the school board or other officers having control of the school to repair and improve or remodel such building, within a stated time, so as to render it safe and sanitary; or if he shall deem the building unfit for school purposes and not worth repairing, he shall state said fact, and shall order the erection of a new building by a stated date; and after said date use of the condemned building shall deprive the district of its right to share in the school fund income.

(4) The state superintendent shall file said order in his office, and shall cause copies thereof to be promptly delivered by mail or otherwise to the clerk of the proper school district and to the proper county or city superintendent and to the clerk of the municipality in which the building is located.

(5) The state superintendent shall, upon the written application of the local school officers, grant a hearing in the matter; pending such hearing, execution of the order shall be stayed till the conclusion of the hearing, and the superintendent may affirm, amend or vacate his original order.

SECTION 40. A new section is added to the statutes to be numbered 39.35 and to read:

39.35 DIVISION OF COUNTY INTO SUPERINTENDENT DISTRICTS. The county board of any county having a population in excess of fifteen thousand may divide the county into two superintendent districts (numbered one and two), and may later reunite the county into a single district. When a county is so divided, the district superintendents shall be designated a county superintendent of schools of district one or two, as the case may be. And the laws relating to the office of county superintendent of schools apply to each of such districts.

SECTION 41. Chapter 40 of the statutes is entitled:

CHAPTER 40.

SCHOOL DISTRICTS.

SECTION 42. A new section is added to the statutes to read:

40.01 DEFINITIONS AND INTERPRETATIONS. As used in this chapter, unless a contrary meaning is manifest:

“Board” means school district board or other body having charge of the schools of any district.

“District” means school district.

“District schools” mean the kind of schools which the legislature is commanded, by Section 3, Article X, of the constitution, to establish and make as nearly uniform as practicable.

“Grade teacher” means a person who teaches in grades below the ninth.

“Joint school district” means a school district whose territory is not wholly in one municipality.

“Municipality” includes town, city and village.

“Public schools” means the common schools and the high schools supported by public taxation.

“Parents” include guardians and other persons who occupy the place of parents.

“Rural school” and “rural district” means a school or a district which is wholly outside of villages and cities.

The distance between a pupil’s home and school, or between two schools, shall be measured from building to building, along the usually traveled route.

SECTION 43. A new section is added to the statutes to read:

40.02 CLASSIFICATION. (1) SCHOOL GRADES. The primary and secondary educational work of the public schools is divided into twelve grades (besides the kindergarten) which are numbered from one to twelve beginning with the lowest. The first eight are the common school grades. The other four are the high school grades. This classification is not a limitation of the character of work or the studies that may be carried on in either the common or the high schools.

(2) SCHOOLS. The common schools are classified as graded and ungraded. A common school which has only one teacher is ungraded. All other common schools are graded schools.

(3) DISTRICTS. The territorial unit for school work is the school district. School districts are classed as common school districts and high school districts and city school districts.

SECTION 44. Section 40.08 of the statutes is renumbered section 40.03 and revised to read: .

40.03 COMMON SCHOOL DISTRICT MEETINGS; NOTICE, TIME, CONDUCT. (1) The annual meeting in all common school districts shall be on the second Monday of July, at seven o’clock in the afternoon, but a different hour may be fixed by any annual meeting for the next annual meeting.

(2) The first school meeting in any district shall be considered an annual meeting.

(3) The clerk shall give at least six days' notice of the annual meeting by posting notices therefor in four or more public places in the district, one of which shall be affixed to the outer door of the schoolhouse, if there be one; and he shall give like notice for any adjourned meeting, if the adjournment be for more than one month, but no annual meeting shall be deemed illegal for want of notice.

(4) Special meeting shall be called by the clerk, or, in his absence, by the director or treasurer, on the written request of five electors, or may be called by the board on its own motion, and notice thereof, specifying particularly the business to be transacted, shall be given in the manner prescribed for noticing the annual meeting.

(5) If a newspaper is published in the school district, the notice of a school meeting shall be given by publication in such newspaper by printing the notice in two successive issues, the last of which shall be not more than eight days nor less than one day before the day of the meeting. The special meeting, if no hour is fixed in the notice, shall be held at eight o'clock in the afternoon. Proper newspaper publication of the notice of a school meeting shall be in lieu of the posting and of the personal service of the notice.

(6) If any person offering to vote at a school district meeting shall be challenged, the chairman shall state to the person challenged the qualifications of a voter, and if such person shall declare that he is a voter, and if such challenge shall not be withdrawn, the chairman shall tender to him the following oath or affirmation: You do solemnly swear (or affirm) that you are an actual resident of this school district and that you are qualified, according to law, to vote at this meeting. Every person taking such oath or affirmation shall be permitted to vote, but if he shall refuse to take such oath or affirmation his vote shall be rejected.

SECTION 45. Section 40.09 of the statutes, except subsections (19) to (21) is renumbered section 40.04 and revised to read:

40.04 POWERS OF ANNUAL DISTRICT MEETING. The annual common school district meeting shall have power:

(1) To appoint a chairman and, in the absence of the clerk, to appoint some person to act in his stead.

(2) To adjourn, from time to time.

(3) To choose a director, treasurer and clerk, by ballot, and a majority of the votes shall be necessary for a choice.

(4) To designate sites for district schoolhouses or teacherages.

(5) To vote a tax to purchase or lease suitable sites for school buildings, to build, hire or purchase schoolhouses or teacherages or outbuildings, and to furnish, equip and maintain the same.

(6) To vote a tax for the operation of the school, but the total tax voted in any year shall not exceed two and one-half per cent of the last assessment of the taxable property in the district, unless the district maintains a high school, in which case the tax limit shall be three per cent of such assessment.

(7) To authorize and direct the sale of any property belonging to the district, when the same shall be no longer needed for the use of the district.

(8) To levy such a tax as may be necessary to discharge any debts or liabilities of the district.

(9) To authorize the board to admit to the school, persons not residing in the district, whenever there are sufficient accommodations therefor, and to fix the tuition to be charged to the persons thus admitted.

(10) To authorize the board to furnish free textbooks for use in the school.

(11) To determine the length of time the school shall be taught during the current year (not less than eight months), but if it shall not be so determined the district board shall determine the same.

(12) To give direction and make provision for the prosecution or defense of any action or proceeding in which the district is interested.

(13) To vote salaries to the members of the school board, but the salary to the treasurer and director shall not exceed ten dollars each, unless the district maintains a graded or a high school.

SECTION 46. Subsections (19) to (21) of section 40.09 of the statutes are renumbered section 40.05 and revised to read:

40.05 SPECIAL DUTIES OF DISTRICT MEETING. (1) AUDITING COMMITTEE. It shall be the duty of each annual common school meeting to appoint three competent electors of the district to examine all accounts, books, vouchers, money and property of the district after the last day of June following, and

report their findings in writing to the next annual district meeting.

(2) **ADDITIONAL SCHOOL ROOM.** Whenever any school district, having a one-room schoolhouse shall have an average yearly attendance of more than fifty pupils, the next annual meeting shall make provision for an additional room and an additional teacher.

SECTION 47. A new section is created to be numbered section 40.06 and to read:

40.06 POWERS OF SPECIAL DISTRICT MEETING. Special district meetings shall have the powers of the annual meeting, excepting the election of officers, but not more than two special meetings shall be held in any year to consider or act upon the same subject. No tax shall be voted at a special meeting unless three-fourths of the electors shall have been notified in writing either personally or by written notice left at their places of residence, or by publication of the notice in a newspaper published in the district, stating the time, place and object of the meeting, and specifying the amount proposed to be voted, at least seven days before the time appointed therefor. The electors at a special meeting may vote a less amount than that stated in said notice but not a greater amount.

SECTION 48. Sections 40.085 and 40.17 of the statutes are consolidated, and renumbered section 40.07 and revised to read:

40.07 DISTRICT BOARD; ELECTION, TERM, REFERENDUM. (1) The officers of the common school district shall be a director, treasurer and clerk, who shall be electors of the district, and shall hold their respective offices for three years and until their successors have been elected or appointed and qualified. At the first election of officers, the clerk shall be chosen for a term to expire on the second Monday of July following, and the treasurer for a term to expire one year later, and the director for a term to expire two years later than that of the clerk. The officers elected shall be notified thereof by the clerk of the meeting, within five days thereafter, and unless a person elected and notified shall, within ten days after his election, file with the clerk his refusal in writing to accept the office, he shall be deemed to have accepted the same.

(2) When a petition, signed by thirty electors in any common school district asking that the district officers be chosen at an election, or asking that a referendum election be had on a specified subject or item of business, shall be filed with the district

clerk fifteen days prior to the annual meeting, the clerk shall incorporate, in his notice of the annual district meeting, a statement that such election (specifying the business or subject thereof) will be held; and that the polls will be open therefor from three o'clock to eight o'clock on the afternoon of the annual meeting day.

(3) The election shall be in the place fixed for holding the annual school meeting.

(4) The election shall be by ballot, and suitable ballot boxes shall be provided. The polls shall be open from three o'clock to eight o'clock in the afternoon. The time of opening and closing the polls and the place of holding the election shall be specified in the notice, but a failure to so specify the time and the place shall not invalidate the election.

(5) The school board shall act as inspectors of such election, and shall appoint two clerks who shall make and keep duplicate lists of the electors voting at such election. A plurality shall elect.

(6) Immediately after the polls are closed, the ballots shall be counted, the results shall be declared, all ballots, as soon as counted, shall be sealed in the ballot box and kept for sixty days by an inspector who was not a candidate at the election.

(7) The inspectors and clerk of this election shall be paid three dollars each.

SECTION 49. Section 40.18 of the statutes, except subsection (5), is renumbered section 40.09 and revised to read:

40.09 DUTIES OF DIRECTOR. It shall be the duty of the district director:

(1) To countersign all orders legally drawn by the clerk upon the treasurer of the district.

(2) To appear on behalf of the district in all actions brought by and against it, when no other direction shall have been given by a district meeting.

(3) To prosecute an action for the recovery of any forfeiture incurred under the provisions of this chapter, and in which his school district is interested, except when by him incurred, in which case such action shall be prosecuted by the treasurer. One-half of the net sum recovered shall be paid into the district treasury and the other half to the county treasurer for the benefit of the school fund.

SECTION 50. Section 40.19 of the statutes is renumbered section 40.10 and is revised to read:

40.10 BOND AND DUTIES OF TREASURER. (1) The treasurer shall, within fifteen days after his election or appointment, execute and file an official bond at least equal to the amount of all the moneys to come to his hands, with sufficient sureties approved by the director and the clerk. He may buy a surety company bond with district funds. He shall file an additional bond in such sum as the director and clerk shall demand, within fifteen days after demand.

(2) He shall apply for, and receive, and if necessary sue for all money appropriated to or collected for the district, and disburse the same on the order of the clerk, countersigned by the director and not otherwise.

(3) He shall enter in the account books of his office all the money received and disbursed by him, specifying particularly the sources from which the same has been received, the persons to whom and the object for which the same has been paid.

(4) He shall present to the annual meeting a written statement of all the moneys received by him during the preceding year, and of each disbursement made by him and shall exhibit the voucher therefor.

SECTION 51. Section 40.20 of the statutes is renumbered section 40.11 and revised to read:

40.11 DUTIES OF CLERK. (1) The district clerk shall report the name and post-office address of each officer of his district to the clerk and treasurer of each municipality in which his district is situated, within ten days after the election or appointment of such officer.

(2) He shall act as clerk and record the proceedings of the district meetings.

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

(4) He shall enter in said record book copies of all his reports to the municipal clerk, and the certificate of the proceedings of a meeting returned by a temporary clerk.

(5) He shall draw orders on the treasurer as directed by the district meeting and the board.

(6) He shall make a record in a suitable book of all orders drawn on the treasurer.

(7) He shall furnish, at the expense of the district, for the use of each teacher, a school register in the form prescribed by the state superintendent; procure the same to be returned to him at the expiration of the teacher's employment; and preserve the same with the records and papers of the district.

(8) He shall notify each person of his election or appointment to a district office within five days thereafter; and furnish each teacher a copy of the contract made with her by the board.

(9) He shall deliver to the town clerk, before the third Monday of November in each year, a certified statement showing the amount of taxes voted and not before reported, and also the amount of tax to be collected in such year, if any, for the annual payment of any loan. In case of a joint district, he shall deliver to the clerk of each municipality in which any part of the district is situated, a certified statement showing the proportion of such taxes to be assessed in that part of the district within his municipality, which proportion shall be ascertained from the valuations in the last assessment rolls, unless otherwise determined by law; and to that end the clerk of each such municipality shall, before October in each year, deliver to the district clerk a certified statement of the valuation of the real and personal property in that part of such district lying therein, as the same appears from said assessment roll.

SECTION 52. Subsection (5) of section 40.18 of the statutes is renumbered section 40.12 and revised to read:

40.12 FORFEITURES ENFORCED BY VOTER. When any person or officer designated in this chapter to prosecute an action for a forfeiture or for neglect of duty shall fail to prosecute within ten days after being requested in writing by an elector of the school district, so to do, any elector therein may prosecute such action.

SECTION 53. Section 40.21 of the statutes is renumbered to be section 40.13 and revised to read:

40.13 CENSUS REPORT OF CLERK. (1) The district clerk shall during each July, make and transmit to the county superintendent, a verified report as of the thirtieth day of June of such year, showing:

(a) The names and ages of children over the age of four and under the age of twenty years residing in the district, and the names of their parents or other persons with whom such children resided, respectively, on said date, but no children cared for at

any charitable or penal institution of this state shall be included in such report.

(b) The whole number of children between said ages taught in the district school during the last year.

(c) The number attending school during that year under the age of four and the number over the age of twenty years.

(d) The number of days school was taught, including holidays, by teachers legally qualified.

(e) The names of all teachers employed during the year, the number of days taught by each, including holidays, and the monthly wages paid to each, and the time allowed any teacher for attendance on any institute for which no wages were deducted.

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

(g) The amount and character of district debts.

(h) Such other facts and statistics in relation to the schools, public or private, in such districts as the state superintendent may require.

(2) The clerk of each joint district shall report separately, the children of the district residing in the several municipalities.

(3) Every district clerk who shall wilfully neglect to make such annual report shall be liable to his district for the whole amount of money lost by such district in consequence of his neglect.

SECTION 54. Section 40.23 of the statutes is renumbered section 40.14 and revised to read:

40.14 SCHOOL OFFICERS, NOT TO BE BOOK AGENTS. Neither the state superintendent, nor any person in his office, nor any county superintendent, nor any officer or teacher connected with any public school, shall act as agent or solicitor for the sale of any schoolbooks, maps, charts, school library books, school furniture, apparatus or stationery, or furnish any assistance to or receive any reward therefor from any author, publisher, bookseller or dealer doing the same. Every person violating this section shall forfeit not less than fifty nor more than

two hundred dollars for each offense and be liable to removal from office therefor.

SECTION 55. Sections 40.24 and 40.25 of the statutes are consolidated, renumbered section 40.15 and are revised to read:

40.15 DISTRICT BOARD; MEETINGS, DUTIES. (1) The director, treasurer and clerk shall constitute the board of the common school district, and shall meet on the day following each annual district meeting at seven o'clock in the afternoon at the place where the annual meeting was held, and at such other times and places as the board shall determine. A meeting of the board may be called by two members by serving on the other member a written notice of the time and place of such meeting at least twenty-four hours before such meeting. A meeting may be held, without notice, when all members are present and consent.

(2) The board shall meet on the Saturday preceding the annual district meeting to carefully examine the accounts of the treasurer and make a full and itemized written report of all receipts and expenditures since the last annual meeting, and of the amount in the hands of the district treasurer, the amount of the deficit or bills payable, if any, for which the district is liable; the amount necessary to be raised by taxation for the support of the school for the ensuing year; and of the amount required to pay the interest or principal of any debt due during the year. The report shall be presented and read at the annual district meeting. The district clerk shall copy such report, with the action taken thereon, and all other proceedings of the meeting in full, in the district record book.

SECTION 56. Section 40.26 of the statutes is renumbered section 40.16 and revised to read:

40.16 SCHOOL BOARD; POWERS AND DUTIES; SCHOOL PROPERTY AND AFFAIRS; CUSTODY AND MANAGEMENT. (1) Subject to the authority vested in the district meeting and to the authority and possession specifically given to other officers, the common school board shall have the possession, care, control and management of the property and affairs of the district.

(2) The board shall keep the buildings in good repair and suitably equipped.

(3) The board shall provide and maintain enough suitable and separate privies or water-closets for both sexes, at each school.

(4) The board shall file an inventory of the district property annually.

(5) The board may grant the request of any responsible inhabitant of the district to occupy the schoolhouse for such public meetings as will, in the judgment of the board, aid in disseminating intelligence and promoting good morals. The applicant shall be primarily, and the members of the board secondarily, liable to the district for any injury done to any property and for any expense incurred in consequence of any such use of the schoolhouse.

(6) The board may grant the use of the schoolhouse for lectures, entertainments and school exercises held under the auspices of and for the benefit of the school, and permit an admission fee to be charged.

(7) Upon the written application of one-half of the voters of the district, the board shall allow the use of the school buildings or grounds for the open presentation and free discussion of public questions, so far as such use shall not, in the opinion of the board, interfere with the prime purpose of the buildings or grounds.

(8) Where the citizens of any community are organized into a nonpartisan, nonsectarian, nonexclusive association for the discussion of public questions, or for the promotion of public health, by instruction in physical culture and hygiene or by physical exercises, the board shall grant to such association the use of the schoolhouse or other public property which is capable of being used in the work of such association (when not being used for their prime purpose), shall provide (free of charge) light, heat and janitor service, when necessary, and shall make such other provisions as may be necessary for the free and convenient use of such buildings or grounds by such organization, at such times as the organization shall designate. All such gatherings shall be free to the public.

(9) The board may provide for the free use of such property for such other civic, social and recreational activities that do not interfere with the prime use thereof; provided, that the use of school buildings shall not be granted for public dancing, over the written protest of a majority of the electors of the district, or if a resolution against public dancing in the schoolhouses shall have been adopted at the annual meeting. If the persons applying for the use of the schoolhouse or property for public

meetings shall fail to respond in damages for any injuries to the property, the board may refuse all future applications for such use of the property until such injury is repaired without public expense.

(10) If any district shall not have voted a tax sufficient to maintain its school for the term of eight months during the ensuing year, the board shall, on the third Monday of November, determine the sum necessary to be raised to maintain such school, and the clerk shall forthwith certify to the municipal clerk the amount so fixed, and he shall assess the same and enter it in the tax roll as other district taxes are assessed and entered.

SECTION 57. Section 40.27 of the statutes is renumbered section 40.17 and revised to read:

40.17 SCHOOL EQUIPMENT; FLAG. (1) The board may purchase necessary books and stationery for keeping the records and for doing the business of the district in an orderly manner, and such equipment, books, school apparatus and heating and ventilating apparatus, as may be approved by the state superintendent or by the county superintendent for the use of schools, not exceeding two hundred dollars in value in any one year, from any funds not otherwise appropriated, and such schoolbooks as in their judgment may be needed by pupils whose parents are not able to furnish the same.

(2) Every school board and the governing body of every private or parochial school shall cause the United States flag to be displayed in the schoolroom or from a flagstaff on each school ground, during the school hours of each day's session of school.

SECTION 58. Section 40.255 of the statutes is renumbered section 40.18 and revised to read:

40.18 CLAIM AGAINST DISTRICT ENFORCEMENT. No action shall be maintained against a school district upon any claim until it shall have been presented to the board and disallowed, in whole or in part. Failure of the board to allow the claim within sixty days after it is filed with the clerk is a disallowance. The clerk shall serve on the claimant notice of disallowance by registered mail, and receipt therefor, signed by the claimant, shall be proof of service. The claimant may accept a portion of his claim without waiving his right to recover the balance. No interest shall be recovered on an allowed claim after an order of the board is available to the claimant. If the claimant recovers a greater sum than was allowed, he shall re-

cover costs, otherwise the board shall recover costs. Disallowance by the board shall bar an action on the claim six months after service of notice of disallowance.

SECTION 59. Subsections (1) to (5) of section 40.28 are renumbered section 40.19 and revised to read:

40.19 CONDUCT OF SCHOOL; SCHOOL MONTH; TEACHER'S ALLOWANCE. (1) The common school board shall contract in writing with qualified teachers, which contract, with a copy of the teacher's authority attached thereto, shall be filed with the clerk. No teaching contract with any person not legally authorized to teach the named school or subject shall be valid; and all teaching contracts shall terminate if, and when, the authority to teach terminates.

(2) No order shall be drawn, for the payment of which money has not been appropriated according to law, and no order shall be drawn for money received from the school fund income for any other purpose than the payment of teacher's wages.

(3) Twenty school days shall constitute a school month and all legal holidays occurring on the usual school days shall be counted whether school be taught or not. Not to exceed five Saturdays may be counted in any school year when school is taught thereon with the consent of the board.

(4) Exercises to commemorate the lives of Abraham Lincoln and George Washington shall be held in the public schools on the twelfth and twenty-second days of each February, when those dates fall on school days.

(5) The board may give to any teacher, without deduction from her wages, the whole or part of any time spent by her in attending a teachers' institute held in the county, or a school board convention or the meeting of any teachers' association, upon such teacher's filing with the school clerk a certificate of regular attendance at such institute, convention or association, signed by the person conducting the institute or convention, or by the secretary of the association.

(6) The board shall visit the school, examine into its condition, advise with the teacher in regard to the instruction, government, progress of the pupils, and exercise general supervision over the school.

SECTION 60. Subsection (6) of section 40.28 of the statutes is renumbered section 40.20 and revised to read:

40.20 EXCHANGE OF TEACHERS. The school board

may exchange any teacher employed by it for a teacher of any school district of any other state. No such exchange shall be for a longer period than one year, and any teacher of this state, so exchanged, shall be deemed to have taught during said period in the school district by which she was employed; and shall be assessed, for the benefit of the Wisconsin teachers' insurance and retirement fund, the full amount which would have been assessed against her had she actually taught in such district.

SECTION 61. Section 40.29 of the statutes is renumbered section 40.21 and revised to read:

40.21 CONDUCT OF COMMON SCHOOLS. (1) REGISTRATION OF PUPILS; TEACHER'S REPORT. The teacher in each common school shall enter in the school register, the names, ages and studies of all pupils and their daily attendance, and such other facts as the county superintendent or state superintendent may require, which register the teacher shall deliver to the clerk at the close of each term, and whenever it may be required for the use of the board. The teacher shall make a written report to the board or to the county superintendent concerning any matters relating to the school in such form or manner as the board or superintendent may prescribe; and any teacher who shall wilfully neglect or refuse to so keep the register shall forfeit her wages during the time of such neglect or refusal.

(2) INDIGENT PUPILS, TUITION. Every person of school age maintained as a public charge shall, for school purposes, be deemed a resident of the district in which he lives, and if maintained by the county the county board shall annually allow to the district in which such person attended school, a pro rata share of the year's expense of maintaining the school, such share to be computed upon the basis of the total enrollment, and in case such person be maintained by the town, such town board shall allow a like amount to such district.

(3) RULES, EXPULSION. The board may make rules for the organization, graduation, and government of the schools, such rules to take effect when signed by a majority of the board and filed with the clerk; may suspend any pupil for noncompliance with such rules or those of the teacher made with its consent; may expel any pupil whenever it shall find him guilty of persistent refusal or neglect to obey the rules and become satisfied that the interests of the school demand his expulsion.

(4) ADULT PUPILS. Residents above twenty years of age may

be admitted to the district schools when in the judgment of the board they will not interfere with the pupils of school age.

(5) **NONRESIDENT PUPILS, TUITION.** (a) In the absence of action upon the subject by the last annual district meeting, the school board shall determine whether nonresident children shall be admitted to the school, and shall fix the rate of tuition therefor, provided the tuition below the ninth grade shall not exceed the per capita cost of instruction in said school for the time for which tuition is charged, said cost to be determined by dividing the total salaries paid to the grade teachers by the total enrollment for the time.

(b) The board shall enter into a written agreement with the parents prior to the admission of such nonresidents to the school for the payment of tuition at the rate legally fixed, except when the tuition is a public charge.

(6) **PUPILS REMOTE FROM SCHOOL.** In case children of school age reside more than two miles from the schoolhouse in the home district, and one-half mile nearer another public school, and transportation is not provided by the home district, such children may attend the nearer school if the facilities for seating and instruction will permit. The clerk of the school which such children attend shall file with the clerk of the home district, a statement before the first day of July in each year, showing the name, age, residence, date of admission, and the attendance of each child admitted from said district, the rate of tuition per week, month or year, and the amount of tuition due for each, provided the tuition below the ninth grade shall not exceed the per capita cost of instruction, determined as provided in this section. Upon the filing of such statement, the school board of the home district shall allow and pay to the treasurer of the other district, the tuition due.

(7) **EQUAL RIGHTS OF PUPILS, COMPUTATION OF TIME.** Tuition pupils shall have all the rights and privileges enjoyed by resident pupils. In computing tuition, five school days, including the legal holidays, shall constitute a school week; twenty school days, including legal holidays, shall constitute a school month. No deduction of tuition shall be made on account of absence on the part of any pupil, unless such pupil shall have been absent ten consecutive school days. In case of a longer absence at one time, deduction shall be made only for the absence in excess of ten days.

SECTION 62. Section 40.10 and section 40.30, except subsections (8) and (9) of the statutes, are consolidated, renumbered section 40.22 and revised to read:

40.22 CURRICULUM. (1) FUNDAMENTAL COURSE. Reading, writing, spelling, English grammar and composition, geography, arithmetic, elements of agriculture, history and civil government of the United States and of Wisconsin, citizenship and such other branches as the board may determine shall be taught in every common school. All instruction shall be in the English language, except that the board may cause any foreign language to be taught to such pupils as desire it, not to exceed one hour each day.

(2) PHYSIOLOGY AND HYGIENE. Physiology and hygiene, sanitation, the effects of stimulants and narcotics upon the human system, symptoms of disease and the proper care of the body, shall be taught daily for one-half of the school year in either the sixth, seventh or eighth grade, but no pupil shall be required to take such instruction if the parents shall file with the teacher a written objection thereto. A semester of work of physiology and hygiene shall be offered in each high school curriculum.

(3) PHYSICAL EDUCATION. (a) Physical instruction and training shall be provided for all pupils in conformity with the course of instruction in physical education prescribed by the state superintendent. In one and two-room schools such instruction and training shall take the form of supervised playground work. The time devoted to such course by each pupil above the kindergarten shall aggregate at least two and one-half hours each school week, exclusive of recess periods.

(b) Every county normal school and every high school course for the training of teachers shall require all students to take a course in physical education and playground games and management.

(c) Physical education as used herein is instruction in the theory and practice of physical exercise and instruction in hygiene, but does not include medical supervision.

(4) PREVENTION OF ACCIDENTS. Each public-school teacher shall devote not less than thirty minutes in each month to teaching her pupils how to prevent accidents.

(5) MORALS. Every public-school teacher shall teach her pupils morality and how to conduct themselves as social beings.

(6) ANIMAL LIFE. Each public-school teacher shall devote

not less than thirty minutes each month to teaching the pupils kindness to and the habits, usefulness and importance of animals and birds, and the best methods of protecting, preserving and caring for all animal and bird life.

(7) FIRE DRILL. The person having direct charge of any public, private or parochial school or college room (except in one story buildings), shall, at least once each month without previous warning, drill all pupils in the proper method of departure from the building as if in case of fire.

(8) FIRE PREVENTION. Each public-school teacher shall devote not less than one-half hour each month to teaching the pupils fire prevention.

(9) KINDERGARTEN. Any board which has control of primary grades may, and upon petition of the parents of twenty-five children, more than four and not more than six years of age, shall establish and maintain a kindergarten, provided such parents reside not more than one mile from the school building. Such kindergarten shall constitute a part of the public schools of the district, and shall not be discontinued unless the kindergarten enrollment for the preceding year shall have been less than fifteen.

SECTION 63. Section 40.31 of the statutes is renumbered section 40.24 and is revised to read:

40.24 UNIFORM TEXTBOOKS FOR COUNTY. (1) COUNTY BOARD OF EDUCATION. When a majority of all the districts shall vote, at any annual county school board convention in favor of adopting county uniform school textbooks, each school district being entitled to one vote, the convention shall immediately elect a county board of education of not less than three nor more than five persons. And said school board convention shall, at a regular meeting every five years thereafter, elect five persons who shall constitute said county board of education. School districts which maintain high schools shall not be entitled to vote on the question of uniformity of textbooks, nor in the election of the county board of education.

(2) TERM OF BOARD MEMBERS. The members of the county board of education shall hold office for five years and until their successors are elected and qualified.

(3) ELIGIBILITY, VACANCY. No person shall be eligible to said county board of education who is not a legally qualified teacher and has not had five years of experience in teaching or in the

supervision of public schools, or who is a dealer in textbooks, or is an agent of, or interested in, any person, firm or corporation engaged in publishing or furnishing school textbooks, or who shall be interested in any book or series of books as the author, associate author, or in any manner whatsoever; and if any member shall be so interested, his office shall ipso facto become vacant.

(4) OATH OF OFFICE. Each member of said county board of education shall, before entering upon the duties of his office, take the constitutional oath of office; and shall in addition thereto swear that he is not directly or indirectly interested in or related to any publishing house, person, firm or corporation, engaged in publishing or furnishing school textbooks, or any of their agents, and that he is not interested directly or indirectly in any book or series of books as the author, associate author, or otherwise; which oath shall be filed with the county clerk.

(5) ORGANIZATION OF BOARD. The members of said board of education shall, within ten days after their election, meet at the county seat and organize by electing one of their number president, and one secretary, and said board shall adopt such rules and regulations as may be necessary to the transaction of its business.

(6) ADOPTION OF TEXTBOOKS. A majority vote of all the members of the board shall be necessary to adopt or change any textbook.

(7) CONTRACTS WITH BOARD. The president and secretary shall sign all contracts on behalf of said board, and the secretary shall keep a full record of all proceedings of said board in a book kept for that purpose, which book shall be a public record and be kept in the office of the county superintendent of schools.

(8) MEETINGS OF BOARD. Said board of education shall meet at the county seat on the first Saturday in May, and at such other times as the board shall deem necessary, and the president shall call a meeting upon the written request of a majority.

(9) EXPENSES PAID. The members of the county board of education shall be reimbursed their actual and necessary expenses in the performance of their duties; the same to be paid out of county funds.

SECTION 64. Section 40.32 of the statutes is renumbered section 40.25 and revised to read:

40.25 UNIFORM TEXTBOOKS; SELECTION AND USE.

(1) Every county board of education shall, as soon as may be, and every fifth year after the first adoption of textbooks, meet at the county seat and select and adopt a series of textbooks, covering all branches of study required to be taught below the ninth grade.

(2) The books so selected shall be used in all school districts of the county, except those maintaining high schools and graded schools of the first class.

(3) The books so selected shall be introduced in the schools the following September, and shall remain in use until displaced or replaced by said county board of education; but no book so adopted and introduced into said schools shall be changed within five years from the date of adoption.

(4) In districts furnishing free textbooks, it shall be optional with the school board whether or not a change of the textbooks shall be made; but, whenever a change is made, only such textbooks shall be selected as have been adopted under the provisions of this section.

(5) A graded school may, by a unanimous vote of the school board, adopt in lieu of the textbooks selected by the county board of education, the books used in the grades of the nearest city schools.

(6) The textbooks adopted by said board of education shall be selected after a careful examination of all sets of books presented, and taking into consideration the material used, illustrations, binding, price, and all other things that go to make up a desirable textbook; merit, however, shall be the main point to be considered in their selection.

(7) School districts or the county board of education, may, nevertheless, select, introduce and use additional and supplementary books at any time when they deem it necessary in order to establish and maintain the highest standard of excellence in their schools.

(8) Such supplementary books shall not be used to the exclusion of the series books adopted by the county board of education.

SECTION 65. Section 40.33 of the statutes is renumbered section 40.26 and revised to read:

40.26 PURCHASE OF TEXTBOOK. (1) The county board of education shall at least thirty days before meeting to adopt textbooks, send notice to textbook publishers and adver-

tise in a newspaper of general circulation in the county that said board will on a day named, meet at the county seat and select and adopt textbooks for use in the district schools of said county, and shall invite bids to furnish such books, giving a list of textbooks to be selected. Said notice shall also state the time when bids and samples of books must be submitted to them, and such further facts as the board may deem necessary.

(2) Any person desiring to furnish such books shall, at or before the time for filing his bid, deposit in the office of the county superintendent of schools samples of all textbooks included in his bid, together with lists giving the lowest exchange price, wholesale price and retail price to pupils or school districts for the same.

(3) Said samples and lists shall remain in the said superintendent's office and shall be open at all times to public inspection.

(4) Said board shall require any person who contracts for furnishing the books to give a good and sufficient bond to the board in such sums as the board may require, with sureties and conditioned for the faithful performance of such contract.

(5) Said board shall arrange for such depositories as it may deem necessary for furnishing the adopted books to school boards or local dealers. Such depositories shall furnish a sufficient bond to protect publishers. Depositories shall receive books displaced by the uniform adoption and return them to publishers at agreed allowances. Depositories shall accept books on the uniform list at reasonable prices from people who are moving out of the county; such books to be resold to pupils in the county at a slight advance on cost.

SECTION 66. Section 40.34 of the statutes is renumbered section 40.27 and revised to read:

40.27 APPLICATION OF SECTIONS 40.24 TO 40.26. In the administration of sections 40.24 to 40.26, a district situated in more than one county shall be deemed to be fully within the county in which the schoolhouse is located.

SECTION 67. Section 40.35 of the statutes except paragraph (b) of subsection (1) is renumbered section 40.28 and revised to read:

40.28 TEXTBOOKS; PRICES, BOND, PENALTIES. (1) No person shall offer any school textbooks or any encyclopedias or other reference books sold either in sets or in series for adop-

tion, sale or exchange in Wisconsin, until he shall have complied with the conditions of this section.

(2) He shall file copies of such textbooks and encyclopedias and other reference books proposed to be sold in Wisconsin in the office of the state superintendent, with a sworn statement of the list price, the lowest wholesale price, and the lowest exchange price, at which said books are sold or exchanged for old books on the same subject and of like grade and kind but of different series in the United States.

(3) He shall file with the state superintendent a bond to the state with a licensed surety company as surety in a penal sum to be determined by the state superintendent, not less than two thousand dollars nor more than ten thousand dollars, conditioned that he will furnish any of the books listed in said statement and in any statement subsequently filed by him within five years, to any school district, corporation or person in the state at the lowest price shown in said statement, and that he will maintain said price uniformly throughout the state; that he will reduce such prices in Wisconsin whenever reductions are made elsewhere in the United States, so that at no time shall any book so filed and listed by him be sold in Wisconsin at a higher net price than the lowest price received for such book in the United States; that all textbooks and encyclopedias and other reference books offered for sale, adoption or exchange in this state shall be equal in quality to those deposited in the office of the state superintendent; that in case he shall prepare an abridged or special edition of any of the books so listed by him, and shall sell such special edition at a lower wholesale price than the wholesale price of the earlier or unabridged edition scheduled with the state superintendent, he will file a copy of such special edition together with the price therefor, as above stated, with the state superintendent; that he will not enter into any understanding, agreement or combination to control the prices or to restrict competition in the sale of school textbooks or encyclopedias or other reference books.

(4) Such bond shall be approved by the attorney-general and shall continue in force for the period of five years after its filing, at or before the expiration of which period a new bond shall be given, or the right to continue such business within the state shall terminate.

(5) All teachers shall notify their superintendent of schools

of any violation of any of the conditions of said bond that shall come to their knowledge, and it shall thereupon be the duty of such superintendent to investigate the alleged violation, and if he shall find that there is good ground for believing that said conditions have been violated, he shall forthwith report the matter to the state superintendent, who shall notify the obligor to comply with the conditions of his bond, and to make good any loss or injury that may have been occasioned by such violation, within a reasonable time to be inserted in said notice. If the person so notified shall fail to comply with the requirements of the notice, the state superintendent may suspend his right to sell school textbooks and encyclopedias and other reference books within the state until he shall comply. In case he shall refuse to comply with the provisions of his bond, or shall violate the same a second time, the state superintendent shall declare his bond forfeited, and the attorney-general shall bring suit thereon. In case judgment shall be rendered in favor of the state on such bond, it shall be for the penal amount thereof, and the proceeds shall be placed to the credit of the common school fund, and shall bar the principal from further continuance of such business within the state for five years.

(6) No person shall secure or attempt to secure the sale of any school textbooks or encyclopedias or other reference books to any school district by rewarding or promising to aid or reward any teacher. No person shall offer or give any money or other valuable thing, promise of work or any other inducement to any teacher or school officer for any vote or promise of vote or for the use of his influence for any school textbooks or any encyclopedias or other reference books; provided, that nothing in this section shall be construed to prevent any person from giving, or any school officer or teacher from receiving, a reasonable number of sample copies of school textbooks for examination with a view to obtaining information as to the book or series for which such officer may give his vote.

(7) Any person violating any of the provisions of this section shall be punished by fine not exceeding five hundred dollars, or by imprisonment not exceeding three months, or by both such fine and imprisonment.

SECTION 68. Section 40.355 and paragraph (b) of subsection

(1) of section 40.35 of the statutes are consolidated, renumbered section 40.29 and revised to read:

40.29 TEXTBOOKS SUPPLIED BY DISTRICTS. (1) LISTS. In June of each year the state superintendent shall send copies of the list of the schoolbooks filed in his office, giving the publisher's prices, to the school superintendents, sufficient to supply a copy to each common school clerk.

(2) **ADOPTED, FURNISHED.** Subject to the power of the county board of education to adopt and supply books, the common school board shall adopt from the list of school textbooks on file with the state superintendent, all the textbooks necessary for use in the schools under its charge, and file a list of the adopted books with the school clerk and keep a copy of it posted in the school, and such textbooks shall not be changed for five years; and it may purchase textbooks direct from the publishers at the prices listed with the state superintendent and sell them to the pupils at cost.

(3) **AGENTS' COMMISSION.** The school board may designate agents of the district to sell the textbooks to the pupils. The agents shall, at stated times, make settlement with the district for such books as have been sold. Such agents may add a selling commission which shall not exceed ten per cent of the net prices as listed with the state superintendent.

(4) **AGENTS' PRICE LIMIT.** No dealer in textbooks shall sell any books listed with the state superintendent, as provided by law, at a price to exceed fifteen per cent advance on the net list prices, transportation added thereto. Any agent or dealer, violating the provisions of this section, shall be fined not less than twenty-five dollars and not more than one hundred dollars.

SECTION 69. Sections 40.01, 40.02 and 40.04 of the statutes are consolidated, renumbered section 40.30 and revised to read:

40.30 COMMON SCHOOL DISTRICTS; CREATION, ALTERATION, DISSOLUTION. (1) NAME, CONTIGUOUS TERRITORY. Town and village boards and councils of cities of the fourth class may, by order, create, alter, consolidate or dissolve common school districts. Such districts shall be known by the names of the municipalities in which they lie, and if there is more than one district in a municipality, those districts shall be further designated by numbers. Such districts must be of contiguous territory, and no territory shall be detached from a district unless it be by the same order attached to another district, and no district shall be created having less than one hundred

fifty thousand dollars of taxable property as shown by the last assessment roll.

(2) NOTICE OF PROPOSED ACTION. Whenever such alteration, creation, consolidation or dissolution shall be contemplated, the municipal board shall give at least five days' notice, in writing, to the clerk of each district to be in any way affected thereby of the day, hour and place it will be to decide upon the proposed changes. Each district clerk shall immediately notify the other members of his board.

(3) JOINT ACTIONS OF BOARD. When the territory to be affected by proposed order lies in more than one municipality, the municipal boards shall act jointly, and the concurrence of a majority of each board shall be necessary to a valid order.

(4) ORDER AS EVIDENCE. Such order shall be presumptive evidence of the facts recited therein and of the validity of all proceedings preliminary thereto.

(5) DISTRICT NUMBERED. An order creating a district shall number the district and mention the municipality in which it is situated.

(6) ORDER FILED AND RECORDED. Every order shall be promptly filed and recorded in the office of the clerk of the municipality in which the school districts affected by the order are situated (and if in more than one, a sufficient number of originals shall be executed so that one may be filed with each municipal clerk), and a copy of such order shall be mailed to the county superintendent.

(7) FIRST DISTRICT MEETING. When a common school district is created, the municipal board shall fix the time and place for the first district meeting, and shall give six days' notice thereof in the manner provided for giving notice of an annual district meeting, and proof of such notice shall be filed with the municipal clerk.

SECTION 70. Section 40.03 of the statutes is renumbered section 40.31 and revised to read:

40.31 SCHOOL DISTRICT; VALIDATION; LOST RECORDS. (1) When a district has exercised the rights and privileges of a school district for a period of four months, no appeal or other action attacking the legality of the formation of such district, either directly or indirectly, shall be taken.

(2) If the order creating a school district, and the record thereof shall be lost or destroyed, the order may be restored, filed

and recorded by the same authority and procedure as an original order of like character would be presently made, filed and recorded and shall be presumptive evidence of the regularity of all prior proceedings pertaining thereto, of the legality of the formation of such district, of the boundaries thereof and of the loss or destruction of the record of its formation. Parties aggrieved by any order made under the provisions of this section may appeal therefrom to the state superintendent within thirty days.

SECTION 71. Section 40.07 and section 40.015 of the statutes are consolidated, renumbered section 40.32 and revised to read:

40.32 JOINT DISTRICT; ASSESSMENTS EQUALIZED; TAXES UNIFORM. (1) The valuation of taxable property in the several parts of any joint school district may be equalized as herein provided. At any time between the fifteenth day of August and the fifteenth day of October, any three resident freeholders of the district may file with the clerk thereof a petition for such an equalization. The clerk shall thereupon notify, in writing, the municipal assessors of the property embraced in such district to meet at the district schoolhouse (bringing their respective assessment rolls) at the time designated in such notice for the purpose of comparing and investigating the assessed valuation of the taxable property in the several parts of such district.

(2) At their meeting they shall determine whether the assessed valuation of such property on the assessment rolls is uniform or not.

(3) If deemed unjust, they shall determine the relative aggregate valuation of said property in the several parts of the district, and the proportion of district taxes to be levied upon the property in each part.

(4) The assessors may view the taxable property in the district and may examine the owners and other persons under oath as to the value thereof. The school district clerk shall attend such meeting and keep a record of the proceedings.

(5) A majority of such assessors shall constitute a quorum, and if there shall be no quorum, the meeting shall be adjourned to such time as may be necessary to enable a majority to be present, and in such case the clerk shall give notice of such adjournment to each assessor not then present in time to enable him to attend such adjourned meeting. Further adjournments may be taken but the assessors shall complete their work prior to No-

venber following. If they adjourn without a fixed date before completing their task, the clerk shall call another meeting at a time fixed by him.

(6) If the assessors cannot decide, they shall call to their aid the assessor of incomes of the county, who shall decide the controversy. The determination, when made, shall be certified in writing to the district clerk.

(7) If any assessor or other officer shall refuse or neglect to perform the duties hereby imposed, he shall forfeit not less than ten nor more than one hundred dollars.

SECTION 72. Section 40.06 of the statutes is renumbered section 40.33 and revised to read:

40.33 DISSOLUTION OF DISTRICT BY NEGLIGENCE TO KEEP SCHOOL. (1) If a district for two or more successive years neglects to furnish schooling for its children as required by law, the town board shall, upon the recommendation of the county superintendent, attach the same, or so much thereof as lies in the town, to other districts in the town.

(2) If the territory of the dissolved district is attached to more than one district, then the assets and liabilities of the dissolved district shall be apportioned by said board to the receiving districts, as provided in section 40.30.

SECTION 73. Section 40.16 of the statutes is renumbered section 40.34 and revised to read:

40.34 TRANSPORTATION, BOARD AND LODGING. (1) SCHOOL TRANSPORTATION. The school district meeting may authorize the board to provide transportation for all the children of school age residing in the district. The board of every consolidated school district shall provide transportation to and from school for all school children residing in the district and over one mile from the schoolhouse. The board shall provide transportation to and from school for all school children residing in the district and over two miles from the schoolhouse, in case of a common school and three miles in case of a union high school. And if it fails to provide such transportation the parents may provide suitable transportation for their children, and shall be paid therefor by the district, at the rate of thirty cents per day for the first child, twenty cents per day for the second child, and ten cents per day for each child in excess of two in the family; provided, the child shall have attended not less than one hundred and twenty days during the school year unless prevented

by absence from the district. The district shall be entitled to state aid on account of such transportation at the rate of ten cents per day for each child transported.

(2) **SUSPENDED SCHOOL.** The board of any district which has suspended school shall pay the tuition of all children of school age residing in the district who attend other district schools during such suspension, and shall provide transportation to and from school for all children residing more than one mile from the nearest school which they may attend, and the district shall receive the regular state and county money and state aid on account of such transportation; and one hundred fifty dollars additional state aid.

(3) **CONTRACTS FOR TRANSPORTATION.** The board, when authorized or required to provide transportation, shall enter into a written contract which shall provide that the children shall be transported in a safe and comfortable manner, with suitable protection against cold and stormy weather. The driver of each conveyance shall be of good moral character, and shall have control of the children while going to and from school. He shall report all cases of insubordination to the parents and to the teacher or principal of the school. When a contract is entered into with a person, other than the parents of the children to be transported, such person shall furnish a bond in the sum of two hundred and fifty dollars running to the school district, with approved surety, to insure the faithful performance of his contract. In case it is the intention of the parent to provide transportation for his children, he shall notify the district board of his plans prior to the beginning of transportation.

(4) **BOARD AND LODGING.** If, in the judgment of the board, it is to the interest of the district to provide board and lodging in lieu of transportation for all or part of the time for children of the district, residing more than four miles from the school, it shall enter into a written contract under which such children shall be properly boarded and lodged not more than one mile from the school, and shall pay for such board and lodging from the general fund not to exceed two dollars per week. The district shall be reimbursed by the state at the rate of one dollar per week for each child boarded and lodged.

(5) **TRANSPORTATION AND LODGING; RECORDS AND REPORTS; STATE ALLOWANCE.** The school clerk shall give the teacher at the opening of the school the names of all children of school age in

the district, residing more than two miles from the school, and the teacher shall inquire of every such child when enrolled, whether he is to be transported, and the manner of transportation, and shall keep a record that shall show every day each child is transported and, at the close of the term, the teacher shall file a special report of such attendance with the clerk, who shall include such report with his annual report, to the county superintendent, giving the names of the parents, the names and ages of the children, the distance transported, the number of days transported, the amount due for each child, and the total sum paid by the district. The parent shall keep a daily record of such attendance and present such record with his bill for transportation. A similar report and record shall be kept and made for all children who are boarded and lodged. The county superintendent shall make personal inspection of the transportation and lodging furnished, and shall report his findings thereon to the state superintendent at the close of the school year. If the state superintendent shall be satisfied that the law and the contracts for the transportation and board and lodging of pupils have been substantially complied with, he shall certify to the secretary of state the sum due each district under the provisions of this section. In case of differences concerning the character and sufficiency of the transportation or board and lodging, the state superintendent shall have power to determine such matter and his decision thereon shall be final.

(6) LIMITATION. This section does not apply to children who reside in cities.

SECTION 74. Section 40.15 of the statutes is renumbered section 40.35 and revised to read:

40.35 CONSOLIDATION OF SCHOOLS BY REFERENDUM. (1) This section shall not apply to a school district, any part of which is within a city. When fifteen per cent of the electors, in each of two or more contiguous common school districts, shall petition therefor, the school board shall meet at a time and place designated by the school board of the most populous district, to fix a time for an election to determine whether the district shall be consolidated, which election shall be not less than two, nor more than four weeks from the date of their meeting. Such election shall be called for eight o'clock in the afternoon, at the regular places for holding the district meeting. The district clerk of the respective districts shall give notice of the election as

notices of annual school district meetings are given. The elections shall be conducted by the school officers of the respective districts, and the vote shall be by ballot. They shall, within three days, report the result of the elections in their respective districts to the clerk of the district in which the meeting to fix the time of the election was held. The several school boards, one week after the election, shall meet at said place and shall canvass the returns.

(2) If a majority of the votes cast in each district is in favor of consolidation, the school districts shall thereby be consolidated into a single school district, and the school boards, at the time of canvassing the returns, shall name and number the new district, and shall appoint a time and place for the first district meeting, and they shall give notice thereof as notices of annual meetings of common school districts are given.

(3) When a consolidated school district shall be organized, the school districts out of which it shall have been formed shall cease to exist, and the title to all property and the assets of every nature of such several school districts shall thereupon become vested in the consolidated school district, and claims and obligations and contracts of said several school districts shall become the claims and obligations and contracts of such consolidated district. The consolidated district shall conduct the schools theretofore maintained and conducted by the several districts until such time as the consolidated districts shall have made new provisions therefor.

SECTION 75. Section 40.275 of the statutes is renumbered section 40.36 and revised to read:

40.36 RURAL SCHOOLS NAMED; MAIL FACILITIES.

(1) The county superintendent of schools shall name each rural schoolhouse in his district, and notify the district clerk thereof.

(2) The board shall provide and maintain a mail box for each school located on or near a rural mail route.

(3) The district clerk shall, within five days after receipt of notification from the county superintendent of such name, notify the proper postmaster of the name and location of the school, and the number of the district.

(4) In case a school is not located on any mail route, the district clerk shall furnish the local postmaster with the names of persons to whom the mail for the school may be delivered. The

school board may rent a lock box at district expense for each school not on a mail route.

(5) The district clerk shall notify the postmaster of school vacations, and shall direct what disposition shall be made of the school mail during vacations.

SECTION 76. Sections 40.13, 40.135, 40.14 and 40.41 of the statutes are consolidated, renumbered section 40.37 and revised to read:

40.37 STATE AID TO SCHOOLS. (1) RURAL SCHOOL AID.

(a) The state superintendent shall inform the county superintendents as to what shall be considered effectual work, needful apparatus and proper equipment and proper system of heating and ventilation for rural schools; and in case of disagreement between the school district and the county superintendents, as to whether a school has been properly equipped, his judgment shall be final.

(b) Any district which desires special state aid for a rural school shall make an application in writing to the county superintendent, on a blank furnished by him, setting forth the condition of the buildings, the amount and nature of the apparatus in the school, and a description of the system of ventilation in use.

(c) If the county superintendent shall approve the application, he shall indorse his approval upon the application and transmit it to the state superintendent.

(d) To each rural district which shall comply with all the provisions of this section, the state superintendent shall apportion the sum of fifty dollars for each school (except graded schools) so maintained by such district, which sum shall be paid in the same manner as other special state aid is paid.

(2) AID TO SMALL DISTRICTS. (a) Any school district having an assessed valuation of less than seventy-five thousand dollars for each school maintained by the district shall be entitled to state aid as herein provided.

(b) The school board, during July, shall file a verified application for such aid with the county superintendent, on a blank supplied by the state superintendent. The application shall give the assessed valuation of the district, the number of schools maintained, the number of months each school was maintained, the salary per month and the total salary paid each teacher, and such other facts as the state superintendent may require. If the county superintendent approves of the application he shall in-

dorse his approval thereon and forward the application to the state superintendent. The state superintendent may make such investigation as he shall deem necessary to determine the merits of the application.

(c) If the state superintendent shall be satisfied that the district has complied with the statutes governing the apportionment of the state and county school fund and with this section, he shall certify to the secretary of state the amount of aid due such district, which amount shall be determined as follows: To the amount of state and county school funds received by the district during the preceding year shall be added an amount equal to one-half of one per cent of the assessed valuation of the district. The sum of these items shall be deducted from the amount required to pay the salary of the teachers, at the minimum rate prescribed by law for the time school was maintained, but not to exceed eight months. The remainder shall be the amount of aid to which the district shall be entitled, and the same shall be certified by the state superintendent to the secretary of state. The secretary shall thereupon draw a warrant in favor of the treasurer of the district for the amount thus certified.

(5) AID TO GRADED SCHOOLS. (a) Any school district maintaining a graded school, but no high school, may receive special state aid.

(b) All common schools of three or more departments are first-class, and all common schools of two departments are second-class graded schools.

(c) School shall be maintained at least nine months in every department. The average daily attendance shall not be more than forty-five pupils in one department for the school year.

(d) The principal of a graded school of the first-class shall hold a state license or certificate, and one assistant may hold a third grade certificate, provided he shall have taught successfully at least a year in the public schools. One assistant may hold a second grade certificate, and all other assistants in such school shall hold first grade certificates, state licenses or state certificates. The principal of a graded school of the second-class shall hold a first grade county certificate and shall have taught successfully at least a year in a public school, or a second grade certificate and shall have taught two years successfully in a public school, or hold some form of a state certificate, provided that the testimonial of successful teaching shall be by the superinten-

dent of schools of the county in which the certificate is in force, and a copy of such testimonial shall be filed with the clerk of the graded school; and the assistant may hold a third grade certificate, provided he shall have taught successfully one year in the public schools.

(e) The schoolhouses, outbuildings, grounds, furniture and equipment shall be maintained in good and sanitary condition with sufficient equipment for the proper work of the schools.

(f) No school shall be placed upon the list of state graded schools until it shall have been inspected by the state superintendent, and found to be complying with all the conditions of the statutes.

(g) To obtain special state aid, a written application shall be made to the superintendent by the school board before the first day of September of the year for which said aid is requested.

(h) The course of study prescribed by the state superintendent shall be followed by all graded schools.

SECTION 77. Sections 40.49, 40.55 and 40.60 of the statutes are consolidated, renumbered section 40.40 and revised to read:

40.40 HIGH SCHOOL DISTRICT MEETINGS AND ELECTIONS; CALL, NOTICE, CONDUCT. (1) Except as provided otherwise in this chapter, the high school district meetings and elections shall be noticed, called and conducted as common school district meetings are, and the first meeting shall be deemed an annual meeting.

(2) The annual meeting of high school districts shall be on the last Monday in June at eight o'clock in the afternoon, unless another hour be fixed by a previous annual meeting.

(3) The district officers shall be elected by ballot and the polls of the election shall be open from one to eight o'clock in the afternoon of the annual meeting day. A plurality shall elect.

(4) Special district meetings may be called by the high school district board, and shall be called by the clerk upon the written request of fifteen electors.

SECTION 78. Section 40.56 of the statutes is renumbered section 40.41 and revised to read:

40.41 POWERS OF HIGH SCHOOL DISTRICT MEETINGS. (1) The annual high school district meeting shall have power to elect a high school board. When the territory which constitutes a common school district is identified with that which

supports a high school, the common school district board shall also be the high school board.

(2) To vote a tax to purchase or lease a site for the high school; to build, hire or purchase a schoolhouse; to repair, equip and furnish the same and to provide for the maintenance of the high school.

(3) To vote to consolidate schools or to discontinue a school where more than one high school is operated by the district.

(4) To authorize the school board to purchase textbooks to be furnished to the pupils of the high schools under such conditions as may be prescribed by the meeting or by regulation of the board.

(5) To determine the length of time the high school shall be taught during the year, which shall not be less than nine months.

(6) To establish and maintain, with the approval of the state superintendent, seventh and eighth grades in connection with the high school.

(7) To exercise all the powers relative to the high school district which are conferred by statute upon the meetings of common school districts, relative to the affairs of such district.

SECTION 79. Sections 40.48, 40.50 and 40.54 of the statutes are consolidated, renumbered section 40.42 and revised to read:

40.42 HIGH SCHOOL BOARD; ELECTION, TERMS, POWERS. (1) The officers of high school districts (except city districts) shall be a director, a treasurer and a clerk, and they shall constitute the school board. The term of each shall be three years and until his successor shall have qualified. They shall be elected and notified and shall qualify in the same manner and time as the officers of common school districts. At the first election, the clerk shall be chosen for one year, the treasurer for two years and the director for three years, and the time preceding the next annual meeting shall be counted as a year in determining their terms of office.

(2) The high school board shall conduct the affairs of the district on the general plan provided for common school districts, and shall possess, with respect to such high school district, all the powers exercised by and be charged with all the duties and liabilities conferred and imposed on the officers and board of the common school district. The treasurer shall give a like bond to be approved by the director and filed with the clerk. The clerk shall report to the state and county superintendent the facts re-

quired by section 40.13, excepting paragraph (a) of subsection (1) thereof.

SECTION 80. Section 40.61 of the statutes is repealed.

SECTION 81. Section 40.62 of the statutes is renumbered section 40.44 and revised to read :

40.44 VOCATIONAL TRAINING IN HIGH SCHOOLS.

(1) Any high school board may establish and maintain, in connection with the school, courses in manual training, domestic economy, agriculture, or commercial subjects.

(2) The state superintendent shall establish a standard of qualification for teachers for such courses, and may grant special certificates to qualified applicants, which certificates shall be in such form and for such time as he may prescribe, and shall qualify the holders to teach the courses or subjects named in the certificates.

SECTION 82. Section 40.63 of the statutes is renumbered section 40.45 and revised to read :

40.45 TEACHERS' TRAINING COURSE. (1) The board of any high school which employs more than four teachers and is not in any county having a county normal school may establish and maintain, in connection with such high school, a teachers' training course if and when approved by the state superintendent as to the subjects to be taught, and the qualifications of teachers in such course.

(2) The teacher employed to give such course shall be a graduate of the advanced course in a state normal school, or a school offering a course of study equivalent to such course, and shall present evidence satisfactory to the state superintendent of having taught at least two years successfully in a high school, and shall devote her full time to the work of the school. Such training course shall not be continued unless the work done therein shall meet the approval of the state superintendent; and there are at least ten pupils in the class.

(3) Any person who shall complete such course of study, and who shall be of good moral character, shall receive a certificate, signed by the principal of such school and by the school board, setting forth that the person therein named has satisfactorily completed the course of study prescribed, and is of good moral character, and giving the standings secured by the person in each of the studies in the course.

SECTION 83. Section 40.635 of the statutes is renumbered section 40.46 and revised to read:

40.46 JUNIOR HIGH SCHOOL; SENIOR HIGH SCHOOL; STATE AID. (1) A school in which only the seventh to ninth, or seventh to tenth grades, inclusive, are taught is denominated a junior high school, and one in which only grades ten, eleven and twelve are taught is denominated a senior high school.

(2) Any district maintaining a high school, or a graded school in which five teachers are employed may maintain a junior high school; provided, the aggregate enrollment in the seventh and eighth grades the preceding year was forty or more. The laws relating to district high schools shall govern in the establishment and maintenance of junior high schools so far as such laws are applicable except as hereinafter provided.

(3) A junior high school in a district maintaining a high school, shall include only grades seven, eight and nine.

(4) A junior high school shall employ at least three teachers, one of whom shall be qualified to teach manual training or agriculture and one qualified to teach domestic science.

(5) (a) In determining the amount of state aid to be granted, the junior high school may be included with the senior high school; and satisfactory work in manual training, domestic economy, or agriculture in the seventh and eighth grades of the junior high school may be accepted as compliance with the requirements relating to these special courses in said grades, and shall entitle a district to the aid provided in subsection (1) of section 20.29.

(b) Any district other than a high school district which shall maintain a junior high school in accordance with this section and the requirements of the state superintendent, shall be entitled to state aid as provided in subsection (2) of section 20.26.

SECTION 84. Sections 40.42 and 40.53 of the statutes are consolidated, renumbered section 40.47 and revised to read:

40.47 HIGH SCHOOLS; ADMITTANCE; TUITION. (1) COURSE OF STUDY. The high school board shall determine, with the advice and consent of the state superintendent the course of study and the minimum standard of qualifications for admission.

(2) ENTRANCE REQUIREMENT. A certificate or common school diploma issued by the county superintendent that the holder thereof has completed the course of study in the school district in which he resides, or one at least equivalent to the course of study provided by the state superintendent for the common schools,

shall be evidence of the completion of the course of study required by this section. Such certificate or diploma, or a certified copy thereof, shall be filed with the school district clerk, upon admission of the holder to the high school, and shall be attached to the claim for tuition.

(3) **NONRESIDENTS.** The board shall admit to the high school, when facilities will warrant, any person of school age who resides in the state, but not within any high school district, and who shall have complied with the entrance requirements of subsection (2). Nonresidents so admitted shall be entitled to the same privileges and be subject to the same rules and regulations as resident pupils.

(4) **TUITION.** Every high school shall be free to all persons of school age resident in the district. The board may charge a tuition for each nonresident pupil, not exceeding two dollars per week, and this provision for tuition shall be available to a public high school without this state; provided, its course of study is equivalent to Wisconsin's, and provided it is nearer the pupil's home than is any Wisconsin high school.

(5) **CLAIM FOR TUITION.** Before July in each year the school clerk shall file with the clerk of each municipality from which any tuition pupil was admitted, a verified claim against the municipality setting forth the residence, name, age, date of entrance and the number of months attendance, during the preceding school year, of each person admitted from such municipality, the amount of tuition which the district is entitled to for each pupil, and the aggregate sum for tuition due the district from the municipality.

(6) **TUITION TAX.** The municipal clerk shall enter upon the next tax roll such sums as may be due for such tuition from his municipality and the amount so entered shall be collected when and as other taxes are collected, and shall be paid to the treasurer of the high school district. If a portion of such municipality forms a part of a high school district, the taxable property in that portion shall be exempt from such tuition tax.

(7) **STATE GRADED SCHOOL; NONRESIDENT TUITION.** The school board of any district which maintains the ninth or tenth grades, or both, shall admit nonresident pupils of school age to these grades whenever the facilities will warrant; providing, such pupils shall satisfy the conditions of subsection (2). The school board shall fix the tuition of said nonresident pupils, but it

shall not exceed two dollars per week. And such tuition shall be collected and paid in the same manner as tuition is collected by and paid to high school districts for the attendance of nonresident pupils.

(8) **CONDITION OF TUITION.** No district shall collect tuition as provided in subsection (7) unless the work done in said grades shall have been approved by the state superintendent, and unless the work done in the first eight grades shall have been up to the required standard.

SECTION 85. Section 40.52 of the statutes is renumbered section 40.48 and revised to read:

40.48 HIGH SCHOOL TAXES. (1) High school district taxes shall, except as herein otherwise provided, be levied and collected, and all money belonging to a high school district shall be paid out on orders drawn and countersigned in the manner prescribed for levying and collecting taxes, and making payments in common school districts.

(2) The school clerk shall certify all taxes levied for high school purposes to the municipal clerk. If any high school district is joint, the clerk of the high school board shall certify to the clerk of each municipality the amount to be raised by each. The apportionment shall be determined and may be equalized in the manner provided for common school districts.

(3) The high school district taxes shall be entered on the next tax rolls of the municipalities and collected and returned as other taxes are, and shall be paid to the high school district treasurer.

(4) If any high school district meeting shall not have voted a tax sufficient to operate its high school at least nine months during the current year, the high school board shall, before the third Monday of November, determine the sum necessary to be raised to so maintain such high school and to furnish additional necessary equipment, and the clerk shall forthwith certify to the proper municipal clerk the amount so fixed and it shall be collected as provided in this section.

SECTION 86. Subsection (8) of section 40.30 of the statutes is renumbered section 40.49 and revised to read:

40.49 FREE LECTURES. (1) Any school board may provide free lectures on educational subjects, in the school buildings, in public library buildings or in other suitable places, and provide for the further education of the adult residents of the district.

(2) The board may purchase books, stationery, charts and other things necessary and expedient to successfully conduct said lectures and may designate some person to manage such lectures.

SECTION 87. Sections 40.45, 40.46, 40.64, 40.645, 40.65, 40.665, 40.67, 40.675, 40.68 and 40.695 of the statutes are consolidated, renumbered sections 40.50 to 40.60 and revised to read:

40.50 CITY SCHOOL PLAN. Sections 40.50 to 40.60 provide a plan or system of school administration for each city of the fourth class whose territory constitutes an entire school district, and each city of the second or third class, to the end that city schools shall be as nearly uniform as practicable. All general school statutes govern city schools as far as applicable, and as they are in harmony with this plan. This plan shall become effective on July first, 1928, except that the members of school-boards shall be elected the first Tuesday of the preceding April.

40.51 CITY IS A SCHOOL DISTRICT. (1) Each city, affected by this plan, is a single and separate school district; and any territory outside of the city which is joined with city territory in the formation of a school district, when this plan becomes effective, is hereby attached to the city for school purposes.

(2) The electors residing in such attached territory shall have the right to vote on all school matters which are submitted to or are voted on by the city electors, and may exercise such right at the city polling place nearest to their respective residences, without being required to register.

40.52 CITY SCHOOL BOARD. (1) ELECTION, TERM, OATH. The school affairs of the city shall be administered by a school board chosen from the city at large at the regular city election for the term of three years from the first of July following. One-third of the members of the board (as nearly as may be) shall be elected annually. The number of members of the school board of every city shall remain as it existed in January, 1927, until and unless changed by the city. The number of members of said board may be increased by a referendum ordinance but not beyond seven. The newly created memberships shall be filled at the succeeding regular city elections, but only one such new position shall be filled in any year, to the end that the terms of one-third of the members (as nearly as may be) shall expire each year. The members of the school board are city officials and shall be nominated and elected in the manner that other city

officials are nominated and elected; and they shall take and file the official oath.

(2) **MEETINGS.** The board shall hold regular monthly meetings at such times as it shall by rule prescribe; special meetings may be held under such standing rules as the board may adopt.

(3) **ORGANIZATION.** The board shall elect one of its members president and another vice president; and shall elect a secretary (the city clerk or other competent person being eligible). The city treasurer shall be the treasurer of the school board.

40.53 CITY SCHOOL BOARD, POWERS AND DUTIES.

(1) The school board shall have the powers and be charged with the duties of common school district boards as far as the same are not otherwise provided for or limited by statute.

(2) The school board shall have power to establish and organize such high schools, elementary schools, night schools, and kindergartens as it shall deem expedient.

(3) To establish or consolidate, from time to time, subschool districts.

(4) To employ a city superintendent but for not longer than three years at a time; and to employ assistant superintendents, school principals and teachers.

(5) To grade the schools and prescribe the courses to be pursued therein, subject to the authority vested in the state superintendent.

(6) To select and acquire sites and adopt plans for school buildings, but deeds and leases taken shall be in the name of the city, and the title to all school property shall vest in the city.

(7) To purchase and preserve necessary school equipment and apparatus.

(8) To contract for the necessary fuel, light, water and supplies for the schools.

(9) To employ janitors and engineers and other needed help to care for the school buildings and other property.

(10) To fix the compensation and prescribe the duties of all persons employed or appointed by the board.

(11) To estimate the expenses of the city schools and prepare a budget, which shall be submitted to the common council for its approval. Approval of the council shall also be necessary before the board may purchase any site for a school building or other school uses, or construct school buildings or additions thereto.

(12) To furnish lunches to pupils, at cost; provided, they

may be furnished to needy pupils at such prices and on such conditions as the board may prescribe, but the fact that such lunches are furnished to some at less than cost shall not be disclosed to others.

(13) To pay the membership fee of the board in an organization of high school boards in this state, and the actual and necessary expenses of its representatives in annually attending a meeting of such organization.

(14) To determine what textbooks shall be used in the schools, a list of which books shall be kept in its office and posted in each school building, but shall not change such textbooks within three years of adoption, unless the city furnishes free textbooks.

(15) To purchase such textbooks and fix the terms and conditions upon which they shall be furnished to pupils, but no book shall be used or permitted which tends to teach sectarian ideas.

(16) To adopt rules for its own meetings and deliberations; and for the government of the schools, the faculty, and other employes of the board.

40.54 CITY SCHOOL FUNDS; CONSTRUCTION WORK.

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

(2) The erection, alteration or repair of buildings or other construction work (the estimated cost of which exceeds one thousand dollars) shall be let by the school board to the lowest responsible bidder, as provided in section 62.15, and the school board shall, for that purpose, possess the powers conferred by that section on the board of public works.

40.55 CITY SCHOOL BUDGET AND TAX LEVY. The school board shall annually, before October, make an estimate of the expenses of the public schools for the ensuing year, and of the amount which it will be necessary to raise by city taxation, and certify the same to the city clerk who shall lay the same before the common council at its next meeting. It shall be the duty of the common council to consider such estimate, and by resolution determine and levy the amount to be raised by city taxation for school purposes for the ensuing year, which amount shall be included in the annual city budget and be called the "City School Tax."

40.56 TAXATION OF ATTACHED TERRITORY. (1) All property attached to a city for school purposes shall be taxed for such purposes the same as property within the city.

(2) Each year the city clerk shall ascertain the total of taxes levied by the city for school purposes, and shall apportion to such outside property its pro rata share thereof, based upon the assessed value of all property subject to such taxes, within and without the city; and such portion or share shall be certified to the clerk of the town in which such attached territory lies, be entered on the tax roll, collected and returned as provided in section 40.48.

(3) The value of the taxable property within and without the city may be equalized in the manner provided by section 40.32.

40.57 DISBURSEMENTS OF CITY SCHOOL FUNDS. The city treasurer shall keep separate accounts of all moneys raised and apportioned for city school purposes. Said moneys shall be paid out as follows: The school board shall present to the city clerk a certified bill, voucher or schedule signed by its president and secretary, giving the names of the claimants and the amount and nature of each claim. The city clerk shall issue proper orders upon such certification, to the city treasurer, who shall pay them from the proper funds.

40.58 CITY SUPERINTENDENT OF SCHOOLS; POWERS, DUTIES, ELIGIBILITY. (1) The city superintendent of schools shall examine and license teachers, have general supervision of the professional work of the schools, and the promotion of pupils.

(2) He shall make written recommendations to the school board relative to teachers, courses of study, discipline and such other matters as he may deem for the best interests of the schools; and shall perform such other duties as the board may require.

(3) He shall not be a member of the school board. He shall not engage in any pursuit which shall interfere with the proper discharge of his duties, but he is eligible to act as principal or teacher in any school under his supervision, and he shall possess the legal qualifications required for the principalship of a high school.

(4) He shall make the report required by section 39.11, directly to the state superintendent.

(5) He shall attend annually one convention called by the state superintendent for the purpose of consultation upon matters pertaining to the supervision and management of city schools. He shall be reimbursed his actual and necessary expenses incurred for travel, board and lodging because of attendance upon

such convention, such bills to be audited and allowed by the school board upon presentation of an itemized statement of expense accompanied by a certificate of attendance signed by the state superintendent.

40.59 CITY TECHNICAL SCHOOLS. Any city may, by ordinance, establish a technical school or college as a part of its public school system; provided, the ordinance establishing such school or college shall be submitted to the electors of the city in substantially the same manner as other city ordinances are submitted to the electors. The ordinance shall provide for the organization of such school or college, and may confer the management and control on the existing school board or on a special board created thereby. The ordinance may be amended or repealed by an ordinance submitted and adopted in the same manner.

40.60 CITY SCHOOL BOARD PROCEEDINGS; PUBLICATION. The proceedings of city school boards, including a statement of all receipts and expenditures, shall be printed and published in such manner as the board shall direct.

SECTION 88. Section 40.445 of the statutes is renumbered section 40.61 and revised to read:

40.61 COUNTY HIGH SCHOOLS. (1) The county board of any county having a population of not more than twelve thousand may establish a high school to be known as the "County High School."

(2) Property in other high school districts within the county shall not be subject to any tax for the construction or the operation of any county high school.

(3) Any town, city or village, within said county, except the one in which said county high school may be located, may, by a vote of the electors at any spring election, withdraw from the county high school district, and upon such withdrawal, said town, city or village shall not be subject to any tax or charge on account of said county high school.

(4) Any town, city or village that is not subject to a tax for said county high school, shall be subject to the payment of tuition for children therefrom attending said county high school.

(5) All of the county (except as above provided) shall constitute a county high school district, and the said high school shall be free to all pupils resident in said district.

(6) Upon receiving written notice of the action of the county

board, establishing a county high school, the state superintendent shall issue a certificate of establishment of a county high school in such county.

(7) The county board shall select and purchase the site for the high school building and shall supervise the construction thereof.

(8) The county board shall elect a school board of three members, which shall have charge of the administration of such school. The county board shall designate the terms of the members of the school board, fill vacancies therein and discharge any member therefrom, and fix the compensation of such members.

(9) A county high school shall possess all the rights and privileges and shall be subject to all the liabilities of other high schools.

(10) Any person eligible to attend such county high school, but who lives nearer to some other high school, may attend such other high school, and in such case shall be entitled to have his tuition paid by the county high school district.

SECTION 89. Sections 40.43 and 40.58 of the statutes are consolidated, renumbered section 40.62 and revised to read:

40.62 HIGH SCHOOL IN COMMON DISTRICT. (1) Any common school district may establish a high school.

(2) The question of establishing such a school may, and upon the written petition of one-tenth of the electors shall, be submitted by the school board to an annual or a special meeting, upon written resolution therefor proposed for adoption.

(3) Notice of such proposal, embodying the resolution, shall be given by the district clerk in the manner provided for giving notice of a district meeting.

(4) The vote on such proposal shall be taken by ballot. The ballots shall be "For High School" and "Against High School." If the resolution be adopted, the clerk shall report the resolution and the action thereon to the state superintendent for his approval. If he approves it, he shall issue a certificate of establishment of a high school, otherwise he shall veto the proposal.

(5) In all school districts wherein a high school shall have been established, pursuant to this section, the district board shall be the high school board.

(6) No such high school shall be established unless at least twenty-five persons of school age, residents of the district, give

evidence, satisfactory to the state superintendent, that they are prepared and desire to attend a high school.

(7) An election for the establishment of a high school shall become void unless such school functions within two years from the date of the election.

(8) A common school district which maintains a high school may discontinue such school by submitting the proposal therefor to the electors in the manner that the establishment of such school was submitted, but a two-thirds vote shall be necessary to effect a discontinuance.

SECTION 90. Section 40.44 of the statutes is renumbered section 40.63 and revised to read:

40.63 JOINT HIGH SCHOOL DISTRICT; ESTABLISHED BY COMMON DISTRICTS. (1) In case two or more common school districts propose to jointly establish a high school, action shall be taken by each district as in the case of the establishment of such school by a single district.

(2) Within six days after the proposal is voted on, the school boards of the districts shall meet in joint session and canvass the returns and certify the results to the state superintendent. If the proposal be adopted by each district, and such action meets the approval of the state superintendent, he shall issue a certificate of establishment of a high school district, and thereupon the territory of said common school districts shall constitute a high school district; otherwise the proposal shall stand rejected.

(3) If a high school district is created, all procedure subsequent to the issuance of said certificate shall be governed by section 40.64; and the officers of the high school district and their election and term of office shall be as provided in that section.

SECTION 91. Section 40.47 of the statutes, except subsection (9), is renumbered section 40.64 and revised to read:

40.64 UNION HIGH SCHOOL DISTRICT; ESTABLISHED. (1) A high school district may be established in any contiguous compact territory (outside of cities) having an area of not less than thirty-six nor more than seventy-two square miles.

(2) In case the territory is entirely in one municipality, the question of establishing such district shall be submitted to the voters of such territory, whenever a petition, signed by one-tenth of the electors of the territory, is filed with the municipal clerk praying for the submission of such question. The clerk

shall, at once, set a time for the special election, and shall give ten days' notice thereof by posting the notice in six different places in such territory, or by publishing such notice in a newspaper published therein, once each week for two successive weeks immediately prior to the election. The election shall be conducted and the votes canvassed as in the case of local elections. A majority of all the votes cast shall determine the result.

(3) In case the territory lies in more than one municipality the petition may be presented to any municipal clerk and he shall, within five days after receipt of said petition, notify the other clerks of the receipt of such petition, and shall set a date and place for a meeting with them to fix the time and place for holding the election. Said clerks shall meet accordingly and fix the time and place for holding such election and shall give notice thereof. Unless a village is included, the election shall be noticed for the entire territory proposed to be included in the district and shall be conducted by the town board of the town in which the election is held.

(4) (a) In case the proposed district contains a village, the election for the village shall be in the village. The election for the town territory may be held in the village or at any other convenient place. The election for the village shall be conducted, and the votes canvassed in the manner provided for village elections; and the election for the town territory shall be conducted and the votes canvassed in the manner provided for town elections. If the outlying territory is in more than one town, the election for the part in each town shall be conducted separately.

(b) The ballots shall be provided by the clerks and shall be so printed as to plainly indicate how the electors may vote. The proposal shall not be deemed adopted unless a majority of the electors voting in the territory outside of the village and a majority of the electors voting in the village shall vote for the high school.

(c) The result of the election shall be certified at once by the election officers to the clerk of the village; and if the proposal be adopted, the result shall be so certified to the state superintendent by the village clerk, within six days after the election. If the proposal meets the approval of the state superintendent, he shall issue a certificate of establishment of a high school in said territory.

(5) If an existing high school district is included in the new

high school district territory, the establishment of a high school district, as herein provided, shall annul such existing high school district, and the property and liabilities thereof shall become the property and liability of the new district.

SECTION 92. Subsection (9) of section 40.47 of the statutes is renumbered section 40.65 and revised to read:

40.65 JOINT OWNERSHIP OF SCHOOL BUILDING. The electors of any high school district, outside of cities, and the electors of any common school district, included within the high school district, may authorize and direct their respective school boards to join in the erection and maintenance of a school building for housing the high school and the common school. Where such agreement shall have been entered into, the principal of the high school shall be the administrative head of both schools.

SECTION 93. Section 40.51 of the statutes is renumbered section 40.66 and revised to read:

40.66 ALTERATION OF UNION HIGH SCHOOL DISTRICTS. (1) A petition signed by one-tenth of the voters of a high school district organized under section 40.64, asking for an alteration of the district, may be presented to the chairman of the town, or the president of the village, or the mayor of the city, in which the high school building is situated. Such officer shall fix a time and place for meeting of the boards of the municipalities in which the district lies, which shall not be less than ten nor more than twenty days from the time the petition was received. He shall give written notice of the time and place of the meeting to each member of the municipal boards, at least five days prior to the meeting. Such meeting shall be held at the high school building, unless some other convenient place shall be designated in the notice.

(2) Said boards shall jointly act upon the petition, but it shall not be granted except by a majority of each of the boards. Their decision shall be in the form of an order, and such order shall be subject to appeal to the state superintendent within thirty days.

(3) In case the officer to whom such petition shall have been presented, shall neglect or refuse to arrange such meeting, or in case the board or council of any municipality in which any part of such district shall be located, shall neglect or refuse to be present at such meeting, or shall refuse or neglect to vote upon the

petition, the petition shall be deemed denied, and an appeal may be taken as provided in subsection (2).

(4) The area of such a high school district shall not be reduced below thirty-six square miles, or rendered noncontiguous by detaching territory therefrom. No order annexing territory, under this section, shall be effective without the consent of a majority of the electors residing therein, expressed at an election held upon petition signed by at least one-tenth of them, and conducted in the manner provided for the establishment of a high school in territory lying wholly in towns.

(5) Orders altering high school districts and copies of such orders shall be filed in the manner and places provided by law for filing the orders and copies thereof creating such districts.

SECTION 94. Section 40.595 of the statutes is repealed.

SECTION 95. Section 40.515 of the statutes is renumbered section 40.68 and revised to read:

40.68 ANNEXATION TO HIGH SCHOOL DISTRICT.

(1) Territory not in but adjoining a high school district may be annexed thereto, upon a petition therefor presented to the board of such high school district signed by ten per cent of the electors in such adjacent territory.

(2) If the high school board approve the petition, the matter shall be submitted to a meeting of the electors of said territory, fairly called, noticed and conducted, and if approved by a majority of the voters present and by the owners of at least fifty per cent of the property by assessed value in the territory proposed to be annexed, it shall thereby be annexed.

SECTION 96. Sections 40.59, 40.605 and 40.606 of the statutes are consolidated, renumbered section 40.69 and revised to read:

40.69 HIGH SCHOOL DISTRICTS, DISSOLUTION. (1) Any high school district (except a city district) may be dissolved as in this section provided.

(2) A petition signed by one-tenth of the electors in such district shall be filed with the clerk, requesting that an election be called to vote on the question of dissolution.

(3) Said clerk shall, within five days after receipt of such petition, fix the date and give ten days' notice of the time and place of holding such election, by posting copies thereof in at least eight public places in such district. The election shall be held in the high school building, if possible.

(4) The clerk shall prepare a sufficient number of ballots on

which shall be printed "For Dissolution

 and "Against Dissolution .

(5) The polls at such election shall be open at one and close at seven o'clock in the afternoon, and the officers of such election shall be the district clerk and two other persons to be selected by the school board.

(6) The election shall be conducted and the votes counted and canvassed as in the case of town elections.

(7) If two-thirds of the vote cast at such election shall be for dissolution, the results shall be at once certified to the clerk of each municipality concerned, and the state superintendent and such district shall be dissolved as of July first, following such election.

(8) Such dissolution shall have the effect of transferring the property, assets and liabilities of the high school district to the common school districts which were, in whole or in part, embraced in the high school district; and shall be awarded, apportioned and distributed subject to and in the manner provided by section 66.03, as far as the same is applicable.

SECTION 97. Subsections (1), (2) and (3) of section 40.73 of the statutes are renumbered section 40.70 and revised to read:

40.70 COMPULSORY SCHOOL ATTENDANCE. (1) **GENERAL PROVISIONS.** (a) Any person having under his control a child between the ages of seven and fourteen years, or a child between the ages of fourteen and sixteen years not regularly and lawfully and usefully employed, shall cause such child to attend some school regularly (unless the child has a legal excuse) in cities of the first class during the full period and hours (religious holidays excepted) that the public, parochial or private school in which such child should be 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 subsection shall be enrolled in some public, parochial or private school within one school month after the first opening of the school each school year 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 such first opening of the school which they are to attend.

(b) This subsection does not apply to any child not in proper physical or mental condition to attend school (the certificate of a reputable physician in general practice to that effect shall be

sufficient proof thereof), nor to any child who lives in the country and more than two miles from the schoolhouse in his district, and for whom no transportation is furnished by the district, nor to any child who shall have completed the course of study for the common schools or the first eight grades of school work or the equivalent thereof.

(c) Instruction during the required period elsewhere than at school may be substituted for school attendance; provided, that such instruction be substantially equivalent to instruction given to children of like ages in the public, parochial or private schools where such children reside.

(2) VOCATIONAL SCHOOLS. Any person who is not indentured as an apprentice, who has not completed the equivalent of four years of high school work, who resides or is employed in a district which maintains a vocational school, who is not physically incapacitated, and who is not required by subsection (1) to attend school full time, must attend in the daytime, for at least eight months in the year and for such additional months or parts thereof as the full-time public schools in the district are in session in excess of eight months during the regular school year, some public, private, parochial or vocational school, half-time from the end of the period of full-time compulsory education to the end of the school term, quarter, semester or other division of the school year in which he is sixteen years of age, and after that for at least eight hours a week until the end of the division of the school year in which he is eighteen years of age; and the parents of such minors shall compel such school attendance.

(3) PENALTY. Any violation of the provisions of this section shall be punished by a fine of not less than five dollars nor more than fifty dollars, or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment. In a prosecution under this section, if the defendant proves that he is unable to comply with the law because of the disobedience of the child in question, it shall be a good defense and such child shall be proceeded against as delinquent, and in case of commitment, if the parents desire it, he shall be committed to a school or association controlled by persons of his religious faith, which is willing and able to receive and maintain him without compensation from the public treasury. Every violation of this section may be prosecuted in the manner and in the courts specified in chapter 48.

SECTION 98. Subsections (4), (5), (6) and (7) of section 40.73 of the statutes are consolidated, renumbered section 40.71 and revised to read:

40.71 INDIAN RESERVATION SCHOOLS. (1) COMPULSORY ATTENDANCE. When the United States shall maintain, within this state, schools for general educational purposes, and the expense of tuition, lodging, food and clothing of the pupils enrolled therein, is borne wholly or in part by the United States or the state of Wisconsin, every parent within the state having control of a child between the ages of five and eighteen years, eligible to attend such school shall cause such child to attend such school nine months in each year; provided, that any child shall be excused from attendance thereat by the principal or superintendent of the school upon its being satisfactorily shown that the physical or mental condition of such child renders attendance at school inadvisable, or that the child is taught in some other school or at home in the branches usually taught in the public schools of the state, or is necessarily compelled to labor for the support of the parent, or that such child resides more than ten miles from said school and free transportation is not provided.

(2) REFUSAL OR NEGLECT. In case of refusal or neglect on the part of the parent to comply with the provisions of this section, the principal or superintendent of the school shall cause to be served upon the parents a written demand for the attendance of such child, giving the name of the child and designating the school upon which attendance is required. If the parents claim that the child should be excused, the principal or superintendent shall make immediate investigation of the matter and make written findings in the case. If the child is legally bound to attend such school, and the parents shall fail or refuse to send him within ten days after service of a written notice, requiring attendance, the principal or superintendent shall make complaint against such parents.

(3) PENALTY. Any parent or guardian failing to comply with the provisions of this section shall be punished by a fine of not less than five dollars nor more than twenty-five dollars or by imprisonment in the county jail not less than five days nor more than thirty days, and in case of conviction for a second or any subsequent offense, shall be punished by both such fine and imprisonment.

SECTION 99. Subsection (3) of section 40.74 of the statutes is renumbered section 40.72 and revised to read:

40.72 SCHOOL CENSUS AND REPORTS. (1) Every officer, whose duty it is to take the school census (except in cities of the first class), shall make three copies of such census on blanks furnished by the state superintendent, and shall send one to the proper superintendent, before the fifteenth day of July, and, at the opening of the school in his district, shall deliver a copy to the teacher or the principal in charge of each schoolhouse in the district.

(2) In case the school district extends into two or more counties, the clerk of such district shall make separate census reports for the part in each county and forward the same to the proper superintendents.

(3) The superintendent may require all public-school teachers (except in high schools) to report to him the name of the school and its location, the name and address of the teacher, the number of months of school maintained during the year, the opening and closing dates, the names and ages of all children enrolled between the ages of seven and sixteen, the names and post-office addresses and places of residence of the parents of such children, the number of the district and the distance such children reside from the schoolhouse, the number of days each child was present during each month, and any other information requested by him, said reports to be made on blanks to be furnished by the superintendent.

(4) All teachers of private and parochial schools shall keep a record embodying the data enumerated in this section, and such record shall be open to the inspection of truant officers at all reasonable times, and when called upon by any truant officer, such teachers shall furnish, on blanks supplied by the truant officer, the above mentioned data in regard to children between the ages of seven and sixteen, who claim, or who are claimed to be in attendance at such schools, and every school-teacher shall promptly notify the proper truant officer of any child whose attendance is habitually and inexcusably irregular.

(5) Any officer or teacher who shall fail or neglect to make the reports, or who shall fail to keep the records, required by 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.

SECTION 100. Section 40.74, except subsection (3), of the statutes is renumbered section 40.73 and revised to read:

40.73 TRUANCY. (1) OFFICERS, DUTIES. In cities of the first class, the school board shall appoint ten or more truant officers; in other cities such board shall appoint one or more truant officers. In cities of the fourth class, the police officers may be appointed truant officers, and in all towns and villages the sheriff, his undersheriff and deputies shall be the truant officers.

(2) POWERS OF OFFICERS. Any truant officer shall have power to visit factories, workshops, mercantile establishments and other places of employment in his locality, and ascertain whether any minors are employed therein contrary to law. He may require that the school certificate and lists of minors who are there employed shall be produced for inspection, and he shall report all cases of illegal employment to the proper school authorities and to the industrial commission. When a truant officer believes that any child is unlawfully and habitually absent from school, he shall immediately investigate the facts.

(3) REPORTS TO INDUSTRIAL COMMISSION AND TRUANT OFFICERS. Each county and city superintendent shall report to the industrial commission and to the proper truant officers (upon blanks furnished by the commission) within ten days after the close of each month, commencing with October and ending with May in each year, the name of each child residing in the district under his supervision, who during said month has not complied with the provisions of section 40.70, and the name and post-office address of the parents of such child. If he has no names of delinquent children to report for any month, he shall report that fact. He shall require suitable monthly reports from the teachers under his jurisdiction, in order to assist him in preparing the reports. Each truant officer shall report each month to the industrial commission the action taken by him in the cases of delinquency reported to him by the superintendent.

(4) PURSUIT OF TRUANTS. (a) The truant officer shall, upon receipt of such delinquent report, or other information of delinquencies, give written notice by registered mail or by personal service to the parents of delinquent children, to send such children to some school within five days from the date of the notice. The officer shall at once notify the teacher of such service of notice; and a return of the child to school shall be promptly

reported by the teacher to the officer and to the school superintendent.

(b) The notice shall inform the parents 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, are to be in regular attendance at some school, or to receive equivalent instruction at home, unless legally excused therefrom. A copy of section 40.70 shall be printed on the face or back of such notice. It shall be the duty of all truant officers, after having given such notice, to ascertain whether the parents have complied with the notice; and in case of failure to so comply, the officer shall immediately notify the industrial commission of such failure, and within three days the officer shall begin and prosecute criminal proceedings against offending parents.

(c) Truant officers shall have the power to apprehend without warrant any child found violating the provisions of sections 40.70 to 40.73, and cause such child to be placed in some school.

(5) COMPENSATION OF TRUANT OFFICERS. (a) Truant officers in cities shall receive such compensation as shall be fixed by the school boards, except that the police officers of cities of the fourth class shall receive no extra or additional compensation for acting as truant officers.

(b) When the sheriff, undersheriff and his deputies are acting as truant officers, they shall be paid the same fees as provided for such officers in criminal actions, and in counties where the sheriff and deputies are paid an annual salary they shall receive their actual and necessary expenses incurred in the performance of their duties as truant officers, but no extra compensation shall be allowed.

(6) PENALTY. Any superintendent of schools, or any truant officer who violates any of the provisions of this section, shall be subject to a forfeiture of not less than five nor more than twenty-five dollars for each such offense.

SECTION 101. Section 40.75 of the statutes is renumbered section 40.74 and revised to read:

40.74 FRANCES WILLARD DAY. The twenty-eighth day of September is "Frances Willard Day," and when it does not fall upon a school day, the school day nearest such date shall be Frances Willard Day. On Frances Willard Day one and one-half hours may be devoted in the schools to instruction and exer-

cises relative to the life of Frances Willard and to the principles and ideals she fostered.

SECTION 102. Section 40.36 of the statutes is renumbered section 40.77 and revised to read :

40.77 TEXTBOOKS CENSORED. (1) No history or other book shall be adopted for use or be used in any district school, city school, vocational school or high school which falsifies the facts regarding the war of independence, or the war of 1812, or which defames our nation's founders, or misrepresents the ideals and causes for which they struggled and sacrificed, or which contains propaganda favorable to any foreign government.

(2) Upon complaint of any five citizens filed with the state superintendent of public instruction that any history or other book which is being used in any such school contains any matter prohibited by this section, the state superintendent shall fix a time for a public hearing upon such complaint, which shall be not more than thirty days from the date of filing said complaint, and such hearing shall be conducted either by the state superintendent or the assistant state superintendent, or by one of the state inspectors of schools, to be designated by the state superintendent, which hearing shall be held at the county seat of the county where the complainants reside. Notice of such hearing shall be given at least ten days prior to the date thereof through the public press and by registered mail to the complainants, the school board interested and to the publishers of such book.

(3) Within ten days after such hearing the state superintendent shall make a finding upon such complaint. If he finds that the book in question contains matter prohibited by this section, he shall make note of such finding in the list of textbooks which he is required annually to publish. Such book shall not thereafter be placed on the list of textbooks which may be adopted, sold or exchanged in this state.

(4) Every school board, board of education, board of vocational education, or county board of education, which has control over the textbooks used in any school, shall cause every book which the state superintendent has found contains matter prohibited by this section to be withdrawn from use in such school prior to the opening of the school year following the publication of such finding of the state superintendent. No state aid shall be paid for the support of any such school during any year in

which any such textbook is used in such school after such finding of the state superintendent.

SECTION 103. Section 40.22 of the statutes is renumbered section 74.78 and is revised to read:

74.78 RECOVERY OF TAXES PAID BY WRONG SCHOOL DISTRICT. Whenever any debt or tax owing by a school district is assessed against and paid by another district, such tax plus six per cent shall be entered in the next tax roll against the taxable property in the debtor district, and when collected shall be paid to the treasurer of the district, against which the tax was so erroneously assessed.

SECTION 104. Section 40.72 of the statutes is repealed; and subsection (1) of section 143.03 is amended by adding at the end thereof the following: "The local health officer shall inspect the schoolhouses and other public buildings within his district, with sufficient frequency to determine whether such buildings are kept in a sanitary condition."

SECTION 105. Section 40.70 of the statutes is renumbered section 143.12 and revised to read:

143.12 COMMUNICABLE DISEASES; SCHOOLS AND LIBRARIES; DUTIES OF TEACHERS, PARENTS, OFFICERS. (1) Upon the appearance of any dangerous communicable disease, the local health officer shall give written notice to the principal or teacher of each school, and the librarian of each library in his district, of the names of all families where the disease exists. If the rules of the state board of health provide for the exclusion from school of persons who live in homes where such disease exists, the health officer shall request the principal of the school to exclude from school all such persons until a written order signed by the health officer permitting attendance is presented.

(2) When the principal or teacher of a school has been notified of the prevalence of a dangerous communicable disease in the school district, or when the principal or teacher of the school knows or suspects that a dangerous communicable disease is present in the school, he shall at once notify the local health officer who must then investigate the matter.

(3) Parents shall not permit children afflicted with a dangerous communicable disease to attend school.

(4) All schoolhouses, before the beginning of each school term, shall be thoroughly cleaned and, after the outbreak therein

of any contagious disease, shall be thoroughly disinfected, as provided by the state board of health. All buildings requiring disinfection shall be disinfected by or under the direction of the local health officer, and the expenses of disinfection shall be paid by the town, village or city, upon the order of the local board of health.

(5) Neglect or refusal on the part of any principal or teacher to comply with the requirements of this section shall be sufficient cause for his dismissal.

(6) All teachers shall send home pupils who are habitually dirty, noisome or lousy, and shall immediately give written notice to the school board or the superintendent of schools and to the parents of such pupils of such action and the reasons therefor.

(7) Library books shall not be taken into or returned from a home where such disease exists or has recently occurred unless thoroughly disinfected by or under the direction of the local health officer, and may be burned by such officer.

SECTION 106. Section 40.71 of the statutes is renumbered section 143.13 and revised to read:

143.13 PROTECTION AGAINST SMALLPOX. (1) Each local board of health shall forthwith, upon the appearance of smallpox, prohibit the inhabitants of the municipality from attending school for a period of fourteen days, excepting persons who have been successfully vaccinated, or who show a doctor's certificate of recent vaccination.

(2) Should new cases of smallpox continue to develop in the municipality, the local board of health shall renew such order for so many days as the state board of health may deem necessary.

(3) When exclusion from school is so ordered, the local board of health shall provide for the free vaccination of all children of school age during the outbreak of smallpox, the necessary expense thereof to be paid by the municipality, upon the order of the local board of health. The state board of health shall determine the method to be employed in such vaccination, shall designate the persons to do the work and may determine the maximum fee to be charged.

SECTION 107. Section 40.025 of the statutes is repealed.

SECTION 108. Section 40.05 of the statutes is repealed.

SECTION 109. Section 40.575 of the statutes is repealed.

SECTION 110. Section 40.66 of the statutes is repealed.

SECTION 111. Section 40.85 of the statutes and chapter 431, Laws 1925, are repealed.

SECTION 112. Section 40.685 of the statutes of 1925 shall remain in full force and effect, but shall not be printed in future editions of the Wisconsin Statutes.

SECTION 113. Chapter 41 of the statutes is entitled:

CHAPTER 41 SPECIAL SCHOOLS

SECTION 114. Section 41.01 of the statutes is amended to read:

41.01 SCHOOLS FOR DEAF OR BLIND; DEFECTIVE SPEECH. (1) * * * The state superintendent may authorize * * * *any* school * * * board * * * to establish and maintain * * * day schools for the instruction of *blind or deaf* persons or persons with defective speech.
* * *

(2) * * * Such schools shall be under the charge of * * * teachers, whose qualifications shall be approved by the state superintendent. * * *

(3) The clerk or secretary of * * * the * * * boards * * * shall report * * * to the state superintendent annually, and oftener if he so direct, the number of pupils * * * in such * * * schools, their residence, * * * *attendance* and such other facts * * * as he may require; and the treasurer of * * * the * * * boards shall render to the state superintendent, annually, an itemized statement * * * of all receipts and disbursements on account of such * * * school during the preceding school year.

SECTION 115. Section 41.02 of the statutes is amended to read:

41.02 COMPULSORY EDUCATION OF THE DEAF AND BLIND. (1) Any parent or guardian having under his control a deaf or blind child between the ages of six and eighteen years, who is incapacitated for attending a common school, shall cause such child to attend some public, private, or parochial * * * school * * * for the instruction * * * of the deaf or blind, * * * at least eight months during each * * * year; provided, this shall not apply to any child over sixteen years of age who shall have completed the eighth grade or who shall be regularly employed in a gainful occupation.

(2) Any * * * *violation* of this section shall * * * be punished by a fine of not less than five dollars nor more than fifty dollars, or by imprisonment in the county jail, not exceeding three months. * * *

(3) This section shall not apply to any child not in proper physical or mental condition to attend school. * * *

SECTION 116. Section 41.035 of the statutes is renumbered section 41.04 and amended to read:

41.04 CLASSES FOR EXCEPTIONAL PUPILS. * * *

(1) * * * The state superintendent may authorize * * * *any* school * * * board * * * to * * * *provide* special classes for the instruction of exceptional persons of school age who reside in * * * *the* school district. * * *

(2) The courses, *the* qualifications of teachers and *the* plan of organizing and maintaining such special classes shall comply with * * * *the* requirements * * * *of* the state superintendent. * * *

(3) * * * *He* shall appoint * * * two persons * * * who shall have general supervision of such classes, and who shall * * * *examine*, test * * * and classify * * * pupils * * * for admission to such * * * classes, and perform such other duties as * * * *he* may direct. Such supervisors shall be exempt from the * * * *civil service law*.

(4) The *secretary of the* board * * * shall * * * report annually to the state superintendent, or oftener, if he so directs, such facts relative to such * * * classes as he may require.

(5) * * * If it shall appear that the special * * * classes have been taught, * * * and in every respect maintained in accordance with the requirements, * * * the state superintendent shall certify to the secretary of state, as due * * * *the* school board * * * a sum equal to one-third the amount expended for salaries of teachers of such * * * classes, * * * *but* not exceeding three hundred dollars per * * * teacher; * * * provided, * * * that in case the average attendance of any * * * special class shall be less than the minimum attendance required * * * *he* may, in his discretion, * * * *certify a proportionate* sum * * * *based on* the average daily attendance. * * * The secretary

of state shall draw his warrant, payable to the treasurer of the school board * * * for the amount * * * *certified*.

SECTION 117. Sections 41.04, 41.05, 41.06, 41.07, 41.08, 41.09, 41.10 and 41.12 of the statutes are consolidated, renumbered section 41.05 and revised to read:

41.05 TRADE SCHOOLS. (1) ESTABLISHMENT. The school board of or for any city (not maintaining vocational schools) may establish or take over and maintain schools for practical instruction in the useful trades to young persons over fourteen years of age as part of the public school system of the city, and may exercise the same authority over such schools which the board has over the other schools under its charge. Trade schools, however, shall not be maintained unless there be an average enrollment of at least thirty pupils.

(2) REFERENDUM. (a) When the school board of any city of the second, third or fourth class shall determine to establish or take over and maintain trade schools, it shall publish notice of its intention so to do with a copy of the resolution or order expressing such determination once each week for four successive weeks in a newspaper published in the city.

(b) If within thirty days after the first publication of such notice, there shall be filed with the city clerk a petition signed by electors equal to twenty per cent of the votes cast in said city at the last municipal election, praying that the question of the establishment or taking over and maintenance of trade schools shall be submitted to the vote of the electors, the city clerk shall at the earliest opportunity lay such petition before the common council. The council shall thereupon, at its next regular meeting, by resolution or ordinance, direct the city clerk to call a special election for the purpose of submitting such question to the electors.

(c) Such election shall be noticed and conducted and canvassed in accordance with the provisions of section 10.40. All electors within the territory constituting such school district shall be entitled to vote.

(d) If any of said school district territory shall be beyond the limits of the city, the city clerk shall immediately upon the passage of the resolution or ordinance of the council, transmit a copy thereof to the clerk of the town or towns of which such territory is constituted. The clerks of the towns shall thereupon

cause a notice of such election to be given, and such election shall be held and canvassed as provided in section 10.51.

(e) If a majority of the votes shall be against such proposition, the board shall proceed no further in the matter, but if a majority of the votes cast shall be in favor of the proposition, or if no petition to submit such proposition to the electors shall be filed within the time permitted therefor, the board shall proceed to establish or take over and maintain trade schools.

(3) **POWER OF BOARD.** The school board may equip trade schools with proper machinery and tools, employ instructors and give practical instruction in one or more of the common trades; may prescribe courses of study, purchase or lease suitable grounds or buildings for the use of such schools.

(4) **PAY FOR MATERIALS; SALE OF PRODUCT.** Trade school pupils may be required to pay the cost of all material consumed by them in their work, or in lieu thereof the board may establish a fixed sum to be paid by each student in such course, which sum shall be sufficient to cover the cost of the material to be consumed in such course; and may in its discretion dispose of any manufactured articles and the proceeds shall be paid into the trade school fund.

(5) **TRADE SCHOOL FUND.** A tax not exceeding six-tenths of a mill upon the dollar for the establishment and maintenance of trade schools shall be levied, upon the requisition of the school board, as other school taxes are levied; the fund derived from such taxation shall be known as "Trade School Fund," shall be used in establishing and maintaining trade schools, shall not be used for any other purpose, and may be disbursed by the board in the manner and pursuant to the regulations governing the disbursement of regular school funds by such board.

SECTION 118. Section 41.11 of the statutes is renumbered section 41.06 and is amended to read:

41.06 * * * TEMPORARY TRANSFERS FROM REGULAR SCHOOL FUNDS. Any school board desiring to avail itself of the provisions of section 41.05 * * * may, before the trade school fund * * * becomes available, establish or take over, equip and maintain * * * trade * * * schools out of the regular school funds which may be at the disposal of such school board; provided, however, that all moneys used for these purposes out of the regular school funds shall be refunded within three years from the trade school fund.

SECTION 119. Section 41.13 of the statutes is amended to read:

41.13 STATE BOARD OF VOCATIONAL EDUCATION.

(1) There is hereby created a "State Board of Vocational Education." The board shall consist of *eleven members*, * * * *nine* appointed by the governor (three * * * *to be employers of labor*, three * * * *to be skilled employes other than those who have employing or discharging power*, and three * * * *to be practical farmers*), the state superintendent of * * * *public instruction* and a member of the industrial commission to be selected by the commission. * * * A majority of said board shall constitute a quorum.

(2) * * * *The term of appointive members shall be six years*, * * * *and regular terms shall commence on the first day of July*. * * *

(3) Said board * * * shall have control over all state aid given to vocational schools; * * * shall meet quarterly and at such other times as may be found necessary; * * * shall elect its own officers; * * * shall report biennially; * * * may employ a director of vocational education and assistants for the development and supervision of the work of vocational education, * * * *and shall * * * determine the organization, plans, scope and development of vocational education*. * * * *All salary accounts shall be certified by the secretary of the board to the secretary of state. All positions except that of director of vocational education shall belong to the classified civil service.*

(4) * * * The * * * board * * * shall cooperate with the federal board * * * *for vocational education in the execution of the provisions of the United States vocational education act*, and is hereby empowered with full authority so to co-operate. The state treasurer is hereby designated custodian of all funds allotted to this state from the appropriations made by said act, and he shall receive and provide for the proper custody and disbursement of the same in accordance with said act.

SECTION 120. Section 41.14 of the statutes is repealed.

SECTION 121. Section 41.15 of the statutes is amended to read:

41.15 LOCAL VOCATIONAL BOARDS; ORGANIZATION, POWERS, DUTIES. (1) In every town, * * * village * * * *and city of over five thousand inhabitants there*

shall be, and in * * * *every town, village or city* of less than five thousand inhabitants there may be a local board of * * * *vocational* education, whose duty it shall be to establish, foster and maintain vocational schools for instruction in trades and industries, commerce and household arts in part-time-day, all-day and evening classes and such other * * * *courses* as are enumerated in section 41.17. Said board may take over and maintain * * * any existing schools of similar nature. *Schools created under this section shall be known as vocational schools.*

(2) Such board shall consist of the city superintendent of schools (* * * or the principal of the high school, * * * if there be no city superintendent, or the president or * * * *director* of the local *school* board * * * in case there be neither of the above-mentioned officers), and four other members, two employers, and two representative employes who have no employing or discharging power and who are not foremen or superintendents, who shall serve without pay, and who shall be appointed by the local *school* board, * * * or if there be more than one local board, by such boards jointly. If there be more than one city superintendent, principal of the high school, or president or * * * *director* of the local *school* board, the ex officio member shall be selected by the appointing * * * boards. * * *

(3) The term of the appointive members * * * shall be two years from the first of January; * * * provided, however, that in the first * * * *instance* two members shall be appointed * * * for * * * one year from the first of January. * * *

(4) The local board of * * * *vocational* education shall elect * * * from its membership, a chairman and a secretary; * * * *and* with the co-operation of the state board of vocational education, shall have general supervision of the instruction in the local *vocational* schools. * * *

(5) No state aid shall be granted *to vocational* schools * * * *and* no money appropriated by the city, town or village for these schools shall be spent without the approval of the local board of * * * *vocational* education.

(6) The teachers in * * * *such* schools * * * shall be employed and their qualifications determined by the local board * * * *of vocational* education, subject to the approval

of the state board of vocational education; and, subject to such approval, * * * said local board may employ such other technical advisors and experts * * * as may be necessary for the proper execution of * * * its duties * * * and fix their compensation. For office work in connection with the administration of the schools * * * the * * * local board * * * may employ and fix the compensation of * * * *such assistants as may be necessary.*

(7) * * * *The board * * * may purchase * * * machinery, tools and supplies, and purchase or lease suitable grounds or buildings for the use of * * * such schools; * * * rent to others any portion of such building and grounds not presently needed for school purposes; and * * * erect, improve or enlarge buildings for the use of said schools. Existing school buildings and equipment shall be used as far as practicable. All conveyances, leases and contracts shall be in the name of the * * * municipality. * * **

(8) The board * * * *may contract * * * with the extension division of the University of Wisconsin to give instruction in such branches as the department may offer. * * **

(9) Whenever twenty-five persons qualified to attend a vocational school *shall* file a petition therefor with the local board of * * * vocational education, the board shall establish such school, * * * or *otherwise* provide * * * facilities for *such instruction as is authorized* in sections 41.13 to 41.21.

(10) (a) Said local board * * * shall have exclusive * * * control of * * * the schools established by it and over all property, * * * acquired * * * for the use of * * * said schools, * * * except as otherwise provided by the statutes. * * * Said board may *sue and be sued* in the name of *the municipality*, * * * and may * * * prosecute * * * or defend all suits brought * * * *under this section.*

(b) All *contracts made by such local board for work * * * or supplies or material, * * * involving the expenditure of five hundred dollars, * * * shall be * * * awarded to the lowest competent and reliable bidder, in accordance with the * * * provision of section 62.15, so far as applicable; and for that purpose the board of vocational education shall perform*

the duties imposed and shall possess the powers conferred by said section upon public bodies, boards and officers.

* * *

(d) Every *such* contract * * * shall contain * * * a provision that in case * * * the contractor shall fail to fully and completely perform his contract within the time therein limited, * * * he shall pay * * * as liquidated damages for such default, a * * * sum *per day* to be named in the contract, which shall * * * be sufficient, in the judgment of said board, * * * to save the * * * municipality from any loss on account of such default. * * *

* * *

(g) Said board * * * may insert in * * * such * * * contract provisions for reasonable and lawful conditions as to hours of labor, wages, and the residence and character of workmen to be employed by the contractor, and especially * * * such reasonable and lawful conditions as will tend to confine employment on such work, * * * to * * * bona fide residents of the state of Wisconsin. * * *

* * *

(11) The * * * board * * * may assist in the formation of advisory committees in every occupation in the locality. Each committee shall consist of equal numbers of employers and employes in the occupation, and may be called upon by the local board, by the directors and by the teachers for advice and assistance in the selection, purchase and installation of equipment, in the preparing of lessons, in developing methods of instruction, in the development of vocational guidance, in following up young persons after they leave school, and for such other purposes as may be found desirable.

SECTION 122. Section 41.16 of the statutes is amended to read:

41.16 ESTIMATE FOR MAINTENANCE; TAX. (1) The local board * * * of vocational education shall annually report to the * * * municipal clerk * * * before * * * September * * * the amount of money required for the next fiscal year for the support of all the vocational schools, * * * and for * * * necessary * * * school sites, buildings, * * * fixtures and supplies.

(2) * * * The municipality shall levy and collect and the

*clerk shall spread on the roll a tax, * * * which together with the other funds provided * * * for the same purpose, shall be equal to the amount * * * so required by said local board, * * * but such tax shall not exceed one and one-half mills on the dollar.*

(3) * * * Whenever the local board of * * * *vocational* education in any city of the first class shall deem it necessary to erect, * * * or to make additions to * * * buildings, or to purchase sites * * * or additions to * * * sites; and a natatorium or natatoria in connection therewith, whenever directed by * * * the common council to erect a * * * natatoria as a part of such * * * building, said board may * * * *inform the* council * * * of the amount of funds needed for * * * *one* or more of said purposes, * * * *and* request * * * said * * * council to issue vocational school bonds for any of said purposes, or any two or more of said purposes combined, and * * * said * * * council may * * * cause * * * vocational school bonds to be issued for any of said purposes or any two or more of said purposes combined, in the same manner as other bonds are issued in such city. Whenever * * * bonds are issued for any two of said purposes combined, the local board * * * may apply the proceeds * * * to any of the purposes for which said bonds were issued in any proportion it deems necessary; provided, that whenever a natatorium * * * shall be erected in connection therewith as herein provided, the maintenance cost of such natatorium * * * shall be paid by the local board * * * and the city in such proportions as shall be agreed upon by the common council and the local board, * * * or if they cannot agree then each shall pay fifty per cent thereof. The comptroller of such city shall annually set aside, out of any taxes collected in such city for an industrial education fund, a sufficient sum to pay the principal and interest which may become due on any of said bonds in the year for which such taxes are collected; * * * if the local board * * * shall * * * neglect to report * * * a sufficient amount * * * required by it for the next fiscal year to pay the principal and interest on said bond each year, the common council of such city shall *nevertheless* levy a sufficient tax for such purpose. It shall not be necessary for such city to comply with the provisions of chapter 65 of the statutes in making the first two

* * * bond issues, but all subsequent bond issues shall be subject to the provisions of said * * * *chapter*.

(4) * * * Taxes for the purposes named in this section shall be in addition to all other * * * taxes, * * * and shall be for the use and support of *the vocational schools*. * * *

(5) The *municipal treasurer* * * * shall keep such money separate from all other money. * * * All moneys appropriated or otherwise provided * * * for *vocational education* shall be expended by the local board * * * of *vocational education*, and shall be paid by the town, village or city treasurer on orders issued by said board and signed by its president and secretary.

(6) All moneys received by said board shall be paid to the town, village or city treasurer * * * and are appropriated to the *vocational education* fund. * * *

SECTION 123. Section 41.17 of the statutes is amended to read :

41.17 TEACHERS AND COURSES OF STUDY. (1) The qualifications of teachers and the courses of study in these schools shall be approved by the state board of vocational education, and shall include English, citizenship, physical education, sanitation and hygiene, and the use of safety devices, and such other * * * courses as the state board of vocational education shall approve.

(2) The local board of * * * *vocational education* may allow pupils * * * who have had courses equivalent to any of those offered, to substitute other * * * courses therefor.

SECTION 124. Section 41.18 of the statutes is amended to read :

41.18 REQUIREMENT FOR ADMISSION. The *vocational schools* * * * shall be open to all residents of the cities, towns and villages in which such schools are located, * * * who are fourteen years of age * * * and who are not by law required to attend other schools, and to all persons over fourteen years of age employed in said cities, towns or villages, but who are residents of other municipalities maintaining vocational schools; provided, * * * *such nonresidents shall present* the written approval of the local board of * * * *vocational education* * * * of their home municipality. * * * Any person over the age of fourteen years who shall reside in any town, village or city not having a vocational school, * * * and who is otherwise qualified to pursue the course of study, may with the approval of the * * * board of * * * *vocational education*, * * * be allowed to attend any school

under * * * *its* supervision. *Nonresident pupils* * * * shall be subject to the same rules and regulations as *resident pupils*. * * *

SECTION 125. Section 41.19 of the statutes is amended to read:

41.19 NONRESIDENT TUITION. The local board of * * * *vocational* education is authorized to charge tuition * * * for nonresident pupils not to exceed fifty cents per week. * * * Before * * * July in each year the secretary of the * * * board * * * shall send a sworn statement to the clerk of the * * * *municipality in which* * * * such * * * *pupils reside*, * * * *setting* forth the residence, name, age and date of entrance to such school, and the number of weeks' attendance during the preceding year of each such * * * *pupil*, * * * *and* the amount of tuition * * * *due* on account of * * * such * * * attendance. This statement should be filed as a claim against * * * such * * * *municipality* and allowed as other claims are allowed.

SECTION 126. Section 41.20 of the statutes is amended to read:

41.20 CHARGES FOR MATERIAL CONSUMED; SALE OF PRODUCTS. Students attending * * * *vocational* school * * * may be required to pay for all material consumed by them in their *school work* * * * at cost prices, or in lieu thereof the * * * *local board of vocational education* may establish a fixed sum to be paid by each student in each course, which sum shall be sufficient to cover, as nearly as may be, the cost of the material to be consumed in such course; * * * articles * * * *manufactured* in such school * * * may * * * be disposed of at their market value, at the discretion of the school board, and the proceeds shall be paid to the * * * *municipal* treasurer for the *vocational* fund. * * *

SECTION 127. Section 41.21 of the statutes is repealed.

SECTION 128. Section 41.251 of the statutes is renumbered section 41.26 STOUT INSTITUTE, TUITION.

SECTION 129. Sections 41.26 and 41.27 of the statutes are consolidated, renumbered section 41.27 and amended to read:

41.27 WISCONSIN MINING SCHOOL; BOARD. * * *

A school shall be established in the city of Platteville, to be called the "Wisconsin Mining School." * * * The * * * school shall be under the control and management of a board of three members to be known as the "Wisconsin Mining School

Board," one of whom shall be the *state* superintendent of public instruction, and two shall reside in the southwestern part of the state in * * * the lead district, who shall be appointed by the governor * * * for * * * terms of * * * four years, beginning * * * the first day of July *following the appointment*, * * * who shall serve without compensation.

SECTION 130. Section 41.28 of the statutes is amended to read:

41.28 SAME; BOARD MEETINGS, QUORUM, OFFICERS, DISBURSEMENTS. The board shall hold its * * * meetings in the city of Platteville. * * * Meetings may be called * * * by two * * * members. * * * A majority of the board shall constitute a quorum for business. The superintendent of public instruction shall be president of such board. * * * *The* board shall appoint * * * a secretary to hold * * * office during * * * *its* pleasure, * * * and shall fix times for *its* regular meetings. * * * The state treasurer shall be the treasurer of the board. No money shall be paid out, nor any contract * * * made, or any act done, involving the payment of money or the disposal of property, except in pursuance of a vote of the board.

SECTION 131. Section 41.29 of the statutes is amended to read:

41.29 SAME; BUILDINGS, EQUIPMENT AND FACULTY. * * * *The mining school* board shall * * * procure such furniture, apparatus, library and implements as may be necessary for the successful operation of said school, and employ * * * a principal and * * * teachers and assistants * * * and * * * regulate their duties, * * * and may discharge * * * any one in its employ upon two months' * * * notice.

SECTION 132. Section 41.30 of the statutes is amended to read:

41.30 SAME; STUDY COURSE, FEES AND TUITION. The course of instruction * * * shall be three years, * * * and shall embrace geology, mineralogy, chemistry, assaying, mining and mining surveying, and such other branches of practical and theoretical knowledge as will, in the opinion of the board, * * * give students * * * a knowledge of the science, art and practice of mining. * * * *The course must meet the approval of the dean of the college of engineering of the University of Wisconsin.* * * * No student who shall have been a resident of the state for one year next preceding his admission shall be required to pay * * * tuition or other * * *

fees, except for the cost price of materials * * * consumed by such student. * * * *The* tuition for * * * students who shall not have been * * * residents as aforesaid *shall be fixed by the board, but* * * * shall not be less than fifty nor more than two hundred dollars per year.

SECTION 133. Section 41.31 of the statutes is amended to read:

41.31 SAME; SCHOOL GOVERNMENT. * * * The *mining school* board * * * shall * * * have power to make * * * rules and regulations concerning the admission, control and discipline of students, and other matters * * * necessary for the good government of the institution, and * * * transaction of its business, *to fix the time when the school shall be in session,* and * * * to grant diplomas upon the completion of the prescribed course.

SECTION 134. Section 41.32 of the statutes is amended to read:

41.32 SAME; DEBT LIMIT, PROPERTY TRANSACTIONS. No debt shall be contracted beyond * * * the * * * means at the disposal of the institution. The board may dispose of or lease any property donated to the state for the purposes of said school. The board shall not * * * *engage in mining,* * * * except so far as it may be * * * necessary in the course of instruction, nor * * * purchase any lands beyond what are required for the reasonable accommodation of the school. The board shall not sell, mortgage or otherwise dispose of any real estate purchased by * * * *it* or donated by the state without the express authority of the legislature.

SECTION 135. Section 41.33 of the statutes is amended to read:

41.33 SAME; MINERAL COLLECTION, ANNUAL REPORT. * * * The *mining school* board * * * shall obtain * * * a complete collection of the minerals of the lead region of Wisconsin and classify * * * the same. The board shall on the thirtieth day of June of each even-numbered year make a report of its proceedings *since its last report* to the governor, * * * *of its* receipts and expenditures during the period * * * *and of the* affairs of said school.

SECTION 136. Section 41.34 of the statutes is amended to read:

41.34 SAME; COUNTY AID. * * * County boards * * * *may* appropriate money for the equipment and maintenance of the Wisconsin mining school. * * * When two or more counties unite in equipping and maintaining said school,

the * * * school board shall apportion the amount to be raised by taxation among the counties in proportion to the assessed valuation of each county as last fixed by the state board of assessment, and shall report to the county clerk of each county * * * *such* apportionment, * * * on or before the first Monday of November in each year. The amount so apportioned to each county shall be * * * *included* in the county tax for the ensuing year for the support of such school.

SECTION 137. Section 41.35 of the statutes is amended to read:

41.35 SAME; CITY AID, REIMBURSEMENT, LIMIT, CERTIFICATES, PAYMENT. * * * *The city of Platteville* * * * may appropriate annually for equipping and maintaining said school or * * * for * * * reimbursing * * * counties which have appropriated money for the equipment and maintenance of such school a sum not exceeding three thousand dollars. * * *

SECTION 138. Section 41.36 of the statutes is amended to read:

41.36 COUNTY NORMAL SCHOOLS; ESTABLISHMENT. (1) * * * Any county within which * * * no state normal school is * * * located * * * *may* appropriate money for the organization, equipment and maintenance of a * * * *normal* school, to be known as a "*County Normal School*" for teachers of common schools, and for the erection of suitable school buildings and dormitories, or for purchasing and remodeling suitable buildings * * * therefor.

(2) In case any county board * * * votes to appropriate money and to erect * * * or purchase and remodel * * * buildings for the use of * * * a county * * * *normal* school for teachers * * * state aid, * * * to defray the cost of erecting * * * or purchasing and remodeling such * * * buildings, shall be granted to * * * *counties* as follows:

(a) All plans for the erection * * * or remodeling of * * * *such* buildings shall be submitted to the state superintendent * * * before the construction or remodeling * * * shall be commenced, and no state aid shall be granted unless he has approved the plans. * * *

(b) Upon the completion of the * * * *work*, the county board * * * shall notify the state superintendent that the building is completed, and shall submit to him a certified state-

ment of the actual cost of the erection or the purchasing and remodeling of the building.

(c) If he shall be satisfied that the building has been erected or remodeled substantially in accordance with the *approved* plans * * * *he shall* certify to the secretary of state in favor of the county * * * an amount equal to one-fourth the cost, but not to exceed six thousand dollars in the case of the erection of a school building or dormitory, nor three thousand dollars in the case of purchasing and remodeling a building, * * * *but* he shall not certify aid for more than two school buildings and two dormitories in any * * * year. * * *

(d) The secretary of state, on receipt of such certificate, shall draw his warrant on the state treasurer, *for the amount certified* in favor of the treasurer of the county. * * *

SECTION 139. Section 41.37 of the statutes is amended to read:

41.37 SAME; BOARD, APPOINTMENT, BOND, ORGANIZATION. A * * * "County * * * *Normal School Board*" is * * * created, * * * *which* shall have charge and control of all matters pertaining to the organization, equipment and maintenance of such schools. * * * Said board shall consist of three members, one of whom shall be the county superintendent of schools. * * * The other members * * * shall be elected by the county board *at an annual meeting* for the term of three years from * * * *January first* following their election, * * * and shall within ten days after the notice of such * * * *election* take and file the official oath and execute and file an official bond in such sum as may be fixed by the county board. * * * The members thereof shall meet and * * * elect * * * one of their number * * * president. The county superintendent of schools shall be * * * secretary of the said board, and * * * the county treasurer *of the county in which the school is located* shall be * * * treasurer of said board, but not a member thereof. The said board shall prescribe the duties of * * * *its officers.* * * *

SECTION 140. Section 41.38 of the statutes is amended to read:

41.38 SAME; MONEYS, HOW PAID. All moneys appropriated * * * *to such school* shall be expended by the county * * * *normal school board*, and shall be paid by the county treasurer * * * on orders issued by said board *and signed by its secretary and president.*

SECTION 141. Section 41.39 of the statutes is amended to read:
 41.39 SAME; SUPERVISION BY STATE SUPERINTENDENT. The state superintendent shall * * * assist in organizing and maintaining such * * * schools; * * * shall prescribe the course of study to be pursued; shall have the general supervision of * * * such schools; * * * shall * * * inspect the same and make * * * recommendations relating to their management; * * * and shall make * * * full reports * * * concerning their number, character, and efficiency. * * *

SECTION 142. Sections 41.40 and 41.405 of the statutes are consolidated, renumbered 41.40 and amended to read:

41.40 SAME; CERTIFICATES TO GRADUATES, SCHOOL CREDITS. (1) * * * Each graduate of a county * * * normal school, * * * who shall be of good moral character, shall receive a * * * diploma signed by the principal of the school and by the * * * school board, * * * certifying that the person named herein has satisfactorily completed the course of study * * * of the county * * * normal school, and is of good moral character; * * * and giving a list of the standings * * * of the person on the completion of each * * * study pursued in the school.

(2) * * * Graduates of * * * county * * * normal schools, who are * * * graduates of a four year * * * high school, and who, after graduating from a county * * * normal school, have * * * taught one year, * * * shall, on entering a state normal school, receive one year of credit towards the completion of any course for training elementary teachers.

SECTION 143. Section 41.41 of the statutes is amended to read:
 41.41 SAME; QUALIFICATIONS OF TEACHERS AND PRINCIPAL. No member of any county * * * normal school board shall be employed in * * * said school, * * * either as principal or as * * * teacher during the term for which he was elected, * * * nor shall any person be employed as a teacher in such school who does not hold * * * a state license or certificate, * * * nor shall any person be employed as principal of such school who is not legally qualified for the position of principal of a * * * high school having a four years' course of study. * * * This section shall not

apply to any person engaged as a teacher in a county training school, on July 16, 1907.

SECTION 144. Section 41.42 of the statutes is amended to read:

41.42 JOINT COUNTY NORMALS; ESTABLISHMENTS, MAINTENANCE. (1) The county boards of two or more adjoining counties may unite in establishing and maintaining a * * * *normal* school for teachers * * * on the same general plan as provided for *such school in a single county*, * * * and may appropriate money for its maintenance. * * * The county superintendents of the counties so uniting, and two members in addition chosen from each such county, * * * shall constitute the joint county * * * *normal* school board. The *elective* members of the school board * * * shall choose one of the county superintendents * * * as secretary of the * * * school board.

(2) If, at the time of establishing such school, the counties * * * shall neglect to procure a site, or to erect a school building therefor, such joint county * * * *normal* school board shall have power, subject to the approval of the state superintendent, to procure such site and to erect a suitable school building thereon; * * * to borrow *not to exceed twelve thousand dollars* * * * for * * * *said* purposes * * * from the trust funds of the state, * * * payable *in equal annual instalments* in not to exceed ten years, with the annual interest at the rate of not to exceed three and one-half per * * * cent. * * * Provision * * * for the payment of each * * * instalment, and accrued interest, shall be made in the tax levy and apportionment mentioned in section 41.43.

SECTION 145. Section 41.43 of the statutes is amended to read:

41.43 SAME; MAINTENANCE, EQUIPMENT, APPORTIONMENT. When * * * counties unite in establishing and maintaining such school, the * * * school board * * * shall *annually* determine the amount of money necessary for the maintenance and equipment of the school for the next succeeding year, * * * and shall apportion the amount to be raised by taxation among the counties in proportion to the * * * valuation of the * * * *taxable* property in each county as last fixed by the state board of assessment, and shall report to the county clerk of each county * * * before * * * November in each year, the amount of the apportionment so fixed, and such amount shall be * * * *included* in

the county tax * * * for the ensuing year for the support of the school. Each county treasurer shall * * * pay over all moneys so levied and collected * * * for said school to the treasurer of the joint county * * * normal school board and file the latter's receipt therefor. * * *

SECTION 145a. Section 41.44 of the statutes is repealed.

SECTION 146. Section 41.45 of the statutes is amended to read:

41.45 SAME; NONRESIDENT PUPILS. The * * * county normal school board * * * shall admit to said school, whenever the facilities * * * will warrant, * * * any person prepared to enter such school, * * * who * * * reside in a * * * county * * * which does not maintain such a normal school. Persons so admitted shall be entitled to the * * * privileges and be subject to the rules * * * of such school.

SECTION 147. Section 41.46 of the statutes is amended to read:

41.46 SAME; NONRESIDENT PUPILS, TUITION, TAX.

(1) * * * The board * * * may charge nonresident students a tuition * * * to be fixed by * * * said board, * * * which tuition * * * shall not exceed one dollar per week, * * * and which shall be a charge against * * * the county * * * in which such * * * students reside, * * * and shall be by it paid * * * to the * * * treasurer of the * * * normal school enrolling such students. * * *

SECTION 148. Section 41.465 of the statutes is repealed.

SECTION 149. Section 41.47 of the statutes is amended to read:

41.47 COUNTY SCHOOLS OF AGRICULTURE; CREATION. (1) The county board * * * may appropriate money for the organization, equipment and maintenance of a county school of agriculture, * * * pursuant to the provisions of sections 41.47 to 41.58. The * * * boards of two or more counties may unite in establishing and maintaining such a school. * * *

(2) * * * The county clerk or clerks * * * shall notify the dean of the college of agriculture * * * whenever it has been voted to establish * * * such school.

(3) The dean of the college of agriculture, the state superintendent of public instruction, and the * * * commissioner of agriculture * * * shall * * * select the site for such * * * school. * * *

(4) The county * * * boards * * * *may borrow money and issue * * * bonds for the purpose of procuring * * * the necessary grounds and erecting the necessary buildings, and for improving the same from time to time, for such * * * schools. * * **

SECTION 150. Section 41.48 of the statutes is amended to read:

41.48 SAME; SCHOOL BOARD, APPOINTMENT, OATH, ORGANIZATION. In all counties whose population is less than two hundred fifty thousand, a board to be known as the "County Agricultural School Board" is * * * created, which shall have charge and control of all matters pertaining to the organization, equipment and maintenance of such school. *The membership and organization and officers of said board and the election, appointment, terms and qualification of the members and officers of the board shall be the same as is provided in the case of "county normal school board."* * * *

SECTION 151. Section 41.49 of the statutes is repealed.

SECTION 152. Section 41.50 of the statutes is amended to read:

41.50 SAME; APPORTIONMENT OF MAINTENANCE. When * * * counties unite in establishing and maintaining such school, the * * * school board * * * shall determine the amount of money necessary for the equipment and maintenance of the school for the * * * *succeeding year; * * * shall apportion the amount to be raised by taxation among the counties in proportion to the * * * valuation of each county, as last fixed by the state board of assessment; and shall report to the county clerk of each county the apportionment so made * * * before * * * November in each year. The amount so apportioned to each county shall be * * * included in the county taxes for the ensuing year for the support of the school.*

SECTION 153. Section 41.51 of the statutes is amended to read:

41.51 SAME; TREASURER OF BOARD, DISBURSEMENTS. * * * All moneys appropriated * * * *for such school shall be * * * paid * * * to its treasurer, * * * and shall be by him disbursed on orders issued by said board, and * * * signed by the secretary and president.*

SECTION 154. Section 41.52 of the statutes is amended to read:

41.52 SAME; COURSES OF STUDY. * * * County schools of agriculture * * * shall * * * *teach the elements of agriculture, including * * * soil, * * * plant * * * and * * * animal life, * * * farm accounts, * * **

manual training and domestic economy; and such other subjects as may be prescribed.

SECTION 155. Section 41.53 of the statutes is amended to read:

41.53 SAME; LAND REQUIRED. Each * * * county agricultural school shall have connected with it * * * not less than three acres of land suitable for purposes of experiment and demonstration. * * *

SECTION 156. Section 41.54 of the statutes is amended to read:

41.54 SAME; SCHOOLS FREE, TUITION, SPECIAL CLASSES. (1) The county agricultural schools * * * shall be free to inhabitants of the * * * counties which maintain them, * * * who shall be qualified to pursue the course of study; provided, they shall have at least the qualifications required for completion of the course of study for common schools. When * * * adults desire admission to the school during the winter months in sufficient number to warrant the organization of special classes for their instruction, such classes shall be organized and continued for such time as their attendance may make necessary.

(2) * * * The board * * * may admit nonresident students and charge a tuition * * * fixed by * * * said board, * * * but not to exceed one dollar per week, * * * which tuition shall be a charge against and shall be paid by the home counties of such nonresident pupils, to the treasurer of the school.

* * *

SECTION 157. Section 41.55 of the statutes is amended to read:

41.55 SAME; DUTY OF STATE SUPERINTENDENT. The state superintendent shall give such information and assistance, and establish such requirements as may seem necessary for the proper organization and maintenance of such schools. With the advice of the dean of the college of agriculture of the state university, he shall prescribe the courses of study to be pursued, and determine the qualifications required of teachers * * * in such schools. He shall have the general supervision of * * * such schools; * * * shall from time to time inspect the same, and make such recommendations relating to their management as he may deem necessary, and * * * shall report * * * fully concerning their number, character and efficiency.

SECTION 158. Section 41.56 of the statutes is amended to read:
 41.56 SAME; VILLAGES MAY CONTRIBUTE. Any village in which or adjacent to which a county school of agriculture * * * is located * * * may contribute for the organization, erection, construction and equipment of such school not to exceed one-fifth of the entire cost thereof.

SECTION 159. Section 41.58 of the statutes is amended to read:
 41.58 SAME; DISSOLUTION. The county board may discontinue any county school of agriculture, * * * and * * * devote, use or permit to be used, any lands, buildings, equipment and property that may have been purchased or used by such * * * school * * * for any other * * * public purpose permitted by law to counties. * * *

SECTION 160. Subsections (2) and (3) of section 41.60 of the statutes are amended to read:

(41.60) (2) The county board * * * *may* appropriate money to carry out the provisions of this section.

(3) The authorities designated by the state board of vocational education * * * to administer the provisions of this section, are hereby authorized to receive and to use money appropriated by the county and the state and such federal funds as may be apportioned by the state board of vocational education *and all donations* for the purpose of this section. * * *

SECTION 161. Section 41.70 of the statutes is amended to read:
 41.70 EVENING AND PART-TIME CLASSES. The common council or *school* board * * * of any city may establish evening and part-time college classes. The common council may appropriate money to maintain such classes and may accept and use *donations* therefor. * * *

SECTION 162. Section 41.215 of the statutes is renumbered section 41.71 and subsections (1), (2) and paragraph (d) of subsection (3) are amended to read:

41.71 REHABILITATION LAW. * * * (1) The * * * state of Wisconsin hereby assents to and accepts the provisions and benefits of the act of congress entitled "An act to provide for the promotion of vocational rehabilitation of person disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, *as amended*. The state board of vocational education shall co-operate with the federal board for vocational education to carry out the purposes of such act. The state treasurer is designated and appointed custodian of all moneys

received by the state from appropriations made by the congress of the United States under the authority of such act, and is authorized to receive and provide for the proper custody of same, and to make disbursements therefrom upon the order of the state board of vocational education.

(2) This * * * *section* may be cited as the "Rehabilitation Law."

(3) (d) "Federal act" means the act of congress entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, *as amended*.

SECTION 163. All sections and parts of sections now contained in chapters 39, 40 and 41 of the statutes which are not mentioned or treated in this act shall remain unaffected by this act.

SECTION 164. This act shall take effect on July 1, 1927.

Approved July 21, 1927.

No. 404, S.]

[Published July 22, 1927.

CHAPTER 426.

AN ACT to repeal section 23.09; and to create a new section to be numbered section 23.09 of the statutes, relating to the creation of a state conservation commission and the establishment of a system for the protection, development and use of forests, fish and game and other outdoor resources, and providing a penalty.

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

SECTION 1. Section 23.09 of the statutes is repealed.

SECTION 2. A new section is added to the statutes to be numbered and to read: 23.09 (1) The purpose of this section is to provide an adequate and flexible system for the protection, development and use of forests, fish and game, lakes, streams, plant life, flowers and other outdoor resources in the state of Wisconsin.

(2) To carry out the purpose of this act and other acts for like purposes, there is created a state conservation commission of six members, three of whom shall be from the territory north, and three from the territory south of a line running east and west through the south limits of the city of Stevens Point. The