

No. 1. S.]

[Published May 7, 1953.

### CHAPTER 90.

AN ACT to revise chapters 39 and 40, to renumber 14.54, 37.16 and 41.70, to renumber and amend 14.57, to repeal 43.19 (6) and 66.17, and to amend 17.22 (3) and 17.26 (1) of the statutes, relating to the school laws, for the purpose of rearranging and clarifying those laws.

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

SECTION 1. The title to Chapter 39 of the statutes is reenacted to read:

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~~14.54~~ SCHOOL ADMINISTRATION.

SECTION 2. ~~15.54~~ of the statutes is renumbered 39.01.

SECTION 3. 14.57 (1) to (3), (5) to (11), (17), (12) to (16), (18), (19), (22) and (21) of the statutes are renumbered 39.02 (intro. par.), (1) to (21) and amended to read:

39.02 STATE SUPERINTENDENT; DUTIES. The state superintendent shall:

(1) GENERAL SUPERVISION. Ascertain the \* \* \* *condition* 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. \* \* \* Exclude all sectarian books and instruction from the public schools.

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

\* \* \* (4) SUPERVISION OF SCHOOLS. \* \* \* Supervise and inspect the \* \* \* *public* schools, county schools of agriculture and domestic science, manual training schools, county normal schools, \* \* \* day schools for \* \* \* *handicapped children*; and \* \* \* advise with the principals and local authorities thereof, and give assistance in organizing such \* \* \* *schools*.

\* \* \* (5) STATE SCHOOLS FOR THE VISUALLY HANDICAPPED AND DEAF. \* \* \* Maintain and govern the Wisconsin school for the visually handicapped and the Wisconsin school for the deaf.

(6) PUBLIC INFORMATION. \* \* \* By report, bulletins, circulars, correspondence and public addresses give the public information \* \* \* upon the different methods of school organization and management and the subject of education generally.

(7) APPEALS. \* \* \* 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. \* \* \* Collect in his office such schoolbooks, apparatus, maps and charts as may be obtained without expense to the state \* \* \*. He \* \* \* *may* purchase at an expense not exceeding \$250, in any one year, books and periodicals bearing upon the different phases of education.

(9) FORMS FOR SCHOOL OFFICERS. \* \* \* 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. \* \* \* Prepare and publish, from time to time, courses of study for the \* \* \* *public* schools, and the other schools under his supervision, and \* \* \* furnish copies thereof to the school \* \* \* *district boards*.

\* \* \* (11) PHYSICAL TRAINING. \* \* \* Prescribe a course in physical education and training adapted to the \* \* \* *public* schools, and \* \* \* have general supervision of physical education in the public schools.

\* \* \* (12) SPECIAL PROGRAM. \* \* \* Compile and distribute annually to the *public* schools, in pamphlet form, matter suitable for the observance of Memorial Day and Arbor Day.

\* \* \* (13) MUSICAL EDUCATION. \* \* \* Promote and supervise musical education in the \* \* \* *public* schools \* \* \*; appoint, as a member of his department, a supervisor of musical education \* \* \*.

\* \* \* (14) SCHOOL FUND INCOME. \* \* \* Apportion the school fund income as provided by law.

\* \* \* (15) COPIES OF RECORDS. \* \* \* 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 12 cents per folio.

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\* \* \* (16) REPORT TO GOVERNOR. \* \* \* 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 \* \* \* state colleges.

(b) An abstract of the \* \* \* public school reports made to him \* \* \*.

(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) A summary of the receipts and disbursements of all \* \* \* schools under his jurisdiction.

(g) Such other matters as he \* \* \* deems expedient.

\* \* \* (17) TEACHERS' INSTITUTES. \* \* \* Supervise the public school teachers' institutes.

\* \* \* (18) ANNUAL CONVENTIONS. \* \* \* Annually hold conventions of county superintendents, of city superintendents, and of supervising teachers.

\* \* \* (19) REPORTS TO SUPERINTENDENT. \* \* \* Require from school district officers, superintendents, principals and teachers, and \* \* \* district officers 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.

\* \* \* (20) FORMS FOR REPORTS. \* \* \* Prepare, print and distribute blank forms upon which superintendents, clerks, principals, teachers and \* \* \* school district officers \* \* \* shall make the \* \* \* returns and reports required of them.

\* \* \* (21) LICENSING AND CERTIFICATION OF TEACHERS. \* \* \* License all teachers for the public schools of the state, and make rules and regulations and prescribe standards of attainment for the examination, licensing and certification of teachers \* \* \* within the limits prescribed in \* \* \* s. 40.43 (3); \* \* \* file in his office all papers relating to \* \* \* state teachers' certificates and \* \* \* register each \* \* \* such certificate.

SECTION 4. 39.02 (22) of the statutes is created to read:

39.02 (22) COUNTY SCHOOL COMMITTEE. Advise and consult with county school committees.

SECTION 5. 40.22 (13) (b) of the statutes is repealed; and 40.22 (13) (a) is renumbered 39.02 (23) and amended to read:

39.02 (23) TEXT MATERIAL. The state superintendent \* \* \*, the dean of the college of agriculture at the state university and the conservation commission shall co-operate in the preparation of outlines to be used by teachers in the courses offered under \* \* \* ss. 37.29 and 40.46 (8). They \* \* \* may request the assistance of any teacher or professor in any of the schools of the state in the preparation of such outlines. They may also make a recommended list of material \* \* \* for guidance to teachers of these courses.

SECTION 6. 40.72 (3) of the statutes is renumbered 39.025 and amended to read:

39.025 SCHOOL ENROLLMENT. The state superintendent may require the \* \* \* boards of all \* \* \* school districts to report to him the name of the school and its location, the name and address of the teachers, the number of months of school maintained during the year, the opening and closing dates, the names and ages of all \* \* \* pupils enrolled between the ages of 7 and 18, the names and post-office addresses and places of residence of the parents of such \* \* \* pupils, the number of the district and the distance such \* \* \* pupils reside from the schoolhouse, the number of days each \* \* \* pupil was present during each month, and any other information requested by him \* \* \*. The superintendent shall furnish report forms.

SECTION 7. 39.33 (4) and (5) of the statutes are renumbered 39.03 (4) and (5); and 39.33 (2), (1) and (3) are renumbered 39.03 (1), (2) and (3) and amended to read:

39.03 INSPECTION OF SCHOOL BUILDINGS. \* \* \* (1) \* \* \* If 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 \* \* \* complains 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 schoolhouse is otherwise unfit for school purposes, the state superintendent shall investigate the matter.

\* \* \* (2) The \* \* \* state supervisors of \* \* \* schools shall be inspectors of public school buildings under the direction of the state superintendent.

(3) If \* \* \* conditions warrant \* \* \*, 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 \* \* \* deems the building unfit for school purposes and not worth repairing, he shall so state \* \* \*, and shall order the erection of a new building by a stated date; and after said date use of \* \* \* such building shall deprive the district of its right to share in the school fund income.

SECTION 8. 14.57 (23) of the statutes is renumbered 39.04 and amended to read:

39.04 SCHOOL LUNCH PROGRAM. The state superintendent \* \* \* may contract for the operation and maintenance of school lunch programs, and for the distribution, transportation, warehousing, processing and insuring of food products provided by the federal government. The form and specifications of such contracts shall be determined by the state superintendent, and the funds received under the terms and conditions of such contracts shall be deposited within one week of receipt thereof in the state general fund. Amounts remaining unpaid for 60 days or more after they become payable under the terms of such contracts shall be deemed past due and shall be certified to the director of budget and accounts on October 1 of each year and included in the next apportionment of state special charges to local units of government as special charges against the school districts and municipalities charged therewith.

SECTION 9. 37.16 of the statutes is renumbered 39.045.

SECTION 10. 39.01 (2), (4) and (6) of the statutes are renumbered 39.05 (1) to (4) and amended to read:

39.05 COUNTY SUPERINTENDENT; ELIGIBILITY AND DISQUALIFICATION. \* \* \* (1) ELIGIBILITY. \* \* \* To be eligible to the office of county superintendent of schools a person must \* \* \* be a resident of the county; \* \* \* must have taught 2 years in a rural public school or in a graded elementary school \* \* \*; must be the holder of any degree from any college or university and \* \* \* must hold a life certificate. Qualification requirements provided by \* \* \* the 1951 amendment \* \* \* shall not apply to any person holding the office of county superintendent on June 15, 1951.

\* \* \* (2) PROOF OF ELIGIBILITY. Any candidate for the office of county superintendent \* \* \* shall file with the proper county clerk or clerks a statement approved by the state department of public instruction confirming his qualifications establishing eligibility for candidacy for election to and occupancy of the office of county superintendent \* \* \* as a condition precedent to having his name placed on the ballot. The requirement of the filing of this statement shall apply to write-in candidates before the board of canvassers of election shall issue a certificate of election.

\* \* \* (3) DISQUALIFICATIONS. No county superintendent \* \* \* shall teach \* \* \*, absent himself from the county or engage in any business, profession, occupation or pursuit which will \* \* \* 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. \* \* \*

\* \* \* (4) INCOMPATIBILITY OF OFFICES. The offices of county superintendent \* \* \* and member of the county board of supervisors are incompatible.

SECTION 11. 39.01 (1), (1a), (5), (2b) and (3) of the statutes are renumbered 39.06 (1) to (6) and amended to read:

39.06 COUNTY SUPERINTENDENT; ELECTION AND SALARY. (1) ELECTION, TERM. \* \* \* A county superintendent of schools shall be chosen at the election held in each county on the first Tuesday in April in the year 1929 and every 4 years thereafter, for the term of 4 years from the first Monday of July following such election \* \* \*. He shall hold office until his successor \* \* \* has qualified \* \* \*. In counties having a population of 500,000 or more, the county superintendent shall be elected as provided in s. 5.24 (2).

\* \* \* (2) DISTRICTS. The county board of any county having a population in excess of 15,000 may divide the county into 2 superintendent districts (numbered 1 and 2), and may later reunite the county into a single district. When the county is so divided, the district superintendents shall be designated \* \* \* county superintendent of schools of district 1 or 2 \* \* \*. The laws relating to the office of county superintendent \* \* \* apply to each of such districts.

\* \* \* (3) SUPERINTENDENT FOR SEVERAL COUNTIES. The county boards of 2 or more counties may by the adoption of a joint resolution employ one superintendent of schools for their counties. Such joint resolution shall be filed with their respective county clerks and the state superintendent \* \* \* before January 1 of the year in which an election for county superintendent \* \* \* is to be held. Such filing of

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the joint resolution shall terminate the position of county superintendent \* \* \* in the adopting counties \* \* \* at the end of the existing term. The resolution shall state that the position of superintendent of schools for the counties of . . . is created to become effective on July . . . , 19.. and that the election for that office shall be for superintendent of schools for the counties of . . . . The laws relating to the office of county superintendent \* \* \* shall apply to such superintendent of schools except that nomination papers shall be filed with the secretary of state and the salary and expenses of such position shall be *fixed and* prorated by the county boards.

\* \* \* (4) 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 \* \* \* ; 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.

\* \* \* (5) ACTING SUPERINTENDENT. \* \* \* If it appears that a county superintendent \* \* \* , because of illness or other incapacity, is unable to perform the duties of his office, the county judge \* \* \* , upon the request of the state superintendent \* \* \* , shall determine such question. If the county judge finds that the county superintendent \* \* \* is unable to perform the duties of his office, he shall certify such fact to the state superintendent \* \* \* , who shall thereupon appoint a person to perform the duties of the office with the title of "acting superintendent." The duties of acting superintendent shall cease when the county judge notifies him and the state superintendent \* \* \* that the county superintendent \* \* \* is able to resume the duties of the office. The county board may compensate such acting superintendent in an amount agreed upon by the county board and the acting superintendent.

\* \* \* (6) SALARY. The county board, at its annual meeting next preceding the election of \* \* \* the county superintendent, shall fix his salary and when so fixed, it shall continue to be \* \* \* his salary \* \* \* until changed by the board or by operation of law. The salary of the county \* \* \* superintendent as fixed by the county \* \* \* board shall be not \* \* \* less than \$3,000 a year but in counties or county superintendent districts which contain 70 or more teachers under such superintendent's jurisdiction, the \* \* \* salary shall be not less than \$4,000 per year. Additional compensation may be provided the county superintendent by the county board both for the performance of his regular duties and for his work as secretary of the county school committee. Compensation for additional duties may be authorized by the county board at any time during his term of office. Such minimum salary shall apply to salaries paid to the county superintendents after July 2, 1952. The county superintendent shall be allowed \* \* \* his reasonable, actual and necessary expenses for travel, including travel outside the county when necessary to the performance of his duties, meals and room rent while on travel, stationery, mimeographing, postage and printing incurred in or necessary for the proper discharge of the duties of the office. The county board may authorize the county superintendent to travel outside \* \* \* the state at county expense. The county superintendent shall present itemized monthly statements of his expense to the county clerk. The county board shall make provision for the monthly payment of the county superintendent's salary and expenses.

SECTION 12. 39.03 (1), (2) and (4) of the statutes are renumbered 39.10 (intro. par.) and (1) to (10) and amended to read:

39.10 COUNTY SUPERINTENDENT; DUTIES. \* \* \* The county superintendent shall:

- \* \* \* (1) Provide educational leadership.
- \* \* \* (2) Visit the schools under his administration whenever necessary.
- \* \* \* (3) Inquire into matters relating to the course of study, records, modes of instruction, textbooks and discipline of the schools.
- \* \* \* (4) Keep informed upon new techniques and procedures of instruction.
- \* \* \* (5) Advise school boards and teachers as to their powers and duties.
- \* \* \* (6) Make all reports and investigations requested by the state superintendent.

\* \* \* (7) Certify to joint district clerks the full valuations of the various parts of a joint school district as provided in \* \* \* s. 40.35 (8).

\* \* \* (8) Perform such services as the boards of education and superintendents of city school districts and of districts which employ a superintendent under \* \* \* s. 40.92 may request on a contract basis.

\* \* \* (9) \* \* \* Direct the school board to make any alterations and repairs which, in his opinion, \* \* \* are 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 \$25.

\* \* \* (10) \* \* \* Report *annually* to the county board the condition of the schools under his supervision *and file a copy of such report with the state superintendent.*

SECTION 13. 40.36 (1) of the statutes is renumbered 39.10 (11) and amended to read: 39.10 (11) \* \* \* Name each rural schoolhouse in his district, and notify the district clerk thereof.

SECTION 14. 39.04 of the statutes is renumbered 39.11.

SECTION 15. 39.03 (7) of the statutes is renumbered 39.12 and amended to read:

39.12 SCHOOL BOARD CONVENTION. \* \* \* *The county superintendent* may 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 \$6 for each day's attendance and mileage at the rate of 6 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 16. 39.11 (1), (3), (4), (6) and (7) of the statutes are renumbered 39.14 (1) to (5) and amended to read:

39.14 COUNTY SUPERINTENDENTS' REPORTS, PROCEEDINGS THEREON.

(1) Each county superintendent shall annually \* \* \* before September 15 \* \* \* submit to the state superintendent a written report as of June 30 \* \* \* 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 \* \* \* are required by the state superintendent.

\* \* \* (2) Each county superintendent shall, each year before \* \* \* June 10, forward to each school district clerk the necessary blanks upon which the school census and other facts, required by law, are to be reported.

\* \* \* (3) 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 \* \* \* report has been \* \* \* so received and approved \* \* \*.

\* \* \* (4) \* \* \* Any county superintendent, who \* \* \* fails to make such report to the state superintendent, shall be liable to each school district to the amount which it \* \* \* loses by such neglect or refusal with interest to be recovered in an action.

\* \* \* (5) The county superintendent shall send to the clerk of the district \* \* \* a written report of each personal visit \* \* \* he made \* \* \* to any school *within 15 days after each visit.* 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 *within 15 days of receipt of the report.*

SECTION 17. 39.02 of the statutes is renumbered 39.15 and amended to read:

39.15 COUNTY SUPERINTENDENT; CLERKS. The county board may authorize the county superintendent to employ a clerk *or clerks*, and shall fix the \* \* \* compensation, 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 18. 39.19 of the statutes is renumbered 39.16 and amended to read:

39.16 TEACHERS' INSTITUTES. \* \* \* The county superintendent \* \* \* may each year conduct one or more institutes for the teachers of his district. There shall be no extra compensation and no expense entailed for such institutes.

SECTION 19. 39.14 of the statutes is renumbered 39.20 and amended to read:

39.20 SUPERVISING TEACHERS. (1) EMPLOYMENT. (a) The county superintendent in the name of the county shall \* \* \* employ a supervising teacher, and, if there are more than 120 departments under his supervision, he shall employ 2 supervising teachers. The contract shall provide for a leave of absence for the supervising teacher by reason of actual personal sickness, without deduction from salary of such teacher, at the rate of at least 5 days per year and accumulation of 30 days of unused sick leave from year to year. Any county \* \* \* entitled to employ 2 supervising teachers during the school year 1945-1946 shall continue to be entitled to employ that number until such time as the number of departments shall drop below 100. A single room school shall be considered as one department; \* \* \* a multiple room school shall be considered as having as many departments as there are elementary teachers \* \* \*

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each of whom has under his individual control \* \* \* and instruction \* \* \* a \* \* \* body of pupils assembled in a room or rooms \* \* \*.

(b) Determination of the number of supervising teachers which the county superintendent shall employ for any given school year shall be made on the basis of the number of teachers employed on March 15 of the preceding school year.

(c) The county superintendent may employ supervising teachers in addition to those provided for by par. (a) in such number as may be approved by the county board. Such appointments shall be governed by \* \* \* subs. (1) to (5) but subs. (6) and (7) shall not be applicable.

(2) COMPENSATION. The county board shall fix the salary of such teacher which shall be not less than the amount \* \* \* specified in the schedule set up by the state superintendent \* \* \* for 10 months in each year as provided in sub. (7). The supervising teacher shall be reimbursed for actual and necessary expenses incurred in the performance of her duties. The county board shall \* \* \* provide for the monthly payment of her salary and expenses.

(3) ELIGIBILITY. A supervising teacher must have taught at least 3 years, one of which was in the elementary schools, and *must* hold a state license to teach based upon 4 or more years of professional training in an accredited teacher training institution. Such training shall contain a minimum of 20 credit hours in elementary education, and a minimum of 6 hours credit in elementary school supervision. This requirement shall not \* \* \* disqualify any person employed as a supervising teacher \* \* \* on August 6, 1949.

(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 \* \* \* is 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 professional work as \* \* \* he directs. She shall attend institutes and conferences called by the state superintendent, but she shall not be reimbursed for expenses incurred in attending such institute until she \* \* \* has 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 \* \* \* has 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 superintendent 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 30 \* \* \* and such other facts as may be required by the state superintendent.

(7) STATE REIMBURSE COUNTY. \* \* \* If it \* \* \* appears 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 paid but not to exceed an amount to which such teacher \* \* \* is entitled under a salary schedule for supervising teachers to be adopted and promulgated by \* \* \* him which shall provide for a salary range of from \$3,000 to \$4,500 per year, varying with length of service and professional training. The county shall also be entitled to reimbursement for the actual and necessary expenses paid to her in the year preceding \* \* \*; the statement shall be filed with the director of budget and accounts, whereupon he shall draw his warrant for the proper amount \* \* \* in favor of the proper county treasurer.

SECTION 20. The title to Chapter 40 of the statutes is reenacted to read:

CHAPTER 40.  
SCHOOL DISTRICTS.

SECTION 21. 40.01, 40.02 and 40.46 (1) of the statutes are consolidated, renumbered 40.01 (1) to (5) and revised to read:

40.01 CLASSIFICATION OF PUBLIC SCHOOLS AND DEFINITIONS. (1) PUBLIC SCHOOLS. Public schools are the elementary and high schools supported by public taxation.

(2) GRADES. The educational work of the public schools is divided into 12 grades (besides kindergarten) which are numbered from one to 12 beginning with the lowest. The first 8 are the elementary grades. The last 4 are the high school grades. A common school is an elementary school. A school in which only the seventh to ninth, or seventh to tenth grades, inclusive, are taught is a junior high school; one in which only grades 10, 11 and 12 are taught is a senior high school. This classification is not a limitation of the character of work or the studies that may be carried on in either the elementary or the high schools.

(3) DISTRICTS. The territorial unit for school administration is the school district. School districts are classed as common school districts, union high school districts, and city school districts. A joint school district is a school district whose territory is not wholly in one municipality. Board means school district board or other body in charge of the schools of any district. Basic aid district and integrated aid district mean districts which meet the requirements set forth in s. 40.67 and refer to classification for aid purposes only.

(4) NAME. Each school district shall be known by number and by the name of the municipality or municipalities in which it lies.

(5) DISTANCE. The distance between home and school shall be measured from building to building along the usually traveled route.

SECTION 22. 40.01 (6) of the statutes is created to read:

40.01 (6) VOTERS OR ELECTORS. (a) Whenever this chapter indicates that an action may be taken by a percentage of voters or electors in an area, that percentage shall be based on the number of electors who voted for governor at the last general election in that area.

(b) If that area does not coincide with a municipality (or part thereof) for which election statistics are kept, such number shall be determined as follows:

1. Set up the area of the district (in square miles) in a ratio to the area of the municipality in which it lies;

2. Set up the required number within the district (the unknown number) in a ratio to the vote for governor at the last general election in the municipality within which the district lies. Now find the required number by making this ratio proportional to the area ratio.

(c) The above plan may be expressed as a formula:

$$\frac{\text{Square miles in district}}{\text{Square miles in municipality}} \cdot \cdot \cdot \frac{\text{Required number (X)}}{\text{Vote for governor in municipality}}$$

(d) If a district is in more than one municipality, the above plan shall be used for each part of the district which constitutes only a fractional part of any area for which election statistics are kept.

(e) If the application of the above plan requires, in any area, that an action be taken by more than one-half of the electors in the area, the action of such one-half shall be sufficient.

SECTION 23. 40.303 (3), (4) (a) and (14) of the statutes are repealed; and 40.303 (1), (2), (7) and (6) are renumbered 40.02 (1) to (5) and amended to read:

40.02 COUNTY SCHOOL COMMITTEE. (1) CREATION, MEMBERSHIP. \* \* \* In each county, there shall be \* \* \* a county school committee \* \* \* of 6 \* \* \* county residents. The county board shall appoint 2 members for 3-year terms at its annual November meeting. Three \* \* \* members shall be residents of \* \* \* cities or villages \* \* \* and 3 shall be residents of towns \* \* \*. If there is one city within the county at least one of the city-village members shall be a resident of that city. If there are 2 or more cities \* \* \*, at least 2 of the city-village members shall be residents of cities. If there is no city or village in the county all members shall be residents of towns. One member of the committee may be a member of the county board. \* \* \* Each term commences January 1 after appointment. All members shall serve until their successors have qualified. The county superintendent shall serve as secretary to the committee but shall not be entitled to vote.

(2) VACANCIES. Any vacancy \* \* \* shall be filled by appointment by the chairman of the county board for the remainder of the unexpired term, subject to confirmation by the county board at its next succeeding meeting. Upon failure of the county board to approve of an appointment made by the chairman of the county board, the board shall \* \* \* appoint a successor to fill the vacancy for the balance of the unexpired term. Resignations shall be made in writing to the secretary of the county school com-

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mittee \* \* \*. *If a member is not appointed for a full term or to fill a vacancy, the state superintendent shall appoint.*

\* \* \* (3) NOMINATION OF COMMITTEE MEMBERS. The education committee of the county board, or if no such committee exists, a committee designated by the chairman of the county board, shall nominate candidates for the county school committee \* \* \*. Such nominations shall be made at least 30 days before the meeting of the board at which the \* \* \* appointments are made. Persons nominated shall have a recognized interest in and understanding of, and sympathy for the problems of \* \* \* public education.

\* \* \* (4) COMPENSATION. Each member of the \* \* \* committee \* \* \* shall receive per diem, as fixed by the county board, of not less than \$4 nor more than \$8 per day for each day he attends a meeting of \* \* \* the committee \* \* \*, mileage at the rate of 6 cents per mile for each mile traveled in going to and returning from the place of meeting by the most usual traveled route and other necessary expenses. \* \* \*

\* \* \* (5) JOINT COMMITTEE. \* \* \* If territory to be affected by a \* \* \* county school \* \* \* committee order lies in 2 or more counties the county school committees of said counties shall act as a joint committee. *The secretaries shall arrange the time and place of the first meeting.* If the joint committee cannot agree, they shall appoint an additional member. The additional member shall be a resident of the state but \* \* \* not \* \* \* a resident of either county affected.

SECTION 24. 40.303 (4) (b), (12), (11), (13), (4) (c), (9), (8) and (4) (f) of the statutes are renumbered 40.03 (1) to (8) and amended to read:

40.03 SCHOOL DISTRICT REORGANIZATION. \* \* \* (1) ORDER. \* \* \* Upon the petition of an elector of the county or upon its own motion, \* \* \* the county school committee may order the creation, alteration, consolidation or dissolution of school districts within the county, subject to the referendum provisions of \* \* \* sub. (6); \* \* \* orders of the \* \* \* committee providing for the reorganization of school districts shall not take effect until \* \* \* July 1 following the recording of the order. Before \* \* \* issuing any such order \* \* \* the committee shall \* \* \*, by resolution, \* \* \* provide for a public hearing on the proposed reorganization which shall be held not more than 30 days after the date of resolution at a place within the district proposed to be reorganized or within a reasonable distance of such district. Notice in writing of the time and place of the hearing shall be served forthwith upon the clerks of the school districts affected by the proposed reorganization. \* \* \* The clerks \* \* \* shall post notices of such hearing in 4 or more public places in their respective districts and cause such notice to be published once in a newspaper having general circulation in the area affected, not less than 10 days before such hearing. \* \* \* Within 30 days after the hearing on any proposed plan of reorganization and \* \* \* before the issuance of any order thereon, the \* \* \* committee shall hold a conference on the proposed plan of reorganization \* \* \* with the school boards of the districts involved \* \* \*. The order issued shall represent the decision reached at this conference. \* \* \* An order of the county school committee creating a district shall number the district \* \* \*, mention the municipalities in which it is situated, and designate that a board of 3, 5, 7 or 9 members be elected.

\* \* \* (2) ORDER AS EVIDENCE. Any order of the county school committee issued as provided in \* \* \* sub. (1) shall be presumptive evidence of the facts recited therein and of the validity of all proceedings preliminary thereto.

\* \* \* (3) ORDER FILED AND RECORDED. \* \* \* A certified copy of the order \* \* \* shall be promptly filed and recorded in the office of the clerk of \* \* \* each municipality in which \* \* \* a school \* \* \* district affected by the order \* \* \* is situated \* \* \*, and \* \* \* shall be mailed to the clerk of each school district affected, to the county superintendent, and to the state superintendent.

\* \* \* (4) FIRST MEETING. *The committee shall call the first annual meeting of any district created by its order \* \* \* and shall cause notice to be posted and published as provided in sub. (1). The committee chairman shall preside until a chairman of the district meeting is elected.*

\* \* \* (5) APPEAL. \* \* \* Any person aggrieved by \* \* \* an order \* \* \* may appeal therefrom to the circuit court of \* \* \* any county in which \* \* \* territory \* \* \* in the proposed district lies, by serving written notice of such appeal upon the secretary of the \* \* \* committee or committees within 30 days following the \* \* \* recording of \* \* \* the order \* \* \*. If a committee \* \* \* refuses or \* \* \* neglects to issue and record an order of creation, alteration, dissolution or consolidation when petitioned to do so, then any person aggrieved may appeal by serving such notice of appeal within 90 days following the filing of the petition. No school districts shall be denied payment of school aid solely because of any appeal from an order of a county school committee.



\* \* \* (6) REFERENDUM. (a) If within 30 days after the date of \* \* \* recording any committee order \* \* \* creating, altering, consolidating or dissolving school districts \* \* \*, a petition signed by \* \* \* a sufficient number of the qualified electors of the territory \* \* \* included in the \* \* \* proposed district \* \* \* is filed with the county \* \* \* clerk of the county having the largest equalized valuation in the proposed district requesting a referendum election on the order, such order shall not become effective until it has been approved at such election by both a majority vote of the electors residing within all of the territory outside the city or village limits of any city or village involved in the proposed reorganized district voting at such election and by a majority vote of the electors residing within the city or village limits of all cities and villages involved in the proposed district voting at such election. A sufficient number of petitioners is 500 of the electors residing in the proposed district; or 10 per cent of such electors, residing in the cities and incorporated villages, or 10 per cent of such electors residing in the territory outside the cities and incorporated villages. The county school committee may upon its own motion, within 30 days after recording the order, provide for the holding of a referendum election upon an order issued by it \* \* \*. As an alternative to making and filing the foregoing petition the common council of any city affected by an order of the \* \* \* committee may by resolution, adopted within 30 days after the order is recorded, demand \* \* \* the holding of a referendum election upon such order \* \* \*.

(b) The petition, resolution or order demanding a referendum shall be filed with the county clerk of the county having the largest equalized valuation in the proposed district. The referendum election \* \* \* shall be called by the county clerk; \* \* \* it shall be set for a date not more than 30 days from the time the petition, resolution or order for a referendum is filed \* \* \*. The \* \* \* clerk shall cause notice of the purpose, time and place of holding such election and the hours of opening and closing of the polls to be published at least twice, one week apart, in a newspaper or newspapers of general circulation in the territory involved in the reorganization, if there \* \* \* are any, and if there are none, he shall post or cause to be posted such notices at least 15 days before the date set for such election in at least 3 public places in each of the school districts involved in the reorganization.

(c) Electors shall vote at the polling place at which they would be required to vote at a general election. \* \* \* The election officials shall be selected by the governing body of the municipality where the polling place is located. \* \* \* Each municipality shall compensate the election officials and shall provide the necessary ballot boxes and voting booths. Such elections shall be held and conducted and the votes cast thereat counted, canvassed and the results returned to the county clerk as at general elections as provided in ch. 6.

(d) The county clerk or the county election commission, as the case may be, shall provide for the printing and distribution of ballots and other election supplies at county expense. The form of the ballot provided shall correspond as near as may be with form "D" annexed to s. 6.23. In the case of a reorganized district which overlaps county lines, the election shall be conducted and the vote counted and canvassed in each county separately, but a tabulation of the vote in each county shall be forwarded to the county clerk of the county having the greatest equalized valuation within the reorganized district for a final consolidated tabulation and determination of the result.

(e) When a reorganized district includes territory in more than one county, the county clerk of the county having the largest \* \* \* equalized valuation within the reorganized district shall be responsible for conducting the referendum election \* \* \* but the cost of ballots and other election supplies shall be borne \* \* \* proportionately by all of the counties concerned.

\* \* \* (7) CITIES OF THE FIRST CLASS. \* \* \* In cities of the first class \* \* \* notice of hearing provided for in \* \* \* sub. (1) shall be served upon the secretary-business manager of the board of school directors, who shall cause it to be published \* \* \* 2 times in a daily newspaper or newspapers published in such city not less than 10 days before such hearing; \* \* \* no \* \* \* notices need be posted \* \* \*; in lieu of the call for the first annual district meeting \* \* \* provided in \* \* \* sub. (4), the county school committee shall make a written demand upon the county clerk to issue a call for the election of a board of school directors for any newly created school district of which such city \* \* \* shall by creation, alteration or consolidation become a part, at the time and in the manner as the legislature may hereinafter prescribe; \* \* \* any referendum election held pursuant to \* \* \* sub. (6) shall be called and held in such manner and at such time and upon such notice and under the auspices of the board of election commissioners created and maintained under s. 10.01, as the legislature shall hereinafter prescribe, provided, that the electors shall have 90 days after the date of issuance of any order of the \* \* \* committee \* \* \* in which to file the required

petition; and the referendum shall not be held prior to 40 days after the filing of such petition or prior to 40 days from the time the \* \* \* committee by its own motion shall provide for such referendum, and provided that no such referendum shall be held at any time other than on a regular election date in April or November in any year; \* \* \* the county shall reimburse any such city \* \* \* for any and all necessary expenditures incurred and paid incident to any such referendum \* \* \*.

(8) EFFECT OF DISAPPROVAL. *If the proposed order is not approved by the referendum, the committee may not within one year reconsider the first plan but may with the advice of local school boards prepare a second plan of reorganization and within one year from the date of the first referendum election order the establishment of a reorganized district or districts; such order shall be subject to the same referendum provisions as the first reorganization order. If the second referendum does not approve the order, the county school committee, with the advice of the local school boards, shall continue its work, issue orders and provide for further referendums on its own motion or as provided in sub. (6) so long as the need for reorganization continues to exist, but after the second referendum, at least one year shall elapse between referendums.*

SECTION 25. 40.303 (4) (intro. par.), (d) and (e) of the statutes are renumbered 40.04 (intro. par.), (1) and (2) and amended to read:

40.04 SCHOOL COMMITTEE FUNCTIONS. \* \* \* The county school committee shall:

\* \* \* (1) Determine the amount to be allowed in excess of the established maximum on claims for transportation of nonresident high school students as provided in \* \* \* s. 40.56 (2).

\* \* \* (2) Approve all school bus routes established by the several school districts of the county.

SECTION 26. 40.303 (10) of the statutes is renumbered 40.05 and amended to read:

40.05 LOCAL GOVERNING BODIES TO ADVISE. \* \* \* The governing bodies of all towns, villages \* \* \* and cities of the second, third and fourth class shall, within 30 days after receipt of a written request from the county school committee, \* \* \* advise and make recommendations to the committee in writing concerning the division of existing school districts within the limits of their respective municipalities which the committee proposes to include in any reorganization of school districts. *In cities of the first class, the board of school directors shall give such advice and recommendations.*

SECTION 27. 40.303 (5) of the statutes is renumbered 40.055 and amended to read:

40.055 STATE SUPERINTENDENT TO ADVISE. The state superintendent shall advise and consult with the several county school committees. \* \* \* *If in his opinion any school district or districts \* \* \* should be created, altered, consolidated or dissolved, he may make his recommendations to the county school committee or committees of the county or counties within which the territory affected is situated.*

SECTION 28. 40.30 (1) (a) of the statutes is renumbered 40.06 (1) and amended to read:

40.06 SCHOOL DISTRICTS; CREATION, ALTERATION, DISSOLUTION. (1) POWER; LIMITATIONS. \* \* \* Upon the filing of a petition by an elector with the municipal clerk *or upon its own order*, any town or village board or council of a city of the second, third or fourth class may, by order, create, alter, consolidate or dissolve school districts. \* \* \* No territory shall be detached from a district unless \* \* \* by the same order *it is* attached to another district or districts \* \* \*. No district shall be created having less than \$150,000 of taxable property as shown by the last assessment roll.

SECTION 29. 40.30 (3) of the statutes is renumbered 40.06 (2) and amended to read:

40.06 (2) JOINT ACTIONS OF BOARD. \* \* \* *If the territory \* \* \* affected by a proposed order \* \* \* lies in more than one municipality, the municipal boards shall act jointly \* \* \*; the concurrence of a majority of each board \* \* \* is necessary to a valid order. The meeting of the several municipal boards or councils shall be called by the clerk of the municipality with whom the petition is filed \* \* \*; he shall give at least 5 days' notice in writing of the time and place of meeting to each member of each board or council.*

SECTION 30. 40.30 (2) of the statutes is renumbered 40.06 (3) and amended to read:

40.06 (3) NOTICE OF PROPOSED ACTION. Whenever a petition for such alteration, creation, consolidation or dissolution \* \* \* is filed, *or a resolution initiating such action is adopted*, the municipal board or boards or council or councils shall within 30 days meet and by resolution or joint resolution set a date for hearing within 10 days and give at least 5 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 meet to decide upon the proposed changes. Each district clerk shall immediately notify the other members of his board.

SECTION 31. 40.30 (5), (6) and (4) of the statutes are renumbered 40.06 (4) and amended to read:

40.06 \* \* \* (4) ORDER. An order creating a district shall number the district and mention the municipality in which it is situated. \* \* \* A certified copy of the order shall be promptly filed and recorded in the office of the clerk of \* \* \* each municipality in which \* \* \* school districts affected by the order are situated \* \* \* and one copy \* \* \* shall be mailed to the county superintendent \* \* \* and one \* \* \* to the state superintendent. \* \* \* Such order shall be presumptive evidence of the facts recited therein and of the validity of all proceedings preliminary thereto.

SECTION 32. 40.30 (1) (b) and (c) of the statutes are renumbered 40.06 (5) and (6) and amended to read:

40.06 \* \* \* (5) APPEAL. (a) Any person aggrieved by \* \* \* an order of a municipal board or council \* \* \* may appeal \* \* \* to the state superintendent within 30 days following the \* \* \* recording of \* \* \* such order \* \* \*; if a board or \* \* \* council \* \* \*, when petitioned to do so, refuses or neglects to issue and record an order of alteration, dissolution, consolidation or creation \* \* \*, any person aggrieved may appeal within 90 days following the filing of the petition.

(b) After determining the appeal the state superintendent shall enter an order affirming, modifying or reversing the order appealed from, or \* \* \* if the appeal is from the refusal of a municipal board or council to file orders of alteration, dissolution, creation or consolidation when petitioned to do so, the state superintendent may \* \* \*, if he finds the municipal board or council erred in refusing to file such an order, make such order as he deems proper under the circumstances.

(c) An appeal from \* \* \* an order of the state superintendent \* \* \* may be taken to the circuit court of any county in the affected \* \* \* territory within 30 days from the date of said order. \* \* \* A written notice of appeal \* \* \* stating the \* \* \* grounds upon which said appeal is based must also be served on the state superintendent within 30 days from the date of his order.

\* \* \* (6) REFERENDUM. If within 30 days after the \* \* \* recording of an order by a municipal board, city council or state superintendent \* \* \*, 10 per cent of the electors \* \* \* in the proposed district or 500 electors, whichever is smaller, file a petition \* \* \* with the county clerk as provided in s. 40.03 (6) (b), requesting a referendum election \* \* \*, such order shall not become effective until it has been approved by both a majority vote of the resident electors within all of the territory outside the city or village limits of any city or village involved in the proposed reorganized district, voting at such election, and by a majority vote of the electors residing within city or village limits of all cities and villages involved in the proposed reorganized district voting at such election. The electors residing in that portion of any municipality not included in the area proposed to be reorganized shall not vote in such referendum. The referendum shall be conducted and the costs allocated in the manner provided for referendums in \* \* \* s. 40.03 (6) except as herein set forth.

SECTION 33. 40.07 (9) (a) and (c) of the statutes are renumbered 40.065 and amended to read:

40.065 ORGANIZATION OF NEW SCHOOL DISTRICT. \* \* \* (1) When a \* \* \* school district is created, the municipal board shall fix the time and place for the first district meeting, and shall give 6 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.

\* \* \* (2) \* \* \* The municipal board or boards, \* \* \* in creating a new district, \* \* \* may order the election of officers by \* \* \* the \* \* \* election procedure set forth in \* \* \* s. 40.27 (1) to (6). The municipal clerk of the municipality in which the greatest number of electors reside shall act as clerk of the election and declarations of candidacy shall be filed with him. Such clerk shall have charge of the election and provide all necessary materials and equipment to conduct such election in a manner similar to that used for conducting municipal elections. The cost of conducting such election shall become a charge upon the new school district, and the board of such new district, upon taking office, shall pay all costs of such election upon claims duly filed. \* \* \*

SECTION 34. 40.35 of the statutes is renumbered 40.07 and amended to read:

40.07 CONSOLIDATION OF COMMON SCHOOL DISTRICTS BY REFERENDUM. (1) This section shall not apply to a school district, any part of which is within a city. When \* \* \* 10 per cent of the electors, in each of 2 or more contiguous common school districts, \* \* \* petition therefor, the school boards 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 \* \* \*. The election shall be not less than 2, nor more than 4 weeks from the date of their meeting. Such election shall be called for 8 \* \* \* p.m., at the regular places for holding the district meeting. The district \* \* \* clerks 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. \* \* \* The school officers shall, within 3 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 \* \* \* is organized, the school districts out of which it \* \* \* was 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 district shall have made new provisions therefor.

SECTION 35. 40.33 of the statutes is renumbered 40.08 and amended to read:

40.08 DISSOLUTION OF DISTRICT BY NEGLECT TO KEEP SCHOOL. (1) If a district for 2 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 \* \* \* district, or so much \* \* \* of it 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 \* \* \* the board to the receiving districts, as provided in s. 66.03.

SECTION 36. 40.32 of the statutes is renumbered 40.09.

SECTION 37. 40.62 (3), (8) and (1a) of the statutes are renumbered 40.10 (3), (7) and (8); and 40.62 (1), (6), (2), (4), (5) and (7) are renumbered 40.10 (1), (2), (4), (5) and (6) and amended to read:

40.10 HIGH SCHOOL; HOW ESTABLISHED IN COMMON SCHOOL DISTRICT. (1) Any common school district having an assessed valuation of \$1,250,000 or more may establish a high school \* \* \* if at least \* \* \* 75 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.

(2) The question of establishing such a school may, and upon the written petition of \* \* \* 10 per cent of the electors shall, be submitted by the school board to an annual or a special meeting, upon written resolution therefor proposed for adoption.

(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 \* \* \* is adopted, the clerk shall report the resolution and the action thereon to the state superintendent for his approval. If he \* \* \* approves, 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 \* \* \* has been established, pursuant to this section, the district board shall be the high school board.

\* \* \* (6) An \* \* \* authorization for the establishment of a high school shall become void unless such school functions within \* \* \* 3 years from the date of the election.

SECTION 38. 40.64 of the statutes is renumbered 40.12 and amended to read:

40.12 UNION HIGH SCHOOL DISTRICT; ESTABLISHED. (1) A union high school district may be established in any contiguous compact territory with an assessed valuation of \$1,250,000 or more \* \* \*. A high school district \* \* \* may also be established in any township comprising only island territory. At the time of filing the petition mentioned in subs. (2) and (3), the \* \* \* petitioners shall submit \* \* \* to the state superintendent a legal description and map of the territory proposed to be included \* \* \* in the district. No election on the establishment of such district shall be held \* \* \* unless the state superintendent \* \* \* has approved such \* \* \* territory. A copy of such description and map, with the approval of the state superin-

*tendent indorsed thereon, shall be submitted to the clerk of each governmental subdivision affected by the establishment of such district.*

(2) \* \* \* If 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 \* \* \* 10 per cent 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 10 days' notice thereof by posting the notice in 6 different places in such territory, or by publishing such notice in a newspaper published therein, once each week for 2 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) \* \* \* If the territory \* \* \* is in more than one municipality the petition may be presented to any municipal clerk and he shall, within 5 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) \* \* \* If the proposed district contains a village or \* \* \* city \* \* \* the election for \* \* \* such village or \* \* \* city \* \* \* shall be held in the village or \* \* \* city \* \* \*. The election for the town territory may be held in \* \* \* a village or \* \* \* city \* \* \* or at any other convenient place. The election for the village or \* \* \* city \* \* \* shall be conducted \* \* \* and the votes canvassed in the manner provided for village or city 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 \* \* \* is not \* \* \* adopted unless a majority of the electors voting in the territory outside of the \* \* \* villages \* \* \* or cities and a majority of the electors voting in the \* \* \* villages \* \* \* or cities shall vote for the establishment of a high school district.

(c) The result of the election shall be certified at once by the election officers to the \* \* \* clerks of the \* \* \* villages \* \* \* or cities; and if the proposal \* \* \* is adopted, the result shall be \* \* \* certified to the state superintendent by the \* \* \* village clerks \* \* \* or city clerks, within 6 days after the election. If the proposal \* \* \* is approved by the state superintendent, he shall issue a certificate of establishment of a high school district in said territory.

(5) If an existing \* \* \* school district is included in the new union high school district territory, on the establishment of \* \* \* the union high school district \* \* \* such existing high school district shall cease to exist, and the property and liabilities thereof shall become the property and liability of the new district.

(6) The tuition of pupils who reside in territory comprising a newly created union \* \* \* high school district and outside of districts operating high schools shall continue to be the liability of the municipality or municipalities of their residences as provided in \* \* \* s. 40.91 until such time as the newly created district shall have provided adequate building facilities for its needs.

(7) The territory comprising a newly created union \* \* \* high school district shall continue to furnish high school opportunity on the same basis and under the same conditions as prevailed prior to the creation of such district until such time as adequate building facilities are provided by the new high school district. The boards of the newly created high school districts shall perform all of the duties pertaining to the negotiation of loans for buildings, letting of contracts for construction of new buildings, noticing and conducting meetings of the district for the purpose of securing authorization of loans for building purposes and all other necessary powers and duties delegated by statute to union \* \* \* high school district boards.

SECTION 39. 40.66 (2) and (5) of the statutes are renumbered 40.13 (2) and (5); and 40.66 (1), (3) and (4) are renumbered 40.13 (1), (3) and (4) and amended to read:

40.13 ALTERATION OF UNION HIGH SCHOOL DISTRICTS. (1) If a petition signed by \* \* \* 10 per cent of the voters of a union high school district \* \* \*, asking for an alteration of the district, \* \* \* is 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 10 nor more than 20 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 5 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.

(3) \* \* \* If the officer to whom such petition \* \* \* is presented \* \* \* neglects or \* \* \* refuses to arrange such meeting, or \* \* \* if the board or council of any municipality in which any part of such district \* \* \* is located \* \* \* neglects or \* \* \* refuses to be present at such meeting, or \* \* \* refuses or \* \* \* neglects to vote upon the petition, the petition shall be deemed denied, and an appeal may be taken as provided in sub. (2).

(4) \* \* \* Territory shall not be detached from a union high school district \* \* \* so as to make parts of the district noncontiguous \* \* \*. 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 \* \* \* 10 per cent of them, and conducted in the manner provided for the establishment of a high school \* \* \*.

SECTION 40. 40.68 of the statutes is renumbered 40.14 and amended to read:

40.14 ANNEXATION TO UNION HIGH SCHOOL DISTRICT. (1) Territory not in but adjoining a union high school district may be annexed thereto, upon a petition therefor presented to the board of such high school district signed by 10 per cent of the electors in such adjacent territory.

(2) If the high school board \* \* \* approves 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 \* \* \*, it shall thereby be annexed.

SECTION 41. 40.69 (4), (6) and (8) of the statutes are renumbered 40.15 (4), (6) and (8); and 40.69 (1), (2), (3), (5) and (7) are renumbered 40.15 (1), (2), (3), (5) and (7) and amended to read:

40.15 UNION HIGH SCHOOL DISTRICTS, DISSOLUTION. (1) Any union high school district \* \* \* may be dissolved as provided in this section \* \* \*.

(2) A petition signed by \* \* \* 10 per cent of the electors in such district shall be filed with the district clerk, requesting that an election be called to vote on the question of dissolution.

(3) Said clerk shall, within 5 days after receipt of such petition, fix the date and give 10 days' notice of the time and place of holding such election, by posting copies thereof in at least 8 public places in such district and by publication in a newspaper of general circulation in the district. The election shall be held in the high school building, if possible.

(5) The polls at such election shall be open at \* \* \* 1 p.m. and \* \* \* closed at \* \* \* 8 p.m., and the officers of such election shall be the district clerk and 2 other persons to be selected by the school board.

(7) If two-thirds of the votes cast at such election \* \* \* are for dissolution, the result 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 1, following such election.

SECTION 42. 40.65 of the statutes is renumbered 40.16 and amended to read:

40.16 JOINT OWNERSHIP OF SCHOOL BUILDING. The electors of any union high school district \* \* \* and the electors of any common school district, included within the union high school district, may \* \* \* 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 \* \* \* has been entered into, the principal of the high school shall be the administrative head of both schools.

SECTION 43. 40.61 of the statutes is renumbered 40.17.

SECTION 44. 40.31 of the statutes is renumbered 40.18 and amended to read:

40.18 SCHOOL DISTRICT; VALIDATION; LOST RECORDS. (1) \* \* \* If a district has exercised the rights and privileges of a school district for a period of 4 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 \* \* \* is 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 \* \* \* this section may appeal \* \* \* to the state superintendent within 30 days.

SECTION 45. 40.03 (2) of the statutes is renumbered 40.20 (2); and 40.03 (1) and (3) to (6) are renumbered 40.20 (1) and (3) to (6) and amended to read:

40.20 COMMON SCHOOL DISTRICT MEETINGS; NOTICE, TIME, CONDUCT.

(1) The annual meeting in all common school districts shall be held on the second Monday of July, at \* \* \* 8 p.m., but a different hour may be fixed by an annual meeting for the next annual meeting.

(3) The clerk shall give at least 6 days' notice of the annual meeting by posting notices therefor in 4 or more public places in the district \* \* \*; he shall give like notice for any adjourned meeting, if the adjournment \* \* \* is for more than one month; but no annual meeting shall be deemed illegal for want of notice.

(4) Special meetings to transact any business \* \* \* within the powers of the annual district meeting \* \* \* shall be called by the clerk, or, in his absence, by the director or treasurer, on the written request of 5 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. If the request for such special meeting includes any subject beyond the power of the district meeting to transact, the clerk shall reject such subject and notify each elector signing the request.

(5) If a newspaper is published in the school district, the notice of a \* \* \* district meeting shall be given by publication in such newspaper by printing the notice in 2 successive issues, the last of which shall be not more than 8 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 \* \* \* 8 p.m. Proper newspaper publication of the notice of a \* \* \* district meeting shall be in lieu of \* \* \* posting \* \* \*.

(6) If any person offering to vote at a \* \* \* district meeting \* \* \* is challenged, the chairman shall state to the person challenged the qualifications of a voter, and if such person \* \* \* declares that he is a voter, and if such challenge \* \* \* is not \* \* \* 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 \* \* \* refuses to take such oath or affirmation his vote shall be rejected.

SECTION 46. 40.07 (2a) of the statutes is renumbered 40.21 and amended to read:

40.21 REFERENDUM. \* \* \* If a petition signed by 100 electors in any common

school district asking that a referendum be held on a special subject or item of business \* \* \* is filed with the district clerk at least 30 days prior to the day when the district officers are elected, the clerk shall incorporate such referendum subject or item of business in his notice of election or notice of the annual meeting \* \* \*. He shall prepare the proper ballot to permit voting on such referendum subject.

SECTION 47. 40.04 (intro. par.), (1) to (13) and (15) to (18) of the statutes are renumbered 40.22 (intro. par.) and (1) to (18) and amended to read:

40.22 POWERS OF ANNUAL DISTRICT MEETING. The annual common school district meeting \* \* \* may:

(1) CHAIRMAN AND CLERK. \* \* \* Elect a chairman \* \* \*; in the absence of the clerk, \* \* \* elect some person to act in his stead.

(2) ADJOURNMENT. \* \* \* Adjourn, from time to time.

(3) ELECT SCHOOL BOARDS. Except as provided in \* \* \* s. 40.27 (8) \* \* \* elect a director, treasurer and clerk, by ballot \* \* \*; a majority of the votes shall be necessary for a choice.

(4) BUILDING SITES. \* \* \* Designate sites for district schoolhouses or teacher-ages.

(5) TAX FOR SITES, BUILDINGS, MAINTENANCE. \* \* \* 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) TAX FOR TRANSPORTATION VEHICLES. \* \* \* Vote a tax to purchase, operate and maintain transportation vehicles and finance contracts for the use and services of such transportation vehicles and to purchase liability insurance for the same.

\* \* \* (7) TAX FOR OPERATION, LIMITATION. \* \* \* Vote a tax for the operation of the school, but the total tax voted in any year shall not exceed 20 mills of the last state equalized valuation of the taxable property in the district, unless the district maintains a high school, in which case the tax limit shall be 25 mills \* \* \* of such valuation, except that in integrated districts as classified in \* \* \* s. 40.67, the tax voted in any year for school operation shall not exceed 15 mills of such equalized valuation. Limitations established by this \* \* \* subsection shall apply only to levies for operation of the schools, exclusive of capital outlay and debt service.

\* \* \* (8) SALE OF PROPERTY. \* \* \* Authorize and direct the sale of any prop-

erty belonging to the district, when the same \* \* \* is no longer needed for the use of the district. \* \* \* If the school site or other lands \* \* \* to be abandoned \* \* \* were acquired or are held upon condition that they \* \* \* revert to the prior owner when no longer used for school purposes, the board shall sell the buildings or move them to another site within 8 months after the buildings \* \* \* cease to be used for school purposes or the site ceases to be maintained as a district playground or park.

\* \* \* (9) PAY DEBTS. \* \* \* Vote a tax as \* \* \* necessary to discharge any debts or liabilities of the district.

\* \* \* (10) RECREATION AUTHORITY. \* \* \* Vote a tax for the purposes specified in s. 66.527.

\* \* \* (11) FREE TEXTBOOKS. \* \* \* Authorize the board to furnish free textbooks for use in the school; *such authorization shall continue in effect until revoked by a subsequent annual meeting.*

\* \* \* (12) SCHOOL YEAR, 9 MONTHS MINIMUM. \* \* \* Determine the length of time the school shall be taught during the current year (not less than 9 months) but if \* \* \* *the meeting does not* \* \* \* so \* \* \* *determine the* \* \* \* board shall determine the same.

\* \* \* (13) CONTROL OF LEGAL PROCEEDINGS. \* \* \* *Direct and* \* \* \* *provide* for the prosecution or defense of any action or proceeding in which the district is interested.

\* \* \* (14) SALARIES OF BOARD MEMBERS, LIMITATION. \* \* \* Vote annual salaries to the members of the \* \* \* board \* \* \*; the salary to the treasurer and the director shall not exceed \$100 each and the salary to the clerk shall not exceed \$125, except that in districts with more than one common school the salary of each board member may be \$5 additional for each additional school \* \* \*. Limitations herein set forth shall not apply to \* \* \* districts operating \* \* \* schools \* \* \* *having 2 or more departments.* In districts which \* \* \* *do not operate* schools the salaries of the treasurer and director shall not exceed \$20 each and the salary of the clerk shall not exceed \$25.

(15) SCHOOL LUNCHES. \* \* \* Direct the \* \* \* board to furnish hot lunches to the pupils of the district and appropriate funds for that purpose.

(16) NURSES AND DENTISTS. \* \* \* In counties containing less than 500,000 population *authorize the board* to employ public health nurses and licensed dentists and \* \* \* vote a tax for that purpose.

(17) SCHOOL BUILDING SINKING FUND. (a) \* \* \* Vote a tax for the purpose of creating a sinking fund for the purpose of financing all current and future capital expenditures and for applying all current bonded indebtedness for capital expenditures. All money raised through taxation or otherwise collected pursuant to \* \* \* this subsection shall be deposited by the district treasurer in a separate fund to be designated as a sinking fund, and such money shall not be used for any other purpose or be transferred to any other fund except by authorization by a two-thirds majority vote \* \* \* of the total number of residents of the district who are eligible to vote at a school district meeting.

(b) \* \* \* *If the tax in par. (a) is levied by a district operating an elementary school, each district of residence \* \* \* which pays tuition to an operating district shall pay in addition to the sum of \$15 per pupil enrolled from such district of residence in addition to the tuition fees provided in \* \* \* s. 40.65 (3), such \* \* \* \$15 to be deposited and expended as provided in par. (a).*

(c) \* \* \* *If the tax in par. (a) is levied by a district operating a high school, that portion of the county outside \* \* \* the operating district shall pay to such district in lieu of the 2 per cent item for building and equipment costs provided for in \* \* \* s. 40.91 (4) (a) \$15 per nonresident pupil enrolled in addition to the tuition fees therein provided, to be deposited and expended as provided in par. (a).*

(18) AUDIT. \* \* \* Authorize and direct an audit of the books and affairs of the district either by private auditors or by the department of state audit.

SECTION 48. 40.99 of the statutes is renumbered 40.22 (19) and amended to read:  
40.22 (19) RETIREMENT; ELECTION. \* \* \* Elect to be included in \* \* \* the Wisconsin retirement fund, \* \* \* *subject to ss. 66.90 to \* \* \* 66.918. High school districts may also make this election.*

SECTION 49. 40.05 of the statutes is renumbered 40.23 and amended to read:  
40.23 DUTIES OF DISTRICT MEETING. (1) AUDITING COMMITTEE. \* \* \* Each annual common school *district meeting* \* \* \* *shall elect one elector of the district to be a member of the auditing committee. At the 1953 meeting or at the first meeting of a new district 3 committeemen shall be elected, for one, 2 and 3-year terms, respectively. Thereafter the term shall be 3 years. The committee shall examine all accounts, books vouchers, money and property of the district \* \* \* before the next*



annual meeting and report their findings in writing to \* \* \* that meeting. Upon failure of the meeting to elect any member of the auditing committee, or in event of a vacancy, the director of the district board shall appoint such member.

(2) ADDITIONAL SCHOOL ROOM. \* \* \* If any school district \* \* \* having a one-room school house \* \* \* has an average yearly attendance of more than 50 pupils, the next annual meeting shall \* \* \* provide an additional room and an additional teacher. On failure to comply with this subsection \* \* \* the district \* \* \* shall forfeit the right to share in the apportionment \* \* \* the public school fund income \* \* \*.

SECTION 50. 40.06 of the statutes is renumbered 40.24 and amended to read:

40.24 POWERS OF SPECIAL DISTRICT MEETING. Special district meetings \* \* \* have the powers of the annual meeting \* \* \* except the \* \* \* power to elect officers \* \* \*. Not more than 2 special meetings shall be held in any year to consider or act upon the same subject, except that in counties having a population of 500,000 or more, not more than 4 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 \* \* \* notice is given as provided in s. 40.20 (3) or (5). The amount proposed to be voted \* \* \* shall be mentioned in the notice. The electors at a special meeting may vote a less amount than that stated in said notice but not a greater amount.

SECTION 51. 40.07 (1) of the statutes is renumbered 40.25 and amended to read:

40.25 DISTRICT OFFICERS AND BOARD; ELECTION, TERM. The officers of the common school district shall be a director, treasurer and clerk \* \* \*. They shall be electors of the district, and shall hold their respective offices for 3 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 2 years later than that of the clerk. The officers elected shall be notified thereof by the clerk of the meeting \* \* \* within 5 days thereafter \* \* \*. A person elected and notified shall, within 10 days after his election, execute and file \* \* \* the official oath. The director, treasurer and clerk shall constitute the board of the district.

SECTION 52. 40.07 (1a), (1b), (1c) (b), (1d) and (9) (b) of the statutes are renumbered 40.26 (1) to (5) and amended to read:

40.26 OPTIONAL NUMBER OF BOARD MEMBERS. \* \* \* (1) Any school district, except \* \* \* a city school district, may at any annual school district meeting or at any special school district meeting called for such specific purpose, by resolution initiated upon the petition of 30 electors filed with the district clerk and adopted by a majority of the ballots cast \* \* \* on such resolution, change the number of school board members in the district as follows:

(a) Any school district with a population of 500 or more may have either 3 or 5 school board members.

(b) Any school district operating grades one through 12 \* \* \* may have either 3, 5 or 7 school board members.

\* \* \* (c) Any school district containing a city \* \* \* of the second, third or fourth \* \* \* class and operating schools with grades one through 12 \* \* \* may have a school board of 3, 5, 7 or 9 members.

\* \* \* (2) When a petition is presented under sub. (1) to change the number of school board members \* \* \* the district clerk shall incorporate into his notice of the annual or special district meeting a statement that at such meeting the question of changing the number of school board members will be voted upon. If no annual or special district meetings are held in the district, such question shall be determined by referendum as provided in \* \* \* s. 40.21. If such question is to be determined at a meeting at which an officer is to be elected such question shall be determined before the election.

\* \* \* (3) \* \* \* If a school district \* \* \* votes to increase the number of school board members the school district clerk shall \* \* \* before the election of the school board members \* \* \* put into effect a plan, providing:

\* \* \* (a) The number of school board members thereafter to be elected each year, distributing the number as evenly as possible.

\* \* \* (b) The number of vacancies to be filled in the first election for 1, 2 and 3 years and thereafter to be filled for 3 years.

\* \* \* (c) \* \* \* An allocation of the successful candidates to the \* \* \* 1, 2 and 3-year terms to be filled in the first election \* \* \*, the 3-year terms to be filled by the candidate or candidates receiving the highest number of votes, the 2-year terms \* \* \* by the candidate or candidates receiving the next highest number of votes and the one-year terms \* \* \* by the successful candidate or candidates receiving the next highest number of votes.

\* \* \* (d) In case of a tie vote in the election of school board members, the election shall be determined by lot and the loser by lot shall become next in order of election if additional positions on the board are to be filled.

\* \* \* (e) The tenure of members whose terms have not expired shall not be affected.

\* \* \* (4) After the first election \* \* \* each member of the board shall be elected for a term of 3 years, and until his successor is elected *or appointed* and qualifies. Said board at its first regular meeting shall elect new officers of the board from among its members as follows for a term of one year: a director, a clerk and a treasurer \* \* \*. All members of such board shall be officers of the district, and the compensation of the director, clerk, treasurer and other members of the board shall be the amount fixed at each annual district meeting for the ensuing year. All members shall be chosen from the district at large except as hereinafter enumerated.

\* \* \* (5) \* \* \* If the municipal board or boards are satisfied that the territory comprising \* \* \* a newly created school district contains a population of 500 or more it may, upon creating the order for a new district, direct that a district board of 5 members \* \* \* be elected; the state superintendent, acting under the authority of \* \* \* s. 40.06, may likewise in his order creating a new district containing a population of 500 or more direct that a board of 5 members be elected. When a 5-member board is elected either at a district meeting or at an election held pursuant to the provisions of this section, the 5 members shall be elected for terms as follows: The 2 candidates receiving the highest vote shall serve for a term expiring 2 years after the next annual meeting, the 2 receiving the next highest vote for a term expiring one year after the next annual meeting, and the candidate receiving the next highest number of votes for a term expiring the second Monday in July following. Thereafter each member shall be elected for a term of 3 years and until his successor is elected and qualifies. The board shall organize and elect officers as provided in \* \* \* sub. (4). *The municipal board or boards shall prepare a plan for allocating candidates to terms, as provided in sub. (3).*

SECTION 53. 40.07 (1c) (a) of the statutes is renumbered 40.26 (6) and amended to read:

40.26 (6) Whenever any \* \* \* school \* \* \* district *except a city school district* with more than 3 school board members \* \* \* votes to reduce the number of members on the school board \* \* \*, one less school board member shall be elected annually thereafter until the total number of school board members \* \* \* is reduced to the approved number, but not less than one shall be elected each year.

SECTION 54. 40.26 (7) is created to read:

40.26 (7) If a county school committee in its order creating a school district designates a board of 5, 7 or 9 members, it shall prepare a plan for allocating candidates for terms as specified in sub. (3).

SECTION 55. 40.07 (6m) and (8m) of the statutes are renumbered 40.27 (7) and (10); and 40.07 (2), (3) to (5), (7), (6) and (8) are renumbered 40.27 (1) to (6), (8) and (9) and amended to read:

40.27 OPTIONAL BOARD ELECTION PROCEDURE. \* \* \* (1) When a petition signed by 100 electors in any common school district asking that the district officers be chosen at an election \* \* \* is filed with the district clerk at least 30 days prior to the annual meeting date, the clerk shall incorporate, in his notice of the annual district meeting a statement that such election will be held and shall within 3 days after filing of such petition, publish notice of the filing of such petition in 4 public places in the school district or in a newspaper having general circulation in the district; and \* \* \* stating when the polls will be open \* \* \* on the annual meeting day \* \* \*. Such election shall be held annually thereafter, unless the electors shall by resolution adopted pursuant to a petition requesting a return to the former procedure of electing district officers or a change to another date provided by law, filed as hereinbefore provided, determine otherwise. If in such petition or in any separate petition a request is made for more than one polling place, the board shall provide polling places to the number requested, not exceeding the number of election precincts in the district.

\* \* \* (2) The election shall be held in the place fixed for holding the annual school meeting.

\* \* \* (3) The election shall be by ballot, and suitable ballot boxes shall be provided. The provisions of ss. 11.54 to 11.68 shall apply to \* \* \* this \* \* \* election so far as applicable. \* \* \* In counties having a population of 500,000 or more, the polls shall be open from 1 p.m. to 8 p.m. \* \* \*; *in other counties the polls shall be open from 3 p.m. to 8 p.m. and may be open from 1 p.m. to 8 p.m.* \* \* \* Failure to \* \* \* specify the time and the place *in the notice* shall not invalidate the election.

\* \* \* (4) The board may establish such additional polling places for the election of board members as it \* \* \* deems necessary. Whenever practical, such polling places shall be established in the building where the annual school meeting is held.

\* \* \* The board shall \* \* \* provide for an official ballot for the election of board members upon which shall be printed only the name of each person who files with the district clerk, a written declaration of his candidacy at least 20 days prior to the date of such election. The school board shall cause notice to be published at least 10 days previous to the closing date for filing such declarations stating clearly the conditions which must be met for filing. \* \* \* *Election ballots shall be arranged to permit names to be written in.*

(5) The school board shall act as inspectors of such election, and shall appoint 2 clerks who shall make and keep duplicate lists of the electors voting at such election. A plurality shall elect. \* \* \* In counties having a population of 500,000 or more the board shall appoint 5 or more persons who shall act as inspectors, clerks and tellers \* \* \*. \* \* \* The inspectors and clerk \* \* \* shall be paid \$3 each; except that in counties having a population of 500,000 or over, they shall be paid \$5 each.

(6) Immediately after the polls are closed, the ballots shall be counted \* \* \* and the results \* \* \* declared \* \* \*. All ballots, as soon as counted, shall be sealed in the ballot box and kept for 60 days by an inspector who was not a candidate at the election.

(8) \* \* \* In counties having a population of 500,000 or more, any school district, \* \* \* whose boundaries \* \* \* are co-extensive with those of a village, may at \* \* \* an election called and held as provided in \* \* \* this section \* \* \* if a majority of those voting approve, determine to elect its officers on any date, except Sundays, between the first Tuesday of April and the second Monday of July \* \* \*. \* \* \* After such determination such election shall be held annually thereafter on the date so fixed and until the electors shall determine otherwise. All of the pertinent provisions of \* \* \* this section shall apply to such elections; but if the date of election is fixed for the first Tuesday of April, the hours of opening and closing of the polls, the polling places and the officers of election shall be the same as for the village election held on said day and the election officers shall serve without compensation additional to that provided by the village. When the school district election is conducted jointly with the village election pursuant to \* \* \* this subsection and where registration of voters is required for the election of village officers, the same registration requirements shall also apply to the voting for school district officers. In such joint elections voting machines may be used. The term of office of officers so elected prior to the second Monday of July shall begin on the second Monday of July following said election. However, elections held pursuant to \* \* \* this subsection shall not be subject to \* \* \* sub. (4) relating to a primary election.

\* \* \* (9) Any school district maintaining a school \* \* \* offering instruction in grades one through 12 \* \* \* and containing within its boundaries a city of the second, third, or fourth class, or village, may adopt the method provided in \* \* \* sub. (8) for the election of its school board, but such election shall be held on the first Tuesday in April. At such elections the electors of the district shall vote at the polling place where they normally vote for state, local and judicial officers, and the election officials for state and local elections shall serve.

SECTION 56. 40.15 of the statutes is renumbered 40.28 and amended to read:

40.28 DISTRICT BOARD; MEETINGS, REPORTS. (1) \* \* \* The board of the common school district \* \* \* shall meet at least 4 times during the year \* \* \* at such \* \* \* times and places as the board shall determine. A meeting of the board may be called by 2 members by serving on the other member a written notice of the time and place of such meeting at least 24 hours before such meeting. A meeting may be held, without notice, when all members are present and consent.

(2) The board shall meet \* \* \* before 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 and to provide the budget report required by s. 65.90. The \* \* \* reports shall be presented and read at the annual district meeting. The district clerk shall copy such \* \* \* reports with the action taken thereon, and all other proceedings of the meeting in full, in the district record book.

(3) The proceedings of all school boards, except in cities of the first class and except school boards included in \* \* \* s. 40.825 including a statement of all receipts and expenditures, shall be printed and published within 30 days after the annual school meeting in a newspaper having a general circulation in the school district or in such manner as the board shall direct.

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SECTION 57. 40.16 (4) and (8) of the statutes are renumbered 40.29 (5) and (7); and 40.16 (1) (first 3 lines), (2), (3), (7), (10) and (18) are renumbered 40.29 (1), (2), (3), (6), (8) and (9) and amended to read:

40.29 DISTRICT BOARD; DUTIES. (1) Subject to the authority vested in the district meeting and to the authority and possession specifically given to other officers, the \* \* \* school *district* board shall have the possession, care, control and management of the property and affairs of the *district*.

(2) The board shall keep the buildings and grounds in good repair, suitably equipped and in safe and sanitary condition at all times.

(3) \* \* \* The board *shall* \* \* \* keep the buildings and equipment amply insured. If there are no funds in the school treasury sufficient to pay the premium the board may execute a note for that purpose.

\* \* \* (4) The board shall provide and maintain enough suitable and separate \* \* \* *toilets* for both sexes \* \* \* at each school.

\* \* \* (6) Upon the written application of one-half of the \* \* \* *electors* of the district, the board shall allow the use of the school buildings or grounds for the \* \* \* 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) If any district \* \* \* *has not* \* \* \* voted a tax sufficient to maintain its school for the term of 9 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. \* \* \*

\* \* \* (9) \* \* \* *If* the equalized valuation of one of the municipalities or of a portion of one of the municipalities that comprises a part of a joint school district is reduced in any one year to an amount below its equalized valuation of the previous year by reason of the destruction or removal of all or a portion of the property of a part of the freeholders with a resulting increase in the taxes of the remaining freeholders which is in an excessive ratio to the total taxes levied by the joint school district, the school district board shall refund to the taxpayers whose taxes have been so increased and who have paid such increased taxes the amount of the increased taxes so paid. The provisions of this subsection shall apply only to taxes of 1949, 1950 and 1951.

SECTION 58. 40.36 (2) of the statutes is renumbered 40.29 (10).

SECTION 59. 40.23 and 40.19 (6) of the statutes are renumbered 40.29 (11) and (12) and amended to read:

40.29 (11) Every district board \* \* \* shall designate the bank or banks where the money belonging to the school district shall be deposited. When the money is so deposited \* \* \* in the name of the school district, the treasurer and his bondsmen shall not be liable for such losses as are defined by s. 34.01 (6). The interest \* \* \* shall be paid into the school district treasury.

\* \* \* (12) The board shall visit the school, examine into its condition, advise with the teacher in regard to the instruction, government \* \* \* *and* progress of the pupils, and exercise general supervision over the school.

SECTION 60. 40.29 (13) of the statutes is created to read:

40.29 (13) The board shall provide books and school supplies for indigent children residing in the district.

SECTION 61. 40.16 (6) of the statutes is renumbered 40.30 (3); and 40.16 (1) (last 4 lines) (5) and (9) are renumbered 40.30 (1), (2) and (4) and amended to read:

40.30 DISTRICT BOARD; POWERS. (1) \* \* \* *The district board may* request the \* \* \* department of *state* audit to audit the books of the school district, to install a system of accounts and to advise and make recommendations concerning existing systems of accounts and to pay for the same as provided in s. 15.22 (12) (d).

\* \* \* (2) The board may grant the request of any responsible inhabitant of the district to \* \* \* *use* 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.

\* \* \* (4) 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; \* \* \* 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. \* \* \*

SECTION 62. 40.38 and 40.49 of the statutes are renumbered 40.30 (5) and (6) and amended to read:

40.30 (5) Except in cities of the first class the school board of any school district which holds an annual district meeting, after being \* \* \* authorized \* \* \* to do so by the electors of any such meeting, and the school board or board of education of any other school district, in its discretion, \* \* \* may grant the use of school buildings and school grounds to any responsible organization for public meetings to which an admission price is demanded, and to charge for such grant or use such sums as may be fixed by the school board or the board of education by a majority vote of the board members taken at a regular or special board meeting, all sums so received to be accounted for and paid into the school treasury to constitute part of the general fund and to be used for the benefit of the schools.

\* \* \* (6) 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. \* \* \* The board may purchase books, stationery, charts and other things necessary \* \* \* to \* \* \* conduct said lectures and may designate some person to manage such lectures.

SECTION 63. 40.16 (11), (12), (13) and (14) (a) of the statutes are renumbered 40.30 (7) to (10) and amended to read:

40.30 \* \* \* (7) The \* \* \* board may provide for, establish and maintain nursery schools for children under 4 years of age under such rules and regulations as it may prescribe. The \* \* \* board \* \* \* may accept and receive federal funds for such purpose and \* \* \* expend such funds in conformity with the purposes and requirements thereof. The \* \* \* board may require and charge a reasonable fee for attendance in such schools in order to sustain the project but may waive such charge or fee or any portion thereof to any person who is unable to make such payment. The school district shall not be entitled to additional state aid for the operation and maintenance of a nursery school.

\* \* \* (8) The boards of common school districts, high school districts and city school districts are authorized to apply for, receive and expend moneys made available to them by any act of congress for agricultural, vocational or military training or for enlargement of educational facilities including teaching staff \* \* \*; provided that the acceptance of such money shall not be conditioned upon or result in the expenditure of funds by such districts.

\* \* \* (9) The \* \* \* board may furnish lunches to the pupils of the district and pay for same out of district funds.

\* \* \* (10) The \* \* \* district board \* \* \* in counties containing less than 500,000 population may employ public health nurses and licensed dentists. The work of such public health nurses and licensed dentists shall be under the supervision of the local and state boards of health.

SECTION 64. 40.16 (14) (b) to (d) of the statutes are renumbered 40.30 (10m) (a) to (c) and amended to read:

40.30 \* \* \* (10m) (a) The \* \* \* district board \* \* \* in counties containing less than 500,000 population, may, as a condition of employment, require periodic health examinations of all school employes. If such examinations are ordered, they shall be required of every school employe of the district except those objecting thereto on religious grounds. No employe shall be discriminated against for raising such objection unless there is reasonable cause to believe that he is infected with a communicable disease. The cost of such examinations, including X-rays, shall be paid out of district funds. The employe may be examined by any licensed physician selected by the employe. Such physician shall make a confidential \* \* \* report of such examination and chest X-rays on a standard form to be prepared by the state board of health to a licensed physician employed by the board of education, who shall make recommendations therefrom to the board and to the employe.

\* \* \* (b) For the purpose of par. \* \* \* (a) a "school employe" is defined as anyone employed by the board of education of the school district who comes in contact with children or who handles or prepares food for children while they are under the supervision of school authorities.

\* \* \* (c) The \* \* \* district board \* \* \* in counties containing less than 500,000 population, may require periodic health examinations of school children, by licensed physicians, under supervision of local and state boards of health, and may pay the cost of such examinations out of district funds.

SECTION 65. 40.16 (15) to (17) of the statutes are renumbered 40.30 (11) to (14) and amended to read:

40.30 \* \* \* (11) \* \* \* If school district buildings are destroyed or if a qualified teacher cannot be obtained or if there is any other emergency which makes it impossible to conduct school within the district, the school board may, on its own order, provide for the educational needs of the district on a tuition basis, provided that the county

superintendent of schools shall have first made a written finding of fact that such an emergency exists, stating the nature thereof. In addition to other requirements, no state aid shall be paid to any such suspended district until a copy of such finding of fact has been filed with the state superintendent \* \* \*. For a period of 2 years districts which suspend their schools under this subsection shall be eligible to receipt of state and county aids in the same amounts that they would be eligible to receive had they operated their schools.

\* \* \* (12) When the enrollment of a district increases to a number \* \* \* in excess of 30 pupils per room, the district board may on its own order provide for the education of a portion of the pupils on a tuition basis. The tuition shall be paid out of school district funds in accordance with \* \* \* s. 40.65 (3). For a period of 2 years after making such order \* \* \* a district shall continue to be entitled to aids on the same basis as though all children of school age included in such order residing in the district had been enrolled in the school of such district. Thereafter such district shall not be eligible for or receive aids until sufficient school building facilities are provided in the district to properly accommodate all of the resident children eligible to attend the school of such district.

\* \* \* (13) The boards of common school districts, high school districts and city school districts may transfer to the state historical society under \* \* \* s. 44.09 title to any school records deemed by said society to be of permanent historical interest which are no longer needed for the proper administration of the affairs of the school district.

\* \* \* (14) The boards of common school districts, high school districts and city school districts are authorized to enter into agreements, including leases for a term not exceeding 50 years, with the state or any department or agency thereof for the purchase, operation and maintenance of land, buildings and equipment for educational purposes \* \* \*. *An agreement made by a city school district must be approved by the city council.*

SECTION 66. 40.17 (1) of the statutes is renumbered 40.30 (15).

SECTION 67. 40.20 of the statutes is renumbered 40.30 (16) and amended to read:

40.30 (16) The \* \* \* board may exchange any teacher employed by it for a teacher of any school district of any other state or country. 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 68. 40.21 (3) of the statutes is renumbered 40.30 (17).

SECTION 69. 40.22 (9) of the statutes is renumbered 40.30 (18) and amended to read:

40.30 (18) Any board which has control of primary grades may, and upon petition of the parents of 25 children, more than 4 and not more than 6 years of age, shall establish and maintain a kindergarten; \* \* \* such parents *must* reside not more than one mile from the school \* \* \*. 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 \* \* \* was less than 15.

SECTION 70. 40.18 of the statutes is renumbered 40.31 and amended to read:

40.31 CLAIM AGAINST DISTRICT, ENFORCEMENT. No action shall be maintained against a school district upon any claim until it \* \* \* has been presented to the board and disallowed, in whole or in part. Failure of the board to allow the claim within 60 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 recover costs, otherwise the board shall recover costs. Disallowance by the board shall bar an action on the claim 6 months after service of notice of disallowance.

SECTION 71. 40.09 of the statutes is renumbered 40.33 and amended to read:

40.33 DUTIES OF DIRECTOR. \* \* \* The district director shall:

- (1) \* \* \* Countersign all orders \* \* \* as provided in s. 40.34 (2).
- (2) \* \* \* Defend on behalf of the district \* \* \* all actions brought \* \* \* against it \* \* \*; prosecute, when authorized by district meeting or board, actions brought by the district.
- (3) \* \* \* Prosecute an action for the recovery of any forfeiture incurred under \* \* \* this chapter \* \* \* in which his school district is interested \* \* \*. *If the director has incurred the forfeiture, 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 treasury for the benefit of the school fund.

SECTION 72. 40.10, 40.115 and 40.19 (2) of the statutes are consolidated, renumbered 40.34 and revised to read:

40.34 DUTIES OF TREASURER, BOND. (1) The treasurer shall, within 15 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 15 days after demand.

(2) The treasurer shall:

(a) Apply for, receive, and if necessary sue for all money appropriated to or collected for the district, and disburse the same in the manner provided by s. 66.042 on the order of the clerk, countersigned by the director. In every school district, except a city school district, all disbursements from the treasury shall be made by the treasurer upon the written order of the clerk after proper vouchers have been filed with the clerk; such disbursements shall be by order check and no order check shall be released to the payee, nor shall it be valid, unless signed by the clerk and treasurer and countersigned by the director. No order shall be drawn, for the payment of which money has not been appropriated according to law.

(b) Enter in the account books of his office all the money received and disbursed by him, specifying particularly the sources from which it was received, the persons to whom and the objects for which it was paid.

(c) Present to the annual meeting a written statement of all the money received by him during the preceding year, and of each disbursement made by him; he shall exhibit the voucher covering each disbursement.

(d) Deposit immediately upon receipt the funds of the district in the name of the district in the public depository designated by the board; failure to comply shall be prima facie grounds for removal from office. When the money is so deposited, the treasurer and his bondsmen shall not be liable for such losses as are defined by s. 34.01 (6). The interest arising therefrom shall be paid into the school district treasury.

(3) The treasurer may receive money raised in extra-curricular activities.

SECTION 73. 40.11 (1) to (9) of the statutes are renumbered 40.35 (intro. par.) (1) to (8) and amended to read:

40.35 DUTIES OF CLERK. \* \* \* The district clerk shall:

(1) 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 10 days after the election or appointment of such officer.

(2) \* \* \* Act as clerk and record the proceedings of the district meetings.

(3) \* \* \* Enter in the record book provided by the board, the minutes of its meetings, orders, resolutions and other proceedings.

(4) \* \* \* Enter in \* \* \* *the* 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) \* \* \* Draw orders on the treasurer as directed by the district meeting and the board \* \* \* *and* record in a suitable book \* \* \* all orders drawn on the treasurer.

\* \* \* (6) \* \* \* Furnish, at the expense of the district, for the use of each teacher, a school register in the form prescribed by the state superintendent; \* \* \* *require its return* to him at the expiration of the teacher's employment; and preserve the same with the records and papers of the district.

\* \* \* (7) \* \* \* Notify each person of his election or appointment to a district office within 5 days thereafter; and furnish each teacher a copy of the contract made with her by the board.

\* \* \* (8) \* \* \* Deliver to the town clerk, before September 1 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 \* \* \* 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 full valuations to be certified to him and the county superintendent by the state superintendent from the certification of the full valuations of each part of a joint district made to the state superintendent by the state department of taxation under \* \* \* s. 40.68. When the equalized valuation of one of the municipalities or of a portion of one of the municipalities that comprises a part of a joint school district is reduced in any one year to an amount below its equalized valuation

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of the previous year by reason of the destruction or removal of all or of a portion of the property of a part of the freeholders with a resulting excessively inequitable apportionment of the school district tax levy on the remaining equalized valuations, the \* \* \* clerk shall call in the supervisor of assessments, who if he finds that such inequities will result shall reduce the equalized valuations of the previous year by the full value of the property so destroyed or removed and certify the resulting values to the school clerk for use in computing the tax levy certifications required by this section.

SECTION 74. 40.36 (3), (4) and (5) of the statutes are renumbered 40.35 (9) and amended to read:

40.35 \* \* \* (9) \* \* \* Within 5 days after receipt of notification from the county superintendent of \* \* \* the name of a new school, notify the proper postmaster of the name and location of the school, and the number of the district. \* \* \* If a school is not located on any mail route, the \* \* \* 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. \* \* \* The \* \* \* clerk shall notify the postmaster of school vacations, and shall direct what disposition shall be made of the school mail during vacations.

SECTION 75. 40.19 (5) of the statutes is renumbered 40.40 (3); and 40.19 (1) and (1a) are renumbered 40.40 (1) and (2) and amended to read:

40.40 TEACHERS' CONTRACTS. (1) The \* \* \* district board shall contract in writing with qualified teachers \* \* \*; the contract, with a copy of the teacher's authority attached \* \* \*, shall be filed with the clerk. Such contract, in addition to fixing the teacher's wage, may provide for compensating the teacher for necessary travel expense in going to and from the schoolhouse at a rate not to exceed 6 cents per mile. 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) \* \* \* District boards may provide in the contracts of teachers of agricultural and homemaking courses for payment for services performed outside of the district and connected with the performance of their regular teaching duties, and for the payment of the traveling expenses connected with such services out of \* \* \* district funds.

SECTION 76. 39.45 of the statutes is renumbered 40.41 and amended to read:

40.41 RENEWAL OF TEACHERS' CONTRACTS. (1) The term "teacher" as used in this section \* \* \* means \* \* \* any person who holds a teacher's certificate issued by the state superintendent \* \* \* or a classification status under the state board of vocational and adult education and whose legal employment requires such certificate or classification status, excepting part-time teachers and teachers employed by any local board of vocational and adult education in any city of the first class and excepting teachers employed by any board of school directors in any city of the first class \* \* \*.

(2) \* \* \* A teacher shall be given written notice of renewal or refusal of his \* \* \* contract for the ensuing school year on or before April 1 of the school year during which said teacher holds a contract by the managing body or other proper officer of the school or system in which the teacher is employed. \* \* \* If no such notice is given on or before April 1, the contract of teaching service then in force shall be continued for the ensuing school year. A teacher receiving a notice of renewal of contract for the ensuing year from the employing board or proper officer, or a teacher who does not receive a notice of renewal or refusal of his or her contract for the ensuing school year on or before April 1, shall accept or reject, in writing, such contract \* \* \* not later than April 15 following. No teachers shall be employed or dismissed except by a majority vote of the full membership of the managing body or board. Nothing in this section shall prevent the modification or termination of a contract by mutual agreement of the teacher and the school board.

SECTION 77. 39.37 (2), (3) and (6) of the statutes are renumbered 40.42 (2), (3) and (6); and 39.37 (1), (4), (5) and (7) are renumbered 40.42 (1), (4), (5) and (7) and amended to read:

40.42 SECURITY IN EMPLOYMENT FOR TEACHERS IN POPULOUS COUNTIES. (1) The term "teacher" as used in this section \* \* \* includes \* \* \* any person except a \* \* \* superintendent, assistant \* \* \* superintendent and county supervising \* \* \* teacher, who holds a teacher's certificate, and whose legal employment requires such certificate, who is employed full time and meets the minimum requirements prescribed by the governing body employing such person, and who is employed by any school board, board of trustees or governing body of any school created and existing under chs. 40 and 41 entirely and exclusively in any county having a population of



500,000 or more, excepting schools, vocational and adult schools and teachers colleges in cities of the first class. A person who acquired tenure as a teacher under this section shall not be deprived of tenure as a teacher by reason of his employment as a principal.

(4) A person employed by a school board during a time of war as a substitute for a teacher on full-time duty in any of the armed forces of the United States or any reserve or auxiliary thereof on leave and notified in writing at the time of employment that the position is of a temporary nature shall not be deemed a teacher under \* \* \* this section. \* \* \*

(5) \* \* \* *If necessary to decrease the number of permanently employed teachers by reason of a substantial decrease of pupil population within the school district the governing board of the school or school system in which such teacher is employed may lay off the necessary number of said teachers but only in the inverse order of the appointment of such teachers. No permanently employed teacher as aforesaid shall be prevented from securing other employment during the period of such suspension. Such teacher shall be reinstated in inverse order of his suspension provided such teacher is qualified to fill the vacancy. Such reemployment shall not result in a loss of credit for previous years of service. No new permanent or substitute appointments shall be made while there are suspended permanent teachers available who are adequately prepared to fill the vacancies.*

(7) This section shall not apply to any teacher after the close of the school year during which such teacher \* \* \* *has* attained the age of 65 years; any subsequent employment of such teacher shall not be a waiver of the provisions of this subsection.

SECTION 78. 39.15 of the statutes is renumbered 40.43 (1) and (2) and amended to read:

40.43 TEACHERS' CERTIFICATES AND LICENSES. (1) \* \* \* Any person *who* desires to teach in any of the public schools, or in schools maintained and operated by county homes for dependent children or other county or state institutions or schools in which children are received for care or education \* \* \* shall procure a certificate from the state superintendent.

(2) \* \* \* *Any* person who contracts to teach in any public school \* \* \* shall within 10 days after entering into such contract *file in the office of the county or city superintendent* a statement showing the date of expiration and the grade and character of certificate held. 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 \* \* \* *has* complied with \* \* \* this subsection.

SECTION 79. 39.05 of the statutes is renumbered 40.43 (3) and amended to read:

40.43 (3) \* \* \* No certificate to teach in any common school shall be issued unless the applicant \* \* \* *has* completed 2 years of school work beyond the work of the high school, which shall be devoted to pedagogical instruction and training; \* \* \* any teacher who \* \* \* *has* taught in any common school in the school year of 1937-1938 or prior thereto \* \* \* shall be allowed to continue to teach in the common schools without complying with the requirements of this \* \* \* subsection.

SECTION 80. 39.31 of the statutes is renumbered 40.43 (4).

SECTION 81. 39.32 and 40.22 (14) of the statutes are renumbered 40.43 (5) and (6) and amended to read:

40.43 (5) Any license or certificate to teach, issued by the state superintendent, may be revoked by \* \* \* *him* for incompetency or immoral conduct on the part of the holder, after written notice \* \* \* of the charges and of an opportunity for defense.

\* \* \* (6) \* \* \* In granting certificates for the teaching of \* \* \* courses in economics, \* \* \* social studies and agriculture, adequate instruction in co-operative marketing and consumers' co-operatives shall be required. \* \* \* In granting certificates for the teaching of the courses in science and social studies adequate instruction in the conservation of natural resources shall be required.

SECTION 82. 40.775 (1) of the statutes is renumbered 40.435 (1); and 40.775 (2) is renumbered 40.435 (2) and amended to read:

40.435 (2) \* \* \* *Whoever violates* this section shall be \* \* \* *finned* not less than \$25 nor more than \$50, or \* \* \* *imprisoned* in the county jail not less than 5 \* \* \* nor more than 30 days. Violation of this section shall be cause for the removal of any superintendent, member of a board of education or school board, or other public school official.

SECTION 83. 40.21 (4) and (1) of the statutes are renumbered 40.44 (1), (2) and (3) and amended to read:

40.44 AGE OF PUPILS; REGISTER; TEACHER'S REPORT. \* \* \* (1) *No child may be admitted to the first grade unless he is 6 years old on or before December 1 in*

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*the year he proposes to enter school.* Residents above 20 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.

\* \* \* (2) 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 \* \* \* requires, which register the teacher shall deliver to the clerk at the close of each term, and whenever it \* \* \* is required for the use of the board.

(3) 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 \* \* \* prescribes; and any teacher who \* \* \* neglects or \* \* \* refuses to so keep the register shall forfeit her wages during the time of such neglect or refusal.

SECTION 84. 40.19 (3), (4) and (4a) and 40.74 to 40.766 of the statutes are consolidated, renumbered 40.45 and revised to read:

40.45 SCHOOL MONTH; HOLIDAYS; SPECIAL OBSERVANCE DAYS. (1) Twenty school days constitute a school month. Not to exceed 5 Saturdays may be counted as school days in any school year when school is taught thereon with the consent of the board. School days are days on which school is actually taught (including the special observance days mentioned in sub. (2)) and the following days on which school is not taught:

(a) Labor Day, Thanksgiving, Christmas, New Year's Day, and Memorial Day if within the scheduled school term, and not within a scheduled vacation period;

(b) Days on which state and county teachers' conventions are held.

(c) Days on which school is closed by order of a health officer.

(2) September 28 is Frances Willard day; October 9 is Leif Erikson day; April 13 is American Creed day; July 4 is Indian Rights day. School shall be taught on such dates and on October 12, November 11, February 12, February 22 (unless any of such dates fall on Saturday or Sunday) but the day shall be appropriately observed. If any such date falls on Saturday or Sunday, observance shall be had on a school day immediately preceding or following.

SECTION 85. 40.22 (3) to (6) and (8) of the statutes are renumbered 40.46 (3) to (7); and 40.22 (1), (2) and (11) are renumbered 40.46 (1), (2) and (8) and amended to read:

40.46 CURRICULUM. (1) FUNDAMENTAL COURSE. Reading, writing, spelling, English grammar and composition, geography, arithmetic, elements of agriculture and conservation of natural resources, history and civil government of the United States and of Wisconsin, citizenship and such other branches as the board \* \* \* determines 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 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 \* \* \* file with the teacher a written objection thereto. A semester of work of physiology and hygiene shall be offered in each high school curriculum.

\* \* \* (8) CO-OPERATION AND CONSERVATION. \* \* \* Every high school and school of vocational adult education shall prescribe adequate and essential instruction in co-operative marketing and consumers' co-operatives \* \* \* and conservation of natural resources.

SECTION 86. 40.226 and 40.19 (4m) of the statutes are renumbered 40.46 (9) and (10) and amended to read:

40.46 (9) DAIRY PRODUCTS. \* \* \* All \* \* \* public and private \* \* \* elementary and high schools \* \* \* shall spend at least 15 minutes in each school week \* \* \* to instruction in and study of the true and comparative vitamin content and food and health values of dairy products and their importance for human diet. The course of such instruction and the educational material therefor shall be prescribed by the state superintendent \* \* \* and shall be included in the instruction manuals for such schools. Such educational program shall be directed by the state superintendent \* \* \* through county and city superintendents \* \* \* and such other educational officials whose co-operation may be deemed necessary to insure its success. The state department of agriculture, the state board of health and the college of agriculture of the university of Wisconsin and the extension division thereof shall co-operate with and assist the state superintendent in the development and execution of such \* \* \* program.

\* \* \* (10) CITIZENSHIP. \* \* \* Every public \* \* \* and private \* \* \* school shall, by appropriate instruction and ceremonial to be formulated by the state superintendent \* \* \* teach the proper reverence and respect for and the history and meaning of the American flag, the Declaration of Independence, the U. S. constitution, as well as the duties and responsibilities of citizenship, so that government of the people, by the people and for the people may function and endure in the United States of America.

SECTION 87. 40.17 (2) and (3) of the statutes are renumbered 40.47 (1) and (2) and amended to read:

40.47 FLAG; FIRST AID; FIRE DRILL. \* \* \* (1) Every school board and the governing body of every private \* \* \* 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.

\* \* \* (2) Every school board and the governing body of every private \* \* \* school shall provide a standard first aid kit for use in cases of emergency \* \* \*.

SECTION 88. 40.22 (7) (b) of the statutes is repealed; and 40.22 (7) (a) is renumbered 40.47 (3) and amended to read:

40.47 (3) The person having direct charge of any public \* \* \* or private \* \* \* school 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. The foregoing provisions shall be observed except when \* \* \* the principal or person having such direct charge \* \* \* deems that the health of the pupils may be endangered by inclement weather conditions.

SECTION 89. 40.29 (1) of the statutes is repealed; and 40.29 (2) to (4) are renumbered 40.48 (1) to (4) and amended to read:

40.48 TEXTBOOK; LISTS, SALE. \* \* \* (1) ADOPTED, FURNISHED. Subject to the power of the county *textbook* board \* \* \* to adopt and supply books, the common school *district* board shall adopt \* \* \* all the textbooks necessary for use in the schools under its charge \* \* \*. The list of the adopted books shall be filed with the school clerk \* \* \*. Such textbooks shall not be changed for 5 years \* \* \*.

(2) PURCHASE AND SALE; AGENTS. The board may purchase textbooks \* \* \* and sell them to the pupils at cost \* \* \* or it 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 \* \* \* books \* \* \* sold. \* \* \* The agents may add a selling commission which shall not exceed 10 per cent of the net prices \* \* \*.

\* \* \* (3) AGENTS' PRICE LIMIT. No dealer in textbooks shall sell any books \* \* \* at a price to exceed 15 per cent advance on the net list prices, transportation added thereto.

(4) PENALTY. Any \* \* \* person violating \* \* \* this section \* \* \* shall be fined not less than \$25 \* \* \* nor more than \$100.

SECTION 90. 40.24 (1) to (5), (7), (8) and (9) of the statutes are renumbered 40.49 (1) to (8) and amended to read:

40.49 UNIFORM TEXTBOOKS FOR COUNTY. (1) COUNTY TEXTBOOK BOARD. \* \* \* If a majority of all the districts \* \* \* vote \* \* \* at any annual county school board convention in favor of adopting \* \* \* uniform \* \* \* textbooks, each school district being entitled to one vote, the convention shall immediately elect a county *textbook* board \* \* \* of not less than 3 nor more than 5 persons. \* \* \* The convention shall, at a regular meeting every 5 years thereafter, elect not less than 3 nor more than 5 persons who shall constitute said \* \* \* *textbook* board \* \* \*; \* \* \* the convention may at any time by a majority vote discontinue such board. School districts which maintain high schools \* \* \* may not \* \* \* vote on the question of uniformity of textbooks, nor in the election of the \* \* \* *textbook* board \* \* \*.

(2) TERM OF BOARD MEMBERS. The members of the \* \* \* *textbook* board \* \* \* shall hold office for 5 years and until their successors are elected and qualified.

(3) ELIGIBILITY, VACANCY. No person shall be eligible to \* \* \* the \* \* \* *textbook* board \* \* \* unless he is \* \* \* a legally qualified teacher and has \* \* \* had 5 years of experience in teaching or in the supervision of public schools \* \* \*. Dealers in textbooks, or \* \* \* agents of, or persons interested in, any person \* \* \* engaged in publishing or furnishing school textbooks, or persons who \* \* \* are interested in any book or series of books as \* \* \* author, associate author, or in any manner whatsoever are not eligible; and if any member \* \* \* is so interested, his office shall \* \* \* become vacant.

(4) OATH OF OFFICE. Each member of \* \* \* the \* \* \* *textbook* board \* \* \* shall, before entering upon the duties of his office, take the constitutional oath of office;

and shall \* \* \* also swear that he is not directly or indirectly interested in or related to any publishing house \* \* \* or person \* \* \* 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 \* \* \* author, associate author, or otherwise \* \* \*. The oath shall be filed with the county clerk.

(5) ORGANIZATION OF BOARD. The members of \* \* \* the textbook board \* \* \* shall, within 10 days after their election, meet at the county seat and organize by electing one of their number president \* \* \* and one secretary \* \* \*. The board shall adopt such rules and regulations as may be necessary to the transaction of its business.

\* \* \* (6) CONTRACTS WITH BOARD. The president and secretary shall sign all contracts on behalf of \* \* \* the textbook board \* \* \*. The secretary shall keep a full record of all proceedings of \* \* \* the 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 \* \* \*.

\* \* \* (7) MEETINGS OF BOARD. \* \* \* The textbook board \* \* \* shall meet at the county seat on the first Saturday in May, and at such other times as \* \* \* it deems necessary \* \* \*. The president shall call a meeting upon the written request of a majority.

\* \* \* (8) EXPENSES PAID. The members of the \* \* \* textbook board \* \* \* shall be reimbursed from county funds their actual and necessary expenses in the performance of their duties \* \* \*.

SECTION 91. 40.25 (1) and 40.24 (6) of the statutes are renumbered 40.49 (9) and amended to read:

40.49 \* \* \* (9) \* \* \* The textbook board \* \* \* shall \* \* \* select and adopt a series of textbooks, covering all branches of study required to be taught below the ninth grade. \* \* \* A majority vote of all the members of the board \* \* \* is necessary to adopt or change any textbook.

SECTION 92. 40.25 (2) of the statutes is renumbered 40.49 (10); and 40.25 (3) to (8) are renumbered 40.49 (11) to (15) and amended to read:

40.49 \* \* \* (11) The books so selected shall be introduced in the schools the following September \* \* \* and shall remain in use until displaced or replaced by the textbook board \* \* \*; but no books so adopted and introduced into said schools shall be changed within 5 years from the date of adoption.

\* \* \* (12) In districts furnishing free textbooks, it \* \* \* is optional with the \* \* \* district 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 \* \* \* this section.

\* \* \* (13) \* \* \* An elementary school may, by a unanimous vote of the \* \* \* district board, adopt in lieu of the textbooks selected by the \* \* \* textbook board \* \* \*, the books used in the grades of the nearest city schools.

\* \* \* (14) The textbooks adopted by \* \* \* the textbook board \* \* \* shall be selected after a careful examination of all sets of books presented, \* \* \* 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 \* \* \* considered in their selection.

\* \* \* (15) School districts or the \* \* \* textbook board \* \* \* may \* \* \* 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. \* \* \* Such supplementary books shall not be used to the exclusion of the \* \* \* books previously adopted \* \* \*.

SECTION 93. 40.26 (1) to (5) of the statutes are renumbered 40.49 (16) to (19) and amended to read:

40.49 \* \* \* (16) The \* \* \* textbook board \* \* \* shall \* \* \* at least 30 days before meeting to adopt textbooks, send notice to textbook publishers and advertise in a newspaper of general circulation in the county that \* \* \* the 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 \* \* \* deems necessary.

\* \* \* (17) Any person desiring to furnish \* \* \* books shall, at or before the time for filing his bid, deposit in the office of the county superintendent \* \* \* 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. \* \* \* The samples and lists shall remain in the \* \* \* superintendent's office and shall be open at all times to public inspection.

\* \* \* (18) \* \* \* *The textbook* board shall require any person who contracts for furnishing \* \* \* 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.

\* \* \* (19) \* \* \* *The textbook* board shall arrange for such depositories as it \* \* \* deems 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 94. 40.27 of the statutes is renumbered 40.49 (20) and amended to read:  
40.49 (20) In the administration of \* \* \* *this section* a district situated in more than one county shall be deemed to be fully within the county in which the schoolhouse is located.

SECTION 95. 40.77 of the statutes is renumbered 40.50 and amended to read:  
40.50 TEXTBOOKS CENSORED. (1) No \* \* \* books shall be adopted for use or be used in any \* \* \* *public school* \* \* \* which falsifies the facts regarding the \* \* \* *history of our nation*, 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 5 citizens filed with the state superintendent \* \* \* that any \* \* \* book which is being used in \* \* \* *a public 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 30 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 \* \* \* *supervisors* 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 10 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 10 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 \* \* \* *note* \* \* \* 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 \* \* \*.

(4) Every school board, board of education, board of vocational education \* \* \* or \* \* \* *textbook board* \* \* \* 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 \* \* \*. 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 \* \* \*.

SECTION 96. 40.777 of the statutes is renumbered 40.51 and amended to read:  
40.51 EXCLUSION ON ACCOUNT OF RELIGION, NATIONALITY OR COLOR A MISDEMEANOR. No \* \* \* *person* shall be excluded from any public school on account of his religion, nationality or color. No separate school or department shall be kept for any person \* \* \* on account of his religion, nationality or color. A member of any board of education who \* \* \* *votes* to exclude from any public school any child \* \* \* on account of his religion, nationality or color shall be \* \* \* *finned* not \* \* \* *more than \$100* or \* \* \* *imprisoned* not less than 30 days, nor more than 6 months, or \* \* \* *both* \* \* \*.

SECTION 97. 40.34 (1) (intro. par.) (except last sentence) of the statutes is renumbered 40.53 (1) and amended to read:

40.53 TRANSPORTATION. (1) WHO TO BE TRANSPORTED. *Except as provided in s. 40.55*, the school boards of all school districts operating public elementary \* \* \* or \* \* \* *high schools* \* \* \* shall provide transportation to and from school for all pupils residing in the district and over 2 miles from the nearest public school they may attend. \* \* \* *Such* school boards \* \* \* may provide transportation for teachers to and from school subject to the same controls and limitations as *are* provided by this subsection for the transportation of \* \* \* *pupils*. In districts operating \* \* \* *high schools*, the board may also provide transportation for nonresident high school pupils residing over 2 miles from the \* \* \* *school* within areas served from the school by bus routes approved by the county school committee and the state super-

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intendent. If the district operating the \* \* \* high school does not provide transportation for nonresident high school pupils, \* \* \* the municipality in which the nonresident pupils reside \* \* \* shall arrange for such transportation and such municipality shall make claim to the county clerk for the cost of transportation so provided in the manner specified in \* \* \* s. 40.56 (2). The annual or special school meeting of any school district operating \* \* \* an elementary \* \* \* or a \* \* \* high school \* \* \*, or if no such meeting is held, then the school board of any such district may authorize the transportation of all or any part of the students of such school district, including nonresident high school \* \* \* pupils, but if such transportation is furnished to less than all of the \* \* \* pupils there shall be reasonable uniformity in the minimum distance that \* \* \* pupils will be transported. The board of any public elementary school district which has suspended school shall provide transportation to and from school for all \* \* \* pupils residing more than 2 miles from the nearest district school which they may attend, or more than 2 miles from \* \* \* any other district school which in the opinion of the state department of public instruction it is more feasible for them to attend \* \* \*.

SECTION 98. 40.34 (2) of the statutes is renumbered 40.53 (2) and amended to read: 40.53 (2) PHYSICALLY DISABLED CHILDREN. Every district shall provide transportation for physically disabled children, as defined in s. 41.01 (4), to any elementary or \* \* \* high school regardless of distance, provided the request for such service is approved by the state superintendent. State aid for such approved cases \* \* \* shall be granted on the same basis as transportation of normal children. These aids shall be supplemented by the aids provided for by s. 41.03 in an amount not to exceed the full cost. The approval of such cases shall be based on whether or not the child can walk to school with safety and comfort.

SECTION 99. 40.343 of the statutes is renumbered 40.53 (3) and amended to read: 40.53 (3) TRANSPORTATION TO VOCATIONAL SCHOOLS. The governing body of any school district operating high schools or the municipality providing high school transportation may provide or contract for transportation for nonresident full-time pupils attending schools of vocational and adult education who are required by \* \* \* s. 40.77 to attend school, and such district or municipality shall be eligible for transportation aids under the same conditions as a district or municipality transporting pupils to high schools. Claims for transportation of such nonresident pupils attending schools of vocational and adult education shall be submitted to the county clerk in the same manner as claims for transportation of nonresident high school pupils. This \* \* \* subsection shall not apply \* \* \* where the distance a pupil is transported to and from school exceeds 30 miles.

SECTION 100. 40.53 (3m) of the statutes is created to read: 40.53 (3m) TRANSPORTATION TO HIGH SCHOOL OUTSIDE DISTRICT. The board of a district operating a high school, which, according to s. 40.91 (3) must permit a high school student to attend school outside the district, shall provide transportation for such students who reside 2 or more miles from such school.

SECTION 101. 40.34 (8) of the statutes is repealed; and 40.34 (8a) is renumbered 40.53 (4) and amended to read:

40.53 (4) TRANSPORTATION FOR EXTRACURRICULAR ACTIVITIES. (a) Any school district or other governmental agency authorized to operate or contract for the operation of a school bus may provide transportation for \* \* \* pupils; their parents or guardians; members of the faculty and school doctors, dentists and nurses; in connection with any extracurricular school activity, such as a school athletic contest, school game, school outing or school field or any other similar school trip when:

1. A school bus which is regularly used by or for such \* \* \* district or \* \* \* agency is used for such transportation, and such transportation is under the immediate supervision of a competent adult employe of such \* \* \* district or \* \* \* agency and such bus \* \* \* is operated by a competent driver regularly used as a bus driver by such \* \* \* district \* \* \* or \* \* \* agency;

2. \* \* \* A school operated by such district or agency has an actual educational interest in such activity;

3. Such use does not extend more than 50 miles beyond the boundary of the state;

4. The principal or other person with comparable authority authorizes such use; and

5. Such school bus is insured as defined in \* \* \* s. 40.57.

(b) \* \* \* Such \* \* \* district or \* \* \* agency may make or authorize a charge for such transportation to be paid by the persons transported in an amount:

1. Sufficient to reimburse it for the use of such school bus \* \* \*; or

2. If such school bus is operated by a person under contract with such \* \* \* district or \* \* \* agency, sufficient to adequately reimburse the owner or operator thereof for such use.

SECTION 102. 40.34 (1) (f) and (g) of the statutes are repealed; and 40.34 (1) (intro. par.) (last sentence) and (a) to (e) are renumbered 40.53 (5) and amended to read:

40.53 (5) METHODS OF TRANSPORTATION; CONTRACTS. Transportation may be provided by the school board or in the case of nonresident high school students by the municipal board by any of the following methods:

(a) By contract with a common carrier \* \* \*, with a taxi company or with other parties;

(b) By contract with the parent or guardian of the \* \* \* pupils to be transported \* \* \*. If transportation is furnished under contract with parents, the compensation shall be at the rate of not less than 20 cents per day for each pupil transported. If the district board and the parents cannot agree upon the amount of compensation, the case shall be appealed to the state superintendent who shall determine the amount of compensation to be designated in the contract;

(c) By \* \* \* contract with another public school district;

(d) By joint contract between 2 or more \* \* \* school districts and a third party who is either an individual or a common carrier;

(e) By the purchase and operation of a district-owned vehicle \* \* \*.

SECTION 103. 40.348 of the statutes is renumbered 40.53 (6) and amended to read:

40.53 (6) TERM OF CONTRACTS. Any governing body having authority to enter into a contract for the transportation of \* \* \* pupils may enter such contract for a term not to exceed 3 years.

SECTION 104. 40.34 (3) of the statutes is renumbered 40.53 (7) and amended to read:

40.53 (7) VEHICLES; DRIVERS. \* \* \* The commissioner of the motor vehicle department shall adopt and enforce rules and regulations to cover the design, construction, inspection and operation of all vehicles used for the transportation of \* \* \* pupils. Such rules and regulations shall by reference be made a part of any contract for transportation of \* \* \* pupils. All drivers or operators of school busses shall be under written contract with the school district for which such drivers or operators transport pupils. The form of contract shall be prescribed by the state superintendent \* \* \* and shall provide that any party to such contract shall be at all times subject to \* \* \* rules the commissioner \* \* \* and the school board \* \* \* adopt for the protection of the \* \* \* pupils or to govern the conduct of the person in charge of the conveyance. All transportation vehicles purchased or contracted for shall meet the specifications prescribed by the commissioner \* \* \*. School district boards and persons independently engaged in transportation of \* \* \* pupils shall \* \* \* discontinue the use of any vehicle used by them upon receipt of an order signed by the state superintendent ordering such discontinuance.

SECTION 105. 40.34 (9) of the statutes is renumbered 40.53 (8) and amended to read:

40.53 (8) SCHOOL BUS ROUTES. The location and extent of all school bus routes shall be determined by the school board of the district operating such routes, but no route shall be put into operation until a certificate of approval \* \* \* has been obtained from both the county school committee and the state superintendent and no state aid shall be granted any district which operates routes not so approved. Routes shall be established in such manner that transportation will be provided all students residing 2 miles or more from the nearest public school they are eligible to attend in the case of \* \* \* pupils residing in the district and in the case of nonresident high school students living 2 miles or more from the school and in the area served by the approved bus route of that school, except for those students for whom board and lodging is provided. Upon receipt of a signed order from the state superintendent, the board shall discontinue any route specified by him.

SECTION 106. 40.34 (4) and (6) of the statutes are renumbered 40.54 (1) and (2) and amended to read:

40.54 BOARD AND LODGING OR HOUSE RENTAL IN LIEU OF TRANSPORTATION. \* \* \* (1) If, in the judgment of the school board or \* \* \* governing body providing the transportation \* \* \*, it is to the advantage of the district or municipality and in the judgment of parent or guardian also to the advantage of the \* \* \* pupil that board and lodging in lieu of transportation be provided for all or part of the time for \* \* \* pupils of the district for whom transportation must be provided or for whom it has been authorized under \* \* \* s. 40.53 (1), the board or municipality shall enter into a written contract under which such \* \* \* pupils shall be properly boarded and lodged, and the board or municipality shall pay for such board and lodging from the general fund, except that in the case of nonresident high school pupils the cost shall be paid by the portion of the county lying outside of high school districts in the same manner as is provided for the payment of nonresident high school tuition. This provision shall also apply to physically disabled children. \* \* \* The

parent or guardian \* \* \* *may* select the home in which \* \* \* *his* child \* \* \* is boarded and lodged. \* \* \* The board may, if in its judgment it is to the interest of the district, in lieu of furnishing transportation or board and lodging, pay the tuition of such children in a school in another district which such children can conveniently attend \* \* \* and the state superintendent may grant permission for a handicapped child to be transported to a school in another district if he resides on an established bus route and if this results in equal or better educational opportunities for the child and an acceptable form of transportation is provided.

\* \* \* (2) \* \* \* *If* in the judgment of the board it is to the interest of the district in lieu of transportation to rent a house for the family of \* \* \* *pupils* required to be transported, it may enter into a written lease for such house and pay as rental therefor not more than the amount which would have to be paid for transportation pursuant to \* \* \* *s. 40.53.*

SECTION 107. 40.34 (7) of the statutes is renumbered 40.55 and amended to read:  
40.55 CITY OPTION. \* \* \* *Sections 40.53, 40.54 and 40.56 do not apply to* \* \* \* *pupils* who reside in cities; except that where a city determines to furnish transportation for such \* \* \* *pupils*, the same state aid shall be allowed as is provided by \* \* \* *s. 40.56.*

SECTION 108. 40.34 (5), (10), (11) and (12) of the statutes are renumbered 40.56 (1) to (5) and amended to read:

40.56 TRANSPORTATION AND LODGING; PAYMENT OF COSTS; STATE AIDS. \* \* \* (1) RECORDS. 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 2 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 will show every day each \* \* \* *pupil* is transported \* \* \*. At the close of the term, the teacher shall file a \* \* \* 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 \* \* \* *pupils*, the distance transported, the number of days transported, the amount due for such \* \* \* *pupil*, 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 \* \* \* *pupils* 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 \* \* \* *is* 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 director of budget and accounts 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.

\* \* \* (2) PAYMENT OF COSTS. The cost of furnishing transportation to \* \* \* *pupils* as provided in \* \* \* *ss. 40.53 and 40.54*, except in the case of nonresident high school pupils, shall after July 1, 1949, be paid by the district in which they reside, and no part of such cost shall be charged to the \* \* \* *pupils*, their parents or guardians. The cost of transporting nonresident public high school pupils, or the cost of board and lodging for such pupils furnished in lieu of transportation, shall be borne by those municipalities, or portions thereof, within the county which lie outside of districts operating high schools. Claims for transportation provided nonresident public high school pupils, or for board and lodging provided in lieu of transportation, after July 1, 1949, shall be made to the county clerk and a tax levied for the payment of the same in the manner provided in \* \* \* *s. 40.91 (4) and (5)* for the payment of nonresident high school tuition. Claims for the transportation provided nonresident high school pupils after July 1, 1949 shall not exceed \$26 per year per pupil except that a greater amount may be allowed when a certificate of approval of the same \* \* \* *has* been filed with the county clerk by the county school committee. The claim per pupil shall be reduced \* \* \* *proportionately* if such transportation is furnished for less than a full school year because of nonenrollment.

\* \* \* (3) STATE AIDS FOR TRANSPORTATION. School districts and municipalities which furnish transportation to and from a public school as provided in \* \* \* *s. 40.53* are entitled to receive state aid on account of such transportation at the rate of \$24 per school year per \* \* \* *pupil* transported to and from school whose residence is at least 2 miles and not more than 5 miles by the nearest traveled route from the public school attended and \$36 per school year per \* \* \* *pupil* transported to and from school whose residence is more than 5 miles by the nearest traveled route from the public school



attended. Such aids shall be reduced, \* \* \* *proportionately*, in the case of \* \* \* pupils transported for less than a full school year because of nonenrollment. Transportation aid to any district or municipality shall not exceed the actual cost of transportation to the district or municipality. No state aid of any kind shall be provided to any district which after July 1, 1949, charges any part of the cost of the transportation furnished under \* \* \* s. 40.53 against the pupils transported, their parents or guardians, nor shall any state aid of any kind be provided to any district which fails to transport all of the pupils attending the district's school and whose transportation is required under \* \* \* s. 40.53.

(4) *STATE AIDS FOR BOARD AND LODGING.* The district or municipality shall be reimbursed by the state at the rate of 60 per cent of the actual cost of pupils boarded or lodged under s. 40.54 but not to exceed \$6 per week of 5 days for each pupil so boarded and lodged. In the case of handicapped children the aids herein provided for are to be supplemented from the aids provided for by s. 41.03 in an amount which, when added to the aids herein provided, will not be in excess of the cost of such board and lodging. The costs paid under this subsection and s. 41.03 (1) (a) shall not be classified as public relief.

\* \* \* (5) *APPROPRIATION PRORATED.* If in any year the total of the claims for state aid under this section \* \* \* exceeds the amount appropriated in s. 20.25 (2), the state superintendent shall equitably prorate the amount available among the several school districts entitled to share in this state aid.

SECTION 109. 40.345 (1) (a) to (f), (2) and (6) of the statutes are renumbered 40.57 (1) (a) to (f), (2) and (6); and 40.345 (1) (intro. par.), (3), (4), (5), (7) and (8) are renumbered 40.57 (1) (intro. par.), (3), (4), (5), (7) and (8) and amended to read:

40.57 *COMPULSORY INSURANCE ON SCHOOL BUSES.* (1) (intro. par.) No motor vehicle shall be used as a school bus unless a policy of \* \* \* bodily injury and property damage liability insurance, issued by an insurer authorized to transact business in this state, \* \* \* is maintained thereon. Such policy shall provide bodily injury liability coverage with limits of not less than \$10,000 for each person, and, subject to such limit for each person, *total limits as follows:*

(3) Coverage under such policy of insurance shall apply:

(a) To the transportation of \* \* \* pupils; their parents or guardians; members of the faculty and school doctors, dentists and nurses, to and from the school or district which operates such bus or which contracts for its operation; and

(b) To the transportation of such persons in connection with any extracurricular school activity, such as a school athletic contest, school game, school outing or school field or any other similar school trip when made in conformity with \* \* \* s. 40.53 (4). But when so used, unless otherwise provided in the policy, such insurance shall apply only to accidents occurring in the state and not to exceed 50 miles beyond its boundaries.

(4) Any insurer issuing any such policy may exclude coverage for public or livery use of any such school bus, but any such exclusion shall not apply:

(a) When any such school bus, while regularly used as such, is also used to transport \* \* \* pupils of another school, public or \* \* \* private, whether or not a charge is made for such transportation; nor

(b) When used in accordance with sub. (3), whether or not any person lawfully transported is required to pay a charge therefor.

(5) The school district or other governmental agency responsible for the operation of any such school bus, or which lawfully contracts for its operation, shall procure such insurance, and the district in which the \* \* \* pupils reside or the governmental agency responsible shall pay for the cost thereof.

(7) This section shall not apply to any motor vehicle owned or operated by a parent or guardian \* \* \* transporting only his own children whether or not any contract is made with or compensation paid to such parent or guardian for such transportation by any school district or other governmental agency.

(8) Every such policy of insurance shall be filed with the board of the school district in which such \* \* \* pupils reside or with the governmental agency responsible for the operation of any such school bus.

SECTION 110. 40.036 (2) of the statutes is renumbered 40.58 (2); and 40.036 (1), (3) and (4) are renumbered 40.58 (1), (3) and (4) and amended to read:

40.58 *INSPECTION OF SCHOOL BUSES PRIOR TO SALE, PENALTY.* (1) Any person \* \* \* intending to purchase a motor vehicle to be used as a school bus shall prior to purchase give the seller thereof notice in writing of such intended use.

(3) The seller of any such vehicle who fails to obtain such certificate prior to sale shall be liable to the purchaser thereof for all repairs and improvements required by such regulations for a period of 9 months after sale and shall be \* \* \* fined \$50 for the first offense and \$100 for the second and each subsequent \* \* \* offense.

(4) \* \* \* This \* \* \* section shall not apply to school busses already licensed by the motor vehicle department and which carry a certificate not more than one year old.

SECTION 111. 40.347 of the statutes is renumbered 40.59 and amended to read:

40.59 COLOR OF SCHOOL BUSESSES. (1) \* \* \* All motor vehicles \* \* \* used as school busses, or designed and constructed especially for the transportation of \* \* \* pupils, or owned by any political subdivision and used for the purpose of transporting \* \* \* pupils to and from school except busses which may be jointly used in regular urban service shall be painted as follows: With the exception of fenders and trim, the body, including hood, cowl and roof shall be painted a uniform color, national school bus chrome, according to national bureau of standards specifications; the fenders and body trim, if used, shall be black; and the words, "SCHOOL BUS", in black letters at least 8 inches high shall appear on both the front and rear of the body or on a sign attached thereto. \* \* \* These provisions \* \* \* shall apply to all school busses placed in operation or repainted after \* \* \* April 16, 1949, and shall apply to all school busses in operation after September 1, 1953.

(2) The school district meeting or other governing body of the district or political subdivision whose duty it is to let contracts for the transportation of \* \* \* pupils shall provide in each contract that the color scheme of the motor vehicle \* \* \* used for transportation shall be \* \* \* that provided in sub. (1). \* \* \*

(3) \* \* \* This section \* \* \* does not apply to automobiles regularly \* \* \* used for private or family \* \* \* purposes even if also used for the transportation of \* \* \* pupils.

SECTION 112. 40.895 (3) of the statutes is renumbered 40.60 (3); and 40.895 (1), (2) and (4) are renumbered 40.60 (1), (2) and (4) and amended to read:

40.60 MARKING SCHOOL ZONES. (1) On any street or highway which passes along the grounds of any public or \* \* \* private school in which there is teaching during a school term of not less than 6 months \* \* \*, the authority in charge of the maintenance of said street or highway shall erect black and yellow "school" warning signs.

(2) On every highway entering \* \* \* a city or incorporated village, there shall be erected near the corporate limits in plain view of entering motorists, and maintained in good condition, signs bearing the words "Drive Carefully in School Zones".

(4) Signs in place on July 1, 1949, which comply with s. 40.895 \* \* \* (Stats. 1947) until requiring replacement, may be continued in service in lieu of signs complying with this section.

SECTION 113. 40.065 (3) of the statutes is repealed; 40.065 (2) and (4) are renumbered 40.61 (2) and (3); and 40.065 (1) is renumbered 40.61 (1) and amended to read:

40.61 SAFETY ZONES. (1) Every school district maintaining a school \* \* \* outside the limits of a city or village shall provide at the school site a zone which will provide safety for pupils from vehicular traffic during loading and unloading operations at the school. The zone may consist of a widening toward or into the school yard of the traveled portion of the adjacent highway so as to permit a vehicle to stop in the extended area completely clear of such traveled portion \* \* \* or may be constructed wholly within the school yard with connecting roads to the adjacent highway. The zone and approaches from the highway for use of vehicles shall be graveled or hard-surfaced.

SECTION 114. 40.08 of the statutes is renumbered 40.62 and amended to read:

40.62 SCHOOL GROUND FENCES. \* \* \* The district \* \* \* shall erect and maintain all the fence necessary \* \* \* to inclose \* \* \* the district site or grounds without any financial burden on the holders of adjoining properties \* \* \*.

SECTION 115. 40.89 of the statutes is renumbered 40.63 and amended to read:

40.63 SCHOOL SAFETY PATROLS. Any school district board or city school board or the board of school directors of any city of the first class \* \* \* may organize school safety patrols and with the permission of the parents \* \* \* appoint pupils as members thereof for the purpose of influencing and encouraging the other pupils to refrain from crossing public highways at points other than at regular crossings and for the purpose of directing pupils not to cross highways at times when the presence of traffic would render such crossing unsafe. Nothing herein contained shall be construed to authorize or permit the use of any safety patrol member for the purpose of directing vehicular traffic nor shall any safety patrol member be stationed in that portion of the highway intended for the use of vehicular traffic; except that this section shall not affect any plan in operation on July 11, 1939, under which a junior police patrol directs traffic under the authorization, supervision and control of either the sheriff's department or of the chief of police or traffic department of the police department of any city, town or village. No liability shall attach either to the school district or any individual, director,

superintendent, teacher or other school authority by virtue of the organization, maintenance or operation of school safety patrol organized, maintained and operated under authority of this section.

SECTION 116. 40.21 (7) and (5) (a) of the statutes are renumbered 40.65 (1), (2) and (3) and amended to read:

40.65 TUITION; ELEMENTARY SCHOOLS. \* \* \* (1) DUTY; EQUAL RIGHTS OF PUPILS. *If facilities are adequate, the school board shall admit nonresident pupils to the elementary grades.* Tuition pupils shall have all the rights and privileges enjoyed by resident pupils.

(2) COMPUTATION OF TIME. In computing tuition, 5 school days, \* \* \* (as defined in s. 40.45) shall constitute a school week; 20 school days \* \* \* 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 \* \* \* has been absent 10 consecutive school days. In case of a longer absence at one time, deduction shall be made only for the absence in excess of 10 days, \* \* \* but if a school is closed pursuant to an order of the health officer during the term regularly established by the school board, and the expenses of instruction and maintenance are incurred by the district the same as if the school were operating, tuition shall be charged the same as if the school had been in session. \* \* \*

\* \* \* (3) COMPUTATION OF TUITION. \* \* \* Tuition for nonresident children in grades below the ninth shall be fixed as follows:

\* \* \* (a) In a basic aid district: From the total cost of operating and maintaining the school \* \* \* there shall be subtracted an amount equal to the sum of the county aid and the difference so determined shall be divided by the average daily attendance for the given year.

\* \* \* (b) In an integrated aid district: From the total cost of operating and maintaining the school \* \* \* there shall be subtracted an amount equal to the sum of the county aid and the difference so determined shall be divided by the average daily attendance for the given year and the quotient shall be reduced by the state average daily attendance aid per nonresident pupil.

(c) *In either par. (a) or par. (b) total cost shall include the salary of the principal, supervising teachers and superintendent for that portion of time devoted to the teaching of or supervision of grades below the ninth grade and excluding that portion of costs for the operation and maintenance of grades above the eighth grade, including an item for building and equipment costs equal to 2 per cent of the original expenditures by the districts for buildings and equipment thereof as certified by the state superintendent of public instruction, such charge not to apply for a greater period of time than 50 years in the case of a new building or for the unexpired portion of 50 years of life of an old building, excluding land costs.*

SECTION 117. 40.21 (5) (b) of the statutes is renumbered 40.654 and amended to read:

40.654 NONRESIDENT TUITION; WRITTEN AGREEMENT. \* \* \* *Before the admission of \* \* \* any nonresidents to \* \* \* a public elementary or high school the board shall make a written agreement with the parents for the payment of tuition at the rate legally fixed, except when the tuition is a public charge.*

SECTION 118. 40.21 (2a), (2b) and (2c) of the statutes are renumbered 40.655 and revised to read:

40.655 TUITION PAID BY STATE. (1) The state shall pay tuition for children attending public schools as follows:

(a) For children in children's homes out of the appropriation made by s. 20.25 (3).

(b) For children in foster homes attending high school out of the appropriation made by s. 20.25 (6).

(c) For children of parents employed at and residing on state or federal military camps or federal veterans hospitals out of the appropriation made by s. 20.275.

(2) Such children shall attend school in the district in which the home or facility is located, or, if none, the nearest school.

(3) When transportation is furnished as provided by law governing elementary and high school transportation, application for state aid shall be made, allowed, certified and paid in the same manner provided in the case of state aid for transportation of all other elementary and high school pupils.

SECTION 119. 40.21 (2m) of the statutes is renumbered 40.657 and amended to read:

40.657 COUNTY TO PAY TUITION. The elementary and high school tuition of every person of school age \* \* \* who is a child of a parent employed and residing at a county institution shall be paid by the county. The county board may charge such tuition to the account of the county asylum or the county home.

SECTION 120. 40.37 of the statutes is renumbered 40.66.

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SECTION 121. 40.371 of the statutes is renumbered 40.67 and amended to read:

40.67 STATE AID DISTRICT. For the purpose of computing aids under \* \* \* ss. 40.70 and 40.71 the following classes of \* \* \* aid districts are established:

(1) BASIC AID DISTRICT. A basic aid district shall meet the following requirements:

(a) All teachers, including supervisory and administrative personnel, must possess certificates, licenses or permits, as established by the state superintendent \* \* \*, to teach the subjects or grades they are to teach before they enter on duty in such positions.

(b) Teaching personnel must be paid at least the minimum salaries and must be granted the sick leave provided in \* \* \* s. 40.71 (7).

(c) School must be held at least 180 days per year, the days to be computed as provided in \* \* \* s. 40.45. School must be taught as provided in s. 40.45.

(d) It must comply with the provisions of \* \* \* ss. 40.23 (2), 40.30 (18), 40.46, 40.47 (3), 42.41 and 42.43.

(2) INTEGRATED AID DISTRICT. An integrated aid district shall meet the following requirements:

(a) All of the requirements established in sub. (1).

(b) It must be organized as a common school district or a city \* \* \* school district.

(c) It must operate grades one through 12 or kindergarten through 12 in any acceptable combination.

(d) It must have sufficient \* \* \* pupils and the proper teacher-pupil ratio to be able to provide a modern enriched educational program as \* \* \* defined by the state department of public instruction.

(e) In addition to the minimum professional qualifications required by sub. (1) (a), it must furnish satisfactory evidence to the \* \* \* department \* \* \* of continuous inservice improvement of its professional staff, such as summer session attendance, participation in workshops, extension classes and similar activities.

(f) It must make adequate provision for healthful, safe school facilities in accordance with standards established by the \* \* \* department \* \* \*.

(g) It must provide a modern enriched educational program as \* \* \* defined by the \* \* \* department \* \* \* which, except for such modification as the \* \* \* department \* \* \* shall approve, in addition to the proper academic subjects, shall include:

1. Training in the elementary schools, by a qualified teacher at regular intervals, in health and physical education and in at least 2 of the following fields: Music (including vocal), kindergarten, arts and applied arts.

2. More than 5 teachers in high school; \* \* \* instruction in high school in at least 2 \* \* \* of the following fields: Home economics, industrial arts, commercial work and agriculture; \* \* \* in at least one subject from the general field of physical education for both boys and girls, \* \* \* in music (including vocal) and in art, taught by teachers who teach in no more than one other field.

3. At least 2 of the following auxiliary services: Hot lunch program, periodic dental inspection, periodic medical examination, school nurse service, at least one-quarter of the time of one teacher devoted to guidance and counseling, provision for at least one type of mentally or physically handicapped children, available audio-visual aids and library facilities.

4. Instruction in the conservation and wise use of natural resources in both elementary and secondary schools.

SECTION 122. 40.87 of the statutes is renumbered 40.68.

SECTION 123 40.373 (1) (a) and (2) of the statutes are repealed; 40.373 (1) (c) is renumbered 40.70 (4); and 40.373 (1) (b) is renumbered 40.70 (1) to (3) and amended to read:

40.70 STATE AIDS, COMPUTATION. (1) AVERAGE DAILY ATTENDANCE. \* \* \* "Pupils in average daily attendance" is the sum of actual daily attendances in all schools of the district for each day of the school term divided by the number of days school is actually held. The \* \* \* quotient, if it contains a fraction, shall be \* \* \* expressed as the nearest whole number \* \* \*. In computing the number of pupils in average daily attendance \* \* \* no first grade pupil shall be counted unless he attains the age of 6 years on or before December 1 of the school year in which he enters first grade. A pupil enrolled in a recognized half-day kindergarten program shall be counted as one-half pupil provided he attains the age of 5 years on or before December 1 of the year in which he enrolls. A pupil enrolled in a 4-year-old-half-day kindergarten program shall be counted as one-half pupil \* \* \* if he attains the age of 4 years on or before December 1 of the year in which he enrolls. Handicapped children for whom full-time special instruction is provided \* \* \* shall not be counted in computing average daily

attendance for aid purposes. *The same formula shall be used in computing average daily attendance for resident pupils, nonresident pupils, or both.*

(2) **TEACHERS EMPLOYED.** In computing the number of teachers employed, professional workers who devote less than full time to their professional duties shall be counted in proportion to the time devoted to such duties. *Teachers who devote full time to handicapped children shall not be counted.*

(3) **TEACHER-PUPIL RATIO.** *"Teacher-pupil ratio" is the quotient of number of pupils in average daily attendance divided by the number of teachers employed as defined in sub. (2). As a basis for aid payments, teacher-pupil ratio must be approved by the state superintendent.*

SECTION 124. 40.372 (intro. par.) of the statutes is repealed; and 40.372 (1) and (2) are renumbered 40.70 (5) and (6) and amended to read:

\* \* \* (5) **AID TO BASIC AID DISTRICTS.** (a) \* \* \* *In basic aid districts in which the costs of education \* \* \* required that the districts levy and the districts did levy a tax of 3 mills or more in the year prior to that in which the aids are granted on the equalized valuation of the district for the year prior to the levy of such tax, state aids for elementary \* \* \* pupils shall be paid as follows:*

1. If the district has a total of one to 9 resident pupils in average daily attendance, \$25 per resident pupil in average daily attendance.

2. If the district has a total of 10 or more resident pupils in average daily attendance, a sum equal to the mill rate levied by the district up to 9 mills on the amount by which the equalized valuation per resident pupil in average daily attendance is less than \$17,000 per resident pupil in average daily attendance not to exceed 25 resident pupils in average daily attendance per teacher, but not less than \$25 per resident pupil in average daily attendance, except that the state shall provide not less than: \* \* \* a. In a one-teacher unit school district with 12 or more resident pupils in average daily attendance, a sum equal to the amount produced by applying the mill rate levied by the district not to exceed 9 mills on the amount by which the equalized valuation of the district is less than \$300,000; \* \* \* b. in a 2-teacher unit school district with 26 or more resident pupils in average daily attendance, a sum equal to the amount produced by applying the mill rate levied by the district not to exceed 9 mills on the amount by which the equalized valuation of the district is less than \$600,000; \* \* \* c. in a 3-teacher unit school district with 45 or more resident pupils in average daily attendance a sum equal to the amount produced by applying the mill rate levied by the district not to exceed 9 mills on the amount by which the equalized valuation of the district is less than \$900,000; but \* \* \* d. in no case less than \$25 per resident pupil in average daily attendance not exceeding 25 pupils per teacher.

(b) High school aids shall be paid to basic districts operating high schools at the rate of \$30 per pupil in average daily attendance during the previous year in grades 9 through 12 for both resident and nonresident pupils, except as provided in \* \* \* s. 40.71 (6)

(c). Aid paid on account of nonresident pupils shall be deducted from the nonresident tuition claims made under \* \* \* s. 40.91 (4) and (5).

(c) In union \* \* \* high school districts that meet the requirements of high schools in a basic district the aid shall be \$30 per pupil in average daily attendance during the previous year in grades 9 through 12 for both resident and nonresident pupils.

\* \* \* (6) **AID TO INTEGRATED AID DISTRICTS.** (a) State aids shall be paid to integrated aid districts \* \* \* for both elementary and high school resident pupils on the following basis: The state shall provide a sum equal to the amount produced by applying the required mill rate levied by the district on that equalized valuation indicated in \* \* \* sub. (5) (a) upon which eligibility for receipt of aids is determined up to 9 mills on the amount by which that equalized valuation per resident pupil in average daily attendance for the previous year not exceeding 25 resident pupils in average daily attendance per teacher is less than \$19,000 but in no case shall the state pay less than \$30 per resident elementary pupil in average daily attendance and \$35 per resident high school pupil in average daily attendance, not exceeding 25 resident pupils in average daily attendance per teacher. Aids under this subsection shall be payable only to such integrated districts in which the cost of education required that the districts levy, and the districts did levy, a tax of 5 mills or more in the year prior to that in which the aid is granted on the equalized valuation of the districts for the year prior to the levy of such tax.

(b). State aid shall be paid to integrated districts for nonresident pupils at the rate of \$30 per nonresident elementary pupil in average daily attendance and \$35 per nonresident high school pupil in average daily attendance which sum shall be deducted from the nonresident tuition claim made under \* \* \* s. 40.91 (4) and (5).

SECTION 125. 40.374 of the statutes is renumbered 40.71 and amended to read:

40.71 STATE AIDS, MISCELLANEOUS PROVISIONS. (1) BIENNIAL AID AD-

JUSTMENT. Biennially following the release of data on property valuations by the state department of taxation in even-numbered years, the \* \* \* committee on education of the legislative council shall, with the co-operation of the state department of public instruction and representatives of the local school administrators, consider the advisability of readjusting the valuation of \* \* \* \$17,000 and \* \* \* \$19,000 per resident pupil in average daily attendance in the basic and integrated aid districts upward or downward in terms of changes in valuations or school costs, and shall report their findings to the governor and to the legislature, recommending action to be taken to properly adjust the aid program to the appropriation provided by s. 20.25 (3) and (4).

(2) METHOD OF APPLICATION FOR AID. At the time of submitting to the state superintendent the annual report required by \* \* \* s. 39.02 (19) the administrative officer or clerk of the school board of each district shall also submit to the state superintendent a statement on a form provided by the latter, of the aid level for which the district will seek to qualify in the ensuing year, together with such supporting evidence as the \* \* \* department \* \* \* shall request. The \* \* \* department shall review these reports, and upon that basis together with the supervisory and consultative reports which the department shall have prepared, as well as other evidence which the supervisory staff may provide, determine the aid level for which the district shall qualify. The \* \* \* department shall notify the district on or before August 15 of its determination, and the recommended changes necessary to qualify for the aid level sought. Any person dissatisfied with the decision of the \* \* \* department may, within 15 days from the date thereof, apply for and receive in writing an explanation of the basis for such decision by the state superintendent.

(3) PRORATION OF AIDS. In the event that the appropriations available for state aids in any one year are insufficient to pay the full amount as provided in \* \* \* s. 40.70 (5) and (6), the payment shall be prorated among the various districts entitled thereto.

(4) APPROVAL OF BUDGETS. Where the state aid contribution to be received by a district is over 50 per cent of the total receipts of any district in any one year, the state superintendent \* \* \* shall approve the budget of the district before granting any aids.

(5) COUNTY AIDS. \* \* \* If any county \* \* \* fails to raise for the support of the common schools by taxation, upon the aggregate valuation of the whole county, an amount at least equal to \$350 for each public elementary teacher employed in the county, as determined in s. 59.075 and as certified to the county clerk by the state superintendent, and shall fail to apportion to each district such amount for each elementary teacher employed, the aid for the schools of that county shall be withheld from the next succeeding apportionment except that aid may be apportioned by the state for distribution to all districts which have received a county apportionment for the preceding year.

(6) STATE SUPERINTENDENT MAY VARY AIDS. (a) The state superintendent \* \* \* may, at his discretion, provide a higher level of aids than the district would be entitled to under \* \* \* this section and \* \* \* s. 40.70, if in his judgment the geography, sparsity of population, inadequacy of property valuation, difficulties of transportation, or other factors, make it impossible for the district to qualify for the higher level of aids, provided that the school district levies a tax for school purposes, of at least 5 mills in the year for which the aid is granted on the equalized valuation of the district for the year previous. He may also withhold the aids from any school in which the scope and character of the work are not maintained in such manner as to meet his approval.

(b) \* \* \* If the state superintendent is satisfied that the educational program of any union \* \* \* high school district meets the requirements of \* \* \* s. 40.67 (1), (2) (d), (f), (g), 2 and 3 and that the cost of education for the previous school year required that the union \* \* \* high school district levy, and the district did levy, a tax of 3 mills, or more \* \* \* in the year prior to that in which the aid is granted on the equalized valuation of the district for the year prior to the levy of such tax, the state \* \* \* superintendent shall grant in aids an amount equal to the required mill levy made by the district up to 5 mills on the amount by which the equalized valuation per resident pupils in average daily attendance up to 25 resident pupils in average daily attendance per teacher is less than \$50,000, but not less than \$35 per resident pupil in average daily attendance up to 25 resident pupils in average daily attendance per teacher. State aids shall be paid on account of nonresident union \* \* \* high school pupils at the rate of \$35 per nonresident in average daily attendance which \$35 shall be deducted from the nonresident tuition claims under \* \* \* s. 40.91 (4) and (5). \* \* \*

(c) \* \* \* If the state superintendent is satisfied that the educational program of any union \* \* \* high school district meets the requirements of a high school in a basic district and that the cost of education \* \* \* required that the union \* \* \* high school district levy, and the district did levy, a tax of 3 mills, or more, \* \* \* in

the year prior to that in which the aid is granted on the equalized valuation of the district for the year prior to the levy of such tax, the state superintendent \* \* \* shall grant in aids an amount equal to the required mill levy made by the district up to 5 mills on the amount by which the equalized valuation per resident pupil in average daily attendance up to 25 resident pupils in average daily attendance per teacher is less than \$45,000, but not less than \$30 per resident pupil in average daily attendance up to 25 resident pupils in average daily attendance per teacher. State aids shall be paid on account of nonresident union \* \* \* high school pupils at the rate of \$30 per nonresident in average daily attendance which \$30 shall be deducted from the nonresident tuition claims under \* \* \* s. 40.91 (4) and (5). \* \* \*

(7) TEACHERS' SALARIES, SICK LEAVE. (a) No aids as provided in this section and \* \* \* s. 40.70 shall be paid to any school district except to a city school district in a city of the first class, for any year during which such district \* \* \* has not \* \* \* maintained a common school for at least 9 months taught by a qualified teacher under a contract providing for leave of absence of the teacher by reason of personal sickness, without deduction from the salary of such teacher at the rate of at least 5 days per year and for accumulation of at least 30 days of unused sick leave from year to year and at a salary of not less than \$1,200 per school year, if the certificate of such teacher is based on 4 years or more of professional training with a degree and \$1,000 per school year if such teaching certificate is based on less than 4 years of professional training; unless the state superintendent shall be satisfied that such school was maintained and so taught for at least 3 months, and the failure to maintain and so teach it for 9 months was occasioned by some extraordinary cause not arising from intention or neglect on the part of the responsible officers. \* \* \*

(b) No aid shall be paid to any city school district of a city of the first class for any year during which such \* \* \* district \* \* \* has not maintained common schools taught by qualified regular teachers at salaries of not less than \$140 a month, and by qualified continuous substitute teachers at salaries of not less than \$6 a day, for the full period during which such schools were in session during such year as provided by the rules \* \* \* of the board of school directors of such \* \* \* district \* \* \* ; unless the state superintendent shall be satisfied that any failure to so maintain such schools and so teach them for such full period was occasioned by some extraordinary cause not arising from intention or neglect on the part of the responsible officers. No aid shall be paid for or on account of public school as defined in s. 42.20, unless the employer as defined in s. 42.20 has complied with \* \* \* ss. 42.39 to 42.43 \* \* \* .

(8) USE OF AIDS, EXEMPTION FROM EXECUTION. All moneys appropriated, allotted and paid to any school district under \* \* \* s. 20.25 and all moneys appropriated, allotted and paid by any county to any school district from tax revenues derived under \* \* \* s. 59.075 shall be used, disbursed and expended by the school district receiving such moneys solely for the school purposes and expenses for which apportioned under \* \* \* s. 40.70 and this section. Such moneys \* \* \* shall at all times be exempt from execution, attachment, garnishment or other process in favor of creditors except as to claims for salaries or wages of teachers and other school employes and as to claims for school materials, supplies, fuel and current repairs.

(9) PUPILS ATTENDING OUT-OF-STATE SCHOOLS. Any district or city or municipality of residence of children attending out-of-state schools as provided for by \* \* \* s. 40.91 (2), excluded from any state aid because of some mistake or omission by some officer may, at any time within 2 years after such state aid first becomes payable, furnish proof to the state superintendent of the facts of such mistake or omission and that the same has been corrected or remedied. If such proof \* \* \* is satisfactory to the state superintendent he shall certify such facts to the director of budget and accounts with the amount due such district or city because of such mistake or omission and the director of budget and accounts shall \* \* \* thereupon draw his warrant for such amount in favor of such district \* \* \* or city.

(10) STATE AID ON HIGH SCHOOL STUDENTS WHO ATTEND OUT-OF-STATE SCHOOLS. Upon making payment of high school tuition to out-of-state school districts, the county clerk shall make application to the state superintendent for state aids on forms provided by the department \* \* \* . The state superintendent shall \* \* \* , after receipt of such application, and \* \* \* having satisfied himself of \* \* \* its correctness \* \* \* certify the claim for payment in the same manner and from the same appropriation as aids are certified and paid to school districts. \* \* \* The amount of such aid received by any county in any year shall be applied to the next payment of high school tuition, and the amount to be levied on the tuition-paying area of the county reduced accordingly in the next tax levy.

SECTION 126. 40.88 of the statutes is renumbered 40.73 and amended to read:

40.73 AID TO COUNTIES MAINTAINING INSTITUTIONS HAVING SCHOOLS. Any county, which maintains a county home for dependent children or other institution in which children are received for care, and in which institution or institutions the educational facilities required to be provided by a common school district are maintained, shall be entitled to state educational aids granted under \* \* \* ss. 40.70, 40.71 and 41.03 \* \* \*. The educational facilities offered in such institutions shall be under the supervision of the county superintendent and state superintendent \* \* \*.

SECTION 127. 40.13 (1) of the statutes is renumbered 40.74 (1) and amended to read:  
40.74 ANNUAL REPORT OF DISTRICT CLERK. (1) The district clerk (*except in cities of the first class*) shall during each July \* \* \* make and transmit to the county superintendent \* \* \* a verified report as \* \* \* of June 30 of such year, showing:

(a) The names and ages of children over the age of 4 and under the age of 20 years residing in the district \* \* \* and the names of their parents or other persons with whom such children resided \* \* \* on said date \* \* \*. No children cared for at any charitable or penal institution of this state shall be included in such report.

(b) The \* \* \* number of *such* children \* \* \* taught in the district school during the last year.

(c) The number attending school during that year under the age of 4 and the number over the age of 20 years.

(d) The number of *school* days \* \* \* 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, \* \* \* 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) Names and addresses of native-born men and women attaining their majority in the 12-month period ending the third Sunday of May \* \* \*.

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

SECTION 128. 40.74 (2) of the statutes is created to read:

40.74 (2) The report shall be made on forms supplied by the state superintendent before July 15. Except for city districts, one copy shall be sent to the county superintendent. At the opening of school, one copy shall be sent to the person in charge of each school in the district. If the school district extends into 2 or more counties, the clerk shall make separate reports for the part of the district in each county and forward such report to the proper superintendent.

SECTION 129. 40.13 (3) and (4) of the statutes are renumbered 40.74 (3) and (4) and amended to read:

40.74 (3) \* \* \* A district clerk who \* \* \* *neglects* 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.

(4) The \* \* \* clerk \* \* \* may employ some competent person to take \* \* \* *the school census*.

SECTION 130. 40.70 of the statutes is renumbered 40.77 and amended to read:

40.77 COMPULSORY SCHOOL ATTENDANCE. (1) GENERAL PROVISIONS. (a) Any person having under his control a child between the ages of 7 and 16 years shall cause such child to attend some school regularly to the end of the school term, quarter, semester or other division of the school year in which he is 16 years of age, \* \* \* unless the child has a legal excuse \* \* \*, during the full period and hours, \* \* \* religious holidays excepted \* \* \*, that the public \* \* \* or private school in which such child should be enrolled \* \* \* is in session.

(b) This subsection does not apply to any child *who is* not in proper physical or mental condition to attend school (the certificate of a reputable physician in general practice \* \* \* shall be sufficient proof \* \* \* *that a child is unable to attend school*) nor to any child exempted by a juvenile judge under \* \* \* s. 48.24, nor to any child who has completed the full 4-year high school course. Any child who has completed \* \* \* the first 8 grades of school work or the equivalent thereof, may at his option attend a vocational and adult education school full time in lieu of attendance at any other school.



(c) Instruction during the required period elsewhere than at school may be substituted for school attendance \* \* \*. Such instruction *must be approved by the state superintendent as substantially equivalent* to instruction given to children of like ages in the public \* \* \* or private schools where such children reside.

(2) VOCATIONAL AND ADULT EDUCATION SCHOOLS. Any \* \* \* person *over 16 but under 18* who is not *married, and not indentured as an apprentice*, who resides or is employed in a district which maintains a vocational and adult educational school, \* \* \* who has not completed a full 4-year high school course \* \* \* *and is not attending a high school full time*, \* \* \* shall attend a vocational and adult education school for at least one full school day of not less than 6½ hours \* \* \* *every week* if regularly, lawfully and gainfully employed, half time if employed at home, and full time if unemployed \* \* \* ; and the parents of such minors shall compel such school attendance. \* \* \* *If there are no parents or not more than one parent living at home in households in which there is at least one child, and it is necessary for one of the children who is over 16 and under 18 years \* \* \* to be employed at home in order to maintain the household, such child, for the purpose of school attendance under \* \* \* this subsection, shall be deemed to be regularly, lawfully and gainfully employed.*

(3) PENALTY. \* \* \* *Whoever violates this section shall be \* \* \* fined not less than \$5 nor more than \$50, or \* \* \* imprisoned in the county jail not \* \* \* more than 3 months, or \* \* \* both \* \* \**. 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 \* \* \* in the manner and in the courts specified in ch. 48.

SECTION 131. 40.73 (3) and (4) of the statutes are renumbered 40.78 (1) and (2) and amended to read:

40.78 TRUANCY. \* \* \* (1) TRUANCY DEFINED. Truancy \* \* \* *consists of any absence from school during which the teacher or principal has not been notified officially of the legal cause of such absence by the parent or guardian of the absent pupil. In \* \* \* case of illness for more than 3 days, or upon request of the truant officer, a statement from the local health officer or nurse or attending physician shall be submitted.*

\* \* \* (2) REPORTS ON TRUANCY. City superintendents shall require the teachers under their supervision to report all absences daily to the truant officer, and \* \* \* county superintendents shall require the teachers under their supervision and teaching in schools of 3 or more teachers to \* \* \* *their principals* daily, and in all other schools under his supervision the county superintendent shall require the responsible teacher to report all absences to him at the end of each week of school.

SECTION 132. 40.72 (4) of the statutes is renumbered 40.78 (3) and amended to read:

40.78 (3) ENROLLMENT DATA. All teachers of private \* \* \* schools shall keep a record embodying the data enumerated in \* \* \* *ss. 39.025 and 40.74 (1)*. 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 \* \* \* *pupils* between the ages of 7 and 18, 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 \* \* \* *pupil* whose attendance is habitually and inexcusably irregular.

SECTION 133. 40.73 (1), (6), (2), (5) and (7) of the statutes are renumbered 40.78 (4) to (8) and amended to read:

40.78 \* \* \* (4) OFFICERS, DUTIES. In cities of the first class, the school board shall appoint welfare workers or attendance officers who, when employed, shall have \* \* \* *the powers of truant officers*. To qualify for employment such welfare workers shall possess the \* \* \* qualifications required for teachers in such cities and, when employed, shall have all the rights and privileges of teachers. In school districts other than cities of the first class, not under the jurisdiction of the county superintendent, the board of education shall appoint as truant officer any professional employe of the school system. In school districts under the jurisdiction of the county superintendent, the supervising teachers, the county superintendent and *the principals* shall be truant officers.

\* \* \* (5) COMPENSATION OF TRUANT OFFICERS. (a) Truant officers in cities shall receive such compensation as \* \* \* *is fixed by the school boards.*

(b) When the county superintendent, supervising teachers and principals are acting as truant officers, they shall receive their actual and necessary expenses incurred in the performance of their duties as truant officers.

\* \* \* (6) POWERS OF OFFICERS. A truant officer \* \* \* *may* visit factories, workshops, mercantile establishments and other places of employment in his locality \* \* \* *to ascertain whether any minors are employed therein contrary to law. He shall require that the school certificates 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 receives a delinquent report or learns by investigation or by personal observation that any child is unlawfully and habitually absent from school, he shall immediately proceed in accordance with \* \* \* *sub. (7)*.

\* \* \* (7) PURSUIT OF TRUANT. (a) The truant officer shall, within 12 hours from his receipt of \* \* \* *the report of absence* made as required by \* \* \* *sub. (2)*, or other information of \* \* \* *absence*, give written notice by personal service to the parents or guardians of \* \* \* *absent* children, to send such children to some school at least by the next following day in which school is in session unless an excuse from the proper health or judicial authority is filed. The officer shall at once notify the school principal or responsible teacher in writing of such service of notice; and a return of the child to school shall be promptly reported by the school principal or responsible teacher to the truant officer. The failure of the child to return to school on the next school day shall be reported at once to the truant officer by the school principal or responsible teacher. The truant officer shall again give notice to the parent or guardian of the child, and notify the school administrator of such service in writing. If the child does not return to school on the day following the service of the second notice the truant officer shall proceed to take the necessary action in accordance with \* \* \* *s. 40.77 (3)*.

(b) The notice shall inform the parents \* \* \* of the legal requirements for school attendance. A copy of \* \* \* *s. 40.77* shall be printed on the face or back of such notice. \* \* \* Truant officers, after \* \* \* *giving* such notice, \* \* \* shall ascertain whether the parents have complied with the notice; and in case of failure to so comply within 3 days the officer shall begin and prosecute criminal proceedings against offending parents.

(c) Truant officers \* \* \* may apprehend without warrant any child found violating \* \* \* *s. 40.77 or this section*, and cause such child to be placed in some school.

\* \* \* (8) PENALTY. Any superintendent of schools \* \* \* or any truant officer who violates \* \* \* this section \* \* \* shall be subject to a forfeiture of not less than \$5 nor more than \$25 \* \* \*.

SECTION 134. 40.171 of the statutes is renumbered 40.79 and amended to read:

40.79 AID FOR POOR SCHOOL CHILDREN. \* \* \* Any principal or teacher in charge of any \* \* \* *public school* \* \* \* shall report to the authority administering poor relief for the municipal unit wherein such school is situated, the name and address of any child in such school whose parent, guardian or other person having control, charge or custody of any such child, is without sufficient means to furnish any such child with \* \* \* *food* or clothing necessary for such child to attend school as required by law. \* \* \*

SECTION 135. 40.50 (3) of the statutes is repealed; and 40.50 (1) and (2) are renumbered 40.80 (1) and (2) and revised to read:

40.80 CITY SCHOOL PLAN. (1) Sections 40.80 to 40.827 provide a system of school administration (called "city school plan"). All general school statutes govern city schools as far as applicable, and as they are in harmony with this plan.

(2) (a) Any fourth class city whose territory constitutes all or part of one school district and which has at least 80 per cent of the entire population of such school district or a fourth-class city with not more than 10 per cent of its territory in another school district or any second or third class city may proceed under *s. 40.803* or *66.01* to adopt or abandon the city school plan, or may operate or continue to operate as a common school district. No action taken by the school board of any such city nor any act of such school district in levying taxes, borrowing money, issuing bonds, executing contracts or otherwise shall be invalidated by failure to comply with *ss. 40.80 to 40.827*.

(b) Territory of such fourth class city lying within another school district shall not pay school tax within such city. Such territory lying within the other school district shall continue to vote on school matters within said district and shall not vote on any matter relating to the city school plan within said city.

(c) No second or third class city may, because of this amendment (1953), change from the city school district plan to the common school district plan unless it does so as part of a school reorganization plan.

SECTION 136. 40.51 of the statutes is renumbered 40.801 and amended to read:

40.801 CITY IS A SCHOOL DISTRICT. (1) Each city \* \* \* *operating under the city school plan* \* \* \* is a single and separate school district; \* \* \* any territory outside of the city which is joined with city territory in the formation of a school district \* \* \* is \* \* \* attached to the city for school purposes.

(2) The electors residing in such attached territory \* \* \* may vote on all school

matters which are submitted to or are voted on by city electors, and may exercise such right at the polling place where they \* \* \* vote at state, local and judicial elections.

SECTION 137. 40.52 of the statutes is renumbered 40.803 and amended to read:

40.803 CITY SCHOOL BOARD. (1) ELECTION, TERM, OATH, CHANGES. The school affairs of each city \* \* \* *under the city school plan* shall be managed by a board of education consisting of the same number of members and selected in the same manner as such board was constituted and selected \* \* \* *on July 2, 1929*. Electors residing in any area attached to the city for school purposes may be elected or appointed to and may serve upon the city board of education in the same manner as electors of the city. If the members of the city board of education are not elected at large the school board members to serve the attached area shall be chosen as follows: If city board members are elected by wards then each municipality in the attached area shall elect the same number of board members as are elected from each city ward; if city board members are appointed by the mayor or elected by the council then there shall be elected from the entire attached area a number of school board members \* \* \* obtained by dividing the latest census population of the attached area by the city population per city school board member, with a major fraction counting as an additional board member. In no case shall the attached *territory* have less than one school board member. \* \* \* Such board shall continue to be constituted and selected until and unless changed by referendum vote of the electors of such city school district as herein provided. Any such city school districts desiring to change the number of members of such board or the manner of selecting them, or both, may do so either by an ordinance adopted by the council and approved by a referendum vote of the electors of the city school district or by an initiated ordinance under the provisions of s. 10.43 or by resolution adopted by the electors of the city school district at a referendum election initiated by a petition signed by 300 electors of the district. Either of the following 2 plans may be adopted and the provisions thereof shall be set forth in the ordinance:

(a) A board chosen from the city at large at the regular city election for \* \* \* a term of 3 years from the first day of July following. One-third of the members of the board (as nearly as may be) shall be elected annually. The number of members shall be not less than 5 nor more than 7. Of the members first elected, in case of a board of 5 members, the member receiving the highest vote shall serve for 3 years, the 2 members receiving the next highest vote shall serve for 2 years, and the 2 lowest for one year; in case of a board of 6 members, the 2 members receiving the highest vote shall serve for 3 years, the 2 next highest for 2 years and the 2 lowest for one year; in case of a board of 7 members, the 3 members receiving the highest vote shall serve for 3 years, the 2 next highest for 2 years and the 2 lowest for one year. Thereafter members shall be elected for a term of 3 years. The members of such board are city officials, shall be nominated and elected as are other city officials and shall take and file the official oath.

(b) A board consisting of not less than 5 nor more than 7 members, \* \* \* appointed by the mayor and confirmed by the council, or elected by the council, whichever method is provided for in the ordinance. In cities of the fourth class the board may consist solely of 3 commissioners at large. The first commissioners shall be divided by the council into 3 classes, one of the commissioners at large being in each class, one class to hold office for 3 years, one for 2 years and one for one year. Thereafter all commissioners shall be selected for a term of 3 years. The commissioners shall take and file the official oath.

(2) MEETINGS. The board shall hold regular monthly meetings at such times as it \* \* \* *prescribes* by rule \* \* \* ; special meetings may be held under such standing rules as the board may adopt. All said meetings shall be open to the public, except that in cases where the board resolves itself into a committee of the whole the public shall be excluded from such committee meeting if the committee so desires and except that hearings before the board on charges against an employe shall be closed to the public if requested by the employe against whom the charges were preferred.

(3) ORGANIZATION. The board shall elect one of its members president and another vice president; and shall elect a secretary \* \* \* *who need not be a member*. The city treasurer shall be the treasurer of the school board.

SECTION 138. 40.78 of the statutes is renumbered 40.805 and amended to read:

40.805 SCHOOL BOARD ELECTION, SECOND CLASS CITIES. \* \* \* *If any city of the second class \* \* \* by referendum as provided for in this chapter \* \* \* votes to adopt the elective system of selecting and appointing members of the board of education, a special election for members of such board shall be held within 30 days at a date to be determined by the city council. A call for such special election shall be issued by the council in accordance with law. The members of the board of education chosen in such special election shall take office on the second Monday following such election. The 2 persons receiving the highest number of votes shall hold office until their sue-*

cessors elected 3 years after the preceding spring election have qualified; and the 2 persons receiving the next highest number of votes shall hold office until their successors elected 2 years after the preceding spring election have qualified; and the 3 persons receiving the next highest number of votes shall hold office until their successors elected one year after the preceding spring election have qualified.

SECTION 139. 40.50 (4) and (5) of the statutes are renumbered 40.807 (1) to (5) and amended to read:

40.807 GOVERNMENT OF REORGANIZED CITY SCHOOL DISTRICT.  
\* \* \* (1) Whenever a plan of reorganization under s. 40.03 or 40.06 which involves a city school \* \* \* district has been made effective \* \* \*, the city council or commission and the town chairmen and village presidents of the municipalities involved in the reorganization shall determine by the method of voting prescribed in \* \* \* sub. (2) whether to:

(a) Abolish the \* \* \* city school \* \* \* district and create \* \* \* a common school district \* \* \*; or

(b) Continue as a city school district under the special fiscal controls mentioned in sub. (2).

\* \* \* (2) \* \* \* If the election to operate under this subsection is made, fiscal control \* \* \* of the city school district \* \* \* shall be exercised in the following manner: the town chairmen, village presidents and each member of the city council or commission shall have one vote for each full \$200,000 of equalized valuation of the school district which is within their municipality. In the case of city council or commission members, the amount of equalized valuation per councilman or commissioner shall be determined by dividing the total equalized valuation of the city within the school district by the total number of city councilmen or commissioners. In no case shall any town chairman or village president have less than one vote.

(3) The city council or commission acting with the town chairmen and village presidents as provided in sub. (2) shall have the power to approve the school budget, levy the general property tax for school purposes, and all other fiscal controls now exercised by the city council or commission over city school \* \* \* districts. \* \* \*

\* \* \* (4) The city council or commission and the town chairmen and village presidents of the municipalities voting as prescribed in \* \* \* sub. (2) may at the end of any school fiscal year abandon the method of fiscal control in use by the school district and adopt the \* \* \* common school district plan \* \* \*.

(5) This section shall not apply to cities of the first class.

SECTION 140. 40.53 (3) of the statutes is repealed; and 40.53 (1), (2) and (4) to (17) are renumbered 40.809 (intro. par.) and (1) to (15) and amended to read:

40.809 SCHOOL BOARD, POWERS AND DUTIES. \* \* \* The \* \* \* board of a city school district 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. It may:

\* \* \* (1) \* \* \* Establish and organize \* \* \* high schools, elementary schools, night schools, and kindergartens \* \* \* and it may also provide for, establish and maintain nursery schools for children under 4 years of age under such rules and regulations as it may prescribe. The school board \* \* \* may accept and receive federal funds for the operation of such nursery schools and \* \* \* expend such funds in conformity with the purposes and requirements thereof. The school board may require and charge a reasonable fee for attendance in such nursery schools in order to sustain the project but may waive such charge or fee or any portion thereof to any person who is unable to make such payment. The school district shall not be entitled to additional state aid for the operation and maintenance of a nursery school.

\* \* \* (2) \* \* \* Employ a city superintendent but for not longer than 3 years at a time; \* \* \* employ assistant superintendents, school principals and teachers.

\* \* \* (3) \* \* \* Grade the schools and prescribe the courses to be pursued therein, subject to the authority vested in the state superintendent.

\* \* \* (4) \* \* \* Select and acquire sites, \* \* \* employ architects and engineers for the preparation of plans and specifications for school buildings and \* \* \* adopt the same, 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.

\* \* \* (5) \* \* \* Purchase and preserve necessary school equipment and apparatus.

\* \* \* (6) \* \* \* Contract for the necessary fuel, light, water and supplies for the schools.

\* \* \* (7) \* \* \* Employ janitors and engineers and other needed help to care for the school buildings and other property.

\* \* \* (8) \* \* \* Fix the compensation and prescribe the duties of all persons employed or appointed by the board.

\* \* \* (9) \* \* \* Estimate the expenses of the city schools and prepare a budget \* \* \*; purchase \* \* \* sites for \* \* \* school \* \* \* buildings or other school uses \* \* \*; construct school buildings or additions thereto. *Any action under this subsection shall be submitted to the common council for approval, except as provided in s. 40.807.*

\* \* \* (10) \* \* \* Furnish lunches to pupils, at cost; \* \* \* such lunches 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.

\* \* \* (11) \* \* \* Pay the membership fee of the board in an organization of \* \* \* school boards in this state, and the actual and necessary expenses of its representatives in annually attending a meeting of such organization.

\* \* \* (12) \* \* \* Determine what textbooks shall be used in the schools \* \* \*; a list of \* \* \* such books shall be kept in its office \* \* \*. *It shall not change such textbooks within 3 years of adoption, unless the city furnishes free textbooks.*

\* \* \* (13) \* \* \* 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.

\* \* \* (14) \* \* \* Adopt rules for its own meetings and deliberations; and for the government of the schools, the faculty, and other employes of the board.

\* \* \* (15) \* \* \* Provide for periodic health examinations for school employes and \* \* \* pupils as specified in \* \* \* s. 40.30 (10) (b), (c) and (d).

SECTION 141. 40.54 of the statutes is renumbered 40.811.

SECTION 142. 40.55 of the statutes is renumbered 40.813 (1) and (2) and amended to read:

40.813 CITY SCHOOL BUILDING SINKING FUND; SCHOOL BUDGET AND TAX. (1) City school districts are authorized to create and establish sinking funds for the purpose of financing the construction of school buildings. All money raised through taxation pursuant to this authorization shall be deposited by the city treasurer in a separate fund to be designated as a sinking fund to be used for the financing of the construction of school buildings, and such money shall not be used for any other purpose or be transferred to any other fund except by authorization of (a) a three-fourths majority vote of the members of the board of education and the adoption of a resolution by the city council approving the resolution of authorization adopted by the board of education or (b) a three-fourths majority vote of the members of the board described in s. 40.807 (3).

(2) 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 \* \* \* must be raised by city taxation, and shall certify the same to the city clerk who shall lay the same before the common council at its next meeting. \* \* \* The common council \* \* \* shall 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."

SECTION 143. 40.813 (3) of the statutes is created to read:

40.813 (3) In a city district governed by the board described in s. 40.807 (3) the board shall act as in sub. (2) of this section but shall certify the estimate to the governing bodies of all included municipalities; such bodies shall then levy the amounts as provided in sub. (2).

SECTION 144. 40.56 (1) of the statutes is renumbered 40.815 (1); and 40.56 (2) and (3) are renumbered 40.815 (2) and (3) and amended to read:

40.815 (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 \* \* \* proportionate share thereof, based upon the full 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 municipality in which such attached territory lies, be entered on the tax roll, collected and returned as provided in \* \* \* s. 40.88.

(3) The full value of the property within and without the city shall be ascertained from the report filed pursuant to \* \* \* s. 39.10 (7).

SECTION 145. 40.57 of the statutes is renumbered 40.817.

SECTION 146. 40.58 (1) and (5) of the statutes are renumbered 40.819 (1) and (5); and 40.58 (2), (3) and (4) are renumbered 40.819 (2), (3) and (4) and amended to read:

40.819 (2) He shall make written recommendations to the school board \* \* \* about teachers, courses of study, discipline and such other matters as he \* \* \* thinks advisable; \* \* \* he shall perform such other duties as the board \* \* \* requires.

(3) He shall not be a member of the school board. He \* \* \* may not engage in any pursuit which \* \* \* interferes with the proper discharge of his duties \* \* \*; he \* \* \* may act as principal or teacher in any school under his supervision \* \* \*; he \* \* \* may possess the \* \* \* qualifications required for the principalship of a high school.

(4) He shall make the report required by \* \* \* s. 39.14, directly to the state superintendent.

SECTION 147. 40.59 of the statutes is renumbered 40.821 and amended to read:

40.821 CITY TECHNICAL SCHOOLS. \* \* \* The common council may \* \* \* establish a technical school or college as a part of \* \* \* the city school system; \* \* \* the ordinance establishing such school or college shall be submitted to and approved by 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.

SECTION 148. 41.70 of the statutes is renumbered 40.823.

SECTION 149. 40.60 of the statutes is renumbered 40.825 and amended to read:

40.825 CITY SCHOOL BOARD PROCEEDINGS; PUBLICATION. The proceedings of city school boards, except in cities of the first class, including a statement of all receipts and expenditures, shall be printed and published within 30 days in a newspaper printed in the city, if there \* \* \* is one, and if there \* \* \* is none, in such manner as the board \* \* \* directs.

SECTION 150. 40.605 of the statutes is renumbered 40.827.

SECTION 151. 40.40 (4) of the statutes is renumbered 40.85 (4); and 40.40 (1) to (3) are renumbered 40.85 (1) to (3) and amended to read:

40.85 HIGH SCHOOL DISTRICT MEETINGS AND ELECTIONS; CALL, NOTICE, CONDUCT. (1) Except as provided otherwise in this chapter, \* \* \* 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 \* \* \* 8 p.m., unless another hour \* \* \* was 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 8 \* \* \* p.m. of the annual meeting day; except that if the previous annual meeting \* \* \* so determined, such election shall be held at the time of the annual meeting and after the presentation of the officers' reports. The time and place of the election and annual meeting shall be specified in the notice. A plurality shall elect.

SECTION 152. 40.41 (1) to (7) of the statutes are renumbered 40.86 (intro. par.) and (1) to (7) and amended to read:

40.86 POWERS OF HIGH SCHOOL DISTRICT MEETINGS. \* \* \* The annual high school district meeting \* \* \* may:

(1) \* \* \* Elect a high school board. When the territory which constitutes a common school district is identical with that which supports a high school, the common school district board shall also be the high school board.

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

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

(4) \* \* \* 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) \* \* \* Determine the length of time the high school shall be taught during the year, which shall not be less than 9 months.

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

(7) \* \* \* 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 153. 40.42 (1m) of the statutes is repealed; and 40.42 (1) and (2) are renumbered 40.87 (1) and (2) and amended to read:

40.87 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 \* \* \*; they shall constitute the school board. The term of each shall be 3 years and

until his successor \* \* \* has 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 2 years and the director for 3 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 \* \* \* 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 required by \* \* \* s. 40.74, excepting \* \* \* sub. (1) (a) \* \* \*.

SECTION 154. 40.48 (3) of the statutes is renumbered 40.88 (3); and 40.48 (1), (2) and (4) are renumbered 40.88 (1), (2) and (4) and amended to read:

40.88 HIGH SCHOOL TAXES. (1) *Except as herein otherwise provided*, high school district taxes shall \* \* \* 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 shall be equalized \* \* \* as provided in \* \* \* s. 40.35 (8).

(4) If any high school district meeting \* \* \* has not \* \* \* voted a tax sufficient to operate its high school at least 9 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 155. 40.89 (1) of the statutes is created to read:

40.89 COURSE OF STUDY IN HIGH SCHOOLS. (1) The high school board shall determine, with the advice and consent of the state superintendent, the course of study.

SECTION 156. 40.44 of the statutes is renumbered 40.89 (2) and amended to read:

40.89 \* \* \* (2) Any high school board may establish and maintain, in connection with the school, courses in manual training, \* \* \* home economics, agriculture, or commercial subjects. \* \* \* 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 157. 40.47 (4a) and (4b) of the statutes are renumbered 40.89 (3) and (4).

SECTION 158. 40.46 (2), (3) and (4) of the statutes are renumbered 40.89 (5) and amended to read:

40.89 \* \* \* (5) JUNIOR HIGH SCHOOL. Any district maintaining a \* \* \* school \* \* \* with grades 7 through 12 may combine grades 7 and 8 with the 6 lower elementary grades and grade 9 with the 3 higher high school grades, or may combine grades 7, 8 and 9 into junior high school grades. \* \* \*

SECTION 159. 40.47 (1) and (2) of the statutes are renumbered 40.90 (1) and (2) and amended to read:

40.90 HIGH SCHOOLS; ADMITTANCE. (1) The high school board shall determine, with the advice and consent of the state superintendent, \* \* \* the minimum standard of qualifications for admission.

(2) (a) A certificate or common school diploma issued by \* \* \* a city or 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 \* \* \* or a certified copy of a list of graduates shall be filed with the high school district clerk \* \* \*.

(b) A certificate or diploma, issued by the superintendent \* \* \* of a private school, that the holder thereof has completed the course of study prescribed by such \* \* \* school, which shall be substantially equal 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 and shall entitle the holder \* \* \* to admission

to \* \* \* high school, provided that such school \* \* \* *meets* the requirements of par. (c) \* \* \*. Such certificate or diploma \* \* \* or a certified copy thereof \* \* \* or a certified copy of a list of graduates shall be filed with the high school district clerk or clerk or secretary of a city board of education. \* \* \*

(c) When the superintendent of such \* \* \* private school \* \* \* has filed with the state superintendent \* \* \* the course of study mentioned in par. (b) \* \* \*, pupils from any such school \* \* \* shall be admitted to any high school in the state in accordance with \* \* \* par. (b) \* \* \*.

SECTION 160. 40.47 (7), (8) and (11) of the statutes are repealed; 40.47 (5) (bb) and (6) (c) are renumbered 40.91 (4) (c) and (5) (c); and 40.47 (3), (4), (4c), (5) (a), (b) and (c), (6) (a) and (b), (9) and (10) are renumbered 40.91 (1), (2), (3), (4) (a), (b) and (d), (5) (a) and (b) and (6) and amended to read:

40.91 HIGH SCHOOL TUITION. \* \* \* (1) ADMISSION OF 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 \* \* \* has complied with the entrance requirements \* \* \*. Nonresidents so admitted shall be entitled to the same privileges and be subject to the same rules and regulations as resident pupils.

\* \* \* (2) GENERAL. 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, excepting a nonresident pupil having a legal settlement as defined in s. 49.10 in the high school district \* \* \*; this provision for tuition shall be available to a public high school without this state \* \* \* if its course of study is equivalent to Wisconsin's and \* \* \* if it is at least 1½ miles nearer the pupil's home than is any Wisconsin high school. \* \* \* The boards of districts which operate high schools may upon their own order provide for the enrollment of pupils in high schools located in states other than Wisconsin and pay for the tuition that accrues on account of such enrollment and for the transportation costs necessitated by such enrollment on account of such pupils who reside 2 miles or over from such schools out of school district operation and maintenance funds. The cost of such tuition shall be treated as a part of the cost of instruction of such districts and they shall be credited with the enrollment and average daily attendance of such tuition pupils for aids purposes as though they had been enrolled in the schools of the districts of their residence. The districts shall be entitled to receipt of aids on account of the transportation of such pupils on the same basis as though they had been transported to the schools of the districts of their residences.

\* \* \* (3) TUITION, REORGANIZED DISTRICTS. The board of any school district which operates a high school shall permit a high school pupil who resides in the district but who has \* \* \* attended one high school outside the district and completed 2 years' work thereat and who was placed in the district where he now resides by virtue of a school district reorganization effected under the provisions of this chapter \* \* \* after August 26, 1947, to complete his high school course \* \* \* at such high school \* \* \*. The school board shall provide for the payment of tuition of such student out of district funds. In the event the parent or guardian of any such high school pupil has paid tuition at any time since August 26, 1947 in order to keep such \* \* \* pupil enrolled in \* \* \* such high school \* \* \*, the parent or guardian shall be entitled to reimbursement for any tuition so paid from the high school district of which the pupil is a resident provided a claim is filed with the school board of such district within 3 years from the time such tuition was paid.

\* \* \* (4) CLAIM FOR TUITION. (a) The tuition for any given year for nonresident pupils who have pursued high school work shall be determined as follows: From the sum total of money expended by the school district in operating and maintaining grades 9 through 12, including either the sum of \$15 per nonresident pupil to be deposited and expended as provided in \* \* \* s. 40.22 (17) or an item for building and equipment costs equal to 2 per cent of the original expenditures by the districts for buildings and equipment thereof as certified by the state superintendent \* \* \*, such charge not to apply for a greater period of time than 50 years in the case of a new building or for the unexpired portion of 50 years of life of an old building, excluding land costs, there shall be subtracted an amount equal to the sums of federal aids, county aids, the cost of transportation and money expended for the payment of principal and interest of bonded indebtedness or other building loans, and the difference so determined shall be divided by the average daily attendance for the given year. From this amount shall be subtracted the state aid received per nonresident pupil in average daily attendance. The amount so determined shall be the amount per pupil chargeable as nonresident high school tuition, but in no case shall the amount of the claim per week be more than \$6 less the sum of the state aids, county aids received from the county of residence of tuition pupils, and federal aids, except that a greater amount shall be payable when a certificate of approval of the same



shall have been filed with the county clerk by the county school committee. Upon receipt of tuition claims in excess of the maximum specified in this paragraph the county clerk shall immediately notify the county school committee and the clerks of the school districts concerned to meet at the county courthouse at a specified time not later than August 15. A majority vote of the committee shall determine the amount to be allowed in excess of the maximum specified in this paragraph. The amount determined shall be immediately certified by the committee to the county clerk.

(b) Before August 1 in each year, beginning with the year 1947, the school clerk shall file with the clerk of each county and municipality from which any tuition pupil was admitted, a sworn statement of claim against the county setting forth the residence, name, age, date of entrance and the number of weeks' attendance, during the preceding school year, of each person admitted from such county, the average daily attendance of the high school for the year, the statement of the cost of operation and maintenance of the high school as computed in accordance with \* \* \* this section, the amount of tuition to which the district lays claim for each pupil, and the aggregate sum for tuition due the district from the county. This statement shall be rendered on a form prescribed by the state superintendent \* \* \*. Within 10 days of the receipt of such statement the clerk of each municipality receiving the same shall make return to the county clerk of any suggested corrections therein together with all necessary factual information in support of such corrections.

\* \* \* (d) The school district clerk shall file certified copies of all tuition billed with the state superintendent \* \* \* before August 15 of each year.

\* \* \* (5) TUITION TAX. (a) Except as provided in \* \* \* par. (b) upon receipt of the high school tuition claims from the respective school clerks and before submitting those required by \* \* \* sub. (4) (a) to the county school committee, the county clerk shall examine all the claims for the purposes of establishing the accuracy of the data on residence, period of attendance, and mathematical calculations, and the legal authority for claiming tuition. For that purpose the county clerk may call upon school or other local officials to supply information and data which will verify the claims and satisfy the county clerk as to their accuracy. After examining the claims, the county clerk shall notify each district clerk of the results of his examination of such claims, and in cases where corrections are necessary, notify the clerk of the school district, who shall meet with the county clerk, at the school district's expense, to make such corrections. He shall then submit those claims provided for in \* \* \* sub. (4) (a) to the county school committee. When they are returned, he shall apportion the amount thereof on the basis of the ratio of the equalized valuation of that portion of each municipality within the county that lies outside of districts which operate high schools to the total equalized value of all of the territory within the county that lies outside of high school districts and certify the amount so obtained to the clerks of said municipalities. The aforesaid equalized valuation shall be determined and certified to the county clerk annually on or before August 1 by the department of taxation. The municipal clerk shall enter upon the next tax roll in a local column 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. 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.

(b) In counties containing a city of the first class the county clerk shall upon receipt of the high school tuition claims from the respective school clerks transmit the same to the secretary of the county school committee. The secretary shall have the duty \* \* \* imposed on the county clerk in other counties of examining and verifying claims. In performing this duty he may call upon and receive assistance from the county auditor if \* \* \* deemed necessary. The procedure for the apportionment, collection and payment of claims allowed shall in all other respects be that set forth in par. (a).

\* \* \* (6) UNIVERSITY HIGH SCHOOL. The proper authorities of any town, village or city, the whole or a portion of which is not within a free high school district, may authorize residents of such town, village or city who do not live within a free high school district to attend the high school maintained by the university of Wisconsin. The tuition shall be the same as required of other students. \* \* \* The clerk of the town, city or village shall file with the bursar of the university a copy of the resolution authorizing attendance at the university high school, and the bursar shall on or before \* \* \* July 1 of each year make a sworn statement to the clerk of such town, city or village showing the amount of tuition due as required by \* \* \* sub. (2). Upon receipt of such statement taxes shall be levied for payment of the tuition, and the tuition shall be paid the university in the same manner as taxes are levied and moneys paid for tuition for attendance at free high schools. Nothing in \* \* \* this subsection shall be construed to require the university to admit persons to the high school, and it shall be the sole judge of its capacity for seating and instruction and the qualifications of the applicant for admission.

CHAPTER 90

SECTION 161. 40.43 of the statutes is renumbered 40.92.

SECTION 162. 40.14 and 40.12 of the statutes are renumbered 40.93 and 40.94, respectively.

SECTION 163. 40.72 (5) of the statutes is renumbered 40.95 and amended to read:

40.95 PENALTY. Any officer or teacher who \* \* \* *fails* or \* \* \* *neglects* to make the reports, or who \* \* \* *fails* to keep the records, required by this \* \* \* *chapter*, shall be subject to a forfeiture of not less than \$5 nor more than \$25 for each such failure or neglect.

SECTION 164. 17.22 (3) of the statutes is amended to read:

17.22 (3) Vacancies in the office of any member of the county *textbook* board \* \* \* occurring between the annual meetings of the county school board convention shall be temporarily filled by appointment by the remaining members of said board. A person so appointed shall hold office until the vacancy is filled for the residue of the unexpired term by the county school board convention at its annual meeting held next after such vacancy occurs.

SECTION 165. 17.26 (1) of the statutes is amended to read:

17.26 (1) In boards the members of which are elected at the annual school district meeting, by appointment by the remaining members of the boards within 10 days after the vacancy occurs. If the vacancy is not so filled, the town, village or city clerk, and in case of joint districts, the clerk of the town, village or city in which the schoolhouse is situated, shall fill such vacancy by appointment; *if a joint district has several schoolhouses, the clerk of the municipality in which the schoolhouse with the largest attendance is located shall appoint.* Any person upon being notified of his appointment shall be deemed to have accepted the same unless within 5 days thereafter he files with the clerk or director a written refusal to serve; and any person so appointed shall hold office until the next annual meeting at which meeting the electors shall fill such vacancy for the residue of the unexpired term.

SECTION 166. 39.03 (10) of the statutes is renumbered 14.235.

SECTION 167. 39.11 (1a) of the statutes is renumbered 41.04.

SECTION 168. 39.276 of the statutes is renumbered 41.175 and amended to read:

41.175 INDUSTRIAL ARTS TEACHERS' CERTIFICATES. \* \* \* No state license or certificate to teach industrial arts subjects shall be issued to any person who has not had 3 years' practical experience beyond apprenticeship, or who has not had 4 years of institutional training in such fields. \* \* \* Any person \* \* \* teaching any industrial arts subject *on January 1, 1936*, who \* \* \* had 5 years' practical or teaching experience in such subject shall be deemed for the purpose of salary schedule and promotion to have the equivalent of a bachelor's degree.

SECTION 169. 40.21 (2) and (6) of the statutes are repealed.

SECTION 170. 40.22 (12) of the statutes is renumbered 37.29 and amended to read:

37.29 TEACHER TRAINING. \* \* \* The governing boards of the university, state colleges and county normal schools shall provide in their respective institutions adequate and essential instruction in co-operative marketing and consumers' co-operatives \* \* \* , and in conservation of natural resources.

SECTION 171. 40.28 of the statutes is repealed.

SECTION 172. 40.30 (1m) of the statutes is renumbered to be Section 172 of this act.

SECTION 173. 40.375 of the statutes is repealed.

SECTION 174. 40.535 of the statutes is repealed.

SECTION 175. 40.63 of the statutes is repealed.

SECTION 176. 40.72 (1) and (2) of the statutes are repealed.

SECTION 177. 40.79 of the statutes is repealed.

SECTION 178. 40.86 of the statutes is repealed.

SECTION 179. 40.90 of the statutes is repealed.

SECTION 180. 43.19 (6) of the statutes is repealed.

SECTION 181. 66.17 of the statutes is repealed.

Approved April 28, 1953.