

CHAPTER 41.

SPECIAL SCHOOLS.

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41.01 Schools for handicapped children. (1) Upon application by a district board of any school district, the board of education of any city or the county superintendent of any county upon authorization of the county board, the state superintendent may upon the basis of need and the availability of sufficient funds authorize such school district board, board of education or county to establish and maintain classes, special treatment and instructional centers for each of the various types of handicapped children.

(2) The courses, qualifications of teachers and plan of organizing and maintaining such schools and classes shall comply with such requirements as may be outlined by the state superintendent of public instruction.

(3) The county superintendent or the board of education maintaining such schools and classes, through its secretary or other executive officer, shall report annually to the state superintendent, or oftener, if he so directs, such facts relative to such schools and classes as he may require. Such report shall include, among other things, the number of pupils instructed in each school or class and classes, their residence, and the period of time each shall have been instructed therein during the school year. The county superintendent or the treasurer of each of said several boards shall render to the state superintendent annually an itemized statement on oath of all receipts and disbursements on account of such classes during the preceding school year.

(4) There is created in the state department of public instruction a bureau for handicapped children. Whenever the word "bureau" appears in this section it means the bureau for handicapped children. The state superintendent of public instruction shall appoint a person with the status of assistant superintendent to serve as director for the bureau. Wherever the word "director" appears in this section it means the director of the bureau. The director is responsible for the services established under the state department of public instruction for children who are crippled, blind, partially seeing, deaf, hard of hearing, defective in speech, cardiopathic, malnourished, otherwise physically handicapped or who are mentally handicapped. He is responsible for the auditing of expenditures incurred for such services subject to the direction of the state superin-

tendent. The responsibility of the director is concerned with the services carried on through day classes and resident schools under the jurisdiction of the state department of public instruction, for children with handicaps as designated in this section. The director shall appoint the following persons who are qualified by technical training and experience:

(a) A supervisor of the services for children who are deaf, hard of hearing, blind, partially seeing or have defective speech.

(b) A supervisor of the services for children who are crippled or otherwise physically handicapped.

(c) A supervisor of the services for children who are mentally handicapped.

(d) Other qualified personnel necessary to perform duties assigned by the state superintendent of public instruction.

(e) Technical training and experience as used in section 41.01 (4), when applied to the supervisor of the deaf, hard of hearing, and defective of vision, specified in paragraph (a) is defined to mean: Four years of scholastic training beyond high school in regular elementary teacher training education plus a minimum of one year of special elementary teacher training for the teaching of the particular classification of services to the handicapped to be supervised, plus at least 2 years of teaching experience in the particular classification of the handicapped to be supervised.

(4m) (a) The bureau through the crippled children division shall be responsible for assembling all records on individual crippled children from birth to twenty-one years of age, and for providing facilities for aftercare, and for diagnosis through orthopedic field clinics, for children under twenty-one years of age who are crippled or who are suffering from conditions which lead to crippling. It shall approve applications and arrange for orthopedic hospital care when state aid is granted for any part of the cost. The responsibility of the bureau through the crippled children division regarding after-care and diagnosis shall be for those facilities not provided through hospitals, by private physicians, or through private organizations. The provisions of this subsection shall be administered in accordance with requirements of the federal social security act.

(b) Whenever reference is made in section 41.01 and in subsection (1m) of section 40.34 to the term "crippled children," it shall be interpreted to include the group known as cardiac cripples.

(c) Any federal aid which may be made available for the special classes or other special facilities for academic instruction for children who are crippled, blind, partially seeing, deaf, hard of hearing, defective in speech, cardiopathic, malnourished, otherwise physically handicapped or who are mentally handicapped shall be granted the bureau for the carrying out of plans as approved by the federal agency having supervision of such program.

(e) The director of the bureau shall submit to the proper federal authorities a unified and comprehensive state plan, prepared by the supervisor of the crippled children division of the bureau, for services for crippled children. Such plan shall include services for locating crippled children, and for providing medical, surgical, corrective and other services and care, and facilities for diagnosis, hospitalization and after-care for children who are crippled or suffering from conditions which lead to crippling. Such plan shall provide for co-operating with medical, health, nursing, educational, rehabilitation and welfare groups. It shall include provisions for methods of administration not already covered by legislation which will insure the efficient operation of the plan in conformity with the federal aids for services for crippled children. Such state plan for services for crippled children may be revised from time to time as conditions may require. The bureau shall make such reports, in such form and containing such information as the proper federal authorities may from time to time require, and shall comply with all requirements which may be made to assure the correctness and verification of such reports.

(5) Handicapped children residing within the district or outside the district may be admitted to special classes or schools according to standards of eligibility which are determined by the bureau for handicapped children and according to available facilities in each such class or school. In case a disabled child who does not reside in a school district maintaining special classes or schools for children with such disabilities is eligible for special class attendance, he may be admitted as a nonresident pupil. Tuition on the same basis as tuition charges to regular schools shall be chargeable to the town, city or village of which such pupil is a resident. Whenever such child resides in a district which maintains a special school or class for children with such disabilities and if he attends a special class in another district, his tuition shall be a charge against the parent or guardian of such pupil. In the case of a crippled child who lives either within the district or outside, the basis for his enrollment in an orthopedic school shall be his need for special school facilities because of his inability to walk or climb stairs or his need for supervision

or treatment as provided at such schools. Only children who are mentally able to carry the regular academic course shall be admitted to orthopedic schools.

(5m) In the case of crippled children being transported to orthopedic schools, it shall be the duty of the district paying for the cost of service to employ, except in the case where parents furnish the service, transportation carriers who carry public liability insurance. Each district owning a bus and providing transportation to orthopedic schools in such bus, shall carry public liability insurance, the cost of such insurance to be included in computing cost of transportation for state aid.

(6) On or before the first day of July in each year, the clerk or secretary of the board maintaining such class or classes shall make a sworn statement to the clerk of the town, city, or village from which any child may have been admitted to such school or class setting forth the residence, name, age and date of entrance to such school or class, and the number of months' attendance during the preceding school year of each child admitted from such city, town or village. Such statement shall further show the amount of tuition, which, under the provisions of this section the district is entitled to receive from each child reported as having been a member of the school or class from such city, town or village and the aggregate sum for tuition for all such children. Said statement shall be filed as a claim against the town, city or village where such child resides and shall be allowed as other claims are allowed.

(7) The board of school directors in cities of the first class may provide transportation, to places set apart for their education, for children mentally or physically disabled, who are of school age and desire to attend school, and the board may provide school lunches for such children under such terms as it shall determine.

(8) The bureau is responsible for the academic instruction concerned with elementary and high school education for physically handicapped children under twenty-one years of age and for the supervision of special educational facilities provided mentally handicapped children through day classes. The bureau is also responsible for arrangements for maintenance or transportation for school days for physically handicapped children under the supervision of special classes whose parents or guardian resides outside the district in which the special classes are conducted. The bureau shall reimburse any school district which, on approval of the bureau, has advanced funds for such service.

(9) Education through either home instruction or extension courses or any other suitable means may be provided by school districts or counties on the grade and high school level for physically handicapped children who are, according to medical recommendations, physically unable to attend school. The cost of instruction for such elementary children shall be paid one-half by the district of the child's residence and one-half by the state and the cost of home instruction given to such high school students by the district of residence and in the case of pupils who do not live in a high school district in the same manner as for other high school nonresident pupils when such physically disabled nonresident high school pupils are enrolled in a public high school or vocational school. Pupils who require instruction under the provisions of this section shall be considered as being in attendance in the school district of their enrollment. All sanatoria or convalescent homes providing care for children between the ages of 5 and 18 shall provide instruction for children who are physically able to receive it. Credit for such work satisfactorily completed shall be granted by the proper school authorities. The state reimbursement made for any child who receives instruction under this subsection shall not exceed \$100 for any one year. Whenever a teacher regularly employed for home sanatoria, or convalescent home instruction by the school district gives such instruction outside of regular school hours, he shall be paid for the home instruction in addition to his regular salary. Teachers employed under this section must be legally qualified. A report on blanks provided for the purpose shall be submitted on or before July 1 of each year to the bureau, regarding teachers and pupils involved in home instruction or extension courses provided any physically handicapped child during that school year.

(10) Whenever any special instruction for handicapped children shall be provided under the direction of the county superintendent of schools the cost of such special instruction shall be included in the budget for his department and it shall not be a charge upon any territory in the county which does not come under the jurisdiction of his office. The foregoing shall not prevent the county from contracting with any city for the services of any special teacher in cases where such special instruction is desired and the program of the teacher is adjusted to provide for such special instruction in accordance with the provisions of section 41.03 (1) (d). [1933 c. 154 s. 1, 2; 1935 c. 555; 1937 c. 128 s. 3, 4; 1939 c. 230, 231; 1945 c. 428; 1947 c. 529]

41.02 Compulsory education for physically handicapped children. The provisions of section 40.70 relating to compulsory school education apply to physically handicapped children who are eligible for attendance at a special class or school. [1939 c. 231]

41.03 State aid for day schools for handicapped children. (1) If upon the receipt of the report provided for in section 41.01 (3), the state superintendent is satisfied that the school or class or special treatment or instructional center has been maintained during the preceding year in accordance with the provisions of the statutes, he shall certify to the director of budget and accounts in favor of each of the counties, and school districts maintaining such schools or classes a sum equal to the amount expended by each board during the preceding year for salaries of qualified teachers employed to teach such schools or classes, maintenance and transportation of pupils residing within the state and attending such schools or classes, special books and special equipment prepared or designed for instruction in such schools or classes, and such other expenses as shall be approved by the state superintendent. When transportation is not furnished to nonresident, handicapped children included in this section, by the districts maintaining the special classes, the school districts in which the child resides shall provide transportation for the handicapped children residing therein. When such transportation has been approved in advance by the state superintendent through the bureau for handicapped children, he shall certify the full amounts for such transportation to the director of budget and accounts because of such transportation and the director of budget and accounts shall thereupon draw his warrant for such full amount in favor of such school district on funds provided for in section 20.32.

(a) Out of each of the several appropriations under section 20.32 for day schools for handicapped children he shall first set aside amounts equal to the approved claims for transportation or board and lodging of nonresident pupils enrolled in the classes or centers of each of the corresponding classifications of handicapped children, and certify said amount to the director of budget and accounts for payment in full to the school districts which have furnished said transportation or board and lodging.

(b) There shall be paid out of the fund provided in section 20.32 (2) for children physically disabled the full cost of academic instruction in hospitals for crippled children. The supervision of such classes shall be under the city superintendent of schools of the city in which the hospital is located and the state superintendent of public instruction. The board of education of cities in which said hospitals are located shall render an itemized statement of all receipts and disbursements for the actual cost of such classes and such other information as may be required by the state superintendent of public instruction. Where a convalescent hospital for crippled children is located in a rural school district, the supervision of the academic instruction in such hospital is to be under the same supervision as in the main hospital provided the convalescent hospital is not more than 10 miles from the city in which the main hospital is located. If the convalescent home in a rural district is not under the authority of a hospital but is under the supervision of the bureau for handicapped children the teacher may be employed by the state superintendent through the bureau of personnel, and when this is done the state superintendent may purchase and pay from said funds for the necessary instructional supplies.

(c) An amount not to exceed \$3,000 of the appropriation made for crippled children may be used annually to increase the reimbursement to districts which is provided for in section 40.34 (1m) by an amount not to exceed 25 cents per day and to increase the reimbursement which is provided for in section 40.34 (4) by an amount not to exceed \$1 per week to assure educational opportunities to crippled children.

(d) Out of the appropriations for crippled children, there shall be paid in full a sum sufficient to cover the full cost of salary and travel expenses in amounts agreed upon in advance by the state superintendent to the district conducting an orthopedic school for the services rendered by the physical therapists outside the employing district at a time other than during the regular school term. Out of the appropriations made for the instruction of children defective of speech and of children who are mentally retarded a sum sufficient to cover the full cost of salary and travel expenses made necessary by providing instruction to children outside the district of employment in amounts agreed upon in advance by the state superintendent.

(e) Out of the remaining balances of the several appropriations the state superintendent shall certify in favor of each of the several school district boards or boards of education maintaining such schools or classes; or special centers a sum equal to the amount expended by each said board during the preceding year for salaries of qualified teachers employed in such school or classes or centers, and such other expenses as shall be approved by the state superintendent. In the event that said remaining balances are not sufficient to pay said claims in full, the payment shall be prorated on the basis of the ratio of each remaining balance to the aggregate of the claims against each said balance. In the event that the aggregate of the claims against any of the appropriation balances is or are less than said balances and the aggregate of the claims against other of said

balances are in excess of said balances, amounts may be transferred from the excess balances to satisfy said excess claim or claims as nearly as may be.

(2) On receipt of such certificates the director of budget and accounts shall draw his several warrants accordingly, payable to the treasurers of the school boards or boards of education, respectively from the several appropriations provided under section 20.32. [1931 c. 67 s. 67; 1931 c. 334; 1933 c. 140 s. 3; 1933 c. 154 s. 1; 1935 c. 115, 172; 1939 c. 231; 1943 c. 306; 1945 c. 428; 1947 c. 9, 529]

41.035 [Repealed by 1927 c. 488; 1927 c. 541 s. 9]

41.04 [Repealed by 1927 c. 541 s. 9]

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

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

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

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

(d) If any of said school district territory shall be beyond the limits of the city, the city clerk shall immediately upon the passage of the resolution or ordinance of the council, transmit a copy thereof to the clerk of the town or towns of which such territory is constituted. The clerks of the towns shall thereupon cause a notice of such election to be given, and such election shall be held and canvassed as provided in section 10.51.

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

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

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

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

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

41.07 to 41.10 [Renumbered section 41.05 by 1927 c. 425 s. 117]

41.11 [Renumbered section 41.06 by 1927 c. 425 s. 118]

41.12 [Renumbered section 41.05 by 1927 c. 425 s. 117]

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

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

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

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

(5) Whenever necessary to gain needed vault space, the board may turn over to the director of purchase for destruction, obsolete records in its possession, as follows:

(a) Correspondence after 5 years.

(b) Closed case files on physically handicapped persons when such cases have been closed for a period of 10 years.

(c) Monthly and quarterly reports received from local communities. [1937 c. 349; 1945 c. 72; 1947 c. 89]

Note: State vocational board may not direct expenditure of funds received from federal government for vocational aid except in compliance with restrictions and conditions of federal laws. Each phase of program for which expenditures are contemplated should first be submitted to federal security agency for approval before any federal funds are utilized therefor. 31 Atty. Gen. 30.

41.14 [Repealed by 1927 c. 425 s. 120]

41.15 Local vocational boards; organization, powers, duties. (1) In every town, village and city of over five thousand inhabitants there shall be, and in every town, village or city of less than five thousand inhabitants there may be a local board of vocational and adult education, whose duty it shall be to establish, foster and maintain schools of vocational and adult education for instruction in trades and industries, commerce and household arts in part-time-day, all-day and evening classes and such other courses as are enumerated in section 41.17. Said board may take over and maintain any existing schools of similar nature. Schools created under this section shall be known as schools of vocational and adult education.

(1a) Towns, cities and villages of over five thousand population adjoining any city of the first class, which do not now maintain a school of vocational and adult education, shall not be subject to the provisions of subsection (1) applicable to towns, cities and villages of over five thousand inhabitants, but shall be subject to the provisions of subsection (1) applicable to towns, cities and villages of less than five thousand inhabitants, shall be liable for the tuition specified in section 41.19, but shall not be subject to the provisions of subsection (9). Minors residing in such towns, cities and villages shall be subject to the provisions of sections 40.70 and 103.06. No local board of vocational and adult education shall by reason of this subsection be required to admit nonresidents to any school under its jurisdiction and control unless accommodations therefor are available, and shall not be required to admit such nonresidents until furnished with a certificate of residence signed by the clerk of the town, city or village in which such nonresident resides.

(2) Such board shall consist of the city superintendent of schools (or the principal of the high school, if there be no city superintendent, or the president or director of the local school board in case there be neither of the above-mentioned officers), and four other mem-

bers, two employers, and two representative employes who have no employing or discharging power and who are not foremen or superintendents, who shall serve without pay, and who shall be appointed by the local school board, or if there be more than one local board, by such boards jointly. If there be more than one city superintendent, principal of the high school, or president or director of the local school board, the ex officio member shall be selected by the appointing boards.

(3) The term of the appointive members shall be four years from the first of January; provided, however, that in the first instance members shall be appointed so that the term of one member shall expire each year and that in cities of the first class one employe member shall be appointed to begin service in each odd-numbered year and one employer member to begin service in each even-numbered year, and that in all other cities and in villages one employe member shall be appointed to begin service in each even-numbered year and one employer member to begin service in each odd-numbered year.

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

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

(6) The local board of vocational and adult education shall employ and fix the compensation of a local director of vocational education for the development and supervision of the local work of vocational and adult education and shall also employ and fix the compensation of other supervisors, co-ordinators, teachers and technical advisors and experts as may be necessary for the proper execution of its duties. The qualifications and fitness of these employes shall be subject to the approval of the state board of vocational education and shall meet the requirements designated by the said state board. The local board may also employ and fix the compensation of such clerical assistants, janitors and other employes as may be necessary.

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

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

(9) Whenever twenty-five persons qualified to attend a vocational and adult education school shall file a petition therefor with the local board of vocational and adult education, the board shall establish such school, or otherwise provide facilities for such instruction as is authorized in sections 41.13 to 41.20.

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

(b) All contracts made by such local board for work or supplies or material, involving the expenditure of five hundred dollars, shall be awarded to the lowest competent and reliable bidder, in accordance with the provision of section 62.15, so far as applicable; and for that purpose the board of vocational and adult education shall perform the duties imposed and shall possess the powers conferred by said section upon public bodies, boards and officers.

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

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

(11) (a) The board may assist in the formation of advisory committees in every occupation in the locality. Each committee shall consist of equal numbers of employers and employes selected from candidates submitted by representative organizations or associations of each occupation, and may be called upon by the local board and by the directors

for advice and assistance in the selection, purchase and installation of equipment, in the preparing of lessons, in developing methods of instruction, in the development of vocational guidance, in following up young persons after they leave school, and for such other purposes as may be found desirable.

(b) The names of the members of each such advisory committee shall be filed with the state board of vocational and adult education at the beginning of each school year. Each such advisory committee shall meet at least once each year and reports shall be made of activities and recommendations to the state board of vocational and adult education.

(12) All full time day teachers in any schools of vocational and adult education in cities of the first class shall be employed on probation, and after successful probation for three years, such employment may be terminated only in the manner as hereinafter provided; teachers having taught three years or more in any such school shall be deemed to have served their term of probation. No teacher in any such school after such successful probation for three years shall thereafter be discharged except for cause and upon a written statement of the reasons therefor. In such case, the charges shall, upon such teacher's request, after ten days' written notice thereof to such teacher, and within thirty days of such written notice, be investigated, heard and determined by the local board of vocational and adult education whose action and decision in the matter shall be final. The term "teachers" as used in this subsection shall include teachers, principal, supervisors, counselors, co-ordinators, technical advisors and experts, and other employes to whom the local board of vocational and adult education shall assign teaching status, but shall not include the director; nothing herein contained shall apply to the director whose election, appointment, or tenure shall be left entirely to the local board of vocational and adult education.

(13) Effective June 1, 1945, any teacher and any director heretofore or hereafter coming under the provisions of section 41.15 (12) who has attained or shall attain the age of 70 years shall be retired by the local board at the end of the school year in which he reaches the age of 70. A school year shall begin on July 1 in any year and end on June 30 of the following year.

(14) The local board may furnish teaching services, staff, supervision and administration and equipment for the purpose of conducting vocational and adult education classes in other areas within the state upon the request of the institution or municipality desiring the same and with the approval of the local board, if any, of such municipality, upon such reimbursement basis as shall be agreed upon. Every town, city and village, and their respective governing boards are empowered to appropriate money to be paid to local boards of vocational and adult education of other communities which render services to such town, city or village. [1931 c. 147; 1937 c. 213, 349; 1939 c. 265, 303; 1945 c. 142, 560; 1947 c. 344]

Note: The statute which requires municipalities to either maintain vocational schools or pay tuition for residents attending such schools in other municipalities is constitutional. *City of Manitowoc v. Town of Manitowoc Rapids*, 231 W 94, 285 NW 403. Vocational school board must carry insurance upon vocational school buildings. 19 Atty. Gen. 222.

Where there is contest as to right to office of superintendent of schools in city, one actually exercising functions of office under claim of right is de facto officer and entitled to serve as member of school board of vocational education under provisions of (2). 21 Atty. Gen. 1105.

Member of board who is appointed as employe will remain representative of employes although during term of office he became employer. 22 Atty. Gen. 473.

Officer and stockholder in utility company furnishing electricity to all schools in city is not eligible to membership on local board of vocational education. 24 Atty. Gen. 69.

Operator of insurance agency who employs one stenographer and operator of barber shop who employs one journeyman

barber are "employers" within meaning of (2). 25 Atty. Gen. 5.

Under this section, as amended by chapter 213, Laws 1937, year of appointment of members of local board of vocational education is year of commencement of term. 26 Atty. Gen. 414.

Boards of vocational education have no power to furnish transportation to and from work for persons employed on national youth administration projects. 26 Atty. Gen. 457.

Vocational school district must be confined to one town, village or city. 27 Atty. Gen. 147.

Local schools of vocational and adult education have insurable interest in machinery and equipment purchased and paid for originally by local schools for defense training program but with respect to which they are reimbursed 100 per cent by allocation of federal defense training funds, title and ownership to which is vested in state board of vocational and adult education subject to control of United States office of education. 31 Atty. Gen. 270.

41.16 Estimate for maintenance; tax. (1) The local board of vocational and adult education shall annually report to the municipal clerk before September the amount of money required for the next fiscal year for the support of all the schools of vocational and adult education, but not including amounts required for debt service and retirement of vocational and adult education school bonds.

(2) The municipality shall levy and collect and the clerk shall spread on the roll a tax, which together with the other funds provided for the same purpose, shall be equal to the amount so required by said local board, but such tax shall not exceed 2 mills on the dollar.

(3) Whenever the local board of vocational and adult education in any city shall deem it necessary to erect, or to make additions to buildings, or to purchase sites or addition to sites, and a natatorium or natatoria in connection therewith, whenever directed by the common council to erect a natatorium as a part of such buildings, the local board may inform the council of the amount of funds needed for one or more of said purposes, and request the council to issue vocational and adult education school bonds for any of said purposes, or any 2 or more of said purposes combined, and the council may cause vocational and adult education school bonds to be issued for any of said purposes or any 2 or more of said purposes combined, in the same manner as other bonds are issued in such city. Whenever bonds are issued for any 2 of said purposes combined, the local board may apply the proceeds to any of the purposes for which the bonds were issued in any proportion it deems necessary; provided, that whenever a natatorium shall be erected in connection therewith as herein provided, the maintenance cost of such natatorium shall be paid by the local board and the city in such proportions as shall be agreed upon by the common council and the local board, or if they cannot agree then each shall pay 50 per cent thereof. Such vocational and adult education bonds shall be issued in the manner provided in and subject to the provisions of chapter 67.

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

(5) The municipal clerk (or comptroller where applicable) shall keep separate accounts of all moneys appropriated or otherwise provided for vocational and adult education. Said moneys shall be paid out as follows: The local board of vocational and adult education shall present to the town, village or city clerk a certified bill, voucher or schedule signed by its president and secretary giving the names of the claimants and the amount and nature of each claim. The municipal clerk shall issue proper orders upon such certification, to the municipal treasurer, who shall pay them from the proper funds in the manner provided by section 66.042.

(6) All moneys received by said board shall be paid to the town, village or city treasurer and are appropriated to the vocational and adult education fund. [1937 c. 349; 1941 c. 129; 1947 c. 108, 362, 396]

Note: The limitation of one and one-half mills imposed by 41.16, Stats. 1945, on taxes for vocational schools includes sums necessary for interest on and amortization of bonds issued for the construction of buildings, as against a contention that the section imposes a tax limitation only on funds for maintenance. State ex rel. LaRose v. Buechner, 248 W 289, 21 NW (2d) 738.

Offices of vocational board member and alderman are incompatible; and offices of

board member and municipal treasurer are compatible. 19 Atty. Gen. 609.

Limitation upon levy of taxes for vocational school purposes in (2) is referable to local municipal assessment. 21 Atty. Gen. 283.

Where local board of vocational and adult education has received amount which it requested from city under 41.16, city and not local board of vocational education has authority to make short term loan from bank to pay current expenses of such board. 32 Atty. Gen. 311.

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

(2) The local board of vocational and adult education may allow pupils who have had courses equivalent to any of those offered, to substitute other courses therefor. [1937 c. 349]

41.18 Requirement for admission; aids for veterans. (1) The schools of vocational and adult education shall be open to all residents of the cities, towns and villages in which such schools are located, who are fourteen years of age and who are not by law required to attend other schools, and to all persons over fourteen years of age employed in said cities, towns or villages, but who are residents of other municipalities maintaining schools of vocational and adult education; provided, such nonresidents shall present the written approval of the local board of vocational and adult education of their home municipality. The schools of vocational and adult education shall be open to all persons fourteen years of age or over who reside in other municipalities having local board of vocational and adult education but in which the specific courses desired by such persons are not given; provided, such courses are given in the municipality in which such persons elect to attend and the local board of such municipality agrees to admit them; provided further, that such nonresidents shall present the written approval of the local board of vocational and adult education of their home municipality. Any person over the age of fourteen years who shall reside in any town, village or city not having a vocational and adult education school, and who is otherwise qualified to pursue the course of study, may with the approval of the board of vocational and adult education, be allowed to attend any school under its super-

vision. Nonresident pupils shall be subject to the same rules and regulations as resident pupils.

(2) Local boards of vocational and adult education may receive such payments as may be made by the federal veterans' administration for tuition to cover cost of training provided resident students who are enrolled in schools of vocational and adult education and who are veterans eligible for benefits under the provisions of U. S. Public Law No. 16, Chapter 22, 1st session 78th Congress and U. S. Public Law No. 346, Chapter 268, 2d session 78th Congress and any acts amendatory thereof or supplementary thereto. Local boards of vocational and adult education may receive such payments as may be made by the state board of vocational and adult education under the provisions of section 41.71 to cover cost of training provided resident students who are enrolled in schools of vocational and adult education and who are veterans not eligible for benefits under the provisions of U. S. Public Law No. 16, Chapter 22, 1st session 78th Congress and U. S. Public Law No. 346, Chapter 268, 2d session 78th Congress and any acts amendatory thereof and supplementary thereto. No board shall accept payment in an amount which together with other receipts for the same purpose exclusive of the funds provided under section 41.16 would be in excess of the full cost of training provided such veterans. [1937 c. 349; 1945 c. 41]

Note: Under this section and 41.19, local board of education may give written approval for one of its high school graduates to attend vocational school in another municipality. Board in such municipality is required to pay tuition to vocational school which he attends. 22 Atty. Gen. 4.

Board of directors of vocational education of West Allis has power to refuse its consent to pupils resident of West Allis to attend vocational school of Milwaukee. 22 Atty. Gen. 891.

Fact that municipality has paid high school tuition for person does not relieve it from obligation to pay vocational school tuition for him. 25 Atty. Gen. 200.

Minor placed in school district not primarily for purpose of attending school

has residence for school purposes in such district 25 Atty. Gen. 608.

Phrase "board of vocational and adult education" in this section refers to local board of education, not to state board of vocational and adult education. 27 Atty. Gen. 506.

Under 41.18 and 40.70, unemployed persons under 16 years of age who have not completed an equivalent of eighth grade education are not entitled to vocational school privileges under 41.18 (1). Persons between 16 and 18 years of age are entitled to such privileges even though they are not employed and have not completed the equivalent of a grade school education. 36 Atty. Gen. 160.

41.19 Nonresident tuition; aids for veterans. (1) The local board of vocational and adult education is authorized to charge tuition for nonresident pupils an amount sufficient to pay instructional costs of providing training to such persons but not exceeding \$1 for each day, or 50 cents for each evening, of actual attendance. In determining such cost appropriate reduction shall be made for all state and federal aids, tuition fees, and special course fees where applicable. Nothing in this section shall be construed to apply to, affect or limit tuition charges to the veterans' administration or other federal agency for training services rendered to veterans.

(2) Local boards of vocational and adult education may receive such payments from the federal veterans' administration for tuition of nonresident students as may be made by the federal veterans' administration to cover cost of training provided for veterans who are enrolled in schools of vocational and adult education and who are veterans eligible for benefits under the provisions of U. S. Public Law No. 16, chapter 22, 1st session 78th Congress and U. S. Public Law No. 346, chapter 268, 2d session 78th Congress and any acts amendatory thereof or supplementary thereto. Local boards of vocational and adult education may receive such payments as may be made by the state board of vocational and adult education under the provisions of section 41.71 to cover cost of training provided nonresident students who are enrolled in schools of vocational and adult education and who are veterans not eligible for benefits under the provisions of U. S. Public Law No. 16, Chapter 22, 1st session 78th Congress and U. S. Public Law No. 346, Chapter 268, 2d session 78th Congress and any acts amendatory thereof and supplementary thereto. The amount authorized to be received by local boards of vocational and adult education under this subsection shall not be less than the amount specified in subsection (1) but it may be in excess of such amount. No board shall accept payments in an amount which together with other receipts for the same purpose exclusive of the funds provided under section 41.16 would be in excess of the full cost of training provided such veterans.

(3) Local boards of vocational and adult education may make charges for tuition of persons enrolled who are not residents of this state in an amount sufficient to pay for the cost of providing training to such persons. The full amount of such receipts shall be annually reported separately to the state board of vocational and adult education, and shall be taken into consideration when payments for state and federal aid are made under the provisions of section 20.33 (2) and section 41.21. Where the full cost of training is paid for from such receipts no state and federal aid shall be granted by the state board of vocational and adult education. [1937 c. 349; 1939 c. 421; 1945 c. 41; 1947 c. 135]

Note: Under sec. 41.19, Stats. 1937, vocational school offering university of Wisconsin extension division courses may charge nonresident tuition. 26 Atty. Gen. 116.

Nonresident tuition charge for each day or evening of actual attendance is not dependent upon number of hours involved, word "day" there being regarded as indivisible unit of time, including fractions of day. 27 Atty. Gen. 433.

Vocational school student who became 21 on June 15, 1937, who, prior to entering said school in 1935, had been living with her parents, who has been entirely self-supporting while attending school, who voted in general election in 1938 in city where school is located, who has not even returned to her parents' home for visit within past year and who claims present intention of making city in which school is located her permanent residence and is now looking for permanent work in such city, is resident student for

tuition purposes. 28 Atty. Gen. 115.

It is discretionary with local board of vocational and adult education under 41.19 whether tuition shall be charged for nonresident pupils. If local boards require payment of tuition for nonresident students they may exempt pupils serving as apprentices of residents pursuant to ch. 106. Minor apprentice may acquire residence different from his parents' for school purposes so as to be entitled to attend vocational school maintained by municipality in which master resides free of tuition charges, even though parents of minor reside in another municipality. Adult apprentice is not entitled to attend vocational school maintained by municipality in which contract is to be performed free of tuition charges unless such apprentice actually resides in that municipality or, if not residing therein, unless board elects not to charge tuition for attendance of such persons. 31 Atty. Gen. 155.

41.20 Charges for material consumed; sale of products. Students attending vocational and adult school may be required to pay for all material consumed by them in their school work at cost prices, or in lieu thereof the local board of vocational and adult education may establish a fixed sum to be paid by each student in each course, which sum shall be sufficient to cover, as nearly as may be, the cost of the material to be consumed in such course; articles manufactured in such school may be disposed of at their market value, at the discretion of the school board, and the proceeds shall be paid to the municipal treasurer for the vocational and adult education fund. [1937 c. 349]

41.21 State aid to vocational and adult education. (1) (a) On the first day of July in each year the secretary of the local board of vocational and adult education of each city, town, or village maintaining such a school or schools shall report to the state board of vocational and adult education the cost of maintaining the same; the character of the work done; the number, names, and qualifications of the teachers employed; and such other information as may be required by the said board.

(b) If it appears from such report that such school or schools have been maintained pursuant to law, in a manner satisfactory to the state board of vocational and adult education, the said board shall certify to the director of budget and accounts, in favor of the several local boards of vocational and adult education, amounts equal to one-half the amount actually expended for salaries for instruction and supervision; but not to exceed, exclusive of federal aid in any one year, \$30,000 for any city of the first class, or \$15,000 for any other city, town or village. If the aggregate of such amounts exceeds the available funds of this appropriation, the state board of vocational and adult education shall deduct from each an equal proportion so as to reduce their aggregate to the amount of the available funds.

(c) On receipt of such certificates the director of budget and accounts shall draw his several warrants accordingly, payable to the treasurers of the cities, towns, and villages, respectively.

(2) (a) On July 1 of each year the governing body of a school maintaining part-time instruction in agriculture in accordance with section 41.60 shall report to the state board of vocational and adult education in such form as the said board may require, the facts relating to the cost of maintaining such part-time instruction during the preceding school year, and the character of the work done, the number and names of teachers employed, the length of time such instruction was maintained, and such other facts as may be required.

(b) If it shall appear from such report that such classes have been maintained pursuant to law and in a manner satisfactory to the state board of vocational and adult education and in conformity with the state plan as accepted by the United States office of education, the state board of vocational and adult education shall certify to the director of budget and accounts in favor of the several municipalities, including school districts, maintaining such schools an amount equal to one-third of the sums expended by each, respectively, for the wages of duly qualified and approved teachers therein during the school year. Upon receipt of such certificate, the director of budget and accounts shall draw warrants upon the state treasurer accordingly, payable to the treasurers of such municipalities, including school districts.

(3) (a) Commencing with the school year 1947-1948 no state aid shall be paid for or on account of any school of vocational and adult education for any year during which such school of vocational and adult education shall employ any person as a teacher, administrator, principal or supervisor not under a contract providing for leave of absence by reason of sickness of such person, without deduction from salary, for not less than 5 days per year and for accumulation of unused sick leave from year to year to a total of

not less than 30 days but no allowance shall be paid for such absences from teaching or other educational services rendered in evening school by any person employed at least 30 hours per week in day school.

(b) This section shall not apply to persons so employed for less than 30 hours per week unless such persons are so employed more than 10 hours per week and are also employed by a board of education for a total of 30 or more hours per week for both employments. When a person is employed in such dual capacity he shall receive such proportionate part of his sick leave benefits from each employer as the number of hours employed by such employer bears to the total number of hours employed by both employers.

(c) In computing the number of hours of such employment for persons employed in more than one school of vocational and adult education, the aggregate shall be used. [1931 c. 67 s. 68, 72; 1937 c. 349; 1943 c. 272; 1943 c. 552 s. 3; 1945 c. 122; 1947 c. 9, 272]

Note: State board of vocational education in certifying reports of local boards to secretary of state for state aid under (1) (b) may not consider items of instructional expense which have been incurred but which have not actually been paid. 26 Atty. Gen. 406.

State board of vocational and adult education in computing amounts actually expended for salaries for instruction and supervision upon which to compute federal and state aids under (1) (b) is not authorized to deduct tuition received by local school. 28 Atty. Gen. 196.

(3), Stats. 1945, applies in situations where teachers are employed through circuit relations committee of schools of vocational and adult education to teach in several local vocational schools under arrangement

whereby said teachers spend one day each week teaching in each local school. Such teachers are employees of each said local schools on the day or days they teach therein. As a result (3) prevents payment of state aids to said local schools receiving the services of such teachers, commencing with school year 1945-1946, unless contracts containing provisions such as are therein specified have been entered into. 34 Atty. Gen. 409.

(3), Stats. 1945, is applicable when individuals are engaged in teaching in local schools of vocational and adult education on a part time basis even though teaching is not the principal or major occupation of such individuals. 35 Atty. Gen. 26.

41.215 [Renumbered section 41.71 by 1927 c. 425 s. 162]

41.215 Federal aid for vocational and adult education. The state board of vocational and adult education is authorized to enter into contracts with the federal veterans' administration when so authorized by a local board of education or a board of vocational and adult education for training to be provided by the local boards of education or boards of vocational and adult education in the field of vocational agriculture to veterans eligible for benefits under the provisions of U. S. Public Law No. 16, chapter 22, 1st session, 78th Congress and U. S. Public Law No. 346, chapter 268, 2d session, 78th Congress and any acts amendatory thereof or supplementary thereto and to receive from the federal veterans' administration such payments for tuition, supplies, materials and services, as may be granted to cover the cost of such training, and for costs of administration by the state board of vocational and adult education. All payments received by the state board of vocational and adult education under the provisions of this section shall be paid within one week after receipt into the general fund and are appropriated therefrom to said board under section 20.33 (8) (b) to be expended as provided in this section. [1945 c. 381, 586; 1947 c. 49]

Note: The state board and the state department of veterans' affairs have no power to negotiate a loan of funds from the appropriation of one department to that of the other. 35 Atty. Gen. 182.

41.22 Board of trustees of the Stout institute; general powers and duties. The members of the state board of vocational and adult education and the state director of vocational and adult education shall constitute a body corporate under the name of the "Board of Trustees of the Stout Institute," and shall possess all powers necessary or convenient to accomplish the objects and perform the duties prescribed by law. In such capacity, such board shall also employ such clerks and assistants as may be necessary to properly conduct its affairs. The state treasurer shall be ex officio treasurer of the board, but the board shall appoint a suitable person to receive fees or other moneys that may be due such board, to account therefor, and to pay such moneys, within one week of their receipt, to the state treasurer. Such payments shall be credited to Stout institute. [1937 c. 349; 1945 c. 566]

Note: Board of trustees of Stout institute and local boards of vocational education may require auditor or other fiscal agent to be bonded. Premium of such bond may be charged to appropriation of Stout institute or appropriation made by local municipalities for vocational education. 21 Atty. Gen. 345.

41.23 Board may accept the Stout institute and other donations, and hold same in trust. Such board is authorized to accept free of cost to the state and to hold as a trustee for the state, the property of the Stout institute located at Menominee, Wisconsin, and to maintain such institute under the name of "The Stout Institute." Provided, that the trustees of said Stout institute turn over to the state, within two months after the passage and publication of this act, said property free and clear of all incumbrances and debt, released

from all claims or interest which the city of Menominee or the heirs of James H. Stout may have had in said property and having put the buildings in good condition, and having made such repairs as may be necessary before turning over said property. The board is also authorized to accept such other property or moneys as it may deem advisable to be accepted which can profitably be used by it in promoting the interests intrusted to it. Such board may purchase, have, hold, control, possess and enjoy, in trust, for the state, for educational purposes, any lands, tenements, hereditaments, goods and chattels, of any nature, which may be necessary and required to accomplish the purposes and objects of the board, and may sell or dispose of any personal property when in its judgment it shall be for the interests of the state.

41.24 Purposes and objects of institute. The purposes and objects of the institute shall be to instruct young persons in industrial arts and occupations and the theory and art of teaching such, and to give such instruction as will lead to a fair knowledge of the liberal arts, a just and seemly appreciation of the nobility and dignity of labor, and in general to promote diligence, economy, efficiency, honor and good citizenship.

41.25 Powers of trustees to control and regulate institute. The said board shall have power:

(1) To make rules, regulations and by-laws for the government and management of the institute and the students therein, including the power to suspend or expel students for misconduct or other cause.

(2) To appoint a president of the institute and other officers, teachers and assistants, and to employ such other persons as may be required; to fix the salary of each person so appointed or employed and to prescribe their several duties; to remove at pleasure any president, other officer, teacher, assistant or person from any office or employment in connection with the institute.

(3) To purchase such supplies as may be necessary in the conduct of the institute and its various departments.

(4) To prescribe rules, regulations and terms for the admission and control of the students, to prescribe courses of study and methods and means of instruction, and to issue certificates or diplomas.

(5) To co-operate with other educational institutions and agencies in instruction and training, leading to efficiency in industrial arts and occupations.

(6) (a) The said board shall establish and maintain the necessary courses for the thorough instruction and training of teachers in the principles and practice of the industrial arts and of home economics and household arts. Such courses shall include such instruction in the comprehension and use of the English language, in mathematics, science, history, literature, economics, and sociology, with special reference to the bearing of such instruction upon the teaching of the industrial arts and of home economics and household arts, as shall give not only technical instruction and training for the vocation of teaching but also the instruction needed for good citizenship and for a broad and sympathetic knowledge and appreciation of the reciprocal rights, duties, and relations of the individual, the state, and society and of the conditions for results in production and in the distribution of the products of industry which are essential to give the greatest efficiency and the largest measure of justice to every individual.

(b) Such courses shall be established as four and five-year college courses. Students who shall satisfactorily complete such courses shall receive from the Stout institute under the seal of the college, the degree of bachelor of science or of master of science with majors in industrial education, vocational education and in home economics education.

(7) For the purpose of providing dormitories, commons and other buildings, improvements, additions, and equipment therefor, necessary for educational purposes, and to enable the construction, financing and ultimate acquisition thereof, the board of trustees of Stout institute is authorized to lease and re-lease Stout institute lands to a nonprofit-sharing corporation or corporations for terms not exceeding 50 years each, upon condition that such corporation or corporations shall construct on such leased land or portion thereof such dormitories, commons or other buildings, improvements and additions and provide such equipment therefor, for educational purposes as the board of trustees shall designate or approve, and shall lease the same to the board of trustees upon satisfactory terms as to the current rental, maintenance and ultimate purchase by the board of trustees. Revenues derived from the operation by the board of such dormitories, commons, buildings, improvements or additions for educational purposes shall be applied to the payment of such rentals, any surplus which from time to time may accrue to be applied toward the purchase price of the building, improvement, addition or equipment, or accumulated for subsequent application upon the purchase price. The board of trustees is authorized to enter into such leases or contracts with such corporation or corporations for the above

purposes as they shall deem for the best interests of the institute. This subsection does not authorize the board of trustees to incur any state debt for the construction of such dormitories, commons, buildings, improvements or additions or for the furnishing of equipment therefor. The plans for buildings and all contracts and leases made pursuant to this subsection shall before they are finally adopted or become effective be submitted to and approved by the state chief engineer and the governor. Such dormitories, commons, buildings, improvements, additions and equipment so constructed or installed on Stout institute lands and devoted to Stout institute purposes, and the leasehold interest in such lands shall be exempt from taxation. [1935 c. 10; 1939 c. 367; 1947 c. 28]

41.251 [Renumbered section 41.26 by 1927 c. 425 s. 128]

41.26 **Stout institute, tuition.** Any student attending Stout institute who shall not have been a resident of the state for one year next preceding his first admission thereto shall pay a tuition fee of one hundred twenty-four dollars for the school year, and a proportionate amount therefor for attendance at the summer session. The board of trustees of the Stout institute shall charge tuition at the rate of one hundred twenty-four dollars per school year for any student who shall not have been a bona fide resident of Wisconsin for one year next preceding his first admission to Stout institute, and shall charge a proportionate amount thereof for any such student attending the summer session division. Such nonresident students shall in addition to the tuition prescribed herein pay the usual incidental fees charged resident students. The board of trustees of Stout institute may remit either in whole or in part tuition, but not incidental fees, to a number of needy and worthy nonresident students, not exceeding eight per cent of the number of nonresident students registered in the preceding year, upon the basis of merit, to be shown by suitable tests, examinations or scholastic records and continued high standards of scholastic attainment.

Note: The board of trustees of Stout institute is not prohibited by this section or otherwise from accepting nonresident tuition from the veterans' administration on behalf of resident veterans under conditions discussed in 34 Atty. Gen. 318. 35 Atty. Gen. 94.

41.27 **Wisconsin Institute of Technology; board of regents.** An institute shall be established in the city of Platteville, to be called the "Wisconsin Institute of Technology." The institute shall be under the control and management of a board of three members to be known as the "Wisconsin Institute of Technology Board of Regents," one of whom shall be the state superintendent of public instruction, and two shall reside in the southwestern part of the state in the mining district, who shall be appointed by the governor for terms of two and four years, respectively, beginning the first day of July following the appointment, and thereafter for a term of four years, who shall serve without compensation. [1939 c. 456]

41.28 [Repealed by 1939 c. 456]

41.29 **Same; equipment and faculty.** The institute of technology board of regents shall procure such furniture, apparatus, library and implements as may be necessary for the successful operation of said institute, and employ a president and teachers and assistants and regulate their duties. [1939 c. 456]

41.30 **Same; study courses, fees and tuition.** The courses of instruction shall be three and four years, and shall embrace such branches of practical and theoretical knowledge as will, in the opinion of the board of regents, give students a knowledge of the science, art and practice of engineering. No student who shall have been a resident of the state for one year next preceding his admission shall be required to pay tuition or other fees, except the cost price of materials consumed by such student. The tuition for students who shall not have been residents as aforesaid shall be fixed by the board of regents, but shall not be less than fifty nor more than two hundred dollars per year. [1939 c. 456]

Note: Institute of technology regents are not prohibited by this section or otherwise from accepting nonresident tuition from the veterans' administration on behalf of resident veterans under conditions similar to those discussed in 34 Atty. Gen. 318. 35 Atty. Gen. 135.

41.31 **Same; school government.** The institute of technology board of regents shall enact laws, rules and regulations for the government of the institute in all its branches and shall determine the moral and educational qualifications of applicants for admission to various courses of instruction. The board may grant diplomas or certificates of graduation upon the completion of the required courses and may confer upon the graduates from the various courses such academic, scholastic or engineering degrees as they may deem suitable. [1939 c. 456]

41.32 **Same; debt limit, property transactions.** No debt shall be contracted beyond the means at the disposal of the institute. The board of regents may dispose of or lease any property donated to the state for the purposes of said institute. The board of regents

shall not engage in mining, except so far as it may be necessary in the course of instruction, nor purchase any lands beyond those required for the reasonable accommodation of the institute. [1939 c. 456]

41.33 Same; mineral collection. The board of regents shall obtain a complete collection of the minerals of the lead and zinc region of Wisconsin and classify the same. [1939 c. 456]

41.34 Same; county aid. County boards may appropriate money for the equipment and maintenance of the Wisconsin institute of technology. When two or more counties unite in equipping and maintaining said institute, the board of regents shall apportion the amount to be raised by taxation among the counties in proportion to the assessed valuation of each county as last fixed by the state board of assessment, and shall report to the county clerk of each county such apportionment, on or before the first Monday of November in each year. The amount so apportioned to each county shall be included in the county tax for the ensuing year for the support of such institute. [1939 c. 456]

41.35 Same; city aid, reimbursement, limit. The city of Platteville may appropriate annually for equipping and maintaining said institute or for reimbursing counties which have appropriated money for the equipment and maintenance of such institute a sum not exceeding three thousand dollars. [1939 c. 456]

41.36 County normal schools; appropriation. Any county within which no state teachers college is located may appropriate money for the organization, equipment and maintenance of a normal school, to be known as a "County Normal School" for teachers of common schools, and for the erection of suitable school buildings and dormitories, or for purchasing and remodeling suitable buildings therefor. [1931 c. 67 s. 63; 1945 c. 20]

41.37 Same; board, appointment, bond, organization. A "county normal school board" is created, which shall have charge and control of all matters pertaining to the organization, equipment and maintenance of such schools. Said board shall consist of 3 members, one of whom shall be the county superintendent of schools. The other members shall be elected by the county board at an annual meeting for the term of 3 years from January 1 following their election, and shall within 10 days after the notice of such election take and file the official oath and execute and file an official bond in such sum as may be fixed by the county board. The members thereof shall meet and elect one of their number president. The county superintendent of schools shall be secretary of the said board, and the county treasurer of the county in which the school is located shall be treasurer of said board, but not a member thereof. The said board shall prescribe the duties of its officers. The members of such board shall receive such compensation for their services and reimbursement for traveling expenses necessarily incurred in the discharge of their functions as the county board shall allow. [1943 c. 384; 1945 c. 559]

Note: Hold-over members of the county normal school board were de facto officers and the board a de facto board with authority to hire a school principal. The contract of hire did not require the approval of the state superintendent. State ex rel. Mattek v. Nimitz, 204 W 311, 236 NW 125.

Under 41.37, Stats. 1941, the county superintendent is a member of the county normal school board and is its secretary; the office of secretary is not an additional office but is only an ex officio position attached to the

office of county superintendent, and his services as secretary are a part of his duties as county superintendent, so that he is not entitled to any salary for acting as secretary. Dodge County v. Kaiser, 243 W 551, 11 NW (2d) 348.

Faculty members of county normal school can enforce contract with board if school is subsequently closed. 22 Atty. Gen. 468.

Members of county normal school board are not entitled to salary. (Stats. 1933) 23 Atty. Gen. 778.

41.375 Same; extension courses for students. The county normal school board may contract with the university extension division of the university of Wisconsin for extension courses for pupils enrolled in county normal schools. [1945 c. 276]

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

Note: When county normal school is so located that it is impracticable to provide suitable practice teaching thereat, students may be transported at public expense to and from country school for that purpose. 19 Atty. Gen. 431.

41.39 Same; supervision by state superintendent. The state superintendent shall assist in organizing and maintaining such schools; shall prescribe the course of study to be pursued; shall have the general supervision of such schools; shall inspect the same and make recommendations relating to their management; and shall make full reports concerning their number, character, and efficiency.

41.40 Same; certificates to graduates, school credits. (1) Each graduate of a county normal school, who shall be of good moral character, shall receive a diploma signed by the principal of the school and by the school board, certifying that the person named herein has satisfactorily completed the course of study of the county normal school, and is of good

moral character; and giving a list of the standings of the person on the completion of each study pursued in the school.

(2) Graduates of county normal schools, who are graduates of a four year high school, and who, after graduating from a county normal school, have taught one year, shall, on entering a state teachers college, receive one year of credit towards the completion of any course for training elementary teachers. [1945 c. 20]

41.405 [Renumbered section 41.40 by 1927 c. 425 s. 142]

41.41 **Same; qualifications of teachers and principal.** No member of any county normal school board shall be employed in said school, either as principal or as teacher during the term for which he was elected, nor shall any person be employed as a teacher in such school who does not hold a state license or certificate, nor shall any person be employed as principal of such school who is not legally qualified for the position of principal of a high school having a four years' course of study. This section shall not apply to any person engaged as a teacher in a county training school, on July 16, 1907.

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

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

(3) The county normal school board of any county normal school may enter into a contract with any school, for a period of not more than 5 years, whereby pupils selected from such district may be selected to serve as a demonstration department for the practical demonstration of methods of teaching and the instruction of the students enrolled in the county normal school. Such school or department shall be placed under the instructional direction of the county normal school faculty and housed and maintained in the county normal school building. Said boards may determine and agree upon the due proportion of the cost of instruction and maintenance that shall be borne by the county and by the district. Any contract or agreement jointly entered into already existing, and having for its purpose the maintenance of a school is hereby validated, and shall be continued in full force and effect for a period not exceeding 5 years from the original date of the contract. Districts which suspend their schools on account of the contract authorized under the provisions of this section shall be eligible to receipt of aids in the same amounts that they would be eligible to receive if they had operated their schools.

(4) A county by resolution of its county board may, by written notice prior to March 1 of any year to the joint normal school board and to any other county participating in the maintenance of a joint normal school, withdraw its support of such school as of the beginning of the next succeeding school year, and thereupon the assets and liabilities of such joint normal school shall be adjusted and divided as provided by section 66.03, except that by agreement between the counties owning the school the assets and liabilities need not be divided at the time any county withdraws its support, in which case, until assets and liabilities are divided, the school may be continued in use under such terms and conditions as may be mutually agreed upon by the counties owning the school. [1947 c. 34, 368, 393, 601]

41.43 **Same; maintenance, equipment, apportionment.** When counties unite in establishing and maintaining such school, the school board shall annually determine the amount of money necessary for the maintenance and equipment of the school for the next succeeding year, and shall apportion the amount to be raised by taxation among the counties in proportion to the valuation of the taxable property in each county as last fixed by the state board of assessment, and shall report to the county clerk of each county before November in each year, the amount of the apportionment so fixed, and such amount shall be included in the county tax for the ensuing year for the support of the school. Each county treasurer shall pay over all moneys so levied and collected for said school to the treasurer of the joint county normal school board and file the latter's receipt therefor.

41.44 State aid to county normal schools. (1) The state superintendent shall keep a list of such county normal schools, whose course of study and the qualifications of whose teachers have, on application, been approved by him; and any such county normal school once entered on such list may remain listed and be entitled to state aid so long as the scope and character of its work are maintained in such manner as to meet his approval, but such sums shall be paid only to county normal schools on the approved list of the state superintendent on January 1, 1927. After July 1, 1930, no state aid shall be paid to any such county normal school located in the same county as a state teachers college.

(1m) If it shall appear that such county school has been maintained, pursuant to law, and has employed 3 or more teachers including the principal for a period of not less than 9 months during the preceding school year, in a manner satisfactory to the state superintendent, he shall certify to the director of budget and accounts in favor of each such normal school, an amount equal to the sum expended for instruction, school supplies and operation during the school year, but not to exceed \$10,500 to any school employing 3 such teachers, and not to exceed \$13,000 to any school employing 4 such teachers, and an amount equal to the average salary of all teachers of that school excluding the principal, but not exceeding \$2,500 for each teacher employed in excess of 4 including the principal. Any such normal school maintained for more than 9 months during the school year shall receive for such additional time an additional sum of money in the same proportion to the amount receivable for 9 months as such additional time bears to 9 months. The number of teachers in each such school, the salaries paid to each teacher, and the qualifications for teachers shall be approved by the state superintendent.

(2) If it shall appear that such county normal school has employed only 2 teachers including the principal and has been maintained pursuant to law, for a period of not less than 9 months during the preceding school year, in a manner satisfactory to the state superintendent, he shall certify to the director of budget and accounts in favor of each such school, an amount equal to the sum expended for instruction, school supplies and operation during the school year; but not to exceed \$6,000 to any such school. Any such school maintained for more than 9 months during the school year shall receive for such additional time an additional sum of money in the same proportion to the amount receivable for 9 months as such additional time bears to 9 months. The number of teachers in each such school, the salaries paid to each teacher, and the qualifications for teachers shall be approved by the state superintendent. This subsection shall not apply to any school year ending after June 30, 1947.

(3) Upon receipt of such certificates the director of budget and accounts shall draw his several warrants accordingly, payable to the treasurers of the counties maintaining such county normal schools, respectively; and payable to the treasurers of the boards maintaining such schools, respectively, if they are joint county normal schools; provided, that if the total amount of state aid to be paid under subsection (2) of this section shall exceed the appropriation made in section 20.31 (2), the director of budget and accounts shall equitably prorate the amount available. [1931 c. 67 s. 61, 62; 1943 c. 132, 534; 1945 c. 20; 1947 c. 9, 34, 561]

Revisor's Note, 1943: Section 60 of Ch. 132, Laws 1943, repealed and recreated 41.44 (2), which is printed in the 1943 statutes as so recreated. However, that change does not take effect until July 1, 1944. For the law prior to that date, see the 1941 Statutes. Section 66 of Ch. 132 provides: "Section 60 shall take effect July 1, 1944. The state aid provided for in said section, payable during the fiscal year 1944-1945 and during each succeeding year, shall apply to the school year 1943-1944 and each succeeding corresponding school year, respectively."

Note: Where county normal school board and county are defendants in action, and their interests are not identical, school board may employ counsel and expenses so incurred may be paid as operating expenses. 21 Atty. Gen. 89.

If county normal school incurs expense for university extension courses as part of its course of study, such expense may be included under expenditures upon which state aid is granted. 23 Atty. Gen. 405.

41.45 Same; nonresident pupils. The county normal school board shall admit to said school, whenever the facilities will warrant, any person prepared to enter such school, who resides in a county which does not maintain such a county normal school. Persons so admitted shall be entitled to the privileges and be subject to the rules of such school. [1947 c. 34]

41.46 Same; nonresident students; tuition. The board may charge tuition for any given year for nonresident students at a rate not to exceed \$5 per week, or such lesser amount per week as the county board of supervisors of the county wherein the school is located may determine, which shall be determined as follows: From the sum total of money expended by the county in operating and maintaining the normal school, including an item for building and equipment costs equal to 2 per cent of the original expenditures 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, and not to exceed 30 cents per week per student, there shall be subtracted an amount equal to the sum of the state and federal 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. Such tuition shall be a charge against the county in which such students reside and shall be by it paid to the treasurer of the normal school enrolling such students. [1933 c. 241; 1947 c. 34, 151]

41.465 [Repealed by 1927 c. 425 s. 148]

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

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

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

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

41.49 [Repealed by 1927 c. 425 s. 151]

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

41.51 Same; treasurer of board, disbursements. All moneys appropriated for such school shall be paid to its treasurer, and shall be by him disbursed on orders issued by said board, and signed by the secretary and president.

41.52 Same; courses of study. County schools of agriculture shall teach the elements of agriculture, including soil, plant and animal life, farm accounts, manual training and domestic economy; and such other subjects as may be prescribed.

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

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

(2) The board may admit nonresident students and charge tuition for their attendance for any given year at a rate not to exceed \$10 per week, or such lesser amount per week as the county board of supervisors of the county wherein the school is located may determine, which shall be determined as follows: From the sum total of money expended by the county in operating and maintaining the county agricultural school, including an item for building and equipment costs equal to 2 per cent of the original expenditures 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, and not to exceed 30 cents per week per student, there shall be subtracted an amount equal to the sum of the state and federal aids, the costs 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. Such tuition shall be a charge against the county in which such students reside and shall be by it paid to the treasurer of the county agricultural school enrolling such students. [1947 c. 151]

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

41.56 Same; villages may contribute. Any village in which or adjacent to which a county school of agriculture is located may contribute for the organization, erection, construction and equipment of such school not to exceed one-fifth of the entire cost thereof.

41.57 State aid to county schools of agriculture. (1) The state superintendent shall keep a list of not more than 4 of such schools, whose course of study and the qualifications of whose teachers have, on application, been approved by him and the dean of the college of agriculture; and any such school once entered on such list may remain listed and be entitled to state aid so long as the scope and character of its work are maintained in such manner as to meet the approval of the state superintendent. On and after July 1, 1925, no new county schools of agriculture and domestic science shall be placed on the approved list and granted state aid under the provisions of this subsection.

(2) If it shall appear that such school has been maintained, pursuant to law, for a period of not less than 8 months during the preceding school year, in a manner satisfactory to the state superintendent, he shall certify to the director of budget and accounts, in favor of the several counties maintaining such schools, an amount equal to the sums expended by each, respectively, for wages of duly qualified and approved teachers therein during the school year; but not to exceed in any one year \$4,000 for any such school.

(3) Upon receipt of such certificates the director of budget and accounts shall draw his several warrants accordingly, payable to the treasurers of the counties, respectively. [1931 c. 67 s. 64; 1933 c. 140 s. 3; 1947 c. 9]

41.58 Same; dissolution. The county board may discontinue any county school of agriculture, and devote, use or permit to be used, any lands, buildings, equipment and property that may have been purchased or used by such school for any other public purpose permitted by law to counties.

41.60 Part-time instruction in agriculture. (1) The state board of vocational and adult education may co-operate with any school organized under the provisions of chapters 40 and 41 in part-time instruction in agriculture for persons over 14 years of age.

(2) The person or body entitled by law to provide for the curriculum of any such school may provide for such part-time instruction and the municipality, including school districts, entitled by law to appropriate money to carry on such school may appropriate money for such purpose.

(3) The authorities entitled by law to receive and disburse funds in behalf of schools furnishing instruction under the provisions of this section are authorized to receive and to use for such purpose such federal funds as may be apportioned by the state board of vocational and adult education and all donations. [1937 c. 349; 1943 c. 272]

41.70 Evening and part-time classes. The common council or school board of any city may establish evening and part-time college classes. The common council may appropriate money to maintain such classes and may accept and use donations therefor.

41.71 Rehabilitation law. (1) The state of Wisconsin hereby assents to and accepts the provisions and benefits of the act of congress entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, as amended, by the Vocational Rehabilitation Act Amendments of 1943, and any amendatory or supplementary acts thereto as the congress of the United States may enact. The state board of vocational and adult education shall co-operate, pursuant to agreements, with the federal government and the United States Office of Vocational Rehabilitation in carrying out the purposes of any federal statutes pertaining to vocational rehabilitation and is authorized to adopt such methods of administration as are found by the federal government to be necessary for the proper and efficient operation of such agreements or plans for vocational rehabilitation and to comply with such conditions as may be necessary to secure the full benefits of such federal statutes. The state treasurer is designated and appointed custodian of all moneys

received by the state from the federal government for the purpose of carrying out any federal statutes pertaining to vocational rehabilitation, and to make disbursements therefrom and from all state funds available for vocational rehabilitation purposes upon the order of the state board of vocational and adult education.

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

(3) As used in this section the terms:

(a) "Handicapped person" means any person who, by reason of a physical or mental defect or infirmity, whether congenital or acquired by accident, injury or disease, is or may be expected to be totally or partially incapacitated for remunerative occupation, and who may reasonably be expected to be fit to engage in a remunerative occupation after receiving vocational rehabilitation service.

(b) "Rehabilitation" means the rendering of a handicapped person fit to engage in a remunerative occupation.

(c) "Board" means the state board of vocational and adult education.

(d) "Federal act" means the act of congress entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, as amended by Vocational Rehabilitation Act Amendments of 1943, approved July 6, 1943.

(e) "Homebound person" means one who, because of the severity of his physical or mental disabilities, is not expected to be able to compete with the able-bodied persons in normal employment.

(4) The provisions of this section shall not apply to any person who, in the judgment of the board, may not be susceptible of rehabilitation.

(5) Any handicapped person who has been domiciled within the state for one year or more, or who resides in the state and shall so reside at the time of becoming handicapped, may apply to the board for advice and assistance relative to his rehabilitation.

(6) The board shall:

(a) Provide that all persons reporting or making application to it as handicapped shall be promptly visited by its agent or representative with a view of determining whether or not vocational rehabilitation is feasible; acquaint all such persons for whom vocational rehabilitation is feasible with the rehabilitation facilities afforded by the state and counsel them regarding the selection of a suitable vocation; register all such persons electing to take advantage of the benefits of rehabilitation offered and prescribe and provide such training as may be necessary to insure their vocational rehabilitation; maintain a record of all such persons, together with the measures taken for their rehabilitation; utilize in the rehabilitation of such persons such existing educational facilities of the state as may be advisable and practicable including public and private educational institutions, public and private establishments, plants or factories and the services of persons specially qualified for the instruction of handicapped persons.

(b) Promote and aid in the establishment of schools and classes for the rehabilitation of handicapped persons; supervise the training of such persons and confer with their relatives and other persons interested concerning any matter affecting their vocational rehabilitation.

(c) Aid handicapped persons in securing such employment as will facilitate their training or will be suitable to their condition and provide for the placement in suitable gainful occupation of persons completing courses of training provided by the board, including supervision for a reasonable time after placement.

(d) Utilize the facilities of such agencies, both public and private, as may be practicable in securing employment for such persons and all public agencies are authorized and directed to co-operate with the board for the purposes stated.

(e) Procure and furnish at cost to handicapped persons artificial limbs and other orthopedic and prosthetic appliances, to be paid for in instalments, when such appliances cannot be otherwise provided. The proceeds of the sale thereof shall be paid to the state treasurer and shall be held by him in a special fund for the purpose of this paragraph. Payments from this fund shall be made at the direction of the board.

(f) Arrange for the physical or psychiatric examination of any person applying for or reported as needing rehabilitation; and arrange for such therapeutic treatment as may be necessary for rehabilitation of any handicapped person who registered with the board, except persons who are entitled to such treatment under the workmen's compensation law.

(g) Co-operate with any department in the state government or with any county or other municipal authority within the state, or with any private agency, in carrying out the provisions of this section.

(h) Make such rules and regulations as may be necessary to carry out the provisions of this section.

(i) Report to the governor and to the United States Office of Vocational Rehabilitation annually on or before September first for the year ending the preceding June thirtieth.

(7) Pursuant to rules, regulations and standards prescribed by the state board of vocational and adult education, the board may provide maintenance cost during actual training to handicapped persons registered for rehabilitation services, except that no maintenance cost shall be provided to persons receiving maintenance cost under section 102.61 of the workmen's compensation act.

(8) The industrial commission shall communicate to the board all reports made to the said commission of cases of injury to employes which in the opinion of the commission may render the persons injured handicapped; and shall co-operate with the board in carrying out the provisions of this section.

(9) The state board of health shall:

(a) Co-operate with the board in arranging with all public and private hospitals, clinics and dispensaries, and with practicing physicians, to send to the board prompt and complete reports of any persons under treatment in such hospitals, clinics or dispensaries, or by such physician, for any injury or disease that may render them handicapped.

(b) Arrange with health officers to send to the board prompt and complete reports of any persons who in the course of their official duties they find to be suffering from any injury or disease that may render them handicapped, if such persons have not already been reported.

(c) Co-operate generally with the board in carrying out the provisions of this section.

(10) The board and the industrial commission shall co-operate in carrying out the provisions of this section according to a plan which shall be formulated by them and which shall be effective when approved by the governor.

(11) The board may receive and accept gifts and donations, which may be offered unconditionally, for the purposes of this section. All moneys received as gifts or donations shall be paid to the state treasurer and shall constitute a special fund to be used under the direction of the board. A full report of all such gifts and donations, together with the names of the donors, the amounts contributed by each and all disbursements therefrom shall be included in the annual report of the board.

(12) (a) The board shall provide such services as vocational training or instruction in crafts as may be practicable for severely handicapped persons 16 years of age or over, who cannot be inducted into the regular types of remunerative employment, and who elect to take advantage of the benefits of the state services herein described. When deemed advisable and feasible, handicapped persons may be transported to a central place where classes or schools shall be provided for giving vocational training and instruction in the various crafts as will propitiate the rehabilitation of the individual.

(b) No vocational training or craft instruction shall be rendered to a homebound handicapped person whose disability may be of a progressive nature without a certificate from the regular physician certifying that such handicapped person can carry on such work without injurious results.

(c) The board shall aid the homecraft clients in the disposition of the finished products and shall utilize the facilities of such agencies both public and private in such manner as may be practical in providing ways and means of disposing of the products made by such handicapped homebound persons.

(d) When products are sold which are made by severely handicapped persons who are under the supervision of the state board of vocational and adult education, the cost of the raw material furnished such persons for use in fabricating products may be deducted from receipts which are obtained from the sale of such products. Such material cost refunds will be deposited by the state board of vocational and adult education in the general fund of the state treasury and are appropriated therefrom to the state board of vocational and adult education to be used in purchasing raw materials for severely handicapped persons who are under the supervision of the state board of vocational and adult education.

(13) It shall be unlawful, except for purposes directly connected with the administration of the vocational rehabilitation program, and in accordance with rules and regulations prescribed by the state board, for any person or persons to solicit, disclose, receive or make use of, or authorize, knowingly permit, participate in or acquiesce in the use of any list of, or names of, or any information concerning, persons applying for or receiving vocational rehabilitation, directly or indirectly derived from the records, papers, files or communications of the state or subdivisions or agencies thereof, or acquired in the course of the performance of official duties. Any person who shall violate any provision of this section or rules and regulations prescribed thereunder, shall be guilty of a misdemeanor

and shall be punished by a fine not exceeding \$500, or by imprisonment not exceeding 6 months, or both. [1937 c. 349; 1941 c. 104; 1945 c. 249, 586; 1947 c. 54]

Note: State board of vocational and adult education may pay tuition for attendance of physically handicapped person at school having courses especially designed for rehabilitation if otherwise eligible. 27 Atty. Gen. 464. Aliens are not denied benefits of this section if otherwise eligible. 32 Atty. Gen. 47.

41.72 Residential schools for the visually handicapped and the deaf. (1) The object of the Wisconsin school for the visually handicapped and the Wisconsin school for the deaf is to afford the visually handicapped and the deaf a practical education and physical rehabilitation which may aid them to make a living, discharge their duties as citizens, and secure to them all possible happiness. The state superintendent may grant approval for the maintenance of a summer school at either or both schools whenever it will be to the advantage of deaf or blind persons.

(2) All of the functions, powers and duties relating to such schools are vested in the state superintendent of public instruction.

(3) As used in this chapter, blind includes persons visually handicapped, as determined by competent medical authority, with the approval of the state superintendent of public instruction; and deaf includes persons who because of some pathological or functional cause cannot attain proficiency in speech without special instruction and training. [1939 c. 59; 1943 c. 93; 1945 c. 193, 450; 1947 c. 379]

Comment of Interim Committee, 1947: Instead of providing only for a compulsory summer school at the school for the visually handicapped. The part of old 47.01 (2) relating to the school farms, which are administered by the state department of public welfare, is preserved under new 47.02, created by this bill. (3) is new and simply helps to a correct understanding of the purposes of the schools. (Bill 392-S.)

41.73 Admission to schools; tuition; school year; degrees; diplomas. (1) All the blind and the deaf residents of this state between the ages of 6 and 21, capable of receiving instruction, shall be received and taught in said schools free of charge. There is no age limitation on summer school admissions. Like nonresident pupils may also be received upon payment, in advance, of the fees fixed by the state superintendent at an amount not less than \$75 per month. All pupils shall equally and freely enjoy the benefits and privileges of the school and have the use of the library and books of instruction and receive board, lodging and washing, without discrimination. The steward of the school may provide transportation for resident indigent pupils. The state superintendent may also admit pupils over 21 years of age upon the recommendation of the director of public welfare or director of adult and vocational education, or upon that of the superintendent of the school to which the pupil is to be assigned, upon the payment of fees fixed by the state superintendent. All fees shall be deposited in the state treasury and be credited to the general fund. No nonresident shall be received to the exclusion of a resident pupil.

(2) The state superintendent may fix the period of the school year at not less than 38 weeks; prescribe the school terms; and confer diplomas upon meritorious pupils who have completed the prescribed curricula.

(3) The state superintendent may provide for the education of deaf-blind children of suitable capacity to receive instruction either in a special class for that purpose outside the state or in a special class to be established within the state whenever there is a sufficient number of deaf-blind children to warrant the establishment of such class. The cost of such education shall be charged to the appropriation in section 20.21 (9a).

(4) The state superintendent may arrange for vocational or trade training for any pupil qualified to take such training advantageously in either of such state schools, in either the high school or vocational school or a private business establishment in Janesville or Delavan. The high school and the vocational school shall be paid the regular tuition for full-time attendance and pro rata for part-time attendance out of the appropriation in section 20.21 (9a).

(5) The state superintendent may arrange for otological or ophthalmic examination of any pupil or prospective pupil of such schools; and said examination shall be paid for out of the appropriation in section 20.21 (9a).

(6) The state superintendent may apply to the board of regents of the university of Wisconsin for the admission to the Wisconsin general hospital of any pupil in such schools. His application shall be accompanied by the report of a physician appointed by the school superintendent and in the same form as reports of other physicians for admission of patients to such hospital.

(7) The net cost of such hospital treatment shall be at the rate charged to counties for county patients and shall be chargeable one-half to the appropriation for operating the patient's school and one-half to the state. The state superintendent may likewise authorize payment of the expense of transporting patients to and from the hospital. Payments for

the treatment shall be made by him to the university regents for the half chargeable to the operation fund of the school and the other half shall be paid as provided in section 142.08 (1). Funds collected by him on account of such hospitalization shall be deposited one-half in the general fund of the state, and one-half in the appropriation made by section 20.21 (9a) for the school concerned.

(8) The state superintendent may arrange for visits by members of the staff of either school to other public schools or to families of blind or deaf children whenever it appears to him that such visits will be of advantage to blind or deaf children.

(9) The state superintendent may set aside a sum not in excess of \$3,000 annually out of appropriations made to such schools to be used to defray the expenses of readers for blind or deaf pupils between the ages of 16 and 21 enrolled in any public high school or vocational school in the state. The amount of aid to one pupil shall not exceed \$125 per year. This aid shall not be granted to any student unless the director of the bureau for handicapped children and the superintendent of the school for the visually handicapped or of the school for the deaf (according as the child is blind or deaf) agree that it is best for said student to attend such vocational or high school. [1935 c. 264, 309; 1939 c. 59; 1939 c. 513 s. 11; 1943 c. 170; 1945 c. 561; 1947 c. 379]

Comment of Interim Committee, 1947: The age of pupils to be received is changed. In old 47.02 it is 8 to 25 years. Provision is made for admitting pupils over 21 under certain conditions. The fee for nonresident pupils continues to be fixed by the state superintendent, but by this bill a minimum fee of \$75 is prescribed. The provision in (7) that all fees shall be deposited in the general fund is changed to provide that one-half goes to the general fund and one-half to the school appropriation. Under (2) the provision for degrees is omitted. (8), relating to visitation, is new. (9) is new and provides for readers in cases where it is better for the pupil to attend a public high school or vocational school instead of the special state school. (Bill 392-S.)

41.74 Compulsory education of blind and deaf persons. If it appears, by affidavit, to any county or municipal judge that any blind or deaf child between the ages of 6 and 21 is deprived of a suitable education by the failure of the person having the care and custody of the child, the judge shall order such person to bring the child before him; and if the material allegations of the affidavit are denied he shall subpoena witnesses and hear testimony. If the allegations are admitted or established, the judge may order the child sent to the school for the visually handicapped or for the deaf or to some class or other school for instruction; but such order shall not make a direct charge for such class or school against any county. [1945 c. 193, 428; 1947 c. 379]

Comment of Interim Committee, 1947: age group correspond with that under new The only change in meaning is to make the 41.73. (Bill 392-S)

41.75 Library for blind persons. Embossed, clear type or large type books, talking book machines and talking book records acquired by the school for the visually handicapped constitute a circulating library for the blind. It shall be kept at the school and be in charge of its superintendent. All blind citizens of the state may use such books upon compliance with regulations made by the superintendent and approved by the state superintendent. [1939 c. 59; 1945 c. 193; 1947 c. 379]

Comment of Interim Committee, 1947: ing special kinds of talking books now in The statute is brought up to date by including special kinds of talking books now in use. (Bill 392-S)

41.76 Scholarships for blind students. Any blind person who has been a resident of this state for at least 5 years next preceding the making of an application for aid under this section and who is a regularly enrolled student in any university, college or conservatory of music, may under the direction of the superintendent of the Wisconsin school for the visually handicapped, and subject to the approval of the state superintendent of public instruction, receive aid for the purpose of defraying his necessary expenses, including a reader, while in attendance at such university, college or conservatory of music. The amount of such aid to any such person shall not exceed \$300 in any one year, nor shall the total amount of such aid exceed \$2,000. [1939 c. 59; 1945 c. 193; 1947 c. 379]