

## CHAPTER 38

## SPECIAL SCHOOLS

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**38.01 Definition.** In this chapter, unless the context requires otherwise, "board" means the board of vocational, technical and adult education.

**38.13 State board of vocational, technical and adult education.** (3) The board shall have control over all state aid given to schools established under ss. 38.15 and 38.155; may employ a director and assistants for the development and supervision of such schools, and shall determine the organization, plans, scope and development of vocational, technical and adult education. All salary accounts shall be certified by the director of the board to the department of administration. All positions except that of director shall come under the classified service.

(4) The board shall cooperate with the U. S. office of education and the federal government in the execution of the provisions of the U. S. vocational education act and any federal statutes pertaining to vocational, technical and adult education and amendatory or supplementary acts thereto, and is empowered with full authority so to cooperate. The state treasurer is 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 the federal statutes.

(5) The board may authorize boards of vocational, technical and adult education districts to grant associate degrees in the appropriate areas designated by the board to students who successfully complete 2 full years of post high school

instruction in courses the standards of which meet requirements established by the board. The coordinating council for higher education shall determine the collegiate transfer programs and qualifications of personnel therefor. Except in cities having a population of 150,000 or more, no liberal arts collegiate transfer program shall be offered in a vocational, technical or adult education school located in any town, city or village where there is an existing public institution of higher learning.

(6) The board may accept gifts, grants, bequests and devises to be used in the execution of its functions.

(7) All moneys received by the board from grants for the conduct of conferences and proceeds from such conferences shall be deposited in the general fund and are appropriated therefrom to the board for the conduct of such conferences.

(8) To foster and maintain instruction in courses approved by the board in part-time and full-time day or evening classes, a system of vocational, technical and adult education is established. It is the intent of this section that every person 16 years of age or over who can profit thereby shall be eligible to attend such tax-supported instruction under the rules established by the board.

(9) To establish the requirements for the distribution of state aids, the determination of credits and other administrative processes, the board shall establish criteria for, classify and designate the names of such schools established by the local boards.

(10) The board shall establish rules and standards governing a scholarship program for needy Indians and may grant such scholarships to eligible persons for study at such schools as the board determines. No such scholarship to any individual shall exceed \$25 weekly.

(11) The board of vocational, technical and adult education may grant scholarships to bona fide residents of the state who, during their high school or college courses, were good students, are in financial need, possess qualifications for leadership and are enrolled in state-wide full-time associate degree and collegiate transfer programs under sub. (5). The monetary value of scholarships granted shall vary with the recipient's financial need. A scholarship granted an individual by the board under this section shall not exceed an amount equal to 67% of the financial need of the individual student as determined by the institution in conformance with procedures established by the higher educational aids board.

(12) The board may grant scholarships to bona fide residents of the state who are enrolled in state-wide full-time nonassociate and vocational diploma programs approved by the board. The monetary value of scholarships granted shall vary with the recipient's financial need. A scholarship granted an individual by the board under this section shall not exceed an amount equal to 67% of the financial need of the individual student as determined by the institution in conformance with procedures established by the higher educational aids board.

**38.14 Training program for firemen.** (1) **PURPOSE.** In order to promote safety to life and property the board of vocational, technical and adult education may establish and supervise a program of training in fire prevention and protection.

(2) **ELIGIBILITY.** The program shall be available to members of volunteer and paid fire departments maintained by both public and private agencies including industrial plants.

**38.146 Transportation, local.** Any governing body organized under s. 38.15 (9) (ba) or (d) or 38.155 may provide transportation for students within its district or area. No state aid shall be paid for this service.

**38.15 Local programs of vocational, technical and adult education.** (3) In every town, village and city of over 5,000 population there shall be, and in every town, village or city of less than 5,000 population there may be a local board of vocational and adult education. Whenever a number of electors equal to 3% of those voting in the last general election for governor

from any district, the schools of which are classified as integrated, shall petition the county clerk at least 30 days prior to the next election, either primary or general, for a referendum on the question of the establishment of a local program of vocational and adult education in the district, the county clerk shall provide for such referendum, at county expense, at the next election, either primary or general, and such program shall be established if a majority of those residing in the unincorporated portion of the district voting at such election and a majority of those residing in the cities and villages in the district voting in such election shall vote in favor thereof. When the creation of a district to operate a vocational and educational program contemplates the inclusion of a portion of a city then maintaining such a program, such portion of the city shall first secure, by majority vote in a city-wide referendum, approval of the electors of the city for the separation of such portion of the city from the existing district providing a vocational and adult education program; such referendum to be called by the city clerk for the next general election upon petition of 15% of the qualified electors of such portion of the city. When a referendum shall favor the establishment of a program of vocational and adult education, the school district shall appoint a local board of vocational and adult education in accordance with sub. (6) (a) and such local board shall take over and maintain schools of vocational and adult education established in cities, towns or villages within the district. The duty of the local board shall be to establish, foster and maintain schools of vocational and adult education for instruction in trades and industries, commerce, agriculture, and household arts in part-time day, all-day and evening classes and such other courses as are enumerated in s. 38.17. 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.

(4) Towns, cities and villages of over 5,000 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 sub. (3) applicable to towns, cities and villages of over 5,000 population, but shall be subject to the provisions of sub. (3) applicable to towns, cities and villages of less than 5,000 population, shall be liable for the tuition specified in s. 38.19, but shall not be subject to the provisions of sub. (16). Minors residing in such towns, cities and villages shall be subject to ss. 103.06 and 118.15. 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.

(5) (a) Such board, except the school district board of vocational and adult education, shall consist of the city superintendent of schools or the superintendent of the unified school district schools (or the principal of the high school, if there is no city superintendent, or the president or director of the local school board in case there is neither of the above-mentioned officers), and 4 other members, 2 employers, and 2 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 is more than one local board, by such boards jointly. If there is 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.

(b) The term of the appointive members shall be 4 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 1st 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.

(6) (a) Where school districts establish schools of vocational and adult education the board shall consist of the district school administrator and 6 other members, 3 employers, 3 representative employes who have no employing or discharging powers and who are not foremen or superintendents, 2 of whom shall reside in unincorporated areas of the district, who shall serve without pay, and who shall be appointed by the district school board.

(b) The term of the appointive members of the school district board of vocational and adult education shall be 6 years from January 1 provided, that in the first instance members shall be appointed so that the term of one member shall expire each year.

(7) The local board of vocational and adult education shall elect from its membership, a chairman and a secretary and in the case of boards of vocational and adult education appointed for school districts and area school dis-

tricts, a treasurer; and with the cooperation of the board of vocational, technical and adult education shall have general supervision of the instruction in the local schools of vocational and adult education.

(8) On and after July 1, 1961, subs. (3) to (7) shall apply only to schools of vocational and adult education and local boards of vocational and adult education existing on July 1, 1961, and no new schools of vocational and adult education or local boards of vocational and adult education shall be established thereunder after June 30, 1961.

(9) LOCAL ORGANIZATIONS. On and after July 1, 1961, the local administration of schools of vocational and adult education shall be organized in one of the following manners:

(a) As a local board of vocational and adult education within a city or village.

1. Every city or village with a population of 5,000 or more shall appoint a local board unless exempted from doing so by the board of vocational, technical and adult education upon evidence that services can be made available by other methods.

2. Cities and villages with a population of 5,000 or more which do not maintain a school of vocational and adult education, and adjoin any city maintaining a school of vocational and adult education, shall not be subject to the provisions of subd. 1 applicable to cities and villages with a population of 5,000 or more, but shall be liable for the tuition specified in s. 38.19. Minors residing in such cities and villages shall be subject to ss. 118.15 and 103.06.

(b) As an area school district as provided in s. 38.155.

(ba) As an area (in this paragraph referred to as "area") vocational and adult education school comprising 2 or more contiguous high school districts, by joint resolution of the respective school boards.

1. A vocational and adult education board for the area (in this paragraph referred to as the area board) is created to consist of 7 members. The administrator of the school district having the greatest population shall be an ex officio member; but by mutual agreement, the school administrator of one of the other participating districts may be appointed as such ex officio member. The other 6 members shall include 2 employers other than farmers, who have power to employ and discharge, 2 employes who do not have power to employ or discharge, and 2 farmers who are actually engaged in the operation of a farm.

2. The 6 members shall be appointed by the school boards of the participating districts acting jointly at a time and place in the area fixed

by the administrator. The administrator shall give 3 weeks' notice thereof to each school board member; and where there are fewer than 6 districts in the area, each district shall have at least one area board member. If the area comprises less than 6 high school districts, board members shall be appointed so as to make board representation proportionate to the total population of the several districts, insofar as this is possible. If the area comprises more than 6 districts, districts shall be combined for purposes of appointing board members, and board representation shall be proportionate to the total population of the various districts insofar as possible. If no agreement can be reached with respect to board membership and representation, the board of vocational, technical and adult education shall make the determination which shall be final. Upon organization, 3 members shall be appointed for 2-year terms, 2 for 4-year terms and 2 for 6-year terms. Such determination shall be by lot. Thereafter, terms shall be for 6 years and until their successors are appointed and qualified. At a sufficient time prior to expiration of terms the administrator shall give like notice to members of the school boards for the appointment of successor members on the area board.

(c) As a local board of vocational and adult education in an area comprising a union high school district or a common or unified school district operating grades one to 12 or kindergarten to 12.

(d) Upon the adoption of a resolution by the municipal governing body of a city or village maintaining a school of vocational and adult education; the board of education of a common or unified school district encompassing the city or village or the board of education of a city school system; and the village board of any village included in the city school system, each acting independently, the vocational and adult education school shall become a vocational and adult education school encompassing the entire area of such common or unified school district or city school system.

(e) No local board of vocational and adult education shall be created after July 1, 1961, without the approval of the board of vocational, technical and adult education.

(10) EFFECT OF BOUNDARY CHANGES. Territory detached from any unit maintaining a school of vocational and adult education shall cease to be liable for taxes to operate and maintain said school after the taxes levied to pay for the last year that such territory was in the unit, but such territory shall continue to be liable for its apportioned share of any indebtedness incurred by such unit attributable to the school of vocational and adult education while it was at-

tached thereto, the apportionment to be determined and equalized annually as long as such indebtedness exists in the manner provided in s. 120.17 (8) and certified annually by the clerk of the unit to the appropriate municipal clerk as provided in s. 38.16 (2m). When a city or village ceases to operate a school of vocational and adult education pursuant to action under sub. (9) (d), the liabilities and assets of the vocational and adult school of such city or village shall become the assets and liabilities of the common or unified school district. The vocational and adult school property of the city or village shall be sold and transferred to the school district at a price equal to the then outstanding obligations of the city or village issued and incurred for such school purposes. This purchase price shall be paid to the city or village by the school district in the manner and pursuant to the provisions of s. 120.58 (1) or (2) which provisions shall be fully applicable to the payment of the purchase price under this subsection including the method of payment, the investment of the proceeds of payment by the city or village and the effect of payment in computing the city's or village's legal indebtedness after such payment.

(11) BOARD COMPOSITION. The members of the local board of vocational and adult education established on or after July 1, 1961, by a city school board, union high school board or common or unified school board shall be appointed by such board and shall consist of:

(a) The city superintendent of schools, the superintendent of the unified or common school district, or the principal of the high school if there is no city superintendent or the president or director of the local school board in case there is neither of the above-mentioned officers, and if there is more than one such superintendent, principal, president or director in the district, the ex officio member shall be selected by the appointing board; and

(b) Four other members, 2 employers and 2 representative employes who have no employing or discharging power and who are not foremen or superintendents. If the territory under the jurisdiction of a local board of vocational and adult education includes rural farming area, the board shall have 2 additional members who shall be farmers, who shall first be appointed for terms of 2 and 4 years, and thereafter for terms of 4 years.

(c) The board shall serve without pay but shall be reimbursed for their reasonable and necessary expenses incurred in the discharge of their official duties.

(d) Of the appointive members of the board of vocational and adult education first appointed

one shall be for one year, one for 2 years, one for 3 years and one for 4 years and their terms shall begin on July 1. Thereafter members shall be appointed for 4-year terms. Vacancies shall be filled by the appointing authority for the unexpired term.

(e) The local board of vocational and adult education shall elect from its membership a chairman and secretary, and a treasurer shall be elected when not otherwise provided.

(f) The local board of education, for purposes of selecting the local board of vocational and adult education, is the board in charge of the public schools encompassing the local school of vocational and adult education. If there is more than one board, by such boards jointly.

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

(13) 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, coordinators, 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 board of vocational, technical and adult education and shall meet the requirements designated by the said board. The local board may also employ and fix the compensation of such clerical assistants, janitors and other employes as may be necessary.

(14) 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 or school district.

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

(16) Whenever 25 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 ss. 38.13 to 38.20.

(17) (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 or school district, and may prosecute or defend all suits brought under this section.

(aa) The local board of vocational and adult education, however organized, shall be subject to s. 120.48 (4).

(b) All contracts made by such local board for construction work involving the expenditure of \$1,000 or more and all contracts for the purchase of materials, supplies and equipment not to be used for new construction work where the estimated cost is \$2,000 or more shall be awarded to the lowest competent responsible bidder. In respect to any such contracts the board shall advertise for sealed proposals based upon a plan or profile of the work to be done and specifications therefor, or other appropriate sufficient description of the work required to be done, and the kinds or qualities of materials, equipment and supplies to be furnished, which shall be first placed on file in the office of the board for the information of bidders. The board may submit alternative plans and specifications for any contemplated public work or purchase as provided in s. 62.15 (8). Such advertisement shall be published as a class 2 notice, under ch. 985, the last insertion to be at least one day prior to the day set for the opening of the bids, and the contract may be awarded on the day the bids are opened or thereafter. The board at its option may call for competitive bids on such notice when the amounts of the expenditures involved are less than \$1,000 for construction work and less than \$2,000 for the purchase of materials, supplies and equipment not to be used for new construction work; and the board may call for informal bids on plans and specifications without advertised notice when the amount involved is less than \$1,000 for construction work and less than \$2,000 for the purchase of materials, supplies and equipment not to be used for new construction work. A performance bond in the principal amount of the contract shall be required in such cases and on all contracts let by the board.

(c) All proposals shall be directed to the board and shall be accompanied by a surety bid bond executed by a surety corporation licensed to transact business in Wisconsin in a penal sum to be fixed by the board in dollars, but the amount thereof shall not be less than 5% nor more than 10% of the estimated cost of the construction

work or the materials, equipment or supplies. In lieu of such bid bond, the bidder may accompany his bid with a certified check, a bank cashier's check or cash in the amount required by the board. In case the bidder awarded the contract shall fail or refuse to execute the contract and performance bond, the amount of the said bid bond, certified check, cashier's check or cash shall be forfeited to the city as liquidated damages. Whenever the advertisement calls for the performance of different kinds of construction work or the furnishing of different kinds or qualities of materials, equipment or supplies, such contracts may be let in whole or in part to the lowest responsible bidder for particular parts of the proposed contract. The board may reserve the right to reject any and all bids and to waive minor irregularities. The board shall fix the time of completion of the contract and may, for good reason, extend the time for completion thereof. The board shall fix the amount of liquidated damages for failure of the contractor to complete the contract at the specified time, which damages shall not in any event exceed one-half of one per cent of the estimated cost involved for each day of default. All contracts shall run in the name of the city, village or school district, be executed by the chairman and secretary of the board, and except as to school districts, be countersigned by the comptroller, and approved as to form and execution by the city or village attorney. A bidder may, by written notice to the board, withdraw his bid before the time set for opening bids, and he may file an additional bid or bids before the opening date, but when the bids are opened at the prescribed time no bidder may withdraw or amend his bid for any reason, provided that in case the bidder appears to be acting in good faith and by oversight or error he has made an improvident bid, the board can, in its discretion, reject such bid, if it be the low bid, and award the contract to the next lowest responsible bidder. The board may demand that prospective bidders prequalify as to responsibility and competence. The board may in its discretion for good reason waive liquidated damages for failure to complete at the time prescribed in the contract. The board shall insert in all contracts appropriate provisions, terms and conditions for suitable indemnity to the city against loss or expense, as to the payment of prevailing wage rates and to hours of daily work, as to payments on account to the contractor as the work progresses or deliveries are made, and in other particulars for the protection of the city.

(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 this state.

(18) (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 board of vocational, technical 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 board of vocational, technical and adult education.

(19) All full-time day teachers in any schools of vocational and adult education in cities of the 1st class shall be employed on probation, and after successful probation for 3 years, such employment may be terminated only in the manner as hereinafter provided; teachers having taught 3 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 3 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 10 days' written notice thereof to such teacher, and within 30 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, coordinators, 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.

(20) Effective June 1, 1945, any teacher and any director heretofore or hereafter coming under sub. (19) 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.

(21) 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 or school district desiring the same and with the approval of the local board, if any, of such municipality or school district, upon such reimbursement basis as shall be agreed upon. Every town, city, village and school district, and their respective governing boards may appropriate money to be paid to local boards of vocational and adult education and other communities which render services to such town, city, village or school district.

(22) No local board of vocational and adult education shall 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.

(23) The local board may accept gifts, grants, bequests and devises to be used in the execution of its functions.

**38.155 Vocational, technical and adult education districts.** (1) Beginning as soon after September 29, 1965, as practicable, the coordinating council for higher education, in conjunction with the board of vocational, technical and adult education, shall prepare a proposed master plan for vocational, technical and adult education districts. By July 1, 1970, the board of vocational, technical and adult education shall act to include all areas in such school districts of vocational, technical and adult education as the board designates. Prior to July 1, 1970, the governing body of any county, municipality or school district operating a high school may elect, singly or in any contiguous combination, to be constituted a school district as designated by the board under this section and, if the board and the coordinating council for higher education approve, the district shall be created. Every existing local vocational and adult education board in territory included in a district created under this section shall cease at such time as the board declares the new district to be created.

(2) Vocational, technical and adult education districts may be established containing one or any contiguous combination of the following units of government:

(a) Counties.

(b) Municipalities.

(c) School districts operating high schools.

(3) (a) The boundaries of a district shall not be altered unless the alteration is approved by the board of vocational, technical and adult education.

(b) The governing body of any municipality, county or school district operating a high school may request the board to detach its territory from a district and attach it to another district. If the transfer is approved by the governing body of both districts involved, the board may approve it. If the governing body of either district disapproves the transfer, the board shall determine the case on its merits.

(c) All changes in boundary lines shall take effect on July 1.

(4) Upon the creation of a vocational, technical and adult education district under this section all property, assets, claims, contracts, obligations, rights, duties and liabilities of any nature and kind relating and pertaining to the vocational and adult education schools operated in the territory of the district shall become properties, assets, claims, contracts, obligations, rights, duties and liabilities of such district; except as otherwise provided in sub. (4m).

(4m) (a) Upon the creation of a vocational, technical and adult education district under this section, all property, assets, claims, contracts, obligations, rights, duties and liabilities of any nature and kind relating and pertaining to any vocational and adult education school operated in any city or village located in the area included in such district shall remain the property, assets, claims, contracts, obligations, rights, duties and liabilities of such city or village, unless at the option of the governing body of such city or village, the whole or any portion thereof, is transferred to the district under an agreement between such city or village and the district as to the use, obligation and ownership thereof.

(b) The purchase price of such property, except as otherwise agreed upon under par. (a), shall be the fair market value as determined by an independent appraiser selected jointly by the governing bodies of the city or village and of the vocational, technical and adult education district, less any outstanding obligations against the property which shall be assumed by said district.

(c) A vocational, technical and adult education district in financing the purchase of property transferred to the district under this subsection may issue its bonds or promissory notes under ch. 67 to pay the cost thereof including assumption of outstanding obligations.

(d) The city or village shall deposit the proceeds of the sale of vocational and adult educa-

tion school property in the sinking fund or funds, if any, created for payment of existing vocational and adult education school obligations and the indebtedness of such city or village shall, for purposes of computing its legal debt limit, be deemed reduced by the amount of such deposit. The city or village may invest these sinking fund moneys under s. 66.04 (2) or 67.11 (2) and (3). Bonds and notes issued by vocational, technical and adult education districts for purposes of this subsection shall not be subject to referendum. The purchase agreement shall include an irrevocable clause providing that the district shall pay annually to the city or village a sum of money equal to the amount in which the interest received by the city or village upon investments authorized hereunder is less than the amount of interest paid by the city or village on the bonds of the city or village for vocational and adult education school purposes.

(e) The vocational, technical and adult education district purchasing property under this subsection may, with approval by the city council or village board involved, pay the purchase price by issuing and delivering directly to the city or village the general obligation promissory notes or notes of the district under the provisions, including an irrevocable tax levy, of s. 67.12 (12), except that no referendum shall be held and the 10-year limitation on such notes under s. 67.12 (12) shall be inapplicable to such notes issued under this paragraph. Such notes shall mature and be payable at such times, in such amounts and at such rate of interest as will amortize and pay when due the principal and interest on the outstanding obligations of the city or village for vocational and adult education school purposes. All such notes, upon execution and delivery to the city or village, shall in all respects be held and considered as an authorized investment under s. 66.04 (2) or 67.11 (2) and (3) of the sinking fund created for payment of the city or village obligations issued for vocational and adult education school purposes and shall be offset against city or village indebtedness in computing legal debt limit to the same extent as other authorized investments of the sinking fund and such notes may be sold and hypothecated. If the offset against city or village indebtedness under this paragraph is determined to be invalid in any respect, such city or village may immediately require the district issuing to such city or village promissory notes hereunder to comply with pars. (c) and (d) to the extent necessary to cure such invalidity.

(5) A district shall be administered by a board consisting of 7 members, as follows:

(a) The members shall include 2 employers, who have power to employ and discharge, 2 em-

ployes who do not have power to employ or discharge and 2 additional members.

(b) The members appointed under par. (a) shall select a school district administrator from within the district who shall serve as an ex officio member of the board.

(c) The board members shall be appointed by the chairmen or other executive officers of the governing bodies of the units of government included in the district, acting jointly at a time and place in the district fixed by the board. If the governing bodies of the units initiating the action are all school districts operating high schools, the chairmen of the governing bodies shall be the presidents or chairmen of those school district boards comprising the area. If the governing bodies of the units initiating the action are all counties, the chairmen of the governing bodies shall be the chairmen of the county boards comprising the area. If the governing bodies of the units initiating the action are all municipalities, the chairmen or executive officers of the governing bodies shall be the presidents or chairmen of the school districts operating high schools in which any area of the new district is located. If the governing bodies of the units initiating the action are a combination of high school districts, counties and municipalities, the chairmen or executive officers of the governing bodies shall be the chairmen of the county boards of the counties in which any part of the district is located. When the board creates districts the board shall designate which governing bodies shall participate in the selection of the board members. Such designation shall be consistent with the intent of this subsection. The board shall give 3 weeks' notice thereof to each governing body; and where there are fewer than 6 units of government in the district, each unit shall have at least one board member. If the district comprises less than 6 units, board members shall be appointed so as to make board representation proportionate to the total population of the several units, so far as possible. If the area comprises more than 6 units, units shall be combined for purposes of appointing board members, and board representation shall be proportionate to the total population of the various units, so far as possible. If no agreement can be reached with respect to board membership and representation within 60 days, the board shall make the determination. Upon organization, 2 members shall be appointed for 2-year terms and 2 for 4-year terms and 2 for 6-year terms. Such determination shall be by lot. Thereafter, terms shall be for 6 years and until their successors are appointed. At a sufficient time prior to expiration of terms, the secretary of the board shall give notice to the governing bodies for the ap-



pointment of successor members on the district board.

(d) All district board members shall take office on July 1 and shall hold office until a successor has been selected. Vacancies shall be filled as were original appointments. The officers of the district board shall be a chairman, vice chairman, secretary and treasurer. District board members shall receive their actual and necessary expenses incurred in the performance of their duties.

(6) Annually on or before October 1, the district board may levy a tax, not exceeding 2 mills on the full value of the taxable property of the district, for the purpose of making capital improvements, acquiring equipment and operating and maintaining the schools of the district, except that the 2-mill limitation is not applicable to taxes levied for the purpose of paying principal and interest on valid bonds or notes now or hereafter outstanding as provided in s. 67.035. The secretary of the district board shall file with the clerk of each city, village and town, any part of which is located in the district, a certified statement showing the amount of the levy and the proportionate amount of the tax to be spread upon the tax rolls for collection in each city, village and town. Such proportion shall be ascertained on the basis of the ratio of the full value of the taxable property of that part of the city, village or town located in the district to the full value of all taxable property in the district, as certified to the secretary by the department of taxation. Upon receipt of the certified statement from the secretary of the district board, the clerk of each city, village and town shall spread the amounts thereof upon the tax rolls for collection. When the taxes are collected, such amounts shall be paid by the clerk of each city, village and town to the treasurer of the district board.

(7) The district board may borrow money and levy taxes to be used for the purchase or construction of buildings and for additions, enlargements and improvements to buildings and for the acquisition of sites and equipment. In financing activities under this subsection, the district may issue its bonds or promissory notes under ch. 67 to pay the cost thereof.

(8) (a) The district board may accept gifts, grants, bequests and devises to be used in the execution of its functions.

(b) All moneys received by the district board shall be deposited with the treasurer of the district board. The district board treasurer shall be accountable for such funds. All expenditures shall have the approval of the treasurer or his designated representatives.

(c) No state aid granted to schools under this section and no money appropriated by the

county, city, town, village or school district for these schools shall be spent without the approval of the district board.

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

(10) The district 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. In a county where there is a county teachers college or joint county teachers college which is to be phased out of existence prior to July 1, 1970, the district board shall utilize the existing buildings and equipment of such colleges to the extent possible. All conveyances, leases and contracts shall be in the name of the district.

(11) The district board may contract with public educational institutions for instructional services.

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

(b) All contracts made by the district board for construction work involving the expenditure of \$3,000 or more and all contracts for the purchase of materials, supplies and equipment not to be used for new construction work where the estimated cost is \$3,000 or more shall be awarded to the lowest competent responsible bidders. In respect to any such contracts the district board shall advertise for sealed proposals based upon a plan or profile of the work to be done and specifications therefor, or other appropriate sufficient description of the work required to be done, and the kinds or qualities of materials, equipment and supplies to be furnished, which shall be first placed on file in the office of the district board for the information of bidders.

The district board may submit alternative plans and specifications for any contemplated public work or purchase as provided in s. 62.15 (8). Such advertisement shall be published as a class 2 notice under ch. 985. The time fixed for opening of bids on work or materials that require engineering, design or fabrication shall not be earlier than 40 days after the availability of contract documents and the first publication of advertisements for bids. The district board at its option may call for competitive bids on advertised notice or for informal bids on plans and specifications without such notice when the amounts of the expenditures involved are less than \$3,000 for construction work and less than \$3,000 for the purchase of materials, supplies and equipment not to be used for new construction work. A performance bond in the principal amount of the contract shall be required in such cases and on all contracts let by the district board.

(c) All proposals shall be directed to the district board and shall be accompanied by a surety bid bond executed by a surety corporation licensed to transact business in this state in a penal sum to be fixed by the district board in dollars, but the amount thereof shall not be less than 5% nor more than 10% of the estimated cost of the construction work or the materials, equipment or supplies. In lieu of such bid bond, the bidder may accompany his bid with a certified check, a bank cashier's check or cash in the amount required by the district board. In case the bidder awarded the contract fails or refuses to execute the contract and performance bond, the amount of the bid bond, certified check, cashier's check or cash shall be forfeited to the district board as liquidated damages. Whenever the advertisement calls for the performance of different kinds of construction work or the furnishing of different kinds or qualities of materials, equipment or supplies, such contracts may be let in whole or in part to the lowest responsible bidder for particular parts of the proposed contract. The district board may reserve the right to reject any and all bids and to waive minor irregularities. The district board shall fix the time of completion of the contract and may, for good reason, extend the time for completion thereof. The district board shall fix the amount of liquidated damages for failure of the contractor to complete the contract at the specified time, which damages shall not exceed one-half of one per cent of the estimated cost involved for each day of default. All contracts shall run in the name of the district and be executed by the chairman and secretary of the district board. A bidder may, by written notice to the district board, withdraw his bid before the time set for opening bids, and he may file additional bids

before the opening date, but when the bids are opened at the prescribed time no bidder may withdraw or amend his bid for any reason. If the bidder appears to be acting in good faith and by oversight or error has made an improvident bid, the district board may reject such bid, if it is the low bid, and award the contract to the next lowest responsible bidder. The district board may demand that prospective bidders prequalify as to responsibility and competence. The district board may for good reason waive liquidated damages for failure to complete at the time prescribed in the contract. The district board shall insert in all contracts appropriate provisions, terms and conditions for suitable indemnity to the district against loss or expense, as to the payment of prevailing wage rates and to hours of daily work, as to payments on account to the contractor as the work progresses or deliveries are made, and in other particulars for the protection of the district.

(d) The district board shall be subject to s. 120.48 (4).

(13) The district 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 employees selected from candidates submitted by representative organizations or associations of each occupation, and may be called upon by the district board and by the administrator 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 are found desirable.

(14) Any teacher and any director who has attained or attains the age of 70 years shall be retired by the district board at the end of the school year in which he reaches the age of 70. A school year begins on July 1 in any year and ends on June 30 of the following year.

(15) The district board may furnish teaching services, staff, supervision and administration and equipment for the purpose of conducting instruction in other areas within the state upon the request of the institution or municipality or school district desiring the same and with the approval of the board, if any, of such municipality or school district, upon such reimbursement basis as shall be agreed upon. Every county, town, city, village and school district, and their respective governing boards may appropriate money to be paid to district boards which render services to such town, city, village or school district.

**38.16 Estimate for maintenance; tax.** (1) The local board of vocational and adult education shall annually report to the municipal clerk or school district 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 3 mills on the dollar in cities of the 1st class, or 2 mills on the dollar in all other municipalities, except that when such tax will not produce sufficient revenue in any such other municipality, that municipality may by ordinance provide that such tax shall not exceed 2 mills on the last equalized valuation on the taxable property in the municipality.

(2m) The school clerk shall certify all taxes levied for purposes of vocational and adult education to the municipal clerk. If any school district is joint, the clerk of the district school board shall certify to the clerk of each municipality the amount to be raised by each. The apportionment shall be determined and shall be equalized in the manner provided in s. 120.17 (8). The district taxes for purposes of vocational and adult education shall be entered on the next tax roll of the municipality and collected and returned as other taxes are, and shall be paid to the treasurer of the local board of vocational and adult education. The taxes for purposes of vocational and adult education together with other funds provided for the same purposes shall be equal to the amount required by the local board of vocational and adult education but such taxes shall not exceed 2 mills on the dollar.

(2p) The vocational and adult education area district board is authorized to levy on or before October 1 in any year a tax upon all the taxable property of the district for the purpose of operating and maintaining area schools of vocational and adult education. The amount of such tax shall not exceed in any one year, 2 mills on each dollar of equalized valuation.

(a) The secretary of the area district shall deliver to the clerk of each municipality in which any part of the district is located, a certified statement showing the amount of taxes voted and the amount of taxes to be collected in that year for the payment of any loan and the portion of such taxes to be assessed in that part of the area district within the municipality which proportion shall be ascertained from the full valua-

tion certified to him by the department of taxation.

(b) Upon receipt of such report the clerk of each such municipality shall place the same on the tax roll to be collected as are other taxes, and such money when collected shall be paid to the treasurer of such district.

(2q) The vocational and adult education area district board may incur indebtedness for the acquisition of sites, buildings and equipment for the operation of a school and levy taxes for such capital outlay and interest. When a vocational and adult education school is established by one or more counties, the funds for acquisition of sites, buildings and equipment for this school shall be requested of and approved by the county board or boards comprising the district in the manner determined in the agreement to organize the district.

(3) Whenever the local board of vocational and adult education in any city or school district shall deem it necessary to erect, or to make additions to buildings, or to purchase sites or additions to sites, the local board of vocational and adult education may inform the city council of the city or the school district board of the amount of funds needed for one or more of said purposes, and request the city council or the school district board to borrow money or to have school bonds issued and sold in accordance with the procedure provided in ch. 67 or elsewhere in the statutes for said purposes, or any 2 of said purposes combined, in the same manner as other loans are obtained or bonds are issued in such city or school district. If the local school district board and the local board of vocational and adult education deem it necessary to erect a building to be used jointly by the high school and vocational and adult education school, they may jointly request the city council or the annual school district meeting for the amount of funds needed for the purpose, and the city council or the annual school district meeting, as the case may be, may authorize loans or school bonds issued and sold, in accordance with procedure as provided in ch. 67 or elsewhere in the statutes in the same manner as other bonds are issued or loans obtained in such city or school district.

(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) or secretary of a board of vocational and adult education organized in a school district shall keep separate accounts of all money appropriated or otherwise provided for vocational and adult education. Said money 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 or secretary of a board of vocational and adult education organized in a school district shall issue proper order upon such certification, to the municipal treasurer, or treasurer of a board of vocational and adult education organized in a school district, who shall pay them from the proper funds in the manner provided by s. 66.042.

(6) All money received by said board shall be paid to the town, village or city treasurer or treasurer of a board of vocational and adult education organized in a school district and are appropriated to the vocational and adult education fund.

### 38.17 Teachers and courses of study. (1)

The qualifications of teachers and the courses of study in these schools shall be approved by the board of vocational, technical 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 board of vocational, technical 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.

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

### 38.18 Requirement for admission; aids for veterans. (1)

The schools of vocational, technical and adult education shall be open to all residents of the municipalities or districts in which such schools are located, who are 16 years of age and who are not by law required to attend other schools, and to all persons over 16 years of age employed in said municipalities or districts, but who are residents of other municipalities or districts maintaining schools. Such nonresidents shall notify the local board of their home municipality or district. The schools shall

be open to all persons 16 years of age or over who reside in municipalities or districts having local boards but in which the specific courses desired by such persons are not given if such courses are given in the municipality or district in which such persons elect to attend and the local board of such municipality or district agrees to admit them. Such nonresidents shall notify the local board of their home municipality. Any person over the age of 16 years who resides in any municipality not having such school, and who is otherwise qualified to pursue the course of study, may attend any school under the supervision of the local board. 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 department of health and social services under s. 55.01 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 s. 38.16 would be in excess of the full cost of training provided such veterans.

### 38.19 Nonresident tuition; aids for veterans. (1)

(a) The local board of vocational and adult education may charge tuition for nonresident students in an amount sufficient to pay instructional costs of providing training to such persons. Such charges shall be reviewed and, if found to be accurate, approved by the director of the board.

(b) Separate tuition rates shall be established by the local board for costs associated with the following classifications:

1. State-wide full-time.
2. Other.

(c) The tuition rates established under par. (b) shall be reduced to reflect state and federal aids, revolving income and other revenue exclusive of revenues derived from local taxes.

(d) For purposes of tuition charges a student shall be considered age 21 or over if he has reached his 21st birthday prior to the beginning of the semester or lesser time period for which enrolled.

(e) The board shall establish tuition refund policies.

(2) Before August 1 of each year, the secretary of each local board of vocational and adult education shall file with the clerk of each county and municipality from which any tuition pupil was admitted, except as provided in sub. (6), a sworn statement setting forth the residence, name, age, date of entrance and the total tuition charge for courses approved by the board of vocational, technical and adult education, for each pupil admitted from such county. This statement shall be rendered on a form prescribed by the director of the board. Within 10 days after the receipt of such statement the clerk of each municipality shall return the same to the county clerk with his certification as to the correctness of the statement, or indicating in what respects he believes such statement to be incorrect, together with all necessary factual information in support of such belief. Nothing in this subsection shall apply to tuition for any pupil who has reached 21 years of age.

(3) Where the county clerk has satisfied himself that the statements made under sub. (2) are accurate, he shall determine the total tuition charge to be collected within that portion of the county lying outside districts operating schools of vocational and adult education, and apportion the amount thereof on the basis of the ratio of the equalized valuation of that portion of each municipality within the county which lies outside districts which operate schools of vocational and adult education as certified by the board of vocational, technical and adult education to the total equalized value of all the territory within the county that lies outside districts which operate such schools, and certify the amount so obtained to the clerks of such municipalities. The aforesaid equalized valuation shall be determined and certified to the county clerk annually on or before August 15 by the department of revenue. The municipal clerk shall enter upon the next tax roll in a local column such sums as may be due for such tuition from his municipality and the amount so entered shall be collected when and as other taxes are collected. If a portion of such municipality forms a part of a vocational school district the taxable property in that portion shall be exempt from such tuition tax. In

lieu of placing the amount due for vocational and adult school tuition upon the tax roll the governing body of any municipality required to pay such tuition may by resolution authorize its treasurer to pay the amount of such tuition as certified by the county clerk out of surplus municipal funds, provided no portion of such municipality forms a part of a vocational and adult school district.

(4) Before August 1 in each year, the secretary of the local board of vocational and adult education shall send to the secretary of the local board of vocational and adult education in the municipality in which the pupils reside, a sworn statement of tuition charges for pupils residing therein who had reached 21 years of age. Where pupils reside in a municipality in which no vocational and adult education school is maintained, such sworn statement of the tuition charges shall be sent to the clerk of the municipality. In either case the sworn statement shall set forth the residence, name, age, date of entrance to such school, and the amount of tuition due. This statement shall be filed as a claim against the local board or against such municipality and allowed as other claims are allowed. The secretary of the board shall, in submitting the certificate of tuition charges to the municipality of residence of tuition pupils, indicate the instructional program for which a pupil was enrolled and attended.

(5) No local board of vocational and adult education, nor any city, village or town not having a school of vocational and adult education, shall be liable under sub. (4) without its consent to pay such tuition for any pupil who has reached the age of 21 years. Nonresident students over 21 years of age may pay such nonresident tuition charge. Neither shall any board of vocational and adult education, city, village or town be liable to pay such tuition for any student unless such board or the governing body of the city, village or town is notified in writing within 30 days after enrollment that the student is attending the school of vocational and adult education.

(6) Before July 1 of each year, beginning with 1955, the secretary of each local board of vocational and adult education shall file a list of the pupils who attended that school of vocational and adult education because the specific courses desired by such persons were not given in their municipality of residence and who resided in another municipality having local board of vocational and adult education with the secretary of the board in the municipality in which such pupils reside together with a statement of the tuition due because of such pupils. This statement shall be filed as a claim against the local board

of vocational and adult education and allowed as other claims are allowed.

(7) 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 department of health and social services under s. 55.01 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 sub. (1) (a) 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 s. 38.16 would be in excess of the full cost of training provided such veterans.

(8) 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 board of vocational, technical and adult education, and shall be taken into consideration when payments for state and federal aid are made under s. 20.292 (1) (d) and s. 38.21. Where the full cost of training is paid for from such receipts no state and federal aid shall be granted by the board of vocational, technical and adult education.

**38.20 Charge for materials consumed; sale of products; course fees.** (1) 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.

(2) The board may charge course fees, not to exceed the cost of instruction, for courses not approved for state aid.

(3) The board shall charge resident tuition at 20% of the instructional cost for state-wide, full-time collegiate transfer courses designated and approved by the state board. Nonresident tuition for these courses shall be charged in accordance with s. 38.19. No resident of a district which does not have another public higher educational institution within its boundaries shall be charged a tuition fee under this section for attending a collegiate transfer program in such district.

**38.21 State aid to vocational and adult education.** (1) (a) On or before a date designated in each year by the director of the board of vocational, technical and adult education the secretary of the local or district board of vocational and adult education maintaining such a school or schools shall report to the board the cost of maintaining the same; the character of the work done; the number, names, and qualifications of the teachers employed; the number of full-time students enrolled; and such other information as may be required by the board.

(b) If the board is satisfied that the district schools were maintained during the preceding year in accordance with law, the board shall certify to the department of administration in favor of each district board state aid amounts derived by the following procedure:

1. In determining the total amount of state aid that shall be paid to local and district boards, the board shall annually determine the state-wide operational cost per full-time equivalent student in post high school programs designated and approved by the board. This cost shall then be multiplied by 33% to derive a state-wide aid figure per full-time equivalent student in post high school programs designated and approved by the board. The state-wide aid per full-time equivalent student in vocational or nonassociate degree programs shall be paid at 50% of the state aid paid for each full-time equivalent student in post high school programs designated and approved by the board. The aid figure per full-time equivalent student obtained in each of the programs shall then be multiplied by the number of full-time equivalent students enrolled in each program to determine the total amount of aid due to each local board. If the appropriation available in any one year is insufficient to pay the full amount as provided for, the pay-

ments shall be prorated among the various districts entitled thereto.

2. The board shall furnish each local and district board with definitions of state-wide operational costs per full-time equivalent student, and shall prepare procedures describing the methodology for deriving operational cost per full-time student equivalent. Expenses incurred by the local and district boards in administering educational operations and programs shall be aided by the state, but the total annual amount of such expense which the district or local board certifies for state aid purposes shall not exceed 11% of the total annual instructional costs incurred by that district or local board. The board may withhold or suspend in whole or in part payment of state aids to any local or district board whose academic program or faculty does not meet minimum standards as defined by the board.

3. The board shall pay 25 cents for each student period of 50 minutes or more of actual attendance for instruction in driver training courses approved by the board but the board may in the case of behind the wheel driver training provide aids on the basis of a minimum of 10 students per class period of actual instruction regardless of the number of students actually enrolled and attending.

4. On receipt of such certificates the department of administration shall draw its several warrants accordingly payable to the treasurers of cities, towns, villages, and area districts respectively.

(2) (a) On July 1 of each year the governing body of a school maintaining part-time instruction in agriculture in accordance with s. 38.60 shall report to the board of vocational, technical 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 board of vocational, technical and adult education and in conformity with the state plan as accepted by the U. S. office of education, the board of vocational, technical and adult education shall certify to the department of administration 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 department of administration 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.

**38.215 Federal aid for vocational and adult education.** The board of vocational, technical and adult education may 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 P. L. 16, ch. 22, 1st session, 78th congress and P. L. 346, ch. 268, 2nd session, 78th congress, P. L. 550, ch. 875, 2nd session, 82nd 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 board of vocational, technical and adult education. All payments received by the board of vocational, technical and adult education un-

der this section shall be paid within one week after receipt into the general fund and are appropriated therefrom to said board under s. 20.292 (1) (m) to be expended as provided in this section.

**38.36 County teachers colleges; appropriation.** Any county within which no state university operating an elementary department is located may appropriate money for the organization, equipment and maintenance of a teachers college, to be known as a "County Teachers College" for teachers of common schools, and for the erection of suitable school buildings and dormitories, or for purchasing and remodeling suitable buildings therefor.

**38.37 Same; board, appointment, bond, organization.** A "county teachers college board" is created, which shall have charge and control of all matters pertaining to the organization, equipment and maintenance of such colleges. The board shall consist of 3 members, 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 and one as secretary. The county treasurer of the county in which the college is located shall be treasurer of the board, but not a member thereof. The 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 allows.

**38.375 Same; extension courses for students.** The county teachers college board may contract with the university extension division of the university of Wisconsin for extension courses for pupils enrolled in county teachers colleges.

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

**38.39 Same; supervision by state superintendent.** The state superintendent shall assist in organizing and maintaining such colleges; shall prescribe the course of study to be pursued; shall have the general supervision of such colleges; shall inspect the same and make rec-

ommendations relating to their management; and shall make full reports concerning their number, character, and efficiency.

**38.395 Same; physical education.** (1) Every county teachers college shall require all students to take a course in physical education and playground games and management.

(2) In this section "physical education" means instruction in the theory and practice of physical exercise and instruction in hygiene, but does not include medical supervision.

**38.40 Same; certificates to graduates.** Each graduate of a county teachers college, who shall be of good moral character, shall receive a diploma signed by the president of the college and by the college board, certifying that the person named therein has satisfactorily completed the course of study of the county teachers college, 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 college.

**38.41 Same; qualifications of teachers and president.** No member of any county teachers college board shall be employed in said college, either as president or as teacher during the term for which he was elected, nor shall any person be employed as a teacher in such college who does not hold a state license or certificate, nor shall any person be employed as president of such college who is not legally qualified for the position of principal of a high school having a 4-year course of study.

**38.42 Joint county teachers colleges; maintenance; demonstration department.** (1) The county boards of 2 or more adjoining counties may unite in establishing and maintaining a college for teachers on the same general plan as provided for such college in a single county, and may appropriate money for its maintenance. The 3 members chosen from each such county shall constitute the joint county teachers college board. The elective members of the school board shall choose one of its members as chairman and one as secretary of the school board.

(2) If, at the time of establishing such college, the counties shall neglect to procure a site, or to erect a school building therefor, such joint county teachers college board may, subject to the approval of the state superintendent, procure such site and erect a suitable school building thereon; borrow not to exceed \$12,000 for said purposes from the trust funds of the state, payable in equal annual instalments in not to exceed 10 years, with the annual interest at the rate of



not to exceed 3 1/2%. Provision for the payment of each instalment, and accrued interest, shall be made in the tax levy and apportionment mentioned in s. 38.43.

(3) The county teachers college board of any county teachers college 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 teachers college. Such school or department shall be placed under the instructional direction of the county teachers college faculty and housed and maintained in the county teachers college building or in a school in the contracting district. 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 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 teachers college board and to any other county participating in the maintenance of a joint teachers college, 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 teachers college shall be adjusted and divided as provided by s. 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.

**38.43 Same; maintenance, equipment, apportionment.** When counties unite in establishing and maintaining such college, the college board shall annually determine the amount of money necessary for the maintenance and equipment of the college 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 department of taxation, 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 college. Each county treasurer shall pay over all moneys so levied and collected for the college to the treasurer of the joint county teachers college board and file the latter's receipt therefor.

**38.44 State aid to county teachers colleges, free tuition.** (1) (a) The state superintendent shall keep a list of such county teachers colleges, whose course of study and the qualifications of whose teachers have, on application, been approved by him; and any such county teachers college 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 teachers colleges 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 teachers college located in the same county as a state university. No state aid shall be paid for the 1967-68 school year to any county teachers college whose full-time student enrollment in September 1966 was less than 50, except for those colleges which entered into contracts with employed teachers prior to March 23, 1967. No state aids shall be paid for the 1968-69 school year, or any year thereafter, to any county teachers college whose full-time student enrollment on the third Friday in September of the prior year is less than 50. Full-time students who, on April 1, 1967, are enrolled in a county college for which no state aid is paid for the 1967-68 school year and who would qualify for admission to that college if it were to open in September 1967 may enroll in any state university or the university of Wisconsin and be granted fee waivers for 2 semesters or 3 quarters or until the student is classified as a junior, whichever occurs first.

(b) Full-time students who, on April 1, 1967, are enrolled in a county college for which no state aid is paid for the 1967-68 school year and who would qualify for admission to that college were it to open in September 1967 may enroll in any state university or the university of Wisconsin and be granted fee waivers for 2 semesters or 3 quarters or until the student is classified as a junior, whichever occurs first.

(1m) If it appears from an actual inspection by direction of the state superintendent that the work of such county teachers college has been efficient, and that the college has been devoted exclusively to the training of teachers, the state superintendent shall certify, in favor of the

county operating such teachers college, the amount of the salary paid to each teacher and president but not to exceed an amount to which such teacher or president is entitled under a salary schedule for teachers and presidents of county teachers colleges to be adopted and promulgated by him. The salary schedule shall provide for a salary range of from \$5,600 to \$9,500 per year for instructors, and \$9,500 to \$12,500 for presidents on a 12-month basis, varying with length of service and professional training.

(3) Upon receipt of such certificates the department of administration shall draw its several warrants accordingly, payable to the treasurers of the counties maintaining such county teachers colleges, respectively; and payable to the treasurers of the boards maintaining such colleges, respectively, if they are joint county teachers colleges; provided, that if the total amount of state aid to be paid under sub. (1m) shall exceed the appropriation made in s. 20.255 (2) (e), the department of administration shall equitably prorate the amount available.

**38.45 Admission; nonresident pupils.** The county teachers college board shall admit to said college, whenever the facilities will warrant, any person prepared to enter such college, who resides in a county which does not maintain such a county teachers college. Nonresident students from counties maintaining a county teachers college may be admitted, but the tuition of such students shall not be a charge against the county of residence. Persons so admitted shall be entitled to the privileges and be subject to the rules of such college.

**38.46 Nonresident students; tuition.** The board shall charge tuition for any given year for nonresident students. The tuition charge shall be determined as follows: from the sum total of money expended by the county in operating and maintaining the teachers college, including an item for building and equipment costs equal to 2% for buildings erected prior to 1945 and 5% for buildings erected in 1945, and thereafter, of the original expenditures for buildings and equipment thereof and interest costs, as certified to the state superintendent of public instruction, such charge not to apply for a greater period of time than 20 years in the case of a new building or for the unexpired portion of 50 years of life of an old building, excluding land costs, there shall be subtracted an amount equal to the sum of the state and federal aids, receipts from student fees, book rentals and from elementary pupil tuition, and the difference so determined shall be divided by the average daily attendance for the given year. Except as provided in s. 38.45, such tuition shall be a charge

against the county in which such students reside and shall be paid by it to the treasurer of the teachers college enrolling such students.

**38.47 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 ss. 38.47 to 38.58. The boards of 2 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.

**38.48 Same; school board, appointment, oath, organization.** In all counties whose population is less than 250,000, 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 teachers college board."

**38.50 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 department of taxation; 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.

**38.51 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.

**38.52 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.

**38.53 Same; land required.** Each county agricultural school shall have connected with it not less than 3 acres of land suitable for purposes of experiment and demonstration.

**38.54 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. Such tuition shall be computed in the same manner as prescribed for high school tuition in s. 121.82 (2). Such tuition shall be a charge against the county in which such students reside and shall be paid by it to the treasurer of the county agricultural school enrolling such students.

**38.55 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 university of Wisconsin, 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.

**38.56 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.

**38.57 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 shall be placed on the approved list and granted state aid under 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 department of administration, 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 prior school year; but not to exceed in any one year \$8,000 for any such school.

(3) Upon receipt of such certificates the department of administration shall draw its several warrants accordingly, payable to the treasurers of the counties, respectively.

(4) Any county agricultural school board which may be authorized by the county board of supervisors to maintain and operate school buses for the transportation of any or all full-time students to and from such institutions or may be authorized to contract for the transportation of any or all such students by any of the means provided in subch. II of ch. 121 shall be eligible to receive transportation aids provided in ss. 20.255 (3) (bm) and 121.58 (2) (a) for all such full-time students transported to and from such school provided that the full cost of transportation is borne by the county and that no fares are collected from the students, their parents or guardians. Provided, however, the amount of such cost of transportation paid by the county with respect to any such student, over and above the amount payable therefor as state aid, may be charged back by the county to the municipality wherein the student resides and such municipality shall be liable to the county therefor. If the county board does not provide such transportation, the municipality in which the agricultural school students reside may arrange for such transportation and shall be entitled to receive the transportation aids provided in ss. 20.255 (3) (bm) and 121.58 (2) (a).

**38.58 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.

**38.60 Part-time instruction in agriculture.**

(1) The board of vocational, technical and adult education may cooperate with any school organized under this chapter and chs. 115 and 120 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, enti-

tled 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 this section may receive and use for such purpose such federal funds as may be apportioned by the board of vocational, technical and adult education and all donations.