

Senate Bill 353

Date published:
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CHAPTER 92, LAWS OF 1967

AN ACT to repeal 20.650 (2) (an), (e) and (f) and (4) (c), 38.24 (3) (g) 3 and (12a) (a) 1.c, 38.29, chapter 40, 41.01 to 41.06, 41.72 to 41.77, 42.241 (7) (c), 42.49 (10) (f) and (16) (a) 1.c and chapter 573, laws of 1955; to renumber chapter 38, except 38.24 (3) (g) 3 and (12a) (a) 1.c and 38.29, Title XIV and chapters 115, 123 and 124; to amend Title VI (title), 59.07 (21) (b), 119.23, as renumbered, Title XVII (title) and 985.05 (1); to repeal and recreate chapter 39, except subchapter III (title), 39.75 and 39.76; and to create 41.395, Title XIV and chapters 115 to 121 of the statutes, relating to a recodification of the laws governing elementary and high school education in this state.

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

PREFATORY NOTE: The 1965-67 legislative council directed its education committee to prepare for introduction in the 1967 session a revision and codification of the statutes relating to the public schools. The study proposed by Assembly Joint Resolution 120 (1965 session) served as the basis for the codification project. To prepare the codification, the education committee appointed a subcommittee on school laws consisting of Senators William C. Hansen, chairman, and Peter P. Carr (deceased); Assemblymen Manny S. Brown, Esther S. Doughty, Angelo F. Greco and Fred J. Moser; and Public Members Walter Calvert, Ernest Gay, Frank Joswick and John N. Kramer.

To assist it with the initial preparation of drafts for its consideration, the subcommittee appointed a technical advisory committee composed of representatives of state agencies and organizations which deal with the school laws or have an interest in statutory codi-

fication. The members of the advisory committee included: William C. Kahl, state superintendent of public instruction, Archie Buchmiller, deputy state superintendent, and Max C. Ashwill, legal counsel, department of public instruction; Harold H. Persons, assistant attorney general (ret.); James J. Burke, revisor of statutes; Michael R. Vaughn, staff counsel, legislative reference bureau; Bonnie Reese, research associate, legislative council; George Tipler, executive secretary, Wisconsin School Boards Association; Thomas A. Linton, secretary-business manager, Milwaukee board of school directors; Henry C. Weinlick, executive secretary, Wisconsin Education Association; and Julian Bradbury, legal counsel, League of Wisconsin Municipalities. Professor John E. Conway, university of Wisconsin law school, was originally appointed to the advisory committee, but was unable to participate in the committee work.

Assisting the technical advisory committee and the subcommittee were a number of members of the department of public instruction. The assistance of Henry A. Olson, Alan W. Kingston, John W. Melcher and Theodore A. Sorenson was especially helpful.

Work on the codification began in early December 1965. Over a period of 15 months, the subcommittee held 7 meetings and, in addition, the technical advisory committee met formally on 12 different days.

It was the primary goal of the subcommittee to make the school laws readily understandable to legislators, school boards, school administrators and the general public. In accordance with its directive, the subcommittee adhered to the following guidelines in completing its assignment:

- (1) Reorganize the school laws in a more logical manner
- (2) Restate clearly the language in the various sections.
- (3) Eliminate obsolete material.
- (4) Remove ambiguities and conflicts.

The subcommittee did not make substantial changes in the meaning or intent of the provisions of existing school laws. However, in the course of its work the subcommittee found it necessary to make policy determinations regarding certain provisions of existing law in order to correct omissions in the law and to reconcile conflicts between various sections. Where these changes have been made, the notes to the bill so indicate.

It was determined initially that the statutes included in the codification would be chs. 39 and 40, and ss. 41.01 to 41.06 (handicapped children and trade schools) and 41.72 to 41.77 (state schools). Although it was decided that ch. 38, governing the city of Milwaukee school system, would not be treated in the codification, it is renumbered to become new ch. 119.

At an early meeting, the subcommittee concluded that the sheer bulk of the school laws required moving these laws to an area of the statutes where the school laws could be organized into separate chapters according to subject matter. Because of the recent enactment of the uniform commercial code, chs. 116 to 122 were vacant. The subcommittee directed that the remaining chapters in that part of the statutes be moved so that chs. 115 to 124 could comprise new Title XIV and be reserved for the laws relating to elementary and secondary education. The present school laws were fitted into chs. 115 to 121 and an additional 3 chapters were left vacant for use in the future. To accommodate this arrangement, existing chs. 115, 123 and 124 were renumbered to become chs. 138, 178 and 179, respectively, and existing Title XIV was renumbered to be Title XIVA.

The material relating to the state superintendent which is con-

tained in present ch. 39 was moved to ch. 115 and only those sections relating to higher education and the compact for education remain in ch. 39. Thus, chs. 36, 37 and 39 and the remaining sections of ch. 41 will deal primarily with higher education.

The material found in new Title XIV is arranged as follows:

Chapter 115, subch. I contains general definitions and terms used throughout Title XIV; subch. II is the basic law relating to the powers and duties of the state superintendent; subch. III covers the state schools for the deaf and visually handicapped; subch. IV is the law relating to handicapped children.

Chapter 116, subch. I deals with co-operative educational service agencies; subch. II sets forth the organizational structure of the agency school committees.

Chapter 117 contains the laws relating to school district reorganization.

Chapter 118 includes general provisions governing the operation of school districts.

Chapter 119 covers the city of Milwaukee school system.

Chapter 120 sets forth the laws applicable to school district government. Various types of school districts are grouped as follows: subch. I, common and union high school districts; subch. II, city school districts; and subch. III, unified school districts.

Chapter 121 deals with the several aspects of school finance, as follows: subch. I, state aid for elementary and high schools; subch. II, transportation; and subch. III, tuition.

Because a great deal of rearrangement of sections was necessary to bring related provisions together and because of the presence of much archaic language and confusing terminology, it was impossible to merely renumber and amend the existing law. The existing law can be easily traced into the revised law, however, by using the conversion table at the end of this bill.

Each section of the bill is followed by a note which explains what parts of present law are revised by the codified section, including, where necessary, a more detailed statement of what was done.

SECTION 1. 20.650 (2) (an), (e) and (f) of the statutes are repealed.

NOTE: Repeals obsolete appropriations.

SECTION 2. 20.650 (4) (c) of the statutes is repealed.

NOTE: Repeals an obsolete appropriation. See note following new s. 39.32 which refers to present s. 39.35.

SECTION 3. Title VI (title) of the statutes is amended to read:

TITLE VI.

PUBLIC INSTRUCTION AND EDUCATIONAL, CULTURAL AND MEMORIAL INSTITUTIONS.

SECTION 4. Chapter 38 of the statutes, except 38.24 (3) (g) 3 and (12a) (a) 1. c and 38.29, is renumbered chapter 119, and 119.23, as renumbered, is amended to read:

119.23 Sections 40.01 (1), (2), 40.19, 40.30 (17) and (19), 40.435, 40.44, 40.47, 40.48 (2) to (4), 40.50, 40.53 (2), (5) to (7), 40.55, 40.56 (5), 40.57, 40.63, 40.65 (1), (2), 40.655, 40.657, 40.68, 40.77, 40.78 (1), (2), (4) to (8), 40.819, 40.905, 40.93, 40.99, 41.01 to 41.03, 41.175, 43.50, 59.07 (21) (a) and, 66.03 (3) (c), 115.01 (1) and (2), 115.76, 115.77, 115.79 to 115.85, 118.03 (1) (b) to (d) and (2), 118.04, 118.06, 118.07,

118.10, 118.12 (1), 118.14, 118.15, 118.16 (1), (2) and (4) to (6), 118.18, 118.20, 118.24 (2) to (6), 120.13 (1), 120.49 (6), 121.06, 121.14, 121.52, 121.53, 121.54 (1), (3) and (4), 121.55, 121.58 (2) (b), (4) and (6), 121.77 (1), 121.79, 121.80, 121.81 (2), 121.82 (1) (a), 121.83 and 121.84 (1) are applicable to boards of school directors and to schools in cities of the 1st class. The board shall exercise the powers and perform the functions and shall be entitled to all school aids insofar as the same are relevant to cities of the 1st class. The school board and the schools in cities of the 1st class shall be governed in all matters by the general laws of the state, except as they are altered or modified by express amendments.

NOTE: Renumbers the city of Milwaukee school laws chapter in accordance with the general rearrangement of the school laws made by this act. The amendment substitutes the appropriate new cross references to general school law. The exceptions to the renumbering are explained in the notes to SECTIONS 5 and 6.

SECTION 5. 38.24 (3) (g) 3 and (12a) (a) 1. c of the statutes are repealed.

NOTE: Repeals obsolete provisions relating to present s. 39.35. See note following new s. 39.32 which refers to present s. 39.35.

SECTION 6. 38.29 of the statutes is repealed.

NOTE: Repeals an exclusion relating to trade schools made obsolete by the deletion of ss. 41.05 and 41.06 by this act.

SECTION 7. Chapter 39 of the statutes, except subchapter III (title), 39.75 and 39.76, is repealed and recreated to read:

CHAPTER 39.

HIGHER EDUCATIONAL AGENCIES AND COMPACT FOR EDUCATION.

NOTE: The following is a table of contents of ch. 39 as revised by this bill.

SUBCHAPTER I.

CO-ORDINATING COMMITTEE FOR HIGHER EDUCATION.

- 39.01 Purpose.
- 39.02 Creation.
- 39.03 Powers.
- 39.04 Executive director and staff.
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COMMISSION FOR HIGHER EDUCATION AIDS.

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- 39.27 Advisory committee.
- 39.28 Powers and duties.
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- 39.30 Grants.
- 39.31 Honor scholarships.
- 39.32 Student loans.

SUBCHAPTER III.

COMPACT FOR EDUCATION.

- 39.75 Compact for education.
- 39.76 Compact commission delegation.

SUBCHAPTER I.

CO-ORDINATING COMMITTEE FOR HIGHER EDUCATION.

39.01 PURPOSE. The purpose of this subchapter is to provide for the direction and co-ordination of the activities of the university of Wisconsin, the state colleges, schools of vocational, technical and adult education and county teachers colleges by providing a permanent joint committee to make a continuing study of the state-supported institutions of higher education under their jurisdiction and the relation thereto of the needs of the people of Wisconsin, to recommend necessary changes in programs and facilities, to provide for a single, consolidated, biennial budget request for the university of Wisconsin and the state colleges, and that portion of the budget request of the state board of vocational, technical and adult education described in s. 39.03 (3) and to report the results of its studies and recommendations to the governor and the legislature.

NOTE: Like s. 39.024 (1).

39.02 CREATION. To carry out the purposes of this subchapter, there is created a co-ordinating committee for higher education to consist of 17 members, one from the regents of the university of Wisconsin, one from the board of regents of state colleges, one from the state board of vocational, technical and adult education, 9 citizens, the president of the regents of the university of Wisconsin, the president of the board of regents of state colleges, the president of the state board of vocational, technical and adult education, the state superintendent of public instruction and one member of a county teachers college board appointed annually by the governor from recommendations made by the association of county teachers college boards. The appointive regent members and the appointive member from the state board of vocational, technical and adult education shall be selected by a majority vote of the board of which they are members and shall be selected each year at the annual meeting of their board. The citizen members shall be appointed by the governor with the advice and consent of the senate. Terms of citizen members shall be for 8 years. The chairman of the committee shall be elected annually by the committee. The committee shall select a secretary from its membership. The committee shall hold regular meetings at least once every 3 months at such time and place as the chairman determines. Special meetings may be called at the request of a majority of the committee or on the chairman's own initiative upon 5 days' notice. Committee members shall be reimbursed for their actual and necessary expenses, except that members representing the regents of the university, the board of regents of state colleges and the state board of vocational, technical and adult education shall be reimbursed by their respective boards.

NOTE: Restates s. 39.024 (2) (a), (b) and (c) with minor revisions and clarifications.

39.03 POWERS. Without limitation because of enumeration the committee is authorized and directed to make studies and recommendations in the following fields:

(1) **EDUCATIONAL PLANNING.** The committee shall determine what overall educational programs shall be offered in the several units of the university, the state colleges, the collegiate transfer and technical education programs of the schools of vocational, technical and adult education and the county teachers colleges to avoid unnecessary duplication and to utilize to the best advantage the facilities and personnel available for instruction in the fields of higher education. No new educational program shall be developed or instituted at any institution of higher education except with the committee's approval. No existing educational program for which the legislature has made an appropriation at any institution of higher education shall be abandoned except with legislative approval.

(2) **PHYSICAL PLANT.** The committee shall adopt a co-ordinated plan for the integration and most efficient use of existing facilities and personnel, and an order of priority for the construction of new facilities at the university and the state colleges.

(3) **BUDGET REQUESTS.** The committee shall review the separate budget requests of the university and the state colleges and the budget request of the state board of vocational, technical and adult education for state aid to vocational, technical and adult schools in support of post high school collegiate transfer and technical education programs, and shall recommend a single, consolidated, biennial budget request to the governor for the support of all institutions under its jurisdiction, retaining the identity of the appropriation sections in ch. 20 relating to the institutions. It shall also review and make appropriate recommendations to the department concerning the biennial budget requests of the department of public instruction for state aids to county teachers colleges.

(4) **GRANTS TO INSTITUTIONS.** The committee shall establish a plan which will encourage and promote grants by private individuals and agencies to all such institutions.

(5) **LEGISLATIVE RECOMMENDATIONS.** The committee shall continuously study the needs of the people of Wisconsin for state-supported higher education and recommend any legislative proposals needed to carry out its decisions resulting from such study.

(6) **REPORT.** Semiannually, the committee shall issue reports of its findings and recommendations, which reports shall be delivered to the regents of the university of Wisconsin, the board of regents of state colleges, the state board of vocational, technical and adult education, the boards of the several county teachers colleges and the governor and to both houses of the legislature when in session or the executive secretary of the legislative council when the legislature is not in session.

(7) **DUTIES AND FUNCTIONS OF EXISTING BOARDS.** The co-ordinating committee has final authority in determining the biennial budget requests of the university of Wisconsin and the state colleges and that portion of the budget request of the state board of vocational, technical and adult education described in sub. (3) to be presented to the governor and has full responsibility for such presentation. The over-all educational programs offered in the state-supported institutions of higher education shall be those determined by the co-ordinating committee, and facilities and personnel shall be utilized in accordance with the co-ordinated plan adopted by the committee. In the discharge of their duties, the boards of regents and the state board of vocational, technical and adult education shall observe all decisions of the co-ordinating committee made pursuant to this subchapter. Except as expressly provided in this subchapter, nothing herein shall be construed to deprive the regents of the university, the board of regents of state colleges, the state board of vocational, technical and adult education and boards of county teachers colleges of any of the duties and powers conferred upon them by law in the government of the institutions under their control.

(8) **INTERSTATE AGREEMENTS.** The co-ordinating committee, with the approval of the joint committee on finance if the legislature is in session or the board on government operations if the legislature is recessed or adjourned, or the governing boards of the systems under its jurisdiction, with the approval of the co-ordinating committee and the joint committee on finance if the legislature is in session or the board on government operations if the legislature is recessed or adjourned, may enter into agreements or understandings which include remission of nonresident tuition for designated categories of students at state institutions of higher education with appropriate state agencies and institutions of higher education in other states to facilitate utilization of public higher educa-

tional institutions of this state and other states. Such agreements and understandings shall have as their purpose the mutual improvement of educational advantages for residents of this state and such other states or institutions of other states with which agreements are made.

NOTE: Restates s. 39.024 (3) with minor revisions and clarifications.

39.04 EXECUTIVE DIRECTOR AND STAFF. The committee shall appoint, outside the classified service, and fix the salary of a full-time executive director who shall have a recognized and demonstrated interest in and knowledge of public higher education. The executive director shall employ, with the approval of the committee, such professional and clerical staff as is necessary, outside the classified service. If the executive director or any professional staff of the co-ordinating committee are appointed from the faculty or staff of any of the higher educational institutions under its jurisdiction such institution shall grant the appointee a leave of absence for the duration of his service with the co-ordinating committee, and his tenure at the institution shall in no way be affected by the granting of such leave of absence.

NOTE: Restates s. 39.024 (2) (d) and (e) with minor revisions and clarifications.

39.05 NEW COLLEGIATE INSTITUTIONS. (1) New 3rd or 3rd and 4th year institutions of academic instruction shall be established in the northeastern area of this state and the Kenosha-Racine area as soon as is practicable.

(2) The responsibility for the government of both of the new institutions shall vest in the regents of the university of Wisconsin.

(3) The co-ordinating committee shall make a study relative to establishing a school of forestry and of establishing a wood utilization curriculum in connection with one of the existing extension centers of the university of Wisconsin.

(4) The educational programs offered by the new institutions shall be approved by the co-ordinating committee and shall be consistent with the courses of study offered by other institutions operated by the regents of the university of Wisconsin.

(5) The co-ordinating committee shall formulate a plan and schedule for the development and implementation of the new institutions; and shall report its plan to the governor, the legislature and the state building commission.

(6) The governor shall appoint a special committee consisting of the state architect, the state planning director, a representative of the regents of the university of Wisconsin and a representative of the state building commission to evaluate alternative sites for the new institutions according to criteria set by the committee and to report its recommended sites to the governor, the state building commission and the coordinating committee.

(7) The state building commission shall allocate from funds made available to it by s. 20.240 (2) (c) moneys adequate for all purposes which in its judgment are appropriate to the planning of the new collegiate institutions authorized by this subsection. Such allocations shall be made following completion of all actions contemplated by subs. (3), (4), (5) and (6).

NOTE: Like s. 39.024 (4).

SUBCHAPTER II.

COMMISSION FOR HIGHER EDUCATIONAL AIDS

39.26 CREATION. (1) There is created a commission for higher educational aids to consist of 15 members appointed by and serving at the pleasure of the governor.

(a) Five members shall be nominated by the co-ordinating committee for higher education from the membership of such committee to represent the state institutions of higher education.

(b) Five members shall be nominated by joint action of the Wisconsin association of independent colleges and universities and the Wisconsin association of presidents and deans of institutions of higher learning to represent all private institutions of higher education.

(c) Five citizen members shall be directly appointed by the governor to represent the general public.

(2) The commission annually shall select a chairman and a secretary from its membership. The commission shall hold meetings at the call of the chairman at such time and place as the chairman determines. Special meetings may be called at the request of a majority of the commission. Members of the commission shall be reimbursed for their actual and necessary expenses.

NOTE: Restates s. 39.023 (1) and (2) with minor revisions.

39.27 ADVISORY COMMITTEE. The commission shall appoint an advisory committee composed of guidance counselors from Wisconsin public and private secondary schools and financial aid officers from public and private institutions of higher education to advise the commission on methods of identifying scholastically talented high school graduates. The committee also shall advise the commission on all matters pertaining to the operation, administration and improvement of the state's student financial aid program. All advisory committee members who are not employees of state agencies shall be reimbursed for their actual and necessary expenses while attending committee meetings. Advisory committee members who are employees of state agencies shall be reimbursed for their actual and necessary expenses by their employing state agencies.

NOTE: Restates s. 39.023 (11) with minor revisions.

39.28 POWERS AND DUTIES. (1) The commission shall administer the programs under this subchapter and may establish such rules as are necessary to carry out its functions. It may accept and use any funds which it receives from participating institutions under this subchapter. It may enter into such contracts as are necessary to carry out its functions under this subchapter.

(2) The commission shall establish plans to be administered by the commission for participation by this state under any federal acts relating to higher education and submit them to the U.S. commissioner of education for his approval. The commission may utilize such criteria for determination of priorities, participation or purpose as are delineated in the federal acts.

(3) The commission shall make an annual report to the legislature and governor containing the status of present financial aid programs and including recommendations for improvement of the state's student financial aid program.

NOTE: Restates s. 39.023 (3), (4), (8), (9) and (12) with minor revisions and clarifications. Restates s. 39.023 (8) in general terms because the omitted specific language merely repeats the requirements of P.L. 88-204 and is therefore unnecessary, and because the plan required by that act has been submitted.

39.29 STAFF. The Wisconsin association of independent colleges and universities, the Wisconsin association of presidents and deans of institutions of higher learning, the co-ordinating committee for higher education and the department of administration shall make available such staff services as are requested by the commission. Such staff services shall be co-ordinated by an executive secretary appointed outside the classified service by the commission.

NOTE: Restates s. 39.023 (10) with minor clarifications.

39.30 GRANTS. (1) DEFINITIONS. In this section:

- (a) "Semester" means any term 16 or more weeks in length.
- (b) "Net taxable income" means the figure reported as such on the Wisconsin income tax return for the previous calendar year.
- (c) "Effective income" means net taxable income plus tax exempt income less \$600 per dependent.
- (d) An "accredited" institution is an institution accredited by a nationally recognized accrediting agency or by the state board of nursing pursuant to s. 149.01 (4), or, if not so accredited, is a nonprofit institution of higher education whose credits are accepted on transfer by not less than 3 institutions which are so accredited, on the same basis as if transferred from an institution so accredited.
- (e) "Resident student" shall be determined under s. 36.16, so far as applicable.

(2) ELIGIBILITY. A full-time resident student registered as a freshman after September 1, 1965, as a freshman or sophomore after September 1, 1966, as a freshman, sophomore or junior after September 1, 1967, as a freshman, sophomore, junior or senior after September 1, 1968, or as a freshman, sophomore, junior, senior or graduate student after September 1, 1969, in an accredited, nonprofit, post high school, educational institution in this state shall be eligible for grants under this section for each semester of attendance, but:

(a) No student shall be eligible for grants in more than the equivalent of 8 semesters of undergraduate education and in more than the equivalent of 6 semesters of graduate education.

(b) No student shall be eligible for grants unless he maintains such minimum standards of academic performance as the commission determines.

(c) No grant shall be paid for the first semester of attendance at any institution until the student has completed the semester and attained minimum standards of academic performance determined by the commission.

(d) No grant shall be paid to any student enrolled in a course of study leading to a degree in theology, divinity or religious education or to religious aspirants.

(3) BASIS OF GRANTS. Effective income and the grant to be paid for each semester shall be determined as follows:

(a) If the student provides the majority of his support, his effective income shall be used in determining the grant under this section.

(b) If a parent or parents provide the majority of the support of the student, the combined effective income of such parent or parents shall be used in determining the grant under par. (f).

(c) If more than one student for whom such parents provide a majority of support qualifies for a grant under this section, the combined effective income of the parents shall be divided by the number of such eligible students in the family in determining the grant payable under par. (f) to each such student.

(d) Any student attending an institution with an academic term shorter than a 16-week semester shall be eligible for grants based on the ratio which such term bears to a 16-week semester.

(e) The grant under this section for any semester shall not be more than that portion of a student's tuition and instruction-related fees for a semester exceeding \$200. The grant under this section for any term shorter than a 16-week semester shall not be more than that portion of the student's tuition and instruction-related fees for the term exceeding

such part of \$200 as the number of weeks in the shorter term bears to 16.

(f) The schedule for determining grants is as follows:

Effective income	Maximum grant each semester of study
\$ 0-2,000	\$250
2,001-3,000	225
3,001-4,000	200
4,001-5,000	175
5,001-6,000	150
6,001-7,000	125
7,001-8,000	100
8,001-9,000	75
9,001-10,000	50
over 10,000	None

(4) FORMS. The commission shall prescribe, furnish and make available, at locations in the state convenient to the public, application forms for grants under this section. Upon request, it shall advise and assist applicants in making out such forms.

(5) RETURNS OF GRANTS. Any student who receives a grant under this section, but subsequently does not complete the semester for which the grant was received, shall return a prorated share of the grant based on the number of weeks of the semester left unattended.

NOTE: Restates and rearranges s. 39.023 (5) with minor revisions and clarifications.

39.31 HONOR SCHOLARSHIPS. (1) For the purpose of recognizing and awarding scholastically talented graduates of Wisconsin high schools who are residents of the state as defined in s. 39.30, there are created honor scholarships which may be awarded to qualified students who plan to enroll as first-time, full-time freshmen at any approved, non-profit public or private institution of higher education in Wisconsin, including first-time, full-time students enrolling in associate degree programs approved by the state board of vocational, technical and adult education or nursing schools approved by the state board of nursing. Honor scholarships shall be cash stipends awarded directly to students. No honor scholarships shall be awarded to persons who plan to enroll in a course of study leading to a degree in theology, divinity or religious education or to religious aspirants.

(2) Honor scholarship recipients shall receive stipends based on individual financial need which is calculated by deducting resources available to the student from total educational costs. The amount of tuition used in calculating total educational costs shall not exceed \$400 for 2 semesters or its equivalent, and any amounts received under s. 39.30 shall not be included in calculating available resources. The minimum honor scholarship awarded to any student shall be \$100, notwithstanding the student's need. The maximum honor scholarship awarded to a student shall be \$800.

(3) Honor scholarships shall be awarded in order of rank based on criteria determined by the commission and shall be awarded to persons scholastically ranked in the top 10% of their graduating classes, as follows:

(a) To 2 graduates at each Wisconsin public or private secondary school enrolling less than 250 students.

(b) To 4 graduates at each Wisconsin public or private secondary school enrolling 250 to 750 students.

(c) To 6 graduates at each Wisconsin public or private secondary school enrolling more than 750 students.

NOTE: Restates s. 39.023 (6) with minor revisions and clarifications.

39.32 STUDENT LOANS. (1) It is the purpose of this section to provide resident students of this state with greater freedom to choose a higher educational opportunity enabling them to achieve their individual desires and goals consistent with the interests and welfare of society through the consolidation of the administration of the state's programs of financial aid to students by the transfer of the state student loan program and personnel from the department of public welfare to the commission for higher educational aids.

(2) In this section:

(a) "Institution of higher education" means an educational institution meeting the requirements of P.L. 89-329 for institutions covered therein and of P.L. 89-287 for business, trade, technical or vocational schools and full-time post-high school vocational, technical and adult education schools in this state.

(b) "Resident student" shall be determined under s. 36.16, so far as applicable.

(3) The commission shall:

(a) Make and authorize loans to be made to resident students who have satisfactory academic records, who need financial assistance and who are desirous of attending institutions of higher education, when such loans are to assist them in meeting expenses of post-high school education in accordance with this section.

(b) Establish standards and methods for determining the amount of loans, rates of interest, financial need and other administrative procedures consistent with P.L. 89-329 and P.L. 89-287.

(4) The commission may make and authorize loans to be made to students if:

(a) The student is enrolled or accepted for enrollment in an institution of higher education.

(b) The student's eligibility for a loan is certified to the commission by the institution of higher education in which he is enrolled or has been accepted for enrollment.

(c) The student has a satisfactory academic record.

(d) The student is a resident student.

(e) The student needs financial assistance.

(5) Loans may be made to minors and minority shall not be a defense to the collection of the debt.

(6) The commission may collect any loans made or authorized to be made by the commission pursuant to this section or made prior to July 1, 1966, under s. 49.42, 1963 statutes.

NOTE: Restates and rearranges s. 39.023 (7) with minor revisions and clarifications.

This chapter deletes present s. 39.35, relating to retirement payments to certain teachers, since the section is completely obsolete and no persons are receiving benefits under it.

SECTION 8. Chapter 40 of the statutes is repealed.

NOTE: The recodified school laws are set forth in chs. 115 to 121, as created by this act.

SECTION 9. 41.01 to 41.06 of the statutes are repealed.

NOTE: The contents of ss. 41.01 to 41.04 comprise subch. IV of ch. 115, as created by this act. Sections 41.05 and 41.06 are deleted. See note to s. 120.57.

SECTION 10. 41.395 of the statutes is created:

41.395 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.

NOTE: Transfers to the county teachers college law a requirement in present s. 40.46 (3) (b) and (c).

SECTION 11. 41.72 to 41.77 of the statutes are repealed.

NOTE: These sections comprise subch. III of ch. 115, as created by this act.

SECTION 12. 42.241 (7) (c) of the statutes is repealed.

NOTE: Repeals obsolete provisions relating to present s. 39.35. See note following new s. 39.32 which refers to present s. 39.35.

SECTION 13. 42.49 (10) (f) and (16) (a) 1. c of the statutes are repealed.

NOTE: Repeals obsolete provisions relating to present s. 39.35. See note following s. 39.32 which refers to present s. 39.35.

SECTION 14. 59.07 (21) (b) of the statutes is amended to read:

59.07 (21) (b) If a school district lies in more than one county, ~~then~~ the county in which such elementary teachers during the preceding year are employed shall be reimbursed by any other county in which the school district lies for its share of such \$350 for the number of elementary teachers in the whole district in the ratio which the full valuation of the property of the school district lying in the other county bears to the full valuation of all the property in the district; the school district administrator in the county paying the whole amount in the first instance, or the clerk of the school district in the county paying the whole amount in the first instance shall compute the number, including a fraction of a number, that will be derived from applying to the whole number of teachers the same ratio as the full valuation of the property of the school district lying in any other such county bears to the full valuation of all the property of the school district; . He shall then multiply the same by 350 and certify the results in dollars, at the time of the other certification, as the amount to be reimbursed by the other county; . The clerk of the county receiving such certification shall certify to the clerk of the other county the amount required to be reimbursed and the board of the other county shall levy a tax in such amount in the same manner and by the same method as the tax levied under par. (a); . When the tax is collected, it shall be remitted by the treasurer of such other county to the treasurer of the county entitled thereto. "Full valuation" as used in this paragraph means the full valuation prescribed in s. 40.35 (9). ~~Section 40.71 (5) relating to aid shall apply to any such other county which does not comply with this paragraph 121.06 (2).~~

NOTE: Corrects a cross reference and deletes the last sentence which alludes to a penalty in present law which this act eliminates. See note following s. 121.21 which refers to present s. 40.71 (5).

SECTION 15. Title XIV of the statutes is renumbered Title XIVA, to comprise chapters 125 to 139.

SECTION 16. Chapter 115 of the statutes is renumbered chapter 138.

SECTION 17. Title XIV and chapters 115 to 121 of the statutes are created to read:

TITLE XIV.
PUBLIC INSTRUCTION.

CHAPTER 115.

STATE SUPERINTENDENT; GENERAL CLASSIFICATIONS
AND DEFINITIONS; HANDICAPPED CHILDREN.

NOTE: The following is a table of contents of ch. 115 as created by
this bill.

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SUBCHAPTER I.

GENERAL CLASSIFICATIONS AND DEFINITIONS.

115.01 CLASSIFICATIONS AND DEFINITIONS. In this title:

(1) PUBLIC SCHOOLS. Public schools are the elementary and high
schools supported by public taxation.

(2) GRADES. The educational work of the public schools is divided
into 12 grades, besides kindergarten, which are numbered from one to
12 beginning with the lowest. The first 8 grades are the elementary
grades. Where reference is made to "elementary grades," the reference

includes kindergarten, where applicable. The last 4 grades are the high school grades. A junior high school is a school in which only grades 7 to 9 or grades 7 to 10 are taught. A senior high school is a school in which only grades 10 to 12 are taught. This classification is not a limitation of the character of work or the studies that may be carried on in either the elementary or the high schools.

(3) **SCHOOL DISTRICTS.** The school district is the territorial unit for school administration. School districts are classed as common school districts, union high school districts, unified school districts, city school districts and school systems organized pursuant to ch. 119. A joint school district is a school district whose territory is not wholly in one municipality. "Basic aid district" and "integrated aid district" mean school districts which meet the requirements set forth in s. 121.02 and refer to classification for state aid purposes only.

(4) **SCHOOL BOARD.** "School board" means the school board or board of education in charge of the schools of a school district.

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

(6) **SCHOOL YEAR.** "School year" means the time commencing with July 1 and ending with the next succeeding June 30.

(7) **SCHOOL TERM.** "School term" means the time commencing with the first school day and ending with the last school day that the schools of a school district are in operation for attendance of pupils in a school year, other than for the operation of summer classes.

(8) **SESSION.** "Session" means the time during a school term that the schools of a school district are operated for the attendance of pupils.

(9) **SCHOOL MONTH.** Twenty school days constitute a school month.

(10) **SCHOOL DAY.** (a) School days are days on which school is actually taught and the following days on which school is not taught:

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

2. Days on which state teachers' conventions are held.

3. Days on which school is closed by order of a health officer.

(b) Not to exceed 5 Saturdays may be counted as school days in any school year when school is taught thereon with the consent of the school board.

(11) **SCHOOL DISTRICT ADMINISTRATOR.** "School district administrator" means the school district superintendent, supervising principal or other person who acts as the administrative head of a school district and who holds an administrator's license.

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

(13) **ELECTORS.** (a) Whenever an action may be taken by a percentage of electors in an area, that percentage shall be based on the number of electors who voted for governor at the last general election in that area.

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

1. The area of the school district in square miles shall be divided by the area of the municipality in square miles in which it lies.

2. The vote for governor at the last general election in the municipality within which the school district lies shall be multiplied by the quotient determined under subd. 1 to determine the required number of electors.

(c) If a school district is in more than one municipality, the method of determination under par. (b) shall be used for each part of the school

district which constitutes only a fractional part of any area for which election statistics are kept.

(14) REORGANIZE, REORGANIZATION OR REORGANIZING. "Reorganize," "reorganization" or "reorganizing," as applied to school districts, mean any alteration, dissolution, consolidation or creation of a school district.

(15) REORGANIZED SCHOOL DISTRICT OR PROPOSED REORGANIZED SCHOOL DISTRICT. "Reorganized school district" or "proposed reorganized school district" means:

(a) When an order or proposed order attaches territory to a school district, only the territory in the school district to which the territory is attached or proposed to be attached and the territory attached thereto by such order or proposed order.

(b) When an order or proposed order consolidates the territory of 2 or more school districts, only the territory so consolidated by such order or proposed order.

(c) When an order or proposed order creates a new school district or proposed new school district, only the territory comprising such new school district or proposed new school district.

(d) In no instance, the territory remaining in any school district from which territory is detached by an order or proposed order.

(16) REORGANIZATION AUTHORITY. "Reorganization authority" means any officer, committee, agency, school board, electors, state appeal board or any group or combination thereof which is empowered by law to authorize or make orders of school district reorganization.

(17) SCHOOL DISTRICT AFFECTED. "School district affected" means the entire territory of any school district:

(a) From which any territory is detached.

(b) To which any territory is attached.

(c) Any territory of which is included in a newly created school district.

(d) Any territory of which is included in any consolidation.

(18) CITY, VILLAGE OR TOWN AFFECTED. "City, village or town affected" means any city, village or town which has lying within it all or part of a school district affected.

(19) SCHOOL DISTRICT CLERK. "School district clerk" means the school district clerk of a 3-member school board elected by the electors in a common or union high school district and the school district clerk elected by the school board in a unified school district, in a city school district and in a common or union high school district having a school board of more than 3 members.

NOTE: Sub. (1) identical to s. 40.01 (1).

Sub. (2) revises s. 40.01 (2) and specifies that references to elementary grades includes kindergarten, where applicable. The sentence which reads "A common school is an elementary school" is deleted, because the term "common school" is not used in this title and makes references to "common school districts" confusing.

Sub. (3) restates s. 40.01 (3) (1st, 2nd, 3rd and last sentences).

Sub. (4) restates s. 40.01 (3) (4th sentence).

Sub. (5) identical to s. 40.01 (4).

Sub. (6) identical to s. 40.01 (7).

Sub. (7) restates s. 40.01 (8) and excepts summer school from the definition.

Sub. (8) like s. 40.01 (9).

Sub. (9) identical to s. 40.45 (1) (intro.) (1st sentence).

Sub. (10) restates and rearranges s. 40.45 (1).

- Sub. (11) restates s. 40.01 (15).
- Sub. (12) identical to s. 40.01 (5).
- Sub. (13) based on s. 40.01 (6) and deletes s. 40.01 (6) (c) because the formula has been more clearly stated and s. 40.01 (6) (e) as it appears to have no application.
- Sub. (14) like s. 40.01 (10).
- Sub. (15) like s. 40.01 (11).
- Sub. (16) restates s. 40.01 (12) and the references to municipal governing boards are deleted as obsolete.
- Sub. (17) like s. 40.01 (13).
- Sub. (18) like s. 40.01 (14).
- Sub. (19) is new and clarifies references to school district clerk throughout this act. In the case of a city school district, this act changes the designation of the person elected to serve as the "secretary" of the school board to "school district clerk".

SUBCHAPTER II.

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

115.26 QUALIFICATIONS. To be eligible to the office of state superintendent of public instruction, a person at the time of his election must have taught or supervised teaching in this state for at least 5 years and hold the highest certificate which the state superintendent may issue.

NOTE: Restates s. 39.01.

115.27 DEPUTY STATE SUPERINTENDENT. The state superintendent shall appoint a deputy state superintendent who shall serve at the pleasure of the state superintendent. He may be appointed outside the classified service but subject to s. 16.274 and shall perform such duties as the state superintendent prescribes. In the absence or disability of the state superintendent, the deputy may perform all the acts required by law to be performed by the state superintendent and the state superintendent shall be responsible for all acts of his deputy. The deputy shall take and file the official oath of office.

NOTE: Like s. 39.015, except 4th sentence which is placed in s. 115.29 (1) of this act.

115.28 GENERAL DUTIES. The state superintendent shall:

(1) **GENERAL SUPERVISION.** Ascertain the condition of the public schools, stimulate interest in education and spread as widely as possible a knowledge of the means and methods which may be employed to improve the schools.

(2) **SECTARIANISM.** Exclude all sectarian books and instruction from the public schools.

(3) **SUPERVISION OF SCHOOLS.** Supervise and inspect the public schools, county teachers colleges and day schools for handicapped children, advise the principals and local authorities thereof and give assistance in organizing such schools.

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

(5) **APPEALS.** Examine and determine all appeals which by law are made to him and prescribe rules of practice in respect thereto, not inconsistent with law.

(6) **ANNUAL CONVENTIONS.** Annually, hold conventions of school district administrators, supervisors and agency co-ordinators.

(7) **LICENSING AND CERTIFICATION OF TEACHERS.** License or certify all teachers for the public schools of the state, make rules and prescribe standards of attainment for the examination, licensing and certification of teachers within the limits prescribed in s. 118.19 (2) and (3), file in his office all papers relating to state teachers' licenses and certificates and register each such license or certificate.

(8) **ADMISSIONS TO FIRST GRADE.** Prescribe procedures, conditions and standards under which admissions to first grade may be made at an age earlier than that specified in s. 118.14 in exceptional cases.

(9) **FEDERAL AIDS.** Accept federal funds for any function over which the state superintendent has jurisdiction and act as the agent for the receipt and disbursement of such funds.

NOTE: Sub. (1) restates s. 39.02 (1).

Sub. (2) identical to s. 39.02 (2).

Sub. (3) restates s. 39.02 (4) and deletes references to non-existent schools.

Sub. (4) like s. 39.02 (6).

Sub. (5) restates s. 39.02 (7).

Sub. (6) restates s. 39.02 (18).

Sub. (7) revises s. 39.02 (21).

Sub. (8) identical to s. 39.02 (24).

Sub. (9) identical to s. 39.02 (26).

Present s. 39.02 (8) is deleted as it is unnecessary.

Present s. 39.02 (14) deleted, as it is covered in s. 43.19.

Present s. 39.02 (17) deleted, as it is obsolete.

Present s. 39.02 (22) deleted, as it is obsolete.

Present s. 39.02 (28) deleted, as it is covered in s. 43.10.

Present s. 39.02 (29) deleted, as it is covered in s. 117.03 (2) of this act.

115.29 GENERAL POWERS. The state superintendent may:

(1) **DESIGNATE REPRESENTATIVE.** Designate the deputy state superintendent or another employe under the state superintendent as his representative on any body on which the state superintendent is required to serve, except the regents of the university of Wisconsin, the co-ordinating committee for higher education and the board of regents of state colleges.

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

(3) **NONPROFESSIONAL EMPLOYES.** By order, establish classes of non-professional school employes and authorize their employment in the instructional program of the elementary and high schools for specific purposes and their reimbursement from the instructional budget. Such employes shall not be covered under ch. 42 or ss. 118.21 to 118.23 or 121.17 (2) or (3) but shall be eligible under the Wisconsin retirement fund if it is made applicable to the school district employing them.

(4) **HIGH SCHOOL GRADUATION EQUIVALENCY.** Grant declarations of equivalency of high school graduation to persons, if in his judgment they have presented satisfactory evidence of having completed a recognized high school course of study or its equivalent. He may establish the standards by which high school graduation equivalency is determined. Such standards may consist of evidence of high school courses completed in high schools recognized by the proper authorities as accredited, results of examinations given by or at the request of the state superintendent, successful completion of correspondence study courses given by acceptable

correspondence study schools, course credits received in schools meeting the approval of the state superintendent or other standards established by him.

NOTE: Sub. (1) is like s. 39.015 (4th sentence). Sub. (2) like s. 39.02 (3). Sub. (3) revises s. 39.02 (21a). Sub. (4) restates s. 39.02 (25).

115.30 FORMS AND REPORTS. (1) The state superintendent shall prepare for the use of school officers suitable forms for making reports, and suitable outlines as aids in conducting school meetings. School district officers and employes shall make such reports to him as will enable him to distribute state school fund appropriations and state educational appropriations to the schools and persons entitled thereto, and to properly discharge the other duties of his office.

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

(3) On or before each October 15, each administrator of a public or private school system shall submit, on forms provided by the state superintendent, a statement of the enrollment on the 3rd Friday of September in the elementary and high school grades under his jurisdiction to the state superintendent who shall prepare such reports as will enable the public and private schools to make projections regarding school buildings, teacher supply and funds required.

(4) The state superintendent shall report to the governor, during the last half of each even-numbered year:

- (a) The condition of all schools under his supervision.
- (b) An abstract of the public school reports made to him.
- (c) His visits to educational institutions.
- (d) The work done by his staff in the performance of the duties of his office.

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

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

(g) Such other matters as he deems appropriate.

(5) The state superintendent shall make certified copies, when required, of any papers deposited or filed or records kept in his office, and of any act or decision made by him. His fee therefore shall be 15 cents per page.

NOTE: Sub. (1) restates s. 39.02 (9) and (19).

Sub. (2) restates s. 39.025.

Sub. (3) restates s. 39.027.

Sub. (4) restates s. 39.02 (16).

Sub. (5) restates s. 39.02 (15).

Present s. 39.02 (20) deleted, as it is superfluous.

115.31 COURSES OF STUDY. (1) **GENERAL.** The state superintendent shall prepare and publish courses of study for the public schools, and the other schools under his supervision, and furnish copies thereof to the school boards.

(2) **PHYSICAL TRAINING.** The state superintendent shall prescribe a course in physical education and training adapted to the public schools,

and have general supervision of physical education in the public schools.

(3) SPECIAL PROGRAM. The state superintendent shall compile and distribute annually to the public schools, in pamphlet form, matter suitable for the observance of Memorial Day and Arbor Day.

(4) MUSICAL EDUCATION. The state superintendent shall promote and supervise musical education in the public schools. He shall appoint a supervisor of musical education.

(5) CO-OPERATIVES AND CONSERVATION. The state superintendent, the dean of the college of agriculture at the state university and the conservation commission shall co-operate in the preparation of outlines to be used by teachers in the courses offered under ss. 37.29 and 118.01 (8). They also may make a recommended list of material for guidance to teachers of these courses.

NOTE: Sub. (1) restates s. 39.02 (10).

Sub. (2) restates s. 39.02 (11).

Sub. (3) like s. 39.02 (12).

Sub. (4) restates s. 39.02 (13).

Sub. (5) restates s. 39.02 (23).

115.32 INDIAN SCHOLARSHIPS. (1) The state superintendent may award scholarships to any Indian student who is a resident of this state to help defray the costs of tuition, incidental fees and room and board while attending any accredited degree-granting college or university located in and financed by this state.

(2) The state superintendent shall set standards to determine the amount to be granted. The grant to any one student shall not exceed \$900 in any one academic year. No student shall be eligible for a 2nd or subsequent scholarship unless he has completed the prior year's work satisfactorily, and no student shall be eligible for more than 4 years. The moneys shall be paid to the college or university upon the certification of the state superintendent. If the course of study is less than 36 weeks per year, the scholarship shall be prorated.

(3) A person is eligible under this section if he meets all of the following requirements:

(a) Has one-fourth or more Indian blood.

(b) Is a resident of this state.

(c) Has the capacity to profit from appropriate college or university work.

(d) Has completed high school in the upper two-thirds of his class.

NOTE: Restates s. 39.022 with minor revisions and clarifications.

115.33 INSPECTION OF SCHOOL BUILDINGS. (1) The state supervisors of schools shall be inspectors of public school buildings under the direction of the state superintendent.

(2) If any school district administrator or elector in the school district complains in writing to the state superintendent that any building used for school purposes in the school district is in such condition as to endanger the lives or health of the pupils, or that the building is otherwise unfit for school purposes, the state superintendent shall investigate the matter and may hold a hearing in connection therewith.

(3) (a) If conditions warrant, the state superintendent shall order the school board or other officers having control of the school to repair, improve or remodel such building by a stated date so as to render it safe and sanitary. If he deems the building unfit for school purposes and not worth repairing, he shall order the erection or acquisition of an adequate school building by a stated date. Use of the building after the date specified in the order of the state superintendent without complying with the order shall deprive the school district of its right to share in the school

fund income until the state superintendent determines that the school district has complied with his order.

(b) The state superintendent shall file the order in his office, and shall transmit copies to the clerk of the school district, the school district administrator and the clerk of the municipality in which the building is located.

(c) Upon the written application of the school board, the state superintendent shall grant a hearing on the order. Pending the hearing, execution of the order shall be stayed until the conclusion of the hearing, and the superintendent may affirm, amend or vacate his original order.

NOTE: Restates s. 39.03.

115.34 SCHOOL LUNCH PROGRAM. The state superintendent may contract for the operation and maintenance of school lunch programs and for the distribution, transportation, warehousing, processing and insuring of food products provided by the federal government. The form and specifications of such contracts shall be determined by the state superintendent. Amounts remaining unpaid for 60 days or more after they become payable under the terms of such contracts shall be deemed past due and shall be certified to the department of administration on October 1 of each year and included in the next apportionment of state special charges to local units of government as special charges against the school districts and municipalities charged therewith.

NOTE: Like s. 39.04, but omits a portion of 2nd sentence covered by s. 20.951.

SUBCHAPTER III.

STATE SCHOOLS AND SCHOLARSHIPS FOR THE HANDICAPPED.

115.51 DEFINITIONS. In this subchapter:

(1) "Blind" includes persons visually handicapped, as determined by competent medical authority with the approval of the state superintendent.

(2) "Deaf" includes persons who because of some pathological or functional cause cannot attain proficiency in speech without special instruction and training.

NOTE: Restates s. 41.72 (3).

115.52 WISCONSIN SCHOOLS FOR THE VISUALLY HANDICAPPED AND THE DEAF. (1) The object of the Wisconsin school for the visually handicapped and the Wisconsin school for the deaf is to afford the visually handicapped and the deaf a practical education and physical rehabilitation which may aid them to make a living, discharge their duties as citizens and secure to them all possible happiness.

(2) The state superintendent shall maintain and govern the school for the visually handicapped and the school for the deaf. He may fix the period of the school year at the schools at not less than 38 weeks, prescribe the school terms and confer diplomas upon meritorious pupils who have completed the prescribed curricula.

(3) All the blind and the deaf residents of this state between the ages of 6 and 21 who are capable of receiving instruction shall be received and taught in the schools free of charge. Like nonresident pupils also may be received upon payment in advance of the fees fixed by the state superintendent at an amount not less than \$75 per month, but no nonresident shall be received to the exclusion of a resident pupil. The state superintendent also may admit pupils over 21 years of age upon the payment of fees fixed by him and upon the recommendation of the director of public welfare, the director of vocational, technical and adult education or the superintendent of the school to which the pupil will be assigned. All pupils shall equally and freely enjoy the benefits and privileges of the

schools and have the use of the library and books of instruction and receive board, lodging and laundry, without discrimination. The schools may provide transportation for resident indigent pupils.

(4) The state superintendent shall employ the teachers at the school for the deaf in accordance with ss. 118.21 and 118.22 and determine their compensation.

(5) The state superintendent may grant approval for the maintenance of a summer school at the school for the deaf whenever it will be to the advantage of deaf persons. There shall be a summer school each year at the school for the visually handicapped for adult visually handicapped persons. There is no age limitation on summer school admissions.

(6) The state superintendent may make charges for meals, living quarters, laundry and other services furnished to employes of the schools and their families. He also may make charges for services furnished to visitors at the schools and participants in training programs and institutes.

NOTE: Sub. (1) identical to s. 41.72 (1) (1st sentence). Sub. (2) (1st sentence) like s. 39.02 (5) and incorporates s. 41.72 (2). Sub. (2) (2nd sentence) restates s. 41.73 (2). Sub. (3) restates s. 41.73 (1) except 2nd sentence transferred to new sub. (5), and 2nd to the last sentence deleted because unnecessary under s. 20.951. Sub. (4) restates s. 41.72 (4). Sub. (5) (1st and 2nd sentences) like s. 41.72 (1) (2nd and 3rd sentences). Sub. (5) (last sentence) identical to s. 41.73 (1) (2nd sentence). Sub. (6) restates s. 39.02 (5b) and omits s. 39.02 (5c) and part of (5b) which are covered under ss. 20.650 (3) (a) 1 and 20.951.

115.53 STATE SUPERINTENDENT; POWERS. The state superintendent may:

(1) Provide for the education of deaf-blind children of suitable capacity to receive instruction either in a special class for that purpose outside the state or in a special class to be established within the state whenever there is a sufficient number of deaf-blind children to warrant the establishment of such class. The cost of such education shall be charged to the appropriation in s. 20.650 (3) (a).

(2) Arrange for vocational, trade or academic training for any pupil in either state school qualified to take such training advantageously, in either a public school or vocational school or a private business establishment in Janesville or Delavan. The public school and the vocational school shall be paid the regular tuition for full-time attendance and pro rata for part-time attendance from the appropriation in s. 20.650 (3) (a).

(3) Arrange for otological or ophthalmic examination of any pupil or prospective pupil of the schools. The examination shall be paid for from the appropriation in s. 20.650 (3) (a).

(4) Apply to the regents of the university of Wisconsin for admission to the Wisconsin general hospital of any pupil in the state schools.

(a) The application shall be accompanied by the report of a physician appointed by the appropriate school superintendent and shall be in the same form as reports of other physicians for admission of patients to such hospital.

(b) The net cost of such hospital treatment shall be at the rate charged to counties for county patients and shall be chargeable one-half to the appropriation for operating the patient's school and one-half to the state. The state superintendent likewise may authorize payment for the expense of transporting patients to and from the hospital. Payments for the treatment shall be made by him to the regents for the half chargeable to the operation fund of the school and the other half shall be paid as provided in s. 142.08 (2). Funds collected by him on account of such hospitalization shall be deposited one-half in the general fund and one-half in the appropriation under s. 20.650 (3) (a) for the school concerned.

(5) Arrange for visits by members of the staff of either school to other public schools or to families of blind or deaf children, whenever it appears to him that such visits will be of advantage to blind or deaf children.

(6) Set aside not to exceed \$3,000 annually from appropriations made to the schools, to be used to defray the expenses of readers for blind or deaf pupils between the ages of 16 and 21 enrolled in any public high school or vocational, technical and adult education school in this state. The aid to any one pupil shall not exceed \$125 per year. This aid shall not be granted to any student unless the director of the bureau for handicapped children and the superintendent of the school for the visually handicapped or of the school for the deaf, depending upon whether the child is blind or deaf, agree that it is best for the student to attend such vocational or high school.

NOTE: Restates s. 41.73 (3) to (9).

115.54 COMPULSORY EDUCATION. If it appears, by affidavit, to any county judge that any blind or deaf child between the ages of 6 and 21 is deprived of a suitable education by the failure of the person having the care and custody of the child to provide a suitable education, the judge shall order such person to bring the child before him. If the material allegations of the affidavit are denied, he shall subpoena witnesses and hear testimony. If the allegations are admitted or established, the judge may order the child sent to the school for the visually handicapped or for the deaf or to some class or other school for instruction, but the order shall not make a direct charge for the class or school against any county.

NOTE: Like s. 41.74.

115.55 LIBRARY FOR THE BLIND. Embossed, clear type or large type books, talking book machines and talking book records acquired by the school for the visually handicapped shall constitute a circulating library for the blind. The library shall be kept at the school and be in charge of its superintendent. All blind citizens of the state may use such books upon compliance with rules made by the superintendent and approved by the state superintendent.

NOTE: Like s. 41.75.

115.56 SCHOLARSHIPS FOR BLIND STUDENTS. Under the direction of the superintendent of the school for the visually handicapped and subject to the approval of the state superintendent, any blind person who has been a resident of this state for at least 5 years preceding application for aid under this section and who is a regularly enrolled student in any university, college or conservatory of music may receive aid for the purposes of defraying tuition and other necessary expenses, including a reader, while in attendance at the university, college or conservatory of music. The aid to any such person shall not exceed \$400 in any one year, nor shall the total aid exceed \$2,000.

NOTE: Restates s. 41.76.

115.57 SCHOLARSHIPS FOR DEAF AND HARD OF HEARING STUDENTS. Under the direction of the bureau for handicapped children and subject to the approval of the state superintendent, any deaf or hard of hearing person who has been a resident of this state for at least 5 years preceding application for aid under this section and who is a regularly enrolled student in any university or college may receive aid for the purposes of defraying tuition and other necessary expenses while in attendance at the university or college. The state superintendent shall set standards to determine the amount to be granted. The aid to any such person shall not exceed \$500 in any one year.

NOTE: Restates s. 41.77.

115.58 PARK GROUNDS. The state superintendent may permit the city of Janesville to use portions of the grounds of the state school for the visually handicapped at Janesville, which abut on the Rock river, for purposes of operating a city park. Any construction on such grounds is subject to prior approval by the state superintendent. Any agreement pursuant hereto shall be cancelable at the option of either party without liability. Any such grounds so used by the city of Janesville shall be supervised by the city and shall be subject to the ordinances of the city of Janesville applicable to city parks.

NOTE: Like s. 41.72 (5).

SUBCHAPTER IV. HANDICAPPED CHILDREN.

115.76 DEFINITIONS. In this subchapter:

(1) "Handicapped children" means children who are crippled, cardiac handicapped, visually handicapped, auditorily handicapped, speech handicapped, otherwise physically handicapped or mentally handicapped.

(2) "Bureau" means the bureau for handicapped children.

(3) "Director" means the director of the bureau for handicapped children.

NOTE: Creates a definition of handicapped children based on s. 41.01 (4) (part of 5th sentence) and (4m) (b) and restates s. 41.01 (4) (2nd and 4th sentences).

115.77 BUREAU FOR HANDICAPPED CHILDREN. (1) There is created under the state superintendent a bureau for handicapped children. The state superintendent shall appoint, with the status of assistant superintendent, a person to serve as director of the bureau.

(2) Subject to the direction of the state superintendent, the director:

(a) Is responsible for services for handicapped children under the jurisdiction of the state superintendent and for the Wisconsin school for the deaf and the Wisconsin school for the visually handicapped.

(b) Shall appoint qualified personnel necessary to perform the duties required of the bureau.

(c) Shall audit expenditures incurred for services for handicapped children under the state superintendent.

(3) The bureau is responsible for elementary and high school education for physically handicapped children under 21 years of age and for the supervision of special educational facilities provided mentally handicapped children through day classes. In the case of a physically handicapped child whose parents or guardian reside outside the school district in which the child attends a special class, the bureau shall make or approve arrangements for transportation to and from his home to the special class, or on school days for board, lodging and transportation to and from his boarding home to the special class.

(4) Any federal aid which is made available for special programs for handicapped children shall be granted the bureau for carrying out plans approved by the federal agency having supervision of the aid program.

(5) (a) The bureau through its crippled children division is responsible for assembling all records on crippled children from birth to 21 years of age and for providing facilities for diagnosis through orthopedic field clinics and for aftercare for children under 21 years of age who are crippled or who are suffering from conditions which lead to crippling. Such responsibility shall be for those facilities not provided through hospitals, by private physicians or through private organizations. The bureau shall approve applications and arrange for orthopedic hospital care when state

aid is granted for any part of the cost. This subsection shall be administered in accordance with requirements of the federal social security act.

(b) The director shall submit to the proper federal authorities a state plan, prepared by the medical director of the crippled children division in accordance with federal requirements, for services for crippled children. The state plan may be revised as conditions require. The bureau shall make reports, in such form and containing such information as the proper federal authorities require, and shall comply with all requirements made to assure the correctness and verification of such reports.

NOTE: Sub. (1) like s. 41.01 (4) (1st and 3rd sentences). Sub. (2) restates s. 41.01 (4) (part of 5th sentence and 6th, 7th and 8th sentences). Sub. (3) based on s. 41.01 (8) and clarifies that reimbursement for transportation is either from home or boarding home to the special class and not for transportation from home to boarding home. The last sentence of present s. 41.01 (8) is deleted because it is covered in other state aid sections. Sub. (4) restates s. 41.01 (4m) (c). Sub. (5) (a) like s. 41.01 (4m) (a). Sub. (5) (b) restates s. 41.01 (4m) (e), in general terms, because the omitted specific language set requirements for a plan submitted several decades ago.

115.78 REPORT OF HANDICAPPED CHILDREN. Every school district administrator shall obtain information regarding handicapped children from birth to 21 years of age residing in the school district and shall report such information annually to the state superintendent. The report shall state the reason for the nonattendance of a handicapped child who is of school age but not attending school.

NOTE: Restates s. 41.04.

115.79 COMPULSORY ATTENDANCE. The provisions of s. 118.15 relating to compulsory school attendance apply to physically handicapped children who are eligible for attendance at a special class or school.

NOTE: Restates s. 41.02.

115.80 SPECIAL SCHOOLS, CLASSES, CENTERS AND SERVICES. (1) Upon application by a school board, by a board of control of a cooperative educational service agency or, upon authorization of the county board, by a county handicapped children's education board, the state superintendent may upon the basis of need and the availability of sufficient funds authorize the school board, board of control or county handicapped children's education board to establish, maintain or discontinue a program of educational services for handicapped children, to employ teachers, qualified full-time senior co-ordinators of special education, senior school social workers and senior school psychologists and to provide special physical and occupational therapy services for handicapped children. The program may consist of one or more special schools, classes, treatment or instruction centers or other services for one or more types of handicapped children, including special classes and instruction centers for mentally handicapped children having an intelligence quotient of 35 to 50. A "part of a program" is that portion of the program in which a particular type of handicapped child participates.

(2) The courses, qualifications of teachers, co-ordinators, social workers and school psychologists and plan of organizing and maintaining special schools, classes, centers and other services shall comply with requirements established by the state superintendent.

(3) The school board, board of control or county handicapped children's education board maintaining special schools, classes, centers or other services shall report annually to the state superintendent, and at such other times as he directs, such information as he requires. The report shall include the number of pupils instructed or provided service, their residence and the period of time each was instructed or otherwise

served during the school year. Annually, each board shall submit to the state superintendent an itemized statement on oath of all receipts and disbursements on account of such special schools, classes, centers or other services during the preceding school year.

NOTE: Based on s. 41.01 (1), (2) and (3). Sub. (1) is also based on s. 41.01 (1r) (c) and describes what may be included in a program or a part of a program, since these terms are used generally throughout the subchapter. Sub. (3) shifts the responsibility for submitting the itemized statement from the board treasurer to the board.

115.81 HANDICAPPED CHILDREN'S EDUCATION BOARD. (1) DEFINITIONS. In this section "board" means the county handicapped children's education board.

(2) **ESTABLISHMENT.** Any county board may determine to establish a program of educational services for handicapped children for all school districts in the county. The program may provide for one or more special schools, classes, treatment or instruction centers or other services for one or more types of handicapped children. A school district shall be included under such county program only to the extent approved by formal action of the school board of the district. When the county board determines to establish such a program, it shall create a board to be known as the "Handicapped Children's Education Board."

(3) **ORGANIZATION.** (a) The board shall consist of 3 or 5 persons, as determined by the county board, elected by the county board or appointed by the chairman of the county board, as the rules of the county board direct. Board members shall be electors selected from that part of the county participating in the program and shall be representative of the area the board serves. The board may include school board members, county board members and other electors. Board members shall hold office for a term of 3 years, except that the terms of office of members of the first board shall be 3 years, 2 years and one year. Board members shall receive compensation and reimbursement for mileage in an amount fixed by the county board, but not more than that of county board members.

(b) The board annually shall select one member as chairman and one as secretary. The county treasurer shall serve as board treasurer but shall not be a member of the board.

(c) The board shall appoint an advisory committee of school district administrators representative of the area the board serves.

(4) **APPLICATION.** Upon authorization of the county board, application for the establishment of a program or any part thereof shall be made by the board to the state superintendent. The application shall state whether the program or part will be available in the county at large or only to certain school districts.

(5) **BOARD DUTIES.** The board shall have charge of all matters pertaining to the organization, equipment, operation and maintenance of such programs and may do all things necessary to perform its functions, including, without restriction because of enumeration, the authority to erect buildings subject to county board approval and employ teachers and other personnel. The board shall prepare an annual budget which shall be subject to approval of the county board under s. 65.90 and shall include, without limitation because of enumeration, funds for the hiring of staff, the purchase of materials, supplies and equipment and the operation and maintenance of buildings or classrooms.

(6) **ASSIGNMENT OF FUNCTIONS.** The county board may assign by resolution the functions of the board to a co-operative educational service agency operating in the county, but if the board continues to exist, it may

contract with the agency board of control or a school board of any district in the county for professional and administrative services.

(7) WITHDRAWAL AND DISSOLUTION. (a) The school board of any district which is included under the administration of a board may withdraw from participation in any part of the program only with the approval of the state superintendent after he has conferred with the board and is satisfied that such withdrawal is in the interest of the program in the county and the school district affected. Such withdrawal shall be effective only if the school board has the approval of the state superintendent to establish a comparable part of a program. Such withdrawal shall not be effective until the end of the next full school term. The withdrawing school district shall be liable for its proportionate share of all operating costs until its withdrawal becomes effective, shall continue to be liable for its share of debt incurred while it was a participant and shall receive no share in the assets.

(b) A program established under this section may be dissolved by action of the county board, but such dissolution shall not take place until the end of the school term in which the action was taken. When a program is dissolved, assets and liabilities shall be distributed under s. 66.03 to all units which participated in the program.

(8) TRANSPORTATION. The board may promulgate a plan for the transportation at county expense of handicapped children participating in programs under this section. The plan, upon approval of the state superintendent, shall govern the transportation of such handicapped children. Such plan supersedes ss. 115.85 and 121.54 (3).

(9) AREA TAXED. The tax for the operation and maintenance of each part of a program for handicapped children and for the transportation of handicapped children under sub. (8) shall be levied against the area of the county participating in the part of the program.

(10) STATE AIDS. The board may apply for and receive the state aid under ss. 115.85 and 121.58 (2) (a) for the transportation, board and lodging, treatment and instruction of handicapped children participating in programs under this section. All state aid shall be paid to the county treasurer and credited to the fund of the board.

NOTE: Based on s. 41.01 (1m) and (1r).

Sub. (1) is new.

Sub. (2) is based on s. 41.01 (1m) (a) (1st and 2nd sentences) and (1r) (c), and makes clear that if the county board determines to establish a program, it must create a handicapped children's education board. This paragraph emphasizes that this is only an initial determination by the county board and is subject to the approval of the state superintendent.

Sub. (3) (a) revises s. 41.01 (1m) (a) (3rd, 4th, 6th, 7th, 8th and 9th sentences). Sub. (3) (b) restates s. 41.01 (1m) (b). Sub. (3) (c) restates s. 41.01 (1m) (a) (5th sentence).

Sub. (4) based on s. 41.01 (1r) (a), and makes clear that application must be made before initiation of any part of a program.

Sub. (5) based on s. 41.01 (1m) (c) and (1r) (d) and deletes s. 41.01 (1m) (d) which is covered in s. 41.01 (1r) (d).

Sub. (6) like s. 41.01 (1m) (f).

Sub. (7) (a) revises and consolidates s. 41.01 (1m) (e) and (1r) (e) (1st and 2nd sentences). Sub. (7) (b) like s. 41.01 (1r) (e) (3rd and 4th sentences.)

Sub. (8) restates s. 41.01 (1r) (f) to more clearly indicate that the plan is limited to children participating in board programs.

Sub. (9) restates s. 41.01 (1r) (b).

Sub. (10) revises s. 41.01 (1r) (g).

115.82 ADMISSION, TUITION AND TRANSPORTATION. (1)

(a) Handicapped children residing outside the area served by a program established under s. 115.81 may be admitted to the program as nonresidents.

(b) Handicapped children residing within or outside a school district may be admitted to special programs for handicapped children which are available in the school district according to standards of eligibility determined by the bureau and according to available facilities. A handicapped child, including a preschool handicapped child, who resides in a school district which does not maintain a program for children with his handicap and is eligible to attend special schools, classes or centers, may be admitted as a nonresident. The basis for enrollment in an orthopedic school of a crippled child who lives within or outside the school district shall be his need for special school facilities because of his inability to walk or to climb stairs or his need for supervision or treatment as provided at such schools. Only children who are mentally capable of benefiting from the regular academic course or a special education curriculum shall be admitted to orthopedic schools.

(2) Tuition shall be charged nonresidents admitted to special programs for handicapped children in accordance with this section. For each part of a program, the tuition for a nonresident handicapped child shall be determined on the basis of costs, aids and children in such part for the preceding year by adding together the total cost of items reported under s. 115.85 (1) and the actual cost of operation and maintenance not so reported, subtracting federal, state and county aids and then dividing this amount by the number of children in average daily membership.

(3) In counties having a population of less than 500,000, if a handicapped child resides in a school district or county which does not maintain a special school, class or center for children with his handicap and attends a special school, class or center in another school district or county, tuition therefor shall be chargeable under this subsection.

(a) Annually on or before August 1, the school district clerk and the secretary of the county handicapped children's education board shall file with the clerks of the county and the city, village or town of residence of nonresident handicapped children admitted to the program of the school district or county a sworn statement of claim for tuition therefore against the county. The claim shall set forth the residence, name, age, date of entrance and number of weeks attendance during the preceding school year of each such child, the amount of tuition to which the school district or board lays claim for each such child and the total amount of tuition due the school district or board from the county. The county clerk shall examine the claims for the purpose of determining their accuracy and legality and may call upon school, county or local officials to supply data which will verify the claims.

(b) After examining the claims, the county clerk shall notify the school district clerk or secretary of the board of the result of his examination. If corrections are necessary, the county clerk shall notify the school district clerk or secretary of the board who shall meet with the county clerk, at the expense of the school district or board to make the corrections. The county clerk then shall apportion the amount of the claims, for each type of handicap, on the basis of the ratio of the equalized valuation of that portion of each municipality within the county that lies outside of the territory served by all programs for children with that handicap that are operated by school districts or pursuant to s. 115.81 to the total equalized valuation of all the territory in the county that lies outside of the territory served by all programs for children with that

handicap operated by school districts or under s. 115.81 and shall certify that amount to the clerks of such municipalities.

(c) Upon receipt of the certification from the county clerk, each municipal clerk shall spread the amounts thereof upon the tax rolls for collection. When taxes are collected, such amounts shall be paid by the county treasurer to the treasurer of each school district or county handicapped children's education board to which due, subject to the priority given to high school tuition under s. 74.03 (5).

(4) In counties having a population of 500,000 or more, the school district of residence shall pay tuition charges for handicapped children as provided in par. (a) or (b).

(a) Annually on or before August 1, the school district clerk shall file with the clerk of the school district of residence of such nonresident children who reside in school districts that lie wholly or partially in counties having a population of 500,000 or more a sworn statement of claim against the school district of residence. The claim shall set forth the name, age, date of entrance and number of weeks attendance during the preceding school year of each such child, the amount of tuition to which the school district lays claim for each such child and the total amount of tuition due the school district of attendance from the school district of residence. After examining the claim and verifying it, the clerk of the school district of residence shall cause reimbursement to be made to the treasurer of the claimant school district as other claims are paid.

(b) Any 2 or more school districts, by written agreement of their school boards, may admit residents of the other school districts to any phase of the program for handicapped children and waive all claims for tuition for such admittance.

(5) If a handicapped child residing in a school district which maintains a special school, class or center for children with his handicap, attends a special school, class or center in another school district, tuition therefor shall be charged his parent or guardian unless the state superintendent and the school district administrator have approved his transfer. If the state superintendent and school district administrator approve the transfer of a child to an equivalent special school, class or center in another school district for good reason to serve the best interests of the child, he thereby becomes eligible to attend such school, class or center and tuition therefor shall be paid by the school district of his residence.

(6) In addition to the requirements of s. 121.54 (3), when board and lodging are not furnished to nonresident handicapped children the school district in which the child resides shall provide transportation.

NOTE: Based on s. 41.01 (5) and (5b) and incorporates the substance of ss. 41.01 (1r) (h) and 41.03 (1) (intro.) (3rd sentence).

Sub. (1) (a) based on s. 41.01 (1r) (h). Sub. (1) (b) based on s. 41.01 (5) (1st, 2nd, 15th and 16th sentences).

Sub. (2) based on s. 41.01 (5) (4th and 5th sentences). It clarifies that tuition is chargeable for nonresidents only and more precisely states the formula for determining tuition charges.

Sub. (3) (intro.) is new and states affirmatively the tuition provision applicable to most nonresident pupils. Sub. (3) (a) based on s. 41.01 (5) (6th, 7th and 8th sentences). The term "municipality" is not used, and the definition thereof in s. 41.01 (5) (13th sentence) is deleted, because the appropriate governmental units are referred to specifically. Sub. (3) (b) based on s. 41.01 (5) (9th and 10th sentences). Sub. (3) (c) based on s. 41.01 (5) (11th and 12th sentences).

Sub. (4) based on s. 41.01 (5b).

Sub. (5) based on s. 41.01 (5) (3rd and 14th sentences).

Sub. (6) based on s. 41.03 (1) (intro.) (3rd sentence) and reconciles chs. 163 and 518, laws of 1965.

Present s. 41.01 (5d) deleted because it was created to cover a specific situation which never arose.

Present s. 41.01 (5m) deleted because it is covered in general transportation provisions [see s. 121.54 (3) (last sentence)].

Present s. 41.01 (6) deleted because it is covered in s. 115.82 (2) (d).

Present s. 41.01 (7) deleted because it is covered in s. 38.09 (4) [s. 119.09 (4), as renumbered].

115.83 PRESCHOOL HANDICAPPED CHILDREN. A school district operating special programs for handicapped children may provide instruction or treatment for preschool handicapped children and instruction for their parents. The Wisconsin school for the deaf may provide instruction for preschool deaf children and their parents. The Wisconsin school for the visually handicapped may provide instruction for preschool visually handicapped children and their parents. Such instruction or treatment shall be subject to the approval of and shall comply with requirements established by the state superintendent.

NOTE: Restates s. 41.01 (2a).

115.84 HOME INSTRUCTION. (1) Education through home instruction, extension courses or any other suitable means may be provided by any school district or county handicapped children's education board on the elementary and high school level for physically handicapped children who, according to medical recommendations, are physically unable to attend school. The cost of instruction for such elementary and high school children shall be paid one-half by the school district of the child's residence if the school district initiates the program, or one-half by the county of the child's residence if the county initiates the program, and one-half by the state, but the maximum state payment for any child under this subsection shall not exceed \$200 per school year. Children who require instruction under this section shall be considered as being in attendance in the school district of their enrollment. All sanatoria or convalescent homes providing care for children between the ages of 5 and 18 shall provide instruction for children who are physically able to receive it. Credit for work satisfactorily completed shall be granted by the proper school authorities. Whenever a teacher regularly employed for home, sanatoria or convalescent home instruction by the school district gives such instruction outside of regular school hours, he shall be paid for such instruction in addition to his regular salary. Teachers employed under this section shall be legally qualified to teach in this state. Annually on or before August 1, every school district or county handicapped children's education board operating programs under this subsection shall report to the bureau such information as the bureau requires regarding teachers and children involved in the programs.

(2) Education through home instruction may be provided by any school district or county handicapped children's education board to mentally handicapped children between the ages of 4 and 20 who, according to educational and psychological evaluation, are able to benefit by academic and nonacademic home instruction. The enrollment of children in this type of home instruction shall be approved in advance by the state superintendent. The cost of instruction shall be paid one-half by the school district of the child's residence if the school district initiates the program, or one-half by the county of the child's residence if the county initiates the program, and one-half by the state, but the maximum state payment for a child under this subsection shall not exceed \$200 per school

year. Teachers employed under this subsection shall be legally qualified to teach in this state. Annually on or before August 1, every school district or county handicapped children's education board operating programs under this subsection shall report to the state superintendent such information as he requires regarding the programs. This subsection shall in no way substitute for special classes for educable or trainable mentally handicapped children.

NOTE: Revises s. 41.01 (9) and (9a). Sub. (1) reflects the departmental interpretation that state aids are payable for both elementary and high school children and clarifies that the county as well as the school district of residence bears responsibility for costs.

115.85 STATE AID. (1) If, upon receipt of the report under s. 115.80 (3), the state superintendent is satisfied that the special school, class, center or other service has been maintained during the preceding year in accordance with law, he shall certify to the department of administration in favor of each county, co-operative educational service agency and school district maintaining such schools, classes, centers and other services a sum equal to 70% of the amount expended by the county, agency and school district during the preceding year for salaries of qualified personnel enumerated in s. 115.80 (1), transportation and board and lodging of children residing within the county, agency or school district, special books and equipment used in programs under this subchapter and other expenses approved by the state superintendent. The department of administration shall pay such amounts to the county, agency and school district from the appropriation under s. 20.650 (3) (d).

(2) When transportation provided under s. 115.82 (6) has been approved in advance by the state superintendent through the bureau, he shall certify 70% of the approved amount expended for such transportation to the department of administration which shall pay such amounts to the school district from the appropriation under s. 20.650 (3) (d).

(3) There shall be paid the approved claims for board and lodging and transportation between the boarding home and the special school, class or center of nonresident handicapped children enrolled in the special school, class or center. The state superintendent shall certify the full approved amount to the department of administration which shall pay such amount from the appropriation under s. 20.650 (3) (d) to the school district operating the special school, class or center while providing board and lodging and transportation.

(4) The full cost of academic instruction for physically handicapped children in hospitals and convalescent homes for crippled children shall be paid from the appropriation under s. 20.650 (3) (d). If the hospital or convalescent home is located in a city or is a branch thereof located within 10 miles of the city, the supervision of such instruction shall be under the school board of the city school district and the state superintendent, and the school board of the district in which the hospital or convalescent home is located shall submit to the state superintendent an itemized statement of all receipts and disbursements for the actual cost of such instruction and any other information he requires.

(5) An amount not to exceed \$10,000 of the appropriation under s. 20.650 (3) (d) may be used annually to increase the reimbursement under s. 121.58 (2) (b) to school districts by an amount not to exceed 35 cents per day and to increase the reimbursement under s. 121.58 (3) by an amount not to exceed \$1.40 per week to assure educational opportunities to physically handicapped children.

(6) From the appropriation under s. 20.650 (3) (d) there shall be paid the full cost of salary and travel expenses, in amounts determined in advance by the state superintendent, to school districts operating an

orthopedic school for services by physical therapists performed outside the employing school district.

(7) From the appropriation under s. 20.650 (3) (d) there shall be paid the full cost of salary and travel expenses, in amounts determined in advance by the state superintendent, to school districts for providing instruction outside the school district of employment to handicapped children.

NOTE: Revises s. 41.03 and reconciles chs. 163 and 518, laws of 1965.

Sub. (1) based on part of s. 41.03 (1) (intro.).

Sub. (2) based on part of s. 41.03 (1) (intro.).

Sub. (3) based on s. 41.03 (1) (a).

Sub. (4) based on s. 41.03 (1) (b) and deletes last sentence which is obsolete.

Sub. (5) restates s. 41.03 (1) (c).

Sub. (6) revises s. 41.03 (1) (d) (1st sentence).

Sub. (7) based on s. 41.03 (1) (d) (last sentence).

Present s. 41.03 (2) deleted, because it is repetitious.

CHAPTER 116.

CO-OPERATIVE EDUCATIONAL SERVICE AGENCIES AND AGENCY SCHOOL COMMITTEES.

NOTE: The following is a table of contents of ch. 116 as created by this bill.

SUBCHAPTER I.

CO-OPERATIVE EDUCATIONAL SERVICE AGENCIES.

- 116.01 Purpose.
- 116.02 Board of control; membership.
- 116.03 Board of control; duties.
- 116.04 Agency co-ordinator.
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- 116.06 Revision of agency boundaries.
- 116.07 Consolidation of agencies.
- 116.08 State aid.

SUBCHAPTER II.

AGENCY SCHOOL COMMITTEES.

- 116.51 Creation.
- 116.52 Meetings and expenses.

SUBCHAPTER I.

CO-OPERATIVE EDUCATIONAL SERVICE AGENCIES.

NOTE: Deletes ss. 39.52 and 39.53 because the committee has not been in existence since December 31, 1966.

116.01 PURPOSE. The organization of school districts in Wisconsin is such that the legislature recognizes the need for a service unit between the local school district and the state superintendent. The co-operative educational service agencies created under subch. II of ch. 39, 1963 stats., are designed to serve educational needs in all areas of Wisconsin and as a convenience for school districts in co-operatively providing to teachers, students, school boards, administrators and others, special educational services including, without limitation because of enumeration, such programs as research, special student classes, data collection, processing and dissemination, in-service programs and liaison between the state and local school districts.

NOTE: Restates s. 39.51.

116.02 BOARD OF CONTROL; MEMBERSHIP. (1) (a) Each agency shall be governed by a board of control composed of members of school boards of districts within the agency. There shall be no more than one member from the same school board. There shall be no more than one member from the territory comprising a union high school district and its underlying elementary school districts. Annually in July, the school board of each district in the agency shall appoint one of its members as its representative for the purpose of determining the composition of the board of control. For the purpose of determining membership on the board of control, a school district operating elementary grades only and lying in more than one union high school district shall be considered part of the union high school district territory in which the major portion of its equalized valuation lies. The board of control shall hold an annual organizational meeting on the 2nd Monday in August.

(b) If there are 11 or fewer school districts in the agency, the board of control shall be composed of the representative from each school board of districts operating both elementary and high school grades and one member from each union high school district territory to be elected by a convention of the representatives from all school boards within the territory. For each union high school district territory, the state superintendent shall cause to convene annually on the 2nd Monday in August a convention composed of the representative from each school board in the territory. The convention shall elect one of the representatives of one of the school boards in the union high school district territory to be the territory's member on the board of control.

(c) If there are more than 11 school districts in the agency, the state superintendent shall cause to convene annually on the 2nd Monday in August a convention composed of the representative from each school board in the agency. Upon the convening of the convention the representatives from all school boards within each union high school district territory, meeting separately, shall elect a single representative to represent the territory in the election of members of the board of control. After the meeting for election of a single representative from each union high school district territory, the convention shall formulate a plan of representation for the agency and shall elect the members of the board of control, not to exceed 11 in number, in accordance with the plan. The members of the board of control shall be chosen from among the representatives elected to represent each union high school district territory and the representatives appointed by the school boards of districts operating both elementary and high school grades.

(2) Membership on a board of control is terminated:

(a) Upon the incumbent's position as a school board member becoming vacant under s. 17.03.

(b) Upon the naming of a successor to his position on the board of control under sub. (1).

(c) Upon his resignation in accordance with s. 17.01 (13) submitted in writing to the chairman or secretary of the board of control.

(3) If a vacancy occurs under sub. (2) (a) or (c), the chairman or secretary of the board of control shall request the school board from which the member came to appoint one of its members to the vacancy. Such appointments shall appear upon the school board minutes and be certified by the school district clerk to the board of control.

NOTE: Based on s. 39.55 and clarifies procedures under that section. The new language is intended to reflect existing law or procedures necessarily developed in the absence of any clear statutory provisions. A specific date is fixed for the conventions to meet to select the board of control and it is specified that board members must be elected from the representatives to the convention.

116.03 BOARD OF CONTROL; DUTIES. The board of control shall:

- (1) Determine the policies of the agency.
- (2) Receive state aid for the operation of the agency.
- (3) Approve service contracts with school districts, county boards and other co-operative educational service agencies, but such contracts shall not extend beyond 3 years.
- (4) Determine each participating local unit's prorated share of the cost of co-operative programs and assess such costs against each participating unit, but no board of control may levy any taxes. No cost may be assessed against a unit for a co-operative program unless the unit enters into a contract for such service.
- (5) Appoint and contract with an agency co-ordinator, for a term of not more than 3 years, with qualifications established by rule by the state superintendent but at least equal to the highest level of certification required for school district administrators, who shall be considered a teacher as defined by s. 42.20 (13) and subject to ch. 42.
- (6) Meet monthly and at the call of the chairman.
- (7) Select a chairman, vice chairman and treasurer from among its members at the annual organizational meeting. The agency co-ordinator shall act as a nonvoting secretary to the board of control. Vacancies shall be filled as are original selections.
- (8) Adopt bylaws for the conduct of its meetings.
- (9) Require a bond of the treasurer and the agency co-ordinator.
- (10) Authorize the expenditure of money for the purposes set forth in this subchapter and for the actual and necessary expenses of the board and agency co-ordinator and for the acquisition of equipment, space and personnel. All accounts of the agency shall be paid on vouchers signed by the chairman and secretary.
- (11) Establish the salaries of the agency co-ordinator and other professional and nonprofessional employees. The salary of the agency co-ordinator shall be not less than \$10,500 nor more than \$13,500.
- (12) Annually, make an inventory of agency property and file copies of it in the agency office.
- (13) Do all other things necessary to carry out this subchapter.

NOTE: Like s. 39.56, but deletes s. 39.56 (12) which is covered by s. 40.02 [new s. 116.51] and s. 39.56 (13) which conflicts with the election procedures established by the basic reorganization law. [See new s. 117.01 (2) and (4).] Sub. (12) is new and requires an annual inventory of agency property.

116.04 AGENCY CO-ORDINATOR. The agency co-ordinator shall be responsible for co-ordinating the services, securing the participation of the individual school districts, county boards and other co-operative educational service agencies and implementing the policies of the board of control.

NOTE: Identical to s. 39.57.

116.05 PROFESSIONAL ADVISORY COMMITTEE. In each agency there shall be a professional advisory committee composed of the school district administrator of each school district in the agency, which shall meet at the request of the board of control or the agency co-ordinator to advise them.

NOTE: Restates s. 39.58.

116.06 REVISION OF AGENCY BOUNDARIES. (1) Upon the petition of a school board of a district operating high school grades, the state superintendent, after investigation of the proposal, may transfer

by order the entire school district from one agency to another, effective the next succeeding July 1. Any school district so transferred shall pay its agreed share of all expenses incurred by the agency in its behalf, but shall not be required to fulfill any commitments in the agency from which transferred extending beyond the effective date of transfer. A transfer of the territory of a union high school district shall include and effect a transfer of that territory of underlying elementary school districts which lie within the boundaries of the union high school district.

(2) When a new school district is created, it becomes a part of the agency in which the greatest portion of its equalized valuation lies, effective the next succeeding July 1. When territory is detached from a school district operating high school grades and attached to a school district that is in another agency, such transferred territory shall become a part of the agency of the school district to which it is attached, effective the next succeeding July 1.

NOTE: Based on s. 39.54.

116.07 CONSOLIDATION OF AGENCIES. (1) A board of control may on its own motion or shall on the petition of 100 electors of the agency territory approach an adjoining board of control regarding the consolidation of their agencies. The boards of control acting jointly shall devise a plan for the equitable distribution of the assets and liabilities of the existing agencies and provide for the transfer of existing contracts and programs.

(2) Upon completion of a plan of consolidation, the affected boards of control shall give 30 days' notice in writing to those school boards affected of a public hearing on the proposed consolidation. Notice of such hearing also shall be published as a class 2 notice, under ch. 985, the last insertion to be at least 20 days prior to the date of the hearing.

(3) Following the hearing on the proposed consolidation the affected boards of control shall vote on the consolidation. A majority vote of the members present and voting from each board of control shall be necessary to approve the proposed consolidation. The consolidation shall become effective the next succeeding July 1.

(4) No such plan is valid if it permits any territory of this state to be outside an agency area.

NOTE: Restates s. 39.545. The notice requirement was changed to require 2 publications so as to be in conformity with the general pattern for publishing legal notices established by the 1965 legislature.

116.08 STATE AID. (1) Annually, there shall be paid not exceeding \$29,000 to each agency for the maintenance and operation of the office of the board of control and agency co-ordinator. No state aid may be paid unless the agency submits by August 1 an annual report which includes a detailed certified statement of its expenses for the prior year to the state superintendent, and such statement reveals that the state aid was expended as provided by this section. In no case may the state aid exceed the actual expenditures for the prior year as certified in such statement.

(2) Agencies may incur short term loans, but the outstanding amount of such loans at any one time shall not exceed 50% of the agency's receipts for the prior fiscal year.

(3) No school district shall ever lose any state aid because of refusal of the school district to subscribe to any services provided by an agency.

(4) Whenever an agency performs any service or function under this title by contract with a county board or any agency thereof, with a school board or with a county handicapped children's education board, the contract may authorize the agency to make claim for and receive the state

aid for performing the service or function. The agency shall transmit a certified copy of the contract containing the authority to collect state aid to the state superintendent. When an agency receives such state aid, it shall pay over or credit the amount of state aid received to the proper county or agency thereof, school district or county handicapped children's education board for which the service or function was performed according to the contract therefor.

NOTE: Revises s. 39.59. Sub. (1) specifies that the certified statement shall be part of an annual report, which is impliedly required in s. 40.02 (2) (b) [new s. 116.52 (3)]. In sub. (2) the power to incur short term loans is made a continuing one, with certain restrictions, rather than being limited to the organizational period. Sub. (4) restates s. 41.03 (3).

SUBCHAPTER II. AGENCY SCHOOL COMMITTEES.

116.51 CREATION. (1) The board of control of each agency shall appoint by a majority vote of the entire board an agency school committee composed of 7 residents of territory within the agency. No member of the committee may be a member or employe of a school board or of the agency, nor may more than one member be appointed from the territory serviced by each school district operating a high school. Persons appointed shall have a recognized understanding of and an interest in the improvement of public education. Terms shall be for 3 years or for an unexpired term. Each member shall serve until his successor is appointed and qualified. Appointments shall be made to take effect on July 1 of each year, except for vacancies due to death, resignation, absence from the agency territory for more than 60 consecutive days or change in residence. Such vacancies shall be filled for the remainder of the unexpired term by a majority vote of those present and voting at the next meeting of the board of control.

(2) The committee shall study and evaluate the existing school district structure evolving from the former county school committee plans and subsequent modifications to determine if the goals of equal and improved educational opportunities for all children within the agency territory have been attained. Where needs exist for further school district reorganization, there shall be formulated a plan to strengthen the administrative districts of the agency territory to operate a comprehensive school program of offerings and services which meet the present and future educational needs of the children of the state and which can function with efficiency and at a justifiable cost to the local taxpayers and to the state.

(3) The agency co-ordinator shall serve as the secretary of the committee but shall not be a member. If the committee determines that the agency co-ordinator is unable to perform duties assigned to him as secretary of the committee, the committee shall appoint a person to perform such duties.

NOTE: Sub. (1) restates s. 40.02 (1) (intro.), (a) and (b) and deletes obsolete material relating to initial committee organization. Sub. (2) like s. 40.02 (1) (c). Sub. (3) like s. 40.13 (2) and adds the implied requirement that the agency co-ordinator serve as committee secretary.

116.52 MEETINGS AND EXPENSES. (1) The committee shall meet annually on the 2nd Monday in July and at other times upon the call of the president or a majority of the membership. At such annual meeting, the committee shall elect a president and a vice president who shall hold office for one year and until a successor is elected.

(2) Each member shall receive \$10 for each day he attends a meeting of the committee. The members and the secretary shall be paid 8

cents per mile traveled going to and returning from the place of meeting by the usual traveled route and any other necessary expenses. The costs of preparation, service, posting and publication of notice to perform its functions and defend its actions shall be allowed.

(3) (a) Each agency treasurer shall keep a separate account of the expenses and receipts of the committee. The expenses of the committee shall be certified to the state superintendent by August 1 as a part of the annual report of the board of control. In any agency which contains any part of a county having a population of 500,000 or more, the agency treasurer shall keep a separate accounting of expenses incurred by the committee for school district reorganization activity according to the several counties in which such reorganization procedures originated and for which such expenses are incurred, and the expenses certified to the state superintendent shall show a separate breakdown for expenses incurred by the committee for the cost of services performed and expenses incurred in each county.

(b) By October 1 the state superintendent shall certify to each county clerk the name and number of each agency with territory in the county, the total expense of each agency school committee thereof, the portion of such expenses to be spread over the territory of the county within the agency, the names of the several cities, villages and towns in the county with territory in each agency and the amount of the latest equalized valuation, as certified under s. 121.06 (1), of the territory within the agency that lies in each city, village and town. In making his certification for an agency which contains any part of a county having a population of 500,000 or more, the state superintendent shall allocate separately to each county having territory in the agency the amount, as reported by the agency treasurer, spent for the committee work in each county. In making his certification for other agencies, the state superintendent shall apportion the expenses of the committee to be spread over the territory within the agency in the county in the same ratio as such latest equalized valuation of the agency territory within the county bears to such latest equalized valuation of all territory within the agency.

(c) The county clerk thereupon shall apportion to the territory within each agency that lies in each city, village or town the expenses of the committee apportioned to the county in the same ratio as such latest equalized valuation of the agency territory within the city, village or town bears to such latest equalized valuation of the agency territory within the county. The county clerk shall certify the amount so determined to each city, village or town clerk who shall enter the amount on the next tax roll, and it shall be collected and paid into the county treasury as other county taxes are levied, collected and paid. On the following July 1 the county treasurer shall transmit such certified amounts to the treasurer of each appropriate agency.

NOTE: Sub. (1) is based in part on s. 40.02 (2) (intro.) and adds several procedural requirements not previously set forth. It deletes obsolete material relating to initial committee organization and deletes the last sentence which is unnecessary. Sub. (2) is like s. 40.02 (2) (a). Sub. (3) is based on s. 40.02 (2) (b) and clarifies the method of levying and collecting the tax for the expenses of the agency school committee.

CHAPTER 117.

SCHOOL DISTRICT REORGANIZATION.

NOTE: The following is a table of contents of ch. 117, as created by this bill.

117.01 General provisions.

117.02 Reorganization by agency school committee.

- 117.03 State appeal board.
- 117.04 Unified school district; creation.
- 117.05 Union high school district; establishment.
- 117.06 Consolidation of school districts.
- 117.07 Change of common or union high school district to unified school district; change of unified school district to common school district.
- 117.08 Attachment of small parcels.
- 117.09 Attachment upon failure to operate school.
- 117.10 High school establishment in common school district.

117.01 GENERAL PROVISIONS. (1) JURISDICTION. (a) Except as provided in par. (b), jurisdiction of a reorganization authority to make an order of school district reorganization is acquired upon the filing of a petition with the reorganization authority or upon adoption of a resolution by the reorganization authority when it proceeds upon its own motion.

(b) Jurisdiction of a state appeal board is acquired upon the filing of a notice of appeal with the state superintendent under s. 117.03.

(c) Jurisdiction of a reorganization authority to act in a school district reorganization proceeding continues until the reorganization authority disposes of the matter before it, unless lost by:

1. Failure of the reorganization authority to substantially comply with the procedural steps required by law to be taken by it prior to the making and filing of an order in such proceeding.

2. Failure of the reorganization authority to take final action upon a proposed reorganization within the time prescribed therefor in this chapter.

3. The taking of an appeal from a reorganization authority pursuant to this chapter.

(d) While a reorganization proceeding is pending and until an order granting or denying school district reorganization made therein takes effect, any other reorganization proceeding commenced or order made, pertaining to any territory included in the reorganization proceeding or order, is void. A reorganization proceeding is pending:

1. Until an order of school district reorganization made in the reorganization proceeding takes effect.

2. Until the expiration of 30 days following the date of mailing by the secretary of the agency school committee of an order denying the reorganization proposed by a petition or by a resolution.

3. Until a school district clerk, county clerk or county board of election commissioners certifies a vote of nonapproval at a referendum of a proposed order of school district reorganization.

4. Until the expiration of the time within which an appeal from the failure of a reorganization authority to make an order may be taken under this chapter.

5. During the pendency of an appeal to a state appeal board.

6. During the pendency of an appeal to court until the filing with the clerk of the circuit court of final disposition therein by the circuit court or supreme court.

(e) All territory within the state shall be included in a school district operating elementary school grades and a school district operating high school grades or in a school district operating both elementary and high school grades. No territory may be detached from a school district unless by the same order it is included in another school district or included in the creation of a new school district. No territory may be detached from a school district which operates high school grades unless by the same order it is attached to another school district which operates high school grades. No territory may be detached from a union high school

district so as to make parts of the school district noncontiguous. No common school district may be created having less than \$150,000 of assessed valuation.

(2) REORGANIZATION ORDER. (a) Every order of school district reorganization shall state the school districts from which any territory is detached, describe such territory and indicate the territory included within the reorganized school district. When the order creates a new school district, the order also shall number the reorganized school district, name the school district according to the municipalities in which it is located, designate the number of school board members under s. 120.01, 120.42 or 120.72 and the method of election under s. 120.04, 120.05, 120.06 or 120.43 and fix the time and place for the first annual meeting if one is to be held. The secretary of the agency school committee with whom the order is filed shall give notice of the first annual meeting, if one is to be held, under s. 120.08 (1) (c) and shall act or designate a person to act as temporary chairman of the annual meeting until a chairman is elected.

(b) Every order of school district reorganization shall state the date on which it is to take effect, which date shall be not more than one year from the day it is filed nor less than 30 days from the date it is mailed to the proper officials by the secretary of the agency school committee. Unless a later date is specified therein, the effective date of an order on which a referendum is held shall be the date the referendum result is certified to the secretary of the agency school committee, if the referendum approves the order. An appeal to a state appeal board shall stay an order. Unless a later date is specified therein, the effective date of an order of school district reorganization appealed to the state appeal board shall be 30 days after mailing of the state appeal board order under par. (c), if there has been no appeal to the circuit court within such 30 days. An appeal to circuit court shall stay an order. Unless a later date is specified therein, the effective date of an order of school district reorganization appealed to the circuit court shall be 60 days after service of notice of entry of the circuit court order affirming the order, if there has been no appeal to the supreme court within such 60 days. An appeal to the supreme court shall stay an order. The effective date of an order appealed to the supreme court shall be the date on which the supreme court mandate holding the order valid is filed with the clerk of the circuit court. A order shall be presumptive evidence of the facts recited therein and of the validity of all proceedings preliminary thereto.

(c) A certified copy of any order reorganizing a school district or denying such reorganization shall be filed within 10 days after it is made with the secretary of the agency school committee in which the proposed reorganized school district lies. Upon receipt of the order, the secretary of the agency school committee immediately shall place thereon the date upon which it was received and, within 5 days after receipt thereof, shall send by certified mail a certified copy of the order together with a certification of the date of mailing of the copy to the clerk of each school district, town, village, city and county affected and to the state superintendent. When the territory of a proposed reorganized school district lies within more than one co-operative educational service agency, the order shall be filed with the secretary of the agency school committee of the agency in which the largest area of the reorganized district lies and that secretary shall mail certified copies thereof to the state superintendent, the clerks named in this paragraph and the secretary of the agency school committee of each other agency affected.

(d) The appeal and referendum period shall run from the date the certified copies of the order are mailed by the secretary. When the results of a referendum have been canvassed, the proper clerk shall certify the

results to the secretary of the agency school committee with whom the order was filed, and the secretary shall notify the officers who received a copy of the order of the results of the referendum.

(3) INTERIM SCHOOL BOARD. When a new school district is created, the school board of the district which was dissolved in the creation thereof or, if more than one school district was dissolved, the school board of that dissolved district having the highest equalized valuation as last certified under s. 121.06 (1) shall constitute the school board of the newly created district until a school board of the newly created district is elected and qualified, and shall have the care, custody and control of the property and affairs of the new school district for the sole purpose of preserving and protecting the same and making payment of any current bills or contractual obligations due and payable during such period.

(4) SCHOOL BOARD ELECTIONS. (a) The city clerk shall arrange for the election of a school board under s. 120.43 for any newly created city school district.

(b) The election of a school board for any newly created unified school district shall be conducted in accordance with s. 120.73 (2).

(c) In creating a new common or union high school district, the order of school district reorganization shall direct the election of a school board under s. 120.04, 120.05 or 120.06. If the order directs the election under s. 120.05 or 120.06, the clerk of the town, village or city lying wholly or partially within the newly created school district in which the greatest number of electors reside shall act as clerk of the election and declarations of candidacy shall be filed with him. He shall have charge of the election and shall conduct the election in accordance with municipal election procedures. The cost of conducting the election shall become a charge upon the new school district, and the school board of the new district shall pay all costs of the election.

(d) If the order under par. (c) directs the election of a school board under s. 120.04, a petition may be filed in accordance with s. 120.05 (2) (a) with the secretary of the agency school committee of the co-operative educational service agency in which the school district lies. If such a petition is filed, the initial election of a school board shall be conducted under s. 120.05. For the purposes of such initial election only, the agency school committee shall perform functions assigned to the school board and the secretary of the agency school committee shall perform functions assigned to the school district clerk under s. 120.05. The secretary of the agency school committee may obtain assistance in accordance with par. (c) in conducting the election. The school district shall pay the costs of such election.

(5) STATE AID APPORTIONMENT. During the pendency of an appeal from or a referendum on an order, state aid shall be apportioned to the school districts affected as if the order had not been issued.

(6) VALIDITY OF ORDER. The failure of any officer to perform a duty imposed upon him by this section shall not affect the validity of any order otherwise lawfully made, but such officer shall be subject to s. 946.12.

(7) VALIDATION OF SCHOOL DISTRICTS. If a school district has exercised the rights and privileges of a school district for a period of 4 months, no appeal or other action attacking the legality of the formation of such district, either directly or indirectly, may be taken. This subsection shall be liberally construed to effect the legislative purpose to validate and make certain the legal existence of all school districts in this state, however created or reorganized, and to bar every right to question the existence thereof in any manner and to bar every remedy therefor notwithstanding any defects or irregularities, jurisdictional or otherwise, after the expira-

tion of such 4-month period except where some action or proceeding has been commenced within such 4-month period.

NOTE: Sub. (1) based on s. 40.025 (1). The distinction is more clearly drawn between the time during which a reorganization proceeding is pending and during which a reorganization authority has jurisdiction. Sub. (1) (e) also incorporates the substance of present s. 40.035, the general requirement that all territory of the state be in a high school district. The bulk of s. 40.035 contains procedural detail which is deleted, since that requirement is now fully implemented.

Sub. (2) based on s. 40.025 (3), (4) and (5).

Sub. (3) like s. 40.025 (9).

Sub. (4) (a) based on s. 40.025 (6) (1st sentence). Sub. (4) (b) is new and makes it clear that a separate procedure is followed in the first election of a school board for a new unified school district. Sub. (4) (c) based on s. 40.025 (6) (2nd to last sentences). Sub. (4) (d) based on s. 40.27 (11). The somewhat varying provisions of s. 40.27 (11) (intro.) and (a) are combined and clarified.

Sub. (5) based on s. 40.025 (8).

Sub. (6) like s. 40.025 (7).

Sub. (7) restates s. 40.18 (1) and (1a).

Present s. 40.18 (2) deleted because it is unnecessary.

117.02 REORGANIZATION BY AGENCY SCHOOL COMMITTEE.

(1) PETITION; HEARING; ORDER. (a) Upon the filing of a petition with the secretary of the appropriate agency school committee signed by 10% of the electors residing in the territory of a proposed reorganized school district or signed by 10% of the electors residing in territory proposed to be detached from one school district and attached to another, or upon adoption of a resolution on its own motion, the agency school committee, after a public hearing, may order the reorganization of school districts within the agency. The secretary of the agency school committee shall set a date for the public hearing by the agency school committee on the proposed reorganization which shall be held not more than 30 days after either the filing of the petition or the adoption of the resolution at a place within the school district proposed to be reorganized or within a reasonable distance of such school district. Notice of the public hearing shall be given as provided in sub. (3). Within 30 days after the hearing on any proposed reorganization and before the making of any order thereon, the agency school committee shall hold a conference on the proposed reorganization with the school boards of the districts affected. The agency school committee shall reach its decision at this conference and an order conforming therewith shall be made within 10 days.

(b) If the agency school committee determines that a petition filed under this section is identical with or essentially similar to a petition on which it has acted during the past year, it may set the date for a public hearing approximately one year from the date on which it held its last hearing on the matter. The petitioners may require that the hearing be held as provided in par. (a) if they agree to pay all costs involved and post bond to cover the cost of the hearing.

(c) No union high school district may be created unless it meets the requirements set forth in s. 117.05 (1) as to valuation, potential enrollment and approval by the state superintendent following the submission of a map and legal description of the territory.

(2) JOINT AGENCY SCHOOL COMMITTEE. If the territory to be affected by a proposed reorganization lies within 2 or more co-operative educational service agencies, the agency school committees thereof shall act

as a joint agency school committee. The secretaries of the agency school committees involved shall determine which secretary shall act as secretary of the joint agency school committee and also shall determine the time and place for a public hearing. Notice of the public hearing shall be given as provided in sub. (3). If the joint agency school committee cannot reach a decision on a proposed reorganization at the conference with the school boards, it shall appoint an additional member who shall be a resident of the state but not a resident of either agency affected. If the joint agency school committee cannot agree upon an additional member within 30 days after the conference, the secretary immediately shall notify the circuit court judge within whose circuit lies the largest area of the agencies involved, and within 15 days he shall appoint an additional member who does not reside in the agencies involved and who meets the requirements of s. 116.51 (1). Within 30 days after the appointment of the additional member, the joint agency school committee again shall hold a conference on the proposed reorganization with the school boards of the district involved and shall reach its decision on the proposed reorganization at this conference.

(3) NOTICE OF PUBLIC HEARINGS. Service of notice of a public hearing on a proposed reorganization under this section shall be made by the secretary of the agency school committee at least 10 days before the date of hearing. The notice shall be in writing, shall state the hour, day and place of such hearing and shall be served upon the clerk of each school district, town, village and city affected by the proposed reorganization. Such service shall be either by personal service or by certified mail with return receipt requested. The secretary also shall mail a copy of the notice to every member of the school board of each school district and of the governing body of each town, village and city affected by the proposed reorganization. The secretary shall publish notice of the hearing as a class 2 notice, under ch. 985, in the school districts affected by the proposed reorganization. When all other requirements of notice have been complied with, the presence of an official at a hearing waives the required service upon or mailing to him of notice thereof.

(4) REFERENDUM. (a) If within 30 days after the date of mailing of an order of school district reorganization issued under this section, a petition requesting a referendum on the order and signed by a sufficient number of the electors of the territory included in the proposed reorganized school district is filed under par. (c), the order shall not become effective until it has been approved at the referendum by both a majority of those electors voting at the referendum who reside within that portion of the proposed reorganized school district territory lying in cities and villages and by a majority of those electors voting at the referendum who reside within that portion of the proposed reorganized school district territory lying in towns. A sufficient number of petitioners is 500 of the electors who reside in the proposed reorganized school district, or 10% of such electors who reside in cities and villages or 10% of such electors who reside in towns. Upon its own motion at the time of issuing an order of school district reorganization or at any time after issuing the order and within 30 days after the order is mailed, the agency school committee may direct the holding of a referendum upon the order. By resolution adopted within 30 days after the order is mailed, the common council of any city affected by an order of school district reorganization issued under this section may demand the holding of a referendum upon such order.

(b) When an order of school district reorganization either consolidates 2 or more common school districts operating high school grades or attaches territory to a common school district operating high school grades and 2 or more sites have been proposed for the high school in the proposed reorganized school district, the referendum petition may designate

one of the proposed sites and, at the discretion of the agency school committee, the referendum may be upon approval of such site as well as upon approval of the order. In such case, the ballots shall contain a single question on the approval of the order and the site of the high school.

(c) The petition, resolution or demand for a referendum shall be filed with the county clerk of the county having the largest equalized valuation in the proposed reorganized school district. The county clerk shall notify the clerk of each city, village and town affected that a referendum will be held on the order. The referendum shall be called by the county clerk for a date not more than 30 days from the date the petition, resolution or demand is filed, but if the spring or general election is to be held within 90 days from the date of filing, the referendum shall be held on the date of the spring or general election. The county clerk shall cause notice of the purpose, time and place of holding the referendum and the hours of opening and closing of the polls to be published as a class 2 notice, under ch. 985, in the territory included in the order.

(d) Electors shall vote at the polling places at which they would be required to vote at a general election, except when the municipal clerk deems it feasible to designate other polling places. In such case, he shall so inform the county clerk immediately upon being notified by the county clerk that a referendum will be conducted, and the county clerk shall thereupon include in the notice only those polling places where the referendum will be conducted.

(e) The election officials shall be selected by the governing body of the municipality where the polling place is located. Each municipality shall compensate the election officials and shall provide the necessary ballot boxes and voting booths. The county clerk shall provide for the printing and distribution of ballots and other election supplies at county expense. The form of the ballot shall correspond, so far as possible, to form "D" annexed to s. 5.64. The referendum shall be conducted and the votes canvassed and the results returned to the county clerk as at a general election.

(f) If a proposed reorganized school district lies in more than one county, the county clerk of the county having the largest equalized valuation within such district shall be responsible for conducting the referendum, but the cost of ballots and other election supplies shall be borne by each of the counties in such proportion as the equalized valuation of the property in each county affected by the referendum bears to the total equalized valuation of the property in the proposed reorganized school district. If the proposed reorganized school district lies in more than one county, the referendum shall be conducted and the vote counted and canvassed in each county separately and a tabulation of the vote in each county shall be forwarded to the county clerk of the county having the largest equalized valuation within the proposed reorganized school district for a final consolidated tabulation and determination of the result.

(g) The cost to the county under this subsection shall be ascertained by the county clerk and certified for payment by him to the clerk of each school district affected by the referendum in the county in such proportion as the equalized valuation in each such school district bears to the total equalized valuation of the property lying within the proposed reorganized school district. Such payments shall be made by the school boards to the county. When necessary, such charge shall be included in the succeeding budget and become part of the next school district tax levy.

(h) In any county which has a county board of election commissioners such board shall act in all matters pertaining to a referendum in lieu of the county clerk.

(5) CITIES OF THE FIRST CLASS. In cities of the 1st class, the notice of public hearing under sub. (3) shall be served upon the secretary-

business manager of the board of school directors, who shall cause it to be published as a class 2 notice under ch. 985. In such cities a referendum held pursuant to sub. (4) shall be called and conducted by the municipal board of election commissioners. Within 90 days after the date of issuance of an order of school district reorganization under this section electors may file a referendum petition. The referendum may not be held prior to 40 days after the filing of the referendum petition or prior to 40 days after the date the agency school committee upon its own motion directs the holding of a referendum. Such referendum shall be held on the date of the spring or general election.

(6) EFFECT OF DISAPPROVAL. If a proposed reorganization is not approved at the referendum, the agency school committee may not reconsider the proposed reorganization within one year. With the advice of the school boards of the districts affected, the agency school committee, within that year, may prepare a different proposed reorganization and order the establishment of one or more proposed reorganized school districts. Such order is subject to a referendum under sub. (4). If the 2nd referendum does not approve such order, the agency school committee with the advice of the school boards shall continue its work and issue orders, subject to sub. (4), so long as the need for reorganization continues to exist, but after the 2nd referendum at least one year shall elapse between referenda.

(7) LOCAL BODIES; ADVICE AND RECOMMENDATIONS. Within 30 days after receipt of a written request from an agency school committee, the governing body of any town, village or city of the 2nd, 3rd or 4th class or, in cities of the 1st class, the board of school directors shall advise and make recommendations in writing to the agency school committee concerning a proposed reorganization of a school district having territory which lies in that municipality.

(8) STATE SUPERINTENDENT; ADVICE AND RECOMMENDATIONS. The state superintendent shall advise and consult with the agency school committees. If in his opinion one or more school districts should be created, altered, consolidated or dissolved, he may make his recommendations to the agency school committee of each co-operative educational service agency within which the territory affected lies.

NOTE: Sub. (1) (a) based on s. 40.13 (1) (a). Sub. (1) (b) like s. 40.13 (1) (b). Sub. (1) (c) like s. 40.025 (10). Sub. (2) based on s. 40.02 (3). Sub. (3) revises s. 40.025 (2). Sub. (4) (a) based on s. 40.13 (5) (a). References to "incorporated" and "unincorporated" villages have been deleted. Section 990.01 (45) states that "village" means incorporated village. Sub. (4) (b) revises s. 40.13 (5) (b). Sub. (4) (c) based on s. 40.13 (5) (c). Sub. (4) (d) restates s. 40.13 (5) (d) (1st and 2nd sentences). Sub. (4) (e) restates and rearranges s. 40.13 (5) (d) (3rd, 4th and 5th sentences) and s. 40.13 (5) (e) (2nd and 3rd sentences). Sub. (4) (f) restates s. 40.13 (5) (f) and s. 40.13 (5) (e) (4th sentence). Sub. (4) (g) restates s. 40.13 (5) (g). Sub. (4) (h) like s. 40.13 (5) (e) (1st sentence). Sub. (5) revises s. 40.13 (6). Sub. (6) revises s. 40.13 (7). Sub. (7) restates s. 40.05. Sub. (8) restates s. 40.055.

117.03 STATE APPEAL BOARD. (1) (a) Any person aggrieved by an order of an agency school committee granting or denying a proposed reorganization may appeal to a state appeal board by filing a notice of appeal with the state superintendent within 30 days following the mailing of the order under s. 117.01 (2) (c).

(b) Any person aggrieved by the failure of an agency school committee to make an order granting or denying a proposed reorganization within 90 days after the filing of a petition or the adoption of a resolution

by any agency school committee acting on its own motion may appeal to a state appeal board within 30 days following the expiration of said 90 days.

(c) No appeal to a state appeal board may be withdrawn.

(2) Upon receipt of a notice of appeal filed under sub. (1), the state superintendent shall promptly appoint a state appeal board composed of the presidents of 4 agency school committees of agencies which have no territory included in the order under appeal. The state superintendent or his designated representative shall act as chairman, shall have the right to vote and shall furnish secretarial services. Each agency school committee president on a state appeal board shall receive \$15 for each day spent in the performance of his duties, and shall be reimbursed 8 cents per mile traveled to and from meetings by the usual traveled route and for his actual and necessary expenses. Expense account vouchers shall be filed with the state superintendent and paid out of the appropriation under s. 20.650 (1) (a).

(3) The state superintendent shall set a time and place for the state appeal board to meet. The state appeal board by a majority vote of its members shall make such order as it deems proper under the circumstances to affirm, reverse or modify the order appealed from under sub. (1) (a) or shall make an order granting or denying school district reorganization upon an appeal under sub. (1) (b). The order shall be filed pursuant to s. 117.01 (2) (c). Failure of a state appeal board to make an order within 120 days after notice of appeal is filed under sub. (1) shall constitute a denial of the appeal.

(4) Any person aggrieved by an order of a state appeal board which provides school district reorganization may appeal therefrom to a circuit court of any county in which any territory of the proposed reorganized school district lies. Within 30 days after the date the copies of the order of a state appeal board are mailed under s. 117.01 (2) (c), a written notice of appeal stating specifically the grounds upon which the appeal is based shall be served on the state superintendent as chairman of the state appeal board and filed with the clerk of court.

(5) Any party to the circuit court appeal may secure a review of the final order of the circuit court by appeal to the supreme court. Such appeal shall be taken as provided by law for appeals from the circuit court in other civil cases, except that the time for appeal shall be limited to 60 days from the notice of entry of the order.

NOTE: Sub. (1) revises s. 40.13 (3) and contains the substance of s. 40.135 (1). It also permits appeal upon failure of an agency school committee to act.

Sub. (2) based on s. 40.13 (4) (intro.) and (a) and s. 40.135 (2).

Sub. (3) revises s. 40.13 (4) (b) and clarifies the types of orders that a state appeal board may issue. Sub. (3) also adds the implicit requirement for the state superintendent to call a state appeal board meeting.

Sub. (4) based on s. 40.13 (4) (c).

Sub. (5) restores language formerly in s. 40.03 (5), 1961 stats., which was inadvertently deleted in a 1963 act.

117.04 UNIFIED SCHOOL DISTRICT; CREATION. (1) Except as to school districts operating under ch. 119 or subch. II of ch. 120, an agency school committee, under s. 117.02, may create or alter a unified school district in any territory containing 1,000 or more electors. An order of school district reorganization made under this subsection shall become effective as provided in s. 117.01 (2).

(2) The electors in a joint city school district may petition to change the school district into a unified school district. So far as possible, s. 9.20 shall be applicable to this section. The required number of signatures on such a petition shall be determined in accordance with s. 115.01 (13). The petition shall be submitted to the city clerk and referred by him to the fiscal board under s. 120.50 in lieu of the common council for either adoption without alteration or referral without alteration to a vote of the electors of the school district at a referendum. If a referendum is held, the proposed reorganization shall become effective if it is approved at the referendum by a majority of those electors voting at the referendum who reside within that portion of the proposed unified school district territory lying in each city and village and a majority of those electors voting at the referendum who reside within that portion of the proposed unified school district territory lying in towns. Adoption by the fiscal board or approval at a referendum shall constitute the making of an order of school district reorganization, which shall be effective the next following July 1.

(3) Sections 120.58 and 120.71 (1) apply to this section.

NOTE: Sub. (1) based on s. 40.095 (1) (1st and 4th sentences). Sub. (2) based on s. 40.095 (1) (2nd, 3rd and 5th sentences) and sets forth the effective date of the order. Sub. (3) based on a portion of s. 40.095 (2) (2nd sentence). The remainder of s. 40.095 (2) is deleted, since with the creation of agency school committees it covers the same material as s. 40.095 (1). Present s. 40.095 (1) (last sentence) is transferred to s. 120.50 (6) because it relates only to orders under that section.

117.05 UNION HIGH SCHOOL DISTRICT; ESTABLISHMENT.

(1) (a) Ten per cent of the electors residing in any territory having an equalized valuation of \$9,000,000 or more may file a petition with the clerk of any city, village or town in which such territory lies requesting a referendum on the establishment of a union high school district in such territory. The petition may request that the referendum also be upon approval of the location for a school building. At the time of filing the petition, the petitioners shall submit to the state superintendent and to the clerk of each town, village or city in which territory in the proposed union high school district lies a legal description and map of the territory proposed to be included in the union high school district.

(b) No union high school district may be established unless the petitioners give evidence satisfactory to the state superintendent that at least 200 persons of school age who are residents of the proposed school district are prepared and desire to attend the public high school.

(c) No referendum on the establishment of a union high school district may be held unless the state superintendent, after considering all relevant factors, has approved it as a proper school district to provide high school education. If the state superintendent approves the establishment of the proposed union high school district, he shall transmit a copy of the legal description and map, with his approval indorsed thereon, to the clerk of each town, village and city in which territory in the proposed union high school district lies.

(2) If the state superintendent gives his approval under sub. (1) (c) and the territory lies entirely in one municipality, the municipal clerk, within 5 days of receipt of such approval, shall set a time for the referendum and shall give notice of the referendum as a class 2 notice, under ch. 985. The referendum shall be conducted and the votes canvassed as for a municipal election.

(3) If the state superintendent gives his approval under sub. (1) (c) and the territory lies in more than one municipality, the municipal clerk with whom the petition was filed, within 5 days of receipt of such ap-

proval, shall set a date and place for a meeting with the clerks of all other municipalities in which the territory lies to fix the time and place for holding the referendum. The clerks shall fix the time and place for holding the referendum at the meeting and shall give notice of the referendum in accordance with sub. (2).

(a) If the proposed union high school district does not contain a city or village, the referendum shall be conducted by the town board of the town in which the referendum is held.

(b) If the proposed union high school district contains a city or village, the referendum for such city or village shall be held therein and the referendum for any territory in a town may be held in a city or village or any other convenient place. The referendum for the city or village shall be conducted and the votes canvassed as for a city or village election, and the referendum for the town territory shall be conducted and the votes canvassed as for a town election. If such territory lies in more than one town, the referendum for the territory in each town shall be conducted separately. The union high school district shall not be established unless it is approved at the referendum by both a majority of those electors voting at the referendum who reside within that portion of the proposed district territory lying in cities and villages and by a majority of those electors voting at the referendum who reside within that portion of the proposed district territory lying in towns.

(4) The ballots shall be provided by the municipal clerks and shall plainly indicate the question before the voters. The result of the referendum shall be certified immediately to the clerk of each city, village and town affected. The result of the referendum shall be certified to the state superintendent by each such clerk within 6 days after the referendum. If the proposal is adopted, the state superintendent shall issue an order of school district reorganization creating the union high school district and file it as provided in s. 117.01 (2) (c).

(5) Upon the establishment of a union high school district, any school district operating high school grades whose territory is wholly included in the new union high school district territory shall cease to exist and the property and liabilities thereof shall become the property and liabilities of the new union high school district.

(6) An order creating a union high school district becomes inoperative 3 years after the effective date of the order unless the union high school district is operating a high school or is in the process of constructing a high school building at the expiration of the 3-year period.

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

NOTE: Sub. (1) based on s. 40.12 (1) and (8) and part of (2). Sub. (2) based on part of s. 40.12 (2). Sub. (3) (intro.) revises s. 40.12 (3) (1st and 2nd sentences). Sub. (3) (a) based on s. 40.12 (3) (3rd sentence). Sub. (3) (b) based on s. 40.12 (4) (a) and (b) (2nd sentence). Sub. (4) based on s. 40.12 (4) (b) (1st sentence) and (c). Sub. (5) based on s. 40.12 (5). Sub. (6) based on s. 40.12 (5a). Sub. (7) restates s. 40.12 (7).

Present s. 40.12 (6) deleted because it is obsolete.

Present s. 40.14 deleted because it applies only to territory not in a high school district.

Present s. 40.15 deleted because the Wisconsin supreme court in *Fleming v. Barry*, 21 Wis. 2d 259, held that present s. 40.035 impliedly repealed s. 40.15.

117.06 CONSOLIDATION OF SCHOOL DISTRICTS. (1) When 10% of the electors in each of 2 or more common school districts or in each of 2 or more union high school districts file a petition requesting a consolidation of their school districts, the school boards of the districts affected shall meet at a time and place designated by the school board of the most populous school district to fix a time for a referendum to determine whether the school districts shall be consolidated. Each school board receiving a petition under this section immediately shall send notice of the filing of the petition to the secretary of the agency school committee of each co-operative educational service agency in which the school district lies. The referendum shall be not less than 2 nor more than 4 weeks from the date of such meeting. The referendum shall be called for 8 p.m. at the regular places for holding the school district meetings. The school district clerks shall give notice of the referendum as notice of an annual school district meeting is given. The referendum shall be conducted by the respective school boards, and the vote shall be by ballot. Within 3 days after the referendum, each school board shall report the result of the referendum in its school district to the clerk of the school district in which the meeting was held to fix the time of the referendum. One week after the referendum the school boards shall meet at said place, shall canvass the returns and shall file a report of the results with the state superintendent and the secretary of each such agency school committee.

(2) If a majority of the votes cast in each school district is in favor of consolidation, the school districts shall be consolidated into a single school district, and the school boards at the time of canvassing the returns shall make and file an order of school district reorganization creating a new school district comprised of the area of the former school districts, as provided in s. 117.01 (2).

(3) When a consolidation under this section takes effect, the school districts which were consolidated shall cease to exist, and title to all property and the assets of such school districts shall become vested in the consolidated school district and claims, obligations and contracts of such school districts shall become claims, obligations and contracts of the consolidated school district.

NOTE: Revises s. 40.07. A 1953 act [ch. 599, laws 1953] changed references to "common school district" to "school district" in s. 40.07, but did not alter the language referring to "annual school district meetings." This draft clarifies that this section may be used only for the consolidation of 2 or more common school districts or for the consolidation of 2 or more union high school districts. It adds a requirement that agency school committees be informed of petitions.

117.07 CHANGE OF COMMON OR UNION HIGH SCHOOL DISTRICT TO UNIFIED SCHOOL DISTRICT; CHANGE OF UNIFIED SCHOOL DISTRICT TO COMMON SCHOOL DISTRICT. (1) A common school district operating elementary and high school grades or a union high school district may be changed into a unified school district if the school district has 1,000 or more electors. If, at least 30 days prior to the annual school district meeting, a petition requesting such a change is filed with the school district clerk signed by 10% of the electors residing in the school district, the school district clerk shall include in the notice of the annual school district meeting a statement that the electors present at such meeting will vote on the change requested by the petition.

Within 7 days after the petition is filed, the school district clerk shall publish a class 1 notice, under ch. 985, of the filing of the petition. If a majority of the electors present and voting at the annual school district meeting vote in favor of the change, the school board shall issue an order of school district reorganization making the change effective immediately. The order shall designate the number of school board members under s. 120.72. A certified copy of the order shall be filed as provided in s. 117.01 (2) (c). Within 30 days after the date of the annual school district meeting, the school board shall arrange for a special election of the new school board members under s. 120.73.

(2) A unified school district may be changed into a common school district operating elementary and high school grades. Upon the filing of a petition requesting such a change with the secretary of an agency school committee signed by 10% of the electors residing in a unified school district, the agency school committee shall proceed under s. 117.02.

NOTE: Based on s. 40.078.

117.08 ATTACHMENT OF SMALL PARCELS. The owner of an individual parcel of property adjoining the boundaries of 2 school districts may file a written petition with the school boards of the districts requesting that such parcel be detached from its present school district and attached to the adjoining school district. Each school district receiving a petition under this section immediately shall send a copy of the petition to the secretary of the agency school committee of each co-operative educational service agency in which the school district lies. At least 20 days before any such transfer is authorized, notice of the proposed transfer, with a description of the property proposed to be transferred, shall be published as a class 1 notice, under ch. 985, in the school districts affected by the proposed transfer. The school boards may detach the property from its present school district and attach it to the adjoining school district by a resolution adopted by a majority of the members of each school board. The resolution shall constitute an order of school district reorganization, shall describe the territory transferred, shall be filed as required by s. 117.01 (2) (c) and shall take effect on July 1 next following its adoption. Failure to act on the petition within 60 days after its filing constitutes denial of the petition.

NOTE: Based on s. 40.082 and adds a requirement that agency school committees be notified of petitions.

117.09 ATTACHMENT UPON FAILURE TO OPERATE SCHOOL.

(1) If a school district for 2 or more successive years has failed to operate a school as required by law, the territory of such school district shall be attached to one or more school districts that do operate schools by the appropriate agency school committee pursuant to s. 117.02. Within 60 days of the date on which a school district becomes subject to this section, the state superintendent shall so notify the school district clerk, the clerk of each municipality in which part of the school district lies and the secretary of the agency school committee of each co-operative educational service agency in which the school district lies. Prior to August 30 of the year in which the school district becomes subject to this section, the agency school committee shall issue an order of school district reorganization attaching the school district to one or more operating school districts. Notwithstanding s. 117.01 (2) (b), orders issued under this section shall take effect upon being filed as provided in s. 117.01 (2) (c). The school board of each district to which any territory is attached under this section shall levy and collect a special tax against the property in the territory so attached for such amount as is payable for tuition and transportation, at the time of the attachment, by the school district in which the attached territory was located prior thereto, in the proportion that the equalized valu-

ation of the attached territory bears to the total equalized valuation of the school district in which such territory was located prior to such attachment.

(2) Section 117.02 (4) shall not apply to orders issued under this section.

(3) If an order issued under this section is voided, the nonoperating school district shall arrange for the attendance of its pupils at the schools of one or more other school districts on a nonresident tuition basis, and shall provide transportation to and from such schools by the methods provided in s. 121.55 for all of its pupils who reside 2 miles or more from the school they attend. Until a valid order has been issued, the nonoperating school district may use such funds on hand as have been raised or appropriated for operation and maintenance or levy taxes to pay for such tuition and transportation. If an order is voided, the agency school committee shall issue new orders of school district reorganization within the succeeding year.

NOTE: Sub. (1) based on s. 40.08 (1). Reference to s. 117.06 [present s. 40.07] deleted because that section applies generally and need not be mentioned here. Sub. (2) restates s. 40.08 (3) (a). Sub. (3) revises s. 40.08 (3) (b).

Present s. 40.08 (2) is deleted because it is unnecessary.

117.10 HIGH SCHOOL ESTABLISHMENT IN COMMON SCHOOL DISTRICT. (1) A common school district operating only elementary grades and having an assessed valuation of \$2,500,000 or more may establish a high school if evidence satisfactory to the state superintendent is given that at least 75 persons of school age who are residents of the school district are prepared and desire to attend a high school.

(2) Upon the filing of a petition with the school board signed by 10% of the electors residing in the school district or upon adoption by the school board of a resolution requesting the establishment of a high school in the school district, the school board shall submit the question to the annual or a special school district meeting. Notice that the annual or special school district meeting will vote on the question of establishment of a high school shall be given by the school district clerk as notice of an annual meeting is given.

(3) The vote on the question shall be by ballot. The ballots shall be worded "For High School" and "Against High School." If the question is adopted, the school district clerk shall report the action to the state superintendent for his approval. If the state superintendent approves, he shall issue a certificate of establishment of a high school; otherwise he shall disapprove the action. The certificate for establishment of a high school shall become void unless the school functions within 3 years from the date of the vote.

NOTE: Sub. (1) based on s. 40.10 (1). Sub. (2) based on s. 40.10 (2) and (3). Sub. (3) based on s. 40.10 (4) and (6).

Present s. 40.10 (5) is deleted because its provisions have become meaningless.

Present s. 40.10 (7) and (8) deleted, because they were made obsolete by the enactment of the requirement that all territory in the state be in a high school district.

Present s. 40.11 deleted because it is obsolete.

CHAPTER 118.

GENERAL SCHOOL OPERATIONS.

NOTE: The following is a table of contents of ch. 118 as created by this bill.

118.01 Curriculum requirements.

118.02 Special observance days.

- 118.03 Textbooks.
- 118.04 Summer classes.
- 118.05 School conservation camps.
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- 118.07 Safety requirements.
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- 118.09 Safety zones.
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- 118.11 School fences.
- 118.12 Prohibitions and penalties.
- 118.13 Pupil discrimination prohibited.
- 118.14 Age of pupils.
- 118.145 Admission to high school.
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- 118.17 Indigent children.
- 118.18 Teacher reports.
- 118.19 Teacher certificates and licenses.
- 118.20 Teacher discrimination prohibited.
- 118.21 Teacher contracts.
- 118.22 Renewal of teacher contracts.
- 118.23 Populous counties; teacher tenure.
- 118.24 School district superintendent.
- 118.25 Health examinations.
- 118.26 Claim against school district.
- 118.27 Gifts and grants.

118.01 CURRICULUM REQUIREMENTS. (1) FUNDAMENTAL COURSE. Reading, writing, spelling, English grammar and composition, geography, arithmetic, elements of agriculture and conservation of natural resources, history and civil government of the United States and of Wisconsin, citizenship and such other subjects as the school board determines shall be taught in every elementary school. All instruction shall be in the English language, except that the school board may cause any foreign language to be taught to such pupils as desire it.

(2) PHYSIOLOGY AND HYGIENE. Physiology and hygiene, sanitation, the effects of stimulants and narcotics upon the human system, symptoms of disease and the proper care of the body shall be taught in either the 6th, 7th or 8th grade, but no pupils shall be required to take such instruction if his parents file with the teacher a written objection thereto. Instruction in physiology and hygiene shall be offered in every high school.

(3) PHYSICAL EDUCATION. Physical instruction and training shall be provided for all pupils in conformity with the course of instruction in physical education prescribed by the state superintendent. In 1- and 2-room schools such instruction and training shall take the form of supervised playground work. In this subsection "physical education" means instruction in the theory and practice of physical exercise and instruction in hygiene, but does not include medical supervision.

(4) PREVENTION OF ACCIDENTS. Every public school shall provide instruction on the prevention of accidents and promotion of safety on the public highways.

(5) MORALS. Every public school shall provide instruction in morality and the individual's responsibility as a social being.

(6) ANIMAL LIFE. Every public school shall provide instruction in kindness to and the habits, usefulness and importance of animals and

birds, and the best methods of protecting, preserving and caring for all animal and bird life.

(7) FIRE PREVENTION. Every public school shall provide instruction on fire prevention.

(8) CO-OPERATIVES AND CONSERVATION. Every high school and school of vocational, technical and adult education shall provide instruction in co-operative marketing and consumers' co-operatives and conservation of natural resources.

(9) DAIRY PRODUCTS. Every public and private elementary and high school shall give instruction in the true and comparative vitamin content and food and health values of dairy products and their importance for human diet. The course of such instruction and the educational material therefor shall be prescribed by the state superintendent and shall be included in the instruction manuals for such schools. Such educational program shall be directed by the state superintendent through school district administrators and such other educational officials whose co-operation may be deemed necessary to insure its success. The department of agriculture, the state board of health and the college of agriculture and the extension division of the university of Wisconsin shall co-operate with and assist the state superintendent in the development and execution of such program.

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

NOTE: Restates s. 40.46, except that a time limitation on foreign language instruction in present s. 40.46 (1) is deleted and a portion of present s. 40.46 (3) (b) is transferred to the county teachers college law and the remainder is deleted because it is obsolete.

118.02 SPECIAL OBSERVANCE DAYS. On the following days school shall be held, unless the dates fall on a Saturday or Sunday, and the day shall be appropriately observed: February 12; February 22; April 13, American Creed Day; September 28, Frances Willard Day; October 9, Leif Erikson Day; October 12; and November 11. If any such day falls on a Saturday or Sunday, the observance shall be on a school day immediately preceding or following.

NOTE: Rearranges s. 40.45 (2).

118.03 TEXTBOOKS (1) (a) The school board shall adopt all the textbooks necessary for use in the schools under its charge. The list of the adopted books shall be filed with the school district clerk.

(b) The school board may purchase textbooks and sell them to the pupils at cost or it may designate agents of the school district to sell the textbooks to the pupils. The agents, at stated times, shall make settlement with the school district for books sold. The agents may add a selling commission which shall not exceed 10% of the net price.

(c) No dealer in textbooks may sell any books at a price to exceed 15% above the net list prices, transportation added thereto.

(d) Any person violating this subsection may be fined not less than \$25 nor more than \$100.

(2) No book may be adopted for use or be used in any public school which falsifies the facts regarding the history of our nation, which defames our nation's founders or misrepresents the ideals and causes for

which they struggled and sacrificed or which contains propaganda favorable to any foreign government.

NOTE: Sub. (1) like s. 40.48. Sub. (2) like s. 40.50 (1). Present s. 40.50 (2) to (4) deleted, because the provisions are unworkable since the state superintendent does not publish annually a "list of textbooks."

118.04 SUMMER CLASSES. Any school board may elect to operate summer classes or to permit pupils to attend summer classes operated by another school district on a tuition basis if the school district of operation will accept them. Sections 118.15 and 118.16 shall not apply to summer classes. Every school board electing to operate summer classes:

(1) Shall make rules governing attendance and cause them to be spread on the school board minutes.

(2) May accord to children living in the school district during the summer session the status of residents of the school district for the purpose of attendance at summer classes, even though the children were not regular residents of the school district during the preceding regular school session, but any such children who are not legal residents of the state shall not be counted in computing the state aid to which the school district is entitled.

(3) May permit children from another school district to attend summer classes upon payment of nonresident tuition.

(4) Shall not charge tuition for attendance at summer classes of pupils who are residents of the school district.

NOTE: Restates s. 40.99 (1).

118.05 SCHOOL CONSERVATION CAMPS. (1) To promote an understanding of geology, geography, conservation, nature study and other aspects of general knowledge which are learned best by actual contact with nature itself, any school district may establish, operate and maintain and levy taxes to support individually or in co-operation with other school districts or municipalities a school conservation camp. The camp need not be within the school district.

(2) The school board of any such district may operate, contribute to the operation of, participate in the joint operation of, pay or charge fees for the operation of the school conservation camp. The school board may admit nonresident pupils as well as resident pupils of the school district. The school board shall determine age and other entrance requirements and the program to be offered. The camp may be operated in summer or at any other time that the school board determines.

(3) The school board may acquire, rent or accept the free use of facilities and equipment to operate the camp and may accept private contributions of any kind.

(4) The school board may conduct the camp on property under the custody of other municipal, state or federal agencies when permission is granted or on private property with consent of the owner.

(5) Every state agency shall co-operate in making their staff and facilities available to further the objectives of this program.

NOTE: Restates s. 40.98.

118.06 FLAG AND PLEDGE OF ALLEGIANCE. (1) Every school board and the governing body of every private school shall cause the U.S. flag to be displayed in the school room or from a flagstaff on each school ground during the school hours of each school day.

(2) Every public and private school shall offer the pledge of allegiance in grades one to 8 at the beginning of school at least one day per week. No student shall be compelled, against his objections or those of his parents or guardian, to recite the pledge.

NOTE: Like s. 40.47 (1).

118.07 SAFETY REQUIREMENTS. (1) Every school board and the governing body of every private school shall provide a standard first aid kit for use in cases of emergency.

(2) (a) Once each month, without previous warning, the person having direct charge of any public or private school shall drill all pupils in the proper method of departure from the building as in case of fire, except when the person having direct charge deems that the health of the pupils may be endangered by inclement weather conditions.

(b) Annually the person having direct charge of any public or private school shall file a report pertaining to such drills on forms furnished by the industrial commission. Such reports shall be made to the state superintendent, the industrial commission and, in each community having a recognized fire department, to the chief of the fire department. When no fire drill is held during any month, the person having direct charge of the school shall state the reasons therefor in the report.

NOTE: Restates s. 40.47 (2) and (3).

118.08 SCHOOL ZONES. (1) On any street or highway which borders the grounds of any public or private school in which school is held for a term of not less than 6 months, the authority in charge of the maintenance of the street or highway shall erect black and yellow "school" warning signs.

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

(3) All signs required by this section and their installation shall comply with standards adopted by the state highway commission.

NOTE: Restates s. 40.60, and deletes present s. 40.60 (4). According to the highway commission, that subsection is now obsolete.

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

(2) The school district shall co-operate with the agency of the town, county or state having jurisdiction of the highway to the end that matters pertaining to the highway will be properly protected. Contracts for the necessary materials and construction and maintenance, including snow removal, of zones may be entered into with the county or town or with private persons. If the contracting party does not have jurisdiction over the highway, the contract shall be approved by the agency of the state, county or town having jurisdiction over the highway before any work is commenced thereunder.

(3) All loading and unloading of pupils at the school, whether transported by a public or private vehicle, shall take place in the safety zone. The operator of a vehicle under contract to transport pupils to the school shall have necessary police powers so that pupils will be properly safeguarded in loading and unloading at the zone and while his vehicle is approaching and leaving the zone. He shall first alight before loading or unloading pupils at the zone, and while at stops on his highway route to load and unload pupils, he shall exhibit the vehicle's stop sign.

NOTE: Like s. 40.61.

118.10 SCHOOL SAFETY PATROLS. Any school board may organize school safety patrols and, with the permission of the parents, appoint pupils as members thereof for the purpose of influencing and encouraging the other pupils to refrain from crossing public highways at points other than at regular crossings and for the purpose of directing pupils not to cross highways at times when the presence of traffic would render such crossing unsafe. Nothing in this section authorizes or permits the use of any safety patrol member for the purpose of directing vehicular traffic, nor may any safety patrol member be stationed in that portion of the highway intended for the use of vehicular traffic, but this section shall not affect any plan in operation on July 11, 1939, under which a junior police patrol directs traffic under the authorization, supervision and control of either the sheriff's department or of the chief of police or traffic department of the police department of any city, town or village. No liability shall attach to the school district or any individual, school board member, school district administrator, teacher or other school authority by virtue of the organization, maintenance or operation of a school safety patrol organized, maintained and operated under this section.

NOTE: Restates s. 40.63.

118.11 SCHOOL FENCES. The school district shall erect and maintain all the fence necessary to enclose the school site or grounds without any financial burden on the holders of adjoining properties.

NOTE: Like s. 40.62.

118.12 PROHIBITIONS AND PENALTIES. (1) (a) Within the school district of his jurisdiction or employment, no school teacher, agency coordinator, school district administrator, school board member or other school employe connected with any public school may act as an agent or solicitor for the sale of school books, school supplies or school equipment, or solicit or promote such sales to individuals or the school district or receive any fee or reward for any such sales.

(b) Any person violating this subsection shall forfeit not less than \$50 nor more than \$200 for each offense and may be removed from office therefor.

(2) Any officer or teacher who fails or neglects to make the reports or who fails to keep the records required by this title shall forfeit not less than \$5 nor more than \$25 for each such failure or neglect.

(3) If any person designated in this title to prosecute an action for a forfeiture or neglect of duty fails to prosecute the action within 10 days after being requested in writing by an elector of the school district to do so, any elector of the school district may prosecute the action.

NOTE: Sub. (1) restates s. 40.93. Sub. (2) like s. 40.95.
Sub. (3) restates s. 40.94.

118.13 PUPIL DISCRIMINATION PROHIBITED. No person may be excluded from any public school on account of his religion, nationality or color. No separate school or department may be maintained for any person on account of his religion, nationality or color. Any member of a school board who votes to exclude from any public school any child on account of his religion, nationality or color may be fined not more than \$100 or imprisoned not less than 30 days nor more than 6 months or both.

NOTE: Restates s. 40.51.

118.14 AGE OF PUPILS. No child may be admitted to the 1st grade unless he is 6 years old on or before December 1 in the year he proposes to enter school. A resident over 20 years of age may be admitted to school when in the judgment of the school board he will not interfere with the pupils of school age.

NOTE: Like s. 40.44 (1).

118.145 ADMISSION TO HIGH SCHOOL. (1) The school board of a district operating high school grades shall determine, with the advice and consent of the state superintendent, the minimum standards for admission to high school.

(2) A certificate or diploma or other written evidence issued by a school board showing that the pupil has completed either the course of study in the elementary grades of the school district in which he resides or a course of study at least equivalent to the course of study prepared for elementary grades under s. 115.31 (1) shall entitle the pupil to admission to high school. Such certificate or diploma or a certified copy thereof or a certified copy of a list of graduates shall be filed with the school district clerk of the school district operating the high school.

(3) If the superintendent of a private school files with the state superintendent the course of study for elementary grades prescribed by such school and if such course of study is substantially equivalent to the course of study prepared for elementary grades by the state superintendent under s. 115.31 (1), a certificate or diploma or other written evidence issued by the superintendent of the private school showing that the pupil has completed such course of study shall entitle the pupil to admission to a public high school. The certificate or diploma or a certified copy thereof or a certified copy of a list of graduates shall be filed with the school district clerk of the school district operating the high school.

NOTE: Based on s. 40.90 and clearly makes this section applicable to all school districts operating high school grades.

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

(2) Any such child who resides in a school district which also contains within its boundaries a vocational, technical and adult education school offering day class programs shall attend a high school until the end of the school term, quarter or semester in which he becomes 18 years of age, but any such child, 16 years of age or over, with the approval of his parent or legal custodian and the school board of his district, may attend the vocational, technical and adult education school in the school district in lieu of high school. Transportation for such pupils attending a vocational, technical and adult education school shall be provided on the same basis as is transportation for those pupils attending high school. If no vocational, technical and adult education day class program is offered in a school building located in the school district, resident pupils of the school district are required to attend high school only until age 16.

(3) This section does not apply to any child who is not in proper physical or mental condition to attend school, to any child exempted for good cause by the school board of the district in which the child resides or to any child who has completed the full 4-year high school course. The certificate of a reputable physician in general practice shall be sufficient proof that a child is unable to attend school.

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

(5) Whoever violates this section or files a false statement under s. 118.16 (1) may be fined not less than \$5 nor more than \$50 or imprisoned

not more than 3 months or both. In a prosecution under this subsection, if the defendant proves that he is unable to comply with the law because of the disobedience of the child in question, the action shall be dismissed and the child shall be proceeded against as delinquent under ch. 48.

NOTE: Restates and rearranges s. 40.77. Present s. 40.77 (1) (b) (last sentence) is deleted because the attorney general has issued an opinion that changes made by the 1965 legislature voided that sentence.

118.16 TRUANCY. (1) "Truancy" means any absence of one or more days from school during which the principal or teacher has not been notified in writing of the legal cause of such absence by the parent or guardian of the absent pupil, and also means intermittent attendance carried on for the purpose of defeating the intent of s. 118.15. The only legal causes for absence are those specified in s. 118.15 (3) and (4). Upon request of the truant officer, a statement from the local health officer or nurse or attending physician shall be submitted explaining the cause of the pupil's absence.

(2) (a) Except in school districts operating under ch. 119, the school district administrator is the truant officer unless the school board appoints as truant officer another professional employe of the school district. The school district administrator or the professional employe shall be reimbursed for his actual and necessary expenses incurred in the performance of his duties as truant officer.

(b) In school districts operating under ch. 119, the school board shall appoint welfare workers or attendance officers who shall have the powers of truant officers. To qualify for employment such welfare workers shall possess the qualifications required for teachers in such school districts and shall have all the rights and privileges of teachers.

(3) All teachers in private schools shall keep a record containing the information required under ss. 115.30 (2) and 120.18. The record shall be open to the inspection of truant officers at all reasonable times. When called upon by any truant officer, such teachers shall furnish, on blanks supplied by the truant officer, such information in regard to any child between the ages of 7 and 18 who claims or who is claimed to be in attendance at such schools. Every school teacher shall notify promptly the proper truant officer of any pupil whose attendance is habitually and inexcusably irregular.

(4) A truant officer may visit any place of employment in his locality to ascertain whether any minors are employed therein contrary to law. He shall require that the school certificates and lists of minors who are there employed be produced for inspection, and he shall report all cases of illegal employment to the proper school authorities and to the industrial commission. When a truant officer receives a report or learns by investigation or by personal observation that any child is unlawfully and habitually absent from school, he shall proceed immediately in accordance with sub. (5).

(5) School district administrators shall require the teachers under their supervision to report all absences daily to the truant officer. Within 12 hours after receiving a report of absence or other information of absence, the truant officer shall give written notice by personal service to the parent or guardian of the absent child to send the child to some school no later than the next following day on which school is in session unless an excuse from the proper health or judicial authority is filed. The notice shall set forth the legal requirements for school attendance and s. 118.15 shall be printed on the face or back of the notice. The truant officer shall notify immediately the principal or teacher in writing of the service of notice. Return of the child to school shall be reported immediately

by the principal or teacher to the truant officer. The failure of the child to return to school on such next following school day shall be reported immediately to the truant officer by the principal or teacher. The truant officer again shall give notice to the parent or guardian of the child, and notify the principal or teacher in writing of the service of notice. If the child does not return to school on the school day next following the service of the 2nd notice, the truant officer within 3 days shall cause an action to be brought under s. 118.15 (5).

(6) (a) Any school district administrator, principal, teacher or truant officer who violates this section shall forfeit not less than \$5 nor more than \$25.

(b) Truant officers may apprehend without warrant any child found violating s. 118.15 and cause the child to be placed in some school.

NOTE: Based on s. 40.78 and provides that school district administrators are truant officers unless the school board designates another professional employe to be the truant officer.

118.17 INDIGENT CHILDREN. The principal or teacher in charge of any public school shall report to the authority administering general relief for the municipal unit wherein the school is situated the name and address of any child in the school whose parent, guardian or other person having control, charge or custody of the child is without sufficient means to furnish the child with food or clothing necessary to enable the child to attend school.

NOTE: Restates s. 40.79.

118.18 TEACHER REPORTS. Every teacher shall record the names, ages and studies of all pupils under his charge and their daily attendance and such other facts or matters relating to the school as the state superintendent or school board requires. Any teacher who fails to comply with this section shall forfeit his wages during the time of such failure.

NOTE: Revises s. 40.44 (2) and (3).

118.19 TEACHER CERTIFICATES AND LICENSES. (1) Any person seeking to teach in a public school or in a school or institution operated by a county or the state shall first procure a certificate or license from the state superintendent.

(2) Until the end of the 1971-1972 school year, no certification or license to teach in any public school may be issued unless the applicant has completed, beyond the work of the high school, 2 years of school work which were devoted to pedagogical instruction and training. Any teacher who has taught in any public school in the 1937-1938 school year or prior thereto may continue to teach in the public schools without complying with this subsection.

(3) Beginning with the 1972-1973 school year, no certificate or license to teach in any public school may be issued unless the applicant possesses a bachelor's degree including such professional training as the state superintendent by rule requires. Any teacher who taught in the public schools in the 1937-1938 school year or prior thereto may continue to teach in the public schools without complying with this subsection.

(4) A fee of \$5 shall be paid to the state superintendent with each application for a license or certificate to teach school or for a renewal of a license.

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

(6) In granting certificates or licenses for the teaching of courses in economics, social studies or agriculture, adequate instruction in co-

operative marketing and consumers' co-operatives shall be required. In granting certificates or licenses for the teaching of courses in science or social studies, adequate instruction in the conservation of natural resources shall be required.

NOTE: Revises s. 40.43 (1), (3), (3a), (4), (5) and (6).

118.20 TEACHER DISCRIMINATION PROHIBITED. (1) No discrimination because of race, nationality or political or religious affiliation may be practiced in the employment of teachers in public schools and no questions of any nature or form relative to race, nationality or political or religious affiliation may be asked applicants for teaching positions in the public schools either by public school officials or employes or by teachers agencies or placement bureaus.

(2) Whoever violates this section may be fined not less than \$25 nor more than \$50 or imprisoned not less than 5 nor more than 30 days. Violation of this section shall be cause for the removal of any school district administrator, member of a school board or other public school official.

NOTE: Restates s. 40.435.

118.21 TEACHER CONTRACTS. (1) The school board shall contract in writing with qualified teachers. The contract, with a copy of the teacher's authority to teach attached, shall be filed with the school district clerk. Such contract, in addition to fixing the teacher's wage, may provide for compensating the teacher for necessary travel expense in going to and from the school house at a rate not to exceed 6 cents per mile. A teaching contract with any person not legally authorized to teach the named subject or at the named school shall be void. All teaching contracts shall terminate if, and when, the authority to teach terminates.

(2) Any person who contracts to teach in any public school shall file in the office of the school district administrator, within 10 days after entering into such contract, a statement showing the date of expiration and the grade and character of certificate or license held. In any school district not having a school district administrator, the statement shall be filed with the school district clerk. Teachers employed by a co-operative educational service agency shall file the statement in the office of the agency co-ordinator. No order or warrant may be issued by the school district clerk in payment of the salary of any teacher, unless the teacher has complied with this subsection.

(3) School boards may provide in the contracts of teachers of agricultural and homemaking courses for payment out of school district funds for services performed outside the school district and connected with the performance of their regular teaching duties, and for travel expenses connected with such services.

(4) School boards may give to any teacher, without deduction from his wages, the whole or part of any time spent by him in attending a teachers' educational convention, upon the teacher's filing with the school district clerk a certificate of attendance at the convention, signed by the person or secretary of the association conducting the convention.

NOTE: Sub. (1) restates s. 40.40 (1). Sub. (2) is like s. 40.43 (2). Sub. (3) restates s. 40.40 (2). Sub. (4) revises s. 40.40 (3).

118.22 RENEWAL OF TEACHER CONTRACTS. (1) In this section "teacher" means any person who holds a teacher's certificate or license issued by the state superintendent or a classification status under the state board of vocational, technical and adult education and whose legal employment requires such certificate, license or classification status, but does not include part-time teachers, teachers employed by any local board of vocational, technical and adult education in a city of the 1st class or teachers employed by any board of school directors in a city of the 1st class.

(2) On or before April 1 of the school year during which a teacher holds a contract, the school board by which the teacher is employed or a school district employe at the direction of the school board shall give the teacher written notice of renewal or refusal to renew his contract for the ensuing school year. If no such notice is given on or before April 1, the teaching contract then in force shall continue for the ensuing school year. A teacher who receives a notice of renewal contract for the ensuing school year, or a teacher who does not receive a notice of renewal or refusal to renew his contract for the ensuing school year on or before April 1, shall accept or reject in writing such contract not later than the following April 15. No teacher may be employed or dismissed except by a majority vote of the full membership of the school board. Nothing in this section prevents the modification or termination of a contract by mutual agreement of the teacher and the school board.

(3) At least 15 days prior to giving written notice of refusal to renew a teacher's contract for the ensuing school year, the employing school board shall inform the teacher by preliminary notice in writing that the school board is considering nonrenewal of the teacher's contract and that, if the teacher files a request therefor with the school board within 5 days after receiving the preliminary notice, the teacher has the right to a private conference with the school board prior to being given written notice of refusal to renew his contract.

NOTE: Restates s. 40.41. In sub. (2) the phrase "school board by which the teacher is employed or a school district employe at the direction of the school board" is used in place of "the managing body or other proper officer of the school or system." In sub. (3) reference to "administrators" is deleted because the definition of teachers in sub. (1) covers administrators. Also, specific reference is made in sub. (3) to "preliminary notice" to make it clear that the teacher receives a preliminary notice in the case of the school board's refusal to renew his contract.

118.23 POPULOUS COUNTIES; TEACHER TENURE. (1) In this section "teacher" means any person who holds a teacher's certificate or license and whose legal employment requires such certificate or license, who is employed full-time and meets the minimum requirements prescribed by the governing body employing such person and who is employed by a school board, board of trustees or governing body of any school under this title or ch. 41 in a county having a population of 500,000 or more. "Teacher" does not include any superintendent or assistant superintendent; any teacher having civil service status under ss. 63.01 to 63.17; any teacher in a school or vocational, technical and adult education school in a city of the 1st class; or any person who is employed by a school board during time of war as a substitute for a teacher on leave while on full-time duty in the U.S. armed forces or any reserve or auxiliary thereof and who is notified in writing at the time of employment that the position is of a temporary nature. This section does not apply to any teacher after the close of the school year during which the teacher has attained the age of 65 years, nor to any subsequent employment of such teacher.

(2) All teachers shall be employed on probation, but after continuous and successful probation for 3 years and the gaining of the 4th contract in the same school system or school, their employment shall be permanent except as provided in sub. (3). All principals shall be employed on probation, but after continuous and successful probation for 3 years and the gaining of a 4th contract in the same school system or school, their employment shall be permanent except as provided in sub. (3). Upon accepting employment in another school system or school to which this section applies, a teacher who has acquired permanent employment under this section shall be on probation therein for 2 years. After continuous

and successful probation for 2 years and gaining the 3rd contract in such school system or school, employment therein shall be permanent except as provided in sub. (3). A person who acquired tenure as a teacher under this section shall not be deprived of tenure as a teacher by reason of his employment as a principal.

(3) No teacher who has become permanently employed under this section may be refused employment, dismissed, removed or discharged, except for inefficiency or immorality, for wilful and persistent violation of reasonable regulations of the governing body of the school system or school or for other good cause, upon written charges based on fact preferred by the governing body or other proper officer of the school system or school in which the teacher is employed. Upon the teacher's written request and no less than 10 nor more than 30 days after receipt of notice by the teacher, the charges shall be heard and determined by the governing body of the school system or school by which the teacher is employed. Hearings shall be public when requested by the teacher and all proceedings thereat shall be taken by a court reporter. All parties shall be entitled to be represented by counsel at the hearing. The action of the governing body is final.

(4) If necessary to decrease the number of permanently employed teachers by reason of a substantial decrease of pupil population within the school district, the governing body of the school system or school may law off the necessary number of teachers, but only in the inverse order of the appointment of such teachers. No permanently employed teacher may be prevented from securing other employment during the period he is laid off under this subsection. Such teachers shall be reinstated in inverse order of their being laid off, if qualified to fill the vacancies. Such reinstatement shall not result in a loss of credit for previous years of service. No new permanent or substitute appointments may be made while there are laid off permanent teachers available who are qualified to fill the vacancies.

NOTE: Based on s. 40.42. Sub. (1) restates s. 40.42 (1), except last sentence, (4), (6) and (7). Sub. (2) restates s. 40.42 (2) and last sentence of s. 40.42 (1). Sub. (3) restates s. 40.42 (3). Sub. (4) restates s. 40.42 (5).

118.24 SCHOOL DISTRICT SUPERINTENDENT. (1) The school board of any district may employ a school district superintendent for a period of not more than 3 years. Under the direction of the employing school board, the school district superintendent shall have general supervision and management of the professional work of the schools and the promotion of pupils.

(2) The school district superintendent shall not be a member of the school board and shall not engage in any pursuit which interferes with the proper discharge of his duties.

(3) He shall make written recommendations to the school board on teachers, courses of study, discipline and such other matters as he thinks advisable and shall perform such other duties as the school board requires.

(4) He may act as principal or teacher in any school under his supervision.

(5) He shall attend annually one convention called by the state superintendent for the purpose of consultation upon matters pertaining to the supervision and management of the schools. He shall be reimbursed for his actual and necessary expenses incurred for travel, board and lodging because of attendance at such convention. Bills for such expenses shall be audited and allowed by the school board upon presentation of an itemized statement of expense accompanied by a certificate of attendance signed by the state superintendent.

NOTE: This section combines ss. 40.819 and 40.92 and makes the sections applicable to all school districts.

Sub. (1) (1st sentence) based on s. 40.92 which is substantially shortened and consolidated. The separate subsections of present s. 40.92 grant the authority to hire a school district superintendent to all but very small common school districts operating only elementary grades. Sub. (1) makes the grant of authority generally applicable.

Sub. (1) (2nd sentence) restates and combines s. 40.819 (1) and the last portion of s. 40.92 (1), and makes clear that the statement in present s. 40.92 (1) providing that the administrative authority of the school district superintendent is exercised under the direction of the school board is applicable in all instances.

Sub. (2) like s. 40.819 (3) (1st and first part of last sentences).

Sub. (3) restates s. 40.819 (2).

Sub. (4) identical to s. 40.819 (3) (part of last sentence).

Sub. (5) restates s. 40.819 (5).

Present s. 40.819 (3) (last part of last sentence) deleted because the requirement is stated permissively and therefore is meaningless.

Present s. 40.819 (4) is deleted and the responsibility for filing the annual school district report is given to the school district clerk in a city school district under subch. II of ch. 120. As a practical matter, it is highly likely that the school district superintendent will actually prepare the report; however, the filing of the report is made a responsibility of the appropriate school board member.

118.25 HEALTH EXAMINATIONS. (1) In this section "school employe" means a person employed by a school board who comes in contact with children or who handles or prepares food for children while they are under the supervision of school authorities.

(2) (a) As a condition of employment, the school board, except in cities of the 1st class, shall require a physical examination, including a chest X-ray or tuberculin test, of every school employe of the school district. Freedom from tuberculosis in a communicable form is a condition of employment. In the case of a new school employe, the school board may permit the school employe to submit proof of an examination, chest X-ray or tuberculin test complying with this section which was taken within the past 2 years in lieu of requiring such examination, X-ray or test. If the reaction to the tuberculin test is positive, a chest X-ray shall be required. Additional physical examinations shall be required thereafter at intervals determined by the school board. A chest X-ray or tuberculin test shall be required at least once every 3 years. If the reaction to such tuberculin test is positive, a chest X-ray shall be required. The school employe shall be examined by a physician in the employ of or under contract with the school district, but if a physician is not employed or under contract, the examination shall be made by a physician selected by the school employe.

(b) Such physical examinations, chest X-rays or tuberculin tests shall not be required of any school employe who files with the school board an affidavit setting forth that he depends exclusively upon prayer or spiritual means for healing in accordance with the teachings of a bona fide religious sect, denomination or organization and that he is to the best of his knowledge and belief in good health and that he claims exemption from health examination on these grounds. Notwithstanding the filing of such affidavit, if there is reasonable cause to believe that such employe is suffering from an illness detrimental to the health of the pupils, the school board may require a health examination of such school employe sufficient to indicate whether or not such school employe is suffering from such an illness. No

school employe may be discriminated against by reason of his filing such affidavit.

(c) The physician making a physical examination shall prepare a report of his examination upon a standard form prepared by the state board of health and the state superintendent. Such report shall be retained in the physician's files and he shall make confidential recommendations therefrom to the school board and to the school employe on a form prepared by the state board of health and the state superintendent. The recommendation form shall contain space for a certificate that the person is free from tuberculosis in a communicable form. The cost of such examinations, including X-rays and tuberculin tests, shall be paid out of school district funds.

(3) In counties having a population of less than 500,000, the school board may require periodic health examinations of pupils by physicians, under the supervision of local and state boards of health, and may pay the cost of such examinations out of school district funds.

(4) If a health or physical examination made under this section includes the testing of vision, such test may be made by an optometrist. Forms used for reporting such vision tests shall so indicate.

(5) As a condition of employment, special teachers, school psychologists, school social workers, co-operative educational service agency personnel and other personnel working in public schools shall have physical examinations under sub. (2). The employing school district or agency shall pay the cost of such examinations.

(6) As a condition of employment, employes of the state superintendent whose work brings them into contact with school children or with school employes shall have physical examinations under sub. (2).

NOTE: Revises s. 40.30 (10m). The word "licensed" before physician is deleted, because s. 990.01 (28) defines "physician" as a person holding a license from the state board of medical examiners. Section 121.52 (3) of this act contains the health examination requirements for drivers of privately owned school busses.

118.26 CLAIM AGAINST SCHOOL DISTRICT. An action upon any claim shall not be maintained against a school district until the claim has been presented to the school board of the district and disallowed in whole or in part. Failure of the school board to allow the claim within 60 days after it is filed with the school district clerk is a disallowance. The school district clerk shall serve notice of disallowance on the claimant by registered mail with return receipt signed by the claimant required. Such receipt shall be proof of service. The claimant may accept a portion of his claim without waiving his right to recover the balance. No interest may be recovered on an allowed claim after an order of the school board is available to the claimant. If the claimant recovers a greater amount than was allowed by the school board he shall recover costs; otherwise the school board shall recover costs. No action on a claim may be brought after 6 months from the date of service of the notice of disallowance.

NOTE: Revises s. 40.31.

118.27 GIFTS AND GRANTS. The school board of a district may receive, accept and use gifts or grants of furniture, books, equipment, supplies, moneys, securities or other property, real or personal, used or useful for school research and educational purposes. All moneys received as gifts or grants shall be placed in the school district treasury but shall be considered segregated trust funds. Whenever a school board receives gifts or grants under this section, it shall make such use thereof, or invest the same in the case of moneys, as the donor or grantor specifies. In the absence of any specific direction as to the use of such gifts or grants by a donor or grantor, the school board may determine the use of or invest

the same in accordance with the law applicable to trust investments. In the use, control or investment of such gifts or grants, the school board may exercise the right and powers generally conferred upon trustees.

NOTE: Revises s. 40.301. The last sentence of present s. 40.301 is deleted because it is unnecessarily repetitious.

CHAPTER 119.
MILWAUKEE SCHOOL LAWS

NOTE: The following is a table of contents of ch. 118, as renumbered by this bill.

- 119.01 Scope of chapter.
- 119.015 Board of school directors; members; oath.
- 119.02 Board election; date, ballots, boxes.
- 119.03 Commission to appoint board at once; elections follow; regular or special; vacancies
- 119.04 Board; president, committees, absentees, temporary officers; ex officio members of commissions.
- 119.05 Members' responsibility; jury exemption; malfeasance; board's debt power, procedure, meetings.
- 119.06 Board a continuing body; service of process and notice on board.
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- 119.16 Report of board; school taxes.
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- 119.28 Trade schools; pupils eligible, pay for materials, sale of products, trade schools fund.
- 119.30 This act amendatory of charters; repeal of conflicting laws.

119.135 PARTIAL ANNEXATION OF SCHOOL DISTRICT. When a city of the 1st class has annexed a portion of the territory of a school district and such annexation does not include the site of any school building of such school district, the school board of the district and the board of school directors of such city may enter into an agreement to permit pupils residing in the annexed territory to continue to attend school in the school district, and the board of school directors shall pay tuition to the school district for the pupils in accordance with s. 121.82.

NOTE: Revises s. 40.19 which is transferred to ch. 119 because it relates to the city of Milwaukee school system.

CHAPTER 120.

SCHOOL DISTRICT GOVERNMENT.

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SUBCHAPTER I.

COMMON AND UNION HIGH SCHOOL DISTRICTS.

NOTE: Subchapter I consolidates and recodifies various provisions in present ch. 40, relating to the operation of common and union high school districts. In several instances, the sections being revised in subch. I included references to city school districts and unified school districts. In these cases, the appropriate subchapter will either contain a cross reference to the appropriate section in subch. I or will set forth the appropriate language.

120.001 APPLICABILITY. This subchapter applies to common and union high school districts.

NOTE: This section is new and specifies the types of school districts to which this subchapter applies.

120.01 NUMBER OF SCHOOL BOARD MEMBERS. In common or union high school districts, school boards shall be composed of the following number of members:

(1) A common school district operating elementary grades or a union high school district shall have 3 school board members, except that if such school district is coterminous with a town or has a population of 500 or more it may have 5 school board members.

(2) A common school district operating elementary and high school grades may have 3, 5, 7 or 9 school board members.

(3) A common or union high school district may have not exceeding 11 school board members if a plan of apportionment is established under s. 120.02 (2).

NOTE: Restates and rearranges s. 40.26 (1) and adds a reference to the special method under present s. 40.26 (8) [s. 120.02 (2) (a)] for increasing school boards to 11 members.

120.02 METHOD OF CHANGING NUMBER OR APPORTIONMENT OF SCHOOL BOARD MEMBERS. (1) CHANGE IN NUMBER OF SCHOOL BOARD MEMBERS. If, at least 30 days prior to a special school dis-

trict meeting or to the day when school board members are elected in a common or union high school district, a petition requesting a change in the number of school board members is filed with the school district clerk signed by 100 electors residing in the school district, the school district clerk shall incorporate in the notice of the annual or special meeting or election a statement that at such meeting or election the question of changing the number of school board members to the number requested in the petition will be voted upon. If such question is to be determined at an annual meeting at which school board members are elected under s. 120.04, it shall be determined before the election of the school board members and the number of school board members shall be elected in accordance with such determination. If, at a special meeting or at an election of school board members under s. 120.05 or 120.06, a resolution based on a petition requesting an increase in the number of school board members is adopted, the additional members shall be elected at the next election of school board members in accordance with the plan prepared under sub. (3).

(2) PLAN OF APPORTIONMENT. (a) If, at least 30 days prior to the day of the annual meeting or the election of school board members under s. 120.05 or 120.06, a petition requesting the establishment of a plan of apportionment of school board members is filed with the school district clerk signed by at least 100 electors residing in the school district, the school district clerk shall incorporate notice of receipt of such petition in the notice of the annual meeting or election. The petition shall specify the proposed plan of apportionment of school board members among the cities, towns and villages or parts thereof within the school district and set the total number of school board members at not more than 11. If the annual meeting or election approves the plan set forth in the petition, the plan shall remain in operation until revised by the same procedure. School board members elected under this subsection shall be elected by a vote of the electors of the entire school district in accordance with the plan prepared under sub. (3).

(b) Any order of school district reorganization may contain such a plan of apportionment of school board members, and the determination of terms of school board members shall be as provided in sub. (3).

(3) ELECTION PLAN. (a) If a common or union high school district votes to increase the number of school board members, the school district clerk shall promulgate, before the next election of school board members, a plan providing:

1. The number of school board members to be elected each year, distributing the number as evenly as possible.

2. The total number of positions to be filled at the first election for 1, 2 or 3 years.

3. An allocation of the number of candidates to be elected to 1, 2 and 3 year terms at the first election, the 3-year terms to be filled by the appropriate number of candidates receiving the highest number of votes, the 2-year terms to be filled by the appropriate number of candidates receiving the next highest number of votes and the 1-year terms to be filled by the appropriate number of candidates receiving the next highest number of votes.

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

(c) The tenure of school board members whose terms have not expired shall not be affected.

(d) If an agency school committee in its order creating a school district designates a school board of 5, 7 or 9 members, it shall prepare

a plan for allocating terms in accordance with this subsection. If a union high school district is established under s. 117.05, the state superintendent shall prepare a plan for allocating terms in accordance with this subsection.

(e) Whenever a school district with more than 3 school board members votes to reduce the number of school board members, one less school board member shall be elected annually thereafter until the school board is reduced to the approved number of members, but not less than one member shall be elected each year.

NOTE: Sub. (1) based on s. 40.26 (2).

Sub. (2) based on s. 40.26 (8).

Sub. (3) (a) to (c) revises s. 40.26 (3). Sub. (3) (d) restates s. 40.26 (7). The last sentence of par. (d) is based in part on s. 40.87 (1) (last sentence) and fills a void in existing law by giving the responsibility for the preparation of an election plan to the state superintendent in those cases where he is required to approve the establishment of a union high school district under the special procedure of s. 117.05. Sub. (3) (e) like s. 40.26 (6).

Present s. 40.26 (5) deleted because s. 117.01 (2) (a) and (4) covers the same material.

120.03 ELECTION OF SCHOOL BOARD MEMBERS; GENERAL PROVISIONS. In a common or union high school district:

(1) School board members shall be electors of the school district and shall be elected at large by a plurality vote of the electors of the school district.

(2) The regular terms of school board members shall be 3 years and until their successors have been elected and qualified.

(3) School board members elected for regular or unexpired terms shall take office, provided they have taken and filed the official oath, as follows:

(a) After the annual meeting or as soon thereafter as conditions permit, when school board members are elected at the annual meeting or on the day of and prior to the annual meeting.

(b) After the annual meeting next succeeding the election, when school board members are elected at the spring election.

(4) Within 5 days after the election or appointment of any person to the school board, the school district clerk shall notify him of his election or appointment. Within 10 days after such notification, a school board member shall take and file the official oath.

(5) (a) The members of a school board shall be the officers of a school district. The school district president, school district treasurer and school district clerk shall constitute the school board in the case of a 3-member school board. If the school board is made larger in accordance with this subchapter, the school board shall elect the school district president, school district treasurer and school district clerk from among its members for a one-year term at its first regular school board meeting.

(b) At the first election of a 3-member school board, the school district clerk shall be elected for a one-year term, the school district treasurer for a 2-year term and the school district president for a 3-year term.

(6) If the territory of a common school district and a union high school district is identical, the school board of the common school district shall constitute the school board of the union high school district.

(7) A school district which determines to elect its school board members in accordance with s. 120.05 or 120.06 may by the same procedure subsequently determine to elect its school board members in accordance with s. 120.04, 120.05 or 120.06.

(8) An election in accordance with s. 17.26 to fill an unexpired term on a school board shall be held in the same manner as a regular school board election is held. In the case of a school board of more than 3 members, elections to fill unexpired terms shall be held simultaneously with the elections for regular terms, the regular terms to be filled by the appropriate number of candidates receiving the highest number of votes and the unexpired terms to be filled by the appropriate number of candidates receiving the next highest number of votes.

(9) If the school district president, school district treasurer or school district clerk of any school board is unable to discharge the duties of his office due to disability or absence from the school district, the school board may appoint a person to discharge the duties of such person until the disability or absence no longer exists. In the case of a 3-member school board the appointee shall be an elector of the school district. In the case of a larger school board the appointee shall be another school board member. The school board shall determine the compensation of such appointees. A person acting as school district clerk or school district treasurer shall have the powers of a deputy and shall take and file an official bond covering his acts unless the bond of such officer includes a bond for his deputy. This subsection does not apply to vacancies caused by absence from the school district for a period exceeding 60 days covered by s. 17.03 (4).

(10) At an election of school board members, all ballots, as soon as counted, shall be sealed in the ballot box and kept for 60 days by an inspector who was not a candidate at the election. In the case of an election at an annual meeting, the ballot slips shall be retained by the school district clerk for 60 days.

(11) Recounts at an election of school board members shall be conducted under the direction of the school board in accordance with the general election law, as nearly as possible.

(12) A person attempting to vote at an election of school board members may be challenged as provided in s. 6.92 or 120.08 (3).

NOTE: The introductory paragraph makes it clear that the provisions of the section apply to both common and union high school districts. The provisions of s. 40.87 (1) are contained in the appropriate subsections. The last sentence of s. 40.87 (1) is deleted because it is covered in s. 120.02 (3) (d).

Sub. (1) based on part of ss. 40.25 (2nd sentence), 40.26 (4) (last sentence) and 40.27 (4) (a) and (g).

Sub. (2) restates part of ss. 40.25 (2nd sentence) and 40.26 (4) (1st sentence).

Sub. (3) (intro.) and (a) based on ss. 40.25 (4th sentence) and 40.27 (6) (intro.), (c) and (d). Sub. (3) (b) based on s. 40.27 (3) (j).

Sub. (4) based on s. 40.25 (5th and 6th sentences) and part of s. 40.35 (7).

Sub. (5) (a) based on ss. 40.25 (1st and 7th sentences) and 40.26 (4) (2nd and part of 3rd sentences). Present law uses the term "school district director." This act uses the term "president" uniformly, because in city and unified school districts the term "president" is specified by law and because, in fact if not by law, this term also is used in many common and union high school districts.

Sub. (5) (b) revises s. 40.25 (3rd sentence).

Sub. (6) revises s. 40.86 (1).

Sub. (7) based on s. 40.27 (4) (h).

Sub. (8) based on s. 40.27 (4) (f) and clarifies the method of election to fill unexpired terms.

Sub. (9) revises s. 40.28 (4).

Sub. (10) like s. 40.27 (4) (i).

Sub. (11) restates s. 40.27 (4) (j).

Sub. (12) restates s. 40.27 (4) (k).

Present s. 40.27 (4) (d) 1 and 2 deleted because covered in appropriate subsections of ss. 120.04, 120.05 and 120.06.

Present s. 40.27 (4) (d) 3 deleted because covered in appropriate subsections of ss. 120.05 and 120.06 and a similar requirement is covered in s. 120.04.

120.04 ELECTION OF SCHOOL BOARD MEMBERS AT ANNUAL MEETING. (1) In a common school district, school board members shall be elected at the annual meeting, unless the electors of the school district determine to conduct the election under s. 120.05 or 120.06.

(2) The notice of the election of school board members shall be incorporated in the notice of the annual meeting. In a school district which has a 3-member school board, the notice shall include a list of the school district officers to be elected at the meeting.

(3) At least 35 days before the annual meeting, the school district clerk shall publish in a newspaper having general circulation in the school district and post in 4 public places in the school district a notice stating the date of the annual meeting and the requirements for filing a declaration of candidacy. At least 20 days prior to the annual meeting, any qualified elector of the school district may file with the school district clerk a written declaration of candidacy for the school board stating that he is a qualified elector. In the case of a 3-member school board, he shall state the office for which he is a candidate.

(4) At the annual meeting, the incumbent school district president, or in his absence the school district clerk, shall preside until a chairman has been elected and, in the absence of the school district clerk, a clerk of the meeting shall be elected.

(5) At the annual meeting the school district clerk shall submit to the electors a list of those persons who have filed declarations of candidacy. In the case of a 3-member school board, the list also shall show the office for which each person has filed. Nominations also may be made from the floor at the annual meeting. If there are more than 4 candidates for any office on a 3-member school board or more than 3 times the number of candidates than there are positions to be filled on a school board of more than 3 members, a preliminary vote by ballot shall be taken to determine who is eligible for election to the school board. In a preliminary vote for an office on a 3-member school board, the 3 candidates receiving the highest number of votes for each office shall be nominated. In a preliminary vote for school board members on a school board of more than 3 members, the candidates receiving the largest number of votes, numbering 3 times the positions to be filled, shall be nominated.

(6) The chairman shall indicate clearly the names of the candidates for election to the school board and the election shall be by ballot. The absentee ballot provisions of ss. 6.85 to 6.89 do not apply to elections under this section.

(7) In the case of a school board of more than 3 members, the electors shall vote simultaneously for all positions to be filled. The chairman shall appoint the necessary tellers to assure the expeditious and accurate handling of the ballots. The chairman shall announce the results of the election at the annual meeting.

NOTE: Sub. (1) based on s. 40.27 (1) (a) and states specifically the authority and options of common school districts regarding school board elections.

Sub. (2) based on s. 40.27 (1) (b).

Sub. (3) revises s. 40.27 (1) (d) (1st and 2nd sentences) and adds the first sentence which is a notice requirement presently applicable to elections on the day of the annual meeting.

Sub. (4) revises s. 40.27 (1) (c) (1st sentence).

Sub. (5) based on s. 40.27 (1) (d) (3rd and 4th sentences) and (e).

Sub. (6) based on s. 40.27 (1) (f) (1st and 3rd sentences) and (4) (c).

Sub. (7) based on s. 40.27 (1) (c) (2nd sentence), (f) (2nd sentence) and (g) and clarifies that all positions to be filled are voted upon at the same time. It also clarifies that the results of the election are announced at the annual meeting.

120.05 ELECTION OF SCHOOL BOARD MEMBERS HELD ON DAY OF ANNUAL MEETING. (1) In a union high school district, the school board shall be elected at an election held on the day of and prior to the annual meeting, except that if the previous annual meeting so determined such election shall be held under s. 120.04.

(2) In a common school district, the school board shall be elected at an election held on the day of and prior to the annual meeting, if the requirements of this subsection are met.

(a) At least 60 days prior to the annual meeting, 100 electors but not less than 3% of the number of heads of families residing in the school district as enumerated in the last school census may file with the school district clerk a petition requesting that the school board members be elected at an election held on the day of and prior to the annual meeting.

(b) If the petition is filed properly, the school district clerk shall incorporate in the notice of the annual meeting a statement that beginning with such annual meeting and annually thereafter the school board members shall be elected at an election on the day of the annual meeting. Within 15 days after the petition is filed, the school district clerk shall publish a notice of the filing of such petition in a newspaper having general circulation in the school district and shall post such notice in 4 public places in the school district. Such notice shall state that the school board election will be held on the day of and prior to the annual meeting, the hours during which the polls will be open on such day and the location of the polling place.

(3) After the first school board election under this section, the notice of the annual meeting shall include a notice that the school board shall be elected at an election held on the day of and prior to the annual meeting, the hours during which the polls will be open on such day and the location of the polling place.

(4) The polls shall be open from 1 p.m. to 8 p.m. on the day of the annual meeting. The election shall be held in the place fixed for holding the annual meeting except:

(a) If the petition to hold such election or a separate petition filed in accordance with the requirements of sub. (2) (a) requests more than one polling place, the school board shall provide polling places equal to the number requested in such petition but not more than the number of election precincts wholly or partially within the school district.

(b) The school board may establish such additional polling places as it deems necessary and may establish polling places outside the school district.

(5) At least 35 days before the annual meeting, the school district clerk shall publish in a newspaper having general circulation in the school district and post in 4 public places in the school district a notice stating the date of the annual meeting and the requirements for filing a declaration of candidacy. At least 20 days prior to the annual meeting, any qualified elector of the school district may file with the school district clerk a

written declaration of candidacy for the school board stating that he is a qualified elector. In the case of a 3-member school board, he also shall state the office for which he is a candidate.

(6) The school board shall provide suitable ballots and ballot boxes. The school district clerk shall prepare an official ballot which shall be substantially in the form provided in s. 5.60 (6). The ballot shall list the offices or number of positions to be filled and the candidates who filed a valid declaration of candidacy and shall provide for write-in votes. The order in which the names of candidates are printed on the ballot shall be determined by, or under the supervision of, the school district clerk by drawing lots at 8 p.m. on the day following the last day for filing written declarations of candidacy.

(7) The absentee ballot provisions of ss. 6.85 to 6.89 apply to elections under this section. Voting machines may be used in any city, town or village lying wholly or partially within a school district conducting an election under this section.

(8) The school board may act as inspectors of an election or may appoint 2 to 4 persons to serve in lieu of school board members as inspectors of an election. The school board shall appoint 2 clerks who shall make and keep duplicate lists of the electors voting at such election. In counties having a population of 500,000 or more, the school board may appoint 5 or more persons who shall act as inspectors, clerks and tellers. The inspectors, clerks and tellers shall be paid as provided in s. 7.03.

(9) Immediately after the polls are closed the ballots shall be counted and the results declared and reported to the school district clerk.

NOTE: Sub. (1) restates part of s. 40.85 (3).

Sub. (2) (intro.) is new. Sub. (2) (a) based on s. 40.27 (2) (a) and (b). Sub. (2) (b) revises s. 40.27 (2) (c).

Sub. (3) is new and makes it clear that an election notice shall be included in the notice of the annual meeting in all cases.

Sub. (4) based on ss. 40.27 (2) (d) and 40.27 (4) (L) (intro.), 1 and 2 and specifies that a "separate petition" must meet the requirements of an original petition.

Sub. (5) based on s. 40.27 (2) (e) and adds that the notice of declaration of candidacy requirements shall be published 35 days prior to the meeting to insure that sufficient notice is given.

Sub. (6) revises s. 40.27 (2) (f).

Sub. (7) revises s. 40.27 (4) (c) and (e).

Sub. (8) restates s. 40.27 (2) (g).

Sub. (9) revises s. 40.27 (2) (h) and specifies that election results shall be reported to the school district clerk.

120.06 ELECTION OF SCHOOL BOARD MEMBERS AT SPRING ELECTION. (1) In a common or union high school district, the school board shall be elected at the spring election, if the requirements of this subsection are met.

(a) At least 60 days prior to the annual meeting, 100 electors but not less than 3% of the number of heads of families residing in the school district as enumerated in the last school census may file with the school district clerk a petition requesting that the school board members be elected at the spring election.

(b) If the petition is filed properly, the school district clerk shall incorporate in the notice of the annual meeting a notice of a referendum to determine whether the school board shall be elected at the spring election. The referendum shall be conducted at the election held on the day of and prior to the annual meeting if the school board members are elected under s. 120.05, or at the annual meeting if the school board members are

elected under s. 120.04. If the referendum is approved, the school board shall be elected at the next succeeding spring election and annually thereafter. Upon approval of the referendum, the school district clerk shall notify the municipal clerk of each municipality lying wholly or partially within the school district that thereafter school board members shall be elected at the spring election.

(2) No later than the first Tuesday in February prior to the spring election, the school district clerk shall publish notice of the school district election stating the time, place and manner of filing declarations of candidacy for the school board. No later than the 3rd Tuesday in February prior to the spring election, a qualified elector may file a written declaration of candidacy with the school district clerk stating that he is a qualified elector. In the case of a 3-member school board he also shall state the office for which he is a candidate.

(3) Immediately upon the expiration of the time for filing declarations of candidacy, the school board shall verify the declarations of candidacy. If there are more than 2 candidates for any office on a 3-member school board or more than twice as many candidates as there are members to be elected to a school board of more than 3 members, the school board may require a primary election for such positions. The primary election shall be held at the time specified for the spring primary.

(4) The school district clerk shall notify the municipal clerk of each municipality lying wholly or partially within the school district of the primary election if one is to be held and of the spring election, furnish such clerks with a copy of the notice of the school board election and provide such clerks with an adequate supply of ballots for the primary and spring election. The ballots shall be prepared in accordance with s. 120.05 (6).

(5) If elector registration is required under s. 6.27 in a city, village or town lying wholly or partially within a school district, the same requirement shall apply to electors for school board members within such city, village or town, and provisions shall be made for identifying the electors of the city, village or town who are eligible to vote at the primary and spring elections for school board members.

(6) The absentee ballot provisions of ss. 6.85 to 6.89 apply to elections under this section. Voting machines may be used in any city, village or town lying wholly or partially within a school district conducting an election under this section.

(7) The primary and spring elections for school board members shall be conducted by the election officials for state and municipal elections. In a school board election held in conjunction with a state, municipal or judicial election, the polling places for the state, municipal or judicial election shall be the polling places for the school board election and the municipal election hours shall apply. If no state, municipal or judicial election is held on the day of the school board election, the school board shall set the election hours, the polling places normally used for state, municipal and judicial elections shall be used and the election costs shall be charged to the school district.

NOTE: Sub. (1) (intro.) based on s. 40.27 (3) (a). Sub. (1) (a) based on s. 40.27 (3) (b). Sub. (1) (b) based on s. 40.27 (3) (c) and (d).

Sub. (2) revises s. 40.27 (3) (dm) and (e) and adds specific dates for the performance of certain steps in the election process.

Sub. (3) based on s. 40.27 (3) (f).

Sub. (4) based on s. 40.27 (3) (g).

Sub. (5) revises s. 40.27 (4) (b).

Sub. (6) revises s. 40.27 (4) (c) and (e).

Sub. (7) based on ss. 40.27 (3) (h) and (i), 40.27 (4) (d) 4 and 40.27 (4) (L) 3.

120.08 SCHOOL DISTRICT MEETINGS. Every elector of a common or union high school district is eligible to vote at an annual or special meeting of the school district.

(1) ANNUAL MEETING. (a) Common school districts shall hold an annual meeting on the 4th Monday in July at 8 p.m. and union high school districts shall hold an annual meeting on the 3rd Monday in July at 8 p.m. One annual meeting may fix a different hour for the next annual meeting. The first school district meeting in a reorganized school district shall be considered an annual meeting.

(b) The place of the annual meeting shall be in a schoolhouse in the school district. If a schoolhouse which will accommodate the electors is not available, the place of the annual meeting shall be the nearest available place designated by the school board.

(c) The school district clerk shall publish a class 2 notice, under ch. 985, of the time and place of the annual meeting, the last insertion to be not more than 8 days nor less than one day before the annual meeting. The school district clerk shall give like notice for any adjourned meeting, if the adjournment is for more than 30 days. No annual meeting shall be deemed illegal for want of notice.

(2) SPECIAL MEETING. (a) Upon the written request of 3% of the number of heads of families residing in the school district as enumerated by the last school census or 100 electors, whichever is less, or upon the motion of the school board in a common or union high school district, a special meeting shall be called by the school district clerk or, in his absence, by the school district president or school district treasurer. If the written request includes a subject beyond the power of the special meeting to transact, the school district clerk shall reject such subject and so notify each elector signing the request.

(b) Notice of a special meeting shall be published as a class 2 notice, under ch. 985. The last insertion shall be not more than 8 days nor less than one day before the day of the special meeting. If no hour for the special meeting is fixed in the notice, it shall be held at 8 p.m.

(c) A special meeting has the powers of the annual meeting, except the power to elect school board members. No more than 2 special meetings may be held between annual meetings to consider or act upon the same subject, except that in counties having a population of 500,000 or more no more than 4 such meetings may be held. No tax may be voted at a special meeting, unless notice thereof is included in the notice under par. (b). The amount of the tax proposed to be voted shall be set forth in the notice. The special meeting may vote a tax of a lesser amount than stated in the notice, but not a greater amount.

(3) CHALLENGE. If a person attempting to vote at an annual or special meeting is challenged, the chairman of the meeting shall state to the person challenged the qualifications necessary to vote at the meeting. If such person declares that he is eligible to vote and if such challenge is not withdrawn, the chairman shall administer the following oath or affirmation to him: "You do solemnly swear (or affirm) that you are an actual resident of this school district and that you are qualified, according to law, to vote at this meeting." A person taking such oath or affirmation shall be permitted to vote, but if he refuses to take such oath or affirmation he may not vote.

NOTE: Introductory paragraph is new.

Sub. (1) based on s. 40.20 (1), (2) and (3) and incorporates s. 40.85 (1) and (2).

Sub. (2) (a) revises s. 40.20 (4) and incorporates s. 40.85 (4).

The number of electors required to request a special meeting in common and union high school districts is made uniform and the number of signatures needed to make such a request is increased and made identical to the number needed to request a change in the method of electing school board members. The increase in the number of signatures required recognizes the considerable increase in the size and population of common and union high school districts. The 5-voter requirement for a special meeting in a common school district appeared in the first Wisconsin statutes in 1849 (see ch. 19, s. 9, 1849 stats.) and has not been increased since that time. Sub. (2) (b) restates s. 40.20 (5) and incorporates s. 40.85 (1). Sub. (2) (c) revises s. 40.24 and incorporates s. 40.85 (1).

Sub. (3) based on s. 40.20 (6) and incorporates s. 40.85 (1) and clarifies that this subsection applies to special, as well as annual, meetings.

120.09 REFERENDUM. If in a common or union high school district at least 60 days prior to the day when the school board members are elected a petition is filed with the school district clerk signed by 100 electors requesting that a referendum be held on a special subject or item of business, the school district clerk shall incorporate a statement of the referendum in the notice of the annual meeting or election. The school district clerk shall prepare the proper ballot to permit voting on such referendum at the annual meeting or election.

NOTE: Revises s. 40.21 and incorporates a portion of s. 40.85 (1). The present 30-day requirement is raised to 60 days.

120.10 POWERS OF ANNUAL MEETING. The annual meeting of a common or union high school district may:

(1) **CHAIRMAN AND CLERK.** Elect a chairman and, in the absence of the school district clerk, elect a person to act as the clerk of the meeting.

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

(3) **SALARIES OF SCHOOL BOARD MEMBERS.** Vote annual salaries for school board members. In a school district operating only schools with 2 teachers or less the annual salary of the school district president, the school district treasurer and any other members of the school board, except the school district clerk, may not exceed \$100 each, and the annual salary of the school district clerk may not exceed \$125, except that in a school district which does not operate schools, the annual salary limitations shall be \$20 and \$25, respectively.

(4) **REIMBURSEMENT OF SCHOOL BOARD MEMBERS.** Authorize the payment of actual and necessary expenses of a school board member when traveling outside the school district in the performance of his duties and the reimbursement of a school board member for actual loss of earnings, not exceeding \$15 per day, when his duties require him to be absent from his regular employment.

(5) **BUILDING SITES.** Designate sites for school district schoolhouses or teacherages and provide for the erection thereon of suitable buildings or for the lease of suitable buildings for a period not exceeding 20 years with annual rentals as fixed by the lease.

(6) **TAX FOR SITES, BUILDINGS AND MAINTENANCE.** Vote a tax to purchase or lease suitable sites for school buildings, to build, rent, lease or purchase and furnish, equip and maintain schoolhouses, teacherages or outbuildings. Such tax may be spread over as many years as are required to pay any obligations approved or authorized at the annual meeting including rental payments due in future years under an authorized lease.

(7) **TAX FOR TRANSPORTATION VEHICLES.** Vote a tax to purchase, operate and maintain transportation vehicles and to purchase liability

insurance for such vehicles, and to finance contracts for the use and services of such vehicles.

(8) **TAX FOR OPERATION.** Vote a tax for the operation of the schools of the school district. In any year the total tax voted for the operation, exclusive of capital outlay and debt service, of the schools of the school district shall not exceed the following levies on the last state equalized valuation of the taxable property in the school district:

(a) 17 mills in a school district operating high school grades and classified as an integrated aid district under s. 121.02 (2).

(b) 20 mills in a school district operating only elementary grades.

(c) 25 mills in a school district operating only high school grades or high school and elementary grades and classified as a basic aid district under s. 121.02 (1).

(9) **TAX FOR DEBTS.** Vote a tax necessary to discharge any debts or liabilities of the school district.

(10) **SCHOOL SINKING FUND.** Vote a tax to create a sinking fund under s. 67.11 for the purpose of financing all current and future capital expenditures and for paying all current bonded indebtedness for capital expenditures. All money raised through taxation or otherwise collected pursuant to this subsection shall be deposited by the school district treasurer in a separate sinking fund. Such money shall not be used for any other purpose, except as provided by s. 67.11 (1), or be transferred to any other fund except by authorization by a two-thirds majority vote of the total number of electors of the school district.

(11) **TAX FOR RECREATION AUTHORITY.** Vote a tax for the purposes specified in s. 66.527.

(12) **SALE OF PROPERTY.** Authorize the sale of any property belonging to and not needed by the school district. If a school site or other lands are to be abandoned which were acquired or are held upon condition that they revert to the prior owner when no longer used for school purposes, the school board shall sell any school buildings thereon or move them to another site within 8 months after the school buildings cease to be used for school purposes or the site ceases to be maintained as a school district playground or park.

(13) **SCHOOL TERM.** Fix the number of days school shall be held during the school term at not less than 180 days. If the annual meeting does not fix the number of days, the school board shall fix the number of days. A subsequent school district meeting or school board shall act only to change the number of days school shall be held during the school term.

(14) **LEGAL PROCEEDINGS.** Direct and provide for the prosecution or defense of any action or proceedings in which the school district is interested.

(15) **TEXTBOOKS.** Authorize the school board to furnish textbooks under conditions prescribed by the annual meeting or by the school board. The authorization shall continue in effect until revoked by a subsequent annual meeting.

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

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

(18) **AGREEMENTS WITH BUILDING CORPORATIONS.** Authorize the school board to make agreements with school building corporations under s. 120.19.

(19) CONSOLIDATION OF HIGH SCHOOLS. In a union high school district, vote to consolidate schools or to discontinue a school where more than one high school is operated by the school district.

NOTE: Introductory paragraph like s. 40.22 (intro.) and includes union high school districts. Under present s. 40.86 (7) the annual meeting of a union high school district is authorized to exercise the powers of the annual meeting of a common school district.

Sub. (1) restates s. 40.22 (1).

Sub. (2) like s. 40.22 (2).

Sub. (3) based on s. 40.22 (14) and s. 40.26 (4) (part of 3rd sentence). Since the word "teacher" means the same thing it is used in place of the present word "departments."

Sub. (4) restates s. 40.22 (14a). The last sentence of s. 40.22 (14a) is deleted to permit prior authorization for payment of these expenses.

Sub. (5) like s. 40.22 (4) and incorporates s. 40.86 (2).

Sub. (6) restates s. 40.22 (5) and incorporates s. 40.86 (2).

Sub. (7) restates s. 40.22 (6).

Sub. (8) based on s. 40.22 (7).

Sub. (9) like s. 40.22 (9).

Sub. (10) revises s. 40.22 (17) (a). Present s. 40.22 (17) (b) and (c) deleted because the requirement that all territory be in a high school district made these provisions obsolete.

Sub. (11) identical to s. 40.22 (10).

Sub. (12) restates s. 40.22 (8).

Sub. (13) based on s. 40.22 (12) and incorporates s. 40.86 (5).

Sub. (14) like s. 40.22 (13).

Sub. (15) based on s. 40.22 (11) and s. 40.86 (4) which are merged. The "conditions" could mean free books, books supplied on a rental basis or otherwise.

Sub. (16) revises s. 40.22 (15).

Sub. (17) like s. 40.22 (16).

Sub. (18) identical to s. 40.22 (20).

Sub. (19) like s. 40.86 (3).

Present s. 40.22 (3) deleted because covered in ss. 120.03 (1) and 120.04 (1).

Present s. 40.86 (6) deleted because union high school districts should operate only high school grades.

Present s. 40.89 (5) deleted because the power to combine grades need not be specified and the enumeration of a few combinations may imply that other combinations are not permitted.

Present s. 40.22 (18) transferred to s. 120.14 (3).

120.11 SCHOOL BOARD MEETINGS AND REPORTS. (1) The school board in a common or union high school district shall hold a regular meeting at least once each month at a time and place determined by the school board and may hold special school board meetings under sub. (2). A majority of the elected school board members constitute a quorum at a regular or special school board meeting. The school district president shall preside at school board meetings and in his absence, the school board may select another school board member to preside. The school district clerk shall record the minutes of school board meetings and, in his absence, the school board may select another school board member to act as the clerk of the meeting.

(2) A special school board meeting shall be held upon the written request of any school board member. The request shall be filed with the school district clerk or, in his absence, the school district president who shall notify in writing each school board member of the time and place of the special school board meeting at least 24 hours before such meeting. The notice shall be delivered to each school board member personally or shall be left at the usual place of abode of the school board member. A special school board meeting may be held without prior notice, if all school board members are present and consent, or if every school board member consents in writing even though he does not attend.

(3) Before the annual meeting, the school board shall meet to examine the accounts of the school district treasurer and to prepare a full, itemized written report which shall be presented and read at the annual meeting. The report shall state all receipts and expenditures of the school district since the last annual meeting, the current cash balance of the school district, the amount of the deficit and the bills payable of the school district, the amount necessary to be raised by taxation for the support of the schools of the school district for the ensuing year and the amount required to pay the interest and principal of any debt due during the ensuing year. The report also shall include the budget summary required under s. 65.90. The school district clerk shall copy the report, with the action taken thereon, and all other proceedings of the annual meeting in full in the school district record book.

(4) The proceedings of a school board meeting shall be published within 45 days after the meeting as a class 1 notice, under ch. 985, in a newspaper published in the school district, if any, or publicized by school district-wide distribution prepared and directed by the school board and paid out of school funds. If there is no newspaper published in the school district, the proceedings shall be posted or published as the school board directs. For the purpose of publication, the proceedings shall include the substance of every official action taken by the school board at the meeting and a statement of each receipt and expenditure exceeding \$100, but salaries may be listed in the aggregate.

NOTE: Sub. (1) revises s. 40.28 (1) (1st, 5th, 6th and 7th sentences) and incorporates a portion of s. 40.87 (2).

Sub. (2) based on s. 40.28 (1) (2nd, 3rd and 4th sentences).

Sub. (3) based on s. 40.28 (2).

Sub. (4) based on s. 40.28 (3).

120.12 SCHOOL BOARD DUTIES. The school board of a common or union high school district shall:

(1) MANAGEMENT OF SCHOOL DISTRICT. Subject to the authority vested in the annual meeting and to the authority and possession specifically given to other school district officers, have the possession, care, control and management of the property and affairs of the school district.

(2) GENERAL SUPERVISION. Visit and examine the schools of the school district, advise the school teachers and administrative staff regarding the instruction, government and progress of the pupils and exercise general supervision over such schools.

(3) TAX FOR OPERATION AND MAINTENANCE. (a) On or before the 3rd Monday in October, determine the amount necessary to be raised to operate and maintain the schools of the school district if the annual meeting has not voted a tax sufficient for such purposes for the ensuing school term. The school district clerk shall certify the appropriate amount so determined to each appropriate municipal clerk who shall assess the amount certified to him and enter it on the tax rolls as other school district taxes are assessed and entered.

(b) If a tax sufficient to operate and maintain the schools of a school

district for the ensuing school year has not been determined, certified and levied prior to the effective date of school district reorganization, except an attachment to a city school district, affecting any territory of the school district, the school board of the reorganized school district shall determine, on or before the 3rd Monday of October following the effective date of the reorganization, the amount of deficiency in operation and maintenance funds on the effective date of the reorganization which should have been paid by the property in the reorganized school district if such tax had been determined, certified and assessed prior to the effective date of the reorganization. The school district clerk shall certify the appropriate amount to each appropriate municipal clerk who shall assess, enter and collect such amount as a special tax on such property. This paragraph does not affect the apportionment of assets and liabilities under s. 66.03.

(4) **TAX FOR DEBT RETIREMENT.** On or before the 3rd Monday of October, determine the amount necessary to meet any irrevocable tax obligations or other financial commitments of the school district not otherwise provided for. The school district clerk shall certify the amount apportioned to each appropriate municipal clerk who shall include the amount certified to him and enter it on the tax rolls as other school district taxes are assessed and entered.

(5) **REPAIR OF SCHOOL BUILDINGS.** Keep the school buildings and grounds in good repair, suitably equipped and in safe and sanitary condition at all times.

(6) **INSURANCE ON SCHOOL BUILDINGS AND GROUNDS.** Keep the school buildings and equipment amply insured. If there are no funds in the school district treasury sufficient to pay the premium, the school board may execute a note for that purpose.

(7) **DEPOSITORY.** Designate one or more banks in which the money belonging to the school district shall be deposited. When the money is so deposited in the name of the school district, the school district treasurer and his bondsmen are not liable for any loss as defined in s. 34.01 (6). The interest on such deposits shall be paid into the school district treasury.

(8) **INVENTORY.** Annually make an inventory of the school district property.

(9) **DISCUSSION OF PUBLIC QUESTIONS.** Upon the written application of one-half of the electors of the school district, allow the use of the school buildings or grounds for the free discussion of public questions so far as such use does not interfere, in the opinion of the school board, with the prime purpose of the school buildings or grounds.

(10) **CITIZEN ASSOCIATIONS.** If the citizens of any community are organized into a nonpartisan, nonsectarian, nonexclusive association for the discussion of public questions or for the promotion of public health by instruction in physical culture and hygiene or by physical exercises, grant to such association the use, when not being used for its prime purpose, of a school building or other school district property which is capable of being used in the work of such association, provide free of charge any necessary light, heat and janitor service and make such other provisions as are necessary for the free and convenient use of such school buildings or property by the association at such times as the association designates. All such gatherings shall be free to the public.

(11) **INDIGENT CHILDREN.** Provide books and school supplies for indigent children residing in the school district.

(12) **SANITARY FACILITIES.** Provide and maintain enough suitable and separate toilets and other sanitary facilities for both sexes at each school.

(13) **MAIL BOX.** Provide and maintain a mail box for each school of the school district located on a rural mail route.

(14) **HIGH SCHOOL COURSE OF STUDY.** In a union high school district or a common school district operating elementary and high school grades, determine the high school course of study, with the advice and consent of the state superintendent.

NOTE: Introductory paragraph is new and makes unnecessary the repetition of "the school board shall" in the various subsections. Under s. 40.87 (2) the school boards of union high school districts have the duties of school boards of common school districts.

Sub. (1) restates s. 40.29 (1).

Sub. (2) based on s. 40.29 (12).

Sub. (3) based on s. 40.29 (8) and incorporates s. 40.88 (4). The "3rd Monday in October" date is made uniformly applicable.

Sub. (4) based on s. 40.29 (8a).

Sub. (5) like s. 40.29 (2).

Sub. (6) like s. 40.29 (3).

Sub. (7) restates s. 49.29 (11).

Sub. (8) restates s. 40.29 (5).

Sub. (9) revises s. 40.29 (6).

Sub. (10) based on s. 40.29 (7).

Sub. (11) like s. 40.29 (13).

Sub. (12) like s. 40.29 (4).

Sub. (13) like s. 40.29 (10).

Sub. (14) based on s. 40.89 (1) and makes it clear that this subsection applies to the school board of a union high school district and a K-12 common school district.

Present s. 40.29 (9) deleted because its provisions are obsolete.

120.13 SCHOOL BOARD POWERS. The school board of a common or union high school district may:

(1) **SCHOOL GOVERNMENT RULES; SUSPENSION; EXPULSION.** (a) Make rules for the organization, gradation and government of the schools of the school district which shall take effect when signed by a majority of the school board and filed with the school district clerk.

(b) The school district administrator or a teacher designated by the school board also may make rules, with the consent of the school board, and may suspend a pupil for not more than 3 days for noncompliance with such rules or school board rules.

(c) The school board may expel a pupil from school whenever it finds him guilty of persistent refusal or neglect to obey the rules and is satisfied that the interest of the school demands his expulsion. Upon the ordering by the school board of the expulsion of a pupil the school district clerk shall file a notice of such order with the parent or guardian of the pupil. A parent or guardian of an expelled pupil may appeal the expulsion to the state superintendent. An appeal from the decision of the state superintendent may be taken within 30 days to the circuit court of the county in which the school is located.

(2) **ACCIDENT INSURANCE.** Provide for accident insurance covering pupils in the school district. Such insurance shall not be paid from school district funds unless the expenditure is authorized by an annual meeting.

(3) **AGREEMENTS WITH GOVERNMENTAL UNITS.** Enter into agreements, including leases for a term not exceeding 50 years, with a school district, city, village, town, county or the state or any department or agency thereof for the purchase, operation and maintenance of land, buildings and equipment for educational purposes, including limitation because of enumeration, contracts for the construction or repair of school driveways, roadways and parking areas or for the operation of any school program authorized by law.

(4) TUITION PAYMENTS. (a) On its own order, provide for the education of the pupils of the school district on a tuition basis, if it first has made a written finding of fact that an emergency exists, stating the nature thereof, because of the destruction of school buildings of the school district, failure to obtain a qualified teacher or any other emergency which makes it impossible to conduct school within the school district. No state aid may be paid to such school district until a copy of the finding of fact has been filed with the state superintendent. For a period of 2 years after making such order, a school district which suspends its schools under this paragraph is eligible to receive state and county aid in the same amount as if it had operated schools.

(b) On its own order, provide for the education of a portion of the pupils of the school district on a tuition basis, if the enrollment of a school district increases to a number exceeding 30 pupils per classroom. For a period of 2 years after making such order, the school district shall be eligible to receive state and county aid as though the pupils included in the order had been enrolled in the schools of such school district. The state superintendent may extend such period of eligibility from year to year, if he is satisfied on the basis of evidence presented to him that the school district is unable to provide sufficient funds for the construction of additional school buildings because of constitutional limitations on debt or that a school district reorganization which affects the school district is being contemplated under ch. 117. Thereafter the school district is not eligible to receive state and county aid until adequate school building facilities are provided in the school district to properly accommodate pupils eligible to attend the schools of the school district.

(5) BOOKS, STATIONERY AND EQUIPMENT. Purchase necessary books and stationery for the proper administration of the school district; purchase equipment, books, school apparatus and heating and ventilating apparatus approved by the state superintendent for the use of the schools of the school district, not exceeding \$600 in any one year, from any funds not otherwise appropriated; and purchase any school books which in its judgment are needed by pupils whose parents are not able to furnish such books. The \$600 limitation in any one year does not apply to such purchases in a common school district operating elementary and high school grades.

(6) FEDERAL AID. Apply for, receive and expend moneys made available to it by any act of congress for agricultural, vocational or military training, for educational facilities, including teaching staff, or for school lunch programs.

(7) EXCHANGE TEACHERS. Exchange any teacher employed by the school district for a teacher employed by a school district in another state or country. No such exchange may be for a longer period than one year. A teacher of this state exchanged under this subsection shall be deemed to have taught during such period in the school district by which he is employed and shall be assessed, for the benefit of the state teachers retirement system, the full amount which would have been assessed against him had he actually taught in such school district.

(8) SCHOOL HOURS. Establish rules scheduling the hours of each school day during which the schools of the school district shall be in session. The school board may differentiate between the various elementary and high school grades in scheduling such school hours.

(9) ARCHITECTS AND ENGINEERS. Contract with or employ architects and engineers for the preparation of plans and specifications for school buildings, structures and other improvements to school district property and for all other related services.

(10) SCHOOL LUNCHES. Furnish school lunches to pupils and pay

for such lunches out of school district funds. The school board may charge pupils and employes for the cost of school lunches.

(11) NURSES AND DENTISTS. (a) In counties having a population of less than 500,000, employ public health nurses and licensed dentists who shall be under the supervision of the local and state boards of health.

(b) In counties having a population of 500,000 or more, employ qualified public health nurses and licensed dentists who shall co-operate with the local and state boards of health.

(12) HISTORICAL RECORDS. Under s. 44.09, transfer title to any school records to the state historical society which are no longer needed for the proper administration of the school district and which the society determines are of permanent historical interest.

(13) PRE-KINDERGARTEN CLASSES. Establish and maintain classes for children less than 4 years of age under such regulations as it prescribes. The school board may accept and receive federal funds for such purpose and expend such funds in conformity with the purposes and requirements thereof. The school board may charge a reasonable fee for attendance at such classes but may waive the fee or any portion thereof to any person who is unable to make payment.

(14) KINDERGARTEN. In a common school district operating elementary grades or operating elementary and high school grades, establish and maintain a kindergarten. The kindergarten shall constitute a school of the school district and may not be discontinued unless the kindergarten enrollment for the preceding year was less than 15. The school board may discontinue kindergarten classes for 4-year olds.

(15) SPECIAL HIGH SCHOOL COURSES. In a union high school district or a common school district operating elementary and high school grades, establish and maintain courses in industrial arts, home economics, agriculture or commercial subjects.

(16) SCHOOL BOARD ORGANIZATION; FEE. Pay the membership fee in an organization of school boards in this state and the actual and necessary expenses of its representatives incurred in attending meetings of such organization.

(17) PUBLIC MEETINGS; LIABILITY. Grant the request of any responsible resident of the school district to use a schoolhouse in the school district for such public meetings as, in the judgment of the school board, will aid in disseminating intelligence and promoting good morals. The applicant shall be primarily, and the school board members secondarily, liable to the school district for any injury to property and for any expense incurred in consequence of any such use of a schoolhouse.

(18) SPECIAL ACTIVITIES. Grant the use of a schoolhouse in the school district for lectures, entertainments and school exercises held under the auspices of and for the benefit of the school and permit an admission fee to be charged.

(19) PUBLIC MEETINGS. Grant the use of school buildings and grounds to any responsible organization for public meetings to which an admission price is demanded, and to charge for such use an amount fixed by the school board. Amounts so received shall be paid into the school district treasury to constitute part of the general fund and to be used for the benefit of the schools of the school district.

(20) CIVIC ACTIVITIES. Provide for the free use of school property for civic, social and recreational activities which do not interfere with the prime use thereof. The use of school buildings shall not be granted for public dancing, if a majority of the electors of the school district object in writing or if a resolution against public dancing in the school buildings has been adopted at an annual meeting.

(21) LECTURES. Provide free lectures on educational subjects in school buildings, public library buildings or other suitable places, and provide for the further education of the adult residents of the school district. The school board may purchase books, stationery, charts and other things necessary to conduct such lectures and may designate a person to manage such lectures.

NOTE: Introductory paragraph is new and makes unnecessary the repetition of "the school board may" in the various subsections. Under s. 40.87 (2) the school boards of union high school districts have the powers of school boards of common school districts.

Sub. (1) revises s. 40.30 (17).

Sub. (2) based on s. 40.30 (19).

Sub. (3) based on s. 40.30 (14).

Sub. (4) based on s. 40.30 (11) and (12).

Sub. (5) based on s. 40.30 (15).

Sub. (6) revises s. 40.30 (8).

Sub. (7) restates s. 40.30 (16).

Sub. (8) restates s. 40.30 (17m).

Sub. (9) like s. 40.30 (21).

Sub. (10) restates s. 40.30 (9).

Sub. (11) revises s. 40.30 (10) and (10c).

Sub. (12) based on s. 40.30 (13).

Sub. (13) based on s. 40.30 (7). Last sentence deleted because it is repetitious.

Sub. (14) based on s. 40.30 (18).

Sub. (15) based on s. 40.89 (2) (1st sentence). See note to s. 120.12 (14).

Sub. (16) restates s. 40.30 (20).

Sub. (17) restates s. 40.30 (2).

Sub. (18) restates s. 40.30 (3).

Sub. (19) based on s. 40.30 (5).

Sub. (20) revises s. 40.30 (4).

Sub. (21) restates s. 40.30 (6).

120.14 AUDIT OF SCHOOL DISTRICT ACCOUNTS. In a common or union high school district:

(1) At the close of each fiscal year, the school board of each school district shall authorize an audit of the school district accounts pursuant to sub. (2) or employ a licensed accountant to audit the school district accounts and certify the audit. The cost of the audit shall be paid from school district funds.

(2) The school board may request the department of administration in accordance with s. 16.58 (4) to audit the school district accounts, install a system of accounts and advise and make recommendations concerning existing systems of accounts.

(3) The annual meeting may authorize and direct an audit of the school district accounts either by a licensed accountant or by the department of administration.

NOTE: Consolidates in one section the various references to an audit of school district accounts.

Sub. (1) based on and rearranges s. 40.29 (14). It makes general a requirement that now applies to almost all school districts and thus makes obsolete s. 40.23 (1) and (1m) which are deleted.

Sub. (2) based on s. 40.30 (1), Sub. (3) based on s. 40.22 (18).

120.15 SCHOOL DISTRICT PRESIDENT; DUTIES. The school district president of a common or union high school district shall:

(1) Countersign all checks for disbursement of school district moneys.

(2) Defend on behalf of the school district all actions brought against the school district.

(3) Prosecute, when authorized by an annual meeting or the school board, actions brought by the school district.

(4) Prosecute an action for the recovery of any forfeiture incurred under this title in which the school district is interested. If the school district president has incurred the forfeiture, such action shall be prosecuted by the school district treasurer. Of the net sum recovered under such action, one-half shall be paid into the school district treasury and one-half to the county treasury for the benefit of the school fund.

(5) Act as chairman of school board meetings and see that minutes of the meetings are properly recorded, approved and signed.

NOTE: Introductory paragraph is from s. 40.33 (intro.) and incorporates a portion of s. 40.87 (2).

Sub. (1) based on ss. 40.33 (1) and 40.88 (1).

Sub. (2) restates first part of s. 40.33 (2).

Sub. (3) revises last part of s. 40.33 (2).

Sub. (4) revises s. 40.33 (3).

Sub. (5) restates s. 40.33 (4).

120.16 SCHOOL DISTRICT TREASURER; DUTIES. The school district treasurer of a common or union high school district shall:

(1) Within 15 days after his election execute and either file a bond executed by 2 qualified sureties approved by the school board or file a surety company bond in an amount determined by the school board, but at least equal to 5% of the annual school district budget. In no case may the bond be less than \$1,000. If the school board so determines, the school district treasurer within 15 days thereafter shall file additional personal or surety bonds in such greater amounts as the school board requires. The school district treasurer may purchase surety company bonds with school district funds.

(2) Apply for, receive and sue for all money appropriated to or collected for the school district and disburse the same in accordance with this subsection and s. 66.042. Disbursements from the school district treasury shall be made by the school district treasurer upon the written order of the school district clerk after proper vouchers have been filed with the school district clerk. Such disbursements shall be by check and no check is valid nor may it be released to the payee unless signed by the school district clerk and school district treasurer and countersigned by the school district president. In a school district having 5 or more school board members, another school board member may countersign such checks in lieu of the school district president. No check may be drawn for the payment of which money has not been appropriated according to law. The school district treasurer may receive money raised in extra-curricular activities. The school board may by resolution authorize the use of facsimile signatures as provided in s. 66.042 (3). A certified copy of such resolution shall be filed with the school district clerk and the public depository concerned.

(3) Enter in his account books all money received and disbursed by him, specifying the source from which it was received, the person to whom it was paid and the object for which it was paid.

(4) Present to the annual meeting a written statement of all money received and disbursed by him during the preceding year.

(5) Immediately upon receipt, deposit the funds of the school district in the name of the school district in the public depository designated by the school board. Failure to comply with this subsection shall be prima facie grounds for removal from office. When such funds are so deposited, the school district treasurer and his bondsmen are not liable for losses as defined in s. 34.01 (6). The interest derived from such funds shall be paid into the school district treasury.

NOTE: Introductory paragraph is from s. 40.34 (2) (intro.) and incorporates a portion of s. 40.87 (2).

Sub. (1) based on s. 40.34 (1).

Sub. (2) revises s. 40.34 (2) (a) and part of s. 40.88 (1) and restates s. 40.34 (3).

Sub. (3) revises s. 40.34 (2) (b).

Sub. (4) based on s. 40.34 (2) (c) and permits the presentation of a summarized statement of disbursements by the treasurer and eliminates the requirement that he exhibit each voucher.

Sub. (5) revises s. 40.34 (2) (d).

120.17 SCHOOL DISTRICT CLERK; DUTIES. The school district clerk of a common or union high school district shall:

(1) Report the name and post-office address of each officer of the school district, within 10 days after the election or appointment of the officer, to the clerk and treasurer of each municipality having territory within the school district.

(2) Act as clerk and record the proceedings of annual and special meetings.

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

(4) Enter in the record book copies of all his reports to the municipal clerks and the certificate of the proceedings of a meeting returned by a temporary clerk.

(5) Draw orders on the school district treasurer as directed by an annual or special meeting or the school board and record all orders drawn on the school district treasurer.

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

(7) Furnish each teacher with a copy of the contract between him and the school board.

(8) (a) Annually on or before August 31, deliver to the clerk of each municipality having territory within the school district a certified statement showing that proportion of the amount of taxes voted and not before reported, and that proportion of the amount of tax to be collected in such year, if any, for the annual payment of any loan to be assessed on that part of the school district territory lying within the municipality. Such proportion shall be determined from the full values certified to the school district clerk under s. 121.06 (2).

(b) When the equalized valuation of that part of a municipality lying within the school district is reduced in any one year to an amount below its equalized valuation of the previous year because of the destruction or removal of taxable property which results in an excessively inequitable apportionment of the school district tax levy on the remaining taxable property of the municipality, the school district clerk shall notify the supervisor of assessments. If the supervisor of assessments finds that an inequitable apportionment will result, he shall reduce the equalized valuation of the previous year by the full value of the property so destroyed

or removed and certify the resulting equalized valuation to the state superintendent and the school district clerk for use in computing the tax levy certifications under this subsection.

(c) If an order of school district reorganization is effective after May 1 and before October 1 of any year, the school district clerks of the school districts affected shall prepare the certified statement under par. (a) based on the equalized valuation of the school districts as altered by the order and related to the equalized valuation of the year upon which the tax levy is required to be made. If the school district clerk has filed such statement prior to the effective date of the order, he shall file a corrected certification which shall be accepted by the clerks of the municipalities affected and acted upon by them as provided in par. (a).

(9) Within 5 days after receipt of notification from the school board of the name of a new school, notify the proper postmaster of the name and location of the school and the number of the school district. If a school is not located on a mail route, the school district clerk shall furnish the postmaster with the names of persons to whom the mail for the school may be delivered. The school board may rent a lock box at school district expense for each school not on a mail route. The school district clerk shall notify the postmaster of school vacations and shall direct what disposition shall be made of the school mail during vacations.

(10) Have authority to administer the oath of office to school board members.

NOTE: Introductory paragraph is from s. 40.35 (intro.) and incorporates a portion of s. 40.87 (2).

Sub. (1) revises s. 40.35 (1).

Sub. (2) based on s. 40.35 (2) and clarifies that the school district clerk shall record proceedings of special, as well as annual, meetings.

Sub. (3) like s. 40.35 (3).

Sub. (4) like s. 40.35 (4).

Sub. (5) based on s. 40.35 (5) and clarifies that a special, as well as annual, meeting may direct that orders be drawn on the school district treasurer.

Sub. (6) revises s. 40.35 (6).

Sub. (7) restates last part of s. 40.35 (7).

Sub. (8) based on s. 40.35 (8) and (8a) and incorporates part of s. 40.88 (1), (2) and (3).

Sub. (8) (a) based on s. 40.35 (8) (1st and 2nd sentences). The provisions presently stated separately for towns within the school district and municipalities within a joint school district are combined and clarified. Sub. (8) (b) based on s. 40.35 (8) (last sentence).

Sub. (8) (c) revises s. 40.35 (8a).

Sub. (9) like s. 40.35 (9).

Sub. (10) is new and gives the school district clerk the authority to give the oath of office to school board members.

120.18 ANNUAL SCHOOL DISTRICT REPORT. Annually at such times as the state superintendent prescribes but on or before August 15, the school district clerk of a common or union high school district shall file a verified annual school district report with the state superintendent, on forms supplied by the state superintendent. At the beginning of the school term, the school district clerk shall send a copy of the annual school district report to the school district administrator and shall notify the person in charge of each school in the school district that the reports are on file in the school district clerk's office. If the school district clerk neglects to make the annual report, he shall be liable to the school district for the whole amount of money lost by the school district because of his neglect. The annual report shall contain:

(1) Except in a union high school district, the school census, showing the names and ages of children between the ages of 4 and 20 residing in the school district, and the names of their parents or other persons with whom such children resided as of June 30. Children cared for at a charitable or penal institution of this state may not be included in the report. The school district clerk may employ a competent person to take the school census.

(2) The number of children between the ages of 4 and 20 taught in the schools of the school district during the school year.

(3) The number of children attending the schools of the school district during the school year under the age of 4 and over the age of 20 years.

(4) The number of school days taught, including holidays, by teachers legally qualified to teach.

(5) The names of all teachers employed by the school district during the school year; the number of days taught by each, including holidays; the monthly salary paid to each; and the time allowed each teacher for attendance at an educational convention for which no wages were deducted.

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

(7) The amount and character of school district debts.

(8) Such other facts and statistics in relation to the schools, public or private, in the school district as the state superintendent requires.

NOTE: Introductory paragraph based on and combines s. 40.74 (1) (intro.), (2) and (3) and incorporates a portion of s. 40.87 (2). Consistent with present departmental practice, the (intro.) provides that the state superintendent can request portions of the annual report at such times as he determines, but all parts of the annual report must be filed by August 15. Since the annual report is of substantial bulk, it is a more realistic procedure than under present law to require that a copy of the report be sent to the school district administrator with notification to the person in charge of the separate schools that the report is on file in the central office.

Sub. (1) based on s. 40.74 (1) (a) and (4) and incorporates a prohibition contained in s. 40.87 (2).

Sub. (2) revises s. 40.74 (1) b).

Sub. (3) revises s. 40.74 (1) (c)

Sub. (4) revises s. 40.74 (1) (d).

Sub. (5) revises s. 40.74 (1) (e).

Sub. (6) revises s. 40.74 (1) (f).

Sub. (7) like s. 40.74 (1) (g).

Sub. (8) restates s. 40.74 (1) (i).

Present s. 40.74 (1) (h) deleted because obsolete.

120.19 SCHOOL BUILDING CORPORATIONS. (1) In order to provide school buildings and equipment for elementary or high schools and to enable the construction, financing and ultimate acquisition thereof, the school board of a common or union high school district may, when authorized to do so by an annual meeting, make agreements with nonprofit corporations as follows:

(a) The school board may convey, sell or lease part of a school site owned by the school district to the corporation which shall construct and

equip a school building on the land designated by the school board. The school board then may lease the land and the building from the corporation for the use of the school district.

(b) The corporation by purchase or gift may acquire land not owned by the school district and construct and equip school buildings on the land designated by the school board. The school board then may lease the land and buildings from the corporation for the use of the school district.

(2) Leases under this section shall be for periods not exceeding 20 years and shall be based on conditions approved by the school board as to annual rental, maintenance and ultimate purchase by the school district.

(3) Buildings, equipment, improvements and the leasehold interest in land designated by the school board under this section shall be exempt from taxation.

(4) (a) The corporation may issue revenue bonds in such amount as is required to pay for the purchase of sites and the construction and equipping of school buildings, and may issue refunding bonds to retire existing bonds at current value and pay the cost of construction of enlargements or improvements to such buildings and construct and equip additional buildings. Additional revenue bonds may be issued to pay the cost of construction of enlargements, additions or improvements.

(b) The bonds may be secured by a pledge of the revenues received from the rental of the school buildings to the school district.

(5) A school board may organize a nonprofit corporation under this section and ch. 181. The corporation shall have the powers enumerated in ch. 181 insofar as applicable. School board members may serve as incorporators, directors and officers of such corporation.

NOTE: Sub. (1) based on s. 40.305 (1) and clarifies that this provision applies both to common and union high school districts.

Sub. (2) revises s. 40.305 (2).

Sub. (3) based on s. 40.305 (3).

Sub. (4) identical to s. 40.305 (4).

Sub. (5) based on s. 40.305 (5).

120.21 SCHOOL BOARD CONTRACTS FOR COURSES. (1) The school board of a union high school district or a common school district operating elementary and high school grades may contract:

(a) With the university extension division of the university of Wisconsin for extension courses for pupils enrolled in high school.

(b) With flight operator schools, approved by the U.S. civil aeronautics administration, for courses in flight instruction approved by the state superintendent.

(2) The cost of such contracts shall be paid out of school district funds and shall be included in the cost of operation and maintenance of the school district for the purpose of computing tuition costs.

NOTE: Revises and consolidates s. 40.89 (3) and (4).

120.22 ON-FARM TRAINING TO VETERANS. The school board of a union high school district or a common school district operating elementary and high school grades may provide institutional on-farm training to veterans who are eligible for such training under any act of congress and may charge tuition on the basis of the cost per week to each veteran enrolled for all classroom, group, individual or other instruction recognized by the veterans administration in the payment of education and training allowances.

NOTE: Restates s. 40.89 (6) and replaces an obsolete reference to a specific federal act with a general reference to any act of congress.

equip a school building on the land designated by the school board. The school board then may lease the land and the building from the corporation for the use of the school district.

(b) The corporation by purchase or gift may acquire land not owned by the school district and construct and equip school buildings on the land designated by the school board. The school board then may lease the land and buildings from the corporation for the use of the school district.

(2) Leases under this section shall be for periods not exceeding 20 years and shall be based on conditions approved by the school board as to annual rental, maintenance and ultimate purchase by the school district.

(3) Buildings, equipment, improvements and the leasehold interest in land designated by the school board under this section shall be exempt from taxation.

(4) (a) The corporation may issue revenue bonds in such amount as is required to pay for the purchase of sites and the construction and equipping of school buildings, and may issue refunding bonds to retire existing bonds at current value and pay the cost of construction of enlargements or improvements to such buildings and construct and equip additional buildings. Additional revenue bonds may be issued to pay the cost of construction of enlargements, additions or improvements.

(b) The bonds may be secured by a pledge of the revenues received from the rental of the school buildings to the school district.

(5) A school board may organize a nonprofit corporation under this section and ch. 181. The corporation shall have the powers enumerated in ch. 181 insofar as applicable. School board members may serve as incorporators, directors and officers of such corporation.

NOTE: Sub. (1) based on s. 40.305 (1) and clarifies that this provision applies both to common and union high school districts.

Sub. (2) revises s. 40.305 (2).

Sub. (3) based on s. 40.305 (3).

Sub. (4) identical to s. 40.305 (4).

Sub. (5) based on s. 40.305 (5).

120.21 SCHOOL BOARD CONTRACTS FOR COURSES. (1) The school board of a union high school district or a common school district operating elementary and high school grades may contract:

(a) With the university extension division of the university of Wisconsin for extension courses for pupils enrolled in high school.

(b) With flight operator schools, approved by the U.S. civil aeronautics administration, for courses in flight instruction approved by the state superintendent.

(2) The cost of such contracts shall be paid out of school district funds and shall be included in the cost of operation and maintenance of the school district for the purpose of computing tuition costs.

NOTE: Revises and consolidates s. 40.89 (3) and (4).

120.22 ON-FARM TRAINING TO VETERANS. The school board of a union high school district or a common school district operating elementary and high school grades may provide institutional on-farm training to veterans who are eligible for such training under any act of congress and may charge tuition on the basis of the cost per week to each veteran enrolled for all classroom, group, individual or other instruction recognized by the veterans administration in the payment of education and training allowances.

NOTE: Restates s. 40.89 (6) and replaces an obsolete reference to a specific federal act with a general reference to any act of congress.

120.23 JOINT OWNERSHIP OF SCHOOL BUILDING. The electors of a union high school district and of a common school district operating only elementary grades and included within the union high school district territory may direct their respective school boards to jointly erect and maintain school buildings for the elementary and high school grades. If such an agreement is made, the school district administrator of the union high school district shall be the administrative head of both schools.

NOTE: Revises s. 40.16.

NOTE: Present s. 40.23 (2) deleted because the prescribed penalty for maintaining an overcrowded one-room schoolhouse is inconsequential. The general authority of the state superintendent to withhold state aid payments from school districts which do not provide adequate educational facilities is a much more effective penalty.

Present s. 40.27 (5) deleted because the reorganization of laws relating to school district government makes the subsection unnecessary.

Present s. 40.89 (2) (last sentence) deleted because the broad authority of the state superintendent, under s. 115.28 (7), to make rules regarding teacher certification covers the specific types of teachers enumerated in present s. 40.89 (2) (last sentence).

SUBCHAPTER II. CITY SCHOOL DISTRICTS.

120.40 APPLICABILITY. School districts operating under this subchapter are city school districts.

NOTE: This section is new and specifies the type of school district to which this subchapter applies.

120.41 GENERAL PROVISIONS. (1) General school law governs the schools of a city school district, insofar as applicable and in harmony with this subchapter. Every city operating a school system under this subchapter is a single and separate school district, but the school system does not constitute a separate legal entity. Territory outside a city which is joined with city territory in the formation of a city school district is attached to the city for school purposes and such a school district constitutes a joint city school district.

(2) No city school district may be created or abolished except under ss. 117.02, 117.04 and 120.50.

(3) Any territory of a city operating a city school district which lies within another school district shall not pay school tax within such city. The electors residing in territory which lies within the other school district shall continue to vote on school matters within such other school district and shall not vote on any matter relating to the city school district.

NOTE: Sub. (1) based on ss. 40.80 (1) and 40.801 (1). The present reference to "city school plan" is deleted because it is confusing and the thought can be better expressed by referring to a "city school district" or to "this subchapter".

Sub. (1) states specifically the limitation, which necessarily is inferred from present law and which has been ratified by case law, that a city school district is not a separate legal entity. Also, sub. (1) clarifies that a city school district including territory outside the city constitutes a joint city school district.

Sub. (2) based on s. 40.80 (2) (c). With the elimination of municipal boards as reorganization authorities and with other recent major changes in school district reorganization law, present s. 40.13 [ss. 117.02 and 117.03] and allied statutes should be the only vehicle for reorganization. Accordingly, sub. (2) expands present s. 40.80 (2) (c) to prohibit the creation or abolition of a city school district

in *any* city of the 2nd, 3rd or 4th class, except under the specified sections, and deletes s. 40.80 (2) (a).

Sub. (3) based on s. 40.80 (2) (b) which also is expanded to cover territory in any city of the 2nd, 3rd or 4th class.

120.42 NUMBER OF SCHOOL BOARD MEMBERS. A city school district operating elementary grades may have 3 or 5 school board members. A city school district operating elementary and high school grades may have 3, 5, 7 or 9 school board members. A city school board which is not elected at large may have additional school board members.

NOTE: Based on ss. 40.26 (1) (c), 40.803 (1) (intro.) (part of 1st sentence) and 40.803 (1) (a) (1st sentence). Section 40.803 (1) (intro.) (remainder of 1st sentence and 2nd to 6th sentences) are deleted because their provisions were transitional and have been implemented, thus making them obsolete.

The term "school board" is used throughout this subchapter. Section 115.01 (4) specifies that "school board" may include "board of education."

120.43 METHOD OF SELECTING SCHOOL BOARD MEMBERS.

(1) (a) School board members shall be electors of the school district and may be elected at large or by wards at the spring election, may be appointed by the mayor and confirmed by the common council or may be elected by the common council. A plan of apportionment of school board members may be adopted in accordance with s. 120.02 (2).

(b) School board members are city officials. Prior to taking office, they shall take and file the official oath.

(2) Electors residing in any territory attached to the city for school purposes may be elected or appointed to and may serve upon the school board in the same manner as electors of the city.

(a) If city school board members are elected by wards, each municipality in the attached territory shall elect the same number of school board members as are elected from each city ward.

(b) If city school board members are appointed by the mayor or elected by the common council, the mayor or common council shall appoint from the entire attached territory a number of school board members obtained by dividing the latest census of population of the attached territory by the city population per city school board member, with a major fraction counting as an additional school board member. The attached territory shall have at least one school board member.

(3) Nomination papers shall be required for electors residing in the attached territory seeking election to the school board. The nomination papers shall be filed with the city clerk in accordance with the laws governing the filing of nomination papers for city officers.

(4) (a) The city clerk shall prepare all ballots for the election of school board members, including ballots solely for the attached territory when the school board is not elected at large.

(b) Voting machines may be used in an election of school board members if an entire precinct is included. For a partial precinct a special poll list shall be prepared by the appropriate municipal clerk and printed ballots shall be supplied by the city clerk.

(5) When an order of school district reorganization attaching territory to a city school district becomes effective, the first additional members on the school board required under sub. (2) (a) or (b) shall be appointed in accordance with s. 17.26 (2).

(6) The regular terms of school board members shall be for 3 years. Unexpired terms shall be filled in accordance with s. 17.26 (2). School board members selected for regular or unexpired terms shall take office, provided they have taken the official oath, on July 1.

NOTE: Sub. (1) (a) is new and consolidates in one place various references to the alternative methods which can be employed to select school board members in city school districts and specifies that the plan of apportionment under present s. 40.26 (8) [s. 120.02 (2)] applies to city school districts.

Sub. (1) (b) restates s. 40.803 (1) (b) 1 (part of last sentence) and clarifies that these provisions are generally applicable.

Sub. (2) (intro.) restates s. 40.803 (1) (intro.) (7th sentence).
Sub. (2) (a) and (b) revises s. 40.803 (1) (a) (2nd and last sentences).

Sub. (3) restates s. 40.803 (1) (intro.) (9th sentence).

Sub. (4) revises s. 40.803 (1) (intro.) (10th and 11th sentences).

Sub. (5) based on s. 40.803 (1) (intro.) (8th sentence).

Sub. (6) based in part on s. 40.27 (6) (a) and clarifies the commencement date for both regular and unexpired terms of school board members.

120.44 CHANGING NUMBER OR METHOD OF SELECTION OF SCHOOL BOARD MEMBERS. (1) Within the limitations prescribed in s. 120.42, the number of members of a school board in a city school district or their method of selection, or both, may be changed by any of the following methods:

(a) By adoption of an ordinance by the common council and approval of the ordinance at a referendum of the electors of the city school district.

(b) By adoption of an ordinance initiated under s. 9.20.

(c) By adoption of a resolution by the electors of the city school district at a referendum initiated by a petition signed by 300 electors of the city school district.

(2) An ordinance or resolution under sub. (1) may provide for a plan under either par. (a) or (b) and the provisions thereof shall be set forth in the ordinance or resolution.

(a) The plan may provide that school board members shall be chosen at large at the spring election for terms of 3 years beginning the succeeding July 1. If the number of school board members is increased, the city clerk shall prepare an election plan under s. 120.02 (3) and, prior to the first election of such additional members, he shall publish notice of the plan as a class 1 notice, under ch. 985. They shall be nominated and elected as are other city officials.

(b) The plan may provide that a school board consisting of 3, 5, 7 or 9 members shall be appointed by the mayor and confirmed by the common council or elected by the common council, whichever method is provided in the ordinance or resolution.

NOTE: Based on s. 40.803 (1) (b).

120.45 ATTACHED TERRITORY; ELECTIONS. The electors residing in territory attached to a city for school purposes may vote on all school matters, including the borrowing of money for school purposes, which are voted upon by the electors residing in the city. Electors residing in such attached territory may vote at the polling place where they vote at state, municipal and judicial elections or at any other convenient polling place agreed upon by the city clerk and the clerk of the municipality whose electors are concerned. Such electors may initiate and sign petitions pertaining to city bonds for school purposes as provided in s. 67.05 (7) (b). When a school matter is to be voted upon, the city clerk shall ascertain from the clerks of the municipalities in which the attached territory lies the number of ballots each municipality will require and shall prepare and supply sufficient ballots for such purpose at the city's expense. Upon receipt of the election returns, the clerks of such municipalities shall certify

to the city clerk the results of an election at which a school matter is voted upon, including the election of school board members.

NOTE: Revises s. 40.801 (2).

120.46 SCHOOL BOARD ELECTION BY CLASSES. (1) In a joint city school district, the school board may be elected by classes if the school district meets all of the following requirements:

(a) It contains a city of the 2nd class and territory of one or more adjacent cities and one village all of which was attached to the city for school purposes by an order of school district reorganization.

(b) Prior to such attachment, the school board consisted of 7 members elected at large.

(c) Following the attachment, the school board was enlarged to 9 members to provide representation of the village on the school board.

(2) Upon the call of the mayor of the city containing the largest equalized valuation in the joint city school district, the governing bodies of the cities and village shall meet jointly, under the chairmanship of such mayor and each municipality shall have the number of votes prescribed in s. 120.50 (2). Upon a majority vote, the joint meeting may divide the 9-member school board into 2 classes, as follows:

(a) One class shall consist of 7 members elected at large by its entire school district, who shall be residents of the city of the 2nd class or the territory of the adjacent cities.

(b) The other class shall consist of 2 members elected at large by the entire school district, who shall be residents of the village.

(3) The joint meeting shall designate which of the existing school board positions shall be placed into each class.

(4) After action by the joint meeting, the clerk of the city of the 2nd class shall prepare all subsequent election notices and ballots which shall indicate the classifications, the positions to be filled thereunder and the candidates therefor.

(5) The positions shall be filled by the candidates in each respective class who receive the largest plurality of votes from the school district at large.

(6) The election of school board members by classes under this section may be terminated at a joint meeting held in accordance with sub. (2). Thereafter, the school board shall be elected from the school district at large.

NOTE: Based on s. 40.803 (1) (c).

120.48 SCHOOL BOARD MEETINGS. (1) The school board in a city school district shall hold regular monthly meetings at such times as it prescribes by rule. Special meetings may be held under rules adopted by the school board. All school board meetings shall be open to the public, except as follows:

(a) If the school board resolves itself into a committee of the whole, the committee may exclude the public from the committee meeting.

(b) The public shall be excluded from a hearing before the school board on charges against an employe, if requested by the employe against whom the charges are preferred.

(2) Annually, the school board in a city school district shall elect a school board president and school board vice president from among its members and a school district clerk who need not be a member of the school board. The city treasurer shall be the school district treasurer.

(3) Annually, the school district clerk shall file the report required under s. 120.18.

(4) Except in school districts operating under ch. 119, the proceedings of a school board meeting in a city school district shall be published

within 45 days after the meeting as a class 1 notice, under ch. 985, in a newspaper published in the city. If no newspaper is published in the city, the proceedings may be publicized as the school board directs. The publication of the proceedings shall include a statement of each receipt and expenditure exceeding \$100 except salaries, which may be listed in the aggregate.

(5) Before the annual city budget is prepared, the governing body or, where applicable, the fiscal board under s. 120.50 of a city operating a school system under this subchapter may fix the amount of compensation of school board members for the ensuing year and until changed, which amount shall be included in the annual city school budget and tax.

NOTE: Sub. (1) revises s. 40.803 (2). Sub. (2) based on s. 40.803 (3) and for the sake of uniformity refers to "school district clerk" instead of "secretary". Sub. (3) makes the school district clerk responsible for filing the annual school district report (see note to s. 118.24). Sub. (4) revises s. 40.825. Sub. (5) based on s. 40.827)

120.49 SCHOOL BOARD POWERS AND DUTIES. In a city school district the school board shall have the powers and be charged with the duties of the school board of a common school district, as far as the same are not otherwise provided for or limited by statute. The school board of a city school district may:

(1) **SCHOOLS AND COURSES.** Establish, organize and grade the high schools, elementary schools, night schools and kindergartens and prescribe the courses to be taught therein.

(2) **RULES.** Adopt rules for its meetings and deliberations and for the government of the schools, the faculty and other school board employes.

(3) **EMPLOYES.** (a) Employ a school district superintendent for a period of not more than 3 years, an assistant superintendent, principals and teachers.

(b) The school board may employ janitors and engineers and other needed help to care for the school buildings and other school property.

(c) The school board may fix the compensation and prescribe the duties of all persons employed or appointed by the school board.

(4) **PROPERTY AND BUDGET.** (a) Estimate the expenses of the schools and prepare a budget, select and purchase sites for school buildings or other school uses and construct buildings or additions thereto. Any action under this paragraph shall be submitted to the common council for approval or, where applicable, the fiscal board under s. 120.50. Deeds and leases taken shall be in the name of the city and the title to all school property shall vest in the city.

(b) The school board may employ architects and engineers for the preparation of plans and specifications for school buildings.

(c) An agreement made by the school board under s. 120.13 (3) shall be approved by the common council or, where applicable, the fiscal board under s. 120.50.

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

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

(6) **INSURANCE.** Provide for accident insurance covering pupils in the school district. Such insurance shall not be paid from school district funds unless the expenditure is authorized by the common council or, where applicable, the fiscal board under s. 120.50.

(7) **TEXTBOOKS.** (a) Determine the textbooks to be used in the schools and keep a list of such books in the school board office. The school board shall not change such textbooks within 3 years of adoption, unless the school district furnishes free textbooks.

(b) The school board may purchase textbooks and fix the terms and conditions under which they are furnished to pupils, but no book may be used or permitted which tends to teach sectarian ideas.

(8) UTILITIES. Contract for the necessary fuel, light, water and supplies for the schools.

(9) SCHOOL LUNCHESES. Furnish school lunches to pupils at cost. School lunches may be furnished to needy pupils at such prices and on such conditions as the school board prescribes, but the fact that such lunches are furnished to some pupils at less than cost shall not be disclosed to others.

(10) PRE-KINDERGARTEN CLASSES. Establish and maintain classes for children under 4 years of age in accordance with rules and regulations prescribed by the school board. The school board may accept and receive federal funds for the operation of such classes and expend such funds in conformity with the purposes and requirements thereof. The school board may charge a reasonable fee for attendance at such classes in order to sustain the classes but may waive such fee or any portion thereof to any person who is unable to make such payment.

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

NOTE: Introductory paragraph restates s. 40.809 (intro.).

Sub. (1) revises and combines s. 40.809 (1) (part) and (3).

Sub. (2) restates s. 40.809 (14).

Sub. (3) restates and combines s. 40.809 (2), (7) and (8).

Sub. (4) (a) restates s. 40.809 (9) and includes those portions of s. 40.809 (4) which are germane to the provisions of s. 40.809 (9).

Sub. (4) (b) restates part of s. 40.809 (4). Sub. (4) (c) incorporates a qualified power of school boards under s. 40.30 (14). Sub. (4) (d) identical to s. 40.811 (1).

Sub. (5) identical to s. 40.809 (5).

Sub. (6) restates the relevant portion of s. 40.30 (19).

Sub. (7) restates and combines s. 40.809 (12) and (13).

Sub. (8) identical to s. 40.809 (6).

Sub. (9) restates s. 40.809 (10).

Sub. (10) revises part of s. 40.809 (1). The last sentence of s. 40.809 (1) is deleted because this prohibition is contained in the state aid provisions.

Sub. (11) like s. 40.809 (11).

Present s. 40.809 (15) is deleted because s. 40.30 (10m) has been placed in ch. 118 of this act and thereby applies to all school districts.

120.50 FISCAL BOARD. (1) Whenever an order of school district reorganization under s. 117.02 or 117.03 affecting a city school district becomes effective, the common council, town chairman and village president, by the voting method prescribed in sub. (2), of the municipalities affected by the reorganization shall determine whether to:

(a) Abolish the city school district and create a common school district or a unified school district containing the territory of the city school district; or

(b) Continue as a city school district with the fiscal control of the school district exercised by a fiscal board constituted under sub. (2).

(2) The fiscal board shall exercise fiscal control of the city school district in the following manner.

(a) Each town chairman and village president shall have one vote

for each full \$200,000 of equalized valuation and remaining major fraction thereof of the school district within his town or village, but in no case shall a town chairman or village president have less than one vote.

(b) Each mayor of a city having territory which lies within a city school district operated by another city shall have one vote for each full \$200,000 of equalized valuation and remaining major fraction thereof of the school district within his city, but in no case shall the mayor have less than one vote.

(c) The common council shall have one vote for each full \$200,000 of equalized valuation and remaining major fraction thereof of the school district within the city. Each common council member present at a meeting of the fiscal board shall have the number of votes determined by dividing the total number of votes to which the common council is entitled by the total number of common council members present at such meeting.

(3) The fiscal board shall have the power to approve the school budget, to levy the general property tax for school purposes and to exercise all other fiscal controls over the city school district which were exercised by the common council prior to the establishment of the fiscal board.

(4) (a) If a town chairman, village president or mayor under sub. (2) (b) is temporarily incapacitated by illness or accident or is absent from the school district at the time of a meeting of the fiscal board, the town board, village board or common council may appoint and certify in writing a suitable person to attend the meeting and to vote in the place of the town chairman, village president or mayor.

(b) The city clerk shall notify in writing each town chairman, village president and mayor under sub. (2) (b), or the certified substitute therefor, of a meeting of the fiscal board not less than 48 hours prior to the meeting.

(5) By the adoption of a resolution at the end of a school fiscal year, the fiscal board may abolish the city school district and fiscal board and create a common school district or a unified school district containing the territory of the city school district. The city clerk shall transmit a certified copy of such resolution to the state superintendent who shall make an order in accordance therewith and file it as provided in s. 117.01 (2) (c).

(6) An action under sub. (1) or (5) affecting a city school district whose territory contains a village is not effective until approved by the village board.

NOTE: Present law does not name the fiscal control body established under this section. Case law has referred to it as the "fiscal board" and that name is used herein.

Sub. (1) revises s. 40.807 (1).

Sub. (2) based on s. 40.807 (2) (1st, 2nd and 3rd sentences).
Sub. (2) specifies that a vote is given for remaining fractions of \$200,000 of equalized valuation in determining the number of municipal unit votes on a fiscal board. Sub. (2) (b) is new and gives representation on a fiscal board to territory of a city which is attached to another city for school purposes. Sub. (2) (c) clarifies the vote to which the city operating the city school district and its individual common council members are entitled.

Sub. (3) based on s. 40.807 (3).

Sub. (4) revises s. 40.807 (2) (4th and last sentences).

Sub. (5) based on s. 40.807 (4).

Sub. (6) based on s. 40.095 (1) (last sentence).

120.51 TAX LEVY. (1) Annually, on or before August 31, the school board in a city school district shall make an estimate of the expenses of the public schools for the ensuing year and the amount which must be raised by city taxation and shall certify the estimate to the city clerk who

shall submit the estimate to the common council at its next meeting. The common council shall consider such estimate and, by resolution, shall determine and levy the amount to be raised by city taxation for school purposes for the ensuing year. Such amount shall be included in the annual city budget and shall be called the "City School Tax."

(2) In a city school district having a fiscal board, the fiscal board shall act as specified in sub. (1) and shall certify the amounts determined to the governing bodies of all municipalities lying wholly or partially within the city school district. Such governing bodies shall then levy the amounts to be raised by taxation.

NOTE: Revises s. 40.813 (2) and (3).

120.52 SPECIAL TAX LEVY; ATTACHED TERRITORY. (1) When all or part of the territory of a common school district, union high school district or unified school district is attached to a city school district and the net excess of noncapital assets over the net noncapital liabilities allocable to such attached territory under s. 66.03 (2c), as of the effective date of the attachment, is not equal to the attached territory's proportionate share of the cost of operation and maintenance of the reorganized city school district for the period between the effective date of the attachment and January 1 next succeeding such date, the school board of the reorganized city school district shall forthwith determine and certify to the city clerk an amount of a special tax to be assessed and entered against the territory, describing it, attached to the city school district. The amount determined and certified, as of the effective date of the attachment, shall be the sum of:

(a) The excess, if any, of the noncapital liabilities over the noncapital assets of the attached territory; and

(b) The amount by which the noncapital assets of the attached territory is less than the proportionate share of the operation and maintenance tax that such attached territory would bear for cost of operation and maintenance if it had been a part of the city school district at the time of the approval of the last city school district budget computed for the period of time between the effective date of the attachment and the next succeeding January 1.

(2) The city clerk to whom such tax was certified shall forthwith certify such tax to the clerk of each municipality in which such specially taxed territory lies and the municipal clerk shall assess and enter such special tax on the tax roll as other taxes are assessed and entered. The amount of the special tax shall be computed on the basis of the ratio of the equalized valuation of the attached territory to the total equalized valuation of the reorganized city school district. This subsection does not affect the apportionment of assets and liabilities under s. 66.03.

NOTE: Based on s. 40.813 (2a).

120.53 TAXATION OF ATTACHED TERRITORY. (1) All property attached to a city for school purposes shall be taxed for such purposes the same as property within the city. The equalized valuation of the property of each municipality lying within the city school district shall be the equalized valuation certified under s. 121.06.

(2) Annually, the city clerk shall ascertain the total taxes levied for city school district purposes and shall apportion to property attached for school purposes its proportionate share thereof, based upon the equalized valuation of all property subject to such taxes within the city school district. Such proportionate amount shall be certified to the clerk of each municipality having territory attached to the city for school purposes and such amount shall be entered on the tax roll, collected and returned in accordance with s. 120.17 (8).

NOTE: Based on s. 40.815.

120.54 DISBURSEMENTS. In a city school district, the city clerk shall keep separate accounts of all money raised and apportioned for city school purposes and such money shall be disbursed in accordance with this section and s. 66.042. The school board shall present to the city clerk a certified bill, voucher or schedule, signed by the school board president and school district clerk, giving the name of the claimant and the amount and nature of each claim. Upon such certification, the city clerk shall issue proper orders to the city treasurer, who shall pay them from the proper funds.

NOTE: Based on s. 40.817.

120.55 CONSTRUCTION WORK. (1) In a city school district the construction of school buildings shall be let by the school board to the lowest responsible bidder, in accordance with s. 62.15, and for that purpose the school board shall possess the powers conferred by s. 62.15 on the board of public works.

(2) In a city school district the alteration or repair of school buildings or other construction work, the estimated cost of which exceeds \$1,000, may be done under either par. (a) or (b).

(a) The work may be let by the school board to the lowest responsible bidder, in accordance with s. 62.15, and for that purpose the school board shall possess the powers conferred by s. 62.15 on the board of public works.

(b) Upon the passage of an ordinance under s. 62.15 the work may be done directly by the school board without submitting it to bids.

NOTE: Based on s. 40.811 (2).

120.56 SINKING FUND. A city school district may establish a sinking fund for the purpose of financing the construction of school buildings. All money raised by taxation pursuant to this authorization shall be deposited by the city treasurer in a separate fund, designated a sinking fund, to be used to finance the construction of school buildings. Such money shall not be used for any other purpose, except as provided in s. 67.11 (1), nor shall it be transferred to any other fund unless either so authorized by adoption of a resolution by a three-fourths vote of the school board members and the adoption of a resolution by the common council approving the school board resolution or, where applicable, so authorized by a three-fourths vote of the fiscal board under s. 120.50.

NOTE: Based on s. 40.813 (1).

120.57 TECHNICAL, COLLEGIATE AND EVENING PROGRAMS. (1) Upon the adoption of a resolution by the common council and approval of the resolution by the electors of the city, the common council may establish a technical school or college as a school of the city school district. The resolution shall be submitted to the electors in substantially the same manner as other school matters are submitted. The resolution shall provide for the organization of such school or college and shall confer the management and control of the school or college on the school board of the city school district. The resolution may be amended or repealed by a resolution submitted and approved in the same manner.

(2) The common council or the school board of a city school district may establish evening and part-time college classes. The common council may appropriate money to maintain such classes and may accept and use donations therefor.

(3) In a city school district having a fiscal board under s. 120.50, any action taken under sub. (1) or (2) shall be by the fiscal board in lieu of the common council.

NOTE: Sub. (1) based on s. 40.821. Many of the changes were made so that sub. (1) would contain general language to which new sub. (3) could apply.

Sub. (2) like s. 40.823.

Sub. (3) is new and states that subs. (1) and (2) can be used in a joint city school district.

Present ss. 41.05 and 41.06 are deleted, because general school law permits school districts to provide instruction in the trades as is contemplated under ss. 41.05 and 41.06. The only trade school in the state located in the city of Milwaukee, is authorized under present s. 38.28 (new s. 119.28).

120.58 TRANSFER OF PROPERTY. (1) (a) All school property, except vocational school property, of a city or city school district operating under this subchapter and located in a unified school district at the time of the creation of the unified school district, and all school property of a city or city school district which abolishes the city school district and creates a common or unified school district shall be sold by such city or city school district to the unified or common school district at a price equal to the principal amount of the then outstanding obligations of such city issued for school purposes.

(b) The unified school district or common school district may issue bonds or promissory notes pursuant to ch. 67 to pay the cost of purchasing such school property. The city shall deposit the proceeds of the sale of the school property in the sinking fund or funds created for the payment of its obligations issued for school purposes. The indebtedness of the city for the purpose of computing its legal debt limit shall be deemed to be reduced by the amount of such deposit. The municipal treasurer shall invest these sinking fund moneys in the name of the city in accordance with s. 66.04 (2). Bonds and notes issued by school districts for the purposes of this section are not subject to referendum. The purchase agreement shall include an irrevocable clause providing that the school district shall pay annually to the city a sum of money equal to the amount by which the interest received by the city on account of the investment under s. 66.04 (2) is less than the amount of interest paid by the city on the bonds of the city for school purposes other than vocational schools.

(2) With the approval of the common council of the city affected, a unified or common school district required to purchase school property under this section may pay the purchase price by issuing and delivering directly to the city one or more general obligation promissory notes of the school district pursuant to the provisions, including an irrevocable tax levy, of s. 67.12 (12), but no right to a referendum exists on the school board resolution directing the issuance of such notes and the 10-year limitation of time for payment is not applicable to such notes. Such notes shall mature and be payable at such times, in such amounts and at such a rate of interest as will amortize and pay when due the principal and interest on the then outstanding obligations of the city issued for school purposes. Upon execution and delivery to the city, all such notes shall be held and considered as an authorized investment, under s. 66.04 (2), of the sinking fund created for payments of the city obligations issued for school purposes and shall be offset against city indebtedness in computing the city's legal debt limit to the same extent as other authorized investments of the sinking fund. Such notes may be sold and hypothecated. If the offset against any city's indebtedness under this subsection is determined to be invalid in any respect, such city immediately may require the school district issuing promissory notes under this subsection to the city to comply with sub. (1).

NOTE: Revises s. 40.807 (4a) (b) and (c).

NOTE: Present s. 40.805 deleted. This section was enacted as a special law for school board elections (ch. 256, laws of 1927) and was originally titled "Superior school board election". There are a

number of methods set forth in this subchapter by which school board members may be initially elected and the method under this section is not sufficiently different from other methods to warrant inclusion—particularly since it was written for an election which occurred 40 years ago.

NOTE: Present s. 40.807 (5) deleted because unnecessary.

SUBCHAPTER III. UNIFIED SCHOOL DISTRICTS.

120.70 APPLICABILITY. This subchapter applies to unified school districts.

NOTE: This section is new and specifies the type of school district to which this subchapter applies.

120.71 ESTABLISHMENT; POWERS OF SCHOOL DISTRICT. (1) A unified school district may be established in accordance with s. 117.04. Upon the establishment of a unified school district, all school districts from which it was formed shall thereupon cease to exist, and all property, assets, claims, contracts, liabilities and obligations of such school districts, except those of a city or city school district operating under subch. II, shall thereupon become the property, assets, claims, contracts, liabilities and obligations of the unified school district.

(2) A unified school district is a body corporate with the power to sue and be sued, to levy and collect taxes, to acquire, hold and dispose of property and to do all other things reasonable for the performance of its functions in operating a system of public education.

NOTE: Sub. (1) cross refers to the section containing the provisions of present s. 40.095 (1) and (2) relating to the creation and reorganization of a unified school district. It also restates s. 40.807 (4a) (a).

Sub. (2) like s. 40.095 (4).

120.72 COMPOSITION OF SCHOOL BOARD. The school board of a unified school district shall be composed of 5, 7 or 9 members as designated in the order of school district reorganization creating the unified school district. The number of school board members may be changed in accordance with s. 120.02 (1). A plan of apportionment of school board members may be adopted in accordance with s. 120.02 (2).

NOTE: First sentence restates s. 40.095 (3) (a) (last part of 1st sentence and 2nd sentence).

The 2nd sentence clarifies that a unified school district may change the number of school board members under s. 120.02 (1) [present s. 40.26 (2)].

The 3rd sentence specifies the applicability of s. 120.02 (2) [present s. 40.26 (8)], which presently applies by its general language to unified school districts.

120.73 ELECTION OF SCHOOL BOARD MEMBERS. (1) (a) School board members in a unified school district shall be electors of the school district and shall be elected at large by a plurality vote of the electors of the school district. School board members shall be elected under s. 120.06 at the spring election.

(b) The regular terms of school board members shall be for 3 years. School board members elected for regular or unexpired terms shall take office, provided they have taken and filed the official oath, on the July 1 next following the election. Elections to fill unexpired terms shall be held simultaneously with the elections for regular terms, the regular terms to be filled by the appropriate number of candidates receiving the highest

number of votes and the unexpired terms to be filled by the appropriate number of candidates receiving the next highest number of votes.

(c) All vacancies shall be filled by appointment, in accordance with s. 17.26 (1). An election to fill the unexpired term shall be held at the next spring election. The appointee shall serve only until the July 1 when the person elected to the unexpired term takes office and has qualified.

(2) The order of school district reorganization creating a unified school district shall designate the date of the first election of school board members, which shall be subsequent to the effective date of such order. At least 35 days prior to the date of the election, the clerk of the most populous city, village or town lying wholly or partially within the school district shall publish a class 1 notice, under ch. 985, stating the date of the election and the requirements for filing declarations of candidacy. At least 20 days prior to the election, any qualified elector may file with such clerk a written declaration of candidacy for the school board stating that he is a qualified elector. The terms of school board members for the first election shall be determined under s. 120.02 (3) (a) 3 and (b).

NOTE: Sub. (1) (a) (1st sentence) revises s. 40.095 (3) (c) and is based in part on s. 40.095 (3) (a) (1st sentence). Sub. (1) (a) (last sentence) combines and revises s. 40.095 (3) (d) (4th and 5th sentences).

Sub. (1) (b) (1st sentence) revises s. 40.095 (3) (d) (1st sentence). Sub. (1) (b) (2nd sentence) based on ss. 40.095 (3) (a) (3rd sentence), 40.095 (3) (d) (last sentence) and 40.27 (6) (b). Sub. (1) (b) (3rd sentence) is new and clarifies the method of election to fill unexpired terms.

Sub. (1) (c) based on s. 40.095 (3) (e).

Sub. (2) based on s. 40.095 (3) (d) (2nd, 3rd, 6th and 7th sentences). The deadline for filing declarations of candidacy is specified and the type and frequency of notice to be given is set forth.

120.74 SCHOOL BOARD MEETINGS. (1) Annually, the school board shall elect a school board president, school board vice president, school district clerk and school district treasurer from among its members and a school board secretary who need not be a member of the school board.

(2) The school board shall meet at least once each month and at other times upon the call of the school board president or upon the filing of a request with the school district clerk signed by a majority of the school board members.

(3) Each school board member may be paid an amount fixed by the school board not exceeding \$10 for each school board meeting he actually attends.

(4) Proceedings of the school board shall be published in accordance with s. 120.48 (4).

NOTE: Sub. (1) based on s. 40.095 (3) (a) (last sentence).

Sub. (2) revises s. 40.095 (3) (f) (1st sentence).

Sub. (3) revises s. 40.095 (3) (b).

Sub. (4) restates s. 40.095 (3) (f) (last sentence).

120.75 SCHOOL BOARD POWERS. The public schools of a unified school district shall be under the management, control and supervision of a school board. The school board shall have the powers and duties under ss. 120.12 to 120.17, 120.19 to 120.22 and 120.58. No annual meeting shall be held in a unified school district but the school board shall have the powers of the annual meeting under s. 120.10. The school board shall employ a school district administrator under s. 118.24. The school board shall not, in the name of the school district, issue bonds or incur other

indebtedness without approval of the electors of the school district in any instance where the school board of a common school district is not authorize to do so.

NOTE: First sentence identical to s. 40.095 (3) (a) (1st part of 1st sentence).

Second and third sentences based on s. 40.095 (5) (1st and 2nd sentences).

Fourth sentence based on s. 40.819 (1).

Fifth sentence like s. 40.095 (5) (last sentence).

CHAPTER 121.
SCHOOL FINANCE.

NOTE: The following is a table of contents of ch. 121 as created by this bill.

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- 121.10 State aid to basic districts operating elementary and high school grades.
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SUBCHAPTER I.

STATE AID FOR ELEMENTARY AND HIGH SCHOOLS.

121.01 PURPOSE. It is declared to be the policy of this state that education is a state function and that some relief should be afforded from the local general property tax as a source of public school revenue where such tax is excessive, and that other sources of revenue should contribute a larger percentage of the total funds needed. It is further declared that in order to provide reasonable equality of educational opportunity for all the children of this state, the state must guarantee that a basic educational opportunity be available to each pupil, but that the state should be obligated to contribute to the educational program only if the school district provides a program which meets state standards. It is the purpose of the state aid formula set forth in this subchapter to cause the state to assume a greater proportion of the costs of public education and to relieve the general property of some of its tax burden.

NOTE: Combines and restates ss. 40.66 and 40.69.

121.02 CLASSIFICATION OF AID DISTRICTS. For the purpose of computing state aid under this subchapter, the following classes of aid districts are established:

(1) BASIC AID DISTRICT. To be classified as a basic aid district, a school district shall meet the following requirements:

(a) Every teacher, supervisor and administrator shall hold a certificate, license or permit issued by the state superintendent before he enters on duty in such position.

(b) Every teacher shall be paid at least the minimum salary and granted the sick leave specified in s. 121.17.

(c) School shall be held at least 180 days each year, the days to be computed in accordance with s. 115.01 (10).

(d) It shall comply with ss. 42.39 to 42.43, 118.01, 118.02, 118.07 (2) and 120.13 (14).

(2) INTEGRATED AID DISTRICT. Integrated aid is the highest level of state aid. To be classified as an integrated aid district, a school district shall meet all the following requirements, unless the requirement applies only to grades which the school district does not operate.

(a) All requirements under sub. (1).

(b) It shall furnish satisfactory evidence to the state superintendent of continuous inservice improvement of its professional staff, such as summer session attendance and participation in workshops, extension classes and similar activities.

(c) It shall make adequate provision for healthful, safe school facilities in accordance with standards established by the state superintendent.

(d) It shall have sufficient pupils and the proper teacher-pupil ratio to be able to provide a modern enriched educational program as defined by the state superintendent which, except for such modification as the state superintendent approves, in addition to the proper academic subjects, shall include:

1. Training in elementary school by a qualified teacher at regular

intervals in health and physical education and in at least 2 of the following fields: kindergarten, arts, applied arts and music, including vocal.

2. More than 5 teachers in high school.

3. Instruction in high school in at least 2 of the following fields: home economics, industrial arts, commercial work and agriculture.

4. Instruction in high school in at least one subject, taught by teachers who teach in no more than one other field, in at least one of the following general fields: music and art.

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

6. Instruction in the conservation and wise use of natural resources in both elementary and high schools.

(e) If the school district operates only elementary grades, it either shall have been part of a school district classified as an integrated aid district or shall employ not less than 4 teachers.

NOTE: Based on s. 40.67. Sub. (1) (d) also includes the substance of s. 40.71 (7) (b) (last sentence). A requirement for compliance with present s. 40.23 (2) is deleted (see 2nd NOTE following s. 120.23). Sub. (2) (intro.) also includes s. 40.71 (2) (a) (4th sentence). Sub. (2) (e) includes the last phrase of s. 40.70 (7) (a).

Sub. (2) (d) 4 is based on the latter part of present s. 40.67 (2) (g) 2. Present departmental interpretation is that this provision requires instruction in only one of the 3 fields. Present s. 40.46 (3) [118.01 (3)] requires that "physical instruction and training shall be provided for all pupils in conformity with the course of instruction in physical education prescribed by the state superintendent." In view of this general directive, all school districts fulfill the requirement that they teach one of the 3 subjects. Thus, the teaching of music and art was in no way encouraged under this subdivision, which appears to be contrary to the legislative intent. Therefore, the reference to physical education is deleted and the subdivision is rewritten to clearly require the teaching of either music or art for receipt of integrated aid.

121.03 AID DISTRICT CLASSIFICATION CHANGE. The state superintendent may change the aid classification of a school district from basic aid district to integrated aid district, if the school district levied a tax in the school year in which the state aid is paid at a rate equal to 5 mills or more on the school district equalized valuation and if in his judgment the geography, sparsity of population, inadequacy of property valuation, difficulties of transportation or other factors made it impossible for the school district to qualify as an integrated aid district.

NOTE: Based on s. 40.71 (6) (a) (1st sentence).

121.04 APPLICATION FOR AID DISTRICT CLASSIFICATION. (1) If a school board desires to have the school district under its jurisdiction qualify for state aid as an integrated aid district for the current school year, the school district clerk shall file a report, on or before July 15, with the state superintendent on forms provided by him requesting classification as an integrated aid district. The report, with supporting evidence, shall set forth the program which will be in effect during the current school year. The state superintendent shall review the report, with the supporting evidence and supervisory recommendations, and classify the school district as either a basic aid district or integrated aid district. The state superintendent shall notify the school district clerk of such classification on or before September 15 of the year of filing.

Within 15 days after receipt of such notification, a school board may apply for reconsideration of the aid classification. Upon receipt of such application, the state superintendent may change the aid classification.

(2) Any school district about to incur indebtedness may apply to the state superintendent for and he may issue a certificate as to the eligibility of the school district for the highest level of state aid, which shall be conclusive as to such eligibility for 30 days, but not beyond the next June 30.

NOTE: Based on s. 40.71 (2).

121.05 BUDGET AND MEMBERSHIP REPORT. Annually on or before October 1, the school district clerk shall file with the state superintendent a report stating the number of pupils enrolled and the number of teachers employed in the school district on the 3rd Friday of September of the current school year and the estimated budget for the current school year.

NOTE: Makes statutory the requirement for the filing of a fall report which is, in fact, required now by the department and which is used as the basis for state aid computations. The information to be contained in the report is specified in present s. 40.70 (4).

121.06 DETERMINATION AND CERTIFICATION OF EQUALIZED VALUATION. (1) Annually on or before August 1, the full value of the taxable property in each school district, in each part of a city, village and town in a joint school district and in each city authorized to issue bonds for school purposes, including territory attached only for school purposes, shall be determined by the department of taxation according to its best judgment from all sources of information available to it and shall be certified by the department to the state superintendent.

(2) The state superintendent shall certify to each school district clerk the appropriate full values certified to the state superintendent under sub. (1).

NOTE: Sub. (1) restates s. 40.68.

Sub. (2) based on a requirement contained in present ss. 39.02 (27) and 40.35 (8).

121.07 GENERAL PROVISIONS; STATE AID COMPUTATION. In this subchapter:

(1) **PUPILS ENROLLED.** "Pupils enrolled" is the total number of pupils, as expressed by official enrollments, in all schools of the school district as reported under s. 121.05, except as provided in pars. (a) to (c). If such total contains a fraction, it shall be expressed as the nearest whole number. The same method shall be used in computing the number of pupils enrolled for resident pupils, nonresident pupils or both.

(a) A first grade pupil may be counted only if he attains the age of 6 years on or before December 1 of the school year in which he enters first grade.

(b) A pupil enrolled in kindergarten may be counted only if he attains the age of 5 years on or before December 1 of the school year in which he enrolls. A kindergarten pupil shall be counted as one-half pupil.

(c) In computing state aid, the number of resident pupils enrolled shall not exceed 25 times the number of teachers reported under s. 121.05.

(2) **TEACHERS EMPLOYED.** "Teachers" means a person holding a license or certificate under s. 115.28 (7), but does not include any person under s. 115.29 (3). In computing the number of teachers employed, professional workers who devote less than full time to their professional duties shall be counted in proportion to the time devoted to such duties. Teachers who devote full time to handicapped children shall not be counted.

(3) **TEACHER-PUPIL RATIO.** "Teacher-pupil ratio" is the quotient of

the number of pupils enrolled divided by the number of teachers employed.

(4) SCHOOL DISTRICT EQUALIZED VALUATION. "School district equalized valuation" is the full value of the taxable property of the territory in the school district as last certified under s. 121.06.

(5) BASIS FOR STATISTICS. (a) The number of pupils enrolled and teacher-pupil ratio of the school district on the 3rd Friday in September and the estimated net operating cost for the current school year shall be used in computing state aid.

(b) If the school district valuation is increased or decreased due to an alteration in school district boundaries before the 3rd Friday in September, the estimated net operating cost for the current school year and the estimated mill levy rate shall be based on the school district equalized valuation of the territory comprising the altered school district.

(c) If an order of school district reorganization is not effective due to litigation until after the 3rd Friday in September but takes effect before April 1 of the current school year, state aid for the reorganized school district for the first year of operation shall be computed after the order takes effect using calculations by the state superintendent of the number of pupils enrolled and teacher-pupil ratio for the territory in the reorganized school district, which shall be made as if the school district had been in existence on the 3rd Friday in September.

(d) At the end of the school year, the state superintendent shall adjust state aid payments according to the actual net operating cost of the school district for that school year.

(6) NET OPERATING COST. "Net operating cost" is the cost of operation and maintenance of a school district, minus its operational receipts, for the current school year. Amounts paid by school districts as rent, which are used to retire indebtedness on the buildings or properties for which the rent is paid, shall not be included in the cost of operation and maintenance in computing state aid.

(7) SCHOOL DISTRICT GUARANTEED VALUATION. "School district guaranteed valuation" is the amount set forth in pars. (a) to (e) multiplied by the number of resident pupils enrolled.

(a) For basic aid districts operating elementary grades, \$24,500.

(b) For basic aid districts which are union high school districts, \$55,000.

(c) For integrated aid districts operating only elementary grades, \$29,500.

(d) For integrated aid districts which are union high school districts, \$75,000.

(e) For integrated aid districts operating both elementary and high school grades, \$38,000.

(8) MILL LEVY RATE. "Mill levy rate" is the lesser of the following:

(a) The "required operating levy rate," which is the quotient of the net operating cost divided by the school district guaranteed valuation.

(b) The "actual levy rate," which is the quotient of the amount raised by the tax levy for school purposes divided by the school district equalized valuation.

NOTE: This section sets forth the essential elements basic to the state aid formula. Although rearranged and restated, the provisions in this section are based on present law and departmental interpretations. The purpose of this section is to combine in one section these essential elements, so that the description of each need not be repeated in each of the sections relating to the aid formula.

Sub. (1) based on s. 40.70 (1). Since state aid is presently computed using the number of pupils enrolled and teachers employed as of the 3rd Friday in September, an obsolete provision for a cumula-

tive computation of average daily membership is deleted. Par. (c) expresses a limitation presently contained in each state aid provision. An unnecessary prohibition against counting 4-year olds in computing pupils enrolled is deleted.

Sub. (2) revises s. 40.70 (2) and the meaning of "teacher" is spelled out.

Sub. (3) revises s. 40.70 (3) and deletes a redundant reference to state superintendent approval of the teacher-pupil ratio.

Sub. (4) defines a term which is used repeatedly in the state aid formula.

Sub. (5) based on s. 40.70 (4). It preserves and clarifies the 1965 act (ch. 261, laws of 1965) which placed the determination of state aids on a current basis.

Sub. (6) describes the cost figure which the department presently uses in computing state aid. The last sentence restates s. 40.71 (11) as it relates to state aid.

Sub. (7) brings together in one subsection the valuations guaranteed by the state in each of the different classes and types of school districts.

Sub. (8) defines an element used in the state aid formula. The department compares the required operating levy rate, computed on net operating cost and guaranteed valuation, with the actual levy rate, computed on actual tax levy and equalized valuation, and uses the lower as the mill levy rate in computing state aid for each school district. This subsection states specifically this procedure.

121.08 STATE AID TO BASIC DISTRICTS OPERATING ELEMENTARY GRADES. If a basic aid district operating only elementary grades which levied a tax in the year in which the state aid is paid at a rate equal to 3 mills or more on the school district equalized valuation, state aid for elementary pupils shall be paid as follows:

(1) If the school district has one to 9 resident pupils enrolled, it shall be paid \$30 per resident pupil enrolled.

(2) If the school district has 10 or more resident pupils enrolled and sub. (3) does not apply, it shall be paid a sum equal to the amount by which the school district guaranteed valuation exceeds the school district equalized valuation, multiplied by the mill levy rate or 15 mills, whichever is less.

(3) In a one-teacher unit school district with 12 or more resident pupils enrolled, it shall be paid a sum equal to the amount by which the school district equalized valuation is less than \$300,000, multiplied by the actual levy rate or 15 mills, whichever is less.

(4) No school district under this section may be paid less than \$30 per resident pupil enrolled.

NOTE: Based on s. 40.70 (5) (a) which is considerably shortened and simplified because standard terminology was developed in s. 121.07 for use throughout this subchapter. That portion of s. 40.70 (5) (a) 2 relating to 2- and 3- teacher unit school districts is deleted because the present guaranteed valuation makes these provisions obsolete.

121.09 STATE AID TO BASIC UNION HIGH SCHOOL DISTRICTS. If a basic aid district which is a union high school district levied a tax in the year in which the state aid is paid at a rate equal to 3 mills or more on the school district equalized valuation, state aid shall be paid as follows:

(1) The union high school district shall be paid a sum equal to the amount by which the school district guaranteed valuation exceeds the

school district equalized valuation multiplied by the mill levy rate or 10 mills, whichever is less.

(2) No union high school district under this section may be paid less than \$40 per resident pupil enrolled.

(3) The union high school district shall be paid \$40 per nonresident pupil enrolled which shall be deducted from nonresident tuition claims under s. 121.82 (2).

NOTE: Based on ss. 40.70 (5) (c) and 40.71 (6) (c) which are considerably shortened and simplified because standard terminology was developed in s. 121.07 for use throughout this subchapter.

121.10 STATE AID TO BASIC DISTRICTS OPERATING ELEMENTARY AND HIGH SCHOOL GRADES. If a basic aid district operating elementary and high school grades levied a tax in the year in which the state aid is paid at a rate equal to 3 mills or more on the school district equalized valuation, state aid shall be paid as follows:

(1) For elementary pupils, the school district shall be paid in accordance with s. 121.08.

(2) For high school pupils, the school district shall be paid \$40 per resident and nonresident pupil enrolled. State aid paid for nonresident pupils shall be deducted from nonresident tuition claims under s. 121.82 (2).

NOTE: Based on s. 40.70 (5) (b) and departmental interpretation.

121.11 STATE AID TO INTEGRATED DISTRICTS OPERATING ELEMENTARY GRADES. If an integrated aid district operating only elementary grades levied a tax in the year in which the state aid is paid at a rate equal to 3 mills or more on the school district equalized valuation, state aid shall be paid as follows:

(1) The school district shall be paid a sum equal to the amount by which the school district guaranteed valuation exceeds the school district equalized valuation, multiplied by the mill levy rate or 17 mills, whichever is less.

(2) No school district under this section may be paid less than \$44 per resident pupil enrolled.

NOTE: Based on s. 40.70 (7) which is considerably shortened and simplified because standard terminology was developed in s. 121.07 for use throughout this subchapter. The specific requirements which must be met by an elementary, integrated aid district were moved to s. 121.02 (2).

121.12 STATE AID TO INTEGRATED UNION HIGH SCHOOL DISTRICTS. If an integrated aid district which is a union high school district levied a tax in the year in which the state aid is paid at a rate equal to 3 mills or more on the school district equalized valuation, state aid shall be paid as follows:

(1) The union high school district shall be paid a sum equal to the amount by which the school district guaranteed valuation exceeds the school district equalized valuation, multiplied by the mill levy rate or 10 mills, whichever is less.

(2) No union high school district under this section may be paid less than \$57 per resident pupil enrolled.

(3) The union high school district shall be paid \$57 per nonresident pupil enrolled which shall be deducted from nonresident tuition claims under s. 121.82 (2).

NOTE: Based on s. 40.71 (6) (b) which is considerably shortened and simplified because standard terminology was developed in s. 121.07 for use throughout this subchapter. The specific requirements which must be met by a union high, integrated aid district were

moved to s. 121.02 (2), where it is made clear that the inservice training requirement applies to these districts.

121.13 STATE AID TO INTEGRATED DISTRICTS OPERATING ELEMENTARY AND HIGH SCHOOL GRADES. If an integrated aid district operating elementary and high school grades levied a tax in the year in which the state aid is paid at a rate equal to 5 mills or more on the school district equalized valuation, state aid shall be paid as follows:

(1) The school district shall be paid a sum equal to the amount by which the school district guaranteed valuation exceeds the school district equalized valuation, multiplied by the mill levy rate or 17 mills, whichever is less.

(2) No school district under this section may be paid less than:

(a) \$44 per resident elementary pupil enrolled.

(b) \$57 per resident high school pupil enrolled.

(3) The school district shall be paid \$57 per nonresident high school pupil enrolled which shall be deducted from nonresident tuition claims under s. 121.82 (2).

(4) In school districts having a required operating levy rate exceeding 17 mills, state aid also shall be paid in a sum equal to the amount of the net operating cost in excess of the amount produced by a levy rate equal to 17 mills on the school district equalized valuation.

NOTE: Based on s. 40.70 (6) which is considerably shortened and simplified because standard terminology was developed in s. 121.07 for use throughout this subchapter.

121.14 STATE AID FOR SUMMER CLASSES. (1) State aid shall be paid to each school district operating summer classes which:

(a) Offers a course of study on no less than a half-day basis beginning not earlier than June 1 and terminating prior to September 1; and

(b) Offers classroom and laboratory work in subjects which provide credit toward graduation and are accredited by the state superintendent; and

(c) Employs only teachers meeting the requirements of s. 118.19.

(2) (a) State aid for summer classes shall be incorporated into the state aid paid for regular classes under this subchapter. The aid classification of a school district shall apply to summer classes operated by the school district.

(b) Annually on or before October 1, the school district clerk shall file with the state superintendent a report stating the number of pupils enrolled in summer classes. In computing the number of pupils enrolled in summer classes, the total number of accredited classroom or laboratory periods in which each pupil is enrolled, as determined by multiplying the total number of periods in each day in which the pupil is enrolled by the total number of days in which enrolled, shall be divided by 720. The quotient represents the proportion of a pupil enrolled for which the school district shall be paid state aid.

(c) For the purpose of computing state aid, the total number of pupils enrolled in summer classes determined under par. (b) shall be added to the number of pupils enrolled in the school district as reported under s. 121.05. For nonresident high school pupils in summer classes, school districts shall be paid the amounts set forth in ss. 121.09 (3), 121.10 (2), 121.12 (3) and 121.13 (3).

NOTE: Based on s. 40.99 (5). The present departmental requirement that a separate annual report of summer classes be filed is specifically stated. Since all school districts now receive state aid based on current year statistics, the method of computing state aid for summer classes is considerably shortened and simplified to reflect present departmental practice.

121.15 STATE AID FOR DRIVER EDUCATION PROGRAMS. To promote a uniformly effective driver education program among high school and vocational, technical and adult education school pupils, each school district operating high school grades and each school of vocational, technical and adult education shall receive \$25 for each pupil of high school age who successfully completes a course in driver education approved by the state superintendent, but in no case may the state aid exceed the actual cost of instruction. If the appropriation under s. 20.650 (2) (v) is inadequate in any year to provide \$25 per pupil, the state aid shall be prorated after the appropriation for administration is deducted. Such state aid shall be paid at the same time as the state aid under ss. 121.08 to 121.13 is paid.

NOTE: Revises s. 40.71 (12).

121.16 STATE AID TO COUNTIES. If a county maintains an institution in which children are received for care and if such institution maintains the educational facilities required to be provided by a common school district, the county shall be paid state aid under ss. 115.85 and 121.08 to 121.13. The educational facilities in such institutions shall be under the supervision of the state superintendent and the co-ordinator of the co-operative educational service agency in which the institution is located.

NOTE: Revises s. 40.73.

121.17 STATE AID WITHHELD. (1) (a) The state superintendent may withhold state aid from any school district in which the scope and character of the work are not maintained in such manner as to meet his approval.

(b) No state aid may be paid in any year under this subchapter to a school district which fails to meet the requirements under subs. (2) and (3).

(2) Unless the state superintendent is satisfied that the failure to meet the requirements of pars. (a) and (b) was occasioned by some extraordinary cause not arising from intention or neglect on the part of the responsible officers, every school district, except a school district operating under ch. 119, shall:

(a) Hold school for at least 180 days each year, the days to be computed in accordance with s. 115.01 (10).

(b) Employ teachers qualified under s. 118.19.

(c) Provide in the contract between the school board and teacher the following:

1. A leave of absence for each teacher because of personal sickness, without deduction from the salary of the teacher, of at least 5 days each school year with an accumulation of at least 30 days of unused sick leave from year to year.

2. A salary for each school year for each teacher of not less than \$2,400 if the teacher's certificate or license is based on 2 years of professional training, not less than \$3,000 if the teacher's certificate or license is based on not less than 3 years of professional training and not less than \$4,000 if the teacher's certificate or license is based on 4 years of professional training and a bachelor's degree.

(3) Unless the state superintendent is satisfied that failure to meet the requirements of this subsection was occasioned by some extraordinary cause not arising from intention or neglect on the part of the responsible officers, a school district operating under ch. 119 shall, for the full period during which school is in session during each year as provided by the rules of the board of school directors, employ teachers qualified under s. 118.19 and pay a salary of not less than \$266 a month to each

regular teacher and of not less than \$10 a day to each qualified continuous substitute teacher.

NOTE: Sub. (1) (a) restates s. 40.71 (6) (a) (last sentence). Sub. (1) (b) based on part of first sentences in s. 40.71 (7) (a) and (b). Sub. (2) based on s. 40.71 (7) (a). Sub. (3) revises s. 40.71 (7) (b).

Obsolete reference to "common schools" deleted, since the requirements apply to all school districts.

121.18 APPROVAL OF BUDGETS. If in a school year the state aid received by a school district exceeded 50% of the total receipts of the school district or excess state aid was required because the school district exceeded the maximum actual levy rate specified in s. 120.10 (8), the budget for the next school year shall be filed with the state superintendent on or before July 1 for his approval unless the state superintendent permits submission at a later date.

NOTE: Based on s. 40.71 (4) and states specifically departmental procedures followed in approving school district budgets.

121.19 ADVANCE PAYMENT OF STATE AID. Upon the request of a school board filed on or after July 15 and if the annual report of the school district for the previous school year has been filed, the state superintendent upon his determination of need may grant advance payment of the state aid payable to the school district in an amount not to exceed 75% of its total state aid for the school year.

NOTE: Restates s. 40.71 (2a).

121.20 USE OF STATE AID; EXEMPTION FROM EXECUTION. All moneys paid to a school district under s. 20.650 (2) (b), (bm) and (c) and (3) (e) and all moneys paid by any county to a school district from taxes under s. 59.07 (21) shall be used by the school district solely for the purposes for which paid. Such moneys are exempt from execution, attachment, garnishment or other process in favor of creditors, except as to claims for salaries or wages of teachers and other school employes and as to claims for school materials, supplies, fuel and current repairs.

NOTE: Revises s. 40.71 (8).

121.21 PRORATION OF STATE AID. If the appropriation under s. 20.650 (2) (b) in any one year is insufficient to pay the full amount under ss. 121.08 to 121.13, state aid payments shall be prorated among the school districts entitled thereto.

NOTE: Revises s. 40.71 (3).

NOTE: This subchapter deletes the following provisions:

Present s. 40.71 (5) deleted. The requirement for a county elementary school tax of \$350 per teacher is contained in s. 59.07 (21). The penalty provision in present s. 40.71 (5) is contradictory and is not used.

Present s. 40.71 (9) deleted. It was enacted to take care of a particular situation and is so limited by its terms that it does not warrant retention.

Present s. 40.71 (10) deleted. This subsection is obsolete and the procedure governing out-of-state tuition payments is covered in ss. 40.65 (4) and 40.91 (2).

SUBCHAPTER II. TRANSPORTATION.

121.51 DEFINITIONS. In this subchapter:

(1) "School bus" means a motor vehicle which transports children to or from a public school or which transports school groups engaged in extracurricular activities to or from points designated by public school

authorities, even though the motor vehicle also transports children or school groups to or from private schools or colleges or points designated by them, but does not include:

(a) A motor vehicle owned or operated by a parent or guardian transporting only his own children, whether or not the school board has made a contract with or paid compensation to such parent or guardian for such transportation.

(b) A motor vehicle having a seating capacity of less than 10 persons, including the operator, used in casual, occasional or reciprocal transportation of school children and not under contract.

(2) "School board" has the meaning designated in s. 115.01 (4) and includes any governmental agency transporting children to and from public schools.

NOTE: Sub. (1) restates s. 40.52. Sub. (2) is new. Present law makes occasional reference to "other governmental agency" in the material covered by this subchapter. This definition is designed to make unnecessary the repeated use of such a phrase and to clarify that when county handicapped children's education boards and co-operative educational service agencies provide transportation they are covered by this subchapter.

121.52 VEHICLE, OPERATOR AND DRIVER REQUIREMENTS.

(1) (a) Rules governing the design, construction, inspection and operation of school busses adopted by the commissioner of motor vehicles under s. 110.06 (2) shall by reference be made part of any contract for the transportation of public school pupils.

(b) The school board may adopt additional rules, not inconsistent with law or with rules of the commissioner of motor vehicles or the state superintendent, for the protection of the pupils or to govern the conduct of the person in charge of the motor vehicle used for transportation of public school pupils for compensation.

(2) (a) All drivers of motor vehicles owned by the school district and used for the transportation of public school pupils shall be under written contract with the school board of the district.

(b) The owner or lessee of all privately owned motor vehicles transporting public school pupils for compensation shall be under written contract with the school board of the district for which such transportation is provided.

(c) The form of contract shall be prescribed by the state superintendent and shall provide that all parties to the contract are subject at all times to rules adopted by the commissioner of motor vehicles under s. 110.06 (2) and by the state superintendent.

(3) (a) If the contract is made under sub. (2) (b), the contract shall provide that the owner or lessee require his bus drivers, as a condition of employment, to take a physical examination, including a chest X-ray or tuberculin test, and to submit the physical examination report to the school board. If the reaction to the tuberculin test is positive, a chest X-ray shall be required. Freedom from tuberculosis in a communicable form is a condition of employment as a bus driver. Additional physical examinations shall be required thereafter at intervals determined by the school board but at not less than 3-year intervals for each bus driver.

(b) The contract shall provide that a physical examination report may be submitted on forms prescribed by the federal authority regulating motor carriers or the state superintendent and that a copy of a physical examination report obtained for other purposes within one year of the date of the contract may be substituted for the examination, if the report contains substantially the same information required by the state superintendent.

(c) Such physical examinations, chest X-rays or tuberculin tests shall not be required of a bus driver who files with the school board an affidavit setting forth that he depends exclusively upon prayer or spiritual means for healing in accordance with the teachings of a bona fide religious sect, denomination or organization and that he is to the best of his knowledge and belief in good health and that he claims exemption from health examination on these grounds. Notwithstanding the filing of such affidavit, if there is reasonable cause to believe that the bus driver is suffering from an illness detrimental to the health of the pupils, the school board may require a health examination of the bus driver sufficient to indicate whether or not he is suffering from such an illness. No bus driver may be discriminated against by reason of his filing such affidavit.

(4) The use of any motor vehicle to transport pupils shall be discontinued upon receipt of an order signed by the state superintendent or the commissioner of motor vehicles ordering such discontinuance. Personnel under the state superintendent or the commissioner of motor vehicles may ride any public school bus at any time for the purpose of inspection.

NOTE: Restates and rearranges s. 40.53 (7): Sub. (1) (a) restates s. 40.53 (7) (a). Sub. (1) (b) restates s. 40.53 (7) (c). Sub. (2) based on s. 40.53 (7) (b) (1st and 2nd sentences), and makes it clear that both drivers of publicly owned and operators of privately owned vehicles used for transportation of public school pupils shall be under contract with the school board. Sub. (3) (a) based on s. 40.53 (7) (b) (3rd, 4th and 5th sentences) and specifies that the driver of a privately owned school bus must submit the physical examination report to the school board. It further specifies that the bus driver cannot have tuberculosis. Sub. (3) (b) restates s. 40.53 (7) (b) (9th sentence). Sub. (3) (c) restates s. 40.53 (7) (b) (6th, 7th and 8th sentences). The driver of a school district-owned school bus is covered under new s. 118.25. Sub. (4) restates s. 40.53 (7) (d).

121.53 SCHOOL BUS INSURANCE. (1) No motor vehicle may be used as a school bus unless a policy of bodily injury and property damage liability insurance, issued by an insurer authorized to transact business in this state, is maintained thereon. The policy shall provide property damage liability coverage with a limit of not less than \$5,000. The policy also shall provide bodily injury liability coverage with limits of not less than \$10,000 for each person and, subject to such limit for each person, total limits as follows:

(a) \$30,000 for each accident for each such motor vehicle having a seating capacity of 7 passengers or less.

(b) \$40,000 for each accident for each such motor vehicle having a seating capacity of 8 to 15 passengers.

(c) \$50,000 for each accident for each such motor vehicle having a seating capacity of 16 to 24 passengers.

(d) \$75,000 for each accident for each such motor vehicle having a seating capacity of 25 to 36 passengers.

(e) \$100,000 for each accident for each such motor vehicle having a seating capacity of 37 to 49 passengers.

(f) Not less than \$2,000 for each accident for each passenger seat accommodation for each such motor vehicle having a seating capacity of 50 or more passengers.

(2) The policy under this section shall cover the transportation of pupils, their parents or guardians, authorized chaperones, school district officers, faculty and employes and school doctors, dentists and nurses:

(a) To and from the school or school district which operates the school bus or contracts for its operation.

(b) In connection with any extracurricular school activity author-

ized by and made in compliance with s. 121.54 (7). When so used, such insurance shall apply only to accidents occurring in this state and not exceeding 50 miles beyond its boundaries, but the Wisconsin school for the deaf may procure insurance without regard to this mileage limitation.

(3) An insurer issuing a policy under this section may exclude coverage for public or livery use of the school bus, but any such exclusion does not apply:

(a) When the school bus, while regularly used as such, also is used to transport pupils of another public or private school, whether or not a charge is made for such transportation.

(b) When used in accordance with sub. (2), whether or not any person lawfully transported is required to pay a charge therefor.

(4) Every school board shall require that there be filed with it and with the motor vehicle department a certificate of insurance showing that an insurance policy has been procured and is in effect which covers the owner and operator of the school bus and the school board or shall procure an insurance policy and file such certificate with the motor vehicle department. Unless such certificate is on file with the motor vehicle department, no registration plates for a school bus may be issued by the motor vehicle department. No such policy may be terminated prior to its expiration or canceled for any reason, unless a notice thereof is filed with the motor vehicle department and with the school board by the insurer at least 10 days prior to the date of termination or cancellation. The motor vehicle department shall revoke the registration of a school bus on which the policy has been terminated or canceled, effective on the date of termination or cancellation.

(5) Subsections (1) to (4) do not apply to:

(a) A motor vehicle owned or operated by a parent or guardian transporting only his own children, whether or not any contract is made with or compensation paid to the parent or guardian for such transportation by a school board.

(b) A motor vehicle operated by a common carrier certificated under ch. 194, where such motor vehicle is used under contract pursuant to this subchapter, if the common carrier has complied with s. 194.41 or 194.42.

(6) Within 10 days after its occurrence, every accident involving a motor vehicle while providing transportation under this subchapter shall be reported to the appropriate school board and promptly by it to the state superintendent on forms provided by him.

NOTE: Sub. (1) based on s. 40.57 (1) and (2). Sub. (2) based on s. 40.57 (3), and adds a requirement that the policy also cover the transportation of authorized chaperones and all school district officers and employees. Sub. (2) (b) makes it clear that only the Wisconsin school for the deaf can procure insurance for travel beyond the stated limit. This is consistent with the grant of authority in s. 121.54 (7) (a) 3. Sub. (3) restates s. 40.57 (4). Sub. (4) based on s. 40.57 (5) and clarifies that a school board procuring an insurance policy must file a certificate of insurance with the motor vehicle department. Sub. (5) (a) restates s. 40.57 (7). Sub. (5) (b) restates s. 40.57 (9). Sub. (6) based on s. 40.53 (9). Present s. 40.57 (6) deleted because *Holytz v. City of Milwaukee* 17 Wis. (2d) 26 (1962), rendered this provision meaningless.

121.54 TRANSPORTATION BY SCHOOL DISTRICTS. (1) CITY OPTION. Subsections (2) and (6) and s. 121.57 do not apply to pupils who reside in cities, except that where an annual or special meeting of a common school district or a union high school district, or the school board of a city school district or unified school district determines to provide

transportation for such pupils, state aid shall be paid in accordance with s. 121.58.

(2) GENERAL TRANSPORTATION. Except as provided in sub. (1), every school board shall provide transportation to and from school for all pupils who reside in the school district 2 miles or more from the nearest public school they are entitled to attend. An annual or special meeting of a common school district or union high school district, or the school board of a city school district or unified school district may determine to provide transportation for all or part of the pupils who reside in the school district and less than 2 miles from the nearest public school they are entitled to attend, but if transportation is provided for less than all such pupils there shall be reasonable uniformity in the minimum distance that pupils will be transported. A school board may provide transportation for teachers to and from school, subject to the same controls and limitations as apply to the transportation of pupils.

(3) TRANSPORTATION FOR HANDICAPPED. Every school board shall provide transportation for handicapped children, as defined in s. 115.76 (1), to any elementary or high school or to the Wisconsin school for the visually handicapped or the Wisconsin school for the deaf, regardless of distance, if the request for such transportation is approved by the state superintendent. Approval shall be based on whether or not the child can walk to school with safety and comfort. Section 121.53 shall apply to transportation provided under this subsection.

(4) SUMMER CLASS TRANSPORTATION. A school board may provide transportation for pupils residing in the school district and attending summer classes. If the school board provides transportation for less than all pupils, there shall be reasonable uniformity in the minimum and maximum distances pupils are transported.

(5) TRANSPORTATION TO VOCATIONAL SCHOOLS. The school board of a district operating high school grades may provide for the transportation or board and lodging of residents of the school district attending vocational, technical and adult education schools outside the school district who are not high school graduates, are less than 20 years of age and attend such schools full time. The school district shall be paid state aid for such transportation or board and lodging in accordance with s. 121.58. This subsection shall not apply to cases where the distance between a pupil's home and the vocational, technical and adult education school along the usually traveled public highway is more than 15 miles, except where the pupil resides on an approved bus route or where board and lodging are provided.

(6) TRANSPORTATION IN SPECIAL CASES. The school board of a district operating high school grades which, under s. 121.84 (2), must permit a pupil to attend high school outside the school district shall provide transportation for such pupil if he resides 2 or more miles from the high school he attends.

(7) TRANSPORTATION FOR EXTRACURRICULAR ACTIVITIES. (a) A school board may provide transportation for pupils, their parents or guardians, authorized chaperones, school district officers, faculty and employes and school doctors, dentists and nurses in connection with any extracurricular school activity, such as a school athletic contest, school game, school outing or school field trip or any other similar trip when:

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

2. A school operated by the school district has an actual educational interest in such activity;

3. Such use does not extend more than 50 miles beyond the boundary of this state, but this restriction does not apply to any such use by the Wisconsin school for the deaf; and

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

(b) The school board may make a charge for such transportation, to be paid by the persons transported, sufficient to reimburse it for the use of the school bus. If the school bus is operated by a person under contract with the school board under s. 121.52 (2) (b), the school board may authorize a charge for the transportation, to be paid by the persons transported, sufficient to make reimbursement for such use.

(8) PAYMENT OF TRANSPORTATION COSTS. The cost of providing transportation for pupils under subs. (1) to (6) and s. 121.57, shall be paid by the school district in which they reside, and no part of such cost may be charged to the pupils or their parents or guardians.

NOTE: Throughout this section material is deleted which was made obsolete by the requirement that all territory be in a high school district.

Sub. (1) based on s. 40.55. The new cross references are not identical to present cross references, but are intended to clearly indicate the provisions of law which do *not* apply to pupils who reside in cities. The bodies which may authorize transportation for such pupils are specifically enumerated.

Sub. (2) based on s. 40.53 (1). Language declared unconstitutional in *Reynolds v. Nusbaum*, 17 Wis. (2d) 148 (1962), is deleted. Although a proposal, adopted in April 1967, has amended the constitution to authorize the transportation of private school children, court doctrine is that the deleted language "confers no rights, imposes no penalty, affords no protection, is not operative, and in legal contemplation has no existence." [*John F. Jelke Co. v. Beck*, 208 Wis. 650 (1932), and others.] Thus, it will be necessary to enact a new law implementing the constitutional authorization for such transportation. "Where a statute is unconstitutional and void when enacted, the subsequent removal of the constitutional objections thereto does not, by operation of law, give it force and effect." [*Corpus Juris Secundum*, Statutes 305.]

Sub. (3) revises s. 40.53 (2). The last sentence is new and clarifies that the compulsory insurance requirements apply to transportation for handicapped children. "Handicapped children" is substituted in this subsection for "disabled children," to be consistent with uniform language established in ch. 115, subch. IV of this act. The 2nd and 3rd sentences of present s. 40.53 (2) transferred to s. 121.58 (2) (b).

Sub. (4) based on s. 40.99 (2).

Sub. (5) based on s. 40.53 (3).

Sub. (6) restates s. 40.53 (3m).

Sub. (7) revises s. 40.53 (4) and inserts "authorized chaperones" and school district officers and employees. See note to s. 121.53 (2).

Sub. (8) based on s. 40.56 (2)

121.55 METHODS OF PROVIDING TRANSPORTATION. (1) School boards may provide transportation by any of the following methods:

(a) By contract with a common carrier, a taxi company or other parties.

(b) By contract with the parent or guardian of the pupil to be transported. If the school board and the parent or guardian cannot agree upon

the amount of compensation, the state superintendent shall determine the amount of compensation to be designated in the contract.

(c) By contract with another school board or board of control of a co-operative educational service agency.

(d) By contract between 2 or more school boards and an individual or a common carrier.

(e) By the purchase and operation of a motor vehicle.

(2) The term of any contract made under this section shall not exceed 3 years.

NOTE: Restates s. 40.53 (5) and (6).

121.56 SCHOOL BUS ROUTES. The location and extent of public school bus routes shall be determined by the school board of the district operating such routes. Public school bus routes shall be established in such manner that transportation will be provided all pupils residing 2 miles or more from the nearest public school they are entitled to attend, except for those pupils for whom board and lodging is provided. Upon receipt of a signed order from the state superintendent, the school board shall discontinue any route specified by him.

NOTE: Based on s. 40.53 (8), and deletes material made obsolete by the requirement that all territory be in a high school district.

121.57 BOARD AND LODGING OR HOUSE RENTAL IN LIEU OF TRANSPORTATION. (1) (a) If a school board determines it is to the advantage of the school district and if the parent or guardian determines it is to the advantage of the pupil that board and lodging in lieu of transportation be provided for all or part of the time for a pupil of the school district required to be transported or for whom it has been authorized under s. 121.54 (2), the school board shall enter into a written contract under which the pupil shall be properly boarded and lodged and the school board shall pay for such board and lodging. The parent or guardian may select the home in which his child is boarded and lodged. If a school board determines it is in the interest of the school district, it may pay the tuition of a pupil in a school in another school district in lieu of providing transportation to a school in the school district of residence or board and lodging. If the distance from the pupil's home to the school in another school district is 2 miles or more, the school board of the district of residence shall provide transportation.

(b) This subsection also applies to handicapped children. The state superintendent may grant permission for a handicapped child to be transported to a school in another school district if an acceptable form of transportation is provided and if such school offers equal or better educational opportunities for the child.

(2) If a school board determines it is in the interest of the school district to rent a house for the family of children required to be transported in lieu of providing such transportation, it may enter into a written lease for such housing and pay as rental therefore not more than the amount which otherwise would be paid for transportation.

NOTE: Revises and rearranges s. 40.54, and deletes material made obsolete by the requirement that all territory be in a high school district.

121.58 STATE AID. (1) REPORT. In the report filed under s. 120.18 the school district clerk shall include such information as the state superintendent requires on the number of pupils for whom transportation or board and lodging is provided.

(2) **STATE AID FOR TRANSPORTATION.** (a) A school district which provides transportation to and from a public school under ss. 121.54 (1) to (3), (5) and (6) and 121.57 shall be paid state aid for such trans-

portation at the rate of \$24 per school year per pupil transported to and from public school whose residence is at least 2 miles and not more than 5 miles by the nearest traveled route from the public school attended, and \$36 per school year per pupil transported to and from public school whose residence is more than 5 miles by the nearest traveled route from the public school attended. Such state aid shall be reduced proportionately in the case of a pupil transported for less than a full school year because of nonenrollment. State aid for transportation shall not exceed the actual cost thereof. No state aid of any kind may be paid to a school district which charges the pupil transported or his parent or guardian any part of the cost of transportation provided under ss. 121.54 (1) to (3), (5) and (6) and 121.57 or which fails to transport all pupils attending public schools in the school district for whom transportation is required under s. 121.54.

(b) State aid for approved transportation under s. 121.54 (3) shall be paid on the same basis as it is paid for transportation of nonhandicapped children, except that state aid shall be paid for such approved transportation of less than 2 miles at the rate of \$24 per school year per pupil. Such state aid shall be supplemented by the state aid under s. 115.85 in an amount not to exceed the full cost.

(3) STATE AID FOR BOARD AND LODGING. A school district which provides board and lodging or housing under s. 121.57 (2) in lieu of transportation shall be paid state aid for such board and lodging or housing at the rate of not more than \$6 per week of 5 days for each pupil so boarded and lodged or housed, but not to exceed 60% of the cost. For handicapped children such state aid shall be supplemented by the state aid under s. 115.85 in an amount not to exceed the full cost of such board and lodging.

(4) STATE AID FOR SUMMER CLASS TRANSPORTATION. Annually on or before October 1 of the year in which transportation is provided under s. 121.54 (4), the school district clerk shall file with the state superintendent a report, containing such information as the state superintendent requires, on transportation provided by the school board to and from summer classes. Upon receipt of such report and if the summer classes meet the requirements of s. 121.14 (1), state aid shall be paid for such transportation. A school district which provides such transportation shall be paid state aid for such transportation at the rate of \$4 per pupil transported to and from public school whose residence is at least 2 miles and not more than 5 miles by the nearest traveled route from the public school attended, and \$6 per pupil transported to and from public school whose residence is more than 5 miles by the nearest traveled route from the public school attended, if the pupil is transported 30 days or more. The state aid shall be reduced proportionately if the pupil is transported less than 30 days.

(5) STATE SUPERINTENDENT APPROVAL. If the state superintendent is satisfied that transportation or board and lodging was provided in compliance with law, he shall certify to the department of administration the sum due the school district. In case of differences concerning the character and sufficiency of the transportation or board and lodging, the state superintendent may determine such matter and his decision thereon is final.

(6) APPROPRIATION PRORATED. If the appropriation under s. 20.650 (2) (bm) in any one year is insufficient to pay the full amount of approved claims under this section, state aid payments shall be prorated among the school districts entitled thereto.

NOTE: Sub. (1) is based on a report requirement contained in s. 40.56 (1) (1st, 2nd, 3rd and 4th sentences) and deletes obsolete material.

Sub. (2) (a) based on s. 40.56 (3), and deletes unconstitutional language [see NOTE regarding s. 121.54 (2)].

Sub. (2) (b) restates s. 40.53 (2) (2nd and 3rd sentences).

Sub. (3) based on s. 40.56 (4), and deletes material made obsolete by the requirement that all territory be in a high school district. The scope of this subsection is extended to include state aid payment for house rental. The last sentence of present s. 40.56 (4) is deleted because it is unnecessary.

Sub. (4) based on s. 40.99 (3), and affirmatively states the report requirement. The filing date is changed to reflect existing departmental requirements.

Sub. (5) restates s. 40.56 (1) (5th and 6th sentences).

Sub. (6) restates s. 40.56 (5).

Present s. 40.56 (2a) deleted because it was made obsolete by the requirement that all territory be in a high school district.

SUBCHAPTER III. TUITION.

121.76 DEFINITIONS. In this subchapter:

(1) "Pupils in average daily membership" is the sum of actual daily memberships, as expressed by official enrollments, in all schools of the school district for each day of the school term, divided by the number of days school is actually taught. If it contains a fraction, the quotient shall be expressed as the nearest whole number. A first grade pupil may be counted only if he attains the age of 6 years on or before December 1 of the school year in which he enters first grade. A pupil enrolled in kindergarten may be counted only if he attains the age of 5 years on or before December 1 of the school year in which he enrolls. A kindergarten pupil shall be counted as one-half pupil.

(2) "Pupils enrolled" has the meaning set forth in s. 121.07 (1).

NOTE: Sub. (1) revises s. 40.70 (1).

Sub. (2) is new. Both definitions are necessary. Because of changes made by the 1965 legislature, "pupil in average daily membership" has meaning only for the purpose of computing tuition. (See s. 121.82).

121.77 ADMISSION OF NONRESIDENT PUPILS. (1) Every elementary school and high school shall be free to all persons of school age who reside in the school district. If facilities are adequate, a school board shall admit nonresident pupils to the elementary schools of the school district and nonresident pupils who meet the entrance requirements to the high schools of the school district. Nonresident pupils shall have all the rights and privileges of resident pupils and shall be subject to the same rules and regulations as resident pupils. The school board shall charge tuition for each nonresident pupil, except a nonresident pupil having legal settlement, as defined in s. 49.10, in the school district.

(2) Annually on or before August 15, the school district clerk shall file with the state superintendent a certified copy of each tuition claim of the school district.

NOTE: Sub. (1) restates and rearranges s. 40.65 (1) and s. 40.91 (1) and (2) (1st and part of 2nd sentences). Sub. (1) specifically states that the requirement that high school shall be free to resident school age persons also applies to elementary schools.

Sub. (2) revises s. 40.91 (4) (d) and makes the filing requirement applicable to both elementary and high school tuition.

121.78 TUITION PAYMENTS BY SCHOOL DISTRICT. (1) Upon the approval of the state superintendent, the school board of the district

of residence and the school board of the district of attendance may make a written agreement to permit an elementary or high school pupil to attend a public school, including an out-of-state school, outside the school district of residence, and the school district of residence shall pay the tuition.

(2) A school board, upon its own order, may provide for the enrollment of a pupil in a public school located outside this state, if the course of study in such school is equivalent to the course of study in this state and if the school is at least 1½ miles nearer the pupil's home than any public school in this state. The school board shall pay the tuition for such pupil. The cost of such tuition shall be treated as part of the operation and maintenance costs of the school district and it shall be paid state aid as though such pupil was enrolled in the school district of residence. The school board shall pay for the transportation of a pupil so enrolled who resides 2 or more miles from such out-of-state school. The school district shall be paid state aid for the transportation of such pupil as though he had been transported to the school of the school district of residence.

NOTE: Sub. (1) revises s. 40.654 (2). Sub. (2) revises and combines ss. 40.65 (3) (d) and (4) and 40.91 (2) (part of 2nd sentence and 3rd, 4th and 5th sentences). This subsection combines the elementary and high school out-of-state tuition provisions into a single subsection. Reference to a compact in present s. 40.65 (3) (d) which was never implemented is deleted and the session law relating to the compact (ch. 573, laws of 1955) is repealed by this act.

Present s. 40.09 deleted. It authorized the creation of "inter-state school districts." The section was never implemented and is unworkable. It was enacted to handle a situation which is taken care of under s. 121.78 (2).

121.79 TUITION PAYMENTS BY STATE. (1) The state shall pay tuition for children attending public schools in the following cases:

(a) For children in children's homes, from the appropriation under s. 20.650 (2) (b).

(b) For children in foster homes, from the appropriation under s. 20.650 (2) (c).

(c) For mentally handicapped children, including mentally retarded, emotionally disturbed and epileptic children, in foster homes, from the appropriation under s. 20.650 (3) (f).

(d) For children of parents employed at and residing on the grounds of state or federal military camps, federal veterans hospitals or state charitable or penal institutions, from the appropriation under s. 20.650 (2) (cm).

(e) For children in the care, custody or control of the department of public welfare in such public schools in such school districts as the department in the best interests of the children designates, from the appropriation under s. 20.650 (2) (c). Subsection (2) does not apply to these children.

(2) Children under this section shall attend school in the school district in which the home or facility is located.

(3) When transportation is provided for children under this section, state aid shall be paid in accordance with subch. II.

NOTE: Based on s. 40.655.

121.80 TUITION PAYMENTS BY COUNTIES. The county shall pay the elementary and high school tuition of every person of school age who is a child of a parent employed at and residing on the grounds of a county institution. The county board may charge such tuition to the account of the county asylum or the county home.

NOTE: Restates s. 40.657.

121.81 TUITION PAYMENTS BY PARENTS. (1) GENERAL. Before the admission of a nonresident pupil to an elementary or a high school of a school district, the school board of that district shall make a written agreement with the parents for the payment of tuition at the rate established in accordance with this subchapter, except when the tuition is otherwise chargeable under this subchapter or under subch. IV of ch. 115.

(2) **SPECIAL.** (a) A pupil whose parent or legal custodian is a resident of this state but not a resident of the school district may file with the school board of the district a written application for enrollment in the schools of the school district. The application shall be accompanied by a written declaration of the parent or legal custodian that he will establish residence in the school district by a specified time. If facilities are adequate, the school board may permit the pupil to enroll in the schools of the school district, upon prepayment of a tuition fee for 9 school weeks. If the parent or legal custodian establishes residence in the school district within such 9 school weeks, the school board shall refund the tuition fee. If such residence is not established there shall be no refund of the tuition fee but another written application for enrollment may be filed for the next succeeding 9 school weeks and, upon prepayment of a tuition fee for such 9 school weeks, the school board may permit the pupil to re-enroll. If the parent or legal custodian establishes residence in the school district within the second 9 school weeks, the school board shall refund the tuition fee for the second 9 school weeks.

(b) If the parent or legal custodian establishes residence in the school district prior to the expiration of the first 18 school weeks of the school term and if the pupil was enrolled in the school district on the 3rd Friday in September, the pupil shall be considered a resident pupil in computing the state aid paid to the school district.

(c) The parent or legal custodian of a pupil who is enrolled under this subsection shall be responsible for the transportation of such pupil to the school in which he is so enrolled. No state aid may be paid for such transportation.

NOTE: Sub. (1) based on s. 40.654 (1). Sub. (2) based on s. 40.905 (4).

121.82 COMPUTATION OF TUITION. (1) ELEMENTARY GRADES. (a) In computing tuition, 5 school days constitute a school week. No deduction of tuition may be made because of the absence of a pupil, unless the pupil has been absent more than 10 consecutive school days. In case of an absence for more than 10 consecutive school days, deduction shall be made only for the absence in excess of 10 days. If a school is closed pursuant to an order of a health officer during the school term and if operation and maintenance costs are incurred by the school district as if the school were operating, tuition shall be charged as if the school were operating.

(b) Tuition for each nonresident pupil in elementary grades shall be determined for each school year under this paragraph. The county aid shall be subtracted from the total cost of operating and maintaining the elementary grades. The remainder shall be divided by the number of pupils in average daily membership in elementary grades. Total cost includes the salary of the principal and school district administrator for that portion of time devoted to teaching or supervising elementary grades. Total cost also includes an amount for building and equipment costs equal to 2% of the original expenditures, excluding land costs, by the school district for buildings and equipment, as certified by the state superintendent. Such amount shall be included for no more than 50 years in the case of a new building or the unexpired portion of 50 years of life of an old building.

(2) **HIGH SCHOOL GRADES.** Tuition for each nonresident pupil in high school grades shall be determined for each school year under this subsection. County aid, state aid for nonresident pupils, federal aid and the cost of transportation shall be subtracted from the total cost of operating and maintaining high school grades, including interest payments. The remainder shall be divided by the number of pupils in average daily membership in high school grades. Total cost includes either of the following, at the option of the school board:

(a) \$15 per nonresident pupil which shall be deposited and expended under s. 120.10 (10).

(b) An amount for building and equipment costs equal to 2% of the original expenditures, excluding land costs, by the school district prior to January 1, 1945, and 5% for original expenditures, excluding land costs, on and after January 1, 1945, for buildings and equipment, as certified by the state superintendent. Such amount shall be included for no more than 50 years in the case of a building built prior to January 1, 1945, or the unexpired portion of 50 years of life of an old building, and 20 years in the case of a building built on or after January 1, 1945, or the unexpired portion of 20 years of life of an old building. Such amount shall be deposited and expended under s. 120.10 (10) or applied in lieu of taxes authorized by irrevocable tax levies for payment of principal and interest on indebtedness for capital outlay.

(3) **RENT PAYMENTS.** Amounts paid by school districts as rent, which are used to retire indebtedness on the buildings or properties for which the rent is paid, shall not be included in the total cost of operation and maintenance for the purpose of computing tuition.

NOTE: Sub. (1) (a) based on s. 40.65 (2). Sub. (1) (b) based on s. 40.65 (3) (intro.) to (c).

Sub. (2) based on s. 40.91 (4) (a). Section 40.91 (4) (b) and (c) and (5) deleted, because the provisions were made obsolete by the requirement that all territory be in a high school district.

Sub. (3) restates s. 40.71 (11) as it applies to tuition.

121.83 TUITION PAYMENTS FOR SUMMER CLASSES. The tuition for summer classes shall be computed separately for elementary grades and high school grades in accordance with this section. Membership in summer classes shall be determined by dividing the total number of approved classroom or laboratory periods in which each pupil is enrolled by 720. The membership in summer classes shall be added to the estimated number of pupils in average daily membership for the succeeding school term and the estimated cost of operating the summer classes shall be added to the estimated cost of operating the schools of the school district during the succeeding school term. The combined cost shall be divided by the combined membership. The quotient shall be multiplied by the total number of approved classroom or laboratory periods in which the pupil is enrolled, and divided by 720, to determine the tuition charge for each pupil enrolled in summer classes.

NOTE: Based on s. 40.99 (4). A single method of computing tuition payments for both elementary and high school grades is set forth. Although substantially revised and consolidated, the new language employs the same procedure contained in present s. 40.99 (4).

121.84 HIGH SCHOOL; SPECIAL CASES. (1) (a) The school board of a district operating high school grades may permit a pupil who is enrolled in a high school under its jurisdiction and is a resident of the school district at the beginning of the 2nd semester of the school year to complete the school year at the high school without payment of tuition, even though his parents move out of the school district before the close of the school year.

(b) The school board of a district operating high school grades may permit a pupil who has gained 12th grade status in a high school under its jurisdiction and is a resident of the school district at the time of gaining such status to complete 12th grade at the high school without payment of tuition, even though his parents move out of the school district.

(c) The transportation requirement in s. 121.54 (2) shall not apply to transportation beyond the school district boundaries for pupils under this subsection.

(2) The school board of a district operating high school grades shall permit a high school pupil who resides in the school district as the result of school district reorganization and has completed 9th and 10th grades at one high school outside the school district to complete his high school education at such high school. The school board of residence shall pay tuition for such pupil. If the parent or guardian of such pupil has paid tuition in order to enroll such pupil in such high school, the school board of residence shall reimburse the parent or guardian for the tuition upon receipt of a tuition claim within 3 years from the date such tuition was paid.

(3) (a) A reorganized school district, in its first year of operating high school grades, may provide for its 11th and 12th grade pupils on a tuition basis and, in its 2nd such year, may provide for its 12th grade pupils on a tuition basis. The clerk of the school district in which non-resident pupils under this subsection are enrolled shall certify the number of such pupils enrolled to the state superintendent and to the clerk of their school district of residence. The school district of residence shall include such pupils in determining for state aid purposes the total number of pupils enrolled in the school district and if the school district of residence is determined to be an integrated aid district and eligible for state aid under s. 121.12 (1) or 121.13 (1), it shall be paid state aid for such pupils, reduced by any amounts paid for such pupils under ss. 121.09 (3), 121.10 (2), 121.12 (3) and 121.13 (3).

(b) A reorganized school district which has at least one operating high school within its territory and which does not have sufficient building facilities to provide high school educational services for all of the high school pupils residing in the reorganized school district may provide for such high school pupils on a tuition basis for a period of 2 years. The reorganized school district shall be eligible for state aid in accordance with par. (a).

NOTE: Sub. (1) (a) restates s. 40.905 (1). Sub. (1) (b) restates s. 40.905 (2). Sub. (1) (c) like s. 40.905 (3) (last sentence). Section 40.905 (3) (1st sentence) was deleted, because only those pupils enrolled on the 3rd Friday of September are counted in computing state aid payments.

Sub. (2) revises s. 40.91 (3).

Sub. (3) based on s. 40.70 (8), the provisions of which were substantially consolidated and shortened.

SECTION 18. Chapters 123 and 124 of the statutes are renumbered chapters 178 and 179.

SECTION 19. Title XVII (title) of the statutes is amended to read:

TITLE XVII

PARTNERSHIPS AND CORPORATIONS.

(to precede ch. 178)

SECTION 20. 985.05 (1) of the statutes is amended to read:

985.05 (1) The governing body of every municipality not required to have an official newspaper may designate a newspaper published or hav-

as its official newspaper or utilize the same for specific notices. The governing general circulation in the municipality and eligible under s. 985.03 erning body of such municipality may, in lieu of newspaper publication, direct other form of publication or posting under s. 985.02 (2). Other publication or posting, however, shall not be substituted for newspaper publication in proceedings relating to: tax sales; tax sales certificates or tax redemptions; civil annexations, detachments, consolidations or incorporations under ~~s. 40.035 (6) and (7)~~ and chs. 59 to 66; or legal notices directed to specific individuals. If an eligible newspaper is published in the municipality, other publication or posting shall not be substituted for newspaper publication under s. 61.32 or 61.50.

NOTE: Deletes an obsolete cross reference.

SECTION 21. Chapter 573, laws of 1955, is repealed.

NOTE: Repeals a session law setting forth an "interstate compact on public school administration" which was never implemented and is unworkable.

SECTION 22. CROSS REFERENCE CHANGES. In the sections listed in column A below, the cross references to the sections in Column B are changed to the cross references shown in column C:

A		B		C	
Statutes sections		Old cross references		New cross references	
5.60	(4)	40.803	(1) (b) 1	120.44	(2) (a)
13.51	(2) (f)	38.24		119.24	
17.23	(1) (d)	38.24	(8) (d)	119.24	(8) (d)
17.26	(1)	ch. 38		ch. 119	
17.26	(1)	38.03		119.03	
17.26	(1)	40.27	(6)	120.03	(3), 120.43 (6), 120.73 (1)
20.415	(1) (b), as affected by the laws of 1967	39.023	(6)	39.31	
20.415	(1) (c), as affected by the laws of 1967	39.023	(5)	39.30	
20.415	(1) (g), as affected by the laws of 1967	39.023	(7)	39.32	
20.415	(1) (i), as affected by the laws of 1967	39.023	(7)	39.32	
20.415	(1) (n), as affected by the laws of 1967	39.023	(7)	39.32	
20.417	(1) (a)	39.024		subch. I of ch. 39	
20.548	(1) (b)	38.24		119.24	
20.548	(1) (c)	38.24	(12a)	119.24	(12a)
20.548	(1) (u)	38.24		119.24	
20.650	(1) (h)	39.04		115.34	
20.650	(1) (i)	39.02		subch. II of ch. 115	
20.650	(2) (am)	39.022		115.32	
20.650	(2) (b)	40.655	(1) (a)	121.79	(1) (a)
20.650	(2) (b)	40.66 to 40.73		subch. I of ch. 121	
20.650	(2) (b)	40.71	(6)	121.09 and 121.12	
20.650	(2) (bm)	40.53 to 40.56		subch. II of ch. 121	
20.650	(2) (c)	40.655	(1) (b) and (e)	121.79	(1) (b) and (e)
20.650	(2) (cm)	40.655	(1) (c)	121.79	(1) (d)
20.650	(2) (v)	40.71	(12)	121.15	
20.650	(3) (a) 1	39.02	(5b) and (5c)	115.52	(6)
20.650	(3) (b)	41.77		115.57	
20.650	(3) (d)	41.01		subch. IV of ch. 115	
20.650	(3) (d)	41.03		115.85	
20.650	(3) (e)	41.01	(9) and (9a)	115.84	
20.650	(3) (f)	40.655	(1) (d)	121.79	(1) (c)
20.650	(9) (g), as affected by the laws of 1965	39.02		subch. II of ch. 115	
20.850	(1) (u)	40.71	(12)	121.15	
25.09	(2) (a)	40.35	(8)	121.06	(2)
25.17	(1) (wm)	38.24		119.24	
25.17	(3) (bf)	39.023	(7)	39.32	
25.17	(4)	38.24		119.24	
25.17	(5)	38.24	(6)	119.24	(6)
25.28	(3)	38.24	(4) (g)	119.24	(4) (g)

A		B		C	
Statutes sections		Old cross references		New cross references	
25.28	(3)	38.24	(6) (c)	119.24	(6) (c)
25.28	(3)	38.24	(6) (j)	119.24	(6) (j)
25.28	(3)	38.24	(11) (f)	119.24	(11) (f)
28.11	(10)	40.35	(8)	121.17	(8)
37.10	(1)	40.53 to 40.56		subch. II of ch. 121	
41.15	(4)	40.77		118.15	
41.15	(9) (a) 2	40.77		118.15	
41.15	(10)	40.35 (8)		120.17 (8)	
41.15	(10)	40.807 (4a) (b) or (c)		120.58 (1) or (2)	
41.15	(17) (aa)	40.825		120.48 (4)	
41.155	(12) (d)	40.825		120.48 (4)	
41.16	(2m)	40.35 (8)		120.17 (8)	
41.21	(1) (b) 1	40.77 (1) (am)		118.15 (2)	
41.54	(2)	40.91 (4)		121.82 (2)	
41.57	(4)	40.53 to 40.56		subch. II of ch. 121	
41.57	(4)	40.56 (3)		121.58 (2) (a)	
41.60	(1)	ch. 40		chs. 115 and 120	
42.20	(9)	38.24		119.24	
42.49	(10) (b)	39.35		39.35, 1965 stats.,	
42.49	(10) (d)	39.35		39.35, 1965 stats.,	
43.22	(lm)	38.24 (19)		119.24 (19)	
44.04	(1)	40.46 (1)		118.01 (1)	
45.50	(2)	38.24		119.24	
59.07	(1) (e)	40.35 (8)		120.17 (8)	
62.071	(1)	ch. 38		ch. 119	
62.071	(3)	40.20		120.08 (2)	
62.09	(9) (g)	40.80		subch. II of ch. 120	
65.02	(1)	ch. 38		ch. 119	
65.07	(1) (e)	38.16 (1) (a) and (b)		119.16 (1) (a) and (b)	
65.07	(1) (f)	38.16 (1) (a) and (b)		119.16 (1) (a) and (b)	
65.07	(1) (m)	40.22 (17)		120.10 (10)	
65.07	(1) (m)	40.813 (1)		120.56	
66.023	(4)	40.35 (8)		120.17 (8)	
66.023	(5)	40.80 to 40.827		subch. II of ch. 120	
66.03	(2e)	40.80		subch. II of ch. 120	
66.03	(2f)	40.80		subch. II of ch. 120	
66.03	(5)	40.53 to 40.71		ch. 121	
66.042	(5)	38.16 (2)		119.16 (2)	
66.199		40.809		120.49	
66.30	(2m) (e)	40.301		118.27	
66.99	(1) (am)	38.24		119.24	
66.99	(3m)	38.24		119.24	
66.99	(3m)	38.24 (3)		119.24 (3)	
66.99	(3t)	38.24		119.24	
66.99	(3t)	38.24 (3) (d)		119.24 (3) (d)	
67.03	(4)	40.68		120.06 (1)	
67.03	(7)	40.70 (8)		121.84 (3)	
67.04	(1) (y)	ch. 38		ch. 119	
67.04	(1) (y)	40.80 to 40.827		subch. II of ch. 120	
67.04	(1) (y)	41.01		subch. IV of ch. 115	
67.04	(6)	40.61		118.09	
67.05	(3)	40.807 (2)		120.50 (2)	
67.05	(10)	40.80 to 40.827		subch. II of ch. 120	
67.05	(10)	40.815		120.53	
67.12	(2)	40.807 (2)		120.50 (2)	
67.12	(12) (e) 1	40.807 (2)		120.50 (2)	
67.12	(12) (e) 2	40.01 (6)		115.01 (13)	
71.14	(8) (c)	38.24 (20)		119.24 (20)	
72.04	(6)	38.24		119.24	
72.04	(6)	38.27		119.27	
74.03	(5) (d)	40.80 to 40.827		subch. II of ch. 120	
74.03	(8) (f)	40.80 to 40.827		subch. II of ch. 120	
74.03	(9) (f)	40.80 to 40.827		subch. II of ch. 120	
74.031	(8) (d)	40.80 to 40.827		subch. II of ch. 120	
74.031	(11) (f)	40.80 to 40.827		subch. II of ch. 120	
83.10	(3)	40.60		118.08	
86.31	(2) (b)	40.60		118.08	
101.10	(5d)	40.47 (3)		118.07 (2)	
103.24	(2)	40.77 (1) (am)		118.15 (2)	
103.25	(3)	40.77		118.15	
103.30		40.77		118.15	

A		B		C	
Statutes sections		Old cross references		New cross references	
103.68	(1)	40.77	(1) (am)	118.15	(2)
110.06	(4)	ch. 40		chs. 115 to 118, 120 and 121	
119.08	(4) (n), as renumbered	38.24		119.24	
119.09	as renumbered	38.24	(19)	119.24	(19)
119.16	(1) (a), as renumbered	38.28		119.28	
119.16	(4) (c), as renumbered	38.24	(19)	119.24	(19)
119.19	as renumbered	38.24		119.24	
119.24	(19), as renumbered	38.265 and 38.27		119.265 and 119.27	
119.25	as renumbered	38.24		119.24	
119.25	(2), as renumbered	38.24		119.24	
119.26	as renumbered	38.24		119.24	
119.265	as renumbered	38.24		119.24	
119.27	as renumbered	38.24	(19)	119.24	(19)
119.28	(4), as renumbered	38.16	(1) (a) and (b)	119.16	(1) (a) and (b)
138.04	as renumbered	115.05		138.05	
138.05	(5), as renumbered	115.07		138.07	
138.06	(1), as renumbered	115.05		138.05	
138.06	(2), as renumbered	115.05		138.05	
138.06	(3), as renumbered	115.05		138.05	
138.06	(4), as renumbered	115.05	(4)	138.05	(4)
138.06	(5), as renumbered	115.05		138.05	
138.07	(3) (c), as renumbered	115.09		138.09	
138.07	(3) (d), as renumbered	115.09		138.09	
138.07	(3) (e), as renumbered	115.05	(2)	138.05	(2)
138.07	(4), as renumbered	115.07	(3)	sub. (3)	
138.07	(4), as renumbered	115.09		138.09	
138.07	(4), as renumbered	115.09	(1), (2), (3), (4), (4a), (5), (6), (7) (d) and (f), (8), (9), (11)	138.09	(1) to (6), (7) (d) and (f), (8), (9) and (11)
138.09	(3) (e), as renumbered	115.07	(4)	138.07	(4)
138.09	(3) (e), as renumbered	115.09		this section	
138.09	(5) (intro.), as renumbered	115.07		138.07	
138.09	(7) (c), as renumbered	115.07	(3)	138.07	(3)
138.09	(9) (a), as renumbered	115.05		138.05	
138.09	(9) (b), as renumbered	115.07	(3)	138.07	(3)
138.09	(12), as renumbered	115.07	(4)	138.07	(4)
138.09	(14), as renumbered	115.07		138.07	
178.04	(1), as renumbered	123.13		178.13	
178.07	(1), as renumbered	123.06	(1)	178.06	(1)
178.07	(2), as renumbered	123.06	(1)	178.06	(1)
178.07	(3), as renumbered	123.06	(1)	178.06	(1)
178.07	(4), as renumbered	123.06	(1)	178.06	(1)
178.12	as renumbered	123.10 and 123.11		178.10 and 178.11	
178.19	as renumbered	123.18		178.18	
178.26	(6), as renumbered	123.27		178.27	
178.27	(2), as renumbered	123.23 or 123.24		178.23 or 178.24	
178.28	as renumbered	123.29		178.29	
178.28	as renumbered	123.30		178.30	
178.30	(4), as renumbered	123.13		178.13	
178.33	(1), as renumbered	123.31	(2)	178.31	(2)
178.35	(4), as renumbered	123.15	(1)	178.15	(1)
178.36	(5), as renumbered	123.33	(2) (b)	178.33	(2) (b)
178.37	as renumbered	123.36	(1), (2), (3), (5) and (6) or 123.33 (2) (b)	178.33	(2) (b) or (3), (5) and (6)
178.37	as renumbered	123.36	(8)	178.36	(8)
179.01	as renumbered	124.02		179.02	
179.06	(2), as renumbered	124.25	(3)	179.25	(3)
179.08	as renumbered	124.25		179.25	
179.10	(2), as renumbered	124.15 and 124.16		179.15 and 179.16	
179.19	(5), as renumbered	124.25		179.25	
179.19	(7), as renumbered	124.06 and 124.17		179.06 and 179.17	
179.24	(2) (e), as renumbered	124.20		179.20	
179.25	(1) (a), as renumbered	124.02	(1) (a)	179.02	(1) (a)
179.30	(1) (intro.), as renumbered	124.02		179.02	
201.53	(4)	115.07	(4)	138.07	(4)
201.53	(4)	115.09		138.09	
201.53	(5)	115.07	(4)	138.07	(4)
201.53	(5)	115.09		138.09	
206.41	(3) (b)	115.07	(4)	138.07	(4)

A		B		C	
Statutes sections		Old cross references		New cross references	
206.41	(3) (b)	115.09		138.09	
206.41	(10) (a) 9	115.07	(4)	138.07	(4)
206.41	(10) (a) 9	115.09		138.09	
206.63	(2) (c)	115.09		138.09	
206.63	(2) (c)	115.09	(7) (f)	138.09	(7) (f)
209.04	(9) (a) 9	115.07	(4)	138.07	(4)
209.04	(9) (a) 9	115.09		138.09	
214.23		115.09		138.09	
220.02	(3)	115.07 and 115.09		138.07 and 138.09	
220.037	(2)	ch. 115		ch. 138	
220.037	(7)	ch. 115		ch. 138	
220.285	(1)	115.07	(3), 115.09	138.07	(3), 138.09
220.285	(2)	115.07	(3), 115.09	138.07	(3), 138.09
222.14	(1)	ch. 115		ch. 138	
241.09		115.07, 115.09		138.07, 138.09	
340.01	(11) (d)	115.09		138.09	
341.57	(1)	115.09		138.09	
341.57	(2)	115.09		138.09	
342.12	(3) (a)	115.09		138.09	
342.18	(4) (a)	115.09		138.09	
343.38	(1) (c)	40.57		121.53	
344.14	(2) (i)	40.57		121.53	
344.25	(1)	40.57		121.53	
345.05	(3) (f)	40.31		118.26	
409.203	(3)	ch. 115		ch. 138	
985.05	(3)	40.28	(3)	120.11	(4)
985.05	(3)	40.825		120.48	(4)

SECTION 23. TERMS CONTINUED. The terms of all members of appointive and elective bodies continued by this act are not affected by this act.

SECTION 24. EFFECTIVE DATE. This act shall take effect on January 1, 1968.

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CONVERSION TABLE

This table is designed to assist in tracing the various provisions of chs. 39 and 40 and ss. 41.01 to 41.06 and 41.72 to 41.77 into the sections created by this act. The table does not show, except for deletions, what specifically happened to a particular section. To find that information, turn to the new section and the NOTE thereto.

Old Section	New Section	Old Section	New Section
39.01	115.26	(12)	115.31 (3)
39.015	115.27, 115.29 (1)	(13)	115.31 (4)
39.02		(14)	Deleted; see 115.28
(1)	115.28 (1)		NOTE
(2)	115.28 (2)	(15)	115.30 (5)
(3)	115.29 (2)	(16)	115.30 (4)
(4)	115.28 (3)	(17)	Deleted; see 115.28
(5)	115.52 (2) (1st sentence)		NOTE
(5b)	115.52 (6) (part)	(18)	115.28 (6)
(5c)	Deleted; see 115.52	(19)	115.30 (1) (2nd sentence)
	NOTE	(20)	Deleted; see 115.30
(6)	115.28 (4)		NOTE
(7)	115.28 (5)	(21)	115.28 (7)
(8)	Deleted; see 115.28	(21a)	115.29 (3)
	NOTE	(22)	Deleted; see 115.28
(9)	115.30 (1) (1st sentence)		NOTE
(10)	115.31 (1)	(23)	115.31 (5)
(11)	115.31 (2)	(24)	115.28 (8)
		(25)	115.29 (4)

Old Section	New Section	Old Section	New Section
(26)	115.28 (9)	39.57	116.04
(27)	121.06 (2) (part)	39.58	116.05
(28)	Deleted; see 115.28 NOTE	39.59	116.08
(29)	Deleted; see 115.28 NOTE	39.75	39.75
		39.76	39.76
39.022	115.32	40.01	(1) 115.01 (1)
39.023			(2) 115.01 (2)
(1)	39.26 (1)		(3) 115.01 (3) and (4)
(2)	39.26 (2)		(4) 115.01 (5)
(3)	39.28 (2) (1st sen- tence)		(5) 115.01 (12)
(4)	39.28 (2) (last sentence)		(6 (a) to (d)) 115.01 (13)
(5)	39.30		(6) (e) Deleted; see 115.01 NOTE
(6)	39.31		(7) 115.01 (6)
(7)	39.32		(8) 115.01 (7)
(8)	39.28 (1) (last sentence)		(9) 115.01 (8)
(9)	39.28 (1) (1st and 2nd sentences)		(10) 115.01 (14)
(10)	39.29		(11) 115.01 (15)
(11)	39.27		(12) 115.01 (16)
(12)	39.28 (3)		(13) 115.01 (17)
			(14) 115.01 (18)
			(15) 115.01 (11)
39.024		40.02	(1) (intro.),
(1)	39.01		(a) and (b) 116.51 (1)
(2) (a), (b), (c)	39.02		(c) 116.51 (2)
(2) (d), (e)	39.04		(2) (intro.) 116.52 (1)
(3)	39.03		(a) 116.52 (2)
(4)	39.05		(b) 116.52 (3)
39.025	115.30 (2)		(3) 117.02 (2)
39.027	115.30 (3)	40.025	(1) 117.01 (1)
39.03			(2) 117.02 (3)
(1)	115.33 (2)		(3) 117.01 (2) (a)
(2)	115.33 (1)		(4) 117.01 (2) (b)
(3)	115.33 (3) (a)		(5) 117.01 (2) (c)
(4)	115.33 (3) (b)		(6) 117.01 (4) (a) and (c)
(5)	115.33 (3) (c)		(7) 117.01 (6)
39.04	115.34		(8) 117.01 (5)
39.35	Deleted; see 2nd NOTE following s. 39.32		(9) 117.01 (3)
39.51	116.01		(10) 117.02 (1) (c)
39.52	Deleted; see NOTE preceding s. 116.01	40.032	117.08
39.53	Deleted; see NOTE preceding s. 116.01	40.035	117.01 (1) (e) and deleted in part
39.54	116.06	40.05	117.02 (7)
39.545	116.07	40.055	117.02 (8)
39.55		40.07	117.06
(1)	116.02 (1) (a)	40.078	117.07
(2)	116.02 (1) (c)	40.08	
(3)	116.02 (2)		(1) 117.09 (1)
(4)	116.02 (3)		(2) Deleted; see 117.09 NOTE
39.56			(3) (a) 117.09 (2)
(1)	116.03 (1)		(b) 117.09 (3)
(2)	116.03 (2)	40.09	Deleted; see 121.78 NOTE
(3)	116.03 (3)	40.095	
(4)	116.03 (4)		(1) (1st and 4th sentences) 117.04 (1)
(5)	116.03 (5)		(1) (2nd, 3rd, 5th sentences) 117.04 (2)
(6)	116.03 (6)		(1) (last sen- tence) 120.50 (6)
(7)	116.03 (7)		(2) (2nd sen- tence part; remainder deleted) 117.04 (3)
(8)	116.03 (8)		(3) (a) (1st part of 1st sen- tence) 120.75 (1st sentence)
(9)	116.03 (9)		
(10)	116.03 (10)		
(11)	116.03 (11)		
(12)	Deleted; see 116.03 NOTE		
(13)	Deleted; see 116.03 NOTE		
(14)	116.03 (13)		

Old Section	New Section	Old Section	New Section
(a) (1st sentence) (part)	120.73 (1) (a) (part)	(4) (a)	117.05 (3) (b) (1st, 2nd and 3rd sentences)
(a) (last part of 1st sentence and 2nd sentence)	120.72 (1st sentence)	(b) (1st sentence)	117.05 (4) (1st sentence)
(a) (3rd sentence)	120.73 (1) (b) (part)	(b) (2nd sentence)	117.05 (3) (b) (4th sentence)
(a) (last sentence)	120.74 (1)	(c)	117.05 (4) (2nd, 3rd and 4th sentences)
(b)	120.74 (3)	(5)	117.05 (5)
(c)	120.73 (1) (a) (part)	(5a)	117.05 (6)
(d) (1st sentence)	120.73 (1) (b) (part)	(6)	Deleted; see 117.05 NOTE
(2nd sentence)	120.73 (2) (part)	(7)	117.05 (7)
(3rd sentence)	120.73 (2) (part)	(8)	117.05 (1) (a)
(4th sentence)	120.73 (1) (a) (part)	40.13 (1) (a)	117.02 (1) (a)
(5th sentence)	120.73 (1) (a) (part)	(1) (b)	117.02 (1) (b)
(6th sentence)	120.73 (2) (part)	(2)	116.51 (3)
(7th sentence)	120.73 (2) (part)	(3)	117.03 (1)
(last sentence)	120.73 (1) (b) (part)	(4) (intro.) and	
(e)	120.73 (1) (c)	(a)	117.03 (2)
(f) (1st sentence)	120.74 (2)	(b)	117.03 (3)
(f) (last sentence)	120.74 (4)	(c)	117.03 (4)
(4)	120.71 (2)	(5) (a)	117.02 (4) (a)
(5) (1st and 2nd sentences)	120.75 (2nd and 3rd sentences)	(b)	117.02 (4) (b)
(5) (last sentence)	120.75 (5th sentence)	(c)	117.02 (4) (c)
40.10 (1)	117.10 (1)	(d) (1st and 2nd sentences)	117.02 (4) (d)
(2)	117.10 (2) (1st sentence)	(d) (3rd, 4th and 5th sentences)	117.02 (4) (e) (1st and 5th sentences)
(3)	117.10 (2) (2nd sentence)	(e) (1st sentence)	117.02 (4) (h)
(4)	117.10 (3) (1st, 2nd, 3rd and 4th sentences)	(e) (2nd and 3rd sentences)	117.02 (4) (e) (3rd and 4th sentences)
(5)	Deleted; see 117.10 NOTE	(e) (4th sentence)	117.02 (4) (f) (2nd sentence)
(6)	117.10 (3) (5th sentence)	(f)	117.02 (4) (f) (1st sentence)
(7)	Deleted; see 117.10 NOTE	(g)	117.02 (4) (g)
(8)	Deleted; see 117.10 NOTE	(6)	117.02 (5)
40.11	Deleted; see 117.10 NOTE	(7)	117.02 (6)
40.12 (1)	117.05 (1) (a), (b), (c)	40.135 (1)	117.03 (1) (a)
(2) (part)	117.05 (1) (a)	(2)	117.03 (2)
(2) (part)	117.05 (2)	40.14 (1)	Deleted; see 117.05 NOTE
(3) (1st and 2nd sentences)	117.05 (3) (intro.)	(2)	Deleted; see 117.05 NOTE
(3) (3rd sentence)	117.05 (3) (a)	40.15	Deleted; see 117.05 NOTE
		40.16	120.23
		40.18 (1)	117.01 (7)
		(1a)	117.01 (7)
		(2)	Deleted; see 117.01 NOTE
		40.19	119.135
		40.20 (1)	120.08 (1) (part)

Old Section	New Section	Old Section	New Section
(2)	120.08 (1) (part)		(3) (1st sentence)
(3)	120.08 (1) (part)		(last sentence) 120.03 (1) (part)
(4)	120.03 (2) (a) (part)	(5)	Deleted; see 120.02 NOTE
(5)	120.08 (2) (b) (part)	(6)	120.02 (3) (e)
(6)	120.08 (3) (part)	(7)	120.02 (3) (d)
40.21	120.09 (part)	(8)	120.02 (2)
40.22 (intro.)	120.10 (intro.) (part)	40.27	(1) (a) 120.04 (1)
(1)	120.10 (1)		(b) 120.04 (2)
(2)	120.10 (2)		(c) (1st sentence) 120.04 (4)
(3)	Deleted; see 120.10 NOTE		(c) (2nd sentence) 120.04 (7) (2nd sentence)
(4)	120.10 (5) (part)		(d) (1st and 2nd sentences) 120.04 (3)
(5)	120.10 (6) (part)		(d) (3rd and 4th sentences) 120.04 (5) (1st and 2nd sentences)
(6)	120.10 (7)		(e) 120.04 (5) (3rd to last sentences)
(7)	120.10 (8)		(f) (1st sentence) 120.04 (6) (1st sentence)
(8)	120.10 (12)		(f) (2nd sentence) 120.04 (7) (1st sentence)
(9)	120.10 (9)		(f) (3rd sentence) 120.04 (6) (1st sentence)
(10)	120.10 (11)		(g) 120.04 (7) (last sentence)
(11)	120.10 (15) (part)	(2)	(a) 120.05 (2) (a) (part)
(12)	120.10 (13) (part)		(b) 120.05 (2) (a) (part)
(13)	120.10 (14)		(c) 120.05 (2) (b)
(14)	120.10 (3) (part)		(d) 120.05 (4) (intro.) (1st sentence)
(14a)	120.10 (4)		(e) 120.05 (5)
(15)	120.10 (16)		(f) 120.05 (6)
(16)	120.10 (17)		(g) 120.05 (8)
(17) (a)	120.10 (10)		(h) 120.05 (9)
(b)	Deleted; see 120.10 NOTE	(3)	(a) 120.06 (1) (intro.)
(c)	Deleted; see 120.10 NOTE		(b) 120.06 (1) (a)
(18)	120.14 (3)		(c) 120.06 (1) (b) (1st and 2nd sentences)
(20)	120.10 (18)		(d) 120.06 (1) (b) (last sentence)
40.23	(1) Deleted; see 120.14 NOTE		(dm) 120.06 (2) (1st sentence)
(1m)	Deleted; see 120.14 NOTE		(e) 120.06 (2) (2nd and last sentences)
(2)	Deleted; see 2nd NOTE following 120.23		(f) 120.06 (3)
40.24	120.08 (2) (c) (part)		(g) 120.06 (4)
40.25 (1st sentence)	120.03 (5) (a) (part)		(h) 120.06 (7) (part)
(2nd sentence)	120.03 (1) (part) and (2)		(i) 120.06 (7) (part)
(3rd sentence)	120.03 (5) (b)		(j) 120.03 (3) (b)
(4th sentence)	120.03 (3) (intro.) and (a) (part)	(4)	(a) 120.03 (1) (part)
(5th sentence)	120.03 (4) (1st sentence)		(b) 120.06 (5)
(6th sentence)	120.03 (4) (2nd sentence)		(c) 120.04 (6) (2nd sentence),
(last sentence)	120.03 (5) (a) (part)		
40.26	(1) 120.01, 120.42 (part)		
(2)	120.02 (1)		
(3)	120.02 (3) (a) to (c)		
(4) (1st sentence)	120.03 (2) (part)		
(2nd sentence)	120.03 (5) (a) (last sentence)		
(3rd sentence)	120.03 (5) (a) (1st sentence), 120.10		

Old Section	New Section	Old Section	New Section
	120.05 (7) (1st sentence),	(10)	120.13 (11) (a)
	120.06 (6) (1st sentence)	(10c)	120.13 (11) (b)
(d) 1 to 3	Deleted; see 120.03 NOTE	(10m)	118.25
4	120.06 (7) (part)	(11)	120.13 (4) (a)
(e)	120.05 (7) (2nd sentence),	(12)	120.13 (4) (b)
	120.06 (6) (2nd sentence)	(13)	120.13 (12)
(f)	120.03 (8)	(14)	120.13 (3),
(g)	120.03 (1) (part)		120.49 (4) (c)
(h)	120.03 (7)	(15)	120.13 (5)
(i)	120.03 (10)	(16)	120.13 (7)
(j)	120.03 (11)	(17)	120.13 (1)
(k)	120.03 (12)	(17m)	120.13 (8)
(L) (intro.)	120.05 (4) (intro.) (part)	(18)	120.13 (14)
1	120.05 (4) (a)	(19)	120.13 (2),
2	120.05 (4) (b)		120.49 (6)
3	120.06 (7) (part)	(20)	120.13 (16)
(5)	Deleted; see 2nd NOTE following 120.23	(21)	120.13 (9)
(6) (intro.)	120.03 (3) (intro.) (part)	40.301	118.27
(a)	120.43 (6)	40.305	120.19
(b)	120.73 (1) (b) (part)	40.31	118.26
(c)	120.03 (3) (a) (part)	40.33 (intro.)	120.15 (intro.) (part)
(d)	120.03 (3) (a) (part)	(1)	120.15 (1) (part)
(11)	117.01 (4) (d)	(2)	120.15 (2) and (3)
40.28		(3)	120.15 (4)
(1) (1st, 5th, 6th and last sentences)	120.11 (1) (part)	(4)	120.15 (5)
(1) (2nd, 3rd and 4th sentences)	120.11 (2)	40.34	
(2)	120.11 (3)	(1)	120.16 (1)
(3)	120.11 (4)	(2) (intro.)	120.16 (intro.) (part)
(4)	120.03 (9)	(a)	120.16 (2) (part)
40.29		(b)	120.16 (3)
(1)	120.12 (1)	(c)	120.16 (4)
(2)	120.12 (5)	(d)	120.16 (5)
(3)	120.12 (6)	(3)	120.16 (2) (part)
(4)	120.12 (12)	40.35	
(5)	120.12 (8)	(intro.)	120.17 (intro.) (part)
(6)	120.12 (9)	(1)	120.17 (1)
(7)	120.12 (10)	(2)	120.17 (2)
(8)	120.12 (3) (part)	(3)	120.17 (3)
(8a)	120.12 (4)	(4)	120.17 (4)
(9)	Deleted; see 120.12 NOTE	(5)	120.17 (5)
(10)	120.12 (13)	(6)	120.17 (6)
(11)	120.12 (7)	(7) (first part)	120.03 (4) (part)
(12)	120.12 (2)	(7) (last part)	120.17 (7)
(13)	120.12 (11)	(8) (1st and 2nd sentences)	120.17 (8) (a)
(14)	120.14 (1)	(8) (last sentence)	120.17 (8) (b),
40.30			121.06 (2) (part)
(1)	120.14 (2)	(8a)	120.17 (8) (c)
(2)	120.13 (17)	(9)	120.17 (9)
(3)	120.13 (18)	40.40	118.21
(4)	120.13 (20)	40.41	118.22
(5)	120.13 (19)	40.42	
(6)	120.13 (21)	(1)	118.23 (1) (part)
(7)	120.13 (13)		and (2) (part)
(8)	120.13 (6)	(2)	118.23 (2) (part)
(9)	120.13 (10)	(3)	118.23 (3)
		(4)	118.23 (1) (part)
		(5)	118.23 (4)
		(6)	118.23 (1) (part)
		(7)	118.23 (1) (part)
		40.43	
		(1)	118.19 (1)
		(2)	118.21 (2)
		(3)	118.19 (2)
		(3a)	118.19 (3)
		(4)	118.19 (4)
		(5)	118.19 (5)
		(6)	118.19 (6)

Old Section	New Section	Old Section	New Section
40.435	118.20	(9)	121.53 (6)
40.44		40.54	121.57
(1)	118.14	40.55	121.54 (1)
(2) and (3)	118.18	40.56	
40.45		(1) (1st to 4th sentences)	121.58 (1)
(1)	115.01 (9) and (10)	(1) (5th and last sentences)	121.58 (5)
(2)	118.02	(2)	121.54 (8)
40.46		(2a)	Deleted; see 121.58
(1)	118.01 (1)		NOTE
(2)	118.01 (2)	(3)	121.58 (2) (a)
(3) (a)	118.01 (3) (1st and 2nd sentences)	(4)	121.58 (3)
(b) (part; remainder deleted)	41.395	(5)	121.58 (6)
(c)	118.01 (3) (3rd sentence)	40.57	
(4)	118.01 (4)	(1)	121.53 (1) (part)
(5)	118.01 (5)	(2)	121.53 (1) (part)
(6)	118.01 (6)	(3)	121.53 (2)
(7)	118.01 (7)	(4)	121.53 (3)
(8)	118.01 (8)	(5)	121.53 (4)
(9)	118.01 (9)	(6)	Deleted; see 121.53
(10)	118.01 (10)		NOTE
40.47		(7)	121.53 (5) (a)
(1)	118.06	(9)	121.53 (5) (b)
(2)	118.07 (1)	40.60	
(3)	118.07 (2)	(1)	118.08 (1)
40.48		(2)	118.08 (2)
(1)	118.03 (1) (a)	(3)	118.08 (3)
(2)	118.03 (1) (b)	(4)	Deleted; see 118.08
(3)	118.03 (1) (c)		NOTE
(4)	118.03 (1) (d)	40.61	118.09
40.50		40.62	118.11
(1)	118.03 (2)	40.63	118.10
(2)	Deleted; see 118.03	40.65	
	NOTE	(1)	121.77 (1) (part)
(3)	Deleted; see 118.03	(2)	121.82 (1) (a)
	NOTE	(3)	(intro.) to (c) 121.82 (1) (b)
(4)	Deleted; see 118.03	(d) (part)	121.78 (2) (part)
	NOTE	(d) (part)	Deleted; see 121.78
40.51	118.13		NOTE
40.52		(4)	121.78 (2) (part)
(intro.)	121.51 (1) (intro.)	40.654	
(1)	121.51 (1) (a)	(1)	121.81 (1)
(2)	121.51 (1) (b)	(2)	121.78 (1)
40.53		40.655	121.79
(1)	121.54 (2)	40.657	121.80
(2) (1st and last sentences)	121.54 (3)	40.66	121.01 (part)
(2) (2nd and 3rd sentences)	121.58 (2) (b)	40.67	121.02
(3)	121.54 (5)	40.68	121.06 (1)
(3m)	121.54 (6)	40.69	121.01 (part)
(4)	121.54 (7)	40.70	
(5)	121.55 (1)	(1)	121.07 (1), 121.76 (1)
(6)	121.55 (2)	(2)	121.07 (2)
(7) (a)	121.52 (1) (a)	(3)	121.07 (3)
(b) (1st and 2nd sentences)	121.52 (2)	(4)	121.05 (part), 121.07 (5)
(3rd, 4th and 5th sentences)	121.52 (3) (a)	(5) (a)	121.07 (7) (a), 121.08, 121.10 (1)
(6th, 7th and 8th sentences)	121.52 (3) (c)	(b)	121.10
(last sentence)	121.52 (3) (b)	(c)	121.09 (part)
(c)	121.52 (1) (b)	(6)	121.07 (7) (e), 121.13
(d)	121.52 (4)	(7)	121.07 (7) (c), 121.11
(8)	121.56	(7) (a) (last part)	121.02 (2) (e) (part)
		(8)	121.84 (3)
		40.71	
		(2) (part)	121.04

Old Section	New Section	Old Section	New Section
(2) (a) (4th sentence)	121.02 (2) (intro.) (1st sentence)	40.801 (c)	120.41 (2)
(2a)	121.19	(1)	120.41 (1) (part)
(3)	121.21	(2)	120.45
(4)	121.18	40.803 (1) (intro.) (1st sentence)	120.42 (part)
(5)	Deleted; see 2nd NOTE following 121.21	(1st sentence) (part)	Deleted; see 120.42 NOTE
(6) (a) (1st sentence)	121.03	(2nd to 6th sentences)	Deleted; see 120.42 NOTE
(a) (last sentence)	121.17 (1) (a)	(7th sentence)	120.43 (2) (intro.)
(b)	121.02 (2) (part), 121.07 (7) (d), 121.12	(8th sentence)	120.43 (5)
(c)	121.07 (7) (b), 121.09 (part)	(9th sentence)	120.43 (3)
(7) (a)	121.17 (1) (b) (part), 121.17(2)	(10th and 11th sentences)	120.43 (4)
(b)	121.17(1) (b) (part), 121.17(3), 121.02 (1) (d) (part)	(a) (1st sentence)	120.42 (part)
(8)	121.20	(2nd and last sentences)	120.43 (2) (a) and (b)
(9)	Deleted; see 2nd NOTE following 121.21	(b)	120.43 (1) (b), 120.44
(10)	Deleted; see 2nd NOTE following 121.21	(c)	120.46
(11)	121.07 (6) (part), 121.82 (3)	(2)	120.48 (1)
(12)	121.15	(3)	120.48 (2)
40.73	121.16	40.805	Deleted; see 2nd NOTE following 120.58
40.74	(1) (intro.)	40.807	(1) 120.50 (1)
	120.18 (intro.) (part)	(2) (1st, 2nd, 3rd sentences)	120.50 (2)
	(a) 120.18 (1) (part)	(2) (4th and last sentences)	120.50 (4)
	(b) 120.18 (2)	(3)	120.50 (3)
	(c) 120.18 (3)	(4)	120.50 (5)
	(d) 120.18 (4)	(4a) (a)	120.71 (1) (part)
	(e) 120.18 (5)	(4a) (b) and (c)	120.58
	(f) 120.18 (6)	(5)	Deleted; see 3rd NOTE following 120.58
	(g) 120.18 (7)	40.809	(intro.) 120.49 (intro.)
	(h) Deleted; see 120.18 NOTE	(1)	120.49 (1) (part), 120.49 (10)
	(i) 120.18 (8)	(2)	120.49 (3) (a)
(2)	120.18 (intro.) (part)	(3)	120.49 (1) (part)
(3)	120.18 (intro.) (part)	(4)	120.49 (4) (a) (part), 120.49 (4) (b)
(4)	120.18 (1) (part)	(5)	120.49 (5)
40.77	118.15	(6)	120.49 (8)
40.78	118.16	(7)	120.49 (3) (b)
(1)	118.16 (1)	(8)	120.49 (3) (c)
(2)	118.16 (5) (1st sentence)	(9)	120.49 (4) (a) (part)
(3)	118.16 (3)	(10)	120.49 (9)
(4)	118.16 (2) (b)	(11)	120.49 (11)
(5)	118.16 (2) (a)	(12)	120.49 (7) (a)
(6)	118.16 (4)	(13)	120.49 (7) (b)
(7) (a) and (b)	118.16 (5) (2nd to last sentences)	(14)	120.49 (2)
(c)	118.16 (6) (b)	(15)	Deleted; see 120.49 NOTE
(8)	118.16 (6) (a)	40.811	(1) 120.49 (4) (d)
40.79	118.17	(2)	120.55
40.80	(1) 120.41 (1) (part)		
	(2) (a) Deleted; see 120.41 NOTE		
	(b) 120.41 (3)		

40.813	(1)	120.56	(5)	Deleted; see 120.10 NOTE
	(2)	120.51 (1)	(6)	120.22
	(2a)	120.52	40.90	118.145
	(3)	120.51 (2)	40.905	
40.815	.....	120.53	(1)	121.84 (1) (a)
40.817	.....	120.54	(2)	121.84 (1) (b)
40.819	(1)	118.24 (1) (2nd sentence), 120.75 (4th sentence)	(3) (1st sen- tence)	Deleted; see 121.84 NOTE
	(2)	118.24 (3)	(3) (last sen- tence)	121.84 (1) (c)
	(3) (1st and first part of last sentence)	118.24 (2)	(4)	121.81 (2)
	(3) (part of last sentence)	118.24 (4)	40.91	
	(3) (last part of last sentence) Deleted; see 118.24 NOTE		(1)	121.77 (1) (part)
	(4)	Deleted; see 118.24 NOTE	(2) (1st and part of 2nd sen- tence)	121.77 (1) (part)
	(5)	118.24 (5)	(2) (part of 2nd to last sen- tence)	121.78 (2) (part)
40.821	.....	120.57 (1)	(3)	121.84 (2)
40.823	.....	120.57 (2)	(4) (a)	121.82 (2)
40.825	.....	120.48 (4)	(b) deleted	Deleted; see 121.82 NOTE
40.827	.....	120.48 (5)	(c) deleted	Deleted; see 121.82 NOTE
40.85	(1)	120.08 (1), (2) (b), (c), (3) (parts), 120.09 (part)	(d)	121.77 (2)
	(2)	120.08 (1) (part)	(5)	Deleted; see 121.82 NOTE
	(3)	120.05 (1) and pro- visions incorpo- rated in appro- priate subsec- tions of 120.03 to 120.06	40.92	118.24 (1)
	(4)	120.08 (2) (a) (part)	40.93	
40.86	(1)	120.03 (6)	(1)	118.12 (1) (a)
	(2)	120.10 (5) (part), 120.10 (6) (part)	(2)	118.12 (1) (b)
	(3)	120.10 (19)	40.94	118.12 (3)
	(4)	120.10 (15) (part)	40.95	118.12 (2)
	(5)	120.10 (13) (part)	40.98	118.05
	(6)	Deleted; see 120.10 NOTE	40.99	
	(7)	120.10 (intro.) (part)	(1)	118.04
40.87	.....	Provisions incorpo- rated in appro- priate sections of ch. 120, subch. I	(2)	121.54 (4)
40.88	(1)	120.15 (1) (part), 120.17 (8) (part), 120.16 (2) (part)	(3)	121.58 (4)
	(2)	120.17 (8) (part)	(4)	121.83
	(3)	120.17 (8) (part)	(5)	121.14
	(4)	120.12 (3) (part)	41.01	
40.89	(1)	120.12 (14)	(1)	115.80 (1)
	(2) (1st sen- tence)	120.13 (15)	(1m) (a) (1st and 2nd sen- tences)	115.81 (2)
	(2) (last sen- tence)	Deleted; see 2nd NOTE following 120.23	(a) (3rd, 4th, 6th, 7th, 8th, 9th sen- tences)	115.81 (3) (a)
	(3)	120.21 (part)	(a) (5th sen- tence)	115.81 (3) (c)
	(4)	120.21 (part)	(b)	115.81 (3) (b)
			(c)	115.81 (5)
			(d)	Deleted; see 115.81 NOTE
			(e)	115.81 (7) (a)
			(f)	115.81 (6)
			(1r) (a)	115.81 (4)
			(b)	115.81 (9)
			(c)	115.80 (1), 115.81 (2)
			(d)	115.81 (5)
			(e) (1st and 2nd sen- tences)	115.81 (7) (a)

(e) (3rd and 4th sentences)	115.81 (7) (b)		(9a)	115.84 (2)
(f)	115.81 (8)	41.02	. . . . .	115.79
(g)	115.81 (10)	41.03	(1) (intro.) (3rd sentence)	115.82 (6)
(h)	115.82 (1) (a)		(intro.) (part)	115.85 (1)
(2)	115.80 (2)		(intro.) (part)	115.85 (2)
(2a)	115.83		(a)	115.85 (3)
(3)	115.80 (3)		(b)	115.85 (4)
(4) (1st and 3rd sentences)	115.77 (1)		(b) (last sentence)	Deleted; see 115.85 NOTE
(4) (2nd sentence)	115.76 (2)		(c)	115.85 (5)
(4) (4th sentence)	115.76 (3)		(d) (1st sentence)	115.85 (6)
(4) (part of 5th sentence)	115.76 (1)		(d) (last sentence)	115.85 (7)
(4) (part of 5th sentence and 6th, 7th, 8th sentences)	115.77 (2)		(2)	Deleted; see 115.85 NOTE
(4m) (a)	115.77 (5) (a)	41.04	(3)	116.08 (4)
(4m) (b)	115.76 (1)	41.05	. . . . .	115.78
(4m) (c)	115.77 (4)	41.05	. . . . .	Deleted; see 120.57 NOTE
(4m) (e)	115.77 (5) (b)	41.06	. . . . .	Deleted; see 120.57 NOTE
(5) (1st, 2nd, 15th, 16th sentences)	115.82 (1) (b)	41.72		115.52 (1)
(5) (3rd and 14th sentences)	115.82 (5)			(1) (1st sentence)
(5) (4th sentence and 5th sentence)	115.82 (2)		(1) (2nd and last sentences)	115.52 (5) (1st and 2nd sentences)
(5) (6th, 7th, 8th sentences)	115.82 (3) (a)		(2)	115.52 (2) (1st sentence)
(5) (9th and 10th sentences)	115.82 (3) (b)		(3)	115.51
(5) (11th and 12th sentences)	115.82 (3) (c)	41.73	(4)	115.52 (4)
(5) (13th sentence)	Deleted; see 115.82 NOTE		(5)	115.58
(5b)	115.82 (4)		(1) (except 2nd sentence)	115.52 (3)
(5d)	Deleted; see 115.82 NOTE		(1) (2nd sentence)	115.52 (5) (last sentence)
(5m)	Deleted; see 115.82 NOTE		(2)	115.52 (2) (2nd sentence)
(6)	Deleted; see 115.82 NOTE		(3)	115.53 (1)
(7)	Deleted; see 115.82 NOTE		(4)	115.53 (2)
(8) (1st and 2nd sentences)	115.77 (3)		(5)	115.53 (3)
(8) (last sentence)	Deleted; see 115.77 NOTE	41.74	(6)	115.53 (4) (a)
(9)	115.84 (1)	41.75	(7)	115.53 (4) (b)
		41.76	(8)	115.53 (5)
		41.77	(9)	115.53 (6)
				115.54
				115.55
				115.56
				115.57

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