

## CHAPTER 39.

## SCHOOL ADMINISTRATION.

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**39.01 County superintendent of schools.** (1) **ELECTION AND TERM.** A superintendent of schools shall be chosen at the election held in each county on the first Tuesday in April in the year one thousand nine hundred and twenty-nine and every four years thereafter, for the term of four years from the first Monday of July following such election, and shall hold office until his successor shall have qualified, except that in counties having a population of five hundred thousand or more, the county superintendent shall be elected as provided in paragraphs (a) and (b) of subsection (8) of section 5.26.

(2) **ELIGIBILITY.** To be eligible to the office of county superintendent of schools a person must be a resident of the county, have taught eight months in a public school in this state and after July 1, 1929, must hold an unlimited state certificate entitling him to teach in any public school; provided that this last requirement shall not disqualify any person who held the office of county superintendent on June 30, 1929.

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

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

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

(6) **INCOMPATIBILITY OF OFFICES.** The offices of county superintendent of schools and member of the county board of supervisors are incompatible. [1939 c. 291]

**Note:** Unless court determines that constitution fixes term of county superintendent of schools at two years, administrative officials are advised to be guided by the statute fixing term at four years. 20 Atty. Gen. 112. Candidate for office of county superintendent of schools who is resident of city in which school system is managed by city superintendent is eligible to hold such office. 22 Atty. Gen. 172.

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

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

(2) **DIRECT SCHOOL BOARD.** He shall direct the school board to make any alterations and repairs which, in his opinion, shall be necessary to the health, comfort or progress of

the pupils; and to abate any nuisance upon the school premises, provided the same can be done for twenty-five dollars.

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

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

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

(10) **ADULT CITIZENSHIP DAY.** The county superintendents of schools shall annually provide a county-wide educational program for adult citizenship training for Wisconsin citizens who have attained their majority and for those aliens who have become naturalized within the twelve months immediately preceding the third Sunday of May. Said educational program shall consist of lectures, forums and other forms of instruction, allowing free and frank discussion, and conducted in a nonpolitical, nonsectarian, and nonpartisan manner by qualified leaders selected by public school authorities. Said school authorities shall provide such teachers' institutes as will prepare said leaders to conduct said educational program. Such programs shall meet with the approval of the state department of public instruction. The school boards of any city, town or village, or any school district or school districts maintaining a high school, or any local board of vocational and adult education, or any county board may contract with the university of Wisconsin extension division to conduct said educational program including teachers' institutes and citizenship training. Said educational program shall stress the doctrine of democracy upon which American government is based; duties and responsibilities of public servants, elective and appointive; duties, responsibilities and obligations of voters; organization, function and operation of said government. Said educational program shall be climaxed the third Sunday of May with citizenship day, which shall be designated as the occasion upon which Wisconsin citizens welcome said new voters into the electorate with appropriate ceremony. [1933 c. 212 s. 2; 1933 c. 300; 1937 c. 140; 1939 c. 53, 98]

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

**39.05 Educational requirement for teachers' certificate.** Beginning with the school year of 1939-1940 no certificate to teach in any common school shall be issued unless the applicant shall have completed two years of school work beyond the work of the high school, which shall be devoted to pedagogical instruction and training; provided that the state superintendent of public instruction may grant exemptions from this requirement for the school year of 1939-1940 where teachers with qualifications satisfying this requirement cannot be found; provided further, that any teacher who shall have taught in any common school in the school year of 1937-1938 or prior thereto, shall be allowed to continue to teach in the common schools without complying with the requirements of this section. [1937 c. 227; 1939 c. 53]

**Note:** Section 5, Chapter 53, Laws 1939, repealing provisions relating to teachers' certificates, provides: "Teachers' licenses and certificates in force at the time of the effectiveness of this act (July 1, 1939) shall remain

in force for the period for which such licenses and certificates have been issued, unless annulled by the state superintendent for cause." See secs. 14.57 (22) and 39.15, Stats.

**39.06 to 39.09** [Repealed by 1939 c. 53]

**39.10** [Repealed by 1939 c. 231]

**39.11 County superintendents' reports, proceedings thereon.** (1) Each county su-

perintendent shall annually and before September 15th submit to the state superintendent a written report as of June 30th containing a list of the districts and schools under his supervision, an abstract of the reports of school district clerks, and such other facts as may be required by the state superintendent.

(1a) Each city and county superintendent shall obtain information from all schools under their jurisdiction regarding those children from birth to twenty-one years of age residing in such school districts who are physically or mentally handicapped and report such information annually to the state superintendent. If a handicapped child is of school age, but is not attending school, the reason for his nonattendance is to be stated on the required reports.

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

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

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

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

(7) The county superintendent shall send to the clerk of the district, a written report of each personal visit, made by the superintendent, to any school. He shall call the attention of the board to any needed supplies or equipment or needed improvements to the school buildings, outbuildings or grounds. The county superintendent shall send to the district clerk of each school visited by the supervising teacher, a report based on such teacher's report. [1933 c. 212 s. 1; 1937 c. 128 s. 4]

39.12 [Renumbered section 43.20 by 1921 c. 452 s. 8]

39.13 [Repealed by 1923 c. 329 s. 1]

39.14 **Supervising teachers.** (1) **EMPLOYMENT.** The county superintendent shall employ a supervising teacher, and, if there are more than one hundred twenty departments under his supervision, he shall employ two supervising teachers. A single room school shall be considered as one department and a multiple room school shall be considered as having as many departments as there are teachers where each has under his individual control, management, direction and instruction, wholly or principally, a collective body of pupils assembled in a room or rooms and such teacher is wholly or chiefly responsible for such control, management, direction and instruction and whose duty it is to keep a complete and special school register for his room or department.

(2) **COMPENSATION.** The county board shall fix the salary of such teacher which shall be not less than the amount each supervisor is entitled to under a schedule set up by the state superintendent of public instruction for ten months in each year as provided in subsection (7). The supervising teacher shall be reimbursed for actual and necessary expenses incurred in the performance of her duties. The county board shall make provision for the monthly payment of her salary and expenses.

(3) **ELIGIBILITY.** A supervising teacher must hold a state license and have taught three years, at least one of which was in the elementary schools. Such requirements for eligibility shall not apply to supervising teachers now so employed who were formerly employed as supervising teachers.

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

reimbursed for expenses incurred in attending such institute until she shall have filed with the county clerk a certificate of attendance signed by the state superintendent.

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

(6) **REPORT OF COST TO COUNTY.** The county superintendent shall in July of each year make a report to the state superintendent of the name and qualifications of each supervising teacher employed in the county, the number of months employed, the total amount of her salary and actual and necessary expenses paid during the year ending the preceding June 30th and such other facts as may be required by the state superintendent.

(7) **STATE REIMBURSE COUNTY.** On receipt of such report, and it appearing from an actual inspection by direction of the state superintendent that the work of such supervising teacher has been efficient, and that she has devoted her time exclusively to the duties of the position, the state superintendent shall certify in favor of the county which employed her, the amount of the salary paid but not to exceed an amount to which such teacher shall be entitled under a salary schedule for supervising teachers to be adopted and promulgated by the state superintendent of public instruction which shall provide for a salary range of from twelve hundred to seventeen hundred dollars per year, varying with length of service and professional training. The county shall also be entitled to reimbursement for the actual and necessary expenses paid to her in the year preceding, and file it with the secretary of state, whereupon he shall draw his warrant for the amount of the certificate and in favor of the proper county treasurer. [1933 c. 140 s. 3; 1935 c. 322, 342; 1937 c. 250, 277]

**Note:** Where county erroneously hires extra supervising teacher, state superintendent can apportion to county salary and expenses of only one supervising teacher. 22 Atty. Gen. 314.

Salaries for supervising teachers set up by state superintendent of public instruction under (2), are to be followed rather than salaries provided by county board. County superintendent has discretion in employing supervising teachers, and this discretion may

not be interfered with by county board in providing salaries which meet minimum requirements only in schedule set up under (2), where county superintendent desires to hire teachers whose qualifications entitle them to higher salaries under schedule. 27 Atty. Gen. 136.

State aid to counties for salaries of county supervising teachers under (7) should be refused where (2) has been violated in fixing such salaries. 27 Atty. Gen. 232.

**39.15 Teachers' certificates.** (1) If any person desires to teach in any of the common schools he shall procure a certificate from the state superintendent.

(2) It shall be the duty of every person who contracts to teach in any public school to file in the office of the county or city superintendent within ten days after entering into such contract a statement showing the date of expiration and the grade and character of certificate held. The superintendent shall promptly notify the proper school clerk of the receipt of such statement. No order or warrant shall be issued by the clerk of the school board or board of education in payment of the salary of any teacher, unless such teacher shall have complied with the provisions of this subsection. [1939 c. 53]

**39.16 to 39.18** [Repealed by 1939 c. 53]

**39.19 Teachers' institutes.** (1) The county superintendent of schools may each year conduct one or more institutes for the teachers of his district. There shall be no extra compensation and no expense entailed for such institutes. [1933 c. 140 s. 4; 1933 c. 212]

**39.20** [Repealed by 1933 c. 140 s. 1]

**39.21** [Renumbered section 39.16 by 1927 c. 425 s. 26]

**39.22** [Renumbered section 39.26 by 1927 c. 425 s. 31]

**39.23** [Renumbered section 39.17 by 1927 c. 425 s. 27]

**39.24** [Repealed by 1939 c. 53]

**39.25** [Renumbered section 39.03 by 1927 c. 425 s. 13]

**39.26** [Repealed by 1939 c. 53]

**39.27** [Repealed by 1939 c. 53]

**39.275** [Renumbered section 39.29 by 1927 c. 425 s. 34]

**39.276 Industrial arts teachers' certificates.** (1) After January 1, 1936, no state license or certificate to teach industrial arts subjects shall be issued to any person who has not had three years' practical experience beyond apprenticeship, or who has not had four years of institutional training in such fields.

(2) Any person now teaching any industrial arts subject who has had five years' practical or teaching experience in such subject shall be deemed for the purpose of salary schedule and promotion to have the equivalent of a bachelor's degree. [1935 c. 92]

**39.28** [Repealed by 1939 c. 53]

**39.285** [Renumbered section 39.28 by 1927 c. 425 s. 33]

**39.29** [Repealed by 1939 c. 53]

**39.30** [Repealed by 1939 c. 53]

**39.31 Fees for state licenses and certificates.** A fee of two dollars shall be paid to the state superintendent with each application for a license to teach school or for a renewal of such license, or for a state certificate to teach.

**39.32 Revocation of state licenses and certificates.** Any license or certificate to teach, issued by the state superintendent, may be revoked by that officer for incompetency or immoral conduct on the part of the holder, after written notice to him of the charges and of an opportunity for defense.

**39.325** [*Repealed by 1927 c. 425 s. 38*]

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

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

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

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

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

**Note:** Money appropriated under 20.25 (3) belongs to school fund income; superintendent of public instruction may deprive district of right to share it under 39.33 (3). 24 Atty. Gen. 514.

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

**39.40** [*Repealed by 1941 c. 183*]