

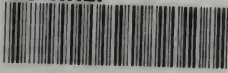
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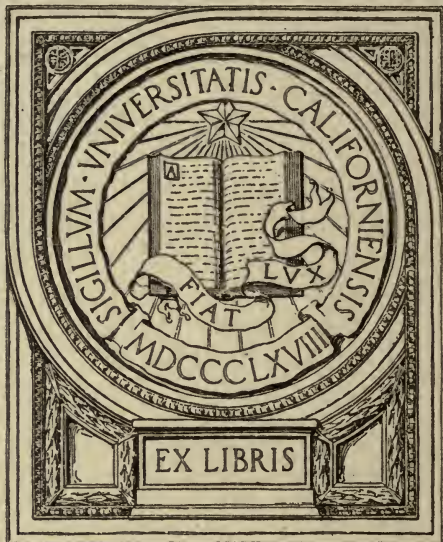
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SCHOOL LAW SUPPLEMENT

GIVING THE

# LAWS RELATING TO COMMON SCHOOLS

AS ENACTED AND AMENDED BY THE

**LEGISLATURE OF 1903.**

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COMPILED BY

**C. P. CARY,**

STATE SUPERINTENDENT.



MADISON, WIS.

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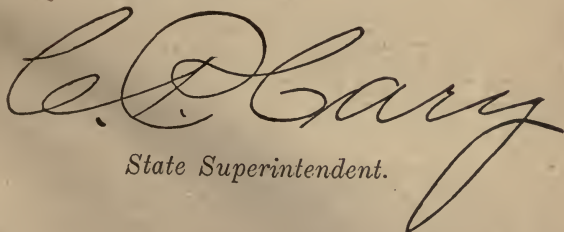
MADISON, WIS., July 20, 1903.

*To School District Clerks:*

This pamphlet gives the laws relating to the schools of this state as enacted by the legislature of 1903. They are furnished in this form in order that they may be easily pasted into the copy of the School Code in your possession. I trust that the comments placed in connection with the different chapters may be helpful in showing what changes were made in the laws as they previously existed and what the requirements now are. It is probably true that very many of the educational laws of 1903 do not apply to your district, but it will be well for you, immediately upon receipt of this pamphlet, to look it through and to study such chapters and the comments made thereon as from their title may appear to apply to your district. If any interpretation is needed at any time, you may rest assured I shall be very glad indeed to answer any inquiries you may make. This supplement with the School Code in your office should be placed in the hands of your successor, at the expiration of your term.

Assuring you of my hearty coöperation at all times, I am,

Very truly yours,



*C. D. Cary*

*State Superintendent.*



## Wisconsin School Laws of 1903.

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**Second grade certificates.** (Chapter 5, Laws of 1903, amending Chapter 439, Laws of 1901.) SECTION 450. Every applicant for a certificate shall be examined in the subjects hereinafter mentioned, for the several grades respectively as follows: For the third grade, in orthoepey, orthography, reading, penmanship, arithmetic, English grammar, geography, the history of the United States, the constitution of the United States, the constitution of the state of Wisconsin, physiology and hygiene with special reference to the effects of stimulants and narcotics upon the human system, the theory and art of teaching, and after January 1st, 1902, in the "Manual of the Elementary Course of Study for the Common Schools of Wisconsin," and in the elements of agriculture; for the second grade in all the foregoing and also in algebra, physical geography, and after July 1st, 1902, in American literature and English composition; for the first grade in all the foregoing and also in physics and plane geometry, and after July 1st, 1902, in English literature and English history. If found qualified said applicant shall receive the certificate appropriate to his grade. A third grade certificate shall entitle the holder to teach for such period not more than one year as may be specified therein, in any town in the superintendent district in which he is examined, except that it may be limited by the county superintendent to one town or school district therein. A second grade certificate shall entitle the holder to teach in any town in such superintendent district and be in force three years from its date, but the county superintendent may limit the same to one year and remove the limitation upon satisfactory evidence that the holder has successfully taught a public school in this state for at least six months.

A first grade certificate shall entitle the holder to teach in any town in such superintendent district and be in force five years from its date; provided, that no such certificate shall be

issued to any person who has not taught successfully for one school year in the public schools of Wisconsin. Whenever a person has taught successfully for one year on such a limited first grade certificate, the county superintendent shall, upon the presentation of satisfactory evidence of such successful teaching, issue to the holder of the limited certificate a first grade certificate good for five years from the date of issue of the limited certificate.

The slight change in this law authorizes the county superintendent to limit a second grade certificate for one year only when issued to a person who has not already taught successfully. This limitation may be removed after such person has taught successfully for at least six months.

**Certification of manual training and domestic science teachers.** (Chapter 64.) SECTION 1. A diploma granted by the board of regents of normal schools to any person who completes the training course for teachers of manual training or of domestic science, established by said board in any of the state normal schools, shall be regarded as a certificate legally qualifying the holder thereof to teach manual training and domestic science respectively for one year in any school forming a part of the public school system. The state superintendent may, after such examination as to moral character, learning and ability to teach, as to him may seem proper, countersign such diploma if, since receiving it, the holder has taught manual training or domestic science in a public school in this state one year, and thereafter such countersigned diploma shall qualify the holder as a teacher of manual training or domestic science as the case may be, until the same shall be annulled.

**Other diplomas; special license.** SECTION 2. The holder of a diploma granted by any manual training school or school of domestic science, upon the completion of a training course for teachers in either subject fully and fairly equivalent to the course of instruction for teachers in the same subjects prescribed by the board of regents of normal schools, may present such diploma, together with the evidence of the required standing of the training school issuing such diploma, to the state board of examiners. The applicant shall furnish therewith testimonials of good moral character and of two years' success-



ful teaching of manual training or domestic science, as the case may be, in the public schools of the state after the date of such diploma. The holder of any such diploma, recommended favorably by the board, shall be entitled to receive a certificate issued by the state superintendent, qualifying the holder as a teacher of manual training or of domestic science, until the same shall be annulled. The holder of a diploma granted upon the completion of a course of study, accredited as herein provided, upon which a state certificate has not been issued, upon the recommendation of the board of examiners made in pursuance of such examination as to learning, moral character and ability to teach as said board may require, may be given a special license by the state superintendent to teach manual training or domestic science as recommended by the board, for two years in the public schools of the state.

This is a new law passed for the purpose of forming a definite basis from which to judge the qualifications of persons employed in this state as special teachers of Manual Training and of Domestic Science. A diploma granted by the normal schools to persons having completed either of these special courses qualifies the holder to teach for one year. After a year of successful work said diploma may be countersigned by the state superintendent, whereupon it has the force and effect of an unlimited state certificate for the above special purposes only. Graduates from other schools of Manual Training and of Domestic Science must send their diplomas to the state superintendent. Upon receipt they will be cared for until the next meeting of the state board of examiners. This board will pass upon the courses of study pursued in the institutions granting such diplomas and if the courses pursued by the applicant have been satisfactory, the state board will recommend the state superintendent to issue a special license. This will legally qualify the holder for two years. At the expiration of two years of successful work the diploma must again be sent to this department and placed before the state board of examiners with evidences of success in teaching and of moral character. If fa-

vorably passed upon at this time by said board, the state superintendent is authorized to issue an unlimited certificate qualifying the holder to teach in any Manual Training department or department of Domestic Science in this state. A catalogue showing the courses of study pursued by the applicant must be filed with the diploma in each case when applying for special license.

**Certificates for kindergarten teachers.** (Chapter 69, Laws of 1903, amending Chapter 347, Laws of 1901.) SECTION 1. The holder of a diploma granted by any kindergarten training school whose course of instruction is fully and fairly equivalent to the course of instruction in kindergarten training prescribed by the board of regents of normal schools in any of the state normal schools, may present such diploma, together with evidence of the required standing of the kindergarten training school issuing such diploma to the state board of examiners. The applicant shall furnish therewith testimonials of good moral character and of two years' successful teaching in a kindergarten in Wisconsin after the date of such diploma. The holder of any such diploma recommended favorably by the board shall be entitled to receive a certificate issued by the state superintendent qualifying the holder to teach in any public kindergarten in the state until the same shall be annulled. The holder of a diploma granted upon the completion of a course of study accredited as herein provided, upon which a state certificate has not been issued, upon the recommendation of the board of examiners made in pursuance of such examination as to learning, moral character and ability to teach as said board may require, may be given a special license by the state superintendent to teach for two years in any public kindergarten in the state.

This chapter as amended permits recognition of diplomas from *unincorporated* institutions as well as those that are *incorporated*.

**Day schools for the deaf; control of.** (Chapter 86, Laws of 1903, amending Section 578, Statutes of 1898.) SECTION 1. Upon application by the board of education of any village or city, made to the state superintendent, he may, by and with the

consent of the state board of control, grant permission to such city or village to establish and maintain within its corporate limits one or more schools for the instruction of deaf mutes who are residents of this state. The board of education of any village or city which shall maintain one or more such schools, shall, through its clerk or secretary, report to such superintendent and board annually, and oftener if they so direct, such facts in relation to such school or schools as they may require. There shall be paid out of the state treasury annually, in the month of July, to the treasurer of every such city or village maintaining such school or schools under the charge of one or more teachers, whose qualifications shall be approved by the state superintendent, the sum of one hundred fifty dollars for each deaf mute pupil instructed in such school or schools at least nine months during the year next preceding the first day of July, and a share of such sum proportionate to the term of instruction of any such pupil as shall be so instructed less than nine months during such year.

This chapter takes the power to organize day schools for deaf mutes in villages and cities from the common council of any city or the board of trustees of a village and gives the authority into the hands of the board of education instead.

**Powers of school boards in cities of the first class.** (Chapter 100, Laws of 1903, amending Section 7, Chapter 186, Laws of 1897.) SECTION 7. The board of school directors of each city in which this act shall be applicable is hereby authorized and required, subject to the approval of the common council, to establish and organize so many public schools, in addition to those already established in such city, as may be necessary for the accommodation of the children of the city entitled by the constitution and laws of the state to instruction therein. The common council upon recommendation and request of the said board of school directors as hereinafter provided, shall erect, purchase, hire or lease buildings, improve or enlarge the same, and purchase furniture and lots for the accommodation of such public schools of said city. The selection of sites for school buildings and the adoption of plans for the erection of school buildings shall be determined by a committee consisting of the president of the common council, the city engineer, the superintendent of schools, the president of the board of school directors, and the chairman of the committee on buildings of



the said board of school directors, who shall be known as the statutory committee on school sites and plans. Their decision shall be subject to the approval of the said board of school directors. The decisions of this committee in the selection of sites and of plans for school buildings, when thus approved, shall be reported to the common council, and shall not be modified or amended by the said common council except as to the amount of money appropriated for the execution of the work, the purchase of sites or the fulfillment of contracts involved. The school houses now erected and the lots on which they are situated, and the lots now or hereafter purchased for school purposes, and the school houses thereon erected shall be the property of the city, and no lot shall be purchased or leased, nor shall any school house be erected without an ordinance or resolution duly passed by the common council. Deeds of conveyance and leases shall be made to the city. The said board of school directors shall also have the power to establish and define from time to time the boundaries of all common and high school districts, in such manner as they may deem best calculated to promote the interests of the schools. The board shall also have the power, subject to the powers and regulations of the city service commission, to employ all janitors necessary in the school houses of their city and to fix their compensation; but the principal of each school shall be custodian of all buildings and rooms occupied by the school over which he presides, and shall have the general supervision over the same, and shall direct the janitor thereof in relation to the keeping and care of such buildings and rooms.

This chapter applies to the city of Milwaukee only.

**Number of school district to be recorded and not changed thereafter.** (Chapter 113, Laws of 1903.) SECTION 1. After the first day of January, 1904, it shall not be lawful for any town board of supervisors or any town board of school directors, or any other officer or officers to change the number of any school district or sub-district, joint or entire.

**Not to be revived.** SECTION 2. If a district or a sub-district is dissolved, or by the exercise of proper authority attached to and made a part of another district or districts, no newly formed district shall, after January 1, 1904, be made to bear the number of the district so dissolved.



This chapter is designed to prevent confusion hereafter in the numbering of school districts, the keeping of school district records by the towns, and to enable a more definite record of dictionaries furnished free to school districts in accordance with the provisions of section 509 as kept in the office of the State Superintendent.

In the case of consolidation of districts the town supervisors shall decide upon the district, the number of which is to be retained and a definite record made in the office of the town clerk.

**Providing for town free high school buildings.** (Chapter 123, Laws of 1903, amending Chapter 27, Statutes of 1898, by the addition of a new section to be known as Section 495a.) SECTION 495a. The electors of any town organized as a town free high school district are authorized at any annual town meeting or special town meeting, regularly called, to levy a tax upon the real and personal property of said town free high school district for the purpose of purchasing a site, erecting a suitable school building thereon, and furnishing said building with the necessary furniture, and heating and ventilating apparatus.

This law was passed for the purpose of authorizing the electors of the town, assembled at some special or annual town meeting, to vote a tax for the purpose of providing for the erection and equipment of a town high school building and for purchasing a site.

**Maintenance of county schools of agriculture and domestic economy.** (Chapter 143, Laws of 1903, amending Section 10, Chapter 288, Laws of 1901.) SECTION 10. Any school established under the provisions of this act, whose courses of study and qualifications of whose teachers have been approved by the state superintendent and the dean of the college of agriculture may, upon application, be placed upon an approved list of county schools of agriculture and domestic economy. A school once entered upon such list may remain listed and be entitled to state aid so long as the scope and character of its work are maintained in such manner as to meet the approval

of the state superintendent; provided, that he shall not place upon said list more than four schools. On the first day of July in each year, the secretary of each county school board maintaining a school on the approved list, shall report to the state superintendent, setting forth the facts relating to the cost of maintaining the school, the character of the work done, the number and names of teachers employed and such other matters as may be required by the county board or the state superintendent. Upon the receipt of such report, if it shall appear that the school has been maintained in a satisfactory manner for a period of not less than eight months, during the year closing on the thirtieth day of the preceding June, the said superintendent shall make a certificate to that effect and file it with the secretary of state. Upon receiving such certificate, the secretary of state shall draw his warrant, payable to the treasurer of the county maintaining such school, for a sum equal to two-thirds the amount actually expended for maintaining such school during the year; provided, that the total amount so apportioned shall not exceed four thousand dollars to any one school any one year; when more than one county has contributed to the support of the school, the secretary of state shall draw his warrant payable to the treasurer of each county for such portion of the state aid as the amount contributed by his county is part of the total amount contributed by all the counties for the support of the school for the preceding year. The secretary of state shall annually include and apportion in the state tax such sum as shall have been so paid.

This chapter provides for two additional county schools of agriculture and domestic economy, and increases the amount which the state may be called upon to pay for each of such schools from one-half to two-thirds the amount expended therefor, but in no case is such amount to exceed \$4,000.00. Two such schools have already been established and are in operation.

**Relating to attendance at school.** (Chapter 189, Laws of 1903, amending Sections 439a, 439b, and repealing Section 439c of the Statutes of 1898.) **SECTION 439a.** Any person having under his control any child between the ages of 7 and 14 years, or any child between the ages of 14 and 16 years not regularly and lawfully employed in any useful employment or

service at home or elsewhere, shall cause such child to be enrolled and to attend some public, parochial or private school regularly, during such period and hours of the calendar year (religious holidays excepted) as the public, parochial or private school in which such child is enrolled may be in session; provided, that in cities such child must attend school not less than 8 calendar months, and in towns, villages, and districts not less than 5 calendar months in each year, and provided further that this section shall not apply to any child not in proper physical or mental condition to attend school, who shall present the certificate of a reputable physician in general practice to that effect, nor to any child who lives in country districts more than two miles by the nearest traveled road from the school which the person having control of such child shall designate. Instruction during the required period elsewhere than at school by a teacher selected by the person having control of such child shall be equivalent to school attendance. Occasional legitimate absence from school attendance or instruction, shall not be deemed a violation of the provisions of this section. Any person who shall violate the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than five dollars nor more than fifty dollars, or by imprisonment in the county jail not exceeding three months for each offense. Any person who shall be proceeded against under the provisions of this section may prove in defense that he is unable to compel the child under his control to attend school or work, and he shall be thereupon discharged from liability, and such child shall be proceeded against as incorrigible, or otherwise, according to law, and in case of commitment, if the parents or person having control of such child desire it, such child shall be committed to a school or association controlled by persons of the same religious faith as such child, which is willing and able to receive and maintain it without compensation from the public treasury. When in any proceeding under this section there is any doubt as to the age of any child, a verified baptismal certificate or a duly attested birth certificate shall be produced and filed with the court. In case such certificates cannot be secured, upon proof of such fact, the record of age stated in the first school enrollment of such child shall be admissible as evidence thereof.

**Duty of officers.** SECTION 439b. In all cities of the first class the board of education or any board having similar pow-



ers, shall appoint three or more truant officers and in all other cities having more than 10,000 population by the last United States or state census, such board shall appoint one or more truant officers whose duty it shall be to see that the provisions of this and the last preceding section are enforced, and when of his personal knowledge, or by report or complaint from any resident of the city, a truant officer believes that any child is unlawfully and habitually absent from school and not otherwise receiving instruction as provided in section 139a as amended, he shall immediately investigate and render all service in his power, acting discreetly, to compel such child to attend some public, parochial or private school which the person having control of the child shall designate, or if over 14 years of age to attend school or become regularly employed at home or elsewhere, and upon failure he shall serve a written notice upon the person having control of such child requiring him to place such child in some public, private or parochial school within five days, and if such person shall fail to comply with such notice without legal excuse within the specified time, the truant officer shall prosecute such person in the manner provided in the preceding section. In all cities having less than 10,000 population by such census, and in all towns, villages and districts the board of education or any board having similar powers, or the district board may appoint one or more truant officers whose duties shall be the same as the truant officers above provided, and in case no truant officer is appointed, these duties shall be performed by the city superintendent of schools in cities having such officers and by the chairman of the board of education or the district board in all other cities, towns, villages and districts. Any truant officer, or other officer whose duties are herein prescribed, who shall fail to comply with or enforce the provisions of this or the preceding section within fifteen days after a written notice has been served upon him by any qualified elector or taxpayer within the district, town, village or city within which the offending person shall reside, shall himself be liable to a forfeiture of not less than ten dollars nor more than twenty dollars for each offense, and any such elector or taxpayer may sue for such forfeiture. Truant officers shall receive only such compensation from the public school funds as may be determined upon by their respective boards and such truant officers shall report all cases of truancy and their action therein to their respective boards within seven days after such action shall have been taken. Any factory inspector or assistant factory inspector appointed by the com-



missioner of the bureau of labor and industrial statistics shall have the power of a truant officer, and shall report all cases of truancy coming to his knowledge to the board of the city, town, village or district in which such truant resides.

This is an important and far reaching law. It changes the period of attendance hereafter required on the part of persons between 7 and 14 years of age from twelve weeks during the year to five calendar months on the part of such persons residing in towns, villages and districts and to eight calendar months on the part of persons residing in cities. The term "calendar month" must be understood to imply "school month" of twenty days including legal holidays.

**Joint school districts.** (Chapter 218, Laws of 1903, amending Section 419a, Statutes of 1898, as amended by Chapter 343 of the Laws of 1901.) SECTION 419a. Whenever an application in writing, describing and clearly setting forth by use of usual and definite terms, and having for its purpose the alteration of the boundaries of any joint school district, signed by at least two members of the board of supervisors of any town in which any part of such joint school district is situated, shall be presented to the chairman of the town, the mayor of the city or president of the board of trustees of the village, in which the school house of such joint district may be situated, such chairman, mayor of the city, or president of the village board, shall, upon receipt of such application or petition, fix a time for the joint meeting of the town board of supervisors, and the city council, or the village board of trustees of all the municipalities in any way affected by said proposed change, which time shall not be less than ten or more than twenty days after the presentation to said officer of such petition or application. The officer to whom the application or petition is presented shall cause a written notice of the time, and place of such meeting to be given to each supervisor, member of the council, or member of the village board of trustees entitled to be present at such meeting, which notice shall be served at least five days prior to the date fixed therefor. Such meeting shall be held at the school house in such joint district, unless some other convenient place shall be designated in the notice. If the chairman of the town, mayor of the city, or president of the board of village trustees, as the case may be,

to whom such application shall be presented, neglect or refuse to fix the time and the place or to give notice for the meeting as provided by this section, or if the supervisors, the city council, or the board of village trustees, or a majority thereof, of any town, city or village in any way interested or affected by the proposed change of school district boundaries, neglect or refuse to be present at such meeting or being present, neglect or refuse to hear and vote upon the application before them, the application shall be deemed denied, and an appeal may be had therefrom in similar manner, and with like effect as in other cases of denial. The provisions of sections 418, 419, 422, and 497, shall, as far as may be applicable, apply to the above proceedings.

**Change of boundaries in joint school districts; application, how made.** SECTION 2. The board of supervisors of any town containing territory, now or hereafter embraced within the boundaries of any joint school district may make the application provided for in section one, whenever in their judgment such alteration will promote the welfare of the pupils residing in such town; and such board shall make such application whenever one-third of the voters residing in such town or two-thirds of the voters residing in that portion of such joint district, situated in such town shall make and file with the town clerk a petition, praying that such alteration be made.

It appears that this law provides another method whereby the boundaries of joint districts may be altered. In any case where such alteration is contemplated it will be wise for the town boards of supervisors, as well as other parties interested, to look up *all* the laws relating to the alteration of district boundaries and formation of new districts, especially sections 413, 415, 418, 419, 419a, 420, 422, 424. The method most easily applied in the particular case should be adopted. It may not be out of place to state that if in any case the town boards of supervisors in any way interested agree to meet, they may do so on their own motion and without any petition. If their proceedings are regular their actions will stand, unless set aside upon an appeal. A petition is deemed necessary only in cases where it is probable that one or more of the board

will *refuse* to act. Section 419a was apparently enacted for the sole purpose of providing a possible remedy by an appeal to the state superintendent. It should also be understood that where the boards meet on their own motion a preliminary meeting must be called for the purpose of issuing the *written* notices, required by section 418 (See Form 8, Page 223 of the School Code). At the time and place for the second meeting the supervisors will have jurisdiction over the subject matter and, consequently, have power to lawfully make any boundary alteration and to make the requisite order if their judgment so dictates.

**Certificates for primary teachers.** (Chapter 222, Laws of 1903.) SECTION 1. All teachers of primary grades only (and the words "primary grades" shall be construed to include nothing beyond the first four years' work in schools working under a course of study requiring at least eight years for its completion), who now hold or may hereafter obtain by examination from the proper examining officer, a certificate of the third or any higher grade, or of a countersigned high school diploma, which, under this act, shall be construed to mean the first grade certificate, may secure a renewal thereof as now provided by law, or may submit to the county or city superintendent, as the case may be, satisfactory evidence of having taught successfully in primary grades of the public schools of this state, as above specified, for at least forty months, in five consecutive years, shall be granted a certificate of the same grade without further examination, upon application to the superintendent of the county or city from which the first certificate was granted, provided, any teacher availing herself of such waiver of examination, shall each year, for a period of at least two consecutive weeks, before each said second or third certificate is issued, attend some school or department thereof specially established for the purpose of giving instruction and training in primary methods of teaching; and it is further provided that certificates may be granted to primary teachers already qualified in one county or city by the examining officer of another county or city, on the transfer of papers as provided in section 450c, laws of 1901.

This is a new law, enacted for the purpose of relieving teach-



ers in primary grades from examination in certain cases and under certain conditions. It is not intended that this law shall renew certificates that have already expired, no matter of what grade, neither does it renew certificates granted by the state normal schools. The provisions of the chapter will be understood by careful reading.

**Alteration of school district boundaries.** (Chapter 266, amending Section 419, Statutes of 1898.) SECTION 419. In all cases where an alteration of the boundaries of a school district shall be made, the town board of supervisors shall, within three days thereafter, give notice thereof by filing a copy of the order so altering said school district, with the town clerk and also with the district clerk of each of the districts affected by such alteration. No alteration of any organized school district shall be made to take effect between the first day of December in any year, and the first day of April following.

Before the passage of this law it was in the power of a school district board to postpone the time when an order made by the town board of supervisors altering the boundary of a school district could take effect. The clause of section 419 giving a district board this power, is omitted and hereafter an order altering school district boundaries may be made to take effect in accordance with the judgment of the supervisors making the order.

**State aid to graded schools.—Average daily attendance.** (Chapter 285, amending Subdivision 2, of Section 9, of Chapter 439, Laws of 1901.) 2. Schools shall be maintained in the district receiving such aid, at least nine school months, including legal holidays, in each and every department. At least three departments in schools of the first class and both departments in schools of the second class shall have an average daily attendance of not less than fifteen pupils for the entire school year, to entitle the school to state aid.

The change made by this chapter is slight. It provides that when any three departments in a state graded school shall have had an average daily attendance of not less than fifteen for



the entire school year the district will be entitled to share in the special apportionment made to graded schools, notwithstanding that a fourth or a fifth department may not have had an average daily attendance of fifteen pupils.

**Election of county or district superintendents.** (Chapter 307, Laws of 1903, amending Section 698 of the Statutes of 1898.)  
**SECTION 698.** At the general election in the year one thousand nine hundred and four and biennially thereafter, there shall be elected in each county for a regular term, the following county officers, viz.: A county clerk, treasurer, sheriff, coroner, clerk of circuit court, district attorney, register of deeds and surveyor. The regular term of office of all such officers shall commence on the first Monday of January next succeeding their election and continue two years; but each such officer, including those now in office, shall hold his office until his successor is qualified.

A superintendent of schools shall be chosen by the qualified electors of each superintendent district in the state of Wisconsin, at the election to be held on the first Tuesday in April in the year one thousand nine hundred and five and biennially thereafter, and said officer shall hold his office for the term of two years from the succeeding first Monday of July. The county or district superintendent chosen at the general election in November, A. D. 1902, or thereafter appointed, shall hold and continue in office as such, until the first Monday in July, A. D. 1905, and their successors shall be chosen as hereinbefore prescribed at the election in April, A. D. 1905. The superintendent of each district shall hold his office until his successor is elected and qualified. The county board of supervisors of every county, at the annual meeting next preceding the election of such superintendent or superintendents, shall fix the amount of salary which shall be received by the superintendent of schools of each superintendent district within said county except the city superintendent of schools of any city, and may allow such actual and necessary traveling expenses within and without the county, as may be reasonable and just; the same to be audited, allowed and paid in the same manner as other claims against the county are audited, allowed and paid.

This chapter changes the time of the election of county superintendents of schools. Hereafter such officers will be elected

at the spring elections. The term of office is not changed except that the superintendents now in office will continue until the first Monday in July, 1905.

**Common school fund.** (Chapter 313, amending Sections 1072a and 554 of the Statutes of 1898, and adding two new sections.) **SECTION 1072a.** There is appropriated annually to the common school fund income an amount equal to seven-tenths of one mill for each dollar of the assessed valuation of the taxable property in the state, as determined by a State Board of Assessment, exclusive of the property of corporations which pay license fees, or which are assessed for taxation by a state board of assessment, to be derived annually as follows: two hundred thousand dollars from the license fees, or taxes paid by said corporations, and the balance from a tax which shall be levied on all other taxable property. The appropriation hereby made shall be taken from the license fees and taxes aforesaid accruing to the state in the month of February in each year, and the amount thereof shall be disbursed in the manner and under the conditions and restrictions provided for disbursements of the common school fund income.

**Apportionment of.** **SECTION 554.** The school fund income shall be apportioned by the state superintendent between the tenth and fifteenth days of December in each year. The amount to be so apportioned shall include all moneys belonging to said fund received prior to the first day of December in the same year, together with the amount thereafter to accrue to such income from the state tax levy made in the same year, and the two hundred thousand dollars to be appropriated from license fees and taxes paid by corporations in February following, under the provisions of section 1072a, and after December, 1903, shall include also the interest receipts thereafter to accrue to said fund from the state tax levy of the same year or to be collected therewith as special charges. Such apportionment shall be made among the several counties, towns, villages and cities according to the number of children in each over the age of four and under the age of twenty years, as shown by the reports made to the State Superintendent for the year preceding, ending June 30th.

**Sections repealed and renumbered.** **SECTION 4.** Section 554 of the statutes of 1898 is hereby amended by striking out the

first two sentences, and renumbering the remainder of such section as amended by chapter 115 of the laws of 1899, so that the same shall be section 554a.

This chapter was passed for the purpose of reducing the amount of the common school income derived from what is commonly known as the one-mill tax. It provides that an amount not to exceed seven-tenths of a mill, based upon the assessed valuation of the property of the state, as fixed by the state tax commission, shall be paid from the state treasury each year to the common schools of the state. This chapter also provides that a specific sum of two hundred thousand dollars shall, for each of the next two years at least, be taken each year from the license fees and taxes paid by corporations. This will reduce the tax levied by the tax commission upon the property of the state to *less* than seven-tenths of a mill each year.

**Legal school holidays.** (Chapter 326, Laws of 1903, amending Section 459 of the Statutes of 1898.) **SECTION 459.** Twenty days of teaching shall constitute a school month unless it be otherwise specified in the contract, and all legal holidays, except the day of any general election, occurring on school days shall be counted although no school be taught; but school taught on legal holidays shall not be counted for two school days, and no Saturday shall be counted. The board may give to any teacher employed, without deduction from his wages, the whole or any part of any time spent by him in attending the sessions of any institute held in the county embracing any part of the district, upon such teacher furnishing to the clerk, to be filed by him, a certificate of regular attendance on such institute, signed by the person conducting the same.

This chapter abolishes general election day (the first Tuesday after the first Monday in November in every even numbered year) as a legal holiday. Legal holidays can only be counted in favor of the teacher or the school district when they occur on school days and when school under other circumstances would be in session. The school holidays now recognized by statute are: January 1st, February 22d, May 30th,



July 4th, Labor Day—usually occurring the first Monday in September in accordance with a proclamation by the Governor—Thanksgiving Day—usually the last Thursday in November—and Christmas Day. When legal holidays occur on Sunday, the following Monday is the holiday.

**Free high school attendance—Tuition, how paid.** (Chapter 329, amendatory of Chapter 188 of the Laws of 1901.) **SECTION 1.** The free high school board of any free high school district organized under the laws of this state, shall admit to the high school under its control, whenever the facilities for seating and instruction will warrant, any person of school age prepared to enter such school, who may reside in any town or incorporated village, but not within any free high school district, and who shall have completed the course of study in the school district in which he resides, or one equivalent thereto. Persons so admitted shall be entitled to the same privileges and be subject to the same rules and regulations as pupils of the school who are residents of the free high school district.

**Tuition fee, statement of.** **SECTION 2.** Whenever persons, not residing in any free high school district and having completed the course of study in the school district in which they reside, or one equivalent thereto, as herein provided, enter any free high school, the free high school board of that district shall be entitled and is hereby authorized to charge a tuition fee for such pupils not to exceed fifty cents per week. On or before the first day of July in each year, the secretary of the free high school board shall make a sworn statement to the clerk of the city, town or village from which any person may have been admitted to said free high school. Said statement shall set forth the residence, name, age and date of entrance to such school, and number of months' attendance during the preceding school year of each person so admitted from such city, town or village; this statement shall show the amount of tuition which, under the provisions of this act, the district is entitled to receive for each person reported as having been a member of the school from such city, town or village, and the aggregate sum for tuition for all persons so admitted from each city, town or village, which statement shall be filed as a claim against the town, city or village where such person resides, and allowed as other claims are allowed.



**Evidence of completion of course of study, what is sufficient.**

**SECTION 3.** The usual diploma issued by any school or school district organized under the laws of the state, shall be sufficient evidence of the completion of the course of study hereinbefore mentioned, and it shall be the duty of the state superintendent, in all cases where a course of study is not already prescribed, to prescribe a course of study and designate what shall constitute a completion thereof under this act. A duplicate of such diploma or a copy thereof duly certified as such, by any of the persons signing the original, shall be delivered upon request to the persons named therein, and shall be filed by him with the secretary of the free high school board of the free high school district, upon his admission to its high school. A certificate from the county superintendent of the completion of such course, or that the diploma hereinbefore referred to has been properly issued to the person named therein, shall have the same effect as such diploma, as evidence of the completion of the course of study. All duplicate diplomas, or certified copies thereof, or certificates of county superintendents so filed, shall be attached to the sworn statement of such secretary hereinbefore provided for.

**Tuition, how collected in villages.** **SECTION 4.** The village clerk shall enter upon the tax roll of the village for the ensuing year such sums as may be due for tuition on account of residents of the village who have attended such free high school or schools, and the amounts so entered shall be collected when and as other taxes are collected, and shall be paid when so collected, to the treasurer of the free high school district or districts, where such persons have attended the free high school or schools.

**How collected in towns.** **SECTION 5.** The clerk of any town not having within its territory a free high school district, shall enter upon the tax roll of the town for the ensuing year such sums as may be due for tuition on account of residents of the town who have attended such free high school or schools, and the amounts so entered shall be collected when and as other taxes are collected, and shall be paid when so collected, to the treasurer of the free high school district where such persons have attended the free high school or schools.

**How collected in portion of town or city not in district.** **SECTION 6.** The clerk of any town or city, a portion of which

constitutes or forms a part of a free high school district, shall enter upon the tax roll for that part of the town or city, not within a free high school district, such sums as may be due for tuition on account of residents of that portion of the town or city, that have attended such free high school or schools, and the amounts so entered shall be collected when, and as other taxes are collected, and shall be paid when so collected, to the treasurer of the free high school district or districts where such persons have attended the free high school or schools.

This law permits persons (a) of school age (b) not residing in a free high school district, and (c) possessed of proper evidence of having completed a common school course of study, to attend any free high school in Wisconsin, where (d) facilities for instruction are sufficient, and (e) subject to the rules and regulations of such school, and makes their tuition not to exceed fifty cents a week, chargeable to the town, city or village in which they reside.

Under "(c)" above the following points are to be noted:

1. The course of study to be completed must be prescribed by the state superintendent, and it is left to him to determine what shall constitute a completion thereof. The course prescribed by him is found in the manual for common schools.

2. Except in city superintendent districts, all public schools except free high schools, are under the supervision of some county superintendent, and all diplomas issued by such schools must receive his sanction in order to be received as evidence that the common school course of study has been completed. He may insist upon examination in all cases, or, as in the case of a system of graded schools under the supervision of a high school principal, he may accept the certificates of the principal without examination.

3. It follows, therefore, that whereas the principal acting under direction of the board has heretofore had the power to determine the qualifications for admission, the power to do so now rests *solely* with the county superintendent.

It would seem that in all cases where a pupil has been in attendance upon a free high school and has completed the work of any year of said high school the records may be taken by the county superintendent as sufficient evidence of the qualification of the pupil to continue high school work, and of his right, if he so desires, to have his tuition made a charge upon the town or village in which he resides. It would also seem that in cases where non-resident pupils complete the work in the 8th or 9th grade in any district having a free high school, the record of such department may be accepted by the county superintendent as evidence of the fitness of such pupil to enter the high school with other pupils of the same class and grade, who are residents of the free high school district.

4. In order that charges for tuition may be collected by a free high school board from the town in which any non-resident student resides, the secretary must, before the first day of July in each year, file a sworn statement with the clerk, giving residence, name, age, date of entrance and number of months' attendance at school of each person so admitted from his town, city or village, together with the amount of tuition charged, such charge not to exceed fifty cents per week.

5. This statement must be accompanied by a diploma, or copy of diploma, or certificate from one who has signed the diploma, or a certificate from the county superintendent. As above shown, this diploma if from a public school under the supervision of the county superintendent, must have been issued by the county superintendent, or have received his sanction in order that it may be received as evidence, that the common school course of study has been completed.

When a certificate or diploma as above described, or a certified copy of either, has once been filed with the clerk, the law will doubtless be satisfied thereafter if other copies are not filed with him with the bill for tuition.

Section 1 states that "persons so admitted shall be subject

to the same rules and regulations as pupils of the school who are residents of the free high school district. This clearly gives the free high school authorities the right to examine all students and to reject any whose qualifications are found to be below the standard set by such school even though the diploma or certificate may be presented.

**County training schools for teachers.** (Chapter 338, Laws of 1903, amending Chapter 373, Laws of 1901, creating five new sections relating to county training schools for teachers.) SECTION 1. The county board of any county within which a state normal school is not located, is hereby authorized to appropriate money for the organization, equipment and maintenance of a county training school for teachers of the common schools.

**Board for; appointments, vacancies, bond, organization.** SECTION 2. A board to be known as the county training school board, is hereby created, who shall have charge and control of all matters pertaining to the organization, equipment and maintenance of such school, except as otherwise provided by law. Said board shall consist of three members, one of whom shall be the county superintendent of schools of the county or district in which the school is located. The other members of the board shall be elected by the county board, for the term of three years from the date of their election. Vacancies existing in the board, from whatever cause, except in the case of the county superintendent, shall be filled by appointment made by the chairman of the county board, if the county board is not in session when such vacancy occurs. If the county board is in session, vacancies shall be filled by election by said board for the unexpired term. Appointments made by the chairman of the county board, as hereinbefore specified, shall be for the time to elapse until the next regular meeting of the county board. Each person appointed or created a member of the county training school board shall within ten days after the notice of such appointment, take and subscribe an oath, to support the constitution of the United States and the constitution of Wisconsin, and honestly, faithfully and impartially to discharge his duties as a member of said board, to the best of his ability, which oath shall be filed in the office of the county clerk. He shall also, within the same time, file a bond in such sum as may be fixed by the county board, which bond shall be filed in the office of



the county clerk. Within fifteen days after the appointment of said board, the members thereof shall meet and organize by electing one of their number as president and one as treasurer; the county superintendent of schools shall be ex-officio secretary of the said board. The said board shall prescribe the duties of the several officers, except as fixed by law.

**Moneys for; how paid.** SECTION 3. All moneys appropriated and expended under the provisions of this act shall be expended by the county training school board, and shall be paid by the county treasurer on orders issued by said board.

**Duty of state superintendent.** SECTION 4. The state superintendent shall give such information and assistance as may seem necessary in organizing and maintaining such training schools. He shall prescribe the courses of study to be pursued, and shall determine the qualifications of all teachers employed in such schools. He shall have the general supervision of all schools established under this act; shall from time to time inspect the same, make such recommendations relating to their management as he may deem necessary, and make such report thereon as shall give full information concerning their number, character and efficiency.

• **State aid for, how secured.** SECTION 5. Any school established under the provisions of this act, whose courses of study and the qualifications of whose teachers have been approved by the state superintendent; may, upon application, be placed upon an approved list of county training schools for teachers. A school once entered upon such list may remain listed and be entitled to state aid so long as the scope and character of its work are maintained in such manner as to meet the approval of the state superintendent; provided, that he shall not place upon said list more than eight schools. On the first day of July in each year the secretary of each county training school board maintaining a school on the approved list, shall report to the state superintendent setting forth the facts relating to the cost of maintaining the school, the character of the work done, the number and names of teachers employed and such other matters as may be required. Upon the receipt of such report, if it shall appear that the school has been maintained in a satisfactory manner for a period of not less than ten months during the year closing on the thirtieth day of the pre-

ceding June, the said superintendent shall make a certificate to that effect and file it with the secretary of state. Upon receiving such certificates, the secretary of state shall draw his warrant, payable to the treasurer of the county maintaining such school, a sum equal to one-half the amount actually expended for maintaining such school during the year, provided that the total amount so apportioned shall not exceed twenty-five hundred dollars in any one school year.

**Certificates to graduates; effect of.** SECTION 6. Any person who shall complete in a satisfactory manner the course of study prescribed for any county training school, and who shall be of good moral character, shall receive a certificate signed by the principal of the school and by the members of the county training school board. Said certificate shall certify that the person named therein has satisfactorily completed the course of study prescribed for the county training school, and is of good moral character; it shall also contain a list of the standings secured by the person on the completion of each of the studies pursued in the school. Such certificate shall have the force and effect of a third grade certificate issued by the county superintendent of the county or district in which the school is located, for the term of three years from the date of its issue. Any school superintendent or officer authorized to grant certificates to teachers in Wisconsin schools is hereby authorized, in his discretion, to accept standings obtained by the completion of studies in any county training school in the state, when duly certified by the principal of said school, in lieu of actual examination by said superintendent or examiner at any time within three years from the date of the certificate of completion of the course by the person desiring to have such standings accepted. This provision shall apply to certificates of third and second grade.

**Joint training school between counties.** SECTION 7. The county board of two or more adjoining counties may unite in establishing and maintaining a training school for teachers for the purposes and on the same general plan as provided for in chapter 373, laws of 1901, and may appropriate money for its maintenance, and whenever two or more counties unite in establishing such a school, the county superintendent of the county in which the schoolhouse is situated shall be ex-officio secretary of the board, and two members in addition shall be

chosen from each county, and no member of any county board of supervisors shall be eligible.

**Cost of joint training school, how apportioned.** SECTION 8. Whenever two or more counties unite in establishing and maintaining such school, the county school board provided for in such cases shall determine the amount of money necessary for the maintenance and equipment of the school for the next succeeding year, and annually thereafter. They shall apportion the amount to be raised by taxation among the counties in proportion to the assessed valuation of the real and personal property in each county as last fixed by the state board of assessment, and shall report to the county clerk of each county on or before the first Monday of November in each year, the amount of the apportionment so fixed, and such amount shall be levied in the county tax of each county for the ensuing year for the support of the school.

**Who shall be treasurer of; money, how expended.** SECTION 9. The county treasurer of the county in which the school is located shall be ex-officio treasurer of the training school board and all moneys appropriated and expended under the provisions of this act shall be expended by the board of said county training school and shall be paid by said county treasurer on orders drawn by the secretary and countersigned by the president.

**Who may be admitted.** SECTION 10. The board of any training school for teachers established under this law in a single county, or by two or more adjoining counties, shall admit to said school, whenever the facilities provided will warrant said board in so doing, any person prepared to enter such school, and who may reside in any county but not within the district where any training school has already been established. Persons so admitted shall be entitled to the same privileges and subject to the rules of the board adopted for the government of such school.

**Tuition of non-residents, how collected.** SECTION 11. Whenever any person not residing in any training school district shall become a student in any training school, the board of such school is hereby empowered to charge a tuition fee for such person to be fixed by a majority of the members of said



board at a regular meeting thereof. The county board of supervisors of the county of which such person is a bona fide resident, is hereby authorized and empowered to provide by tax upon the property of the county, a sum sufficient to provide for the payment of the tuition on account of the residents of said county, who have attended such teachers' training school, and the amounts so levied shall be collected when and as other taxes are collected, and shall be paid by the county treasurer of said county to the county treasurer of the county in which the training school enrolling such person is situated, and the amount so received by such treasurer shall be placed to the credit of the teachers' training school district.

**Appropriation.** SECTION 12. There is hereby appropriated out of any money in the treasury not otherwise appropriated, a sufficient sum to carry out the provisions of this act.

This chapter clearly explains its purpose. It provides that two more county training schools for teachers may be added to the number already in operation, and also that persons residing in counties not having such schools may attend upon payment of a tuition fee.

**Joint high school districts.** (Chapter 345, amending section 491, Statutes of 1898, as amended by Section 1, of Chapter 57 of the Laws of 1899, and also amending section 492 of the Statutes of 1898.) SECTION 491. Two or more adjoining towns or school districts, or one or more towns or school districts and an incorporated village or city, when the same together will make a district of contiguous territory, may unite in establishing and maintaining any such high school. The resolution proposing the same shall be approved and submitted and the notice of election signed by at least a majority of the supervisors of each town, the directors of each school district, the common council of such city and trustees of such village, if any, and the election shall be notified and conducted in each town, school district, city or village as provided in the preceding section. Such resolution shall not be adopted unless a majority of the votes cast in each such town, school district, city or village, be in favor thereof. The votes shall be canvassed at the first election, and all subsequent elections in the several towns as at town meetings, in the several school districts as at annual school district meetings, in the city, if any,



as at a charter election, and in the village, if any, as at village elections; and the supervisors of the several towns, directors of said school districts, common council of such city and trustees of such village shall, within one week after such election, meet and canvass the votes and certify the result to the town clerk of each town, the clerk of each school district, the clerk of such city and to the village clerk of such village. If such resolution be adopted, the town, or towns, school district or school districts and city and village, so voting, shall constitute a joint high school district. The creation of a new town or incorporation of a village out of the territory included in a free high school district shall not dissolve nor otherwise affect such district but such towns or town and village shall thereafter constitute a joint high school district. A town, school district, incorporated village or city contiguous to a free high school district may become joint with such district upon the approval and submission of a resolution proposing the same and the terms thereof, and notice of election signed by a majority of the supervisors of each town, directors of each school district, common council of each city, and trustees of each village, if any, to be affected and the adoption of such resolution by a majority of all the votes cast in each such town, school district, city or village, the election to be had and the result canvassed and determined in the manner provided herein for the organization of a joint high school district in the first instance.

**District officers.** SECTION 492. The officers of each such district shall be a director, treasurer and clerk, whose terms shall be each three years beginning with the annual town meeting, and until his successor shall have been chosen; provided that at the first election the clerk shall be chosen for one year, the treasurer for two years and the director for three years, and all of said officers may be chosen first at the same election at which the question of establishing a high school is submitted, to take their offices if the resolution therefor be adopted. Thereafter such officers shall be elected at the annual town meeting or charter election. The votes cast shall be canvassed and the result declared and certified as provided in the preceding sections. But in all cities not under a county superintendent which now constitute free high school districts or which shall hereafter adopt the resolution provided for in section 490 and become free high school districts, the board of education in each such city shall be the high school board and the

city treasurer shall be ex-officio the treasurer of the high school district unless the board of education embrace a treasurer; and in all districts maintaining a graded school of not less than two departments which now constitute free high school districts or which shall hereafter adopt said resolution, the district board in each shall be the high school board and the district treasurer shall be the treasurer of the high school district. Whenever a subdistrict shall vote to establish and maintain a free high school, such sub-district shall constitute a free high school district, shall elect a free high school board, the clerk for one year, the treasurer for two years, and the director for three years; thereafter one officer shall be elected annually in place of the one whose term expires at the annual meeting of such sub-district, and such high school board shall perform all the duties and have the same authority as high school boards in towns or districts. The clerk shall certify all taxes levied for high school purposes to the town, city or village clerk, who shall apportion the same upon the taxable property of the sub-district, and the treasurers of such municipality shall collect the taxes thus apportioned and pay over the same to the high school treasurer and return the delinquent taxes to the county treasurer as in other cases. Where a high school district consists of two or more towns or school districts, or one or more towns or school districts and an incorporated village or city, the officers thereof shall be elected for the same terms as in other districts by joint vote of the town boards of such towns or the board or boards of the school district or districts, town or towns, and three members selected by the board of the village or council of the city which have united in forming such district. Such town boards shall hold their first meeting to elect officers at two o'clock P. M. on the first Tuesday following the town meeting, at the office of the clerk of the town having the largest population, and thereafter shall meet for such purpose at the same time at such place as may be determined upon. The first meeting of the board or boards of a town or towns or a school district or districts with the members selected by the board of any village or council of any city which forms such a district shall be held at two o'clock P. M. on the first Tuesday next following the village or city election at the office of the clerk of such village or city; all subsequent meetings shall be held at the same time at such place as may be determined upon. A majority of all the members representing such town or towns, school district or districts and such village board or city council shall be necessary to constitute a quorum. The secretary

of the meetings of such boards shall certify the names of the officers of the district elected thereat to all the clerks of the towns, school districts, village or city in the district. The officers so elected shall have the same authority, be charged with the same duties and be under the same liabilities as other officers of such districts.

The amendments to this chapter are for the purpose of making clear the relations existing between an incorporated village or a city and the outlying town or towns in cases where the free high school district is a *joint* school district.

To prescribe and limit the duties and qualifications of city superintendent of schools in cities of the third class (cities having a population of more than 10,000 and less than 40,000) and to provide for his appointment.—To provide for the proper supervision of public schools in cities of the fourth class (cities having a population of 10,000 or less). (Chapter 360.) SECTION

1. In all cities of the third class there may be elected annually by the school board or the board of school commissioners a city superintendent of schools whose duties shall be: 1. To examine and license teachers according to the statutes of 1898 and laws amendatory thereto relating to the same. 2. To supervise the administration of the courses of study. 3. To have general supervision of the professional work of the schools of the city including the holding of teachers' meetings, and the promotion of pupils. 4. From time to time to make a written report to the school board embodying such recommendations relative to the employment of teachers, adoption of text books, changes in the courses of study, discipline, and such other matters as he may deem for the welfare of the city schools. 5. To make such other reports and to perform such other duties as the school board or board of school commissioners may direct and which are not in conflict with the provisions of this act. The school board or board of school commissioners shall determine the annual compensation to be paid said city superintendent of public schools from the school funds of said city.

**Superintendent not to engage in other business.** SECTION 2. This act shall apply to all cities of the third and fourth class whether said cities are governed by special charters or by the



general charter, or are working under the district system of election and government of school affairs. Hereafter, no city superintendent of schools shall engage in any other profession, occupation or pursuit, for such time and in such manner as shall interfere with the proper discharge of his duties as such during the term for which he is elected. A violation of any of the provisions of this section shall subject the offender to removal from office; provided, that this section shall not be construed to bar any city superintendent of schools from being principal of or teaching in any school under his supervision.

**City superintendent, how appointed; school board.** SECTION 3. In all cities of the third and fourth class where the city superintendent of schools at the present time is elected or appointed, in some other manner or by some other body than the school board or board of school commissioners, the office shall cease to exist at the expiration of the term for which the present incumbent was elected, and the duties now prescribed for his office shall be provided for by the school board or board of school commissioners as follows: 1. The duties enumerated in section 1 of this act, formerly devolving on said city superintendent, shall be assumed by the superintendent elected or to be elected by the school board or board of school commissioners; if no city superintendent of schools be so chosen in cities of the third class, and in all cities of the fourth class, the high school principal shall assume and discharge said duties. In those cities within whose limits there shall be more than one high school, the board of education or board of school commissioners shall designate which principal shall assume and execute such duties. 2. The school board or board of school commissioners shall annually choose one of their own number chairman. 3. Said board shall elect a secretary, either of their own number, or not, to perform the clerical duties of the board at such compensation as they may name. The city superintendent of schools chosen by the school board or board of school commissioners shall not be eligible to membership on the school board, nor shall he be president or chairman of said board.

**Eligibility, qualifications required.** SECTION 4. No person shall be eligible to the office of city superintendent of schools whose legal qualifications are not equivalent to those required for the principalship of a four years high school.



This chapter prescribes certain educational qualifications which city superintendents of schools must possess before they are deemed eligible to the office. It also prescribes the duties of city superintendents and the manner of their election. It does not appear that it was the intention of this chapter to arbitrarily place the cities of the fourth class under the supervision of city superintendents and withdraw the said cities from the jurisdiction of the county superintendents. It appears that this chapter was intended to apply only to such cities as were already under the supervision of a city superintendent or such cities as may hereafter, through proper proceedings, voluntarily withdraw from the jurisdiction of county superintendents and place city superintendents in authority.

**Taxation in counties, towns and school districts.** (Chapter 439, amending Section 1074, Sub-division 1, of Section 776, and also Section 730a, Statutes of 1898.) **SECTION 1074.** The county board shall also, at said meeting, determine by resolution the amount of taxes to be levied in their county for county purposes for the year, and also the amount to be raised by tax in each town for the support of common schools therein for the ensuing year, which shall not in any town be less than the amount apportioned to such town in the last apportionment of the income of the school fund; and by separate resolution, adopted by majority of the members of the board not prohibited from voting thereon by section 703, determine the amount of tax to be levied to pay the compensation and allowances of the county superintendents of schools and designate therein the cities exempt from taxation therefor; provided, however, that the total amount of county taxes assessed, levied and carried out against the taxable property of any county in any one year shall not exceed in the whole one-half of one per centum of the total assessed valuation of said county for the preceding year as fixed by the state board of equalization, excepting in so far as a larger percentage may be necessary in order to meet indebtedness incurred prior to the passage and publication of this act.

**Roads and bridges.** 1. To vote to raise money for the repair and building of roads or bridges, or either; for the support of

the poor and defraying all other charges and expenses of the town; provided, however, that the total taxes levied in any town for any one year for all town purposes, exclusive of school taxes and liabilities heretofore lawfully incurred, shall not exceed in the whole, one and one-half per centum of the total assessed valuation of such town for the preceding year, as equalized by the town board of equalization, unless a larger sum is needed for the building or repairing of highways or bridges, in which case the electors may vote and the proper authorities may levy, not to exceed one-half of one per centum in addition to the aforesaid one and one-half per centum; provided, further, that not exceeding one per centum additional may be levied for school purposes when under the township system of school government.

**Limitation of taxes.** SECTION 430a. The total amount of school district tax hereafter levied in any school district in this state in any one year for building, hiring or purchasing any school building, and for the maintenance of schools, including teachers' wages and incidental expenses, shall not exceed two per cent. of the total assessed valuation of taxable property in such school district for the preceding year.

This chapter gives the amount which may be levied by the county board of supervisors, the electors at annual town meetings, and the electors at school district meetings. This chapter should be carefully studied in order that the actions of electors may not be declared void. The school districts are prohibited from raising an amount to exceed two per cent. of the total assessed valuation of the taxable property in the school district for purposes of building, hiring or purchasing a building and maintaining the school, and when under township system of school government are limited to one per cent. of the assessed valuation of the town.

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