

ceive from the trust funds set up for common school fund income.

(3) Such county homes for dependent children or other institutions in which children are received for care, and in which institution or institutions the educational facilities required to be provided by a common school district are maintained upon the basis of a graded school of the first class, may receive the additional state aid to graded, junior, and senior high schools provided in section 40.39, which aid is discretionary with the state superintendent of schools.

SECTION 3. If any part of this act is declared unconstitutional the remainder of this act shall not thereby be invalidated.

SECTION 4. This act shall take effect upon passage and publication.

Approved June 25, 1941.

No. 271, S.]

[Published June 28, 1941.

CHAPTER 300.

AN ACT to amend 40.39 (2) (introductory paragraph) and (b), (3) and 40.87 (3), (4) (b), of the statutes, relating to high school aids and common school equalization aids for schools.

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

SECTION 1. The introductory paragraph and paragraph (b) of subsection (2) and subsection (3) of section 40.39 of the statutes are amended to read:

(40.39) (2) (introductory paragraph) State aid shall be paid annually, on or before December 15 in each year, to districts and cities of *all classes* maintaining one or more 4-year free high schools and *one or more junior high schools offering less than 4-year courses* and to union and consolidated free high school districts and to state graded schools offering high school work on the basis and subject to the conditions set forth in this section.

(b) After payment of aids provided by paragraph (a) of this subsection, any balance of the appropriation provided by

section 20.27 shall be in proportion to the number of pupils (including tuition pupils) in average daily attendance during the preceding school year in the ninth, tenth, eleventh, and twelfth grades of high and *junior high* schools of such common school districts, high school districts, cities of *all classes* and city school districts and in the state graded schools offering high school work.

(3) On or before August 1, the city superintendent or the district clerk in districts where there is no city superintendent, and the clerk of the municipality of residence of children attending out of state schools as provided for by subsection (4) of section 40.47, shall report to the state superintendent, under oath and in such form as the state superintendent may require, the average daily attendance in the ninth, tenth, eleventh, and twelfth grades of free high and *junior high* schools, union free high schools and consolidated high schools and state graded schools offering high school work in the preceding school year, and such other items as the state superintendent may require.

SECTION 2. Subsection (3) and paragraph (b) of subsection (4) of section 40.87 of the statutes are amended to read:

(40.87) (3) For the purposes of subsections (3) and (4) an elementary teacher is defined as one who devotes the whole or the major portion of his time to teaching grades below the ninth, or to teaching in the schools offering advanced courses and operating under section 40.225, and no substitute or part-time teacher shall be counted in determining the amount to be distributed to the several school districts and cities, *excepting only that substitute teachers or part-time teachers teaching continuously for the entire school year beginning in September and ending in June in cities of the first class shall be counted in determining the amount to be distributed to cities of the first class.*

(4) (b) No aid shall be paid to any city, except to a city of the first class, or to any village or town for any school district therein for any year during which such district shall not have maintained a common school taught by a qualified teacher at a salary of not less than \$80 per month and commencing with the school year of 1939-1940 of not less than \$85 per month for at least 9 months; unless the state superintendent

shall be satisfied that such school was maintained and so taught for at least 3 months, and the failure to maintain and so teach it for 9 months was occasioned by some extraordinary cause not arising from intention or neglect on the part of the responsible officers. Time spent by the teacher or teachers of such districts in attendance upon an institute in the county, shown by due reports to have been allowed by the district board without deduction from such teacher's wages, shall be counted as a part of such 9 months. No aid shall be paid to any city of the first class for any * * * board of school directors therein for any year during which such * * * board of school directors shall not have maintained common schools taught by qualified *regular* teachers at salaries of not less than \$120 a month, *and by qualified continuous substitute teachers at salaries of not less than \$95 a month*, for the full period during which such schools * * * were in session during such year as provided by the rules and regulations of such * * * board of school directors; unless the state superintendent shall be satisfied that any failure to so maintain such schools and so teach them for such full period was occasioned by some extraordinary cause not arising from intention or neglect on the part of the responsible officers.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 25, 1941.

No. 290, S.]

[Published June 28, 1941.

CHAPTER 301.

AN ACT to amend 285.05 (1) and (5) of the statutes, relating to the commission for the relief of innocent convicts.

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

SECTION 1. Subsections (1) and (5) of section 285.05 are amended to read:

(285.05) (1) The governor and the * * * *director* of the state * * * *department of public welfare* constitute a commission for the relief of innocent persons who have been convicted of crime. * * *.

(5) The commission shall keep a complete record of its