

CHAPTER 292

AN ACT to repeal 40.77 (2); to renumber 41.20; to renumber and amend 20.930 (1) (a) (lines 58 and 59) and 41.15 (1) and (2); to amend 41.13 (1), (3), (4) and (5), 41.18 (1) and 41.20 (title); to repeal and recreate 41.155 and 41.21 (1) (b) 3; and to create 40.77 (1) (am), 41.146 and 41.20 (2) and (3) of the statutes, relating to the establishment of schools of vocational, technical and adult education.

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

SECTION 1. STATEMENT OF PURPOSE. In order to broaden the educational opportunities for the youths and adults of Wisconsin, the state board of technical and adult education shall establish a program of instruction at institutions throughout this state which will equip all of this state's people to find their place in the competitive labor market of today. This act shall be construed as an enactment of statewide concern for the purpose of establishing a state-wide system of vocational, technical and adult education districts throughout the state.

SECTION 2. 20.930 (1) (a) (lines 58 and 59) of the statutes are renumbered 20.930 (1) (a) (lines 15m and 15n) and amended to read:

20.930 (1) (a)	
15m 20.850 (1) Vocational, <i>technical</i> and adult education, appointed board members -----	100
15n 20.850 (1) Vocational, <i>technical</i> and adult education, director -----	NE 15,000

SECTION 2m. 40.77 (1) (am) of the statutes is created to read:

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

SECTION 2n. 40.77 (2) of the statutes is repealed.

SECTION 3. 41.13 (1), (3), (4) and (5) of the statutes are amended to read:

41.13 STATE BOARD OF VOCATIONAL, TECHNICAL AND ADULT EDUCATION. (1) There is created a "state board of vocational, *technical* and adult education."²² The board shall consist of 11 members, 9

appointed by the governor (3 to be employers of labor, 3 to be skilled employes other than those who have employing or discharging power, and 3 to be persons whose principal occupation is farming and who are actually engaged in the operation of farms), the state superintendent of public instruction or his representative and a member of the industrial commission to be selected by the commission or his representative. A majority of ~~said~~ the board shall constitute a quorum.

(3) ~~Said~~ The board shall have control over all state aid given to schools of ~~vocational and adult education established under ss. 41.15 and 41.155~~; shall meet quarterly and at such other times as ~~may be~~ are found necessary; shall elect its own officers; shall report biennially; may employ a director of ~~vocational and adult education~~ and assistants for the development and supervision of the work of ~~vocational and adult education such schools~~, and shall determine the organization, plans, scope and development of vocational, *technical* and adult education. All salary accounts shall be certified by the director of the board to the department of administration. All positions except that of director of ~~vocational and adult education~~ shall belong ~~to~~ come under the classified civil service.

(4) The board shall co-operate with the U. S. office of education and the federal government in the execution of the provisions of the U. S. vocational education act and any federal statutes pertaining to vocational, *technical and adult* education and amendatory or supplementary acts thereto, and is ~~hereby~~ empowered with full authority so to co-operate. The state treasurer is ~~hereby~~ designated custodian of all funds allotted to this state from the appropriations made by said act, and he shall receive and provide for the proper custody and disbursement of the same in accordance with ~~said~~ the federal statutes.

(5) The state board of ~~vocational and adult education~~ may authorize ~~local~~ boards of vocational, *technical* and adult education *districts* to grant associate degrees in the appropriate areas designated by the state board to students who successfully complete 2 full years of *technical level* post high school instruction in courses the standards of which meet requirements established by the state board. ~~The courses for which an associate degree is authorized must be evaluated by committees appointed by the state board of vocational and adult education and designed to prepare the student for entrance into technical level occupations. The co-ordinating committee for higher education shall determine the collegiate transfer programs and qualifications of personnel therefor. Except in cities having a population of 150,000 or more, no liberal arts collegiate transfer program shall be offered in a vocational, technical or adult education school located in any town, city or village where there is an existing public institution of higher learning.~~

SECTION 4. 41.155 of the statutes is repealed and recreated to read:

41.155 VOCATIONAL, TECHNICAL AND ADULT EDUCATION DISTRICTS. (1) Beginning as soon after the publication date of this section (1965) as practicable, the co-ordinating committee for higher education, in conjunction with the state board of vocational, technical and adult education, shall prepare a proposed master plan for vocational, technical and adult education districts. By July 1, 1970, the state board of vocational, technical and adult education shall act to include all areas in such school districts of vocational, technical and adult education as the state board designates. Prior to July 1, 1970, the governing body of any county, municipality or school district operating a high school may elect, singly or in any contiguous combination, to be constituted a school district as designated by

the state board under this section and, if the state board and the coordinating committee for higher education approve, the district shall be created. Every existing local vocational and adult education board in territory included in a district created under this section shall cease at such time as the state board declares the new district to be created.

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

- (a) Counties.
- (b) Municipalities.
- (c) School districts operating high schools.

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

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

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

(4) Upon the creation of a vocational, technical and adult education district under this section all property, assets, claims, contracts, obligations, rights, duties and liabilities of any nature and kind relating and pertaining to the vocational and adult education schools operated in the territory of the district shall become properties, assets, claims, contracts, obligations, rights, duties and liabilities of such district; except that where the existing vocational and adult education school is operated by a city, village, city operating its school under the city school plan, or a city operating its schools under ch. 38, existing building and equipment used or pertaining to the operation of such school may be transferred to the district or the board may enter into agreements for the use of such facilities.

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

(a) The members shall include 2 employers, who have power to employ and discharge, 2 employees who do not have power to employ or discharge and 2 additional members.

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

(c) The board members shall be appointed by the chairmen or other executive officers of the governing bodies of the units of government included in the district, acting jointly at a time and place in the district fixed by the state board. If the governing bodies of the units initiating the action are all school districts operating high schools, the chairmen of the governing bodies shall be the presidents or chairmen of those school district boards comprising the area. If the governing bodies of the units initiating the action are all counties, the chairmen of the governing bodies shall be the chairmen of the county boards comprising the area. If the governing bodies of the units initiating the action are all municipalities, the chairmen or executive officers of the governing bodies shall be the presidents or chairmen of the school districts operating high schools in which any area of the new district is located. If the governing bodies of the units initiating the action are a combination of high school districts, counties and municipalities, the chairmen or executive officers of the governing bodies shall be the chairmen of the county boards of the counties

in which any part of the district is located. When the state board creates districts the state board shall designate which governing bodies shall participate in the selection of the board members. Such designation shall be consistent with the intent of this subsection. The state board shall give 3 weeks' notice thereof to each governing body; and where there are fewer than 6 units of government in the district, each unit shall have at least one board member. If the district comprises less than 6 units, board members shall be appointed so as to make board representation proportionate to the total population of the several units, so far as possible. If the area comprises more than 6 units, units shall be combined for purposes of appointing board members, and board representation shall be proportionate to the total population of the various units, so far as possible. If no agreement can be reached with respect to board membership and representation within 60 days, the state board shall make the determination. Upon organization, 2 members shall be appointed for 2-year terms and 2 for 4-year terms and 2 for 6-year terms. Such determination shall be by lot. Thereafter, terms shall be for 6 years and until their successors are appointed. At a sufficient time prior to expiration of terms, the secretary of the board shall give notice to the governing bodies for the appointment of successor members on the district board.

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

(6) The board may levy on or before October 1 in any year a tax upon all the taxable property of the district for the purpose of making capital improvements, operating and maintaining schools designated under this section. In any one year the amount of such tax shall not exceed 2 mills on each dollar of equalized valuation. The secretary of the district board shall deliver to the clerk of each municipality in which any part of the district is located, a certified statement showing the amount of taxes voted and the amount of taxes to be collected in that year for the payment of any loan and the portion of such taxes to be assessed in that part of the district within the municipality which proportion shall be ascertained from the full valuation certified to him by the department of taxation. Upon receipt of such report the clerk of each such municipality shall place the same on the tax roll to be collected as are other taxes, and such money when collected shall be paid to the treasurer of such district.

(7) The district board may incur indebtedness for the acquisition of sites, buildings and equipment for the operation of the school and levy taxes for such capital outlay and interest. For purposes of this section, the purposes and specific limitations of bond issues as provided in s. 67.04 (6) shall apply. The procedure for bond issues under this section shall be controlled by s. 67.05.

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

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

(c) No state aid granted to schools under this section and no money appropriated by the county, city, town, village or school district for these schools shall be spent without the approval of the board.

(9) The board shall employ and fix the compensation of a director for the development and supervision of the work of vocational, technical

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

(10) The board may purchase machinery, tools and supplies, and purchase or lease suitable grounds or buildings for the use of such schools; rent to others any portion of such buildings and grounds not presently needed for school purposes; and erect, improve or enlarge buildings for the use of said schools. Existing school buildings and equipment shall be used as far as practicable. In a county where there is a county teachers college or joint county teachers college which is to be phased out of existence prior to July 1, 1970, the board shall utilize the existing buildings and equipment of such colleges to the extent possible. All conveyances, leases and contracts shall be in the name of the district.

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

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

(b) All contracts made by the board for construction work involving the expenditure of \$3,000 or more and all contracts for the purchase of materials, supplies and equipment not to be used for new construction work where the estimated cost is \$3,000 or more shall be awarded to the lowest competent responsible bidders. In respect to any such contracts the board shall advertise for sealed proposals based upon a plan or profile of the work to be done and specifications therefor, or other appropriate sufficient description of the work required to be done, and the kinds or qualities of materials, equipment and supplies to be furnished, which shall be first placed on file in the office of the board for the information of bidders. The board may submit alternative plans and specifications for any contemplated public work or purchase as provided in s. 62.15 (8). Such advertisement shall be published as a class 2 notice under ch. 985. The time fixed for opening of bids on work or materials that require engineering, design or fabrication shall not be earlier than 40 days after the availability of contract documents and the first publication of advertisement for bids. The board at its option may call for competitive bids on advertised notice or for informal bids on plans and specifications without such notice when the amounts of the expenditures involved are less than \$3,000 for construction work and less than \$3,000 for the purchase of materials, supplies and equipment not to be used for new construction work. A performance bond in the principal amount of the contract shall be required in such cases and on all contracts let by the board.

(c) All proposals shall be directed to the board and shall be accompanied by a surety bid bond executed by a surety corporation licensed to transact business in this state in a penal sum to be fixed by the board in dollars, but the amount thereof shall not be less than 5% nor more than 10% of the estimated cost of the construction work or the materials, equipment or supplies. In lieu of such bid bond, the bidder may accompany his bid with a certified check, a bank cashier's check or cash in the amount required by the board. In case the bidder awarded the contract fails or refuses to execute the contract and performance bond, the amount of the

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

(d) The board shall be subject to s. 40.825.

(13) The board may assist in the formation of advisory committees in every occupation in the locality. Each committee shall consist of equal numbers of employers and employees selected from candidates submitted by representative organizations or associations of each occupation, and may be called upon by the board and by the administrator for advice and assistance in the selection, purchase and installation of equipment, in the preparing of lessons, in developing methods of instruction, in the development of vocational guidance, in following up young persons after they leave school and for such other purposes as are found desirable.

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

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

SECTION 5. 41.146 of the statutes is created to read:

41.146 TRANSPORTATION, LOCAL. Any governing body organized under s. 41.15 (9) (ba) or (d) or 41.155 may provide transportation

for students within its district or area. No state aid shall be paid for this service.

SECTION 6. 41.15 (1) and (2) of the statutes are renumbered 41.13 (8) and (9) and amended to read:

41.13 (8) ~~In order To establish, foster and maintain a system of vocational, technical and adult education for instruction in trades and industries, commerce, agriculture, home economics, general and civie education courses approved by the state board~~ in part-time and full-time day or evening classes, a system of vocational, technical and adult education is established. It is the intent of this section that every person 14 16 years of age or over who can profit thereby shall be eligible to attend such tax-supported instruction under the rules established by the state board of vocational and adult education.

(9) ~~In order~~ To establish the requirements for the distribution of state aids, the determination of credits and other administrative processes, the state board shall establish criteria for ~~and~~, classify the schools of vocational, technical and adult education ~~and designate the names of such schools~~ established by the local boards as:

- (a) Vocational evening schools;
- (b) Schools of vocational, technical and adult education.

SECTION 7. 41.18 (1) of the statutes is amended to read:

41.18 (1) The schools of vocational, technical and adult education shall be open to all residents of the municipalities or districts in which such schools are located, who are 14 16 years of age and who are not by law required to attend other schools, and to all persons over 14 16 years of age employed in said municipalities or districts, but who are residents of other municipalities or districts maintaining schools of vocational and adult education; ~~provided, .~~ Such nonresidents shall ~~present the written approval of~~ notify the local board of vocational and adult education of their home municipality or district. The schools of vocational and adult education shall be open to all persons 14 16 years of age or over who reside in their municipalities or districts having local boards of vocational and adult education but in which the specific courses desired by such persons are not given; ~~provided, if~~ such courses are given in the municipality or district in which such persons elect to attend and the local board of such municipality or district agrees to admit them; ~~provided further, that~~. Such nonresidents shall ~~present the written approval of~~ notify the local board of vocational and adult education of their home municipality. Any person over the age of 14 16 years who ~~shall reside~~ resides in any municipality not having a vocational and adult education such school, and who is otherwise qualified to pursue the course of study, may with the approval of the board of vocational and adult education, be allowed to attend any school under its the supervision of the local board. Nonresident pupils shall be subject to the same rules and regulations as resident pupils.

SECTION 8. 41.20 (title) of the statutes is amended to read:

41.20 (title) CHARGE FOR MATERIALS CONSUMED; SALE OF PRODUCTS; COURSE FEES.

SECTION 9. 41.20 of the statutes is renumbered 41.20 (1).

SECTION 10. 41.20 (2) and (3) of the statutes are created to read:

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

(3) The board shall charge resident tuition at 20% of the instructional cost for state-wide, full-time collegiate transfer courses designated and approved by the state board. Nonresident tuition for these courses shall be charged in accordance with s. 41.19.

SECTION 10m. 41.21 (1) (b) 3 of the statutes is repealed and recreated to read:

41.21 (1) (b) 3. Eighty per cent of instructional salaries incurred in state-wide full-time technical programs designated and approved by the state board and 80%, but beginning with instructional salaries for the 1966-67 school year and thereafter the full cost, of instructional salaries incurred in state-wide full-time collegiate transfer programs designated and approved by the state board. Instructional salaries include those salaries of personnel covered under ch. 42 and other part-time teaching personnel employed in these programs.

SECTION 11. (1) Wherever the term "local schools of vocational and adult education" appears in sections 41.13 to 41.215 it shall include all schools under the supervision of the state board of vocational, technical and adult education.

(2) Wherever the term "local board of vocational and adult education" appears in sections 25.01, 41.13 to 41.215 and 59.07, it shall include all vocational, technical and adult education boards operating schools which are supervised by the state board of vocational, technical and adult education.

(3) Wherever the term "state board of vocational and adult education" appears in sections 14.95 (9), 20.650 (47), 20.850, 36.227 (6) (b), 39.024 (2) (a) and (3) (c), (g) and (i), 40.41 (1), 41.13 to 41.215, 41.60 (1), 41.71 (3) (c), 45.35 (6) and (9), 140.14 (1) (b), 158.03 (4) and 158.09 (1) (c) of the statutes, the term "state board of vocational, technical and adult education" is substituted.

SECTION 12. This bill is declared to be an emergency appropriation bill, recommended by the joint committee on finance, in accordance with the requirements of section 16.47 (2) of the statutes.

Approved September 9, 1965.
