



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-4003/1  
KMS:cdc

## 2023 SENATE BILL 494

October 16, 2023 - Introduced by Senators LARSON, AGARD, ROYS, L. JOHNSON, SMITH, HESSELBEIN, SPREITZER, CARPENTER and PFAFF, cosponsored by Representatives SHELTON, CLANCY, HONG, JACOBSON, MYERS, SHANKLAND, BARE, CABRERA, JOERS, CONLEY, EMERSON, PALMERI, RATCLIFF, SINICKI, SNODGRASS, SUBECK, STUBBS, MOORE OMOKUNDE, MADISON, J. ANDERSON and NEUBAUER. Referred to Committee on Education.

1     **AN ACT to renumber** 120.01; **to amend** 117.105 (4m) (e) 1. a., 117.17 (1) (a),  
2           119.08 (title), 119.08 (3), 119.10 (3), 120.01 (title), 120.11 (2) (a), 120.11 (2) (b),  
3           120.11 (2) (c) and 120.13 (32); and **to create** 119.08 (1m), 120.01 (2m), 120.065  
4           and 120.41 (3) of the statutes; **relating to:** adding a teacher representative to  
5           school boards.

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### *Analysis by the Legislative Reference Bureau*

Under this bill, each school board must, in addition to its regular elected members, have one teacher representative who is not a member and does not vote at school board meetings but who is entitled to attend all school board meetings. The bill provides that the teacher representative to a school board must be an employee of the school district who is employed in a teaching role. The teacher representative is selected by the employees of the school district who are employed in teaching roles by secret ballot held no later than the spring election, which is the election at which school board members are elected. The bill directs each school district clerk to establish the timelines and procedures for providing notice of and conducting the secret ballot and for notifying interested persons regarding the result of the secret ballot.

The bill provides that a teacher representative takes office on the same date that school board members take office, which is the fourth Monday in April. The regular term of a teacher representative is three years, except that, in a first class city school district (currently, only Milwaukee Public Schools), the term of a teacher representative is four years.

**SENATE BILL 494**

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 117.105 (4m) (e) 1. a. of the statutes is amended to read:

2           117.105 (4m) (e) 1. a. The number of school board members under s. 120.01  
3           (1m) or 120.41.

4           **SECTION 2.** 117.17 (1) (a) of the statutes is amended to read:

5           117.17 (1) (a) Every order of school district reorganization under s. 117.08,  
6           117.09, or 117.105 that creates a new school district shall state the school districts  
7           ~~which~~ that are dissolved or from which territory is detached to create the new school  
8           district, name the new school district, state the type of school district and the grades  
9           to be taught by the new school district pursuant to s. 115.01 (2), (3), and (5), designate  
10          the number of school board members under s. 120.01 (1m) or 120.41, designate the  
11          terms of initial members of the school board under s. 120.02 (3) (a), designate the  
12          method of election of school board members under s. 120.06 or 120.42, direct the  
13          election of school board members under s. 120.06 or 120.42, insofar as applicable,  
14          designate the date of the first election of school board members, as provided under  
15          s. 117.22 (2) (b), and fix the time and place for the first annual meeting of the new  
16          school district, if one is to be held. The secretary of the board shall give notice of the  
17          first annual meeting, if one is to be held, under s. 120.08 (1) (c), and shall designate  
18          a person to act as temporary chairperson of the annual meeting until a chairperson  
19          is elected.

20          **SECTION 3.** 119.08 (title) of the statutes is amended to read:

**SENATE BILL 494**

1           **119.08** (title) **Election of board members; nonvoting teacher**  
2 **representative.**

3           **SECTION 4.** 119.08 (1m) of the statutes is created to read:

4           119.08 (1m) In addition to the members under sub. (1) (a), the board shall have  
5 one teacher representative selected as provided under s. 120.065. The teacher  
6 representative is not a member of the board and does not vote. The teacher  
7 representative is entitled to attend all board meetings, including any meeting  
8 convened in closed session under s. 19.85 (1).

9           **SECTION 5.** 119.08 (3) of the statutes is amended to read:

10           119.08 (3) The regular terms of board members shall be 4 years.  
11 Notwithstanding s. 120.065 (4), the regular term of the teacher representative shall  
12 be 4 years.

13           **SECTION 6.** 119.10 (3) of the statutes is amended to read:

14           119.10 (3) The board shall hold a regular meeting at least once each month at  
15 times fixed and published by the board in its rules. If a regular board meeting falls  
16 on a legal holiday, it shall be held on the next business day. Special meetings may  
17 be called and held as provided by the rules of the board. No business may be  
18 transacted at a special meeting other than that specified in the notice of the meeting,  
19 which shall be delivered personally or by mail to each member and the teacher  
20 representative at least 24 hours before the time of such meeting.

21           **SECTION 7.** 120.01 (title) of the statutes is amended to read:

22           **120.01** (title) **Number of school board members; nonvoting teacher**  
23 **representative.**

24           **SECTION 8.** 120.01 of the statutes is renumbered 120.01 (1m).

25           **SECTION 9.** 120.01 (2m) of the statutes is created to read:

**SENATE BILL 494****SECTION 9**

1           120.01 **(2m)** In addition to the members under sub. (1m), a school board of a  
2 common or union high school district shall have one teacher representative selected  
3 under s. 120.065. The teacher representative is not a member of the school board and  
4 does not vote. The teacher representative is entitled to attend all school board  
5 meetings, including any meeting convened in closed session under s. 19.85 (1).

6           **SECTION 10.** 120.065 of the statutes is created to read:

7           **120.065 Selection of teacher representative.** In a common or union high  
8 school district, the teacher representative to the school board shall be selected as  
9 follows:

10           **(1)** No later than the spring election, the teacher representative shall be  
11 selected by the employees of the school district who are employed in teaching roles  
12 by secret ballot.

13           **(2)** The teacher representative shall be an employee of the school district who  
14 is employed in a teaching role.

15           **(3)** At least 30 days before a secret ballot is held under sub. (1), the school  
16 district clerk shall inform all school district employees who are eligible to serve as  
17 the teacher representative of the date of the secret ballot and shall solicit the names  
18 of candidates for the position. The school district clerk shall establish the timelines  
19 and procedures for providing notice of and conducting the secret ballot and for  
20 notifying interested persons regarding the result of the secret ballot.

21           **(4)** The regular term of the teacher representative shall be for 3 years. A  
22 teacher representative selected for a regular or unexpired term shall take office on  
23 the 4th Monday in April. The selection process to fill an unexpired term shall be held  
24 in the same manner as the selection of a teacher representative under a regular term.

25           **SECTION 11.** 120.11 (2) (a) of the statutes is amended to read:

**SENATE BILL 494**

1           120.11 (2) (a) The school board shall hold a special school board meeting upon  
2           the written request of a school board member filed with the school district clerk or,  
3           in the school district clerk's absence, the school district president. The school district  
4           clerk or, in the school district clerk's absence, the president shall fix a reasonable  
5           date, time, and place for the meeting. Except as provided under pars. (b) and (c), the  
6           school district clerk or, in the school district clerk's absence, the president shall notify  
7           each school board member and the teacher representative of the date, time, and place  
8           of the meeting at least 24 hours before the meeting. Except as provided under pars.  
9           (b) and (c), the school district clerk or, in the school district clerk's absence, the  
10          president shall give the notice to each school board member and the teacher  
11          representative in a manner likely to give the school board member or teacher  
12          representative notice of the meeting.

13           **SECTION 12.** 120.11 (2) (b) of the statutes is amended to read:

14           120.11 (2) (b) If the school district clerk or, in the school district clerk's absence,  
15          the school district president determines that providing notice at least 24 hours before  
16          a special school board meeting under par. (a) is, for good cause shown by the school  
17          district clerk or president, impossible or impractical, the school district clerk or  
18          president may notify each school board member and the teacher representative of the  
19          date, time, and place of the meeting less than 24 hours, but not less than 2 hours,  
20          before the meeting.

21           **SECTION 13.** 120.11 (2) (c) of the statutes is amended to read:

22           120.11 (2) (c) The school board may hold a special school board meeting under  
23          par. (a) without prior notice if all school board members and the teacher  
24          representative are present and consent or if every school board member and the

**SENATE BILL 494****SECTION 13**

1 teacher representative consents in writing even though the school board member or  
2 teacher representative does not attend.

3 **SECTION 14.** 120.13 (32) of the statutes is amended to read:

4 120.13 **(32)** SCHOOL BOARD ORIENTATION. Provide for the orientation and  
5 continuing education of school board members, the teacher representative, and  
6 persons who have been elected to the school board but have not yet taken office in  
7 the general duties and responsibilities of the school board and the school district, and  
8 pay for the actual and necessary expenses incurred.

9 **SECTION 15.** 120.41 (3) of the statutes is created to read:

10 120.41 **(3)** In addition to the members under sub. (1) or (2), a school board of  
11 a unified school district shall have one teacher representative selected under s.  
12 120.065. The teacher representative is not a member of the school board and does  
13 not vote. The teacher representative is entitled to attend all school board meetings,  
14 including any meeting convened in closed session under s. 19.85 (1).

15 (END)