

2009 DRAFTING REQUEST

Bill

Received: 11/18/2009

Received By: pgrant

Wanted: As time permits

Identical to LRB:

For: Pedro Colon (608) 267-7669

By/Representing: Eric Peterson

This file may be shown to any legislator: NO

Drafter: pgrant

May Contact:

Addl. Drafters:

Subject: Education - MPS

Extra Copies: TKK

Submit via email: YES

Requester's email: Rep.Colon@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

MPS governance

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1			mduchek 11/18/2009	_____	sbasford 11/18/2009	sbasford 11/18/2009	

FE Sent For:

at into
12/16/09

<END>

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/?	pgrant	1 cjs 11/18/09	<i>[Signature]</i> 11/18	_____	_____	_____	_____

FE Sent For:

<END>

Grant, Peter

From: Peterson, Eric
Sent: Wednesday, November 18, 2009 10:32 AM
To: Grant, Peter
Cc: Sweeney, Matthew - GOV; 'Kanninen, Dan - GOV'; Solis, Vanessa; Janssen, Andy
Subject: RE: Draft review: LRB 09-3737/2 Topic: Governance of MPS

Peter,

I need this draft jacketed RUSH for Senator Taylor and an Assembly companion jacketed RUSH for Rep. Colon.

Eric

Eric M. Peterson

Chief of Staff, Senator Lena C. Taylor
Wisconsin State Senator - 4th Senate District
t - 608-266-5810 f - 608-267-2353

From: Sweeney, Matthew - GOV [mailto:Matthew.Sweeney@wisconsin.gov]
Sent: Friday, November 13, 2009 11:58 AM
To: Peterson, Eric; Shannon-Bradley, Summer; Janssen, Andy; Rep.Colon; Solis, Vanessa; Rep.Fields; Youngman, Lori
Subject: Draft review: LRB 09-3737/2 Topic: Governance of MPS

The latest MPS governance bill draft for your viewing pleasure.

Matt Sweeney

***Assistant to the Legislative Director
Office of Governor Jim Doyle***
State Capitol 115 East
Madison, WI 53702
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608-261-2163
608-261-6804 (f)



State of Wisconsin
2009 - 2010 LEGISLATURE

FROM
LRB-37372
PG:nwn:ph
LRB-3876/1
PK:
stays
NOW
DN

2009 BILL

companion -
no changes
Gen Cat

SKW

1 AN ACT *to repeal* 119.36 and 121.137 (1) (a); *to renumber* 119.18 (2) and 119.18
2 (11); *to renumber and amend* 119.12 (4), 119.12 (6), 119.18 (15) and 119.70
3 (1); *to amend* 16.70 (8), 24.66 (3) (a), 24.66 (5) (a), 38.08 (1g), 40.02 (41), 40.02
4 (55) (b), 63.235, 63.36 (2), 63.53, 66.0217 (8) (c), 66.0901 (1) (a), 66.1333 (5r) (b)
5 1. (intro.) and a., 66.1333 (5s) (a), 111.70 (4) (m) 1., 111.70 (4) (m) 4., 115.001 (7),
6 115.001 (8), 115.98, 118.22 (1) (b), 119.02 (1), 119.04 (1), 119.04 (2), 119.10 (2),
7 119.16, 119.18 (title), (1g) and (1r), 119.18 (3) to (5), (6) (intro.) and (b) and (7)
8 to (10), 119.18 (12), (13) (intro.), (b) and (c) and (14), 119.18 (16) to (22), 119.19,
9 119.23 (4r) (intro.), 119.23 (6), 119.23 (7) (b) 7. a., 119.235 (1), 119.235 (2) (intro.)
10 and (b), 119.235 (2) (d), 119.235 (2) (e) 2., 119.235 (2) (f), 119.235 (3), 119.235 (4),
11 119.235 (5), 119.24, 119.245 (2), 119.245 (3), 119.245 (4), 119.25 (1) and (2) (a)
12 (intro.), (b) and (d) 2., 119.26, 119.28 (1), 119.28 (2), 119.28 (3), 119.28 (4), 119.30,
13 119.32 (1), 119.32 (2) (intro.), 119.32 (3), 119.32 (4), 119.32 (5), 119.32 (6), 119.32
14 (7), 119.40, 119.42 (1m), 119.42 (2), 119.44 (title), 119.44 (1), 119.44 (2) (intro.),

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1 119.44 (2) (a) 3., 119.46 (1), 119.47, 119.48 (1), 119.48 (2) (intro.), 119.48 (2) (a),
2 119.48 (4) (a), 119.485, 119.49 (1) (a), 119.49 (2), 119.49 (3), 119.495 (2), 119.496
3 (2), 119.496 (6) (b), 119.498 (1), 119.498 (2), 119.499, 119.50 (2), 119.55, 119.60,
4 119.66, 119.68 (1), 119.70 (3), 119.70 (5), 119.71 (3), 119.73, 119.74 (intro.),
5 119.75, 119.78, 119.82 (1m) (intro.), 120.115 (1), 120.13 (1) (b) 1., 120.13 (17),
6 120.14 (1), 121.137 (2), 121.137 (3), 121.85 (6) (am) 1. a., 121.85 (6) (am) 2. a.,
7 121.85 (6) (am) 3. a., 121.85 (6) (am) 4. a., 121.85 (6) (am) 5., 121.85 (6) (am) 6.
8 a., 121.85 (6m), 121.87 (3) and 200.23 (2) (a) 6.; **to repeal and recreate** 111.70
9 (4) (m) 2. and 119.18 (23); and **to create** 20.255 (3) (cs), 115.28 (53), 119.02 (4),
10 119.14 (title), (1), (2) and (6) to (13), 119.14 (15), 119.16 (8) (am), 119.16 (11),
11 119.44 (4), 119.53, 119.70 (1) (b), 119.90 and 121.137 (1) (c) of the statutes;
12 **relating to:** the powers and duties of the board of school directors and the
13 superintendent of schools in a first class city school district, awarding a grant
14 to a nonprofit corporation, requiring a referendum, and granting rule-making
15 authority.

Analysis by the Legislative Reference Bureau

Under current law, a 1st class city school district (currently only the Milwaukee Public Schools, or MPS) is governed by an elected board of school directors. The board consists of nine members, eight of whom are elected from numbered election districts and one of whom is elected at large. Members are elected at the spring election and serve four-year terms. The board appoints the superintendent of schools. The board may remove the superintendent of schools for a misdemeanor in office, incompetency, or inattention to the duties of office.

This bill directs the mayor of the city of Milwaukee to appoint a superintendent of schools to serve at the mayor's pleasure. Under the bill, the superintendent of schools is in charge of MPS and most of the powers and duties of the board of school directors are transferred to the superintendent of schools, including the appointment of all staff, the formulation of the annual school budget, collective bargaining, school closings, and the determination of the school calendar. The board retains the authority to expel pupils from school, although the bill transfers the authority to suspend pupils to the superintendent of schools. In addition, the bill

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allows the superintendent, in any school year, to permit an independent hearing panel or officer appointed by the superintendent to determine pupil expulsion instead of the board. The board, however, still hears appeals of expulsion orders.

The bill provides that the city attorney is the legal advisor to the superintendent of schools, although the superintendent may retain an attorney under certain circumstances. The board may retain an attorney only if the city attorney approves.

The bill prohibits the superintendent of schools from entering into a contract with an organization that is not a labor organization if the contract specifies the wages, hours, or conditions of employment of any school district employees. A labor organization is an employee organization that exists for the purpose of collective bargaining with municipal employees.

The bill creates a budget committee to advise the superintendent of schools on the formulation of the school budget. The committee consists of the city comptroller, the president of the common council, the president of the board of school directors, the state superintendent of public instruction, and three members appointed by the mayor.

The bill requires that a binding referendum be held in the city of Milwaukee at the April 2017 spring election. The question asked voters will be whether the board of school directors shall be in charge of MPS and appoint the superintendent of schools. If a majority of the voters vote “Yes,” the board of school directors is once again in charge of MPS, the term of the superintendent of schools appointed by the mayor is terminated, and the board of school directors appoints a superintendent of schools to act under the board’s direction.

Beginning in the 2011–12 school year, the bill directs the state superintendent of public instruction annually to award a grant to a non-profit corporation that jointly with a local governmental unit or state agency provides comprehensive services to improve the education, health, and economic opportunities of children residing in the city of Milwaukee.

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

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

1 **SECTION 1.** 16.70 (8) of the statutes is amended to read:
2 16.70 (8) “Municipality” means a county, city, village, town, school district,
3 ~~board of school directors~~, sewer district, drainage district, technical college district
4 or any other public or quasi-public corporation, officer, board or other body having
5 the authority to award public contracts.

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1 several parts separately, so that the valuation of each part of the district which lies
2 in each town or municipality may be readily shown.

3 **SECTION 5.** 24.66 (5) (a) of the statutes is amended to read:

4 24.66 (5) (a) Every application for a loan under this section by a municipality
5 shall be accompanied by a certified copy under the hand of the proper clerk of a
6 recorded resolution adopted by the municipality applying for or approving the loan,
7 levying, except as provided in par. (b), upon all the taxable property of the
8 municipality a direct annual tax for the purpose of paying and sufficient to pay the
9 principal and interest on the proposed loan as they become due. In a 1st class city
10 school district, the application shall be accompanied by a ~~certified copy of a~~
11 ~~resolution, adopted by the board of school directors~~ sworn affidavit by the
12 superintendent of schools, stating that it is the intention of the ~~board of school~~
13 ~~directors~~ superintendent of schools to include in ~~its~~ his or her budget transmitted to
14 the common council under s. 119.16 (8) (b) a written notice specifying the amount of
15 money necessary to pay the principal and interest on the loan as they become due.
16 Every application for a loan under this subsection by a cooperative educational
17 service agency shall be accompanied by a copy of a recorded resolution adopted by
18 the school board of each school district for which the loan is sought, certified by the
19 school district clerk of that school district, levying upon all taxable property of the
20 school district a direct annual tax for the purpose of paying and sufficient to pay the
21 school district's share of the principal and interest on the proposed loan as they
22 become due. The levy imposed by the municipality shall be void if the board declines
23 to make the loan; otherwise it shall remain valid and irrevocable until the loan and
24 all interest on the loan are fully paid.

25 **SECTION 6.** 38.08 (1g) of the statutes is amended to read:

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1 38.08 (1g) The appointment committee for a district board that governs a
2 district encompassing a 1st class city shall include 4 additional members designated
3 by the ~~board of school directors in charge~~ superintendent of schools of the public
4 schools of the 1st class city. The additional members shall be appointed so as to
5 reflect, to the extent possible, the distribution of women and minorities within the
6 1st class city.

7 **SECTION 7.** 40.02 (41) of the statutes is amended to read:

8 40.02 (41) “Milwaukee teacher” means any teacher employed by the ~~board of~~
9 ~~school directors of the city of Milwaukee~~ superintendent of schools of a 1st class city
10 school district.

11 **SECTION 8.** 40.02 (55) (b) of the statutes is amended to read:

12 40.02 (55) (b) Any person employed as a full-time social center, community
13 house, adult education or recreation director, instructor or other employee employed
14 by the ~~board of school directors of the city of Milwaukee~~ superintendent of schools
15 of a 1st class city school district, who possesses the qualifications required for
16 employment as a teacher.

17 **SECTION 9.** 63.235 of the statutes is amended to read:

18 **63.235 Delegation to board of school directors.** In a 1st class city, the city
19 service commission shall delegate its recruitment and hiring duties related to
20 specified classifications of school employees to the ~~board of school directors~~
21 superintendent of schools if the ~~board adopts a resolution requesting~~ superintendent
22 of schools requests the commission to do so.

23 **SECTION 10.** 63.36 (2) of the statutes is amended to read:

24 63.36 (2) Persons in the service of the city shall not be compensated for acting
25 as examiners if they are public officers or if their service as examiners is rendered

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1 during their paid working schedule, but the board may compensate employees of the
2 ~~board of school directors~~ superintendent of schools for serving as city service
3 examiners beyond their regular working hours and beyond their regular duties as
4 such employees.

5 **SECTION 11.** 63.53 of the statutes is amended to read:

6 **63.53 ~~Board of school directors employees~~ Employees of a 1st class city**
7 **school district.** (1) Except as provided under sub. (2), all ~~officers and~~ employees
8 of the ~~board of school directors~~ superintendent of schools of any 1st class city school
9 district are members of the classified service and shall be selected and have their
10 tenure and employment status determined in accordance with ss. 63.18 to 63.51, the
11 rules adopted under ss. 63.18 to 63.51 and the charter ordinances applying to the
12 board of city service commissioners of the city.

13 (2) The following employees are not members of the classified service: the
14 superintendent of schools, ~~deputy superintendent of schools, associate~~
15 ~~superintendent of schools, executive assistant to the superintendent of schools,~~
16 ~~assistant to the superintendent of schools, assistant superintendent, division~~
17 ~~director, department director~~ and employees appointed by the superintendent of
18 schools under s. 119.32 (3), principals, teachers and substitute teachers actually
19 engaged in teaching, staff of the board of school directors if the board so decides under
20 s. 119.18 (10) (e), and, in any department of the school board devoted wholly or
21 principally to the subjects of municipal recreation and adult education, all employees
22 of those departments whose duties are peculiar to municipal recreation and adult
23 education but not including employees whose duties are clerical or custodial.

24 **SECTION 12.** 66.0217 (8) (c) of the statutes is amended to read:

BILL**SECTION 12**

1 66.0217 (8) (c) The annexation is effective upon enactment of the annexation
2 ordinance. The ~~board of school directors~~ superintendent of schools in a 1st class city
3 is not required to administer the schools in any territory annexed to the city until
4 July 1 following the annexation.

5 **SECTION 13.** 66.0901 (1) (a) of the statutes is amended to read:

6 66.0901 (1) (a) “Municipality” means the state or a town, city, village, school
7 district, ~~board of school directors~~, sewer district, drainage district, technical college
8 district or other public or quasi-public corporation, officer, board or other public body
9 charged with the duty of receiving bids for and awarding any public contracts.

10 **SECTION 14.** 66.1333 (5r) (b) 1. (intro.) and a. of the statutes are amended to
11 read:

12 66.1333 (5r) (b) 1. (intro.) The authority of a 1st class city may issue up to
13 \$170,000,000 in bonds to finance or refinance the development or redevelopment of
14 sites and facilities to be used for public school facilities by the ~~board of school~~
15 ~~directors of the~~ school district operating under ch. 119 if all of the following apply:

16 a. The ~~board of school directors~~ superintendent of schools of the school district
17 operating under ch. 119 requests the issuance of the bonds to implement the report
18 approved under 1999 Wisconsin Act 9, section 9158 (7tw) (b).

19 **SECTION 15.** 66.1333 (5s) (a) of the statutes is amended to read:

20 66.1333 (5s) (a) *Bond issuance.* Subject to s. 119.499 (1), the authority of a 1st
21 class city may issue up to \$200,000,000 in bonds to finance or refinance the payment
22 of unfunded prior service liability contributions under the Wisconsin Retirement
23 System for the ~~board of school directors~~ of the school district operating under ch. 119
24 if the ~~board of school directors~~ superintendent of schools of the school district
25 operating under ch. 119 requests the issuance of the bonds.

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1 **SECTION 16.** 111.70 (4) (m) 1. of the statutes is amended to read:

2 111.70 (4) (m) 1. Reassignment of municipal employees who perform services
3 for ~~a board of school directors~~ the superintendent of schools under ch. 119, with or
4 without regard to seniority, as a result of a decision of the ~~board of school directors~~
5 superintendent of schools to contract with an individual or group to operate a school
6 as a charter school, as defined in s. 115.001 (1), or to convert a school to a charter
7 school, or the impact of any such reassignment on the wages, hours or conditions of
8 employment of the municipal employees who perform those services.

9 **SECTION 17.** 111.70 (4) (m) 2. of the statutes is repealed and recreated to read:

10 111.70 (4) (m) 2. Reassignment of municipal employees who perform services
11 for the superintendent of schools, with or without regard to seniority, as a result of
12 the decision of the superintendent of schools to close or reopen a school under s.
13 119.18 (23), or the impact of any such reassignment on the wages, hours or conditions
14 of employment of the municipal employees who perform those services.

15 **SECTION 18.** 111.70 (4) (m) 4. of the statutes is amended to read:

16 111.70 (4) (m) 4. Any decision of ~~a board of school directors~~ the superintendent
17 of schools to contract with a school or agency to provide educational programs under
18 s. 119.235, or the impact of any such decision on the wages, hours or conditions of
19 employment of the municipal employees who perform services for the ~~board~~
20 superintendent of schools.

21 **SECTION 19.** 115.001 (7) of the statutes is amended to read:

22 115.001 (7) SCHOOL BOARD. “School board” means the school board ~~or board of~~
23 ~~school directors~~ in charge of the schools of a school district, except that in a school
24 district operating under ch. 119, “school board” means the board of school directors.

25 **SECTION 20.** 115.001 (8) of the statutes is amended to read:

BILL**SECTION 20**

1 115.001 (8) SCHOOL DISTRICT ADMINISTRATOR. “School district administrator”
2 means the school district superintendent, supervising principal or other person who
3 acts as the administrative head of a school district, or the superintendent of schools
4 of a school district operating under ch. 119.

5 **SECTION 21.** 115.28 (53) of the statutes is created to read:

6 115.28 (53) COMPREHENSIVE SERVICES TO CHILDREN IN MILWAUKEE. From the
7 appropriation under s. 20.255 (3) (cs), beginning in the 2011–12 school year annually
8 award a grant to a nonprofit corporation that jointly with a local governmental unit
9 or a state agency provides comprehensive services to improve the education, health,
10 and economic opportunities of children residing in a 1st class city school district. The
11 state superintendent shall promulgate rules to implement and administer this
12 subsection, including rules establishing a matching requirement.

13 **SECTION 22.** 115.98 of the statutes is amended to read:

14 **115.98 Bilingual–bicultural advisory committee.** In each school district
15 which establishes a bilingual–bicultural education program under this subchapter,
16 the school board may appoint a bilingual–bicultural advisory committee to afford
17 parents and educators of limited–English proficient pupils the opportunity to advise
18 the school board of their views and to ensure that a program is planned, operated and
19 evaluated with their involvement and consultation. In the school district operating
20 under ch. 119, the superintendent of schools shall appoint such a committee. The
21 committee shall assist the school board or the superintendent of schools in informing
22 educators, parents and legal custodians of limited–English proficient pupils that a
23 program exists. The committee shall be composed of parents of limited–English
24 proficient pupils enrolled in the bilingual–bicultural education program, bilingual
25 and other teachers, bilingual teacher’s aides, bilingual and other counselors and

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1 bilingual counselor’s aides in the district, at least one representative from the
2 community and a representative of the school district administration.

3 **SECTION 23.** 118.22 (1) (b) of the statutes is amended to read:

4 118.22 (1) (b) “Teacher” means any person who holds a teacher’s certificate or
5 license issued by the state superintendent or a classification status under the
6 technical college system board and whose legal employment requires such
7 certificate, license or classification status, but does not include part-time teachers
8 or teachers employed by ~~any board of school directors~~ the superintendent of schools
9 in a city of the 1st class.

10 **SECTION 24.** 119.02 (1) of the statutes is amended to read:

11 119.02 (1) “Board” means the board of school directors ~~in charge of the public~~
12 ~~schools of a city of the 1st class~~ city school district.

13 **SECTION 25.** 119.02 (4) of the statutes is created to read:

14 119.02 (4) “Superintendent of schools” means the superintendent of schools in
15 charge of the public schools of a city.

16 **SECTION 26.** 119.04 (1) of the statutes, as affected by 2009 Wisconsin Act 28,
17 is amended to read:

18 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
19 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
20 115.345, 115.361, 115.365 (3), 115.38 (2), 115.445, 115.45, 118.001 to 118.04, 118.045,
21 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153,
22 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6)
23 and (8), 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12
24 (5) and (15) to (25), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34),
25 (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25 are applicable to a 1st class

BILL**SECTION 26**

1 city school district ~~and board~~. Except for ss. 118.06 (1), 118.13 (2) (a), 118.31 (4), and
2 120.13 (1) (c) and (17), in a 1st class city school district, any power conferred or duty
3 imposed upon a school board in these provisions is conferred or imposed instead upon
4 the superintendent of schools, and any prohibition upon a school board's actions in
5 these provisions applies to both the board and the superintendent of schools.

6 **SECTION 27.** 119.04 (2) of the statutes is amended to read:

7 119.04 (2) The ~~board~~ superintendent of schools shall exercise the powers,
8 perform the functions and be entitled to all school aid under sub. (1) insofar as the
9 same are relevant to cities of the 1st class. The superintendent of schools, the board,
10 and the schools in cities of the 1st class shall be governed in all matters by the general
11 laws of the state, except as altered or modified by express amendments.

12 **SECTION 28.** 119.10 (2) of the statutes is amended to read:

13 119.10 (2) Annually, no earlier than the 4th Monday in April and no later than
14 the first Monday in May, the board shall hold its organizational meeting, shall elect
15 a president from among its members to serve for one year and until a successor is
16 chosen, and shall designate an individual to serve as clerk and an individual to serve
17 as assistant clerk. In the absence or during the disability of the board president, the
18 board shall elect an acting president. The board president shall appoint standing
19 committees to serve for one year.

20 **SECTION 29.** 119.12 (4) of the statutes is renumbered 119.18 (25) and amended
21 to read:

22 119.18 (25) LIMIT ON DEBT AND EXPENSES. The ~~board~~ superintendent of schools
23 shall not in any one year contract any debt or incur any expense greater than the
24 amount of the school funds subject to ~~its~~ his or her order.

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1 **SECTION 30.** 119.12 (6) of the statutes is renumbered 119.18 (24) and amended
2 to read:

3 **119.18 (24) ATTORNEY.** The city attorney of the city shall be the legal adviser
4 of and attorney for the ~~board~~ superintendent of schools, except that the ~~board~~
5 superintendent of schools may retain an attorney to represent the ~~board~~
6 superintendent of schools in any matter if the ~~board~~ superintendent of schools
7 determines that ~~it~~ he or she requires specialized legal expertise not possessed by the
8 city attorney, the city attorney does not have sufficient staff to adequately represent
9 the interests of the ~~board~~ superintendent of schools or a conflict of interest exists.
10 The ~~board~~ superintendent of schools shall provide the city attorney with reasonable
11 notice ~~of any board meeting at which the board will~~ whenever he or she intends to
12 consider retention of an attorney.

13 **SECTION 31.** 119.14 (title), (1), (2) and (6) to (13) of the statutes are created to
14 read:

15 **119.14 (title) Board; powers and duties. (1) GENERAL SUPERVISION.** The
16 board may visit and examine the schools of the school district and advise the
17 superintendent of schools regarding the instruction, government, and progress of the
18 pupils.

19 **(2) RULES.** The board may adopt and modify or repeal rules for its own
20 government.

21 **(6) PUBLIC INPUT.** The board shall allocate time at each board meeting for public
22 comment on issues of concern or interest to residents of the school district regarding
23 the education of pupils, management of the school district, the school district's
24 budget, or other issues of interest or concern. The board shall provide a written

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1 summary of public comments received at each board meeting to the superintendent
2 of schools within 2 weeks of the board meeting.

3 (7) DISCUSSION OF PUBLIC QUESTIONS. Upon the written application of one-half
4 of the electors of the school district, the board shall allow the use of the school
5 buildings or grounds for the free discussion of public questions so far as such use does
6 not interfere, as determined by the superintendent of schools, with the prime
7 purpose of the school buildings or grounds.

8 (8) FUNDS FOR REWARDS. The board may establish a reward, not exceeding \$500,
9 for information leading to the arrest and conviction of persons who damage or destroy
10 school property or who injure any person while at school or under the supervision of
11 a school authority.

12 (9) SCHOOL BOARD ORGANIZATION; FEE. The board may pay the membership fee
13 in an organization of school boards in this state and the actual and necessary
14 expenses of its representatives incurred in attending meetings of such organization.

15 (10) COMMUNITY PROGRAMS AND SERVICES. The board may establish and
16 maintain community education, training, recreational, cultural, or athletic
17 programs and services, outside the regular curricular and extracurricular programs
18 for pupils, under such terms and conditions as the board prescribes. The board may
19 establish and collect fees to cover all or part of the costs of such programs and
20 services. Costs associated with such programs and services shall not be included in
21 the school district's shared cost under s. 121.07 (6).

22 (11) LECTURES. The board may provide free lectures on educational subjects in
23 school buildings, public library buildings, or other suitable places, and provide for
24 the further education of the adult residents of the school district. The superintendent

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1 of schools may purchase books, stationery, charts, and other things necessary to
2 conduct such lectures. The board may designate a person to manage such lectures.

3 (12) SCHOOL BOARD ORIENTATION. The board may provide for the orientation and
4 continuing education of board members and persons who have been elected to the
5 board but have not yet taken office in the general duties and responsibilities of the
6 board and the school district, and pay for the actual and necessary expenses
7 incurred.

8 (13) ATTORNEY. The board may retain an attorney to advise and represent it
9 on matters relating to board governance and to subchs. II and V of ch. 19 if the city
10 attorney approves. The board shall provide the city attorney with reasonable notice
11 of any board meeting at which the board will consider retention of an attorney.

12 SECTION 32. 119.14 (15) of the statutes is created to read:

13 119.14 (15) RECORDS CUSTODIAN. The board may designate one or more persons
14 to be legal custodians of the board's records.

15 SECTION 33. 119.16 of the statutes is amended to read:

16 119.16 **Board Superintendent of schools; duties.** (1) EDUCATIONAL
17 PRIORITIES AND OBJECTIVES. The ~~board and the~~ superintendent of schools shall identify
18 broad yearly objectives and assess priorities for education in the school district and
19 shall issue an annual report and such additional reports as the ~~board and~~
20 superintendent ~~deem~~ deems desirable on the status of academic programs in the
21 school district and the progress of pupils enrolled in the public schools.

22 (1m) MANAGEMENT OF SCHOOL DISTRICT. The ~~board~~ superintendent of schools
23 shall have the possession, care, control and management of the schools, facilities,
24 operations, property and affairs of the school district.

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1 (2) ESTABLISH SCHOOLS AND DISTRICTS. The ~~board~~ superintendent of schools shall
2 maintain the public schools in the city and shall establish, organize and maintain
3 such schools as the ~~board~~ superintendent of schools determines are necessary to
4 accommodate the children entitled to instruction therein. The ~~board~~ superintendent
5 of schools shall divide the city into attendance districts for such schools.

6 (3) BUILDINGS AND SITES. (a) The ~~board~~ superintendent of schools shall
7 construct, purchase, lease, improve or enlarge buildings and purchase furniture and
8 sites for the public schools, shall purchase, install and maintain heating systems in
9 public schools and may contract for carrying out any of these purposes.

10 (b) Except as provided in par. (c), schoolhouses and the sites on which they are
11 situated shall be the property of the city. No site may be purchased or leased and no
12 schoolhouse may be constructed unless ~~a resolution therefor is duly adopted by the~~
13 ~~board~~ the superintendent of schools issues an order to do so. Except as provided in
14 par. (c), deeds of conveyance and leases shall be made to the city.

15 (c) If the redevelopment authority of the city issues bonds under s. 66.1333 (5r),
16 the ~~board~~ superintendent of schools may lease buildings or sites from the
17 redevelopment authority or borrow money from the redevelopment authority for the
18 purposes of par. (a).

19 (4) COMPETITIVE BIDDING. The ~~board~~ superintendent of schools shall establish
20 competitive bidding policies and procedures for purchases and for construction
21 contracts.

22 (5) SPECIAL COURSES. Within budgetary limitations, the ~~board~~ superintendent
23 of schools shall establish in any public school, in grade 7 and higher, such classes of
24 instruction consistent with the educational goals and objectives adopted by the ~~board~~
25 superintendent of schools under sub. (1) as are petitioned for by the parents of a

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1 number of pupils attending the school sufficient to form one or more classes of
2 instruction. Petition by the parents of 30 or more pupils of like classification
3 attending any such school requesting the establishment of instruction in a specified
4 subject is prima facie evidence of the sufficiency of the number of pupils to commence
5 instruction therein.

6 (6) CUSTODIANS OF SCHOOL PREMISES. The ~~board~~ superintendent of schools shall
7 fix the duties and responsibilities of principals, as custodians of the school premises,
8 and of the school engineers. Each principal shall have general supervision of and
9 shall be custodian of all school premises over which the principal presides.

10 (8) BUDGET. (a) Annually before adopting its the budget for the ensuing school
11 year and at least ~~5~~ 60 days before transmitting its the completed budget under par.
12 (b), ~~the board shall hold a public hearing on the proposed school budget at a time and~~
13 ~~place fixed by the board. At least one week before the public hearing, the board shall~~
14 ~~publish a class 1 notice, under ch. 985, of the public hearing.~~ superintendent of
15 schools shall submit the proposed budget to the board for its review. If the board
16 objects to one or more items, it shall return the budget to the superintendent of
17 schools within 15 days, indicating the items to which it objects in writing. The
18 superintendent of schools shall respond to the board's objections, in writing, within
19 25 days. The response may include revised versions of the items to which the board
20 objected. The board may hold one or more public hearings on the superintendent's
21 response. At the board's request, the superintendent of schools shall participate in
22 the public hearings. If the board holds one or more public hearings, it shall provide
23 to the superintendent of schools a written report on the hearings within 15 days of
24 receiving the superintendent's response.

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1 (b) The ~~board~~ superintendent of schools shall transmit ~~its~~ the completed budget
2 to the common council on or before the first Monday in August of each year on forms
3 furnished by the auditing officer of the city. Such completed budget shall be
4 published with the budget summary under s. 65.04 (2) or 65.20 and budget under s.
5 65.05 (7).

6 (10) SCHOOL FACILITIES. (a) The ~~board~~ superintendent of schools may not
7 demolish any school facility that is 50 years old or older without the approval of the
8 city historic preservation commission.

9 (b) The ~~board~~ superintendent of schools may construct new school facilities
10 only in the areas of greatest local need for such facilities.

11 **SECTION 34.** 119.16 (8) (am) of the statutes is created to read:

12 119.16 (8) (am) At least 5 days before transmitting the completed budget to the
13 common council under par. (b), the superintendent of schools shall hold a public
14 hearing on the proposed budget.

15 **SECTION 35.** 119.16 (11) of the statutes is created to read:

16 119.16 (11) COLLECTIVE BARGAINING AGREEMENTS. (a) Within 5 days of signing
17 a collective bargaining agreement, the superintendent of schools shall submit a copy
18 of the agreement to the board for its review. The superintendent of schools shall meet
19 with the board to discuss the agreement if the board requests such a meeting within
20 30 days of receiving a copy of the agreement.

21 (b) The superintendent of schools may not enter into a contract specifying
22 wages, hours, or conditions of employment with any organization that is not a labor
23 organization, as defined in s. 111.70 (1) (h).

24 **SECTION 36.** 119.18 (title), (1g) and (1r) of the statutes are amended to read:

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1 **119.18** (title) **Board Superintendent of schools; powers. (1g)** GENERALLY.

2 The ~~board~~ superintendent of schools may do all things reasonable to promote the
3 cause of education, including establishing, providing and improving school district
4 programs, functions and activities for the benefit of pupils.

5 **(1r) RULES.** The ~~board~~ superintendent of schools may adopt and modify or
6 repeal rules for ~~its own government~~ the administration of the school district and for
7 the organization, discipline and management of the public schools which shall
8 promote the good order and public usefulness of the public schools.

9 **SECTION 37.** 119.18 (2) of the statutes is renumbered 119.14 (3).

10 **SECTION 38.** 119.18 (3) to (5), (6) (intro.) and (b) and (7) to (10) of the statutes
11 are amended to read:

12 **119.18 (3) TRANSPORTATION.** The ~~board~~ superintendent of schools may provide
13 for the transportation of pupils to and from any school within the city.

14 **(4) INSURANCE.** The ~~board~~ superintendent of schools may provide for accident
15 insurance covering pupils in the school district.

16 **(5) TEXTBOOKS FOR INDIGENT PUPILS.** The ~~board~~ superintendent of schools may
17 purchase textbooks for pupils whose parents, guardians or other persons having
18 control or custody of such pupils are without means to furnish them with textbooks,
19 if the indigency of such pupils have been investigated and certified by a welfare
20 worker or attendance officer. The local governmental authority administering poor
21 relief in the city shall reimburse the ~~board~~ superintendent of schools for all
22 expenditures by the ~~board~~ superintendent of schools for such textbooks. Such
23 textbooks shall be the property of the city and subject to the disposal of the ~~board~~
24 superintendent of schools.

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1 (6) SCHOOL CALENDAR. (intro.) The ~~board~~ superintendent of schools may
2 determine the school calendar and vacation periods for each school year for the
3 regular day schools, summer schools, social centers and playgrounds, except that:

4 (b) The ~~board~~ superintendent of schools may close any school or dismiss any
5 class in the event of an emergency, fire or other casualty, quarantine or epidemic.

6 (7) SCHOOL HOURS. The ~~board~~ superintendent of schools may establish rules
7 scheduling the hours of each school day during which the schools shall be in session.
8 The ~~board~~ superintendent of schools may differentiate between the various grades
9 in scheduling such school hours.

10 (8) SCHOOLS CLOSED. The ~~board~~ superintendent of schools may determine on
11 which national, state and local legal holidays and for which educational conventions
12 the public schools shall be closed. There shall be no deductions from the annual or
13 monthly compensation of employees not rendering services on such days.

14 (9) ENROLLMENT UNDER LEGAL NAME. The ~~board~~ superintendent of schools may
15 require that any pupil attending public school shall be enrolled under the pupil's
16 legal name.

17 (10) EMPLOYEES. (b) Subject to ss. 63.18 to 63.53 when applicable, the ~~board~~
18 superintendent of schools may employ and determine the qualifications, duties and
19 compensation of any persons as are required in the operation and management of the
20 schools.

21 (c) The ~~board~~ superintendent of schools may employ a staff to aid it in its his
22 or her duties. The ~~board~~ superintendent of schools shall determine the
23 compensation, duties and qualifications of ~~its~~ his or her staff, including whether or
24 not employment of such staff shall be subject to ss. 63.18 to 63.53.

25 **SECTION 39.** 119.18 (11) of the statutes is renumbered 119.14 (14).

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1 **SECTION 40.** 119.18 (12), (13) (intro.), (b) and (c) and (14) of the statutes are
2 amended to read:

3 **119.18 (12) EMPLOYER CONTRIBUTION.** The ~~board~~ superintendent of schools may
4 make as the employer agency the contributions to the city retirement system payable
5 under chapter 396, laws of 1937, in respect to ~~its~~ his or her employees who are
6 members of such system.

7 **(13) EXCHANGE TEACHERS.** (intro.) The ~~board~~ superintendent of schools may
8 make an agreement with the managing body of the schools in any city or school
9 district in the United States or another country for the exchange of ~~one of the board's~~
10 ~~teachers~~ a teacher for a teacher of such other city or school district for a period not
11 exceeding one school year. The ~~board~~ superintendent of schools shall determine the
12 qualifications and compensation of the teacher rendering service under the
13 agreement in the schools under ~~its~~ his or her jurisdiction, who shall be counted as
14 a regular teacher in the city in the computation of state and county school aids. The
15 agreement shall state:

16 (b) That any teacher regularly employed by the ~~board~~ superintendent of schools
17 under this chapter shall receive credit for the year of exchange teaching service in
18 the computation of any benefits to which the teacher is entitled under ch. 40 and the
19 manner in which the monthly reservations shall be paid under that subchapter.

20 (c) Such other provisions as the ~~board~~ superintendent of schools and the other
21 managing body deem appropriate.

22 **(14) SALES AND CHARGES.** The ~~board~~ superintendent of schools may establish
23 and maintain, in any of the schools or playgrounds under ~~its~~ his or her jurisdiction,
24 cafeterias and stores for the sale of schoolbooks, candies, refreshments and supplies.
25 The ~~board~~ superintendent of schools also may charge or permit the making of a

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1 charge for admission to any school, social center or athletic entertainment or activity,
2 under such terms and conditions as the board prescribes.

3 **SECTION 41.** 119.18 (15) of the statutes is renumbered 119.14 (4) and amended
4 to read:

5 **119.14 (4) LEASE SCHOOL PROPERTY.** In addition to any other authority, the board
6 may lease school sites, buildings and equipment not needed for school purposes, as
7 determined by the superintendent of schools, to any person for any lawful use at a
8 reasonable rental for a term not exceeding 15 years.

9 **SECTION 42.** 119.18 (16) to (22) of the statutes are amended to read:

10 **119.18 (16) GIFTS AND GRANTS.** The ~~board~~ superintendent of schools may
11 receive, accept and use gifts or grants of furniture, books, equipment, supplies,
12 moneys, securities or other property used or useful for school and educational
13 purposes. ~~The board~~ superintendent of schools shall make such use of gifts or grants,
14 or invest the same in the case of moneys, as the donor or grantor specifies. In the
15 absence of any specific direction as to the use of such gifts or grants by a donor or
16 grantor, ~~the board~~ superintendent of schools may determine the use of or may invest
17 the same in accordance with the law applicable to trust investments. In the use,
18 control or investment of such gifts or grants, ~~the board~~ superintendent of schools may
19 exercise the rights and powers generally conferred upon trustees.

20 **(17) PURCHASES FROM HOUSE OF CORRECTION.** ~~The board~~ superintendent of
21 schools may purchase for use in the schools, from any county in which the city is
22 located, furniture, furnishings and equipment manufactured in any house of
23 correction under s. 303.16 (1). ~~The board~~ superintendent of schools may waive the
24 furnishing by the county or institution of bid bonds and performance bonds otherwise
25 required by the statutes in connection with any such purchase.

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1 (18) COPYRIGHT MATERIALS. The ~~board~~ superintendent of schools may copyright
2 under the applicable federal laws any book, pamphlet, bulletin or record form edited
3 and published by or under the direction of the ~~board~~ superintendent of schools.

4 (19) FENCES. The ~~board~~ superintendent of schools may construct around any
5 schoolhouse or playground site a fence of materials and design approved by the ~~board~~
6 superintendent of schools.

7 (20) DIPLOMAS. The ~~board~~ superintendent of schools may grant diplomas in
8 testimony of the completion of high school or special education requirements,
9 including the requirements of special schools established under s. 119.28.

10 (21) RULES ON CONDUCT AND DRESS. The ~~board~~ superintendent of schools may
11 establish rules pertaining to conduct and dress of pupils in order to maintain good
12 decorum and a favorable academic atmosphere.

13 (22) RECORDS CUSTODIAN. ~~On~~ Except as provided in s. 119.14 (15), on behalf of
14 any school district authority as defined in s. 19.32 (1), including the board, school
15 district officers and any subunit of the board or school district, the superintendent
16 of schools may designate one or more persons to be legal custodians of records.

17 **SECTION 43.** 119.18 (23) of the statutes is repealed and recreated to read:

18 119.18 (23) SCHOOL CLOSINGS. (a) Subject to par. (b), the superintendent of
19 schools may close any school that he or she determines is low in performance. If the
20 superintendent of schools closes a school, he or she may reassign the school's staff
21 members without regard to seniority in service. If the superintendent of schools
22 reopens the school, he or she may reassign staff members to the school without
23 regard to seniority in service.

24 (b) At least 60 days before closing a school, the superintendent of schools shall
25 submit the proposal to close the school to the board for its review. If the board objects

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1 to the closing, it shall return the proposal to the superintendent of schools within 15
2 days, indicating in writing the reasons for its objection. The superintendent of
3 schools shall respond to the board's objection, in writing, within 25 days. The
4 response may include a revised proposal. The board may hold one or more public
5 hearings on the superintendent's response. At the board's request, the
6 superintendent of schools shall participate in the public hearings. If the board holds
7 one or more hearings, it shall provide to the superintendent of schools a written
8 report on the hearings within 15 days of receiving the superintendent's response.

9 **SECTION 44.** 119.19 of the statutes is amended to read:

10 **119.19 Released time for religious instruction.** (1) The board
11 superintendent of schools may permit a pupil, with the written permission of the
12 pupil's parent or guardian, to be absent from school for up to 180 minutes per week
13 to obtain religious instruction outside the school during the required school period.
14 The ~~board~~ superintendent of schools shall determine periods allotted for the pupil
15 to be absent from school for the purpose of religious instruction. Monthly, the
16 supervisor of the religious instruction shall report the names of the pupils who
17 attended such weekly religious instruction to the principal of the school that the
18 pupil regularly attends. The ~~board~~ superintendent of schools may withdraw
19 permission to be absent from school if a pupil does not attend the religious
20 instruction.

21 (2) The ~~board~~ superintendent of schools is not responsible for transporting a
22 pupil to or from religious instruction under sub. (1).

23 (3) The ~~board~~ superintendent of schools is released from all liability for a pupil
24 who is absent from school under sub. (1).