

## STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

(B)

~~Within one year after~~ <sup>For</sup> leaving office for 2 years  
after leaving office of the superintendent  
of schools may not be employed by  
the school district or by the department  
of employee trust funds in any capacity  
for which a salary or emolument is  
provided by the school district or the  
department of ~~the~~ employee trust funds.

Section #. 119.68 (1) of the statutes is amended to read:

school district

119.68 (1) All claims against the city or ~~board~~ shall be audited for sufficiency of funds by the auditing officer of the city. The superintendent of schools shall furnish the auditing officer of the city a complete list of the claims. Before a warrant is issued therefor, the auditing officer of the city shall countersign it. Within 20 days after each regular or special meeting of the board, the superintendent of schools shall make and file with the auditing officer of the city statements of the condition of the funds for the support of the schools and of the financial transactions of the ~~board~~ during the period next preceding any such statement.

school district

History: 1971 c. 40, 291; 1977 c. 285; 1979 c. 323 s. 33; 1991 a. 39; 1993 a. 59; 1995 a. 158; 1997 a. 27.

\*\*\*\*\* NOTE: I'm not sure it makes sense to anyone to tie this to board meetings.

Section #. 119.70 (1) of the statutes is amended to read:

superintendents of schools

119.70 (1) The ~~board~~ may establish and maintain for children and adults, in the school buildings and on the school grounds, evening schools, vacation schools, reading rooms, library stations, debating clubs, gymnasiums, public playgrounds, public baths and similar activities and accommodations to be determined by the ~~board~~. The ~~board~~ may cooperate, by agreement, with other commissions or boards having the custody and management of public parks, libraries, museums and public buildings and grounds of whatever sort to provide the equipment, supervision, instruction and oversight necessary to carry on such public educational and recreational activities in and upon such other buildings and grounds. ✓

History: 1971 c. 152 s. 31; 1973 c. 290; 1975 c. 353; 1983 a. 339 s. 10; 1985 a. 225 ss. 74, 75, 78; Stats. 1985 s. 119.70; 1989 a. 192, 290.

\*\*\*NOTE: Do you want to retain "board" here?  
See s. 119.14 (10).

Section #. 119.70 (3) of the statutes is amended to read:

superintendent of schools

119.70 (3) The ~~board~~ shall report to the common council on or before the first Monday in August of each year the amount of money required during the ensuing school year for the support of activities under sub. (1). The common council shall levy and collect a special tax in the manner that other taxes are levied and collected, equal to the amount of money so required for the activities. The tax shall not be used or appropriated, directly or indirectly, for any other purpose. ✓

History: 1971 c. 152 s. 31; 1973 c. 290; 1975 c. 353; 1983 a. 339 s. 10; 1985 a. 225 ss. 74, 75, 78; Stats. 1985 s. 119.70; 1989 a. 192, 290.

\*\*\*NOTE: Do you want to retain "board" in s. 119.70 (1) and (3)? see 119.14 (10) ✓

Section #. 119.70 (5) of the statutes is amended to read:

119.70 (5) Nothing in this section prohibits the ~~board~~ superintendent of schools from granting the use of school property to religious organizations under s. 120.13 (17).

History: 1971 c. 152 s. 31; 1973 c. 290; 1975 c. 353; 1983 a. 339 s. 10; 1985 a. 225 ss. 74, 75, 78; Stats. 1985 s. 119.70; 1989 a. 192, 290.

Section #. 119.71 (3) of the statutes is amended to read:

superintendent of schools

119.71 (3) (a) Annually, the ~~board~~ shall spend at least \$5,090,000 to expand its half-day 5-year-old kindergarten program to a full-day program, as provided under par. (b), and shall enroll in the expanded program only pupils who meet the income eligibility standards for a free lunch under 42 USC 1758 (b). The ~~board~~ shall select pupils for the expanded program based on the order in which the pupils register for the program. ✓

(b) The ~~board~~ shall use the funds specified under par. (a) to pay the costs of teachers, aides and other support staff, transportation of staff to pupils' homes, in-service programs, parental involvement programs and instructional materials. The ~~board~~ may not use the funds to provide facilities to house the program or to pay pupil transportation or indirect administrative costs associated with the program. ✓

History: 1987 a. 399; 1989 a. 31; 1991 a. 39; 1993 a. 16; 1995 a. 27 s. 9145 (1); 1997 a. 27; 1999 a. 9.

Section #. 119.73 of the statutes is amended to read:

**119.73 Kindergarten programs.** The ~~board~~ <sup>superintendent of schools</sup> shall evaluate the effectiveness of the expanded 5-year-old kindergarten programs under s. 119.71 in meeting the needs of disadvantaged children. Annually by January 1, the ~~board~~ shall submit a report summarizing <sup>his or her</sup> ~~its~~ findings to the state superintendent and to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3).

**History:** 1987 a. 399; 1989 a. 56 s. 259; 1995 a. 27 s. 9145 (1); 1997 a. 27, 113; 2003 a. 33.

Section #. 119.74 (intro.) of the statutes is amended to read:

superintendent of schools

**119.74 Extended-day elementary grade, 4-year-old kindergarten and alcohol and other drug abuse programs.** (intro.) The ~~board~~ shall spend at least \$430,000 for the following programs in each school year: ✓

History: 1987 a. 399; 1989 a. 31; 1991 a. 39; 1993 a. 16; 1995 a. 27 s. 9145 (1); 1997 a. 27; 1999 a. 9.

Section #. 119.75 of the statutes is amended to read:

**119.75 First grade programs.** (1) The ~~board~~ shall provide expanded educational opportunities for first grade pupils who have participated in an expanded 5-year-old kindergarten program under s. 119.71.

(2) Annually, the ~~board~~ shall spend at least \$1,070,000 to pay the costs of teachers, aides and other support staff, transportation of staff to pupils' homes, in-service programs, parental involvement programs and instructional materials related to the programs under sub. (1). The ~~board~~ may not use the funds to provide facilities to house the programs under sub. (1) or to pay pupil transportation or indirect administrative costs associated with the programs under sub. (1).

History: 1989 a. 31; 1991 a. 39; 1993 a. 16; 1995 a. 27 s. 9145 (1); 1997 a. 27; 1999 a. 9.

superintendent of schools

Section #. 119.78<sup>x</sup> of the statutes is amended to read:

**119.78 Family resource center.** The ~~board~~<sup>superintendent of schools</sup> shall establish a family resource center to distribute parent education materials, conduct workshops on child development, facilitate communication between school personnel and parents of pupils enrolled in the school district and provide volunteer opportunities for parents within the schools. ✓

**History:** 1989 a. 31; 1991 a. 39; 1993 a. 16; 1995 a. 27 s. 9145 (1); 1997 a. 27; 1999 a. 9.

Section #. 119.82 (1m) (intro.) of the statutes is amended to read:

119.82 (1m) (intro.) Upon the request of the child or the child's parent or guardian, the ~~board~~ shall provide an alternative educational program for any child who resides in the city and satisfies all of the following: ✓

History: 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 4021, 9145 (1); 1995 a. 289; 1997 a. 27; 1999 a. 9; 2001 a. 104; 2003 a. 33; 2009 a. 28.

superintendent of schools

Section #. 120.115 (1) of the statutes is amended to read:

120.115(1) (a) Within <sup>within 10 days of issuing a communication to</sup> 10 days after adopting a resolution that authorizes the school board to incur debt <sup>that authorizes it</sup> or ~~that authorizes~~ the common council of a 1st class city to incur debt on behalf of the school district operating under ch. 119, the school board shall notify the department of the scheduled date of the referendum and submit a copy of the resolution to the department <sup>or superintendent of schools</sup>.

(b) Within 10 days after holding a referendum that would authorize the school district to incur debt or that would authorize the common council of a 1st class city to incur debt on behalf of the school district operating under ch. 119, the school board shall notify the department of the approval or rejection of the referendum. <sup>or superintendent of schools</sup>

History: 1997 a. 27, 237.

\*\*\*A NOTE: Is "issuing a communication" sufficient? ✓

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SEC. 121.137 (1)(a), as  
created by 2009 Wisconsin Act 28 ✓

SEC. 121.137 (1)(c)

"Superintendent of schools" means  
the superintendent of schools of the school  
district operating under ch. 119. ✓

Section #. 121.137 (2) of the statutes, as created by 2009 Wisconsin Act 28, is amended to read:

121.137 (2) Annually, the department shall calculate the amount of the state aid reduction under s. 121.08 (4) (b) 2. in the current school year and shall notify the ~~board~~, in writing, of the result. ✓

History: 2009 a. 28.

superintendent of schools

Section #. 121.137 (3) of the statutes, as created by 2009 Wisconsin Act 28, is amended to read:

121.137 (3) From the appropriation under s. 20.255 (2) (ac), annually the department shall pay the amount calculated under sub. (2) to the city in installments according to the schedule used by the ~~board~~ for the distribution of state aid under s. 121.15 (1) or (1g). The city shall pay an amount equal to the amount received under this subsection to the ~~board~~.

History: 2009 a. 28.

school district operating under ch. 119

school district operating under cho 119

Section #. 121.85 (6) (am) 1. <sup>a.</sup> of the statutes is amended to read:

121.85 (6) (am) 1. ~~In the 2000-01 school year:~~

a. Subtract from 75% the percentage of pupils whose parents or guardians have provided the ~~board of school directors~~ with written consent to a pupil transfer to another attendance area. ✓

b. Multiply the result under subd. 1. a. by the total number of transfer pupils under par. (a) in the current school year.

History: 1975 c. 220; 1977 c. 29, 418; 1979 c. 34 ss. 966m, 2102 (43) (a); 1979 c. 221; 1981 c. 20, 385; 1983 a. 27 s. 2202 (42); 1983 a. 189; 1985 a. 29; 1987 a. 399; 1989 a. 31, 259, 336; 1991 a. 39, 48; 1993 a. 16; 1995 a. 27 ss. 4095m to 4098, 9145 (1); 1997 a. 27; 1999 a. 9; 2001 a. 16, 30, 105; 2005 a. 25.

superintendent of schools

Section #. 121.85 (6) (am) 2. <sup>a.</sup> of the statutes is amended to read:

~~121.85 (6) (am) 2. In the 2001-02 school year.~~

~~a. Subtract from 80% the percentage of pupils whose parents or guardians have provided the board of school directors with written consent to a pupil transfer to another attendance area.~~ ✓

~~b. Multiply the result under subd. 2. a. by the total number of transfer pupils under par. (a) in the current school year.~~

History: 1975 c. 220; 1977 c. 29, 418; 1979 c. 34 ss. 966m, 2102 (43) (a); 1979 c. 221; 1981 c. 20, 385; 1983 a. 27 s. 2202 (42); 1983 a. 189; 1985 a. 29; 1987 a. 399; 1989 a. 31, 259, 336; 1991 a. 39, 48; 1993 a. 16; 1995 a. 27 ss. 4095m to 4098, 9145 (1); 1997 a. 27; 1999 a. 9; 2001 a. 16, 30, 105; 2005 a. 25.

superintendent of schools

Section #. 121.85 (6) (am) 3. <sup>a.</sup> of the statutes is amended to read:

121.85 (6) (am) 3. ~~In the 2002-03 school year:~~

a. Subtract from 90% the percentage of pupils whose parents or guardians have provided the ~~board of school directors~~ with written consent to a pupil transfer to another attendance area. ✓

b. Multiply the result under subd. 3. a. by the total number of transfer pupils under par. (a) in the current school year.

History: 1975 c. 220; 1977 c. 29, 418; 1979 c. 34 ss. 966m, 2102 (43) (a); 1979 c. 221; 1981 c. 20, 385; 1983 a. 27 s. 2202 (42); 1983 a. 189; 1985 a. 29; 1987 a. 399; 1989 a. 31, 259, 336; 1991 a. 39, 48; 1993 a. 16; 1995 a. 27 ss. 4095m to 4098, 9145 (1); 1997 a. 27; 1999 a. 9; 2001 a. 16, 30, 105; 2005 a. 25.

superintendent of schools

Section #. 121.85 (6) (am) 4. <sup>a</sup> of the statutes is amended to read:

121.85 (6) (am) 4. ~~In the 2003-04 school year.~~

a. Subtract from 95% the percentage of pupils whose parents or guardians have provided the ~~board of school directors~~ with written consent to a pupil transfer to another attendance area. ✓

b. ~~Multiply the result under subd. 4. a. by the total number of transfer pupils under par. (a) in the current school year.~~

History: 1975 c. 220; 1977 c. 29, 418; 1979 c. 34 ss. 966m, 2102 (43) (a); 1979 c. 221; 1981 c. 20, 385; 1983 a. 27 s. 2202 (42); 1983 a. 189; 1985 a. 29; 1987 a. 399; 1989 a. 31, 259, 336; 1991 a. 39, 48; 1993 a. 16; 1995 a. 27 ss. 4095m to 4098, 9145 (1); 1997 a. 27; 1999 a. 9; 2001 a. 16, 30, 105; 2005 a. 25.

superintendent of schools

Section #. 121.85 (6) (am) 5. of the statutes is amended to read:

121.85 (6) (am) 5. In the 2004–05 school year, the number of pupils whose parents or guardians have not provided the ~~board of school directors~~ with written consent to a pupil transfer to another attendance area. ✓

**History:** 1975 c. 220; 1977 c. 29, 418; 1979 c. 34 ss. 966m, 2102 (43) (a); 1979 c. 221; 1981 c. 20, 385; 1983 a. 27 s. 2202 (42); 1983 a. 189; 1985 a. 29; 1987 a. 399; 1989 a. 31, 259, 336; 1991 a. 39, 48; 1993 a. 16; 1995 a. 27 ss. 4095m to 4098, 9145 (1); 1997 a. 27; 1999 a. 9; 2001 a. 16, 30, 105; 2005 a. 25.

superintendent of schools

Section #. 121.85 (6) (am) 6<sup>a.</sup> of the statutes is amended to read:

~~121.85 (6) (am) 6. In the 2005-06 school year and in each school year thereafter:~~

a. Subtract from 95% the percentage of pupils whose parents or guardians have provided the ~~board of school directors~~ with written consent to a pupil transfer to another attendance area.

b. Multiply the result under subd. 6. a. by the total number of transfer pupils under par. (a) in the current school year.

History: 1975 c. 220; 1977 c. 29, 418; 1979 c. 34 ss. 966m, 2102 (43) (a); 1979 c. 221; 1981 c. 20, 385; 1983 a. 27 s. 2202 (42); 1983 a. 189; 1985 a. 29; 1987 a. 399; 1989 a. 31, 259, 336; 1991 a. 39, 48; 1993 a. 16; 1995 a. 27 ss. 4095m to 4098, 9145 (1); 1997 a. 27; 1999 a. 9; 2001 a. 16, 30, 105; 2005 a. 25.

superintendent of schools

Section #. 121.85 (6m) of the statutes is amended to read:

superintendent of schools

121.85 (6m) USE OF AID FOR LEASE OR LOAN PAYMENTS. If the ~~board of directors~~ of the school district operating under ch. 119 leases buildings or sites from the redevelopment authority of the city or borrows money from the redevelopment authority of the city under s. 119.16 (3) (c), ~~it~~ <sup>✓ he or she</sup> may use intradistrict transfer aid under sub. (6) to make lease payments or repay the loan. If the ~~board of school directors~~ <sup>✓ he or she</sup> decides to use the aid to make lease payments or repay the loan, ~~it~~ may request the department to remit the intradistrict transfer aid under sub. (6) to the redevelopment authority of the city of Milwaukee in an annual amount agreed to by the ~~board of school directors~~ and the department, and the department shall ensure that the aid remittance does not affect the amount determined to be received by the ~~board of school directors~~ as state aid under s. 121.08 for any other purpose. ✓

History: 1975 c. 220; 1977 c. 29, 418; 1979 c. 34 ss. 966m, 2102 (43) (a); 1979 c. 221; 1981 c. 20, 385; 1983 a. 27 s. 2202 (42); 1983 a. 189; 1985 a. 29; 1987 a. 399; 1989 a. 31, 259, 336; 1991 a. 39, 48; 1993 a. 16; 1995 a. 27 ss. 4095m to 4098, 9145 (1); 1997 a. 27; 1999 a. 9; 2001 a. 16, 30, 105; 2005 a. 25.

school district operating under ch. 119

Section #. 121.87 (3) of the statutes is amended to read:

121.87 (3) In addition to the report under sub. (1), annually by May 1 the ~~board of school directors~~,  
of the school district operating under ch. 119 shall submit a report to the legislature under s. 13.172  
(2) that specifies the number, percentage, race, sex, grade and attendance area of pupils transferred  
outside their attendance area without written consent under s. 121.85 (6) (am).

History: 1989 a. 31; 1995 a. 27 s. 9145 (1); 1997 a. 27, 113; 1999 a. 9, 19.

superintendent of schools

1 bonds, to purchase school sites, to construct school buildings and additions thereto  
2 or to remodel existing buildings, the board may include, as part of the budget  
3 transmitted to the common council under s. 119.16 (8) (b), a communication stating  
4 the amount of funds needed for such purposes. Upon receipt of the communication,  
5 the common council shall levy and collect a tax upon all property subject to taxation  
6 in the city, which shall be equal to the amount of money required by the board for the  
7 purposes set forth in the communication, at the same time and in the same manner  
8 as other taxes are levied and collected. Such taxes shall be in addition to all other  
9 taxes which the city is authorized to levy. The taxes so levied and collected and the  
10 moneys under s. 119.60 (1) that are deposited in the school construction fund shall  
11 constitute the school construction fund. If moneys under s. 119.60 (1) are deposited  
12 in the school construction fund, the moneys shall be used for the purchase of real  
13 property for school purposes. The board may allow the school construction fund to  
14 accumulate from year to year.

15 **SECTION 38.** 119.48 (4) (a) of the statutes is amended to read:

16 119.48 (4) (a) If the board deems it necessary to exceed the levy rate specified  
17 under s. 65.07 (1) (f), it may by a two-thirds vote of the ~~members~~—elect members  
18 include a communication to the common council as part of the budget transmitted  
19 to the common council under s. 119.16 (8) (b).

20 **SECTION 39.** 119.49 (1) (a) of the statutes is amended to read:

21 119.49 (1) (a) If the board deems it necessary to construct buildings or additions  
22 to buildings, to remodel buildings or to purchase school sites or to provide funds for  
23 any such purpose as a participant in a contract under s. 120.25, it may by a  
24 two-thirds vote of the ~~members~~—elect members send a communication to the  
25 common council of the city.

1 **SECTION 40.** 119.495 (1) of the statutes is amended to read:

2 119.495 (1) Between July 1, 1989, and the first Monday in August, 1993, upon  
3 adopting a resolution by a two-thirds vote of the members elect, the board may direct  
4 the common council to issue promissory notes under s. 67.12 (12) for the purpose of  
5 providing additional classroom space to accommodate anticipated school  
6 enrollments.

7 **SECTION 41.** 119.496 (1) of the statutes is amended to read:

8 119.496 (1) Subject to sub. (6), between June 1, 1992, and June 30, 1995, upon  
9 adopting a resolution by a two-thirds vote of the members elect and receipt of written  
10 approval by the mayor of the city, the board may direct the common council to issue  
11 promissory notes under s. 67.12 (12) for the purpose of providing additional  
12 classroom space to accommodate anticipated school enrollments and for educational  
13 programming.

14 **SECTION 42.** 119.66 of the statutes is amended to read:

15 **119.66 Interest in contracts forbidden.** During the term for which elected  
16 or appointed and for 2 years after the expiration of the term, no member of the board  
17 may be employed by the board or by the department of employee trust funds in any  
18 capacity for which a salary or emolument is provided by the board or the department  
19 of employee trust funds. No board member, superintendent of schools, assistant  
20 superintendent, other assistant, teacher or other employee of the board may have  
21 any interest in the purchase or sale of property by the city for the use or convenience  
22 of the schools. No contract made in violation of this section is valid. Any  
23 consideration paid by the city for a purchase or sale prohibited by this section may  
24 be recovered in an action at law in the name of the city. Any person violating this  
25 section shall be removed from any position held under this chapter.

6.

Section #. 200.23 (2) (a) of the statutes is amended to read:

200.23 (2) (a) Except as provided in s. 200.25 (7), the mayor of the 1st class city shall appoint 7 individuals as members of the commission, each of whom shall have his or her principal residence in the 1st class city. Three of the commissioners appointed under this paragraph shall be elected officials. Each commissioner appointed under this paragraph may take his or her seat immediately upon appointment, pending confirmation or rejection by a majority of the members-elect of the common council. An appointee whose confirmation is pending may act within the scope of authority of a commissioner until the mayor withdraws the appointment or the common council rejects the appointment, whichever is earlier. The mayor shall withdraw any appointment that the common council rejects and may only resubmit the appointment for confirmation after at least one subsequent appointment is rejected. For the purposes of this paragraph, "elected official" means:

1. The mayor of the 1st class city.
2. Members of the common council of the 1st class city.
3. Members of the county board of supervisors of the county in which the 1st class city is located who reside in the city.
4. State legislators who reside in the 1st class city.
5. The city attorney, comptroller or treasurer of the 1st class city.

6. Members of the board of school directors <sup>a</sup> ~~in charge of the public schools of the~~ 1st class city.

History: 1981 c. 282; 1983 a. 27; 1983 a. 207 s. 93 (8); 1999 a. 150 s. 577; Stats. 1999 s. 200.23.

plain

school district

1           **SECTION 43. Nonstatutory provisions.**

2           (1) The mayor of a 1st class city shall make the appointments under sections  
3 ~~119.08 (1) and~~ 119.32 (1) of the statutes, as affected by this act, within 45 days after  
4 the effective date of this subsection. Notwithstanding section 119.08 (1) of the

5 statutes, as affected by this act, 4 of the members initially appointed shall be  
6 appointed for terms that expire on the 4th Monday in April in the 2nd year following  
7 the year in which they are appointed, and 5 of the members initially appointed shall  
8 be appointed for terms that expire on the 4th Monday in April in the 4th year  
9 following the year in which they are appointed.

10           (2) (a) Notwithstanding section 119.08 of the statutes, as affected by this act,  
11 the members of the board of school directors of the school district operating under  
12 chapter 119 of the statutes on the effective date of this paragraph may continue to  
13 hold office and exercise the powers and duties of that office until all members of the  
14 board of school directors under section 119.08 of the statutes, as affected by this act,  
15 are appointed and qualified.

16           (b) Notwithstanding section 119.08 of the statutes, as affected by this act, the  
17 terms of all members of the board of school directors of the school district operating  
18 under chapter 119 of the statutes on the effective date of this paragraph terminate  
19 on the date that all of their successors under section 119.08 of the statutes, as affected  
20 by this act, are appointed and qualified.

21 #

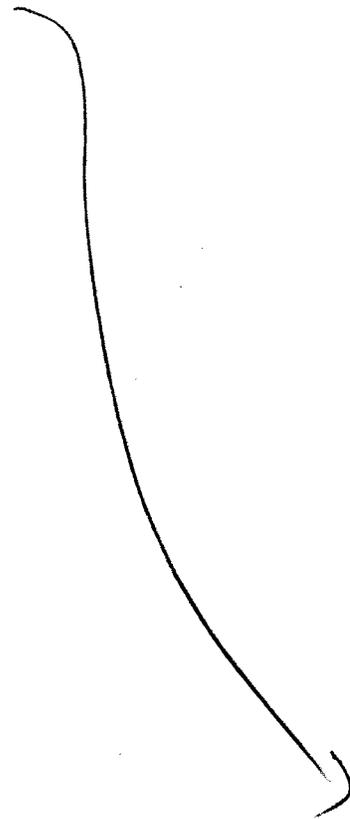
22           (2) (a) Notwithstanding section 119.32 (1) of the statutes, as affected by this act,  
23 the superintendent of schools of the school district operating under chapter 119 of the  
24 statutes on the effective date of this paragraph may continue to hold that office and  
25 exercise the powers and duties of that office until his or her successor under section  
119.32 of the statutes, as affected by this act, is appointed and qualified.

**SECTION 43**

1           (b) Notwithstanding section 119.32 (1)<sup>✓</sup> of the statutes, as affected by this act,  
2 the employment of the person holding the position of superintendent of schools of the  
3 school district operating under chapter 119 of the statutes<sup>✓</sup> on the effective date of this  
4 paragraph terminates on the date that his or her successor under section 119.32 (1)<sup>✓</sup>  
5 of the statutes, as affected by this act, is appointed and qualified.<sup>✓</sup>

6

~~(b)(1)~~



(3) Notwithstanding section 38.08(1g) of the statutes as affected by this act, the ~~members~~ on the effective date of members of the appointment committee designated by the board of school directors may continue to serve until their successors are appointed by the superintendent of schools;

this subsection  
who were

of the school district operating  
under ch. 119.

4  
(B) There shall be submitted to the electors  
of the city of Milwaukee at the April  
2017 spring election, for advisory purposes  
only, the following question: <sup>no #</sup>

"Do you favor returning to the electors  
of the  
board of school directors, all powers and  
duties that were transferred to the  
superintendent of schools by 2015  
Wisconsin Act ... (this act) ?"

of the Milwaukee Public Schools

**INITIAL APPLICABILITY**

- In the component bar:  
 For the action phrase, execute: ..... create → action: → \*NS: → inappl  
 For the budget action phrase, execute: ..... create → action: → \*NS: → 93XX  
 For the text, execute: ..... create → text: → \*NS: → inappl
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9300 department code.

**SECTION #**      **[93**      **]**. **Initial applicability;** .....

( #1 ) ( ) .....

The treatment of sections ..

*63.53 (B)*

..... of the statutes  
first applies to ..... *persons appointed to positions*  
..... *on the effective date of this subsection.*

*End*

*D-note*

- In the component bar:  
 For the action phrase, execute: ..... create → action: → \*NS: → inappl  
 For the text, execute: ..... create → text: → \*NS: → inapplA
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed.

**SECTION #**      . **Initial applicability;** .....

( #1 ) ( ) .....

This act first

applies to .....

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

DN

LRB - 3737 / p1 dh

PG: nwn

Please note that this preliminary draft does not include the provision prohibiting the superintendent of schools from granting permanent appointments to persons who are not covered by a collective bargaining agreement. That will be included in a later version.

# Note that the draft includes several ~~\*\*\*\*~~ NOTES scattered throughout the draft.

# Do you want common council confirmation of the superintendent's appointment?

See s. 62.51.

# Finally, do you want a delayed effective date?

PG

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3737/P1dn  
PG:nwn:rs&jf

October 30, 2009

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Note that the draft includes several \*\*\*\*NOTES scattered throughout the draft.

Do you want common council confirmation of the superintendent's appointment? See s. 62.51.

Finally, do you want a delayed effective date?

Peter R. Grant  
Managing Attorney  
Phone: (608) 267-3362  
E-mail: [peter.grant@legis.wisconsin.gov](mailto:peter.grant@legis.wisconsin.gov)

Grant, Peter

From: Skwarczek, Marta A - DOA [Marta.Skwarczek@Wisconsin.gov]

Sent: Monday, November 02, 2009 3:01 PM

To: Grant, Peter

Subject: LRB 3737/P1

*Per Skwarczek (Marta A) in 11/2/09 (11)*

*hd of city service commissioners*

Peter,  
Please make the following changes/additions to the MPS governance draft:

- 1. Page 3, Section 4 re your note: please specify that in a 1<sup>st</sup> class city school district, the application shall be signed by the superintendent of schools.
- 2. Page 4, Section 5 re your note: OK
- 3. Page 5/6, Section 10, should this state that, "the superintendent of schools (rather than the board) may compensate employees for serving as city service examiners..."
- 4. Page 6, Section 11: does it make sense to strike the reference to officers on line 7, as the superintendent of schools will not have any officers?
- 5. Page 9, Section 19: please split this section into 2 sentences as to make absolutely clear that the board of school directors of a district operating under ch. 119 is not in charge of schools *see change*
- 6. Page 13, re Section 28 (11) Lectures: please specify that the superintendent of schools may purchase books, etc. on behalf of the board to conduct such lectures; maintain that the board may designate a person to manage such lectures.
- 7. Page 14, re Section 28 (13) Attorney: please limit the ability of the board to retain an attorney to advise and represent it only on matters involving board governance.
- 8. Page 14, re Section 19 (1) Educational priorities and objectives: please specify that the superintendent "shall issue, **to the board and to the public**, an annual report and such additional reports as the superintendent seem desirable on the progress of pupils..."
- 9. Page 17, Section 11 re your note: we do not want the superintendent to hold public hearings on collective bargaining agreements or school closings. That is, the board review process should end in 60 days for these issues.
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- 12. Page 22, Section 35 (22) Records custodian: please add a similar reference under s. 119.14 (board powers and duties) that states that the board may designate a legal custodian of records.
- 13. Page 37, Section 84 re your note: YES
- 14. Page 37, Section 85, line 22, re your note: please specify that, "**Monthly**, the superintendent of schools shall make and file with the auditing officer of the city statements on the condition of the funds for the support of schools, etc."
- 15. Page 41, Section 95 re your note: please specify that the superintendent shall issue a written communication to the common council. Would this communication be public or is it necessary for the superintendent to also issue a public notice? *re public*
- 16. Please specify that the MPS superintendent shall not enter into contracts specifying wages, hours, or conditions of employment with organizations representing employees who do not meet the definition of "municipal employee" under s. 111.70(1)(j).
- 17. Under s. 119.10 (2), please specify that at the organizational meeting, the board shall designate a clerk and an assistant clerk. With this addition, I believe that the only school board employees would be the clerk, assistant clerk, and an attorney. Please confirm.

Marta Skwarczek  
Executive Policy and Budget Analyst  
Education, Children, and Families Team  
Wisconsin Department of Administration  
(608) 266-5468

~~11/2/09~~  
*P. 38 sub*

**Grant, Peter**

**From:** Skwarczek, Marta A - DOA [Marta.Skwarczek@Wisconsin.gov]  
**Sent:** Tuesday, November 03, 2009 8:26 AM  
**To:** Grant, Peter  
**Cc:** Hanle, Bob - DOA  
**Subject:** RE: LRB 3737/P1

Peter,  
 Please also make the following changes to the MPS governance draft:

1. / Transfer authority over s. 118.06, s. 118.13, and s. 118.31 to the school board as board powers.
2. / Under Section 109, please change the time the mayor has to appoint a superintendent from 45 to 90 days.
3. / Under Section 29, (1) educational priorities and objectives, please specify that the superintendent, "shall issue an annual report that includes information on the status of academic programs [or curriculum, whichever you think is best] in the district."
4. / Create a budget advisory committee consisting of 6 people: the city comptroller or his/her designee, city common council president or his/her designee, school board president or his/her designee, and 3 members appointed by the mayor to advise the superintendent on budget development. Please specify that the mayor shall appoint the 3 appointed members within 90 days after the bill is enacted. The appointed members serve at the pleasure of the mayor and may be removed at will. ~~The appointed members shall serve 4-year terms and can be reappointed.~~ Please specify that this committee is a public body subject to open meetings and open records requirements.
5. / Under s. 120.14(1), please specify that for MPS, the annual audit of school district accounts shall be shared with the budget advisory committee.
6. / For collective bargaining agreements, in place of the 60-day review process outlined for the budget and school closings please specify that within 5 days of the superintendent signing an agreement with a collective bargaining unit, the agreement shall be transmitted to the board. The board then has 30 days to request a meeting with the superintendent to discuss the agreement. The board shall have no role in negotiating or approving collective bargaining agreements.
7. / Under Section 28 (13) Attorney, please specify that if the board wants to retain an attorney, it must get approval from the city attorney's office.
8. / Under Section 86, please split children and adults between the superintendent and the school board such that, "the superintendent of schools may establish and maintain for **children**, in the school buildings and on the school grounds, evening schools, vacation schools, reading rooms, library stations, debating clubs, gymnasiums, public playgrounds, public baths and similar activities and accommodations to be determined by the superintendent. The superintendent may cooperate, by agreement, with other commissions or boards having the custody and management of public parks, libraries, museums and public buildings and grounds of whatever sort to provide the equipment, supervision, instruction and oversight necessary to carry on such public educational and recreational activities in and upon such other buildings and grounds" and that, "the **board** may establish and maintain for **adults**, in the school buildings and on the school grounds, evening schools, vacation schools, reading rooms, library stations, debating clubs, gymnasiums, public playgrounds, public baths and similar activities and accommodations to be determined by the **board**. The **board** may cooperate, by agreement, with other commissions or boards having the custody and management of public parks, libraries, museums and public buildings and grounds of whatever sort to provide the equipment, supervision, instruction and oversight necessary to carry on such public educational and recreational activities in and upon such other buildings and grounds."

Thanks.

**From:** Skwarczek, Marta A - DOA  
**Sent:** Monday, November 02, 2009 3:01 PM  
**To:** Grant, Peter - LEGIS  
**Subject:** LRB 3737/P1

Peter,  
 Please make the following changes/additions to the MPS governance draft:

1. Page 3, Section 4 re your note: please specify that in a 1<sup>st</sup> class city school district, the application shall be signed by the superintendent of schools.
2. Page 4, Section 5 re your note: OK
3. Page 5/6, Section 10, should this state that, "the superintendent of schools (rather than the board) may compensate employees for serving as city service examiners..."
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11/03/2009

district operating under ch. 119 is not in charge of schools

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16. Please specify that the MPS superintendent shall not enter into contracts specifying wages, hours, or conditions of employment with organizations representing employees who do not meet the definition of "municipal employee" under s. 111.70(1)(j).
17. Under s. 119.10 (2), please specify that at the organizational meeting, the board shall designate a clerk and an assistant clerk. With this addition, I believe that the only school board employees would be the clerk, assistant clerk, and an attorney. Please confirm.

Marta Skwarczek  
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 Wisconsin Department of Administration  
 (608) 266-5468

**Grant, Peter**


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**From:** Skwarczek, Marta A - DOA [Marta.Skwarczek@Wisconsin.gov]  
**Sent:** Tuesday, November 03, 2009 1:48 PM  
**To:** Grant, Peter  
**Subject:** RE: LRB 3737/P1

OK. School district is secondarily liable.

---

**From:** Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]  
**Sent:** Tuesday, November 03, 2009 1:47 PM  
**To:** Skwarczek, Marta A - DOA  
**Subject:** RE: LRB 3737/P1

What does it mean for both the board and the superintendent to be secondarily liable? Don't we mean that the *school district* is secondarily liable? Regardless of who granted the use of the school grounds, if damages are caused by the user, the person whose property is damaged is going to sue the school district. Are we saying they have to sue the board and the superintendent separately? I don't think that would make any sense.

---

**From:** Skwarczek, Marta A - DOA [mailto:Marta.Skwarczek@Wisconsin.gov]  
**Sent:** Tuesday, November 03, 2009 1:31 PM  
**To:** Grant, Peter  
**Subject:** RE: LRB 3737/P1

Ok, then please change s. 120.13(17) so that both the board and superintendent have authority to grant temporary use of school property to any responsible person and specify that the superintendent and board shall both be secondarily liable for damages.

---

**From:** Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]  
**Sent:** Tuesday, November 03, 2009 1:27 PM  
**To:** Skwarczek, Marta A - DOA  
**Subject:** RE: LRB 3737/P1

But because of the treatment of s. 119.04 (1), s. 120.13 (17) authorizes the *superintendent*, not the board to grant the use of school property to religious organizations.

---

**From:** Skwarczek, Marta A - DOA [mailto:Marta.Skwarczek@Wisconsin.gov]  
**Sent:** Tuesday, November 03, 2009 1:22 PM  
**To:** Grant, Peter  
**Subject:** RE: LRB 3737/P1

Peter,  
 No changes to s. 119.70 (3), the MPS superintendent shall still report the amount of money needed. I think s. 119.70 (5) should be changed so that, "nothing in this section prohibits the board or the superintendent from granting the use of school property to religious organizations under s. 120.13(7)."

Thanks.

---

**From:** Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]  
**Sent:** Tuesday, November 03, 2009 1:19 PM  
**To:** Skwarczek, Marta A - DOA  
**Subject:** RE: LRB 3737/P1

Marta, if we split children and adults between the super and the board in 119.70 (1), do you want any changes to 119.70 (3) and (5)?

11/03/2009

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**From:** Skwarczek, Marta A - DOA [mailto:Marta.Skwarczek@Wisconsin.gov]  
**Sent:** Tuesday, November 03, 2009 11:26 AM  
**To:** Grant, Peter  
**Subject:** RE: LRB 3737/P1

Yes, the superintendent must meet with the board if the board requests a meeting. The meeting with the board and superintendent is for the superintendent to answer any questions the board may have regarding the agreement.

---

**From:** Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]  
**Sent:** Tuesday, November 03, 2009 11:22 AM  
**To:** Skwarczek, Marta A - DOA  
**Subject:** RE: LRB 3737/P1

In item 6 (I'm skipping around), if the agreement has been signed, what is the point of the board meeting with the superintendent to discuss it? Also, must the superintendent meet with the board if the board requests a meeting?

---

**From:** Skwarczek, Marta A - DOA [mailto:Marta.Skwarczek@Wisconsin.gov]  
**Sent:** Tuesday, November 03, 2009 10:41 AM  
**To:** Grant, Peter  
**Subject:** RE: LRB 3737/P1

The 3 appointed members shall serve at the pleasure of the mayor.

Also, would it be possible and does it make sense to alter Section 28 (13) Attorney to state that the board may retain an attorney, with approval from the city attorney's office, to advise and represent it on matters involving board governance and open records and open meetings.

Thanks.

---

**From:** Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]  
**Sent:** Tuesday, November 03, 2009 10:35 AM  
**To:** Skwarczek, Marta A - DOA  
**Subject:** RE: LRB 3737/P1

Marta, concerning the budget committee: you can't have a member appointed to serve at the mayor's pleasure also be appointed to serve a specified term. "At pleasure" and "for a 4-year term" are contradictory. There's even an AG opinion stating that "if a statute provides that a public officer...serves at pleasure but is appointed for a term, the officer may be summarily dismissed during the term." Same as if it simply said "at pleasure" and omitted the term. So which way do you want it?

Peter

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**From:** Skwarczek, Marta A - DOA [mailto:Marta.Skwarczek@Wisconsin.gov]  
**Sent:** Tuesday, November 03, 2009 8:26 AM  
**To:** Grant, Peter  
**Cc:** Hanle, Bob - DOA  
**Subject:** RE: LRB 3737/P1

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11/03/2009

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