



State of Wisconsin  
2009 - 2010 LEGISLATURE

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DN

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

SAJ

regen.

1 AN ACT to repeal 119.36 and 121.137 (1) (a); to renumber 119.18 (2); to  
2 renumber and amend 119.12 (4), 119.12 (6) and 119.18 (15); to amend 16.70  
3 (8), 24.66 (3) (a), 24.66 (5) (a), 38.08 (1g), 40.02 (41), 40.02 (55) (b), 63.235, 63.36  
4 (2), 63.53, 66.0217 (8) (c), 66.0901 (1) (a), 66.1333 (5r) (b) 1. (intro.) and a.,  
5 66.1333 (5s) (a), 111.70 (4) (m) 1., 111.70 (4) (m) 4., 115.001 (7), 115.395, 118.22  
6 (1) (b), 119.02 (1), 119.04 (1), 119.04 (2), 119.16, 119.18 (title), (1g) and (1r),  
7 119.18 (3) to (5), (6) (intro.) and (b), (7) to (13) (intro.), (b) and (c) and (14), 119.18  
8 (16) to (22), 119.19, 119.235 (1), 119.235 (2) (intro.) and (b), 119.235 (2) (d),  
9 119.235 (2) (e) 2., 119.235 (2) (f), 119.235 (3), 119.235 (4), 119.235 (5), 119.24,  
10 119.26, 119.28 (1), 119.28 (2), 119.28 (3), 119.28 (4), 119.30, 119.32 (1), 119.32  
11 (2) (intro.), 119.32 (3), 119.32 (4), 119.32 (5), 119.32 (6), 119.32 (7), 119.40, 119.42  
12 (1m), 119.42 (2), 119.44 (title), 119.44 (1), 119.44 (2) (intro.), 119.44 (2) (a) 3.,  
13 119.46 (1), 119.47, 119.48 (1), 119.48 (2) (intro.), 119.48 (2) (a), 119.48 (4) (a),  
14 119.485, 119.49 (1) (a), 119.49 (2), 119.49 (3), 119.498 (1), 119.498 (2), 119.499,  
15 119.50 (2), 119.55, 119.60, 119.66, 119.68 (1), 119.70 (1), 119.70 (3), 119.70 (5),

1 119.71 (3), 119.73, 119.74 (intro.), 119.75, 119.78, 119.82 (1m) (intro.), 120.115  
2 (1), 121.137 (2), 121.137 (3), 121.85 (6) (am) 1. a., 121.85 (6) (am) 2. a., 121.85  
3 (6) (am) 3. a., 121.85 (6) (am) 4. a., 121.85 (6) (am) 5., 121.85 (6) (am) 6. a., 121.85  
4 (6m), 121.87 (3) and 200.23 (2) (a) 6.; **to repeal and recreate** 111.70 (4) (m) 2.  
5 and 119.18 (23); and **to create** 20.255 (3) (cs), 115.28 (53), 119.14 (title), (1), (2)  
6 and (6) to (13), 119.16 (11) and 121.137 (1) (c) of the statutes; **relating to:** the  
7 powers and duties of the board of school directors and the superintendent of  
8 schools in a first class city school district, requiring a referendum, and granting  
9 rule-making authority. ✓

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***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. ~~An analysis will be provided in a later version.~~

For further information see the ***state and 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:***

10 **SECTION 1.** 16.70 (8) of the statutes is amended to read:

11 16.70 (8) "Municipality" means a county, city, village, town, school district,  
12 ~~board of school directors~~, sewer district, drainage district, technical college district  
13 or any other public or quasi-public corporation, officer, board or other body having  
14 the authority to award public contracts.

15 **SECTION 2.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
16 the following amounts for the purposes indicated:

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2009-10      2010-11

**20.255 Public instruction, department of**

(3) AID TO LIBRARIES, INDIVIDUALS, AND ORGANIZATIONS

(cs) Comprehensive services                      GPR      A                      -0-                      -0-

**SECTION 3.** 20.255 (3) (cs) of the statutes is created to read:

20.255 (3) (cs) *Comprehensive services.* The amounts in the schedule for the grant to provide comprehensive services to children under s. 115.28 (53).

~~\*\*\*NOTE: Should this be in subsection (2)?~~ 2

**SECTION 4.** 24.66 (3) (a) of the statutes is amended to read:

24.66 (3) (a) *For long-term loans by common, union high and 1st class city school districts.* Every application for a loan, the required repayment of which exceeds 10 years, shall be approved and authorized for a common, union high or 1st class city school district by a vote of a majority of its legal voters voting on this question. If the vote is taken at a special meeting the objects thereof shall be clearly stated in the notice of the meeting. The application shall state the facts in detail respecting the holding of the meeting, and the taking and the result of the vote required. The In a common or union high school district, the application shall be signed by a majority of the members of the district school board and verified by the clerk. The statement accompanying the application shall contain a correct map or plat of the district. If the district is a joint district, the statement accompanying the application shall show the assessed valuation in its several parts separately, so that the valuation of each part of the district which lies in each town or municipality may be readily shown.

In a <sup>1st class city</sup> school district ~~requiring voter~~ the application shall be signed by the superintendent of schools.

\*\*\*\*NOTE: For MPS, do you want to substitute something for "signed by a majority of the members of the school board"?

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

2           24.66 (5) (a) Every application for a loan under this section by a municipality  
3 shall be accompanied by a certified copy under the hand of the proper clerk of a  
4 recorded resolution adopted by the municipality applying for or approving the loan,  
5 levying, except as provided in par. (b), upon all the taxable property of the  
6 municipality a direct annual tax for the purpose of paying and sufficient to pay the  
7 principal and interest on the proposed loan as they become due. In a 1st class city  
8 school district, the application shall be accompanied by a ~~certified copy of a~~  
9 ~~resolution, adopted by the board of school directors~~ sworn affidavit by the  
10 superintendent of schools, stating that it is the intention of the ~~board of school~~  
11 ~~directors~~ superintendent of schools to include in its his or her budget transmitted to  
12 the common council under s. 119.16 (8) (b) a written notice specifying the amount of  
13 money necessary to pay the principal and interest on the loan as they become due.  
14 Every application for a loan under this subsection by a cooperative educational  
15 service agency shall be accompanied by a copy of a recorded resolution adopted by  
16 the school board of each school district for which the loan is sought, certified by the  
17 school district clerk of that school district, levying upon all taxable property of the  
18 school district a direct annual tax for the purpose of paying and sufficient to pay the  
19 school district's share of the principal and interest on the proposed loan as they  
20 become due. The levy imposed by the municipality shall be void if the board declines  
21 to make the loan; otherwise it shall remain valid and irrevocable until the loan and  
22 all interest on the loan are fully paid.

\*\*\*\*NOTE: The affidavit substitutes for the resolution. Ok?

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

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

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:

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~~ superintendent of schools of the school district operating under ch. 119 if  
16 all of the following apply:

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

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

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

1 if the ~~board of school directors~~ superintendent of schools of the school district  
2 operating under ch. 119 requests the issuance of the bonds.

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

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

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

12 111.70 (4) (m) 2. Reassignment of municipal employees who perform services  
13 for the superintendent of schools, with or without regard to seniority, as a result of  
14 the decision of the superintendent of schools to close or reopen a school under s.  
15 119.18 (23), or the impact of any such reassignment on the wages, hours or conditions  
16 of employment of the municipal employees who perform those services.

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

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

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

*except that in a 1st class city school district (1) means "school board"*

**SECTION 19**

1           115.001 (7) SCHOOL BOARD. "School board" means the school board ~~or board of~~  
2 ~~school directors~~ in charge of the schools of a school district ~~on the board of school~~  
3 ~~directors of a school district operating under ch. 119.~~

4           **SECTION 20.** 115.28 (53) of the statutes is created to read:

5           115.28 (53) COMPREHENSIVE SERVICES TO CHILDREN IN MILWAUKEE. From the  
6 appropriation under s. 20.255 (3) (cs), beginning in the 2011-12 school year annually  
7 award a grant to a nonprofit corporation that jointly with a local governmental unit  
8 or a state agency provides comprehensive services to improve the education, health,  
9 and economic opportunities of children residing in a 1st class city school district. The  
10 state superintendent shall promulgate rules to implement and administer this  
11 subsection, including rules establishing a matching requirement.

12           **SECTION 21.** 115.395 of the statutes is amended to read:

13           **115.395 Grants for improving pupil academic achievement.** (1) In this  
14 section, "~~board~~" "superintendent" means the ~~board of school directors in charge~~  
15 superintendent of schools of the school district operating under ch. 119.

16           (2) ~~Beginning in the 2008-09 school year, the board~~ The superintendent may  
17 apply to the department of administration for an annual grant of up to \$10,000,000  
18 to implement initiatives to improve pupil academic achievement in all grades, such  
19 as employing licensed teachers to tutor pupils who are struggling academically, or  
20 employing persons to coordinate the district's instructional programs and provide  
21 ongoing professional development for teachers. The ~~board~~ superintendent shall  
22 submit with ~~its~~ his or her application a plan for the department of administration's  
23 approval describing the initiatives for which the grant will be used, describing the  
24 research showing that the initiatives have a positive effect on pupil academic  
25 achievement, and including criteria for evaluating the effectiveness of the

1 initiatives, such as high school graduation rates or the results of the statewide pupil  
2 assessments under ~~ch. s.~~ 118.30.

3 (3) The department of administration may approve the plan submitted under  
4 sub. (2) in whole or in part. If the department approves a plan in part, the ~~board~~  
5 superintendent may submit an additional plan for the same school year and the  
6 department may award the ~~board~~ school district operating under ch. 119 all or part  
7 of the balance of grant funds.

8 (4) Upon receipt of a notice from the department of administration that a plan  
9 has been approved under sub. (3), the state superintendent shall pay to the ~~board~~  
10 school district operating under ch. 119, from the appropriation under s. 20.255 (2)  
11 (df), the amount specified by the department of administration.

12 **SECTION 22.** 118.22 (1) (b) of the statutes is amended to read:

13 118.22 (1) (b) “Teacher” means any person who holds a teacher’s certificate or  
14 license issued by the state superintendent or a classification status under the  
15 technical college system board and whose legal employment requires such  
16 certificate, license or classification status, but does not include part-time teachers  
17 or teachers employed by ~~any board of school directors~~ the superintendent of schools  
18 in a city of the 1st class.

19 **SECTION 23.** 119.02 (1) of the statutes is amended to read:

20 119.02 (1) “Board” means the board of school directors ~~in charge of the public~~  
21 ~~schools of a city of the 1st class~~ city school district.

22 **SECTION 24.** 119.04 (1) of the statutes, as affected by 2009 Wisconsin Act 28,  
23 is amended to read:

24 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
25 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,

. Except for ss. 118.06(1), 118.13(2), 118.31(4), and 120.13(17)  
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SECTION 24

1 115.345, 115.361, 115.365 (3), 115.38 (2), 115.445, 115.45, 118.001 to 118.04, 118.045,  
2 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153,  
3 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6)  
4 and (8), 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12  
5 (5) and (15) to (25), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34),  
6 (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25 are applicable to a 1st class  
7 city school district and board, except that in a 1st class city school district, any power

8 conferred or duty imposed upon a school board in these provisions is conferred or  
9 imposed upon the superintendent of schools. *instead* *and any prohibition upon a school board's actions in these provisions applies to both the board and the superintendent of schools*

10 SECTION 25. 119.04 (2) of the statutes is amended to read:  
11 119.04 (2) The board superintendent of schools shall exercise the powers,  
12 perform the functions and be entitled to all school aid under sub. (1) insofar as the  
13 same are relevant to cities of the 1st class. The superintendent of schools, the board,  
14 and the schools in cities of the 1st class shall be governed in all matters by the general  
15 laws of the state, except as altered or modified by express amendments.

11-15

16 SECTION 26. 119.12 (4) of the statutes is renumbered 119.18 (25) and amended  
17 to read:

18 119.18 (25) LIMIT ON DEBT AND EXPENSES. The board superintendent of schools  
19 shall not in any one year contract any debt or incur any expense greater than the  
20 amount of the school funds subject to its his or her order.

21 SECTION 27. 119.12 (6) of the statutes is renumbered 119.18 (24) and amended  
22 to read:

23 119.18 (24) ATTORNEY. The city attorney of the city shall be the legal adviser  
24 of and attorney for the board superintendent of schools, except that the board  
25 superintendent of schools may retain an attorney to represent the board

1 superintendent of schools in any matter if the board superintendent of schools  
2 determines that ~~it~~ he or she requires specialized legal expertise not possessed by the  
3 city attorney, the city attorney does not have sufficient staff to adequately represent  
4 the interests of the board superintendent of schools or a conflict of interest exists.  
5 The board superintendent of schools shall provide the city attorney with reasonable  
6 ~~notice of any board meeting at which the board will~~ whenever he or she intends to  
7 consider retention of an attorney.

8 **SECTION 28.** 119.14 (title), (1), (2) and (6) to (13) of the statutes are created to  
9 read:

10 **119.14 (title) Board; powers and duties. (1) GENERAL SUPERVISION.** The  
11 board may visit and examine the schools of the school district and advise the  
12 superintendent of schools regarding the instruction, government, and progress of the  
13 pupils.

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

16 **(6) PUBLIC INPUT.** The board shall allocate time at each board meeting for public  
17 comment on issues of concern or interest to residents of the school district regarding  
18 the education of pupils, management of the school district, the school district's  
19 budget, or other issues of interest or concern. The board shall provide a written  
20 summary of public comments received at each board meeting to the superintendent  
21 of schools within 2 weeks of the board meeting.

22 **(7) DISCUSSION OF PUBLIC QUESTIONS.** Upon the written application of one-half  
23 of the electors of the school district, the board shall allow the use of the school  
24 buildings or grounds for the free discussion of public questions so far as such use does

1 not interfere, as determined by the superintendent of schools, with the prime  
2 purpose of the school buildings or grounds.

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

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

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

17 (11) LECTURES. The board may provide free lectures on educational subjects in  
18 school buildings, public library buildings, or other suitable places, and provide for  
19 the further education of the adult residents of the school district. The ~~board~~<sup>superintendent of school</sup> may  
20 purchase books, stationery, charts, and other things necessary to conduct such  
21 lectures ~~and~~<sup>The board</sup> may designate a person to manage such lectures. ✓

22 (12) SCHOOL BOARD ORIENTATION. The board may provide for the orientation and  
23 continuing education of board members and persons who have been elected to the  
24 board but have not yet taken office in the general duties and responsibilities of the

and to subchs. II and III of ch. 119

on matters relating to board governance of the City attorney approves

1 board and the school district, and pay for the actual and necessary expenses  
2 incurred.

3 (13) ATTORNEY. The board may retain an attorney to advise and represent it.  
4 The board shall provide the city attorney with reasonable notice of any board meeting  
5 at which the board will consider retention of an attorney.

14-5 →

6 SECTION 29. 119.16 of the statutes is amended to read:

7 **119.16 Board Superintendent of schools; duties.** (1) EDUCATIONAL  
8 PRIORITIES AND OBJECTIVES. The ~~board and the~~ superintendent of schools shall identify  
9 broad yearly objectives and assess priorities for education in the school district and  
10 shall issue an annual report and such additional reports as the ~~board and~~  
11 superintendent ~~deem~~ deems desirable on the progress of pupils enrolled in the public  
12 schools. status of academic programs and the <sup>in the school district</sup>

13 (1m) MANAGEMENT OF SCHOOL DISTRICT. The ~~board~~ superintendent of schools  
14 shall have the possession, care, control and management of the schools, facilities,  
15 operations, property and affairs of the school district.

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

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

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

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

10 (4) COMPETITIVE BIDDING. The ~~board~~ superintendent of schools shall establish  
11 competitive bidding policies and procedures for purchases and for construction  
12 contracts.

13 (5) SPECIAL COURSES. Within budgetary limitations, the ~~board~~ superintendent  
14 of schools shall establish in any public school, in grade 7 and higher, such classes of  
15 instruction consistent with the educational goals and objectives adopted by the ~~board~~  
16 superintendent of schools under sub. (1) as are petitioned for by the parents of a  
17 number of pupils attending the school sufficient to form one or more classes of  
18 instruction. Petition by the parents of 30 or more pupils of like classification  
19 attending any such school requesting the establishment of instruction in a specified  
20 subject is prima facie evidence of the sufficiency of the number of pupils to commence  
21 instruction therein.

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

1 (8) BUDGET. (a) Annually before adopting ~~its~~ the budget for the ensuing school  
 2 year and at least ~~5~~ 65 days before transmitting ~~its~~ the completed budget under par.  
 3 (b), ~~the board shall hold a public hearing on the proposed school budget at a time and~~  
 4 ~~place fixed by the board. At least one week before the public hearing, the board shall~~  
 5 ~~publish a class 1 notice, under ch. 985, of the public hearing. superintendent of~~  
 6 ~~schools shall submit the proposed budget to the board for its review. If the board~~  
 7 ~~objects to one or more items, it shall return the budget to the superintendent of~~  
 8 ~~schools within 15 days, indicating the items to which it objects in writing. The~~  
 9 ~~superintendent of schools shall respond to the board's objections, in writing, within~~  
 10 ~~25 days. The response may include revised versions of the items to which the board~~  
 11 ~~objected. The board may hold one or more public hearings on the superintendent's~~  
 12 ~~response. If the board does so, it shall provide to the superintendent of schools a~~  
 13 ~~written report on the hearings within 15 days of receiving the superintendent's~~  
 14 ~~response. At least 5 days before transmitting the completed budget to the common~~  
 15 ~~council under par. (b), the superintendent of schools shall hold a public hearing on~~  
 16 ~~the proposed budget.~~

17 (b) ~~The board~~ superintendent of schools shall transmit ~~its~~ the completed budget  
 18 to the common council on or before the first Monday in August of each year on forms  
 19 furnished by the auditing officer of the city. Such completed budget shall be  
 20 published with the budget summary under s. 65.04 (2) or 65.20 and budget under s.  
 21 65.05 (7).

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

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plain

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

(a) Within 5 days of signing a collective bargaining agreement

3 SECTION 30. 119.16 (11) of the statutes is created to read:

4 119.16 (11) COLLECTIVE BARGAINING AGREEMENTS ~~AND SCHOOL CLOSURES~~ The  
5 superintendent of schools shall submit to the board for its review ~~any decision he or~~  
6 she makes regarding collective bargaining with school district employees or school

7 closings under s. 119.18 (22). The process described in sub (8) (a) applies to such  
8 submissions insofar as applicable.

~~except that the superintendent of schools may not hold a public hearing on collective bargaining~~

NOTE: Is this sufficient? Do you want public hearings on collective bargaining agreements?

~~bargaining issue by school closings~~

9 SECTION 31. 119.18 (title), (1g) and (1r) of the statutes are amended to read:

10 119.18 (title) **Board Superintendent of schools; powers.** (1g) GENERALLY.  
11 The ~~board~~ superintendent of schools may do all things reasonable to promote the  
12 cause of education, including establishing, providing and improving school district  
13 programs, functions and activities for the benefit of pupils.

14 (1r) RULES. The ~~board~~ superintendent of schools may adopt and modify or  
15 repeal rules for ~~its own government~~ <sup>the administration of the school district</sup> and for the organization, discipline and  
16 management of the public schools which shall promote the good order and public  
17 usefulness of the public schools. ✓

18 SECTION 32. 119.18 (2) of the statutes is renumbered 119.14 (3).

19 SECTION 33. 119.18 (3) to (5), (6) (intro.) and (b) <sup>d and</sup> (7) to ~~(13) (intro.), (d) and (c)~~  
20 ~~and (14)~~ <sup>(10)</sup> of the statutes are amended to read:

21 119.18 (3) TRANSPORTATION. The ~~board~~ superintendent of schools may provide  
22 for the transportation of pupils to and from any school within the city.

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

3           (5) TEXTBOOKS FOR INDIGENT PUPILS. The ~~board~~ superintendent of schools may  
4 purchase textbooks for pupils whose parents, guardians or other persons having  
5 control or custody of such pupils are without means to furnish them with textbooks,  
6 if the indigency of such pupils have been investigated and certified by a welfare  
7 worker or attendance officer. The local governmental authority administering poor  
8 relief in the city shall reimburse the ~~board~~ superintendent of schools for all  
9 expenditures by the ~~board~~ superintendent of schools for such textbooks. Such  
10 textbooks shall be the property of the city and subject to the disposal of the ~~board~~  
11 superintendent of schools.

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

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

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

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

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

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

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

\* Sec. RN. 119.18 (11) - 119.14 (14)

12 ~~(11) BONDED OFFICERS AND EMPLOYEES. The ~~board~~ superintendent of schools  
13 may require any officer or employee of the board to give security for the faithful  
14 performance of the officer's or employee's duties in such form and amount as the  
15 ~~board~~ superintendent of schools determines, and may require at any time additional  
16 bonds and sureties of any officer or employee~~

→ sec. AM; 119.18 (12) ↑ (13) (intro.) ↑ (b) and (c) ✓ and (14) ✓  
119.18 (12)

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

21 (13) EXCHANGE TEACHERS. (intro.) The ~~board~~ superintendent of schools may  
22 make an agreement with the managing body of the schools in any city or school  
23 district in the United States or another country for the exchange of ~~one of the board's~~  
24 teachers a teacher for a teacher of such other city or school district for a period not  
25 exceeding one school year. The ~~board~~ superintendent of schools shall determine the

1 qualifications and compensation of the teacher rendering service under the  
2 agreement in the schools under its jurisdiction, who shall be counted as a regular  
3 teacher in the city in the computation of state and county school aids. The agreement  
4 shall state:

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

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

11 (14) SALES AND CHARGES. The ~~board~~ superintendent of schools may establish  
12 and maintain, in any of the schools or playgrounds under its jurisdiction, cafeterias  
13 and stores for the sale of schoolbooks, candies, refreshments and supplies. The ~~board~~  
14 superintendent of schools also may charge or permit the making of a charge for  
15 admission to any school, social center or athletic entertainment or activity, under  
16 such terms and conditions as the board prescribes.

17 **SECTION 34.** 119.18 (15) of the statutes is renumbered 119.14 (4) and amended  
18 to read:

19 119.14 (4) LEASE SCHOOL PROPERTY. In addition to any other authority, the board  
20 may lease school sites, buildings and equipment not needed for school purposes, as  
21 determined by the superintendent of schools, to any person for any lawful use at a  
22 reasonable rental for a term not exceeding 15 years.

23 **SECTION 35.** 119.18 (16) to (22) of the statutes are amended to read:

24 119.18 (16) GIFTS AND GRANTS. The ~~board~~ superintendent of schools may  
25 receive, accept and use gifts or grants of furniture, books, equipment, supplies,

1 moneys, securities or other property used or useful for school and educational  
2 purposes. The ~~board~~ superintendent of schools shall make such use of gifts or grants,  
3 or invest the same in the case of moneys, as the donor or grantor specifies. In the  
4 absence of any specific direction as to the use of such gifts or grants by a donor or  
5 grantor, the ~~board~~ superintendent of schools may determine the use of or may invest  
6 the same in accordance with the law applicable to trust investments. In the use,  
7 control or investment of such gifts or grants, the ~~board~~ superintendent of schools may  
8 exercise the rights and powers generally conferred upon trustees.

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

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

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

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

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

4 (22) RECORDS CUSTODIAN. ~~On~~ <sup>Except as provided in s. 119.14 (15) on</sup> behalf of any school district authority as defined  
 5 in s. 19.32 (1), ~~including the board, school district officers and any subunit of the~~  
 6 ~~board or school district,~~ the superintendent of schools may designate one or more  
 7 persons to be legal custodians of records. ✓

NOTE: Is this OK?

8 SECTION 36. 119.18 (23) of the statutes is repealed and recreated to read:

9 119.18 (23) SCHOOL CLOSINGS. <sup>(a)</sup> ~~Subject to 119.16 (11),~~ the superintendent of  
 10 schools may close any school that it determines is low in performance. If the  
 11 superintendent of schools closes a school, he or she may reassign the school's staff  
 12 members without regard to seniority in service. If the superintendent of schools  
 13 reopens the school, he or she may reassign staff members to the school without  
 14 regard to seniority in service. ✓

15 SECTION 37. 119.19 of the statutes is amended to read:

16 119.19 Released time for religious instruction. (1) The ~~board~~  
 17 superintendent of schools may permit a pupil, with the written permission of the  
 18 pupil's parent or guardian, to be absent from school for up to 180 minutes per week  
 19 to obtain religious instruction outside the school during the required school period.  
 20 The ~~board~~ superintendent of schools shall determine periods allotted for the pupil  
 21 to be absent from school for the purpose of religious instruction. Monthly, the  
 22 supervisor of the religious instruction shall report the names of the pupils who  
 23 attended such weekly religious instruction to the principal of the school that the  
 24 pupil regularly attends. The ~~board~~ superintendent of schools may withdraw

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1 permission to be absent from school if a pupil does not attend the religious  
2 instruction.

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

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

7 **SECTION 38.** 119.235 (1) of the statutes is amended to read:

8 119.235 (1) The ~~board~~ superintendent of schools may contract with any  
9 nonsectarian private school located in the city or any nonsectarian private agency  
10 located in the city to provide educational programs to pupils enrolled in the school  
11 district operating under this chapter. The ~~board~~ superintendent of schools shall  
12 ensure that each private school or agency under contract with the ~~board~~  
13 superintendent of schools complies with ss. 118.125 and 118.13, 20 USC 1232g, 20  
14 USC 1681 to 1688, 20 USC 3171 to 3197, 29 USC 794, 42 USC 2000d and 42 USC  
15 6101 to 6107, and all health and safety laws and rules that apply to public schools.

16 **SECTION 39.** 119.235 (2) (intro.) and (b) of the statutes are amended to read:

17 119.235 (2) (intro.) Each private school or agency under contract with the ~~board~~  
18 superintendent of schools shall do all of the following:

19 (b) Participate in the ~~board's~~ superintendent of schools' parent information  
20 program.

21 **SECTION 40.** 119.235 (2) (d) of the statutes is amended to read:

22 119.235 (2) (d) Meet insurance and financial requirements established by the  
23 ~~board~~ superintendent of schools.

24 **SECTION 41.** 119.235 (2) (e) 2. of the statutes is amended to read:

1           119.235 (2) (e) 2. A pupil selection process that gives preference to the siblings  
2 of enrolled pupils and that gives no other preferences except those approved by the  
3 board superintendent of schools.

4           **SECTION 42.** 119.235 (2) (f) of the statutes is amended to read:

5           119.235 (2) (f) Report to the board superintendent of schools any information  
6 requested by the board superintendent of schools.

7           **SECTION 43.** 119.235 (3) of the statutes is amended to read:

8           119.235 (3) Any pupil enrolled in the school district operating under this  
9 chapter may attend, at no charge, any private school or agency with which the board  
10 superintendent of schools has contracted under sub. (1) if space is available in the  
11 private school or agency.

12          **SECTION 44.** 119.235 (4) of the statutes is amended to read:

13          119.235 (4) The board superintendent of schools shall establish appropriate,  
14 quantifiable performance standards for pupils at each private school or agency with  
15 which ~~it~~ he or she contracts in such areas as attendance, reading achievement, pupil  
16 retention, pupil promotion, parent surveys, credits earned and grade point average.

17          **SECTION 45.** 119.235 (5) of the statutes is amended to read:

18          119.235 (5) Annually, the board superintendent of schools shall monitor the  
19 performance of the program under this section. The board superintendent of schools  
20 may use the results of standardized basic educational skills tests to do so. The board  
21 superintendent of schools shall include a summary of ~~its~~ his or her findings in ~~its~~ the  
22 annual report to the state superintendent under s. 119.44.

23          **SECTION 46.** 119.24 of the statutes is amended to read:

24          **119.24 Admission of pupils.** A pupil may attend a school in an attendance  
25 district other than the one in which he or she resides with the written permission of

1 the superintendent of schools. ~~Beginning in the 2000–01 school year, the board~~ The  
2 superintendent of schools shall provide spaces in each school for pupils who reside  
3 outside the attendance district for the school, but shall fill any unused spaces with  
4 pupils who reside in the attendance district. A pupil who attends a school may  
5 continue to attend that school until he or she graduates from the school and each  
6 sibling of that pupil shall be given priority over other pupils in the process of  
7 admission for that school.

8 **SECTION 47.** 119.26 of the statutes is amended to read:

9 **119.26 Partial annexation of school district.** When the city has annexed  
10 a portion of the territory of a school district and such annexation does not include the  
11 site of any school building of such school district, the school board of the district and  
12 ~~the board~~ superintendent of schools may enter into an agreement to permit pupils  
13 residing in the annexed territory to continue to attend school in the school district,  
14 and ~~the board~~ superintendent of schools shall pay tuition to the school district for the  
15 pupils in accordance with s. 121.78.

16 **SECTION 48.** 119.28 (1) of the statutes is amended to read:

17 **119.28 (1)** ~~The board~~ superintendent of schools shall establish and maintain  
18 such special schools for children with disabilities, as defined in s. 115.76 (5), as are  
19 required to accommodate pupils of school age desiring to attend school. ~~The board~~  
20 superintendent of schools shall prescribe the courses of study and the educational  
21 and other activities in special schools.

22 **SECTION 49.** 119.28 (2) of the statutes is amended to read:

23 **119.28 (2)** ~~The board~~ superintendent of schools may employ teachers to give  
24 instruction in homes or hospitals to pupils unable to attend special schools.

25 **SECTION 50.** 119.28 (3) of the statutes is amended to read:

1           119.28 (3) The ~~board~~ superintendent of schools may provide transportation for  
2 pupils attending special schools and provide school lunches for pupils under such  
3 terms as it determines.

4           **SECTION 51.** 119.28 (4) of the statutes is amended to read:

5           119.28 (4) The superintendent of schools shall prescribe, with the approval of  
6 the committee on instruction, the periods of instruction at special schools ~~subject to~~  
7 ~~amendment, rejection or confirmation by the board.~~

8           **SECTION 52.** 119.30 of the statutes is amended to read:

9           **119.30 Trade schools.** (1) The ~~board~~ superintendent of schools may  
10 establish, conduct and maintain one or more schools for the purpose of giving  
11 practical instruction in the useful trades and may purchase the proper machinery,  
12 tools and equipment and employ a sufficient number of teachers and other necessary  
13 employees in such schools. Such schools shall be known as senior trade schools and  
14 junior trade schools.

15           (2) Until otherwise determined by the ~~board~~ superintendent of schools, only  
16 pupils who have completed the 8th grade in an accredited school whose graduates  
17 are eligible for admission to a high school in the city shall be admitted to the senior  
18 trade schools. Only pupils who have attained the age of 14 years or have completed  
19 at least 6 grades in elementary school shall be admitted to the junior trade schools.

20           (3) The ~~board~~ superintendent of schools may require pupils in trade schools to  
21 pay the cost of all materials consumed in the course. In lieu of that requirement, the  
22 ~~board~~ superintendent of schools may establish a fixed sum to be paid by each pupil  
23 in a course which shall be sufficient to cover the cost of materials to be consumed by  
24 the pupil in the course. The ~~board~~ superintendent of schools may sell any articles

1 made or manufactured in a trade school and determine the use of the proceeds from  
2 the sale.

3 **SECTION 53.** 119.32 (1) of the statutes is amended to read:

4 119.32 (1) ~~The board mayor shall elect by roll call vote at a regular meeting~~  
5 ~~appoint~~ a superintendent of schools, ~~to serve at his or her pleasure,~~ whenever that  
6 office becomes vacant. The superintendent of schools shall be a person of suitable  
7 learning and experience in the art of instruction and shall have practical familiarity  
8 with the most approved methods of organizing and conducting a system of schools.

9 **SECTION 54.** 119.32 (2) (intro.) of the statutes is amended to read:

10 119.32 (2) (intro.) ~~Under the direction of the board, the~~ The superintendent of  
11 schools shall have general supervision of:

12 **SECTION 55.** 119.32 (3) of the statutes is amended to read:

13 119.32 (3) ~~Subject to confirmation by the board, the~~ The superintendent of  
14 schools shall appoint the deputy superintendent of schools, associate superintendent  
15 of schools, executive assistant to the superintendent of schools, assistant to the  
16 superintendent of schools, assistant superintendent, division director, department  
17 director and any other supervisory or administrative employees ~~designated by the~~  
18 ~~board.~~

19 **SECTION 56.** 119.32 (4) of the statutes is amended to read:

20 119.32 (4) The superintendent of schools shall be an advisory member of every  
21 committee of the board, ~~except when an inquiry into his or her acts or an~~  
22 ~~investigation of his or her official conduct is under consideration by such committee.~~

23 **SECTION 57.** 119.32 (5) of the statutes is amended to read:

1           119.32 (5) The superintendent of schools shall assign all teachers and engage  
2 and assign substitute teachers at the per diem compensation fixed by the ~~board~~  
3 superintendent of schools.

4           **SECTION 58.** 119.32 (6) of the statutes is amended to read:

5           119.32 (6) The superintendent of schools shall collect such statistics and  
6 information relating to schools and the population entitled to school privileges in the  
7 city as ~~the board directs~~ he or she deems necessary.

8           **SECTION 59.** 119.32 (7) of the statutes is amended to read:

9           119.32 (7) Notwithstanding ss. 115.28 (7), 118.19 (1) and 121.02 (1) (a), the  
10 ~~board mayor~~ may ~~elect~~ appoint a superintendent of schools, and the superintendent  
11 of schools may employ a business manager, who are not licensed by the department.

12           **SECTION 60.** 119.36 of the statutes is repealed.

13           **SECTION 61.** 119.40 of the statutes is amended to read:

14           119.40 (1) (a) Annually, the ~~board~~ superintendent of schools shall establish a  
15 schedule of salaries for all classroom teachers, not including principals and vice  
16 principals, in the schools of the city.

17           (b) Annually, the ~~board~~ superintendent of schools may establish one or more  
18 schedules of salaries for all its employees not covered under par. (a).

19           (2) All schedules of salaries annually fixed by the ~~board~~ superintendent of  
20 schools shall be adopted for the same period and on the same year basis as the annual  
21 school budget is adopted by the ~~board~~ superintendent of schools.

22           **SECTION 62.** 119.42 (1m) of the statutes is amended to read:

23           119.42 (1m) The appointment of a teacher in a 1st class city school district shall  
24 be probationary. After successful probation by completing 3 years of continuous  
25 service, the appointment shall be permanent during efficiency and good behavior.

1 A teacher who has a permanent appointment shall not be discharged, except for  
2 cause upon written charges. After 10 days' written notice to the teacher of the  
3 charges and upon the teacher's written request, the charges shall be investigated,  
4 heard and determined by the ~~board~~ superintendent of schools. The action of the  
5 ~~board~~ superintendent of schools on the matter shall be final.

6 **SECTION 63.** 119.42 (2) of the statutes is amended to read:

7 119.42 (2) Any teacher employed in a public school in territory annexed to the  
8 city, who at the time of the annexation possesses the qualifications required by law  
9 and by the rules of the ~~board~~ superintendent of schools for probationary or  
10 permanent appointment to a teaching position in the city, shall have the status of a  
11 regularly appointed teacher in the schools of the city and shall be entitled to all the  
12 rights and privileges of regularly appointed teachers in the city. Time spent in  
13 teaching in the annexed territory prior to annexation shall be credited to each such  
14 teacher as time spent in teaching in the city.

15 **SECTION 64.** 119.44 (title) of the statutes is amended to read:

16 **119.44 (title) ~~Board~~ Superintendent of schools report.**

17 **SECTION 65.** 119.44 (1) of the statutes is amended to read:

18 119.44 (1) The ~~board~~ superintendent of schools shall file its the annual  
19 financial report with the city clerk and shall send a copy of the report to the state  
20 superintendent.

21 **SECTION 66.** 119.44 (2) (intro.) of the statutes is amended to read:

22 119.44 (2) (intro.) Annually at such times as the department prescribes but on  
23 or before September 1, the ~~board~~ superintendent of schools shall file a verified  
24 annual report with the department, on forms supplied by the department. The  
25 annual report shall contain all of the following:

1           **SECTION 67.** 119.44 (2) (a) 3. of the statutes is amended to read:

2           119.44 (2) (a) 3. The number of pupils transferred by the ~~school board~~  
3 superintendent of schools to a different school in the same school district.

4           **SECTION 68.** 119.46 (1) of the statutes, as affected by 2009 Wisconsin Act 28,  
5 is amended to read:

6           119.46 (1) As part of the budget transmitted annually to the common council  
7 under s. 119.16 (8) (b), the ~~board~~ superintendent of schools shall report the amount  
8 of money required for the ensuing school year to operate all public schools in the city  
9 under this chapter, to repair and keep in order school buildings and equipment, to  
10 make material improvements to school property and to purchase necessary additions  
11 to school sites. The amount included in the report for the purpose of supporting the  
12 Milwaukee Parental Choice Program under s. 119.23 shall be reduced by the amount  
13 of aid received by the ~~board~~ school district under s. 121.136 and by the amount  
14 specified in the notice received by the ~~board~~ superintendent of schools under s.  
15 121.137 (2). The common council shall levy and collect a tax upon all the property  
16 subject to taxation in the city, which shall be equal to the amount of money required  
17 by the ~~board~~ superintendent of schools for the purposes set forth in this subsection,  
18 at the same time and in the same manner as other taxes are levied and collected.  
19 Such taxes shall be in addition to all other taxes which the city is authorized to levy.  
20 The taxes so levied and collected, any other funds provided by law and placed at the  
21 disposal of the city for the same purposes, and the moneys deposited in the school  
22 operations fund under s. 119.60 (1), shall constitute the school operations fund.

23           **SECTION 69.** 119.47 of the statutes is amended to read:

24           **119.47 Taxes for school extension fund.** (1) If activities are being  
25 conducted under s. 119.70 (1), the ~~board~~ superintendent of schools as part of the

1 budget transmitted annually to the common council under s. 119.16 (8) (b) shall  
2 specify the amount of money required for the ensuing school year under s. 119.70 (3).  
3 The taxes so levied and collected shall constitute the school extension fund.

4 (2) The ~~board~~ superintendent of schools may receive and expend, in addition  
5 to the tax levied and collected under s. 119.70 (3), any sums of money appropriated  
6 by the common council of the city for community services. The common council may  
7 appropriate from the city general fund or a similar fund to the school district such  
8 sums of money as the common council deems expedient.

9 **SECTION 70.** 119.48 (1) of the statutes is amended to read:

10 119.48 (1) If the ~~board adopts a resolution by a two-thirds vote of the~~  
11 ~~members-elect~~ superintendent of schools determines to provide funds, in addition  
12 to receipts from the sale of bonds, to purchase school sites, to construct school  
13 buildings and additions thereto or to remodel existing buildings, ~~the board~~ he or she  
14 may include, as part of the budget transmitted to the common council under s. 119.16  
15 (8) (b), a communication stating the amount of funds needed for such purposes. Upon  
16 receipt of the communication, the common council shall levy and collect a tax upon  
17 all property subject to taxation in the city, which shall be equal to the amount of  
18 money required by the ~~board~~ superintendent of schools for the purposes set forth in  
19 the communication, at the same time and in the same manner as other taxes are  
20 levied and collected. Such taxes shall be in addition to all other taxes which the city  
21 is authorized to levy. The taxes so levied and collected and the moneys under s.  
22 119.60 (1) that are deposited in the school construction fund shall constitute the  
23 school construction fund. If moneys under s. 119.60 (1) are deposited in the school  
24 construction fund, the moneys shall be used for the purchase of real property for

1 school purposes. The ~~board~~ superintendent of schools may allow the school  
2 construction fund to accumulate from year to year.

3 **SECTION 71.** 119.48 (2) (intro.) of the statutes is amended to read:

4 119.48 (2) (intro.) The common council shall have the following options on the  
5 ~~board's~~ superintendent's communication under sub. (1):

6 **SECTION 72.** 119.48 (2) (a) of the statutes is amended to read:

7 119.48 (2) (a) To levy and collect a tax equal to the amount of money specified  
8 by the ~~board~~ superintendent of schools under sub. (1).

9 **SECTION 73.** 119.48 (4) (a) of the statutes is amended to read:

10 119.48 (4) (a) If the ~~board~~ superintendent of schools deems it necessary to  
11 exceed the levy rate specified under s. 65.07 (1) (f), it he or she may ~~by a two-thirds~~  
12 ~~vote of the members-elect~~ include a communication to the common council as part  
13 of the budget transmitted to the common council under s. 119.16 (8) (b).

14 **SECTION 74.** 119.485 of the statutes is amended to read:

15 **119.485 Taxes for state trust fund loans.** (1) If the ~~board~~ school district is  
16 awarded a state trust fund loan under subch. II of ch. 24, the ~~board~~ superintendent  
17 of schools shall include in its his or her budget transmitted to the common council  
18 under s. 119.16 (8) (b) a written notice specifying the amount of money necessary to  
19 pay the principal and interest on the loan as they become due. The common council  
20 shall levy and collect a tax upon all property subject to taxation in the city, at the  
21 same time and in the same manner as other taxes are levied and collected, equal to  
22 the amount of money required to make such payments. The taxes are in addition to  
23 all other taxes that the city is authorized to levy.

24 (2) Annually by December 31, the ~~board~~ superintendent of schools shall  
25 transfer to the city an amount which, when added to the interest that will accrue on

1 the amount, is sufficient to meet the anticipated costs of debt service on the loan in  
2 the ensuing year.

3 **SECTION 75.** 119.49 (1) (a) of the statutes is amended to read:

4 119.49 (1) (a) If the ~~board~~ superintendent of schools deems it necessary to  
5 construct buildings or additions to buildings, to remodel buildings or to purchase  
6 school sites or to provide funds for any such purpose as a participant in a contract  
7 under s. 120.25, it ~~he or she~~ may ~~by a two-thirds vote of the members-elect~~ shall  
8 <sup>written</sup> communication to the common council of the city and issue a public notice

9 **SECTION 76.** 119.49 (2) of the statutes is amended to read:

10 119.49 (2) Upon receipt of the communication, the common council shall file the  
11 communication as provided in s. 8.37 and shall cause the question of issuing such  
12 school bonds in the stated amount and for the stated school purposes to be submitted  
13 to the voters of the city at the next election held in the city. The question of issuing  
14 such school bonds shall be submitted so that the vote upon issuing such school bonds  
15 is taken separately from any other question submitted to the voters. If a majority  
16 of the electors voting on the school bond question favors issuing such school bonds,  
17 the common council shall cause the school bonds to be issued immediately or within  
18 the period permitted by law, in the amount requested by the ~~board~~ superintendent  
19 of schools and in the manner other bonds are issued.

20 **SECTION 77.** 119.49 (3) of the statutes is amended to read:

21 119.49 (3) The proper city officials shall sell or dispose of the bonds in the same  
22 manner as other bonds are disposed of. The entire proceeds of the sale of the bonds  
23 shall be placed in the city treasury, subject to the order of the ~~board~~ superintendent  
24 of schools for the purposes named in the communication under sub. (1). Such school  
25 bonds shall be payable within 20 years from the date of their issue.

1           **SECTION 78.** 119.498 (1) of the statutes is amended to read:

2           119.498 (1) Subject to s. 119.499 (1), the ~~board~~ superintendent of schools may  
3 ~~adopt a resolution requesting~~ request the common council of the city to authorize the  
4 issuance of promissory notes under s. 67.12 (12) for school purposes consisting of  
5 paying unfunded prior service liability contributions under the Wisconsin  
6 Retirement System.

7           **SECTION 79.** 119.498 (2) of the statutes is amended to read:

8           119.498 (2) If the ~~board adopts a resolution~~ superintendent of schools makes  
9 a request under sub. (1) and the city issues the notes, annually the ~~board~~  
10 superintendent of schools shall include in ~~its~~ the budget transmitted to the common  
11 council under s. 119.16 (8) (b) an amount sufficient to pay the principal of and interest  
12 and redemption premium on the notes as they become due. The common council may  
13 authorize the issuance of the notes at public or private sale.

14           **SECTION 80.** 119.499 of the statutes is amended to read:

15           **119.499 Borrowing; unfunded prior service liability.** (1) The ~~board~~  
16 superintendent of schools may not request the redevelopment authority of the city  
17 to issue bonds under s. 66.1333 (5s) or adopt a resolution under s. 119.498 (1) unless  
18 ~~it~~ he or she develops information on both options and chooses the option that is in the  
19 best public interest.

20           **(1m)** If the redevelopment authority of the city issues bonds under s. 66.1333  
21 (5s), the ~~board~~ superintendent of schools may borrow money from the redevelopment  
22 authority to pay unfunded prior service liability contributions under the Wisconsin  
23 Retirement System for the board. If the ~~board~~ superintendent of schools borrows  
24 money from the redevelopment authority of the city to make such payments, ~~it~~ he or  
25 she may use any school district revenues, including state aid, to repay the loan.

1           (2) (a) If the ~~board~~ superintendent of schools decides to use school district  
2 revenues to repay the loan, it he or she may request the city to remit designated  
3 revenues of the school district to the redevelopment authority of the city at such  
4 times and in such amounts as ~~the board~~ he or she determines. The city may agree  
5 to the request, which is irrevocable while any amount due under the loan remains  
6 outstanding.

7           (b) If the ~~board~~ superintendent of schools decides to use state aid to repay the  
8 loan, it he or she may request the department to remit the aid to the redevelopment  
9 authority of the city in an annual amount agreed to by the ~~board~~ superintendent of  
10 schools and the department, and the department shall ensure that the aid  
11 remittance does not affect the amount determined to be received by the ~~board~~ school  
12 district as state aid under s. 121.08 for any other purpose.

13           **SECTION 81.** 119.50 (2) of the statutes is amended to read:

14           119.50 (2) The ~~board~~ superintendent of schools shall provide ~~by resolution~~ for  
15 the manner in which the payroll shall be certified, audited, approved and paid.

16           **SECTION 82.** 119.55 of the statutes is amended to read:

17           **119.55 Youth service centers, truancy abatement and burglary**  
18 **suppression.** (1) (a) The ~~board~~ superintendent of schools shall establish one or  
19 more youth service centers for the counseling of children who are taken into custody  
20 under s. 938.19 (1) (d) 10. for being absent from school without an acceptable excuse  
21 under s. 118.15. The ~~board~~ superintendent of schools shall contract with the boys and  
22 girls clubs of Greater Milwaukee for the operation of the centers.

23           (b) The ~~board~~ superintendent of schools shall establish 2 youth service centers  
24 under par. (a).

1           (2) The ~~board~~ superintendent of schools shall pay the city a sum sufficient to  
2 pay the costs of salaries and fringe benefits of 4 law enforcement officers to work on  
3 truancy abatement and burglary suppression on a full-time basis.

4           **SECTION 83.** 119.60 of the statutes is amended to read:

5           **119.60 Real property.** (1) If any real property within the city which is used  
6 for school purposes is sold, the ~~board~~ superintendent of schools shall determine  
7 whether the proceeds of the sale are deposited in the school operations fund under  
8 s. 119.46 or are deposited in the school construction fund under s. 119.48.

9           (2) City-owned property used for school purposes shall be sold by the city upon  
10 written request of the ~~board~~ superintendent of schools if the common council adopts  
11 a resolution approving the sale. If, within 12 months after a written request by the  
12 ~~board~~ superintendent of schools, the city has not disposed of the property, has failed  
13 to obtain a written agreement to dispose of the property or has not provided the ~~board~~  
14 superintendent of schools with a written report giving specific reasons, which are not  
15 identified by the city attorney as constituting a conflict of interest, for its failure to  
16 dispose of the property or to obtain an agreement to dispose of the property, the ~~board~~  
17 superintendent of schools may retain a real estate agent to represent the ~~board~~  
18 superintendent of schools in its his or her real estate transactions.

19           (3) The ~~board's~~ superintendent's authority to retain a real estate agent under  
20 sub. (2) is limited to the actual sale of property. The ~~board~~ superintendent of schools  
21 may compensate the real estate agent for his or her services only on the basis of a  
22 commission for specific property sold, and no property taxes may be levied for the  
23 purpose of providing funds to pay such commissions.

24           (4) The city is not liable for any action of the ~~board~~ superintendent of schools  
25 or its real estate agent in the sale of property under this section.

1 SECTION 84. 119.66 of the statutes is amended to read:

2 119.66 Interest in contracts forbidden. During the term for which elected  
3 or appointed and for 2 years after the expiration of the term, no member of the board  
4 may be employed by the ~~board~~ school district or by the department of employee trust  
5 funds in any capacity for which a salary or emolument is provided by the ~~board~~ school  
6 district or the department of employee trust funds. For 2 years after leaving office,  
7 the superintendent of schools may not be employed by the school district or by the  
8 department of employee trust funds in any capacity for which a salary or emolument  
9 is provided by the school district or the department of employee trust funds. No  
10 board member, superintendent of schools, assistant superintendent, other assistant,  
11 teacher or other employee of the board may have any interest in the purchase or sale  
12 of property by the city for the use or convenience of the schools. No contract made  
13 in violation of this section is valid. Any consideration paid by the city for a purchase  
14 or sale prohibited by this section may be recovered in an action at law in the name  
15 of the city. Any person violating this section shall be removed from any position held  
16 under this chapter.

~~NOTE: Is this your intent?~~

17 SECTION 85. 119.68 (1) of the statutes is amended to read:

18 119.68 (1) All claims against the city or ~~board~~ school district shall be audited  
19 for sufficiency of funds by the auditing officer of the city. The superintendent of  
20 schools shall furnish the auditing officer of the city a complete list of the claims. <sup>initial</sup>  
21 Before a warrant is issued therefor, the auditing officer of the city shall countersign  
22 it. <sup>↓</sup> ~~Within 20 days after each regular or special meeting of the board,~~ <sup>↓ Monthly</sup> the  
23 superintendent of schools shall make and file with the auditing officer of the city  
24 statements <sup>of</sup> the condition of the funds for the support of the schools and of the

1 financial transactions of the board school district during the period next preceding  
2 any such statement. ✓

~~\*\*\*NOTE: I'm not sure it makes sense any more to tie this to board meetings~~

*renumbered 119-70 (1) (a) and*

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SECTION 86. 119.70 (1) of the statutes is amended to read:

119.70 (1) <sup>(a) OK</sup> ~~The board~~ superintendent of schools may establish and maintain for  
children ~~and adults~~, <sup>plain space?</sup> 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 superintendent of schools. The board  
superintendent of schools may cooperate, by agreement, with other commissions or <sup>OK plain space?</sup>  
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.

38-13 →

SECTION 87. 119.70 (3) of the statutes is amended to read:

119.70 (3) The board superintendent of schools 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.

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

SECTION 88. 119.70 (5) of the statutes is amended to read:

*plain  
or the*

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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). ✓

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**SECTION 89.** 119.71 (3) of the statutes is amended to read:

119.71 (3) (a) Annually, the ~~board~~ superintendent of schools 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~~ superintendent of schools shall select pupils for the expanded  
program based on the order in which the pupils register for the program.

(b) The ~~board~~ superintendent of schools 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~~ superintendent of schools 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.

**SECTION 90.** 119.73 of the statutes is amended to read:

**119.73 Kindergarten programs.** The ~~board~~ superintendent of schools 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~~ superintendent of schools shall submit a report summarizing its his or her  
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).

**SECTION 91.** 119.74 (intro.) of the statutes is amended to read:

1           **119.74 Extended-day elementary grade, 4-year-old kindergarten and**  
2 **alcohol and other drug abuse programs.** (intro.) The ~~board~~ superintendent of  
3 schools shall spend at least \$430,000 for the following programs in each school year:

4           **SECTION 92.** 119.75 of the statutes is amended to read:

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

8           (2) Annually, the ~~board~~ superintendent of schools shall spend at least  
9 \$1,070,000 to pay the costs of teachers, aides and other support staff, transportation  
10 of staff to pupils' homes, in-service programs, parental involvement programs and  
11 instructional materials related to the programs under sub. (1). The ~~board~~  
12 superintendent of schools may not use the funds to provide facilities to house the  
13 programs under sub. (1) or to pay pupil transportation or indirect administrative  
14 costs associated with the programs under sub. (1).

15           **SECTION 93.** 119.78 of the statutes is amended to read:

16           **119.78 Family resource center.** The ~~board~~ superintendent of schools shall  
17 establish a family resource center to distribute parent education materials, conduct  
18 workshops on child development, facilitate communication between school  
19 personnel and parents of pupils enrolled in the school district and provide volunteer  
20 opportunities for parents within the schools.

21           **SECTION 94.** 119.82 (1m) (intro.) of the statutes is amended to read:

22           119.82 (1m) (intro.) Upon the request of the child or the child's parent or  
23 guardian, the ~~board~~ superintendent of schools shall provide an alternative  
24 educational program for any child who resides in the city and satisfies all of the  
25 following:

SEC. 90 CR, 119.90 ✓  
119.90 Advisory referendum ✓  
insert from p. 45 ✓

1 SECTION 95. 120.115 (1) of the statutes is amended to read:

2 120.115 (1) (a) Within 10 days after adopting a resolution that authorizes the  
3 school board to incur debt, or ~~that authorizes~~ within 10 days of issuing a <sup>written</sup>  
4 communication to the common council of a 1st class city that authorizes it to incur  
5 debt on behalf of the school district operating under ch. 119, the school board or  
6 superintendent of schools shall notify the department of the scheduled date of the  
7 referendum and submit a copy of the resolution to the department.

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

4/12 →

~~NOTE: Is "issuing a communication" sufficient?~~

13 SECTION 96. 121.137 (1) (a) of the statutes, as created by 2009 Wisconsin Act  
14 28, is repealed.

15 SECTION 97. 121.137 (1) (c) of the statutes is created to read:

16 121.137 (1) (c) "Superintendent of schools" means the superintendent of  
17 schools of the school district operating under ch. 119.

18 SECTION 98. 121.137 (2) of the statutes, as created by 2009 Wisconsin Act 28,  
19 is amended to read:

20 121.137 (2) Annually, the department shall calculate the amount of the state  
21 aid reduction under s. 121.08 (4) (b) 2. in the current school year and shall notify the  
22 board superintendent of schools, in writing, of the result.

23 SECTION 99. 121.137 (3) of the statutes, as created by 2009 Wisconsin Act 28,  
24 is amended to read:

1           121.137 (3) From the appropriation under s. 20.255 (2) (ac), annually the  
2 department shall pay the amount calculated under sub. (2) to the city in installments  
3 according to the schedule used by the ~~board~~ school district operating under ch. 119  
4 for the distribution of state aid under s. 121.15 (1) or (1g). The city shall pay an  
5 amount equal to the amount received under this subsection to the ~~board~~ school  
6 district operating under ch. 119.

Ins 42-6 →

7           **SECTION 100.** 121.85 (6) (am) 1. a. of the statutes is amended to read:

8           121.85 (6) (am) 1. a. Subtract from 75% the percentage of pupils whose parents  
9 or guardians have provided the ~~board of school directors~~ superintendent of schools  
10 with written consent to a pupil transfer to another attendance area.

11           **SECTION 101.** 121.85 (6) (am) 2. a. of the statutes is amended to read:

12           121.85 (6) (am) 2. a. Subtract from 80% the percentage of pupils whose parents  
13 or guardians have provided the ~~board of school directors~~ superintendent of schools  
14 with written consent to a pupil transfer to another attendance area.

15           **SECTION 102.** 121.85 (6) (am) 3. a. of the statutes is amended to read:

16           121.85 (6) (am) 3. a. Subtract from 90% the percentage of pupils whose parents  
17 or guardians have provided the ~~board of school directors~~ superintendent of schools  
18 with written consent to a pupil transfer to another attendance area.

19           **SECTION 103.** 121.85 (6) (am) 4. a. of the statutes is amended to read:

20           121.85 (6) (am) 4. a. Subtract from 95% the percentage of pupils whose parents  
21 or guardians have provided the ~~board of school directors~~ superintendent of schools  
22 with written consent to a pupil transfer to another attendance area.

23           **SECTION 104.** 121.85 (6) (am) 5. of the statutes is amended to read:

1           121.85 (6) (am) 5. In the 2004–05 school year, the number of pupils whose  
2 parents or guardians have not provided the ~~board of school directors~~ superintendent  
3 of schools with written consent to a pupil transfer to another attendance area.

4           **SECTION 105.** 121.85 (6) (am) 6. a. of the statutes is amended to read:

5           121.85 (6) (am) 6. a. Subtract from 95% the percentage of pupils whose parents  
6 or guardians have provided the ~~board of school directors~~ superintendent of schools  
7 with written consent to a pupil transfer to another attendance area.

8           **SECTION 106.** 121.85 (6m) of the statutes is amended to read:

9           121.85 (6m) USE OF AID FOR LEASE OR LOAN PAYMENTS. If the ~~board of directors~~  
10 superintendent of schools of the school district operating under ch. 119 leases  
11 buildings or sites from the redevelopment authority of the city or borrows money  
12 from the redevelopment authority of the city under s. 119.16 (3) (c), ~~it~~ he or she may  
13 use intradistrict transfer aid under sub. (6) to make lease payments or repay the  
14 loan. If the ~~board of school directors~~ superintendent of schools decides to use the aid  
15 to make lease payments or repay the loan, ~~it~~ he or she may request the department  
16 to remit the intradistrict transfer aid under sub. (6) to the redevelopment authority  
17 of the city of Milwaukee in an annual amount agreed to by the ~~board of school~~  
18 ~~directors~~ superintendent of schools and the department, and the department shall  
19 ensure that the aid remittance does not affect the amount determined to be received  
20 by the ~~board of school directors~~ school district operating under ch. 119 as state aid  
21 under s. 121.08 for any other purpose.

22           **SECTION 107.** 121.87 (3) of the statutes is amended to read:

23           121.87 (3) In addition to the report under sub. (1), annually by May 1 the ~~board~~  
24 ~~of school directors~~ superintendent of schools of the school district operating under ch.  
25 119 shall submit a report to the legislature under s. 13.172 (2) that specifies the

1 number, percentage, race, sex, grade and attendance area of pupils transferred  
2 outside their attendance area without written consent under s. 121.85 (6) (am).

3 SECTION 108. 200.23 (2) (a) 6. of the statutes is amended to read:

4 200.23 (2) (a) 6. Members of the board of school directors in charge of the public  
5 schools of the a 1st class city school district.

6 SECTION 109. Nonstatutory provisions.

7 (1) <sup>MAYORAL APPOINTMENTS. F(1A)</sup> The mayor of a 1st class city shall make the appointment under section  
8 119.32 (1) of the statutes, as affected by this act, within 45 days after the effective  
9 date of this subsection. <sup>paragraph</sup>

10 (2) <sup>90</sup> SUPERINTENDENT OF SCHOOLS; INCUMBENCY.

11 (a) Notwithstanding section 119.32 (1) of the statutes, as affected by this act,  
12 the superintendent of schools of the school district operating under chapter 119 of the  
13 statutes on the effective date of this paragraph may continue to hold that office and  
14 exercise the powers and duties of that office until his or her successor under section  
15 119.32 of the statutes, as affected by this act, is appointed and qualified.

16 (b) Notwithstanding section 119.32 (1) of the statutes, as affected by this act,  
17 the employment of the person holding the position of superintendent of schools of the  
18 school district operating under chapter 119 of the statutes on the effective date of this  
19 paragraph terminates on the date that his or her successor under section 119.32 (1)  
20 of the statutes, as affected by this act, is appointed and qualified.

21 (3) <sup>90</sup> TECHNICAL COLLEGE APPOINTMENT COMMITTEE.  
22 Notwithstanding section 38.08 (1g) of the statutes, as affected by this act,  
23 the members of the appointment committee on the effective date of this subsection  
24 who were designated by the board of school directors may continue to serve until  
25 their successors are appointed by the superintendent of schools of the school district  
operating under ch. 119.

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(4) 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: "Do you favor returning to the elected board of school directors of the Milwaukee Public Schools all of the powers and duties that were transferred to the superintendent of schools by 2009 Wisconsin Act .... (this act)?"

**SECTION 110. Initial applicability.**

(1) The treatment of section 63.53 of the statutes first applies to persons appointed to positions on the effective date of this subsection.

(END)

11-15

Section #. 119.10 (2) of the statutes is amended to read:

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

History: 1977 c. 445; 1979 c. 110; 1991 a. 39, 269; 1993 a. 492.

and an individual to  
serve as assistant <sup>clerk ✓</sup>  
clerk ✓

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

14-5

REC.                    ✓ 119.14  
CR.                    119.17 (15)

119.14 (B)                    (C)

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

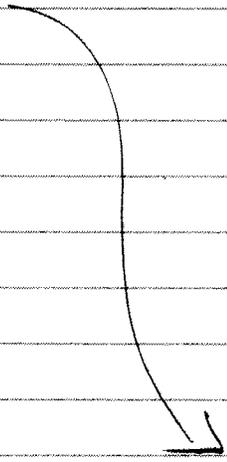
17-2

SEC. CR. 119.16 (8) (am)

119.16 (8) (am) [INSERT FROM p. 16, p. 14-16]

17-8:1

(no A) ~~within 30 days of receiving the agreement,~~  
~~the board may request a meeting~~  
~~with the superintendent of schools to~~  
~~discuss the agreement.~~ The superintendent  
of schools shall meet with the board  
to discuss the agreement if the <sup>board</sup> board  
requests such a meeting within 30  
days of receiving a copy of the agreement. ✓



17-8:2

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

22-14

(b) The process described in s. 119.16 (8)(a) ✓  
applies to <sup>any</sup> decision made by the  
superintendent of schools <sup>to close a school</sup> under  
para (a) ✓

35-15

✓ 11

SEC. CR. 119.53

119.53 Budget committee. (1) There is

created a budget committee consisting of the following members:

(a) The <sup>city</sup> comptroller ~~of the city~~ or his or her designee. ✓

(b) The president of the common council or his or her designee. ✓

(c) The president of the board or his or her designee. ✓

(d) Three members appointed by the mayor to serve at his or her pleasure. ✓

(2) The budget committee shall advise the superintendent of schools on the formulation of the annual school budget. ✓

38-13

Section #. <sup>CR;</sup> 119.70 (1) <sup>(b)</sup> of the statutes

119.70 (1) <sup>(b)</sup> 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.

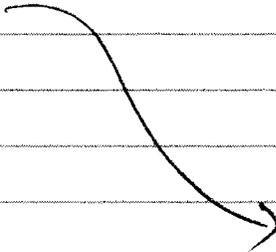
41-12:1

Section #. 120.13 (17) of the statutes is amended to read:

120.13 (17) TEMPORARY USE OF SCHOOL PROPERTY. Grant the temporary use of school grounds, buildings, facilities or equipment, upon such conditions, including fees not to exceed actual costs, as determined by the school board, to any responsible person for any lawful nonschool purpose if such use does not interfere with use for school purposes or school-related functions. Fees received under this subsection shall be paid into the school district treasury and accounted for as prescribed under s. 115.28 (13). The user shall be primarily liable, and the school board secondarily liable, for any damage to property and for any expense incurred in consequence of any use of school grounds, buildings, facilities or equipment under this subsection.

History: 1973 c. 94, 290; 1975 c. 115, 321; 1977 c. 206, 211, 418, 429; 1979 c. 20, 202, 221, 301, 355; 1981 c. 96, 314, 335; 1983 a. 27, 193, 207, 339, 370, 518, 538; 1985 a. 29 ss. 1725e to 1726m, 1731; 1985 a. 101, 135, 211; 1985 a. 218 ss. 12, 13, 22; 1985 a. 332; 1987 a. 88, 187; 1989 a. 31, 201, 336, 359; 1991 a. 39, 226, 269; 1993 a. 16, 27, 284, 334, 399, 450, 481, 491; 1995 a. 27 ss. 4024, 9126 (19), 9145 (1); 1995 a. 29, 32, 33, 65, 75, 225, 235, 289, 439; 1997 a. 27, 155, 164, 191, 237, 335; 1999 a. 9, 19, 73, 83, 115, 128; 1999 a. 150 s. 672; 1999 a. 186; 2001 a. 38, 98, 103, 105; 2003 a. 254; 2005 a. 22, 194, 290, 346; 2005 a. 443 s. 265; 2007 a. 20 ss. 2738, 9121 (6) (a); 2007 a. 36, 70, 97; 2009 a. 14, 28.

41-12: B2



In the school district operating  
under ch. 119, both the board and  
the superintendent of schools have  
the authority granted to the school  
board under this subsection, and the  
school district <sup>is</sup> secondarily liable for  
damage to property and for any  
expense incurred in consequence of  
any use of school grounds, buildings,  
facilities or equipment under this  
subsection.

Ins 42-6

*(Handwritten signature/initials)*

Section #. 120.14 (1) of the statutes is amended to read:

120.14 (1) At the close of each fiscal year, the school board of each school district shall employ a licensed accountant to audit the school district accounts and certify the audit. The audit shall include information concerning the school district's self-insurance plan under s. 120.13 (2) (b), as specified by the commissioner of insurance. If required by the state superintendent under s. 115.28 (18), the audit shall include an audit of the number of pupils reported for membership purposes under s. 121.004 (5). The cost of the audit shall be paid from school district funds. Annually by September 15, the school district clerk shall file a financial audit statement with the state superintendent.

History: 1971 c. 108 ss. 5, 6; 1971 c. 125 s. 523; 1975 c. 224; 1977 c. 29; 1983 a. 27; 1983 a. 189 s. 329 (17m); 1985 a. 29; 1993 a. 16; 1995 a. 27 s. 9145 (1); 1997 a. 27; 2001 a. 16.

The superintendent of schools of a school district operating under ch. 119<sup>v</sup> the superintendent of schools shall provide a copy of the audit to the budget committee under s. 119.53.<sup>v</sup>

*(Vertical handwritten scribble)*

44-9

(b) The mayor of a 1st class city shall make the appointments under section 119.53(1)(d) of the statutes, as created by this act, within 90 days after the effective date of this paragraph.

LRB-3737/p2dn

PG:nwn:

DN

(Date)

Marta :

statutory  
statutory

1. As we discussed, the list of <sup>statutory</sup> provisions in  
119.04 (1)  
119.04 (1) is not a complete list of statutory sections

that apply to mps. It would probably not be  
definitive

possible to compile a complete <sup>strong</sup> list because in  
many cases there would be disagreement. Therefore

this bill which attempts to delineate the  
delineate

powers and duties of the board and the  
superintendent of schools in Milwaukee is

necessarily incomplete. ✓

2. The budget committee is subject to the open  
meetings and open records laws because it is a  
public body. See ss. 19.32 (1) ✓ and 119.82 (1).

19.82

PG

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

LRB-3737/P2dn  
PG:nwn:jf

November 4, 2009

Marta:

1. As we discussed, the list of statutory sections in 119.04 (1) is not a complete list of statutory sections that apply to MPS. It would probably not be possible to compile a complete, definitive list, because in many cases there would be strong disagreement. Therefore, this bill, which attempts to delineate the powers and duties of the board and the superintendent of schools in Milwaukee, is necessarily incomplete.
2. The budget committee is subject to the open meetings and open records laws because it is a public body. See ss. 19.32 (1) and 19.82 (1).

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:** Wednesday, November 04, 2009 11:38 AM  
**To:** Grant, Peter  
**Subject:** MPS governance draft- more changes

Peter,  
Please incorporate the following changes in LRB- 3737. At this point, I don't know if it makes more sense to include them in /P2 or /P3.

1. Under s. 115.98, please specify that for MPS, the superintendent of schools **shall** appoint a bilingual-bicultural advisory committee...

~~2. Please specify that MPS school board members will no longer serve staggered terms but rather all be elected at the same time on the date of the mayoral election in Milwaukee. Please specify that this change will first take effect during the next upcoming mayoral election in Milwaukee. Please retain all other language regarding 4 year terms, filling a vacancy on the board, etc.~~

3. Please specify that the school board's authority to hold a hearing and make a decision to expel a pupil under s. 120.13(1)(c)1-4 would remain with the MPS school board. The powers granted to school boards to suspend pupils under s. 120.13(1)(a) and s. 120.13(1)(b) would be transferred to the MPS superintendent. Also, please make the following changes under s. 119.25, as noted below in bold. We would like most of the powers to be transferred to the superintendent but maintain the ability for the board to review and overturn a decision made by the independent hearing panel or officer.

119.25(1) (1) The **superintendent of schools may issue a directive**, which is effective only during the school year in which it is **issued**, authorizing any of the following to determine pupil expulsion from school under sub. (2) instead of using the procedure under s. 120.13 (1) (c):

119.25(1)(a) (a) An independent hearing panel appointed by the **superintendent**.

119.25(1)(b) (b) An independent hearing officer appointed by the **superintendent**.

119.25(2) (2)

119.25(2)(a) (a) During any school year in which a **directive issued** under sub. (1) is effective, the independent hearing officer or independent hearing panel appointed by the **superintendent**:

119.25(2)(a)1. 1. May expel a pupil from school whenever the hearing officer or panel finds that the pupil engaged in conduct that constitutes grounds for expulsion under s. 120.13 (1) (c) 1. or 2.

119.25(2)(a)2. 2. Shall commence proceedings under par. (b) and expel a pupil from school for not less than one year whenever the hearing officer or panel finds that the pupil engaged in conduct that constitutes grounds for expulsion under s. 120.13 (1) (c) 2m.

119.25(2)(b) (b) No administrator may be designated to participate in an expulsion hearing if he or she was involved in the incident that led to the expulsion proceeding. Prior to expelling a pupil, the hearing officer or panel shall hold a hearing. Upon request of the pupil and, if the pupil is a minor, the pupil's parent or guardian, the hearing shall be closed. The pupil and, if the pupil is a minor, the pupil's parent or guardian, may be represented at the hearing by counsel. The hearing officer or panel shall keep a full record of the hearing. The hearing officer or panel shall inform each party of the right to a complete record of the proceeding. Upon request, the hearing officer or panel shall direct that a transcript of the record be prepared and that a copy of the transcript be given to the pupil and, if the pupil is a minor, the pupil's parent or guardian. Upon the ordering by the hearing officer or panel of the expulsion of a pupil, the school district shall mail a copy of the order to the board, the pupil and, if the pupil is a minor, the pupil's parent or guardian. A **school board**, hearing officer or panel may disclose the transcript to the parent or guardian of an adult pupil, if the adult pupil is a dependent of his or her parent or guardian under section 152 of the internal revenue code. Within 30 days after the date on which the order is issued, the board shall review the expulsion order and shall, upon review, approve, reverse or modify the order. The order of the hearing officer or panel shall be enforced while the board reviews the order. The expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal the board's decision to the state superintendent. If the board's decision is appealed to the state superintendent, within 60 days after the date on which the state superintendent receives the appeal, the state superintendent shall review the decision and shall, upon review, approve, reverse or modify the decision. The decision of the board shall be enforced while the state superintendent reviews the decision. An appeal from the decision of the state superintendent may be taken within 30 days to the circuit court for the county in which the school is located.

119.25(2)(c) (c) Not less than 5 days' written notice of the hearing under par. (b) shall be sent to the pupil and, if the pupil is a minor, to the pupil's parent or guardian. The notice shall include all of the information specified in s. 120.13 (1) (e) 4.

119.25(2)(d) (d)

11/04/2009

119.25(2)(d)1. 1. In this paragraph:

119.25(2)(d)1.a. a. "Early reinstatement" means the reinstatement to school of an expelled pupil before the expiration of the term of expulsion specified in the pupil's expulsion order under par. (b).

119.25(2)(d)1.b. b. "Early reinstatement condition" means a condition that a pupil is required to meet before he or she may be granted early reinstatement or a condition that a pupil is required to meet after his or her early reinstatement but before the expiration of the term of expulsion specified in the pupil's expulsion order under par. (b).

119.25(2)(d)2. 2. An independent hearing panel or independent hearing officer appointed by the **superintendent** may specify one or more early reinstatement conditions in the expulsion order under par. (b) if the early reinstatement conditions are related to the reasons for the pupil's expulsion. Within 15 days after the date on which the expulsion order is issued, the expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal the determination regarding whether an early reinstatement condition specified in the expulsion order is related to the reasons for the pupil's expulsion to the board. The decision of the board regarding that determination is final and not subject to appeal.

119.25(2)(d)3. 3. If the superintendent of schools or his or her designee, who shall be someone other than a principal, administrator or teacher in the pupil's school, determines that a pupil has met the early reinstatement conditions that he or she is required to meet before he or she may be granted early reinstatement, the superintendent of schools or designee may grant the pupil early reinstatement. The determination of the superintendent of schools or designee is final.

119.25(2)(d)4. 4. If a pupil violates an early reinstatement condition that the pupil was required to meet after his or her early reinstatement but before the expiration of the term of expulsion, the superintendent of schools or a principal or teacher designated by the superintendent of schools may revoke the pupil's early reinstatement as provided in s. 120.13 (1) (h) 4.

119.25(2)(d)5. 5. Except as provided in subd. 6., if the pupil's early reinstatement is revoked under subd. 4., the pupil's expulsion shall continue to the expiration of the term specified in the expulsion order unless the pupil or, if the pupil is a minor, the pupil's parent or guardian and the board, independent hearing panel or independent hearing officer agree, in writing, to modify the expulsion order.

119.25(2)(d)6. 6. Within 5 school days after the revocation of a pupil's early reinstatement under subd. 4., the pupil or, if the pupil is a minor, the pupil's parent or guardian may request a conference with the superintendent of schools or his or her designee, who shall be someone other than a principal, administrator or teacher in the pupil's school. If a conference is requested, it shall be held within 5 school days following the request. If, after the conference, the superintendent of schools or his or her designee finds that the pupil did not violate an early reinstatement condition or that the revocation was inappropriate, the pupil shall be reinstated to school under the same reinstatement conditions as in the expulsion order and the early reinstatement revocation shall be expunged from the pupil's record. If the superintendent of schools or his or her designee finds that the pupil violated an early reinstatement condition and that the revocation was appropriate, he or she shall mail separate copies of the decision to the pupil and, if the pupil is a minor, to the pupil's parent or guardian. The decision of the superintendent of schools or his or her designee is final.

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

**Grant, Peter**

**From:** Skwarczek, Marta A - DOA [Marta.Skwarczek@Wisconsin.gov]  
**Sent:** Wednesday, November 04, 2009 1:34 PM  
**To:** Grant, Peter  
**Subject:** RE: MPS governance draft- more changes

Please also include the following provision (or something similar to this provision): "The mayor of a first class city shall meet at least annually with the MPS superintendent of schools and other Milwaukee leaders in elementary and secondary education and other elementary and secondary education leaders and experts, as determined by the mayor, to discuss and evaluate educational outcomes in the City of Milwaukee. This meeting shall be advisory in nature only."

**From:** Skwarczek, Marta A - DOA  
**Sent:** Wednesday, November 04, 2009 1:11 PM  
**To:** Grant, Peter - LEGIS  
**Subject:** RE: MPS governance draft- more changes

Peter,  
Please disregard item #2 regarding election of MPS school board members and do not include it in the draft.

Thanks.

**From:** Skwarczek, Marta A - DOA  
**Sent:** Wednesday, November 04, 2009 11:38 AM  
**To:** Grant, Peter - LEGIS  
**Subject:** MPS governance draft- more changes

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2. ~~Please specify that MPS school board members will no longer serve staggered terms but rather all be elected at the same time on the date of the mayoral election in Milwaukee. Please specify that this change will first take effect during the next upcoming mayoral election in Milwaukee. Please retain all other language regarding 4 year terms, filling a vacancy on the board, etc.~~
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119.25(2)(a)1. 1. May expel a pupil from school whenever the hearing officer or panel finds that the pupil engaged in conduct that constitutes

11/04/2009

**Grant, Peter**

**From:** Skwarczek, Marta A - DOA [Marta.Skwarczek@Wisconsin.gov]  
**Sent:** Thursday, November 05, 2009 1:34 PM  
**To:** Grant, Peter  
**Cc:** Hanle, Bob - DOA  
**Subject:** LRB- 3737/P2

Peter,  
We have 3 relatively minor changes.

- 1. Page 16, Section 31, line 11, please change 65 days to 60 days
- 2. Page 16, Section 31 (8) Budget, line 21: please add that at the board's request, the superintendent shall participate in the public hearings. *still want written report before? yes*
- 3. Page 42, Section 103, please rephrase the referendum question as, "Do you favor maintaining all of the powers and duties that were transferred to the superintendent of schools from the elected board of school directors by 2009 Wisconsin Act... (this act)." *if the exp'*  
This is just so voters vote "yes" rather than "no." *think a ha*

We are still interested in having a draft ready for introduction by next Tuesday. However, would it be possible to get another /P draft so that we had something that reflected these changes before then?

Thanks.

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

✓ ~~RE~~ budget etc

mlw

mayor committee @ members (←→)

+ add state superintendent as designer