

ANALYSIS

Under current law a 1st class city school district (currently only the Milwaukee Public Schools or MPS) is governed by an ^{by} ^{elected} board of school directors.

The board consists of nine members, eight of whom are elected from numbered ^{election} districts and one of whom is ^{elected} elected at large.

Members are elected at the spring ^{election} election and serve ^{four-year} four-year terms. The board appoints

the superintendent of schools. ~~and a business~~

~~manager~~ The board may remove the superintendent of schools for a misdemeanor in office, incompetency, or inattention to the duties of office.

This bill provides ^{directs} for the mayor

The city of
 of Milwaukee to appoint a superintendent
 of schools to serve at the mayor's
 pleasure. Under the bill,
 the superintendent of schools
 is in charge of ~~the public schools~~ ^{or MPS} and
 most of the powers and duties of the
 board of school directors are transferred
 to the superintendent of schools, including
 the appointment of all staff,
 the formulation of the annual school
 budget, collective bargaining, school
 closings, and the determination of the school
 calendar. The board retains the
 authority to expel pupils
 from school, although the bill transfers
 the authority to suspend
 pupils ~~from school~~ to the superintendent of schools.
 In addition, the bill allows the superintendent
 in any school year to permit an
 independent hearing panel, or officer,
 appointed by the

superintendents to determine pupil
expulsion instead of the board. The board,

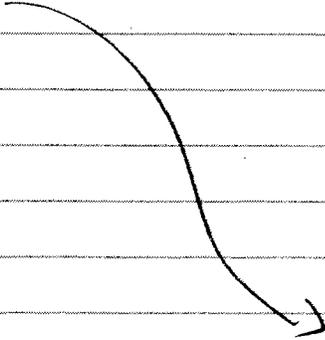
if the board retains the authority
to establish evening schools, vacation schools,
clubs, and similar activities for adults,
but the bill transfers the authority to do so for
children to the superintendents of schools.

however, still hears appeals ~~from~~ of
expulsion orders.

(A: 1)

If the bill creates a budget committee to advise the superintendent of schools on the ^{formulation} formulation of the school budget.

The committee consists of the city comptroller, the president of the common council, the president of the board of school directors, the state superintendent of public instruction, and ^{three} 3 members appointed by the mayor.



(A:2) that advisory
 ¶ The bill requires an referendum to
 be held in the city of Milwaukee at
 the April of 2017 of spring election. The question asked
 voters will be whether they favor
 favor

~~maintaining with~~ the superintendent of
 of the Milwaukee Public Schools
 schools all of the powers and duties that
 were retaining
 were transferred to him or her from

of the ~~state~~ board of school directors
 of the Milwaukee Public Schools by this act. ✓

~~2009 Wisconsin Act ... (this act)?~~

¶ The bill creates a budget
 committee to advise the superintendent of
 schools on the formulation of the school
 budget. The committee consists of the
 city comptroller, the president of the

jointly with a local governmental unit
or state agency provides comprehensive
services to improve the ^{education} education, health,
and economic opportunities of children
residing in the city of Milwaukee.

→ EE - SL

8-23

Section #. 115.001 (8) of the statutes is amended to read:

115.001 (8) SCHOOL DISTRICT ADMINISTRATOR. "School district administrator" means the school district superintendent, supervising principal or other person who acts as the administrative head of a school district.

History: 1983 a. 189 ss. 172, 173, 175 to 177; 1983 a. 512; 1985 a. 225; 1985 a. 332 s. 151; 1987 a. 264; 1989 a. 114; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 3846, 9145 (1); 1997 a. 27, 164; 1999 a. 22, 83; 2007 a. 222.

or the superintendent of schools of a
school district operating under
ch. 119 ✓

10-7

✓
Section #. 115.98 of the statutes is amended to read:

115.98 Bilingual-bicultural advisory committee. In each school district which establishes a bilingual-bicultural education program under this subchapter, the school board may appoint a bilingual-bicultural advisory committee to afford parents and educators of limited-English proficient pupils the opportunity to advise the school board of their views and to ensure that a program is planned, operated and evaluated with their involvement and consultation. The committee shall assist the school board in informing educators, parents and legal custodians of limited-English proficient pupils that a program exists. ✓ The committee shall be composed of parents of limited-English proficient pupils enrolled in the bilingual-bicultural education program, bilingual and other teachers, bilingual teacher's aides, bilingual and other counselors and bilingual counselor's aides in the district, at least one representative from the community and a representative of the school district administration.

History: 1975 c. 395; 1999 a. 19.

or the superintendent of schools

In the school district operating under ch. 119, the superintendent of schools shall assist such a committee. ✓

10-17

✓

SEC. CR. 119.02 (4)

ⓑ

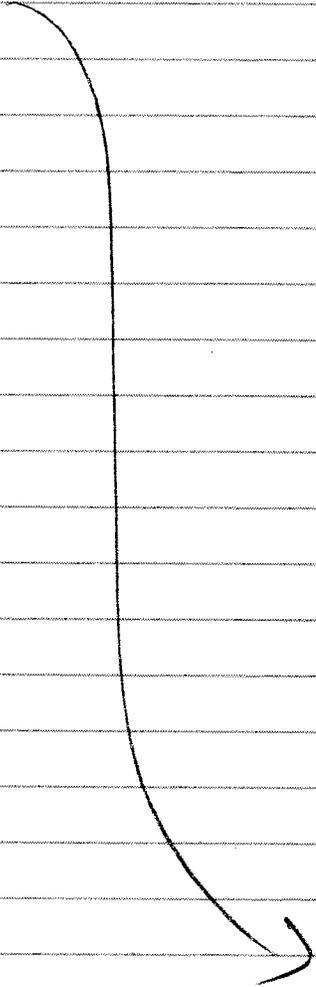
119.02 (4) "Superintendent of schools"

means the superintendent of schools in
change of the ^{public} schools of a city.

~~AA/~~

22-24:1

(b) At least 60 days before closing
a school, the superintendent of



22-24:2

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

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

10 (8) BUDGET. (a) Annually before adopting its the budget for the ensuing school
11 year and at least 5 ⁶⁰ ~~65~~ days before transmitting its the completed budget under par.

12 (b), the board shall hold a public hearing on the proposed school budget at a time and
13 place fixed by the board. At least one week before the public hearing, the board shall
14 publish a class 1 notice, under ch. 985, of the public hearing. superintendent of

15 schools shall submit the ^{proposal to close the school} ~~proposed budget~~ to the board for its review. If the board
16 objects to ^{the closing} ~~one or more items~~, it shall return the ^{proposal} ~~budget~~ to the superintendent of
17 schools within 15 days, indicating ^{the reasons for its objection} ~~the items to which it objects~~ in writing. The
18 superintendent of schools shall respond to the board's objection ^{the} in writing, within

19 25 days. The response may include ^a ~~revised versions of the items to which the board~~

20 ^{proposal} ~~objects~~. The board may hold one or more public hearings on the superintendent's
21 response. If the board ^{holds one or more hearings} ~~does so~~, it shall provide to the superintendent of schools a
22 written report on the hearings within 15 days of receiving the superintendent's
23 response.

24 (b) The board superintendent of schools shall transmit its the completed budget ^{plain}
25 to the common council on or before the first Monday in August of each year on forms

At the board's request, the superintendent of schools shall participate in the public hearings.

PLAIN

23-15:1

Section #. 119.23 (4r) (intro.) of the statutes, as created by 2009 Wisconsin Act 28, is amended to read:

119.23 (4r) (intro.) If, after the 3rd Friday in September in any school year, a private school participating in the program under this section closes, for each installment under sub. (4) (c) that was not paid to the private school in that school year, the state superintendent shall pay to the ~~board~~, from the appropriation under s. 20.255 (2) (fv), the amount determined as follows for each pupil who had been attending the private school under this section in that school year and who enrolls in the school district operating under this chapter in that school year: ✓

History: 1989 a. 336; 1993 a. 16; 1995 a. 27 ss. 4002 to 4009, 9145 (1); 1995 a. 216; 1997 a. 27, 113; 1999 a. 9; 2001 a. 16, 105; 2003 a. 33, 155; 2005 a. 25, 125; 2009 a. 28.

school district operating under this chapter

23-15:2

✓
Section #. 119.23 (6) of the statutes is amended to read:

superintendent of schools

119.23 (6) The ~~board~~ shall provide transportation to pupils attending a private school under this section if required under s. 121.54 and may claim transportation aid under s. 121.58 for pupils so transported. ✓

History: 1989 a. 336; 1993 a. 16; 1995 a. 27 ss. 4002 to 4009, 9145 (1); 1995 a. 216; 1997 a. 27, 113; 1999 a. 9; 2001 a. 16, 105; 2003 a. 33, 155; 2005 a. 25, 125; 2009 a. 28.

23 -15 :3

Section #. 119.23 (7) (b) 7. a. of the statutes, as created by 2009 Wisconsin Act 28, is amended to read:

119.23 (7) (b) 7. a. Except as provided in subd. 7. b., if the private school ceases operating as a private school, immediately transfer all of the progress records of the pupils who attended the school under this section to the ~~board~~^y. The private school shall send written notice to each pupil, or to the parent or guardian of a minor pupil, of the transfer of progress records under this subd. 7. a. ✓

History: 1989 a. 336; 1993 a. 16; 1995 a. 27 ss. 4002 to 4009, 9145 (1); 1995 a. 216; 1997 a. 27, 113; 1999 a. 9; 2001 a. 16, 105; 2003 a. 33, 155; 2005 a. 25, 125; 2009 a. 28.

superintendent of schools

SENATE BILL 370

SECTION 1

1 20.255 (2) (d) ~~Grants for improving pupil academic achievement.~~ The amounts
 2 in the schedule for grants to the school district operating under ch. 119 to improve
 3 pupil academic achievement under s. 115.395 119.245.

4 SECTION 2. 115.395 (title) of the statutes is renumbered 119.245 (title).

5 SECTION 3. 115.395 (1) of the statutes is repealed.

6 LPS: Pls. Chg. comp. SECTION 4. 115.395 (2) of the statutes ~~is renumbered 119.245 (2) and~~ amended
 7 to read: 119.245 (2)

8 119.245 (2) Beginning in the 2008-09 school year, the ~~board~~ ^{was affected by 2009 Wisconsin Act 58 is} may apply to the
 9 department ~~of Administration~~ ^{superintendent of schools} for an annual grant of up to \$10,000,000 to implement

10 initiatives to improve pupil academic achievement in all grades, such as employing
 11 licensed teachers to tutor pupils who are struggling academically, or employing
 12 persons to coordinate the district's instructional programs and provide ongoing
 13 professional development for teachers. The ~~board~~ ^{superintendent of schools} shall submit with its application

14 a plan for the ~~department of Administration's~~ ^{plan} department's approval describing the ^{his or her}
 15 initiatives for which the grant will be used, describing the research showing that the
 16 initiatives have a positive effect on pupil academic achievement, and including
 17 criteria for evaluating the effectiveness of the initiatives, such as high school
 18 graduation rates or the results of the statewide pupil assessments under ~~ch. S.~~ ^{plain}

19 118.30

20 LPS: Pls Chg. comp. SECTION 5. ~~115.395~~ ^{119.245} (3) of the statutes is ~~renumbered 119.245 (3) and~~
 21 to read:

22 119.245 (3) The department ~~of Administration~~ may approve the plan submitted
 23 under sub. (2) in whole or in part. If the department approves a plan in part, the
 24 ~~board~~ may submit an additional plan for the same school year and the department
 25 may award the ~~board~~ ^{superintendent of schools} all or part of the balance of grant funds.

superintendent of schools school district operating under ch. 119

SENATE BILL 370

119.245

as collected by 2009 Wisconsin Act 58

LPS: PLS. Chg.
Comp. 1

1 SECTION 6. ~~119.245~~ (4) of the statutes is renumbered ~~119.245 (4)~~ and amended
2 to read:

3 119.245 (4) ~~Upon receipt of a notice from the~~ The department ~~of administration~~

4 ~~that a plan has been approved under sub. (3), the state superintendent shall pay~~

5 ~~award grants~~ to the ~~board~~ from the appropriation under s. 20.255 (2) (d), ~~the~~

6 ~~amount specified by the department of administration.~~

7

(END)

school district operating under ch. 119

plan
plan

plan

plan

25-15:1

✓ (1) and (2) (a) (intro.), (b) ① and (d) 2.

Section #. 119.25 of the statutes ~~is~~ amended to read:

Plain
↓
119.25 **Expulsion of pupils.** (1) The ~~board~~ ^{superintendent of schools} may ~~adopt a resolution~~ ^{issue a directive}, which is effective only during the school year in which it is ~~adopted~~ ^{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):

- (a) An independent hearing panel appointed by the ~~board~~ ^{superintendent of schools}.
- (b) An independent hearing officer appointed by the ~~board~~ ^{superintendent of schools}.
- (2) (a) ^(intro.) During any school year in which a ~~resolution adopted~~ ^{directive issued} under sub. (1) is effective, the independent hearing officer or independent hearing panel appointed by the ~~board~~ ^{superintendent of schools}:

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.

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.

(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~~ ^{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

25-15:2

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.

(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.

(d) 1. In this paragraph:

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).

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).

superintendent of schools

(d) 2. An independent hearing panel or independent hearing officer appointed by the board 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

25-15:3

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. ✓

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.

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.

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.

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

30-11

SEC. [✓] CR. 119.44 ⁽⁴⁾ ~~119.44~~

119.44 ⁽⁴⁾ ~~119.44~~ At least annually, the mayor shall meet with the superintendent of schools and other persons as determined by the mayor and who are leaders in elementary and secondary education ~~both~~ in the city [✓] and elsewhere [↑] ~~to~~ evaluate and ~~determined by the mayor,~~ to discuss the status of education in the city's public schools. [✓]

34-8:1

Section #. 119.495 (2) of the statutes is amended to read:

↑ 2007 stats. ↑

119.495 (2) The board shall include in its budget transmitted to the common council under s. 119.16 (8) (b) a written notice specifying the amount of borrowing to be authorized in the budget for the ensuing year. The common council shall issue the notes and levy a direct annual irrevocable tax sufficient to pay the principal and interest on the notes as they become due. The common council may issue the notes by private sale. The common council shall make every effort to involve a minority investment firm certified under s. 560.036 as managing underwriter of the notes or to engage a minority financial adviser certified under s. 560.036 to advise the city regarding any public sale of the notes.

History: 1989 a. 31; 1991 a. 314.

34-8:2

Section #. 119.496 (2) of the statutes is amended to read:

§ 2007 stats. ↑

119.496 (2) The board shall include in its budget transmitted to the common council under s. 119.16 (8) (b) a written notice specifying the amount of borrowing to be authorized in the budget for the ensuing year. The common council shall issue the notes and levy a direct annual irrepealable tax sufficient to pay the principal and interest on the notes as they become due. The common council may issue the notes by private sale. The common council shall establish goals of involving minority investment firms certified under s. 560.036 as managing underwriters for at least 50% of the total amount financed by the notes and of engaging a minority financial adviser certified under s. 560.036 to advise the city regarding any public sale of the notes.

History: 1991 a. 314; 1997 a. 113.

34-8:3

Section #. 119.496 (6) (b) of the statutes is amended to read:

↑ 2007 stats. ↑

119.496 (6) (b) The board adopts a resolution declaring its intention, beginning in 1992 and annually thereafter until all notes issued under this section are repaid, to include as part of its budget transmitted to the common council under s. 119.16 (8) (b) a communication under s. 119.48 stating an amount needed for a school construction fund that is sufficient to require the common council to levy 0.6 mills on each dollar of the assessed valuation of all taxable property in the city, and notifies the secretary of administration of its action.

History: 1991 a. 314; 1997 a. 113.

36-5

(d) the state superintendent or his
or her designee. ✓

42-18

Section #. 120.13 (1) (b) 1. of the statutes is amended to read:

120.13 (1) (b) 1. In addition to rule-making authority granted school boards under par. (a), the school district administrator, or any principal or teacher designated by the school district administrator, may make rules with the consent of the school board.

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.

the superintendent of schools
except
except that in a school district
operating under ch. 119, or
~~superintendent of schools~~ any
principal or teacher designated by
the superintendent of schools may
make rules without the consent of
the board of school directors

LRB-3737/1ch

PG:nwn:

DN
(Date)

Marta:

Please see the change to ~~s. 115.02~~^{s.} ~~115.02~~ ~~which~~ is intended to clarify that the superintendent is in charge of the schools in Milwaukee. Also see the change to s. 115.001 (8) ~~which~~^{is} intended to ensure that school district administrator in chs. ~~115 to 121~~^{115 to 121} still includes the MPS superintendent of schools in Milwaukee ok?

PG

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

LRB-3737/1dn
PG:nwn:md

November 10, 2009

Marta:

Please see the change to s. 119.02 (4), which is intended to clarify that the superintendent of schools is in charge of the schools in Milwaukee. Also see the change to s. 115.001 (8), which is intended to ensure that "school district administrator" in chs. 115 to 121 still includes the MPS superintendent of schools. OK?

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Wed. 11/10/09

(pm) - call from Bob Hanke + Maria / DSA

turn advisory vet → binding referendum

(+ Δ question)

suggested: if vet passed, LRB directed to draft bill, or
DSA's direction, to reverse bill

A: no, must be binding & reverse automatic

needed this week (preferably Thursday if possible)

I advised may be ready on Friday.