State of Wisconsin
2009 – 2010 LEGISLATURE

LRB–3737/1 2
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FRIDAY a.m.

2009 BILL

Regen.

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

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

Analysis by the Legislative Reference Bureau

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

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

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

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

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

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

a binding

The bill requires that an advisory referendum be held in the city of Milwaukee at the April 2017 spring election. The question asked voters will be whether they favor the superintendent of schools retaining all of the powers and duties that were transferred to him or her from the board of school directors by this act.

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

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

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

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

2 16.70 **(8)** "Municipality" means a county, city, village, town, school district,
3 ~~board of school directors,~~ sewer district, drainage district, technical college district
4 or any other public or quasi–public corporation, officer, board or other body having
5 the authority to award public contracts.

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

	2009–10	2010–11

20.255 Public instruction, department of

(3) AIDS 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).

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. In a 1st class city school district, the application shall be signed by the superintendent of schools. 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.

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

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

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

38.08 **(1g)** The appointment committee for a district board that governs a district encompassing a 1st class city shall include 4 additional members designated

by the ~~board of school directors in charge~~ superintendent of schools of the public schools of the 1st class city. The additional members shall be appointed so as to reflect, to the extent possible, the distribution of women and minorities within the 1st class city.

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

40.02 **(41)** "Milwaukee teacher" means any teacher employed by the ~~board of school directors of the city of Milwaukee~~ superintendent of schools of a 1st class city school district.

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

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

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

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

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

63.36 **(2)** Persons in the service of the city shall not be compensated for acting as examiners if they are public officers or if their service as examiners is rendered during their paid working schedule, but the board may compensate employees of the ~~board of school directors~~ superintendent of schools for serving as city service

examiners beyond their regular working hours and beyond their regular duties as such employees.

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

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

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

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

66.0217 **(8)** (c) The annexation is effective upon enactment of the annexation ordinance. The ~~board of school directors~~ superintendent of schools in a 1st class city

is not required to administer the schools in any territory annexed to the city until July 1 following the annexation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

118.22 **(1)** (b) "Teacher" means any person who holds a teacher's certificate or license issued by the state superintendent or a classification status under the technical college system board and whose legal employment requires such certificate, license or classification status, but does not include part–time teachers or teachers employed by ~~any board of school directors~~ the superintendent of schools in a city of the 1st class.

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

119.02 **(1)** "Board" means the board of school directors ~~in charge of the public schools~~ of a ~~city of the~~ 1st class city school district.

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

119.02 **(4)** "Superintendent of schools" means the superintendent of schools in charge of the public schools of a city.

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

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

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

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

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

SECTION 28. 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 and an individual to serve as assistant 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 45. 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~~ school district operating under this chapter, 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:

SECTION 46. 119.23 (6) of the statutes is amended to read:

119.23 **(6)** The ~~board~~ superintendent of schools 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.

SECTION 47. 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~~ superintendent of schools. 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.

SECTION 48. 119.235 (1) of the statutes is amended to read:

119.235 **(1)** The ~~board~~ superintendent of schools may contract with any nonsectarian private school located in the city or any nonsectarian private agency

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

SECTION 49. 119.235 (2) (intro.) and (b) of the statutes are amended to read:

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

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

SECTION 50. 119.235 (2) (d) of the statutes is amended to read:

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

SECTION 51. 119.235 (2) (e) 2. of the statutes is amended to read:

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

SECTION 52. 119.235 (2) (f) of the statutes is amended to read:

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

SECTION 53. 119.235 (3) of the statutes is amended to read:

119.235 **(3)** Any pupil enrolled in the school district operating under this chapter may attend, at no charge, any private school or agency with which the ~~board~~

superintendent of schools has contracted under sub. (1) if space is available in the private school or agency.

SECTION 54. 119.235 (4) of the statutes is amended to read:

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

SECTION 55. 119.235 (5) of the statutes is amended to read:

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

SECTION 56. 119.24 of the statutes is amended to read:

119.24 Admission of pupils. A pupil may attend a school in an attendance district other than the one in which he or she resides with the written permission of the superintendent of schools. ~~Beginning in the 2000–01 school year, the board~~ The superintendent of schools shall provide spaces in each school for pupils who reside outside the attendance district for the school, but shall fill any unused spaces with pupils who reside in the attendance district. A pupil who attends a school may continue to attend that school until he or she graduates from the school and each sibling of that pupil shall be given priority over other pupils in the process of admission for that school.

SECTION 57. 119.245 (2) of the statutes, as affected by 2009 Wisconsin Act 58, is amended to read:

1 119.245 **(2)** Beginning in the 2008–09 school year, the ~~board~~ superintendent
2 of schools may apply to the department for an annual grant of up to $10,000,000 to
3 implement initiatives to improve pupil academic achievement in all grades, such as
4 employing licensed teachers to tutor pupils who are struggling academically, or
5 employing persons to coordinate the district's instructional programs and provide
6 ongoing professional development for teachers. The ~~board~~ superintendent of schools
7 shall submit with ~~its~~ his or her application a plan for the department's approval
8 describing the initiatives for which the grant will be used, describing the research
9 showing that the initiatives have a positive effect on pupil academic achievement,
10 and including criteria for evaluating the effectiveness of the initiatives, such as high
11 school graduation rates or the results of the statewide pupil assessments under s.
12 118.30.

13 **SECTION 58.** 119.245 (3) of the statutes, as affected by 2009 Wisconsin Act 58,
14 is amended to read:

15 119.245 **(3)** The department may approve the plan submitted under sub. (2) in
16 whole or in part. If the department approves a plan in part, the ~~board~~ superintendent
17 of schools may submit an additional plan for the same school year and the
18 department may award the ~~board~~ school district operating under ch. 119 all or part
19 of the balance of grant funds.

20 **SECTION 59.** 119.245 (4) of the statutes, as affected by 2009 Wisconsin Act 58,
21 is amended to read:

22 119.245 **(4)** The department shall award grants to the ~~board~~ school district
23 operating under ch. 119 from the appropriation under s. 20.255 (2) (df).

24 **SECTION 60.** 119.25 (1) and (2) (a) (intro.), (b) and (d) 2. of the statutes are
25 amended to read:

119.25 **(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:

(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.

(d) 2. An independent hearing panel or independent hearing officer appointed by the ~~board~~ superintendent of schools 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.

SECTION 61. 119.26 of the statutes is amended to read:

119.26 Partial annexation of school district. When the city has annexed a portion of the territory of a school district and such annexation does not include the

site of any school building of such school district, the school board of the district and the ~~board~~ superintendent of schools may enter into an agreement to permit pupils residing in the annexed territory to continue to attend school in the school district, and the ~~board~~ superintendent of schools shall pay tuition to the school district for the pupils in accordance with s. 121.78.

SECTION 62. 119.28 (1) of the statutes is amended to read:

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

SECTION 63. 119.28 (2) of the statutes is amended to read:

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

SECTION 64. 119.28 (3) of the statutes is amended to read:

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

SECTION 65. 119.28 (4) of the statutes is amended to read:

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

SECTION 66. 119.30 of the statutes is amended to read:

119.30 Trade schools. (1) The ~~board~~ superintendent of schools may establish, conduct and maintain one or more schools for the purpose of giving

practical instruction in the useful trades and may purchase the proper machinery, tools and equipment and employ a sufficient number of teachers and other necessary employees in such schools. Such schools shall be known as senior trade schools and junior trade schools.

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

(3) The ~~board~~ superintendent of schools may require pupils in trade schools to pay the cost of all materials consumed in the course. In lieu of that requirement, the ~~board~~ superintendent of schools may establish a fixed sum to be paid by each pupil in a course which shall be sufficient to cover the cost of materials to be consumed by the pupil in the course. The ~~board~~ superintendent of schools may sell any articles made or manufactured in a trade school and determine the use of the proceeds from the sale.

SECTION 67. 119.32 (1) of the statutes is amended to read:

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

SECTION 68. 119.32 (2) (intro.) of the statutes is amended to read:

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

SECTION 69. 119.32 (3) of the statutes is amended to read:

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

SECTION 70. 119.32 (4) of the statutes is amended to read:

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

SECTION 71. 119.32 (5) of the statutes is amended to read:

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

SECTION 72. 119.32 (6) of the statutes is amended to read:

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

SECTION 73. 119.32 (7) of the statutes is amended to read:

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

SECTION 74. 119.36 of the statutes is repealed.

SECTION 75. 119.40 of the statutes is amended to read:

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

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

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

SECTION 76. 119.42 (1m) of the statutes is amended to read:

119.42 **(1m)** The appointment of a teacher in a 1st class city school district shall be probationary. After successful probation by completing 3 years of continuous service, the appointment shall be permanent during efficiency and good behavior. A teacher who has a permanent appointment shall not be discharged, except for cause upon written charges. After 10 days' written notice to the teacher of the charges and upon the teacher's written request, the charges shall be investigated, heard and determined by the ~~board~~ superintendent of schools. The action of the ~~board~~ superintendent of schools on the matter shall be final.

SECTION 77. 119.42 (2) of the statutes is amended to read:

119.42 **(2)** Any teacher employed in a public school in territory annexed to the city, who at the time of the annexation possesses the qualifications required by law and by the rules of the ~~board~~ superintendent of schools for probationary or permanent appointment to a teaching position in the city, shall have the status of a regularly appointed teacher in the schools of the city and shall be entitled to all the rights and privileges of regularly appointed teachers in the city. Time spent in

teaching in the annexed territory prior to annexation shall be credited to each such teacher as time spent in teaching in the city.

SECTION 78. 119.44 (title) of the statutes is amended to read:

119.44 (title) **~~Board~~ Superintendent of schools report; meetings with mayor.**

SECTION 79. 119.44 (1) of the statutes is amended to read:

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

SECTION 80. 119.44 (2) (intro.) of the statutes is amended to read:

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

SECTION 81. 119.44 (2) (a) 3. of the statutes is amended to read:

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

SECTION 82. 119.44 (4) of the statutes is created to read:

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

SECTION 83. 119.46 (1) of the statutes, as affected by 2009 Wisconsin Act 28, is amended to read:

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

SECTION 84. 119.47 of the statutes is amended to read:

119.47 Taxes for school extension fund. **(1)** If activities are being conducted under s. 119.70 (1), the ~~board~~ superintendent of schools as part of the budget transmitted annually to the common council under s. 119.16 (8) (b) shall specify the amount of money required for the ensuing school year under s. 119.70 (3). The taxes so levied and collected shall constitute the school extension fund.

(2) The ~~board~~ superintendent of schools may receive and expend, in addition to the tax levied and collected under s. 119.70 (3), any sums of money appropriated

school district

by the common council of the city for community services. The common council may appropriate from the city general fund or a similar fund to the school district such sums of money as the common council deems expedient.

SECTION 85. 119.48 (1) of the statutes is amended to read:

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

SECTION 86. 119.48 (2) (intro.) of the statutes is amended to read:

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

SECTION 87. 119.48 (2) (a) of the statutes is amended to read:

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

SECTION 88. 119.48 (4) (a) of the statutes is amended to read:

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

SECTION 89. 119.485 of the statutes is amended to read:

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

(2) Annually by December 31, the ~~board~~ superintendent of schools shall transfer to the city an amount which, when added to the interest that will accrue on the amount, is sufficient to meet the anticipated costs of debt service on the loan in the ensuing year.

SECTION 90. 119.49 (1) (a) of the statutes is amended to read:

119.49 **(1)** (a) If the ~~board~~ superintendent of schools deems it necessary to construct buildings or additions to buildings, to remodel buildings or to purchase school sites or to provide funds for any such purpose as a participant in a contract

under s. 120.25, ~~it may by a two–thirds vote of the members–elect~~ he or she shall send a written communication to the common council of the city and issue a public notice.

SECTION 91. 119.49 (2) of the statutes is amended to read:

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

SECTION 92. 119.49 (3) of the statutes is amended to read:

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

SECTION 93. 119.495 (2) of the statutes is amended to read:

119.495 **(2)** The board shall include in its budget transmitted to the common council under s. 119.16 (8) (b), 2007 stats., 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

1 issue the notes by private sale. The common council shall make every effort to
2 involve a minority investment firm certified under s. 560.036 as managing
3 underwriter of the notes or to engage a minority financial adviser certified under s.
4 560.036 to advise the city regarding any public sale of the notes.

5 **SECTION 94.** 119.496 (2) of the statutes is amended to read:

6 119.496 **(2)** The board shall include in its budget transmitted to the common
7 council under s. 119.16 (8) (b), 2007 stats., a written notice specifying the amount of
8 borrowing to be authorized in the budget for the ensuing year. The common council
9 shall issue the notes and levy a direct annual irrepealable tax sufficient to pay the
10 principal and interest on the notes as they become due. The common council may
11 issue the notes by private sale. The common council shall establish goals of involving
12 minority investment firms certified under s. 560.036 as managing underwriters for
13 at least 50% of the total amount financed by the notes and of engaging a minority
14 financial adviser certified under s. 560.036 to advise the city regarding any public
15 sale of the notes.

16 **SECTION 95.** 119.496 (6) (b) of the statutes is amended to read:

17 119.496 **(6)** (b) The board adopts a resolution declaring its intention, beginning
18 in 1992 and annually thereafter until all notes issued under this section are repaid,
19 to include as part of its budget transmitted to the common council under s. 119.16
20 (8) (b), 2007 stats., a communication under s. 119.48, 2007 stats., stating an amount
21 needed for a school construction fund that is sufficient to require the common council
22 to levy 0.6 mills on each dollar of the assessed valuation of all taxable property in the
23 city, and notifies the secretary of administration of its action.

24 **SECTION 96.** 119.498 (1) of the statutes is amended to read:

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

SECTION 97. 119.498 (2) of the statutes is amended to read:

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

SECTION 98. 119.499 of the statutes is amended to read:

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

(1m) If the redevelopment authority of the city issues bonds under s. 66.1333 (5s), the ~~board~~ superintendent of schools may borrow money from the redevelopment authority to pay unfunded prior service liability contributions under the Wisconsin Retirement System for the board. If the ~~board~~ superintendent of schools borrows money from the redevelopment authority of the city to make such payments, ~~it~~ he or 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 99.** 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 100.** 119.53 of the statutes is created to read:

17 **119.53 Budget committee.** **(1)** There is created a budget committee
18 consisting of the following members:

19 (a) The city comptroller or his or her designee.

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

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

22 (d) The state superintendent or his or her designee.

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

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

1 **SECTION 101.** 119.55 of the statutes is amended to read:

2 **119.55 Youth service centers, truancy abatement and burglary**
3 **suppression. (1)** (a) The ~~board~~ superintendent of schools shall establish one or
4 more youth service centers for the counseling of children who are taken into custody
5 under s. 938.19 (1) (d) 10. for being absent from school without an acceptable excuse
6 under s. 118.15. The ~~board~~ superintendent of schools shall contract with the boys and
7 girls clubs of Greater Milwaukee for the operation of the centers.

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

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

13 **SECTION 102.** 119.60 of the statutes is amended to read:

14 **119.60 Real property. (1)** If any real property within the city which is used
15 for school purposes is sold, the ~~board~~ superintendent of schools shall determine
16 whether the proceeds of the sale are deposited in the school operations fund under
17 s. 119.46 or are deposited in the school construction fund under s. 119.48.

18 **(2)** City–owned property used for school purposes shall be sold by the city upon
19 written request of the ~~board~~ superintendent of schools if the common council adopts
20 a resolution approving the sale. If, within 12 months after a written request by the
21 ~~board~~ superintendent of schools, the city has not disposed of the property, has failed
22 to obtain a written agreement to dispose of the property or has not provided the ~~board~~
23 superintendent of schools with a written report giving specific reasons, which are not
24 identified by the city attorney as constituting a conflict of interest, for its failure to
25 dispose of the property or to obtain an agreement to dispose of the property, the ~~board~~

superintendent of schools may retain a real estate agent to represent the ~~board~~ superintendent of schools in ~~its~~ his or her real estate transactions.

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

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

SECTION 103. 119.66 of the statutes is amended to read:

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

1 **SECTION 104.** 119.68 (1) of the statutes is amended to read:

2 119.68 **(1)** All claims against the city or ~~board~~ school district shall be audited
3 for sufficiency of funds by the auditing officer of the city. The superintendent of
4 schools shall furnish the auditing officer of the city a complete list of the claims.
5 Before a warrant is issued therefor, the auditing officer of the city shall countersign
6 it. ~~Within 20 days after each regular or special meeting of the board~~ Monthly, the
7 superintendent of schools shall make and file with the auditing officer of the city
8 statements ~~of~~ on the condition of the funds for the support of the schools and of the
9 financial transactions of the ~~board~~ school district during the period next preceding
10 any such statement.

11 **SECTION 105.** 119.70 (1) of the statutes is renumbered 119.70 (1) (a) and
12 amended to read:

13 119.70 **(1)** (a) The ~~board~~ superintendent of schools may establish and maintain
14 for children ~~and adults~~, in the school buildings and on the school grounds, evening
15 schools, vacation schools, reading rooms, library stations, debating clubs,
16 gymnasiums, public playgrounds, public baths and similar activities and
17 accommodations to be determined by the ~~board~~ superintendent of schools. The ~~board~~
18 superintendent of schools may cooperate, by agreement, with other commissions or
19 boards having the custody and management of public parks, libraries, museums and
20 public buildings and grounds of whatever sort to provide the equipment, supervision,
21 instruction and oversight necessary to carry on such public educational and
22 recreational activities in and upon such other buildings and grounds.

23 **SECTION 106.** 119.70 (1) (b) of the statutes is created to read:

24 119.70 **(1)** (b) The board may establish and maintain for adults, in the school
25 buildings and on the school grounds, evening schools, vacation schools, reading

1 rooms, library stations, debating clubs, gymnasiums, public playgrounds, public
2 baths and similar activities and accommodations to be determined by the board. The
3 board may cooperate, by agreement, with other commissions or boards having the
4 custody and management of public parks, libraries, museums and public buildings
5 and grounds of whatever sort to provide the equipment, supervision, instruction and
6 oversight necessary to carry on such public educational and recreational activities
7 in and upon such other buildings and grounds.

8 **SECTION 107.** 119.70 (3) of the statutes is amended to read:

9 119.70 **(3)** The ~~board~~ superintendent of schools shall report to the common
10 council on or before the first Monday in August of each year the amount of money
11 required during the ensuing school year for the support of activities under sub. (1).
12 The common council shall levy and collect a special tax in the manner that other
13 taxes are levied and collected, equal to the amount of money so required for the
14 activities. The tax shall not be used or appropriated, directly or indirectly, for any
15 other purpose.

16 **SECTION 108.** 119.70 (5) of the statutes is amended to read:

17 119.70 **(5)** Nothing in this section prohibits the board or the superintendent of
18 schools from granting the use of school property to religious organizations under s.
19 120.13 (17).

20 **SECTION 109.** 119.71 (3) of the statutes is amended to read:

21 119.71 **(3)** (a) Annually, the ~~board~~ superintendent of schools shall spend at least
22 $5,090,000 to expand ~~its~~ the half–day 5–year–old kindergarten program to a
23 full–day program, as provided under par. (b), and shall enroll in the expanded
24 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 110. 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 111. 119.74 (intro.) of the statutes is amended to read:

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

SECTION 112. 119.75 of the statutes is amended to read:

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

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

SECTION 113. 119.78 of the statutes is amended to read:

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

SECTION 114. 119.82 (1m) (intro.) of the statutes is amended to read:

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

SECTION 115. 119.90 of the statutes is created to read:

119.90 Advisory referendum. 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 the superintendent~~ Shall the law be changed so that the board of directors of the Milwaukee Public Schools retaining all of the powers and duties that were transferred to him or her from the elected board of school directors by 2009 Wisconsin Act .... (this act)?"

SECTION 116. 120.115 (1) of the statutes is amended to read:

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

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

SECTION 117. 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, except that the superintendent of schools in a school district operating under ch. 119, or any principal or teacher designated by the superintendent of schools, may make rules without the consent of the board of school directors.

SECTION 118. 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. 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 is 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.

SECTION 119. 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. The superintendent of schools of a school district operating under ch. 119 shall provide a copy of the audit to the budget committee under s. 119.53. Annually by September 15, the school district clerk shall file a financial audit statement with the state superintendent.

SECTION 120. 121.137 (1) (a) of the statutes, as created by 2009 Wisconsin Act 28, is repealed.

SECTION 121. 121.137 (1) (c) of the statutes is created to read:

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

SECTION 122. 121.137 (2) of the statutes, as created by 2009 Wisconsin Act 28, is amended to read:

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

SECTION 123. 121.137 (3) of the statutes, as created by 2009 Wisconsin Act 28, is amended to read:

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

SECTION 124. 121.85 (6) (am) 1. a. of the statutes is amended to read:

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

SECTION 125. 121.85 (6) (am) 2. a. of the statutes is amended to read:

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

SECTION 126. 121.85 (6) (am) 3. a. of the statutes is amended to read:

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

SECTION 127. 121.85 (6) (am) 4. a. of the statutes is amended to read:

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

SECTION 128. 121.85 (6) (am) 5. of the statutes is amended to read:

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

SECTION 129. 121.85 (6) (am) 6. a. of the statutes is amended to read:

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

SECTION 130. 121.85 (6m) of the statutes is amended to read:

121.85 **(6m)** USE OF AID FOR LEASE OR LOAN PAYMENTS. If the ~~board of directors~~ superintendent of schools of the school district operating under ch. 119 leases buildings or sites from the redevelopment authority of the city or borrows money from the redevelopment authority of the city under s. 119.16 (3) (c), ~~it~~ he or she may use intradistrict transfer aid under sub. (6) to make lease payments or repay the loan. If the ~~board of school directors~~ superintendent of schools decides to use the aid to make lease payments or repay the loan, ~~it~~ he or she may request the department to remit the intradistrict transfer aid under sub. (6) to the redevelopment authority of the city of Milwaukee in an annual amount agreed to by the ~~board of school~~

~~directors~~ superintendent of schools and the department, and the department shall ensure that the aid remittance does not affect the amount determined to be received by the ~~board of school directors~~ school district operating under ch. 119 as state aid under s. 121.08 for any other purpose.

SECTION 131. 121.87 (3) of the statutes is amended to read:

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

SECTION 132. 200.23 (2) (a) 6. of the statutes is amended to read:

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

SECTION 133. Nonstatutory provisions.

(1) MAYORAL APPOINTMENTS.

(a) The mayor of a 1st class city shall make the appointment under section 119.32 (1) of the statutes, as affected by this act, within 90 days after the effective date of this paragraph.

(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.

(2) SUPERINTENDENT OF SCHOOLS; INCUMBENCY.

(a) Notwithstanding section 119.32 (1) of the statutes, as affected by this act, the superintendent of schools of the school district operating under chapter 119 of the statutes on the effective date of this paragraph may continue to hold that office and

1 exercise the powers and duties of that office until his or her successor under section
2 119.32 of the statutes, as affected by this act, is appointed and qualified.
3 (b) Notwithstanding section 119.32 (1) of the statutes, as affected by this act,
4 the employment of the person holding the position of superintendent of schools of the
5 school district operating under chapter 119 of the statutes on the effective date of this
6 paragraph terminates on the date that his or her successor under section 119.32 (1)
7 of the statutes, as affected by this act, is appointed and qualified.
8 (3) TECHNICAL COLLEGE APPOINTMENT COMMITTEE. Notwithstanding section
9 38.08 (1g) of the statutes, as affected by this act, the members of the appointment
10 committee on the effective date of this subsection who were designated by the board
11 of school directors may continue to serve until their successors are appointed by the
12 superintendent of schools of the school district operating under ch. 119.
13 **SECTION 134. Initial applicability.**
14 (1) The treatment of section 63.53 of the statutes first applies to persons
15 appointed to positions on the effective date of this subsection.
16 **(END)**

(A)

the board of school directors shall be in charge of MPS and appoint the superintendent of schools. If a majority of the voters vote "yes" on the question, the board of school directors is once again in charge of ~~the schools,~~ MPS, the term of the superintendent of schools appointed by the mayor is terminated, and the board of school directors appoints a superintendent of schools to act under the board's direction.

48-24:1

(B) (2) ~~If a majority of the electors voting on the question under subs (1) vote "yes,"~~ all of the following apply: replace w/ attached paper

(a) Notwithstanding ss. 119.02 (1) and (4), 119.04 (2), and (2r), and 119.16 (1m), 119.18 (1g) and (1r), the board is in charge of the ~~public schools in~~ school district operating under this chapter ~~the city~~ and s. 119.44 (4) does not apply.

(b) Notwithstanding s. 119.32 (1) and (7), the board shall appoint the superintendent of schools, and the superintendent of schools acts under the direction of the board, and INS. 48-24: A1 + A2

(c) Notwithstanding s. 119.04 (1), all powers conferred and duties imposed upon a school board in the statutory sections specified in that subsection are conferred or imposed upon the board.

(f) Notwithstanding s. 119.18 (24),

The chairperson of the government accountability board or the chairperson's designee shall certify the result of the referendum to the secretary of administration. If the question is adopted, beginning on the day after the certification

(2) ~~If a majority of the electors voting on the question under sub. (1) vote "yes,"~~ all of the following apply:

(a) Notwithstanding ss. 119.02 (1) and (4), 119.04 (2), 119.16 (1m) and (2), and 119.18 (1g) and (1r), the board is in charge of the school district operating under this chapter and s. 119.44 (4) does not apply.

(b) Notwithstanding s. 119.32 (1) and (7), the board shall appoint the superintendent of schools, and the superintendent of schools acts under the direction of the board, and the superintendent of schools may be removed from office as provided in s. 119.36, 2007 stats.

(c) Notwithstanding ss. 40.02 (41) and (55) (b), 63.235, 63.36 (2), 63.53, 111.70 (4) (m) 1., 2., and 4., 118.22 (1) (b), 119.16 (6), 119.18 (10), (12), and (13), 119.28 (2), the board may employ and determine the qualifications, duties, and compensation of all school district staff.

(d) Notwithstanding ss. 24.66 (3) (a) and (5) (a), 66.1333 (5r) (b) 1. a. and (55) (a), 119.16 (3) (c), 119.49, 119.498, and 119.499, the board may apply for loans and request the issuance of bonds and promissory notes and the prohibition in s. 119.18 (25) applies to the board.

(e) Notwithstanding s. 119.04 (1), all powers conferred and duties imposed upon a school board in the statutory sections specified in that subsection are conferred or imposed upon the board.

(f) Notwithstanding s. 119.18 (24), the city attorney is the legal advisor of and attorney for the board, the superintendent of schools may not retain an attorney, the board may retain an attorney in the circumstances specified for the superintendent of schools, and s. 119.14 (13) does not apply.

48-24:2

the city attorney is the legal adviser of and attorney for the board; the superintendent of schools may not retain an attorney; the board may retain an attorney in the circumstances specified for the superintendent of schools; and s. 119.14 (13) does not apply.

(g) Notwithstanding ss. 119.16 (8) (a) and (b), 119.46 (1), 119.47 (1), 119.48 (1), (2) and (4) (a), 119.485, and 119.70 (3), the board formulates the budget and submits it to the common council; s. 119.16 (8) (am) does not apply; and the budget committee under s. 119.53 is terminated.

(h) Notwithstanding ss. 111.70 (4) (m) 1., 2. and 4. and 119.16 (11) (a), the board is in charge of collective bargaining on behalf of the school district and the

48-24:3

prohibition in s. 119.16 (11)(b) applies to the board.

(i) Notwithstanding s. 119.18 (23) (a), the board has ~~[illegible]~~ the powers conferred upon ~~may close a school that it~~ the superintendent of schools in that paragraph, ~~determines is below in performance~~, and s. 119.18 (23) (b) does not apply.

(j) Notwithstanding s. 120.13 (1) (b) 1., neither the superintendent of schools nor any person designated by the superintendent of schools may make rules without consent of the board.

(k) The board has the powers and duties given to the superintendent of schools in ss. 119.25 (1) and (2) (a) (intro.), (b) and (d) 2. relating to pupil expulsion. ~~and notwithstanding s. 120.13 (1)(b) 1., the superintendent of schools~~

48-24 : 3m

(L) Notwithstanding s. 119.14 (6), the board need not provide the superintendent of schools with a summary of comments received at a board meeting.

(m) Notwithstanding s. 119.16 (10), the ~~board~~ prohibitions in that subsection apply equally to the board.

(n) Notwithstanding s. 119.14 (4), the board may exercise the powers in that subsection without the involvement of the superintendent of schools.

(o) Notwithstanding s. 119.42 (1m), the board has the powers and duties given to the superintendent of schools in that subsection.

48-24:4

(p) 1. The superintendent of schools on April 4, 2017, may continue to hold that office and exercise the powers and duties of that office until his or her successor is appointed by the board and qualified. qualifies

2. The employment of the person holding the position of superintendent of schools on April 4, 2017, terminates on the date that his or her successor is appointed by the board and qualifies.

48-24 : A1

the superintendent of schools may be removed from office as provided in s. 119.36, 2007 stats.

119.36,

48-24. A2

¶ (c) Notwithstanding ss. 40.02 (41) and (55)(b), 63.235, 63.36(2), 63.53, 111.70 (4)(m) 1., 2. and 4., 118.22 (1)(b), 119.16(6), 119.18 (10), (12) and (13), 119.28(2), the board may employ and determine the qualifications, duties and compensation of all school district staff.

(d) Notwithstanding ss. 24.66 (3)(a) and (5)(a), 66.1333 (5r)(b) 1. a. and (5s)(a), ~~119.28~~ (move) 119.16 (3)(c), ~~119.49~~, 119.498 and 119.499, the board may apply for loans and request the issuance of bonds and promissory notes and the prohibition in s. 119.18(25) applies to the board. ~~and the superintend~~

DN

LRB-3737/2dn
PG:nwn:

Date

Marta–

This draft provides for a binding referendum in 2017 instead of an advisory referendum. If the referendum is adopted, the board of school directors would again be in charge of MPS, and the board would appoint the superintendent of schools instead of the mayor. However, as we discussed, current law would not be restored in all instances. For example:

1. Although the board would be charged with formulating the MPS budget and submitting it to the common council, the requirement to hold a public hearing

~~at least 5 days~~ 9 before submitting the budget, which is current law, would not be restored.

2. Currently, the superintendent of schools appoints the deputy superintendent, associate superintendent, and executive assistant, among others, subject to confirmation by the board. If the referendum is adopted, confirmation by the board would not be required.

3. Currently, if the board deems it necessary to exceed the levy rate limit, it may by a two-thirds vote of the members include a communication to that effect as part of the budget transmitted to the common council. If the referendum is adopted, this bill would restore the

authority to exceed the levy rate limit to the board, but would not require a two-thirds vote to do so. ✓

Please let me know if you have questions or need additional changes to the draft. ✓

PG

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3737/2dn
PG:nwn:ph

November 13, 2009

Marta:

This draft provides for a binding referendum in 2017 instead of an advisory referendum. If the referendum is adopted, the board of school directors would again be in charge of MPS, and the board would appoint the superintendent of schools instead of the mayor. However, as we discussed, current law would not be restored in all instances. For example:

1. Although the board would be charged with formulating the MPS budget and submitting it to the common council, the requirement to hold a public hearing before submitting the budget, which is current law, would not be restored.

2. Currently, the superintendent of schools appoints the deputy superintendent, associate superintendent, and executive assistant, among others, subject to confirmation by the board. If the referendum is adopted, confirmation by the board would not be required.

3. Currently, if the board deems it necessary to exceed the levy rate limit, it may by a two-thirds vote of the members include a communication to that effect as part of the budget transmitted to the common council. If the referendum is adopted, this bill would restore the authority to exceed the levy rate limit to the the board, but would not require a two-thirds vote to do so.

Please let me know if you have questions or need additional changes to the draft.

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

Barman, Mike

From: Grant, Peter
Sent: Wednesday, November 18, 2009 10:34 AM
To: Barman, Mike
Subject: FW: Draft review: LRB 09-3737/2 Topic: Governance of MPS

Please jacket 3737/2 for Sen. Taylor.

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

Peter,

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

Eric

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

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

The latest MPS governance bill draft for your viewing pleasure.

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