

2015 DRAFTING REQUEST

Bill

Received: 3/17/2015 Received By: fknepp
For: Julie Lassa (608) 266-3123 Same as LRB: -2574
May Contact: By/Representing: Ben
Subject: Education - school boards Drafter: fknepp
Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Lassa@legis.wisconsin.gov
Carbon copy (CC) to: fern.knepp@legis.wisconsin.gov
tracy.kuczenski@legis.wisconsin.gov
Rep.VanderMeer@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Allow school board members to serve as volunteer coaches

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	fknepp 3/20/2015		_____			
/P1	fknepp 5/15/2015	jdye 3/25/2015	_____	sbasford 3/25/2015		
/P2	fknepp	jdye	_____	sbasford		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	6/4/2015	5/15/2015	_____	5/15/2015		
/P3	fknepp 6/10/2015	aernsttr 6/4/2015	_____ _____	mbarman 6/4/2015		
/1		jdyer 6/10/2015	_____ _____	sbasford 6/10/2015	srose 7/2/2015	

FE Sent For:

none

<END>

Kuczenski, Tracy

From: Van Pelt, Ben
Sent: Tuesday, March 17, 2015 12:09 PM
To: Kuczenski, Tracy
Cc: Sen.Lassa
Subject: Senator Lassa - Preliminary Draft Request
Attachments: WASB Resolution 15-16.pdf

Good Morning Tracy,

Senator Lassa would like to request a preliminary draft for a bill to make changes to statutes concerning school board members serving as volunteer coaches in the school district they represent.

We have worked with a local constituent as well as the Wisconsin Association of School Boards on this issue and the WASB recently passed a resolution at their annual conference allowing for school board members to serve as volunteer coaches with a few checks. The state of Michigan also recently codified their "incompatibility doctrine" and passed a law to allow school board members to serve as volunteer coaches. I have attached the WASB resolution to this email and the Michigan laws can be found at the following links:

"The Michigan bill you referenced, specifically Section 15.183 Public Employment or Holding Offices ([https://www.legislature.mi.gov/\(S\(4xg4bx55i0bbdvvu1sx5kweh\)\)/mileg.aspxpage=getObject&objectName=mcl-15-183](https://www.legislature.mi.gov/(S(4xg4bx55i0bbdvvu1sx5kweh))/mileg.aspxpage=getObject&objectName=mcl-15-183)) is the only state legislation I have seen specifically allowing for state board members to serve as coaches. The initial legislative analysis can be found here <http://www.legislature.mi.gov/documents/2007-2008/billanalysis/House/pdf/2007-HLA-4220-3.pdf>."

Upon speaking with the WASB we want to follow their (WASB's) 3-point resolution because of some complications that can arise with one of the clauses in the Michigan law.

Below my signature line I have pasted some correspondence I had with the WASB about the Michigan law and some other steps they had to take. I am not sure whether a similar process would need to be followed in Wisconsin.

If you have any questions or need any additional information please let me know.

Thanks so much and have a great rest of your day,

Ben Van Pelt
Office of Senator Julie Lassa
24th Senate District
(608) 266-3123

As you are aware, the state of Michigan has, in effect, codified the common law doctrine of incompatible offices in a statute which generally provides that, except as otherwise provided in that statute, a public officer or public employee shall not hold two or more incompatible offices at the same time. The pertinent exception to that prohibition (with respect to school board members) is found in Michigan Compiled Laws, section 15.183 (9), which states:

(9) Section 2 (i.e., the general prohibition) does not prohibit a member of a school board from being appointed to or serving as a volunteer coach or supervisor of a student extracurricular activity if all of the following conditions are present:

- (a) The school board member receives no compensation for service as a volunteer coach or supervisor.
- (b) During the period he or she serves as a volunteer, the school board member abstains from voting on issues before the school board concerning that program.
- (c) There is no qualified applicant available to fill a vacant position if the school board member is excluded.
- (d) The appointing authority has received the results of a criminal history check and a criminal records check from the department of state police or the federal bureau of investigation for the school board member.

1 **Resolution 15-16: Allow School Board Members to Serve as Volunteer Coaches or Student Advisors**

2 Create: The WASB supports legislation to allow a school board member to serve as a volunteer
3 coach or advisor of student extracurricular activities provided all of the following conditions are
4 met:

5
6 (a) The school board member receives no compensation for service as a volunteer coach or
7 advisor.

8 (b) During the period he or she serves as a volunteer in a particular program, the school
9 board member abstains from voting on issues before the school board concerning that
10 program.

11 (c) The appointing authority has received the results of a criminal history background check
12 from the Wisconsin Department of Justice or the Federal Bureau of Investigation for the
13 school board member.

14
15 Rationale: The common law doctrine of incompatibility generally provides that a public officer may
16 not be a public employee if the office and employment are incompatible. The Policy & Resolutions
17 Committee advanced this resolution to allow the WASB membership to decide whether to express
18 support for the adoption in Wisconsin of a law, similar to one enacted in Michigan, which, in effect,
19 codifies the common law doctrine of incompatibility, but provides an exception to allow a member
20 of a school board to be appointed to or serve as a volunteer coach or supervisor of a student
21 extracurricular activity provided certain specific conditions are met.

22
23
24 **Resolution 15-17: Teacher Shortages & Alternative Licensure Pathways**

25 Create: The WASB supports reasonable efforts to provide pathways to licensure for teaching
26 candidates in subject or content areas where there is a shortage of licensed teachers, provided that
27 candidates have bachelor's degrees and are qualified to be in a classroom as demonstrated by
28 appropriate experience, knowledge and skills in the subject or content area, and rigorous training in
29 pedagogy, assessment, and classroom management.

30
31 Rationale: The Policy & Resolutions Committee advanced this resolution to allow WASB members
32 to decide whether to express support for reasonable efforts to provide alternative pathways to
33 licensure in subject or content areas where there is a shortage of licensed teachers.



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1999/P1

FFK:.....

RMP

In 3-20
out 3-25

JLD

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

✓ Regen

1 AN ACT *to amend* 119.04 (1); and *to create* 120.20 of the statutes; **relating to:**
2 allowing a school board member to serve as a volunteer coach or extracurricular
3 activity supervisor. ✓

Analysis by the Legislative Reference Bureau

Under current law, unless specifically allowed by a statute, the common law doctrine of incompatibility prohibits a person from holding two or more public positions when the duties of each position might conflict, or when one position might be seen as superior to the other. This bill creates an exception to the doctrine of incompatibility that allows a school board member to act as a volunteer coach or as a supervisor for an extracurricular activity if the school member does not receive compensation for coaching or supervising the extracurricular activity, the school member agrees to abstain from voting on issues related to the activity he or she coaches or supervises, and the school board receives the results of a criminal background investigation on the school member. ✓

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

4 SECTION 1. 119.04 (1) ✓ of the statutes is amended to read:
5 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
6 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,

1 115.345, 115.363, 115.365 (3), 115.38 (2), 115.415, 115.445, 118.001 to 118.04,
2 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145
3 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20,
4 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258,
5 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12
6 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19),
7 (26), (34), (35), (37), (37m), and (38), 120.14, 120.20 (1), 120.21 (3), and 120.25 are
8 applicable to a 1st class city school district and board.

9 SECTION 2. 120.20 of the statutes is created to read:

10 **120.20 School board members; compatible positions.** (1) A school board
11 member may serve as a volunteer coach or a supervisor of an extracurricular activity
12 if all of the following apply:

13 (a) The school board member does not receive compensation for serving as a
14 volunteer coach or supervisor.

15 (b) The school board member agrees to abstain from voting on any issue that
16 comes before the school board concerning the activity that he or she coaches or
17 supervises while serving as a volunteer coach or supervisor.

18 (c) The school board receives the results of a criminal background investigation
19 conducted for the school board member by the department of justice or the federal
20 bureau of investigation.

21 (2) For purposes of s. 120.44 (2), sub. (1) is considered a power of a school board
22 member officer.

23 (END)

Instructions from Ben

1) p. 2 line 19 - strike "conducted for", replace with "of"

2) Replace Section 2 w/ language that clarifies this section applies to school board members of a unified school district

add Rep VanderMeer to cc.



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1999/P1
FFK:jld:jd

In 5-15
out 5-18

2/p2
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

1 **AN ACT to amend** 119.04 (1); and **to create** 120.20 of the statutes; **relating to:**
2 allowing a school board member to serve as a volunteer coach or extracurricular
3 activity supervisor.

Analysis by the Legislative Reference Bureau

Under current law, unless specifically allowed by a statute, the common law doctrine of incompatibility prohibits a person from holding two or more public positions when the duties of each position might conflict, or when one position might be seen as superior to the other. This bill creates an exception to the doctrine of incompatibility that allows a school board member to act as a volunteer coach or as a supervisor for an extracurricular activity if the school member does not receive compensation for coaching or supervising the extracurricular activity, the school member agrees to abstain from voting on issues related to the activity he or she coaches or supervises, and the school board receives the results of a criminal background investigation ^{of} the school member. ✓

board

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

4 **SECTION 1.** 119.04 (1) of the statutes is amended to read:
5 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
6 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,

1 115.345, 115.363, 115.365 (3), 115.38 (2), 115.415, 115.445, 118.001 to 118.04,
 2 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145
 3 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20,
 4 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258,
 5 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12
 6 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19),
 7 (26), (34), (35), (37), (37m), and (38), 120.14, 120.20 (1), 120.21 (3), and 120.25 are
 8 applicable to a 1st class city school district and board.

9 **SECTION 2.** 120.20 of the statutes is created to read:

10 **120.20 School board members; compatible positions.** (1) A school board
 11 member may serve as a volunteer coach or a supervisor of an extracurricular activity
 12 if all of the following apply:

13 (a) The school board member [✓] does not receive compensation for serving as a
 14 volunteer coach or supervisor.

15 (b) The school board member [✓] agrees to abstain from voting on any issue that
 16 comes before the school board concerning the activity that he or she coaches or
 17 supervises while serving as a volunteer coach or supervisor.

18 (c) The school board receives the results of a criminal background investigation
 19 conducted for ^{of} the school board member ^{conducted} by the department of justice or the federal
 20 bureau of investigation. [✓]

21 [✓] (2) For purposes of s. 120.44 (2), sub. (1) is considered a power of a school board

22 officer.

23 Notwithstanding

[✓] s. 120.001, this section applies to members
 (END) of a school board of a common
 union high, ~~unified~~ unified school
 district. [✓]

OR



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1999/P2/P3
FFK:jld:jd
RML

In 6-4
out 6-5

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

✓ Regen

1 AN ACT to amend 119.04 (1); and to create 120.20 of the statutes; relating to:
2 allowing a school board member to serve as a volunteer coach or extracurricular
3 activity supervisor. ✓

Analysis by the Legislative Reference Bureau

Under current law, unless specifically allowed by a statute, the common law doctrine of incompatibility prohibits a person from holding two or more public positions when the duties of each position might conflict, or when one position might be seen as superior to the other. This bill creates an exception to the doctrine of incompatibility that allows a school board member to act as a volunteer coach or as a supervisor for an extracurricular activity if the school board member does not receive compensation for coaching or supervising the extracurricular activity, the school board member agrees to abstain from voting on issues related to the activity he or she coaches or supervises, and the school board receives the results of a criminal background investigation of the school board member.

substantially and directly ✓

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

4 SECTION 1. 119.04 (1) of the statutes is amended to read:
5 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
6 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,

1 115.345, 115.363, 115.365 (3), 115.38 (2), 115.415, 115.445, 118.001 to 118.04,
 2 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145
 3 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20,
 4 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258,
 5 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12
 6 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19),
 7 (26), (34), (35), (37), (37m), and (38), 120.14, 120.20 (1), 120.21 (3), and 120.25 are
 8 applicable to a 1st class city school district and board.

118.56,

118.53,

120.137,

SECTION 2. 120.20 of the statutes is created to read:

10 **120.20 School board members; compatible positions.** (1) A school board
 11 member may serve as a volunteer coach or a supervisor of an extracurricular activity
 12 if all of the following apply:

13 (a) The school board member does not receive compensation for serving as a
 14 volunteer coach or supervisor.

15 (b) The school board member agrees to abstain from voting on any issue that
 16 comes before the school board concerning ~~the~~ ^{that substantially and directly} the activity that he or she coaches or
 17 supervises while ^{he or she is} serving as a volunteer coach or supervisor.

18 (c) The school board receives the results of a criminal background investigation
 19 of the school board member conducted by the department of justice or the federal
 20 bureau of investigation.

21 (4) (3) (2) Notwithstanding s. 120.001, this section applies to members of a school
 22 board of a common, union high, or unified school district.

(END)

11008

(4) (12) Subsection (1) (b) may not be construed to require a school member who is serving as a volunteer coach or supervisor to abstain from voting on the school district's annual budget.

Instructions from Ben
in Lassa's office 6-3

Add to P. 2, line 16 -
"substantially & directly"
(before concerning)

Add ^(clarity) - The agreement to abstain from
voting on matters concerning the
sub(1)(b) activity does not prohibit
a school member from voting
on annual budget.

Knepp, Fern

From: Van Pelt, Ben
Sent: Tuesday, June 09, 2015 4:27 PM
To: Knepp, Fern
Subject: FW: Draft review: LRB -1999/P3 Topic: Allow school board members to serve as volunteer coaches
Attachments: 15-1999/P3.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon Fern,

This /P3 version is good-to-go! If you could put together an introducible /1 and circulate it to our office and Rep. Vander Meer's office that would be much appreciated.

Thanks so much for all your work on this,

Ben Van Pelt
Office of Senator Julie Lassa
24th Senate District
(608) 266-3123

From: LRB.Legal
Sent: Thursday, June 04, 2015 2:16 PM
To: Sen.Lassa
Subject: Draft review: LRB -1999/P3 Topic: Allow school board members to serve as volunteer coaches

Following is the PDF version of draft LRB -1999/P3.



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1999/P3
FFK:jld&ae

In 6-10

No changes

8/1
RMC

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

2015 BILL

4

Regen

1 AN ACT to amend 119.04 (1); and to create 120.20 of the statutes; relating to:
2 allowing a school board member to serve as a volunteer coach or extracurricular
3 activity supervisor.

Analysis by the Legislative Reference Bureau

Under current law, unless specifically allowed by a statute, the common law doctrine of incompatibility prohibits a person from holding two or more public positions when the duties of each position might conflict, or when one position might be seen as superior to the other. This bill creates an exception to the doctrine of incompatibility that allows a school board member to act as a volunteer coach or as a supervisor for an extracurricular activity if the school board member does not receive compensation for coaching or supervising the extracurricular activity, the school board member agrees to abstain from voting on issues substantially and directly related to the activity he or she coaches or supervises, and the school board receives the results of a criminal background investigation of the school board member.

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

4 SECTION 1. 119.04 (1) of the statutes is amended to read:

1 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
2 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
3 115.345, 115.363, 115.365 (3), 115.38 (2), 115.415, 115.445, 118.001 to 118.04,
4 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145
5 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20,
6 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258,
7 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.51, 118.52, 118.53, 118.55,
8 118.56, 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3),
9 (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.137, 120.14, 120.20, 120.21
10 (3), and 120.25 are applicable to a 1st class city school district and board.

11 **SECTION 2.** 120.20 of the statutes is created to read:

12 **120.20 School board members; compatible positions.** (1) A school board
13 member may serve as a volunteer coach or a supervisor of an extracurricular activity
14 if all of the following apply:

15 (a) The school board member does not receive compensation for serving as a
16 volunteer coach or supervisor.

17 (b) The school board member agrees to abstain from voting on any issue that
18 comes before the school board that substantially and directly concerns the activity
19 that he or she coaches or supervises while he or she is serving as a volunteer coach
20 or supervisor.

21 (c) The school board receives the results of a criminal background investigation
22 of the school board member conducted by the department of justice or the federal
23 bureau of investigation.

Barman, Mike

From: Van Pelt, Ben
Sent: Thursday, July 02, 2015 10:51 AM
To: LRB.Legal
Subject: Draft Review: LRB -1999/1 Topic: Allow school board members to serve as volunteer coaches

Thank you!

Please Jacket LRB -1999/1 for the SENATE.