



2009 SENATE BILL 462

January 14, 2010 – Introduced by Senator COGGS, cosponsored by Representatives GRIGSBY, SINICKI, A. WILLIAMS, KESSLER, TURNER, MASON and TOLES. Referred to Committee on Education.

1 **AN ACT** *to repeal* 5.58 (1g) (b), 8.11 (2m) (title), 119.06 (3) (intro.) and (a) and
2 119.07; *to renumber* 5.60 (4) (b) and 119.23 (11); *to renumber and amend*
3 8.11 (2m) and 119.06 (3) (b); *to amend* 5.58 (1g) (c), 5.58 (2), 5.58 (3), 8.10 (3)
4 (i), 8.15 (5) (a), 17.26 (2), 119.06 (2), 119.06 (4) (b), 119.06 (4) (c) and (d), 119.06
5 (5) and (6), 119.08 (1) (a) and (b), 119.08 (2) and (3), 119.08 (4), 119.10 (1), 119.10
6 (2) and 121.02 (3); *to repeal and recreate* 119.32 (1); and *to create* 5.62 (4m),
7 5.64 (4) (title), 8.15 (6) (f), 20.255 (3) (cm), 77.70 (5), 119.07, 119.11, 119.16 (1c),
8 119.16 (3m), 119.16 (7), 119.16 (9), 119.16 (11), 119.16 (12), 119.16 (13), 119.16
9 (14), 119.16 (15), 119.16 (16), 119.185, 119.23 (11) (b), 119.31, 119.315, 119.32
10 (8), 119.43, 119.475, 119.76 and 119.77 of the statutes; **relating to:** the

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1 governance, and election of members of the board of school directors, of a first
2 class city school district, and tenure for school principals.

Analysis by the Legislative Reference Bureau***Election of members of the board of school directors***

Currently, the board of school directors in first class cities (of which Milwaukee is the only one) consists of eight members elected from election districts that must be approximately equal in population, and one member elected from the city at large. Members are elected on a nonpartisan ballot at the spring election. Board members serve for four-year terms. The terms of office of five members of the board expire on the fourth Monday in April 2011, and the terms of office of four members of the board expire on the fourth Monday in April 2013.

This bill provides instead for the board of school directors to be elected on a nonpartisan ballot at the general (November) election. Under the bill, all members are elected from election districts that must be substantially equal in population.

To effect the change, the bill provides for the terms of the four members whose terms expire in April 2013, to expire in November 2012, and the terms of the five members who are elected to replace the five members whose terms expire in April 2011, to expire in November 2014. The bill provides for four new members to be elected for four-year terms at the general election in November 2012, and five new members to be elected for four-year terms at the general election in November 2014. The bill provides for initial election districts to be drawn by the board of school directors in accordance with the 2010 federal decennial census.

Currently, a vacancy in the membership of the board of school directors in a first class city is filled by special election for the unexpired term. Under this bill, a vacancy may be filled by temporary appointment of the mayor until a special election can be held to fill the vacancy on a permanent basis. The bill provides, however, that the mayor must submit any temporary appointment to the board of school directors, which may reject the appointment with a vote of at least two-thirds of the current membership.

Currently, the board of school directors elects officers at its annual organizational meeting, which is held between the fourth Monday in April and the first Monday in May. This bill provides for the organizational meeting to be held between the first Monday in December and the third Monday in December, and provides for the officers elected at an organizational meeting to be held in the spring of 2012 to serve until an organizational meeting is held in December of 2012.

Governance

Currently, a first class city school district is governed by a board of school directors. The board appoints the superintendent of schools, who is the administrative head of the school district.

This bill establishes a superintendent search advisory committee. The committee must select one applicant to recommend to the mayor and the board must select three applicants to recommend to the mayor. The mayor must select a

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candidate from the three recommended by the board to recommend to the board. The board must select a superintendent of schools from the three that it recommended to the mayor. The mayor may veto the board's selection. If he or she does so, the board may override the veto by a two-thirds vote of the board's membership.

Currently, the board of school directors formulates the school district budget and transmits it to the common council. The common council levies a property tax in the city equal to the amount required by the board.

This bill directs the common council, upon receipt of the board's budget, to transmit it to the mayor. If the state superintendent of public instruction has determined that MPS was in need of improvement for the previous four school years, the mayor may veto the budget in whole or in part. The board may override the mayor's veto by a two-thirds vote of the board's membership.

The bill directs the board of school directors to ensure that a school governance council is established for each school. Each council consists of parents of pupils enrolled in the school, the school principal, one pupil enrolled in the school in grade 6 or higher, one teacher or support staff member employed at the school, and at least one resident of the city who is not otherwise qualified to be a council member. The council may make recommendations for the improvement of school policies, curricula, and educational plans and the well-being of pupils. The council may also direct the school principal to attend a professional development and training program.

Other MPS changes

The bill makes a number of other changes in the laws governing first class city school districts, including the following:

1. The bill establishes a partnership for success committee to foster collaboration between the school district and the city. The committee consists of the mayor, the president of the common council, the school board president, and the superintendent of schools. Within one year after the bill's effective date, the committee must develop a plan for addressing the unfunded liability of the school district.

2. The bill requires the board to create a parent involvement committee to handle parent issues and complaints and foster parental involvement in the schools.

3. The bill authorizes the board to grant tenure to school principals who are appointed after the bill's effective date and successfully complete two consecutive three-year contracts. The bill requires the board to establish a professional development and training program for principals and authorizes the board to direct principals to attend the program.

4. The bill requires the board to evaluate all school buildings and develop a master plan governing their use, repair, renovation, and demolition.

5. The bill directs the board to prepare a budget for each school. In addition, the board must submit quarterly financial reports to the state superintendent of public instruction, the joint committee on finance, the mayor, the city comptroller, and the personnel and finance committee of the common council. In addition, the board must post the reports on its Web site.

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6. The bill requires the board to designate at least two schools as transition campuses and provide for the assignment of disruptive high school pupils to a transition campus.

7. The bill directs the board to work with the common council, community agencies, public agencies, and nonprofit charitable organizations to plan for the establishment of promise neighborhoods in the city in which various educational and social services would be available free of charge.

8. The bill provides that if the sales tax rate in the city of Milwaukee is increased for transit purposes, the fare for public transit for a public school pupil must be at least one-third less than the regular adult fare. The bill also requires the board to ensure that public school pupils enrolled in middle school are able to be transported to and from school via public transit at a reduced fare.

9. The bill requires the board to report to the common council any unsecured bonding authority allocated to the board under the federal American Recovery and Reinvestment Act of 2009. The bonding authority must be assigned to the Department of Public Instruction (DPI) for reallocation to school districts in which all of the following apply: 1. at least 50 percent of the enrollment is eligible for free or reduced-price lunch; 2. the school board has identified schools requiring significant maintenance or improvements; and 3. the school board has proposed improvements to the schools that are cost-effective, technically feasible, and meet green building performance standards.

10. The bill directs the board to conduct a survey of parents of enrolled pupils and use it to develop or modify parent involvement and school improvement plans. The board must also annually administer a survey to parents of pupils who were enrolled in the Milwaukee Parental Choice Program (MPCP) and who are enrolling in a public school. Each private school participating in the MPCP must administer a survey to parents of pupils who were enrolled in public school and who are enrolling in the private school. The results must be submitted to DPI, the joint committee on finance, and appropriate standing committees of the legislature.

11. The bill requires the board to provide each 11th grade pupil with the opportunity to take the ACT test.

12. The bill requires the board to establish minimum standards for literacy and mathematics curricula.

13. The bill provides that if state or federal aid is available, the board may use the funds to reduce class size to no more than 20 in 9th grade classes. In addition, if state or federal aid is available, the board may fund a pilot program designed to develop innovative instructional programs in science, technology, engineering, and mathematics.

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:

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1 **SECTION 1.** 5.58 (1g) (b) of the statutes is repealed.

2 **SECTION 2.** 5.58 (1g) (c) of the statutes is amended to read:

3 5.58 **(1g)** (c) The arrangement of candidates for school board seats shall be
4 determined by the school district clerk ~~or the executive director of the city board of~~
5 ~~election commissioners~~ by the drawing of lots not later than the 2nd Tuesday in
6 January, or the next day if the first Tuesday is a holiday. The method of determining
7 arrangement shall be the same as provided in s. 5.60 (1) (b). Sufficient space shall
8 be provided on the ballot for write-in candidates.

9 **SECTION 3.** 5.58 (2) of the statutes is amended to read:

10 5.58 **(2)** STATE SUPERINTENDENT OF PUBLIC INSTRUCTION; JUDICIARY; COUNTY
11 EXECUTIVE; AND COUNTY SUPERVISORS. There shall be one separate ballot for state
12 superintendent, judicial officers, county executive under s. 59.17 and county
13 supervisor, except as authorized in s. 5.655. In counties having a population of
14 500,000 or more, the ballot also shall include those offices under s. 8.11 (2) ~~and (2m)~~.
15 The arrangement of names of candidates for state superintendent, justice, court of
16 appeals judge and circuit court judge shall be determined by the board in the manner
17 specified in s. 5.60 (1) (b). Arrangement of the names of candidates for county
18 executive and county supervisor shall be determined by the county clerk or by the
19 executive director of the county board of election commissioners in the manner
20 specified in s. 5.60 (1) (b).

21 **SECTION 4.** 5.58 (3) of the statutes is amended to read:

22 5.58 **(3)** NAMES ON SPRING BALLOT. Only 2 candidates for state superintendent,
23 for any judicial office, for any elected seat on a metropolitan sewerage commission
24 or town sanitary district commission, in counties having a population of 500,000 or
25 more only 2 candidates for member of the board of supervisors within each district,

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1 in counties having a population of less than 500,000 only 2 candidates for each
2 member of the county board of supervisors from each district or numbered seat or
3 only 4 candidates for each 2 members of the county board of supervisors from each
4 district whenever 2 supervisors are elected to unnumbered seats from the same
5 district, ~~in 1st class cities only 2 candidates for any at-large seat and only 2~~
6 ~~candidates from any election district to be elected to the board of school directors, in~~
7 school districts electing school board members to numbered seats, or pursuant to an
8 apportionment plan or district representation plan, only 2 school board candidates
9 for each numbered seat or within each district, and twice as many candidates as are
10 to be elected members of other school boards or other elective officers receiving the
11 highest number of votes at the primary shall be nominees for the office at the spring
12 election. Only their names shall appear on the official spring ballot.

13 **SECTION 5.** 5.60 (4) (b) of the statutes is renumbered 5.64 (4).

14 **SECTION 6.** 5.62 (4m) of the statutes is created to read:

15 5.62 (4m) (a) In 1st class cities, there shall be a separate ballot for school
16 district officers when so required, giving the names of the candidates for any seat to
17 be filled on the board of school directors.

18 (b) The arrangement of the names of the candidates for seats on the board of
19 school directors shall be determined by the executive director of the city board of
20 election commissioners by the drawing of lots not later than the 3rd Tuesday in July.

21 The method of determining arrangement shall be the same as provided in s. 5.60 (1)

22 (b). Sufficient space shall be provided on the ballot for write-in candidates.

23 (c) Only the 2 candidates for election to the board of school directors receiving
24 the highest numbers of votes within each election district at the primary shall be

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1 nominees for the board of school directors at the general election. Only their names
2 shall appear on the official general election ballot.

3 **SECTION 7.** 5.64 (4) (title) of the statutes is created to read:

4 5.64 (4) (title) FIRST CLASS CITY SCHOOL BOARD.

5 **SECTION 8.** 8.10 (3) (i) of the statutes is amended to read:

6 8.10 (3) (i) For city offices in 1st class cities, not less than 1,500 nor more than
7 3,000 electors for city-wide offices, not less than 200 nor more than 400 electors for
8 alderpersons elected from aldermanic districts ~~and not less than 400 nor more than~~
9 ~~800 electors for members of the board of school directors elected from election~~
10 ~~districts.~~

11 **SECTION 9.** 8.11 (2m) (title) of the statutes is repealed.

12 **SECTION 10.** 8.11 (2m) of the statutes is renumbered 8.15 (9) and amended to
13 read:

14 8.15 (9) A primary shall be held in 1st class cities concurrently with the
15 September primary whenever there are more than 2 candidates for member of the
16 board of school directors ~~at-large or~~ from any election district in any year.

17 **SECTION 11.** 8.15 (5) (a) of the statutes is amended to read:

18 8.15 (5) (a) Each Except as provided in ss. 119.06 (4) (c) and 119.08 (2), each
19 nomination paper shall have substantially the following words printed at the top:

20 I, the undersigned, request that the name of (insert candidate's last name plus
21 first name, nickname or initial, and middle name, former legal surname, nickname
22 or middle initial or initials if desired, but no other abbreviations or titles) residing
23 at (insert candidate's street address) be placed on the ballot at the (general or special)
24 election to be held on (date of election) as a candidate representing the (name of
25 party) so that voters will have the opportunity to vote for (him or her) for the office

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1 of (name of office). I am eligible to vote in (name of jurisdiction or district in which
2 candidate seeks office). I have not signed the nomination paper of any other
3 candidate for the same office at this election.

4 **SECTION 12.** 8.15 (6) (f) of the statutes is created to read:

5 8.15 (6) (f) In 1st class cities, not less than 200 nor more than 400 electors for
6 member of the board of school directors elected from an election district.

7 **SECTION 13.** 17.26 (2) of the statutes is amended to read:

8 17.26 (2) In a 1st class city school district, by temporary appointment of the
9 mayor which shall continue until the vacancy is filled by special election as provided
10 under s. 119.08 (4).

11 **SECTION 14.** 20.005 (3) (schedule) of the statutes: at the appropriate place,
12 insert the following amounts for the purposes indicated:

13 **2009-10** **2010-11**

14 **20.255 Public instruction, department of**

15 (3) AID TO LIBRARIES, INDIVIDUALS AND
16 ORGANIZATIONS

17 (cm) Transition campus partnership GPR A -0- -0-

18 **SECTION 15.** 20.255 (3) (cm) of the statutes is created to read:

19 20.255 (3) (cm) *Transition campus partnership.* The amounts in the schedule
20 for a grant to a local civic organization or nonprofit corporation that has partnered
21 with a transition campus under s. 119.16 (16) to provide comprehensive services to
22 pupils attending the transition campus.

23 **SECTION 16.** 77.70 (5) of the statutes is created to read:

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1 77.70 (5) If the sales and use tax rate imposed in the city of Milwaukee is
2 increased for transit purposes, the fare for public transit for a pupil who attends
3 public school in the city shall be at least one-third less than the regular adult fare.

4 **SECTION 17.** 119.06 (2) of the statutes is amended to read:

5 119.06 (2) Within 120 days after the date on which a city becomes a 1st class
6 city, the mayor, the city treasurer, the city comptroller, the city attorney and the
7 president of the common council of that city, acting as a commission for the city, shall
8 meet and appoint a board of ~~one at-large member and 8~~ 9 members ~~from, one of each~~
9 of whom shall represent 9 election districts numbered and designated by the common
10 council. The election districts shall be substantially equal in population and the
11 boundaries of the election districts shall be drawn so as to reflect a balanced
12 representation of citizens of all areas within the city. The person appointed to
13 represent an election district shall reside within the boundaries of ~~the~~ that election
14 district as determined by the common council under this subsection.

15 **SECTION 18.** 119.06 (3) (intro.) and (a) of the statutes are repealed.

16 **SECTION 19.** 119.06 (3) (b) of the statutes is renumbered 119.06 (3) and
17 amended to read:

18 119.06 (3) ~~Four of the combined aldermanic district~~ Except as provided in sub.
19 (4), the members first appointed to the board by the commission shall serve for ~~a~~
20 ~~term~~ terms beginning on the 4th Monday ~~of the month~~ next following their
21 appointment and. The 5 members representing the odd-numbered election districts
22 shall be appointed for terms expiring on the 4th ~~first~~ Monday in April in December
23 of the 4th first odd-numbered year following the year in which a city becomes a 1st
24 class city and the 4 members representing the even-numbered election districts
25 shall be appointed for terms expiring on the first Monday in December of the 2nd

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1 odd-numbered year following the year in which a city becomes a ~~city of the 1st class~~
2 city.

3 **SECTION 20.** 119.06 (4) (b) of the statutes is amended to read:

4 119.06 (4) (b) The board members elected at the special election shall be
5 nominated and elected to succeed the board members appointed ~~for the terms~~
6 ~~expiring under sub. (3) (a) and (b) (2) and for the same terms.~~ The terms of office of
7 the board members appointed under sub. (2) shall expire on the 4th Monday
8 following the special election. The terms of office of the board members elected at the
9 special election shall begin on the 4th Monday following the special election.

10 **SECTION 21.** 119.06 (4) (c) and (d) of the statutes are amended to read:

11 119.06 (4) (c) Candidates for the board at the special election shall be
12 nominated in the same manner as for the spring general election, except that the
13 nomination paper format under s. 8.10 (2) (b) shall apply.

14 (d) The special election shall be held at the polling places and shall be conducted
15 in the manner of and by the election officials for the spring general election.

16 **SECTION 22.** 119.06 (5) and (6) of the statutes are amended to read:

17 119.06 (5) The board first appointed under sub. (2) or first elected at a special
18 election under sub. (4) shall hold an organizational meeting under s. 119.10 (2) on
19 the 4th Monday ~~of the month~~ following its appointment or election, or the next day
20 if the 4th Monday is a legal holiday, ~~following their appointment or election,~~ and
21 annually thereafter shall meet in accordance with s. 119.10 (2).

22 (6) Successors to board members appointed under sub. (3) (2) or elected under
23 sub. (4) shall be elected at the spring general election immediately preceding the
24 expiration of the terms of such board members and shall serve for 4-year terms.

25 **SECTION 23.** 119.07 of the statutes is created to read:

SENATE BILL 462**1 119.07 Revised method of election of board; transitional provisions. (1)**

2 Notwithstanding s. 119.08 (1) to (3), in each 1st class city in existence on the effective
3 date of this subsection [LRB inserts date], members of the board of school directors
4 whose terms expire on the 4th Monday in April, 2013, shall serve for terms expiring
5 on the first Monday in December, 2012, and members of the board of school directors
6 of each such city who are elected at the spring election to be held in April 2011, to
7 succeed those members whose terms expire on the 4th Monday in April, 2011, shall
8 serve for terms expiring on the 1st Monday in December, 2014.

9 **(2)** At the general election to be held in November 2012, there shall be elected
10 in each 1st class city in existence on the effective date of this subsection [LRB
11 inserts date], 4 members of the board of school directors, who shall be elected from
12 even-numbered election districts prescribed under s. 119.08 (1) (b). At the general
13 election to be held in November 2014, there shall be elected in each such city 5
14 members of the board of school directors who shall be elected from odd-numbered
15 election districts prescribed under s. 119.08 (1) (b).

16 **(3)** Notwithstanding s. 119.10 (1) and (2), the board of school directors of each
17 1st class city in existence on the effective date of this subsection [LRB inserts
18 date], shall hold an organizational meeting on the 4th Monday in April 2012. On that
19 date, the board of school directors of each such city shall elect officers, who shall hold
20 office until the board holds its next organizational meeting under s. 119.10 (2) in
21 December of 2012.

22 **SECTION 24.** 119.07 of the statutes, as created by 2009 Wisconsin Act (this
23 act), is repealed.

24 **SECTION 25.** 119.08 (1) (a) and (b) of the statutes are amended to read:

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1 119.08 (1) (a) The board shall consist of ~~one member elected at-large and 8~~ 9
2 members elected from numbered election districts determined by the board. The
3 election districts shall consist of whole contiguous wards and shall be substantially
4 equal in population ~~and the.~~ The boundaries of the election districts shall be drawn
5 so as to reflect a balanced representation of citizens in all areas within the city.

6 (b) Within 60 days after the common council of the city enacts an ordinance
7 ~~determining or adopts a resolution adjusting~~ the boundaries of the ~~aldermanic~~
8 ~~districts~~ wards in the city following the federal decennial census under s. 62.08 (1)
9 5.15 (1), the board shall, by vote of a majority of the membership of the board, adopt
10 an election district apportionment plan for the election of board members which shall
11 be effective until the city enacts a new ordinance ~~under s. 62.08 (1) redetermining~~
12 ~~the aldermanic district~~ adjusting the boundaries of its wards under s. 5.15 (1) and
13 (2). The territory included within election district 9 shall encompass the
14 southeasternmost point in the school district.

15 **SECTION 26.** 119.08 (2) and (3) of the statutes are amended to read:

16 119.08 (2) The electors of each election district shall elect one member residing
17 within the election district to represent the election district. ~~The at-large member~~
18 ~~shall be elected by the electors of the city.~~ Board members shall be electors of the city
19 and shall be elected on a nonpartisan ballot at the spring general election. The
20 primary, when required, shall be held concurrently with the September primary.
21 Candidates shall file nomination papers for full terms or, when vacancies are to be
22 filled, for unexpired terms. The format for the nomination papers shall be the same
23 as prescribed in s. 8.10 (2) (b) except that the election referenced in the papers shall
24 be the general election. The primary and ~~spring elections~~ election for board members
25 shall be conducted by the election officials for the election of judicial or other officers

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1 held on that date. The polling places for the state, ~~municipal or judicial~~ September
2 primary and general election shall be the polling places for the board election and the
3 ~~municipal election hours shall apply.~~

4 (3) The regular terms of board members shall be 4 years. The term of each
5 member expires on the first Monday in December of the 4th year following the year
6 in which the member's office is regularly filled.

7 **SECTION 27.** 119.08 (4) of the statutes is amended to read:

8 119.08 (4) A vacancy ~~on~~ in the membership of the board may be filled by
9 temporary appointment of the mayor, subject to disapproval by the board. Upon
10 making a temporary appointment under this subsection, the mayor shall file a letter
11 of appointment with the president of the board. If, within 15 days of receipt of the
12 letter by the board, the board, by a vote of at least two-thirds of the current
13 membership, rejects the appointment, the appointment is not effective. In such case,
14 the president of the board shall promptly notify the mayor and the mayor may
15 appoint another person to fill the vacancy under this subsection. If an appointment
16 is not rejected by the board, the appointment becomes effective on the 16th day
17 beginning after receipt of notice of the appointment by the president of the board.
18 A temporary appointee under this subsection may serve until his or her successor is
19 elected and qualified. If a vacancy occurs on or before June 1 immediately preceding
20 expiration of the member's term of office, the vacancy shall be filled on a permanent
21 basis by a special election ordered by the board. At such election the vacancy shall
22 be filled for the unexpired term. The board shall follow procedures under s. 8.50, so
23 far as applicable.

24 **SECTION 28.** 119.10 (1) of the statutes is amended to read:

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1 119.10 (1) The board is a continuing body. Any unfinished business before the
2 board or any of its standing or special committees on the date of the annual meeting
3 under sub. (2) shall be considered as pending before the board newly organized on
4 such date. At its annual meeting, after the election of the new board president and
5 the designation of the clerk, the clerk shall report to the board items of business
6 pending before the board as a whole. After the annual ~~April~~ meeting, unless
7 otherwise directed by the board, the clerk shall report items of business which had
8 been pending before committees of the board to the corresponding committees of the
9 board appointed by the new president. Matters thus reported may be acted upon by
10 the board in the same manner and with the same effect as if the board had not been
11 newly organized.

12 **SECTION 29.** 119.10 (2) of the statutes is amended to read:

13 119.10 (2) Annually, no earlier than the 4th ~~first~~ Monday in April ~~December~~
14 and no later than the ~~first~~ 3rd Monday in May ~~December~~, the board shall hold its
15 organizational meeting, shall elect a president from among its members to serve for
16 ~~one year~~ 2 years and until a successor is chosen and shall designate an individual to
17 serve as clerk. In the absence or during the disability of the board president, the
18 board shall elect an acting president. The board president shall appoint standing
19 committees to serve for ~~one year~~ 2 years.

20 **SECTION 30.** 119.11 of the statutes is created to read:

21 **119.11 Partnership for success committee.** (1) There is established a
22 partnership for success committee. The committee shall consist of the mayor, the
23 president of the common council, the board president, and the superintendent of
24 schools. The mayor and the board president shall serve as cochairpersons of the

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1 committee. The committee shall meet quarterly and may meet at other times on the
2 call of the cochairpersons.

3 (2) The committee shall foster collaboration between the school district and the
4 city. The committee shall seek grants for education purposes.

5 (3) The common council and the board shall each pay one-half of the
6 committee's costs.

7 **SECTION 31.** 119.16 (1c) of the statutes is created to read:

8 119.16 (1c) STANDARDS FOR LITERACY AND MATHEMATICS CURRICULA. The board
9 shall establish minimum standards for literacy and mathematics curricula
10 employed in schools in the school district. The board shall require each school in the
11 district to annually submit a report to the board regarding the literacy and
12 mathematics curricula employed in the school and shall annually evaluate the
13 efficacy of the curricula employed in schools in the district.

14 **SECTION 32.** 119.16 (3m) of the statutes is created to read:

15 119.16 (3m) MASTER FACILITIES PLAN. (a) No later than December 1, 2010, the
16 board shall evaluate all school buildings in the school district operating under this
17 chapter according to the criteria established under par. (b), and shall develop a
18 master plan governing the use, repair, renovation, and demolition of buildings in the
19 school district. The master plan shall include procedures for notifying the
20 partnership for success committee, created under s. 119.11, in the event that the
21 board determines that one or more school buildings will be closed or demolished and
22 the pupils in those buildings reassigned to other buildings in the school district.

23 (b) The board shall establish criteria to evaluate the safety, structural integrity,
24 utility, and costs of maintenance and repair of school buildings in the school district.
25 Subject to the requirements under sub. (10), the criteria shall include consideration

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1 of the advantages and disadvantages of repairing versus demolishing older buildings
2 having high maintenance or operating costs.

3 **SECTION 33.** 119.16 (7) of the statutes is created to read:

4 119.16 (7) PARENT INVOLVEMENT COMMITTEE. The board shall establish a parent
5 involvement committee to handle parent issues and complaints and to foster
6 parental involvement in the schools.

7 **SECTION 34.** 119.16 (9) of the statutes is created to read:

8 119.16 (9) FINANCIAL REPORTING; BUDGETING; ACCOUNTABILITY. (a) The board
9 shall submit quarterly financial reports to all of the following and shall make the
10 financial reports available to the public on the school district's Internet Web site:

- 11 1. The state superintendent.
- 12 2. The mayor.
- 13 3. The city comptroller.
- 14 4. The personnel and finance committee of the common council.
- 15 5. The joint committee on finance.

16 (b) The board shall annually prepare a budget for each school in the school
17 district operating under this chapter.

18 (c) The board shall maintain a chief accountability office to ensure financial
19 accountability.

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

21 119.16 (11) BOARD TRAINING. Each member of the board shall annually attend
22 a professional training program related to the duties of their position on the board
23 offered by a national or locally recognized association of school boards.

24 **SECTION 36.** 119.16 (12) of the statutes is created to read:

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1 119.16 (12) PROFESSIONAL DEVELOPMENT AND TRAINING. (a) The board shall
2 establish a professional development and training program for principals employed
3 by the board and may require a principal employed by the board to attend the
4 program.

5 (b) The board shall establish training programs related to teaching
6 multicultural pupils and children with disabilities, as defined in s. 115.76 (5). The
7 board shall require all teachers, support staff, and administrators employed by the
8 board to annually complete the training programs established under this paragraph.

9 **SECTION 37.** 119.16 (13) of the statutes is created to read:

10 119.16 (13) PUBLIC TRANSPORTATION FOR MIDDLE SCHOOL PUPILS. The board shall
11 ensure that pupils enrolled in the school district operating under this chapter in the
12 middle school grades are able to be transported to and from school by a mass transit
13 system, as defined in s. 85.20 (1) (e), at a reduced fare.

14 **SECTION 38.** 119.16 (14) of the statutes is created to read:

15 119.16 (14) ALLOCATION OF BONDING AUTHORITY UNDER AMERICAN RECOVERY AND
16 REINVESTMENT ACT OF 2009. The board shall send a communication to the common
17 council of the city regarding any unsecured bonding authority allocated to the board
18 under section 2, division B, title I, subtitle F, part III of P.L. 111-5, stating the amount
19 of unsecured bonding authority allocated to the board under section 2, division B,
20 title I, subtitle F, part III of P.L. 111-5, and directing that the unsecured bonding
21 authority be assigned to the department for reallocation as provided under this
22 subsection. The department shall reallocate the bonding authority under this
23 subsection to school districts that meet the following criteria and shall collaborate
24 with the board regarding the reallocation of that bonding authority:

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1 (a) At least 50 percent of the school district’s membership in the previous school
2 year was eligible for a free or reduced-price lunch under 42 USC 1758 (b). In this
3 paragraph, “membership” has the meaning given in s. 121.004 (5).

4 (b) 1. The school board has identified school buildings requiring significant
5 maintenance or improvements.

6 2. The school board proposes improvements to the buildings identified in subd.
7 1. that are cost effective, technically feasible, and meet nationally recognized green
8 building performance standards.

9 **SECTION 39.** 119.16 (15) of the statutes is created to read:

10 119.16 (15) PARENT SURVEY. Annually, the board shall conduct a survey of
11 parents of pupils enrolled in the school district operating under this chapter and use
12 the results of the survey to develop or modify parent involvement and school
13 improvement plans. The board shall provide the results of the survey to the
14 partnership for success committee under s. 119.11 and the parent involvement
15 committee under sub. (7).

16 **SECTION 40.** 119.16 (16) of the statutes is created to read:

17 119.16 (16) TRANSITION CAMPUSES. Beginning in the 2011–12 school year, the
18 board shall designate at least 2 schools as transition campuses and provide for the
19 assignment to a transition campus of disruptive pupils enrolled in the high school
20 grades. The transition campuses shall provide the pupils with additional services
21 and academic assistance in order to address their problems and facilitate their
22 return to their previous schools. The board shall seek to establish partnerships
23 between the transition campuses and local civic organizations or nonprofit
24 corporations in order to provide comprehensive services to pupils attending a

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1 transition campus for the purpose of improving their stability, education, health, and
2 economic opportunities.

3 **SECTION 41.** 119.185 of the statutes is created to read:

4 **119.185 School governance councils. (1)** In this section, “parent” has the
5 meaning given in s. 115.76 (12) (a).

6 **(2)** The board shall ensure that each school in the school district operating
7 under this chapter establishes a school governance council to provide a forum in
8 which pupils enrolled in the school, the parents of pupils enrolled in the school,
9 teachers, administrators, and other employees at the school, and members of the
10 community may work together to analyze and make recommendations for the
11 improvement of school policies, curricula, and educational plans at the school and the
12 well-being of pupils enrolled in the school.

13 **(3) (a)** Members of a school governance council shall be elected in the manner
14 provided under sub. (5) (a). Except as provided in par. (b), the number of members
15 of a school governance council shall be determined by multiplying 0.01 by the number
16 of pupils enrolled in the school. Each council shall consist of the following members:

17 1. Parents of pupils enrolled in the school, except that no parent elected to the
18 council under this subdivision may be a paid employee of the school. At least 51
19 percent of the members of a school governance council shall be elected under this
20 subdivision.

21 2. The principal of the school or his or her designee.

22 3. If the school has pupils enrolled in the middle school, junior high school, or
23 high school grades, one pupil who is enrolled in the school in grade 6 or higher.

24 4. At least one person who is employed at the school as a teacher or support
25 staff.

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1 5. At least one person who is a resident of the city and who does not qualify for
2 membership on the council under subs. 1. to 4.

3 (b) 1. Subject to the requirement under par. (a) 1., if the number of members
4 determined under par. (a) is an even number, the board shall increase the
5 membership of the council by one member in any one category, to be determined by
6 the board.

7 2. No school governance council may have fewer than 9 members.

8 3. A school governance council may vote to increase the number of members on
9 the council, but the number of members on the council shall always be an odd
10 number.

11 (4) A school governance council may, on its own initiative or upon the written
12 petition of a majority of the teachers of the school for which the council is established,
13 direct the principal of the school to attend a professional development and training
14 program established under s. 119.16 (12).

15 (5) The board shall establish policies and procedures governing all of the
16 following:

17 (a) The nomination and election of initial members to a school governance
18 council and for the transfer of the nomination and election process to the council
19 following the first election.

20 (b) The manner of filling vacancies in the membership of the council that occur
21 prior to the expiration of a term. The board shall permit the partnership for success
22 committee, created under s. 119.11, to nominate persons to fill vacancies on the
23 council. A person nominated by the partnership for success committee may fill a
24 vacancy only upon the approval of a majority of the members serving on the council.

25 (c) The terms of office of council members.

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1 (d) The selection of officers.

2 (e) The location and frequency of meetings.

3 (f) The powers, duties, and responsibilities of councils and the powers and
4 duties of individual council members.

5 (g) The reimbursement of expenses incurred by council members in connection
6 with their powers and duties.

7 **SECTION 42.** 119.23 (11) of the statutes is renumbered 119.23 (11) (a).

8 **SECTION 43.** 119.23 (11) (b) of the statutes is created to read:

9 119.23 (11) (b) 1. The department and the board shall jointly develop a survey
10 to be taken by a parent who moves his or her child from a private school participating
11 in the program under this section to a public school in the city or from a public school
12 in the city to a private school participating in the program under this section. The
13 survey shall include questions related to the decision of the parent to enroll the child
14 in the private or public school and move the child from one educational setting to the
15 other and shall be taken during the enrollment process.

16 2. a. Beginning in the 2010-11 school year, the board shall annually administer
17 the survey developed under subd. 1. to the parent of a pupil who was enrolled in the
18 program under this section after the effective date of this subd. 2. a. [LRB inserts
19 date], if the parent withdraws the pupil from the program under this section and
20 enrolls the pupil instead in a public school in the city.

21 b. Beginning in the 2010-11 school year, each private school participating in
22 the program under this section shall annually administer the survey developed
23 under subd. 1. to the parent of a pupil who was enrolled in a public school in the city
24 after the effective date of this subd. 2. b. [LRB inserts date], if the parent

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1 withdraws the pupil from a public school in the city and enrolls the pupil instead in
2 the private school.

3 3. Annually, by July 1, the board shall submit to the department, the
4 cochairpersons of the joint committee on finance, and the appropriate standing
5 committees of the legislature under s. 13.172 (3) the results of the surveys
6 administered under subd. 2., and shall, subject to s. 118.125, upon request by any
7 person, make information obtained from the surveys available for review.

8 **SECTION 44.** 119.31 of the statutes is created to read:

9 **119.31 Achievement guarantee contracts for 9th grade pupils.** (1) In
10 this section, “class” means a core curriculum course, as determined by the
11 department.

12 (2) If the department determines that state or federal aid is available to reduce
13 class size in 9th grade classes in the district, the board may apply to the department
14 on behalf of schools in the district that enroll 9th grade pupils to receive the state or
15 federal aid and reduce class size as provided in this section. The board shall select
16 for participation in the program under this section schools in the district with the
17 lowest graduation rates.

18 (3) In the first school year in which funding is determined to be available, the
19 board may enter into an achievement guarantee contract with the department on
20 behalf of one or more schools in the district. An achievement guarantee contract
21 under this section shall require the board to do all of the following in each
22 participating school:

23 (a) Reduce each 9th grade class size to no more than 20.

24 (b) Keep the school open every day from early in the morning until late in the
25 day, as specified in the contract.

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1 (c) Collaborate with community organizations to make educational and
2 recreational opportunities, as well as a variety of community and social services,
3 available in the school to all residents in the school's attendance area.

4 (d) 1. Provide a rigorous academic curriculum designed to improve pupil
5 academic achievement.

6 2. In consultation with the department and with the participation of the
7 school's teachers and administrators and residents in the school's attendance area,
8 review the school's current 9th grade curriculum to determine how well it promotes
9 9th grade pupil academic achievement.

10 3. If necessary, outline any changes to the curriculum to improve 9th grade
11 pupil academic achievement.

12 (e) 1. Develop a one-year program for all newly hired employees that helps
13 them make the transition from their previous employment or school to their current
14 employment.

15 2. Provide time for employees to collaborate and plan.

16 3. Require that each teacher and administrator submit to the board a
17 professional development plan that focuses on how the individual will help improve
18 9th grade pupil academic achievement. The plan shall include a method by which
19 the individual will receive evaluations on the success of his or her efforts from a
20 variety of sources.

21 4. Regularly review staff development plans to determine if they are effective
22 in helping to improve 9th grade pupil academic achievement.

23 5. Establish an evaluation process for professional staff members that does all
24 of the following:

25 a. Identifies individual strengths and weaknesses.

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- 1 b. Clearly describes areas in need of improvement.
- 2 c. Includes a support plan that provides opportunities to learn and improve.
- 3 d. Systematically documents performance in accordance with the support plan.
- 4 e. Allows professional staff members to comment on and contribute to revisions
- 5 in the evaluation process.

6 **(4)** Each achievement guarantee contract under this section shall include all
7 of the following:

8 (a) A description of how the school will implement each of the elements under
9 sub. (3), including any alternative class configurations for specific educational
10 activities that may be used to meet the class size requirement under sub. (3) (a).

11 (b) A description of the method that the board will use to evaluate the academic
12 achievement of the 9th grade pupils enrolled in the school.

13 (c) A description of the school's performance objectives for the academic
14 achievement of the 9th grade pupils enrolled in the school and the means that will
15 be used to evaluate success in attaining the objectives. Performance objectives shall
16 include all of the following:

17 1. The attainment of any educational goals adopted by the board.

18 2. Professional development with the objective of improving pupil academic
19 achievement.

20 3. Methods by which the school involves pupils, parents or guardians of pupils,
21 and other residents of the school attendance area in decisions affecting the school.

22 (d) A description of any statute or rule that is waived under s. 118.38 if the
23 waiver is related to the contract.

24 (e) A description of the means by which the department will monitor
25 compliance with the terms of the contract.

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1 **SECTION 45.** 119.315 of the statutes is created to read:

2 **119.315 Science, technology, engineering, and mathematics pilot**
3 **programs for pupils in grades kindergarten to 5.** If the board determines that
4 state or federal aid is available, any school in the city that enrolls pupils in grades
5 kindergarten to 5 is eligible to apply to the board for funding to participate in a pilot
6 program designed to develop innovative instructional programs in science,
7 technology, engineering, and mathematics; support pupils who are typically
8 under-represented in these subjects; and increase the academic achievement of
9 pupils in those subjects.

10 **SECTION 46.** 119.32 (1) of the statutes is repealed and recreated to read:

11 119.32 (1) (a) There is established a superintendent search advisory committee
12 consisting of the mayor or his or her designee; the president of the common council
13 or his or her designee; a representative of businesses located in the city, appointed
14 by the mayor; and a member of the labor organization that represents public school
15 teachers in the school district operating under this chapter, appointed by the head
16 of that labor organization. All committee members shall be residents of the city.

17 (b) The board shall conduct a search for a superintendent of schools whenever
18 that office becomes vacant. The board shall keep the committee under par. (a) fully
19 informed about all applicants for the position.

20 (c) 1. From the pool of applicants, the committee under par. (a) shall select one
21 to recommend to the mayor.

22 2. From the pool of applicants, the board shall select 3 to recommend to the
23 mayor. The mayor may interview the 3 candidates.

24 3. The mayor shall select a candidate from the 3 recommended by the board
25 under subd. 2. to recommend to the board.

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1 (d) The board shall by roll call vote select a superintendent of schools from the
2 3 candidates recommended by the board under par. (c) 2. and notify the mayor of its
3 selection. The mayor may veto the board's selection. If he or she does so, the board
4 may override the veto by a two-thirds vote of the membership.

5 (e) If the board fails to override the mayor's veto, the board shall by roll call vote
6 select another candidate from those recommended under par. (c) 2. and notify the
7 mayor under par. (d), or begin another search under par. (b).

8 **SECTION 47.** 119.32 (8) of the statutes is created to read:

9 119.32 (8) The superintendent of schools may require a principal employed by
10 the board to attend the professional development and training program established
11 under s. 119.16 (12).

12 **SECTION 48.** 119.43 of the statutes is created to read:

13 **119.43 Principal tenure; performance reviews. (1)** (a) Except as provided
14 in sub. (2), a principal of a public school in a city of the 1st class appointed after the
15 effective date of this paragraph ... [LRB inserts date], shall be initially employed
16 under a 3-year contract with the board and on probation. The superintendent of
17 schools may recommend that the board renew the contract of the principal after the
18 successful completion of a continuous 3-year contract term. After the successful
19 completion of a 2nd consecutive continuous 3-year contract term with the board, the
20 superintendent of schools may recommend that the board make the employment of
21 the principal permanent. The board may accept or reject the recommendation of the
22 superintendent of schools. A principal for whom permanent employment is rejected
23 may appeal the rejection to the board.

24 (b) No principal who has become permanently employed under this section may
25 be refused employment, dismissed, removed, or discharged, except for inefficiency

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1 or immorality, for willful and persistent violation of reasonable regulations of the
2 board, or for other good cause, upon written charges based on fact proffered by the
3 board or other proper officer of the board or school in which the principal is employed.
4 Upon the principal's written request and no fewer than 10 nor more than 30 days
5 after receipt of notice by the principal, the charges shall be heard and determined by
6 the board. Hearings shall be public when requested by the principal and all
7 proceedings at the hearing shall be taken by a court reporter. All parties shall be
8 entitled to be represented by counsel at the hearing. The action of the board is final.

9 (2) A principal whose employment is permanent under an agreement entered
10 into before the effective date of this subsection [LRB inserts date], between the
11 board and an organization that is not a labor organization, as defined in s. 111.70 (1)
12 (h), shall retain all of the rights and privileges of permanent employment obtained
13 under that agreement.

14 (3) A principal who is under a 3-year contract with the board is subject to
15 annual performance reviews.

16 **SECTION 49.** 119.475 of the statutes is created to read:

17 **119.475 Veto of operating budget.** (1) Immediately upon receipt of the
18 school budget under s. 119.16 (8) (b), the common council shall transmit it to the
19 mayor.

20 (2) (a) Notwithstanding ss. 119.46 (1) and 119.47 (1), if the state
21 superintendent has determined that the school district was in need of improvement
22 for the 4 previous school years, the mayor may veto the board's budget for school
23 operations in whole or in part. In vetoing the budget in part, the mayor may not
24 create a new word by rejecting individual letters in the words of the budget, and may
25 not create a new sentence by combining parts of 2 or more sentences of the budget.

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1 (b) The state superintendent shall promulgate rules establishing criteria and
2 a procedure for determining whether the school district is in need of improvement
3 under par. (a).

4 (3) The mayor shall transmit the part approved to the common council for
5 implementation and return the part vetoed to the board with his or her objections in
6 writing. If two-thirds of the board's members agree to adopt the part vetoed
7 notwithstanding the mayor's objection, the board shall transmit the part to the
8 common council for implementation.

9 **SECTION 50.** 119.76 of the statutes is created to read:

10 **119.76 Pupil ACT testing.** (1) Subject to sub. (2), the board shall provide each
11 pupil enrolled in the 11th grade in the school district operating under this chapter
12 with the opportunity to take the ACT test.

13 (2) The board shall comply with all standards for administering the ACT test
14 established by ACT, Inc., including providing reasonable accommodations for a pupil
15 who is a child with a disability, as defined in s. 115.76 (5), if the pupil complies with
16 the process for requesting accommodations and submits sufficient documentation of
17 his or her disability.

18 **SECTION 51.** 119.77 of the statutes is created to read:

19 **119.77 Promise neighborhoods.** (1) The board shall work with the common
20 council, community agencies, public agencies, and nonprofit charitable
21 organizations to plan for the establishment of promise neighborhoods in the city in
22 which the following services would be integrated and provided to residents of the
23 neighborhoods at no charge:

24 (a) Counseling and training for new parents.

25 (b) Early childhood education.

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- 1 (c) High-quality child care.
- 2 (d) After-school programming involving children and parents.
- 3 (e) Crime-prevention support programs.
- 4 (f) Youth job training and internship opportunities.
- 5 (g) Local community health centers.
- 6 (h) Financial counseling.
- 7 (i) Increased broadband internet access for low-income community members
- 8 who lack such access.

9 **SECTION 52.** 121.02 (3) of the statutes is amended to read:

10 121.02 (3) Prior to any finding that a school district is not in compliance with

11 the standards under sub. (1), the state superintendent shall, upon request of the

12 school board or upon receipt of a petition signed by the maximum number of electors

13 allowed for nomination papers of school district officers under s. 8.10 (3) (i), (km) or

14 (ks) or 8.15 (6) (f), conduct a public hearing in the school district. If the state

15 superintendent, after the hearing, finds that the district is not in compliance with

16 the standards, the state superintendent may develop with the school board a plan

17 which describes methods of achieving compliance. The plan shall specify the time

18 within which compliance shall be achieved. The state superintendent shall withhold

19 up to 25% of state aid from any school district that fails to achieve compliance within

20 the specified period.

21 **SECTION 53. Nonstatutory provisions.**

22 (1) PROMISE NEIGHBORHOODS. No later than 365 days after the effective date of

23 this subsection, the partnership for success committee under section 119.11 of the

24 statutes, as created by this act, shall communicate in writing with the federal office

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1 of urban affairs to identify sources of federal funding for establishing a pilot promise
2 neighborhood under section 119.77 of the statutes, as created by this act.

3 (2) UNFUNDED LIABILITY. By the 1st day of the 12th month beginning after the
4 effective date of this subsection, the partnership for success committee under section
5 119.11 of the statutes, as created by this act, working with school administrators,
6 teachers' collective bargaining representatives, and an independent 3rd party, shall
7 develop a plan for addressing the unfunded liability of the school district operating
8 under chapter 119 of the statutes.

9 **SECTION 54. Initial applicability.**

10 (1) The treatment of section 119.08 (1) (a) and (b) of the statutes first applies
11 with respect to election district apportionment plans that are adopted following
12 adjustment of ward boundaries in response to the 2010 federal decennial census.

13 **SECTION 55. Effective dates.** This act takes effect on the day after publication,
14 except as follows:

15 (1) METHOD OF ELECTION OF 1ST CLASS CITY SCHOOL DIRECTORS. The treatment of
16 sections 5.58 (1g) (b) and (c), (2) and (3), 5.60 (4) (b), 5.62 (4m), 5.64 (4) (title), 8.10
17 (3) (i), 8.11 (2m), 8.15 (5) (a) and (6) (f), 119.06 (2), (3) (intro.), (a) and (b), (4) (b), (c)
18 and (d), (5) and (6), 119.08 (2), (3), and (4), 119.10 (1) and (2) and 121.02 (3) of the
19 statutes and the creation of section 119.07 of the statutes take effect on November
20 1, 2011.

21 (2) FIRST CLASS CITY SCHOOL ELECTION TRANSITIONAL PROVISIONS. The repeal of
22 section 119.07 of the statutes takes effect on January 1, 2015.

23 **(END)**