



1995 ASSEMBLY BILL 1087

March 27, 1996 – Introduced by Representatives JENSEN, DUFF, SCHNEIDERS and WALKER, cosponsored by Senator DARLING. Referred to Joint committee on Finance.

1 **AN ACT to repeal** 111.70 (4) (m) 2. and 119.18 (23); and **to create** 111.70 (4) (m)
2 3. and 119.18 (24) of the statutes; **relating to:** authorizing school closings, and
3 the reassignment of staff resulting from such closings or subsequent
4 reopenings without regard to seniority, in a 1st class city school district.

Analysis by the Legislative Reference Bureau

The current statutes authorize the Milwaukee Public Schools board of school directors to close any school that it determines is low in performance. If the board closes a school, the superintendent of schools may reassign the school's staff members without regard to seniority in service. If the board reopens the school, the superintendent of schools may reassign staff members to the school without regard to seniority in service. The statutes also provide that a 1st class city school district is prohibited from bargaining collectively with respect to the reassignment of employes who perform services for the board of school directors of the school district, with or without regard to seniority, as a result of the decision of the board to close or reopen a school, or the impact of any such reassignment on the wages, hours or conditions of employment of the employes who perform those services. These provisions were enacted as part of 1995 Wisconsin Act 27, the biennial budget act. (Prior to the enactment of Act 27, the method of reassignment of employes who performed services for a 1st class city school district as a result of a decision to close or reopen a school, or the impact of such a decision on the wages, hours and conditions of employment of the employes, was a mandatory subject of collective bargaining between the district and the representatives of its employes.)

On March 7, 1996, the circuit court for Milwaukee County issued a temporary injunction against the implementation of the above provisions. *Milwaukee Teachers' Education Association v. Milwaukee Board of School Directors*, No. 95-CV-011243 Milwaukee County Circuit Court March 7, 1996) (order granting preliminary injunction). The court determined that the provisions are private or local in nature

and were enacted in contravention of article IV, Section 18 of the Wisconsin constitution. That section requires a private or local bill to embrace no more than one subject, which must be expressed in the title.

This bill eliminates the provisions, described above, that were enacted as part of the biennial budget act, and creates identical provisions.

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

1 **SECTION 1.** 111.70 (4) (m) 2. of the statutes, as created by 1995 Wisconsin Act
2 27, is repealed.

3 **SECTION 2.** 111.70 (4) (m) 3. of the statutes is created to read:

4 111.70 (4) (m) 3. Reassignment of municipal employes who perform services for
5 a board of school directors, with or without regard to seniority, as a result of the
6 decision of the board to close or reopen a school under s. 119.18 (24), or the impact
7 of any such reassignment on the wages, hours or conditions of employment of the
8 municipal employes who perform those services.

9 **SECTION 3.** 119.18 (23) of the statutes, as created by 1995 Wisconsin Act 27, is
10 repealed.

11 **SECTION 4.** 119.18 (24) of the statutes is created to read:

12 119.18 (24) SCHOOL CLOSINGS. The board may close any school that it
13 determines is low in performance by adopting a resolution to that effect. If the
14 superintendent of schools recommends to the board that a school be closed, he or she
15 shall state the reasons for the recommendation in writing. If the board closes a
16 school, the superintendent of schools may reassign the school's staff members
17 without regard to seniority in service. If the board reopens the school, the
18 superintendent of schools may reassign staff members to the school without regard
19 to seniority in service.

