



## SENATE BILL 2

April 21, 1998 - Introduced by COMMITTEE ON SENATE ORGANIZATION, by request of Governor Tommy G. Thompson. Referred to Committee on Education and Financial Institutions.

1     **AN ACT to repeal** 5.58 (1g) (b), 119.06 (3) (intro.) and (a) and 119.07; **to renumber**  
2         5.60 (4) (b); **to renumber and amend** 119.06 (3) (b); **to amend** 5.58 (1g) (c),  
3         5.58 (2) (a), 5.58 (3), 8.10 (3) (i), 8.15 (5) (a), 17.26 (2), 20.255 (2) (ac), 20.255 (2)  
4         (ec), 20.255 (2) (ed), 118.40 (1m) (a), 118.40 (5) (b), chapter 119 (title), 119.01,  
5         119.02 (intro.), 119.06 (4) (b), 119.06 (4) (c) and (d), 119.06 (5) and (6), 119.08 (1)  
6         (a) and (b), 119.08 (2) and (3), 119.08 (4), 119.10 (1), 119.10 (2), 121.02 (3), 121.15  
7         (3m) (b) and 121.15 (3m) (c); **to repeal and recreate** 111.70 (4) (m) (intro.), 1.,  
8         2. and 4., 118.40 (3) (c), 119.18 (23) and 119.235; and **to create** 5.62 (4m), 5.64  
9         (4) (title), 8.15 (6) (f), 17.01 (8m), 17.125, 17.27 (3m), 111.70 (4) (cm) 2m., 118.01  
10        (2) (e), subchapter I (title) of chapter 119 [precedes 119.01], 119.07, 119.32 (8),  
11        119.55 (3), 119.76, subchapter II of chapter 119 [precedes 119.90] and 121.85 (6)  
12        (h) of the statutes; **relating to:** the composition and method of election of  
13        members of the board of school directors in 1st class city school systems;  
14        contract negotiation meetings between a board of school directors for a 1st class

1 city school system and any labor organization recognized or certified to  
2 represent school district professional employes under the municipal  
3 employment relations act; reorganizing schools in a 1st class city school system  
4 and prohibiting collective bargaining with respect to reassignment of employes  
5 of a 1st class city school system; conversion of private schools to charter schools;  
6 educational service contracts between the board of school directors for a 1st  
7 class city school system and private schools and agencies; requiring the  
8 Milwaukee Public Schools to meet certain educational criteria, abolishing the  
9 board of school directors of the Milwaukee Public Schools and creating the  
10 Milwaukee Public Schools governing commission; the use of intradistrict  
11 transfer aid to build or lease public schools; contracts with the Boys and Girls  
12 Clubs of Greater Milwaukee to improve attendance at selected schools; the  
13 amount appropriated as general school aid; aid to the Milwaukee Public  
14 Schools for after-school programs; and making an appropriation.

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***Analysis by the Legislative Reference Bureau***

***Milwaukee Public Schools governing commission***

This bill requires the department of public instruction, the department of administration and the legislative fiscal bureau to certify to the governor and the joint committee on finance (JCF) whether the Milwaukee Public Schools (MPS) has met the following 4 educational criteria for the 1999-2000 school year: 1) a graduation rate of at least 90%; 2) an attendance rate of at least 91%; 3) a dropout rate no higher than 9%; and 4) a basic reading level comprehension rate for the 3rd grade reading test that is equal to at least 90% of the statewide average rate. The bill also requires this certification to be repeated biennially unless MPS fails to meet the educational criteria.

If MPS does not meet these educational criteria, the bill provides for the creation of the Milwaukee Public Schools governing commission (commission) on March 1 of the year following certification. The bill requires one commissioner to be appointed by the governor, another by the state superintendent of public instruction and the 3rd by the mayor of the city of Milwaukee. The commissioners must reside in the city of Milwaukee. On July 1, the board of school directors of MPS (MPS board),

the position of superintendent of schools for MPS and the positions filled by appointees of the superintendent of schools for MPS are abolished, and the commission assumes management and control of MPS. The commission has all of the powers and duties of the MPS board before its abolition. In addition, the bill requires the commission to increase the quality of education in MPS, ensure continuing academic improvement of pupils, reduce noninstructional expenditures, develop school-based budgeting, determine a governing body for each MPS school and appoint an executive director to perform the duties of the superintendent of schools.

The bill also requires each MPS school governing body to submit by February 1 of the year following the establishment of the commission and annually thereafter, an educational reform plan that includes an annual budget and operational plan, the educational goals and expectations of the school, the educational program of the school, the methods that the school will use to meet and measure its educational goals and expectations and a professional development plan. The commission must review the plans and either approve or reject them within 60 days of their submission. If the commission rejects a plan, the school governing body must submit a revised plan by May 1. The commission must either approve the plan or modify the plan by June 1.

Current law requires each school board to ensure that its pupils meet specific goals and expectations concerning academic skills and knowledge, vocational skills, citizenship and personal development. This bill exempts the commission from this requirement.

Under current law, a charter school is exempt from most laws governing public schools. A charter school may generally be established by filing a petition with a school board requesting the school board to enter into a contract with an individual or group to establish a charter school or by a school board's initiating such a contract. If a charter school is initiated by petition, the petition must be signed by at least 10% of the teachers employed by the school district or by at least 50% of the teachers employed at one school of the school district. This bill eliminates the signature requirement for charter schools located in MPS if the commission assumes control of MPS.

### ***Election of school board members in 1st class cities***

Currently, the board of school directors for 1st class cities (of which Milwaukee is the only one) consists of 8 members elected on a nonpartisan ballot at the spring election from election districts that must be approximately equal in population, and one member elected from the city at large. Board members serve for 4-year terms. The terms of office of 5 members of the board expire on the 4th Monday in April, 1999, and the terms of office of 4 members of the board expire on the 4th Monday in April, 2001.

This bill provides instead for the board of school directors to be elected on a nonpartisan ballot at the general (November) election.

To effect the change, the bill provides for the terms of the 5 members whose terms expire in April 1999, to be extended until November 2000, and the terms of the 4 members whose terms expire in April 2001, to be extended until November 2002.

The bill provides for 5 new members to be elected for 4-year terms at the general election in November 2000, and 4 new members to be elected for 4-year terms at the general election in November 2002.

Currently, the board of school directors elects officers at its annual organizational meeting, which is held between the 4th 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 3rd Monday in December, and provides for the officers elected at an organizational meeting to be held in the spring of 1999 to serve until an organizational meeting is held in the fall of 2000.

### ***Collective bargaining***

Under current law, the only contract negotiation meetings between parties to a collective bargaining agreement or a proposed collective bargaining agreement in local government employment, other than law enforcement or fire fighting employment, which must be open to the public are those held for the purpose of presenting initial collective bargaining proposals. All other contract negotiation meetings are not required to be open to the public. This bill provides that, with respect to meetings between a board of school directors for a 1st class city school system and any labor organization recognized or certified to represent school district professional employes, the contract negotiation meetings conducted after the presentation of initial collective bargaining proposals, but before the commencement of mediation by the Wisconsin employment relations commission or its designee, may be open to the public at the request of either party or the parties jointly.

### ***Other provisions***

Current law authorizes the board of school directors for a 1st class city to contract with any nonsectarian private school located in the city to provide educational programs for pupils enrolled in the school district. Current law also prohibits a school board other than the board of school directors for a 1st class city from entering into a contract for the conversion of a private school to a charter school.

Current law authorizes the board of school directors for a 1st class city to close any school that it determines is low in performance (school closing statute). If the board of school directors closes a school or reopens a school that has been closed, the superintendent of schools may reassign the school's staff without regard to seniority in service. In addition, the board of school directors is prohibited from bargaining collectively with respect to: 1) the reassignment of employes who perform services for the board, with or without regard to seniority, as the result of a decision of the board to contract with an individual or group to operate a charter school or to convert a school to a charter school, or the impact of any such decision on the wages, hours or conditions of employment of the employes who perform those services; 2) any decision of the board to contract with a private nonsectarian school or private nonsectarian agency in the city to provide educational programs to pupils, or the impact of any such decision on the wages, hours or conditions of employment of the employes who perform those services; or 3) the reassignment of employes who perform services for the board, with or without regard to seniority, as the result of a 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 employees who perform those services.

On June 2, 1997, the Milwaukee County Circuit Court in *Milwaukee Teachers' Education Association v. Milwaukee Board of School Directors* (consolidated cases Nos. 95 CV 011243 and 96 CV 005849) issued a decision holding that the school closing statute, the collective bargaining statute, the statute authorizing the board of school directors to contract for educational programs and the statute concerning the conversion of a private school to a charter school were private or local laws whose enactment as part of 1995 Wisconsin Act 27 (the 1995-97 biennial budget act) violated article IV, section 18, of the Wisconsin Constitution, which provides that no private or local bill that is passed by the legislature may embrace more than one subject.

This bill repeals and recreates, without change, the collective bargaining statute, the statute authorizing the board of school directors to contract for educational programs and the statute concerning the conversion of a private school to a charter school. The bill also repeals and recreates the school closing statute. As recreated by the bill, the statute allows the board of school directors to reorganize any school that it determines is low in performance. If the board of school directors reorganizes a school, the superintendent of schools may reassign the school's staff without regard to seniority in service and may reassign other employees of the board to the school without regard to seniority in service.

Under current law, a school district that participates in the intradistrict special transfer program, which allows pupils to attend public school outside their attendance area in order to reduce racial imbalance in the school district, receives additional state aid.

This bill provides that, beginning in the 1998-99 school year, MPS must use at least 10% of the intradistrict aid that it receives in each school year to build or lease neighborhood schools.

This bill directs the MPS board of school directors to contract with the Boys and Girls Clubs of Greater Milwaukee to provide case managers at selected middle and high schools to work with school staff, pupils and their families to improve the attendance rate of pupils enrolled at the selected schools. The contract may not extend beyond June 30, 2000.

Under current law, beginning in the 1998-99 fiscal year JCF determines the amount appropriated as general school aid. This bill specifies the amount appropriated as general school aid in the 1998-99 fiscal year and directs JCF to determine the amount in each fiscal year thereafter.

This bill also provides aid to MPS for after-school educational, recreational and health programs.

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

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

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) (a) of the statutes is amended to read:

10          5.58 **(2)** (a) There shall be one separate ballot for state superintendent, judicial  
11 officers, county executive under s. 59.17 and county supervisor. In counties having  
12 a population of 500,000 or more, the ballot also shall include those offices under s.  
13 8.11 (2) ~~and (2m)~~. The arrangement of names of candidates for state superintendent,  
14 justice, court of appeals judge and circuit court judge shall be determined by the  
15 board in the manner specified in s. 5.60 (1) (b). Arrangement of the names of  
16 candidates for county executive and county supervisor shall be determined by the  
17 county clerk or by the executive director of the county board of election  
18 commissioners in the manner specified in s. 5.60 (1) (b). The ballot shall be titled  
19 "Official Ballot for State Superintendent of Public Instruction, Judicial, County  
20 Executive and County Supervisor Primary".

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,

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 at large and from any election district.

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 at large and within each election district at the primary

1 shall be nominees for the board of school directors at the general election. Only their  
2 names 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.** 8.15 (5) (a) of the statutes is amended to read:

12 8.15 (5) (a) Each Except as provided in ss. 119.06 (4) (c) and 119.08 (2), each  
13 nomination paper shall have substantially the following words printed at the top:

14 I, the undersigned, request that the name of (insert candidate's last name plus  
15 first name, nickname or initial, and middle name, former legal surname, nickname  
16 or middle initial or initials if desired, but no other abbreviations or titles) residing  
17 at (insert candidate's street address) be placed on the ballot at the (general or special)  
18 election to be held on (date of election) as a candidate representing the (name of  
19 party) so that voters will have the opportunity to vote for (him or her) for the office  
20 of (name of office). I am eligible to vote in (name of jurisdiction or district in which  
21 candidate seeks office). I have not signed the nomination paper of any other  
22 candidate for the same office at this election.

23 **SECTION 10.** 8.15 (6) (f) of the statutes is created to read:

24 8.15 (6) (f) In 1st class cities, not less than 1,500 nor more than 3,000 electors  
25 for member of the board of school directors elected at large, and not less than 400 nor



1 more than 800 electors for member of the board of school directors elected from an  
2 election district.

3 **SECTION 11.** 17.01 (8m) of the statutes is created to read:

4 17.01 **(8m)** By a commissioner appointed under s. 119.92 (1), to the appointing  
5 authority.

6 **SECTION 12.** 17.125 of the statutes is created to read:

7 **17.125 Removal of Milwaukee Public Schools commissioners.**

8 Notwithstanding s. 17.12 (1), a commissioner appointed under s. 119.92 (1) may be  
9 removed at the pleasure of the appointing authority.

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

11 17.26 **(2)** In a 1st class city school district operating under subch. I of ch. 119,  
12 by special election as provided under s. 119.08 (4).

13 **SECTION 14.** 17.27 (3m) of the statutes is created to read:

14 17.27 **(3m)** MILWAUKEE PUBLIC SCHOOLS GOVERNING COMMISSION. A vacancy in  
15 the membership of the Milwaukee Public Schools governing commission shall be  
16 filled by the appointing authority.

17 **SECTION 15.** 20.255 (2) (ac) of the statutes, as affected by 1997 Wisconsin Act  
18 27, is amended to read:

19 20.255 **(2)** (ac) *General equalization aids.* A sum sufficient for the payment of  
20 educational aids under ss. 121.08, 121.09 and 121.105 and subch. VI of ch. 121 equal  
21 to \$3,318,488,800 in the 1997-98 fiscal year, equal to \$3,485,173,800 in the 1998-99  
22 fiscal year and equal to the amount determined by the joint committee on finance  
23 under s. 121.15 (3m) (c) in each fiscal year thereafter, less the amount appropriated  
24 under par. (bi).

1           **SECTION 16.** 20.255 (2) (ec) of the statutes, as affected by 1997 Wisconsin Act  
2 27, is amended to read:

3           20.255 (2) (ec) *Aid to Milwaukee public schools.* The amounts in the schedule  
4 to correct the academic deficiencies of educationally and economically  
5 disadvantaged pupils, to create after-school educational, recreational and health  
6 programs, and to achieve a more effective and responsive educational program in the  
7 school district operating under ch. 119. In the 1993-94 fiscal year and in each fiscal  
8 year thereafter, the amount in the schedule shall be distributed according to the  
9 spending plan under s. 119.80. The department of public instruction may not  
10 distribute any funds in the appropriation under this paragraph in the 1993-94 fiscal  
11 year or in any fiscal year thereafter until the spending plan for that fiscal year has  
12 been approved under s. 119.80.

13           **SECTION 17.** 20.255 (2) (ed) of the statutes is amended to read:

14           20.255 (2) (ed) (title) ~~*Youth service centers, truancy*~~ *Truancy abatement and*  
15 *burglary suppression.* The amounts in the schedule for youth service centers,  
16 truancy abatement and burglary suppression under ~~1993 Wisconsin Act 16, section~~  
17 ~~9145 (1t) (b) s. 119.55 (3).~~ No moneys may be encumbered under this paragraph after  
18 June 30, 1996 2000.

19           **SECTION 18.** 111.70 (4) (cm) 2m. of the statutes is created to read:

20           111.70 (4) (cm) 2m. 'Open meetings.' The contract negotiation meetings  
21 between a board of school directors under ch. 119 and a labor organization recognized  
22 or certified to represent school district professional employees shall be open to the  
23 public at the request of either party or the parties jointly. This subdivision shall  
24 apply only to contract negotiation meetings that are conducted after the presentation  
25 of initial collective bargaining proposals under subd. 2. but before the

1 commencement of mediation under subd. 3. Failure to comply with this subdivision  
2 is not cause to invalidate a collective bargaining agreement under this subchapter.

3 **SECTION 19.** 111.70 (4) (m) (intro.), 1., 2. and 4. of the statutes are repealed and  
4 recreated to read:

5 111.70 (4) (m) *Prohibited subjects of bargaining.* (intro.) In a school district,  
6 the municipal employer is prohibited from bargaining collectively with respect to:

7 1. Reassignment of municipal employes who perform services for a board of  
8 school directors under ch. 119, with or without regard to seniority, as a result of a  
9 decision of the board of school directors to contract with an individual or group to  
10 operate a school as a charter school, as defined in s. 115.001 (1), or to convert a school  
11 to a charter school, or the impact of any such reassignment on the wages, hours or  
12 conditions of employment of the municipal employes who perform those services.

13 2. Reassignment of municipal employes who perform services for a board of  
14 school directors, with or without regard to seniority, as a result of the decision of the  
15 board to reorganize a school under s. 119.18 (23), or the impact of any such  
16 reassignment on the wages, hours or conditions of employment of the municipal  
17 employes who perform those services.

18 4. Any decision of a board of school directors to contract with a school or agency  
19 to provide educational programs under s. 119.235, or the impact of any such decision  
20 on the wages, hours or conditions of employment of the municipal employes who  
21 perform services for the board.

22 **SECTION 20.** 118.01 (2) (e) of the statutes is created to read:

23 118.01 (2) (e) *Applicability.* This subsection does not apply to the school district  
24 operating under subch. II of ch. 119.

25 **SECTION 21.** 118.40 (1m) (a) of the statutes is amended to read:



1 **CHAPTER 119**

2 **SUBCHAPTER I**

3 **BOARD OF SCHOOL DIRECTORS**

4 **SECTION 26.** 119.01 of the statutes is amended to read:

5 119.01 **Applicability.** This ~~chapter~~ subchapter applies only to cities of the 1st  
6 class.

7 **SECTION 27.** 119.02 (intro.) of the statutes is amended to read:

8 **119.02 Definitions.** (intro.) In this ~~chapter~~ subchapter, unless the context  
9 clearly requires otherwise:

10 **SECTION 28.** 119.06 (3) (intro.) and (a) of the statutes are repealed.

11 **SECTION 29.** 119.06 (3) (b) of the statutes is renumbered 119.06 (3) and  
12 amended to read:

13 119.06 (3) ~~Four of the combined aldermanic district~~ Except as provided in sub.  
14 (4), the members first appointed to the board by the commission shall serve for a term  
15 terms beginning on the 4th Monday of the month next following their appointment  
16 and. The at-large member and the 4 members representing the even-numbered  
17 election districts shall be appointed for terms expiring on the 4th first Monday in  
18 April in December of the 4th first even-numbered year following the year in which  
19 a city becomes a 1st class city and the 4 members representing the odd-numbered  
20 election districts shall be appointed for terms expiring on the first Monday in  
21 December of the 2nd even-numbered year following the year in which a city becomes  
22 a city of the 1st class city.

23 **SECTION 30.** 119.06 (4) (b) of the statutes is amended to read:

24 119.06 (4) (b) The board members elected at the special election shall be  
25 nominated and elected to succeed the board members appointed ~~for the terms~~

1 expiring under sub. ~~(3) (a) and (b)~~ (2) and for the same terms. The terms of office of  
2 the board members appointed under sub. (2) shall expire on the 4th Monday  
3 following the special election. The terms of office of the board members elected at the  
4 special election shall begin on the 4th Monday following the special election.

5 **SECTION 31.** 119.06 (4) (c) and (d) of the statutes are amended to read:

6 119.06 (4) (c) Candidates for the board at the special election shall be  
7 nominated in the same manner as for the spring general election, except that the  
8 nomination paper format under s. 8.10 (2) (b) shall apply.

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

11 **SECTION 32.** 119.06 (5) and (6) of the statutes are amended to read:

12 119.06 (5) The board first appointed under sub. (2) or first elected at a special  
13 election under sub. (4) shall hold an organizational meeting under s. 119.10 (2) on  
14 the 4th Monday of the ~~month~~ following its appointment or election, or the next day  
15 if the 4th Monday is a legal holiday, ~~following their appointment or election~~, and  
16 annually thereafter shall meet in accordance with s. 119.10 (2).

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

20 **SECTION 33.** 119.07 of the statutes is created to read:

21 **119.07 Revised method of election of board; transitional provisions. (1)**  
22 Notwithstanding s. 119.08 (1) (a) and (3), the terms of the members of the board of  
23 school directors of each 1st class city in existence on the effective date of this  
24 subsection .... [revisor inserts date], whose terms expire on the 4th Monday in April,  
25 1999, are extended until the 4th Monday in November, 2000, and the terms of office

1 of the members of the board of school directors of each such city whose terms expire  
2 on the 4th Monday in April, 2001, are extended until the 4th Monday in November,  
3 2002.

4 (2) At the general election to be held in November, 2000, there shall be elected  
5 in each 1st class city in existence on the effective date of this subsection .... [revisor  
6 inserts date], 5 members of the board of school directors elected, one of whom shall  
7 be elected at large and 4 of whom shall be from even-numbered election districts  
8 prescribed under s. 119.08 (1) (b). At the general election to be held in November,  
9 2002, there shall be elected in each such city 4 members of the board of school  
10 directors, who shall be elected from odd-numbered election districts prescribed  
11 under s. 119.08 (1) (b).

12 (3) Notwithstanding s. 119.10 (1) and (2), the board of school directors of each  
13 1st class city in existence on the effective date of this subsection .... [revisor inserts  
14 date], shall hold an organizational meeting on the 4th Monday in April, 1999, and  
15 shall not hold any other organizational meeting in 1999. On the 4th Monday in April,  
16 1999, the board of school directors of each such city shall elect officers, who shall hold  
17 office until the board holds its next organizational meeting under s. 119.10 (2) in  
18 2000.

19 **SECTION 34.** 119.07 of the statutes, as created by 1997 Wisconsin Act .... (this  
20 act), is repealed.

21 **SECTION 35.** 119.08 (1) (a) and (b) of the statutes are amended to read:

22 119.08 (1) (a) The board shall consist of one member elected at-large and 8  
23 members elected from numbered election districts determined by the board. The  
24 election districts shall consist of whole contiguous wards and shall be substantially

1 equal in population ~~and the.~~ The boundaries of the election districts shall be drawn  
2 so as to reflect a balanced representation of citizens in all areas within the city.

3 (b) Within 60 days after the common council of the city enacts an ordinance  
4 ~~determining or adopts a resolution adjusting~~ the boundaries of the ~~aldermanic~~  
5 ~~districts~~ wards in the city following the federal decennial census under s. ~~62.08 (1)~~  
6 5.15 (1), the board shall, by vote of a majority of the membership of the board, adopt  
7 an election district apportionment plan for the election of board members which shall  
8 be effective until the city enacts a new ordinance under s. ~~62.08 (1)~~ 5.15 (1)  
9 redetermining the ~~aldermanic district~~ ward boundaries.

10 **SECTION 36.** 119.08 (2) and (3) of the statutes are amended to read:

11 119.08 (2) The electors of each election district shall elect one member residing  
12 within the election district to represent the election district. The at-large member  
13 shall be elected by the electors of the city. Board members shall be electors of the city  
14 and shall be elected on a nonpartisan ballot at the ~~spring~~ general election.  
15 Candidates shall file nomination papers for full terms or, when vacancies are to be  
16 filled, for unexpired terms. The format for the nomination papers shall be as  
17 prescribed in s. 8.10 (2) (b). The primary and ~~spring~~ elections election for board  
18 members shall be conducted by the election officials for the election of judicial ~~or~~  
19 other officers held on that date. The polling places for the state, ~~municipal or judicial~~  
20 election elections shall be the polling places for the board election and the municipal  
21 election hours shall apply.

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

25 **SECTION 37.** 119.08 (4) of the statutes is amended to read:



1           119.08 (4) A vacancy ~~on~~ in the membership of the board occurring on or before  
2 June 1 preceding expiration of the member's term of office shall be filled by a special  
3 election ordered by the board. At such election the vacancy shall be filled for the  
4 unexpired term. The board shall follow procedures under s. 8.50, so far as applicable.

5           **SECTION 38.** 119.10 (1) of the statutes is amended to read:

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

17           **SECTION 39.** 119.10 (2) of the statutes is amended to read:

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

25           **SECTION 40.** 119.18 (23) of the statutes is repealed and recreated to read:

1           119.18 **(23)** SCHOOL REORGANIZATIONS. The board may reorganize any school  
2 that it determines is low in performance by adopting a resolution to that effect. If  
3 the superintendent of schools recommends to the board that a school be reorganized,  
4 he or she shall state the reasons for the recommendation in writing. If the board  
5 reorganizes a school, the superintendent of schools may reassign the school's staff  
6 members without regard to seniority in service and may reassign other employes of  
7 the board to the school without regard to seniority in service.

8           **SECTION 41.** 119.235 of the statutes is repealed and recreated to read:

9           **119.235 Contracts with private schools and agencies. (1)** The board may  
10 contract with any nonsectarian private school located in the city or any nonsectarian  
11 private agency located in the city to provide educational programs to pupils enrolled  
12 in the school district operating under this chapter. The board shall ensure that each  
13 private school or agency under contract with the board complies with ss. 118.125 and  
14 118.13, 20 USC 1232g, 20 USC 1681 to 1688, 20 USC 3171 to 3197, 29 USC 794, 42  
15 USC 2000d and 42 USC 6101 to 6107, and all health and safety laws and rules that  
16 apply to public schools.

17           **(2)** Each private school or agency under contract with the board shall do all of  
18 the following:

19           (a) Offer a full school year educational program.

20           (b) Participate in the board's parent information program.

21           (c) Offer diverse opportunities for parents to participate in the school's  
22 programs.

23           (d) Meet insurance and financial requirements established by the board.

24           (e) Develop a pupil recruitment and enrollment plan that incorporates all of the  
25 following:

- 1           1. A good faith effort to achieve racial balance.
- 2           2. A pupil selection process that gives preference to the siblings of enrolled
- 3 pupils and that gives no other preferences except those approved by the board.
- 4           3. A statement describing how the plan will serve the needs of low-academic
- 5 achievers and pupils from low-income families.

6           (f) Report to the board any information requested by the board.

7           **(3)** Any pupil enrolled in the school district operating under this chapter may

8 attend, at no charge, any private school or agency with which the board has

9 contracted under sub. (1) if space is available in the private school or agency.

10          **(4)** The board shall establish appropriate, quantifiable performance standards

11 for pupils at each private school or agency with which it contracts in such areas as

12 attendance, reading achievement, pupil retention, pupil promotion, parent surveys,

13 credits earned and grade point average.

14          **(5)** Annually, the board shall monitor the performance of the program under

15 this section. The board may use the results of standardized basic educational skills

16 tests to do so. The board shall include a summary of its findings in its annual report

17 to the state superintendent under s. 119.44.

18          **SECTION 42.** 119.32 (8) of the statutes is created to read:

19          119.32 **(8)** This section does not apply to the Milwaukee Public Schools

20 beginning on the date that the board of school directors of the Milwaukee Public

21 Schools is abolished under s. 119.92 (2).

22          **SECTION 43.** 119.55 (3) of the statutes is created to read:

23          119.55 **(3)** The board shall contract with the Boys and Girls Clubs of Greater

24 Milwaukee to provide case managers at selected middle schools and high schools to

25 work with school staff and pupils and their families to improve the attendance rate

1 of pupils enrolled in the selected schools. The board shall use the funds appropriated  
2 under s. 20.255 (2) (ed) to pay the costs of the contracts. No contract under this  
3 subsection may extend beyond June 30, 2000.

4 **SECTION 44.** 119.76 of the statutes is created to read:

5 **119.76 After-school programs.** From the appropriation under s. 20.255 (2)  
6 (ec), the state superintendent shall pay to the board the amounts specified in the  
7 spending plan under s. 119.80 for the following programs in each school year:

8 (1) After-school educational programs.

9 (2) After-school recreational programs.

10 (3) After-school health programs.

11 **SECTION 45.** Subchapter II of chapter 119 [precedes 119.90] of the statutes is  
12 created to read:

13 **CHAPTER 119**

14 **SUBCHAPTER II**

15 **MILWAUKEE PUBLIC SCHOOLS**

16 **GOVERNING COMMISSION**

17 **119.90 Definitions.** In this subchapter:

18 (1) "Commission" means the Milwaukee Public Schools governing commission.

19 (2) "Executive director" means the executive director of the system.

20 (3) "System" means the Milwaukee Public Schools.

21 **119.91 Educational achievement criteria.** (1) By December 15, 2000, the  
22 department, the department of administration and the legislative fiscal bureau shall  
23 jointly determine and certify to the governor and the joint committee on finance  
24 whether, in the preceding school year, all of the following were true, as calculated and  
25 defined by the department of public instruction:

1 (a) The system's graduation rate was at least 90%.

2 (b) The system's attendance rate was at least 91%.

3 (c) The system's dropout rate was no greater than 9%.

4 (d) The percentage of pupils enrolled in the 3rd grade in the system whose score  
5 on the reading test under s. 121.02 (1) (r) in the preceding school year was at least  
6 at the basic level was equal to at least 90% of the percentage of all pupils enrolled  
7 in 3rd grade in the state whose score on the test in the preceding school year was at  
8 least at the basic level.

9 (2) If the department, the department of administration and the legislative  
10 fiscal bureau certify that the system meets all of the criteria under sub. (1), then the  
11 certification procedure shall be repeated biennially by December 15, unless the  
12 system does not meet the educational criteria under sub. (1).

13 (3) The department shall calculate the percentages under sub. (1) and (2)  
14 without the benefit of rounding.

15 **119.92 Commission; creation, duties.** (1) If the department, the  
16 department of administration and the legislative fiscal bureau certify that the  
17 system does not meet all of the criteria under s. 119.91, on March 1 of the year  
18 following the certification, the commission is established. The commission shall  
19 consist of 3 members, all of whom shall reside in the city of Milwaukee. One member  
20 shall be appointed by the governor, one member shall be appointed by the state  
21 superintendent and one member shall be appointed by the mayor of the city of  
22 Milwaukee. The governor's appointee shall serve as the chairperson of the  
23 commission. Unless the context clearly dictates otherwise, any law that applies to  
24 the members of the board of school directors of a 1st class city school district applies  
25 to the commissioners of the commission, and any law that applies to the president

1 of the board of school directors of a 1st class city school district applies to the  
2 chairperson of the commission. Members of the commission shall serve at the  
3 pleasure of the appointing authority.

4 (2) (a) If the commission is established under sub. (1), on July 1 of the year in  
5 which the commission is established, the board of school directors of the system, the  
6 position of superintendent of schools for the system and the positions under s. 119.32  
7 (3) are abolished, and the commission assumes management and control of the  
8 system. Unless the context clearly dictates otherwise, any law that applies to the  
9 board of school directors of a 1st class city school district applies to the commission.

10 (b) The commission shall do all of the following:

- 11 1. Increase the quality of education in the system.
- 12 2. Ensure continuing academic improvement of pupils.
- 13 3. Reduce noninstructional expenditures in the system and use, to the extent  
14 practicable, the moneys saved for instructional purposes.
- 15 4. Develop school-based budgeting.
- 16 5. Approve, reject or modify educational reform plans as provided under s.  
17 119.94 (2) (b).
- 18 6. Appoint an executive director.
- 19 7. On July 1 of the year in which the commission is established, establish a body  
20 to govern each school in the system beginning in the following school year and  
21 determine the governing body's powers, composition and size, the process of selecting  
22 the members of the governing body and the terms of its members. The commission  
23 may establish different kinds of governing bodies for different schools in the system.

24 (3) In any action or proceeding in which the commission is a defendant, service  
25 of any summons, writ, pleading or other papers served in commencing the action or

1 proceeding upon the chairperson of the commission and the executive director  
2 constitutes service upon the entire commission. It is sufficient to serve on one  
3 commissioner any notice required by law to be served upon the commission.

4 **119.93 Executive director.** (1) The executive director appointed under s.  
5 119.92 (2) (b) 6. shall be a person of suitable learning and experience in the art of  
6 instruction and shall have practical familiarity with the most approved methods of  
7 organizing and conducting a system of schools. Unless the context clearly dictates  
8 otherwise, any law that applies to the superintendent of schools of a 1st class city  
9 school district, except s. 119.32, applies to the executive director.

10 (2) Under the direction of the commission, the executive director shall have  
11 general supervision of all of the following:

12 (a) The public schools and the manner of conducting and grading such schools.

13 (b) The supervisory and administrative employes appointed under sub. (3),  
14 principals, vice principals and teachers of the system.

15 (3) Subject to the commission's approval, the executive director shall appoint  
16 supervisory and administrative employes as determined by the commission.

17 (4) The executive director shall be an advisory member of every committee of  
18 the commission, except when an inquiry into his or her acts or an investigation of his  
19 or her official conduct is under consideration by the committee.

20 (5) The executive director shall assign all teachers and engage and assign  
21 substitute teachers at the per diem compensation fixed by the commission.

22 (6) The executive director shall collect such statistics and information relating  
23 to schools and the population entitled to school privileges in the city of Milwaukee  
24 as the commission directs.

1           (7) Notwithstanding ss. 115.28 (7), 118.19 (1) and 121.02 (1) (a), the commission  
2           may appoint an executive director and may employ a business manager who are not  
3           licensed by the department.

4           **119.94 Educational reform plans. (1)** This section applies if the commission  
5           is established under s. 119.92 (1).

6           (2) (a) By February 1 of the year following the establishment of the commission  
7           and annually thereafter, each school governing body in the system shall submit to  
8           the commission for its review the school's educational reform plan for the following  
9           school year that includes all of the following:

10           1. The educational goals and expectations of the school governing body.

11           2. A description of the educational program of the school, including the method  
12           to be followed to ensure parental involvement.

13           3. The methods that the school will use to enable pupils to achieve the  
14           educational goals and expectations under subd. 1.

15           4. The methods that the school will use to measure pupils' progress towards the  
16           educational goals and expectations under subd. 1.

17           5. An annual budget and operational plan.

18           6. A professional development plan.

19           (b) Within 60 days of submission of the educational reform plan, the  
20           commission shall either approve it, or, if any of the following are true, reject it:

21           1. The commission disapproves of the educational goals and expectations  
22           contained in the educational reform plan.

23           2. The commission determines that the educational program of the school will  
24           not allow the school's pupils to meet the educational goals and expectations  
25           contained in the educational reform plan.



1           3. The commission determines that a modification is necessary to ensure the  
2 proper management of the school or the system.

3           (c) If the commission rejects the educational reform plan, it shall notify the  
4 school governing body in writing of the reasons for the rejection. The school  
5 governing body shall submit a revised educational reform plan by May 1. By June  
6 1, the commission shall either approve the revised educational reform plan or modify  
7 it for any of the reasons enumerated under par. (b).

8           **SECTION 46.** 121.02 (3) of the statutes, as affected by 1997 Wisconsin Act 27,  
9 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 47.** 121.15 (3m) (b) of the statutes, as affected by 1997 Wisconsin Act  
22 27, is amended to read:

23           121.15 (3m) (b) By June 15, ~~1996~~ 1999, and annually by June 15 thereafter,  
24 the department, the department of administration and the legislative fiscal bureau  
25 shall jointly certify to the joint committee on finance an estimate of the amount

1 necessary to appropriate under s. 20.255 (2) (ac) in the following school year to ensure  
2 that the sum of state school aids and the school levy tax credit under s. 79.10 (4)  
3 equals two-thirds of partial school revenues.

4 **SECTION 48.** 121.15 (3m) (c) of the statutes, as affected by 1997 Wisconsin Act  
5 27, is amended to read:

6 121.15 **(3m)** (c) By June 30, ~~1998~~ 1999, and annually by June 30 thereafter, the  
7 joint committee on finance shall determine the amount appropriated under s. 20.255  
8 (2) (ac) in the following school year.

9 **SECTION 49.** 121.85 (6) (h) of the statutes is created to read:

10 121.85 **(6)** (h) *Neighborhood schools.* Beginning in the 1998-99 school year, the  
11 school district operating under ch. 119 shall use at least 10% of the amount received  
12 under par. (a) in each school year to build or lease neighborhood schools.

13 **SECTION 9156. Nonstatutory provisions; other.**

14 (1) **EDUCATIONAL CERTIFICATION.** By December 15, 1999, the department of  
15 public instruction, the department of administration and the legislative fiscal  
16 bureau shall jointly determine and certify to the governor and the joint committee  
17 on finance the graduation, attendance and dropout rates for the Milwaukee Public  
18 Schools in the 1998-99 school year and the percentage of pupils enrolled in the 3rd  
19 grade in the Milwaukee Public Schools whose score on the reading test under section  
20 121.02 (1) (r) of the statutes in the 1998-99 school year was at least at the basic level,  
21 as calculated and defined by the department of public instruction.

22 (2) **MILWAUKEE PUBLIC SCHOOLS GOVERNING COMMISSION.** If the Milwaukee Public  
23 Schools governing commission is established, on July 1 of the year in which the  
24 commission is established, all of the following shall occur:

1           (a) *Assets and liabilities.* The assets and liabilities of the board of school  
2 directors of the Milwaukee Public Schools become assets and liabilities of the  
3 Milwaukee Public Schools governing commission.

4           (b) *Tangible personal property.* All tangible personal property, including  
5 records, of the board of school directors of the Milwaukee Public Schools is  
6 transferred to the Milwaukee Public Schools governing commission.

7           (c) *Employe status.* Except for the superintendent of schools and the appointees  
8 of the superintendent of schools under section 119.32 (3) of the statutes, all employes  
9 of the board of school directors of the Milwaukee Public Schools become employes of  
10 the Milwaukee Public Schools governing commission and have the same rights and  
11 status that they enjoyed as employes of the board of school directors of the Milwaukee  
12 Public Schools.

13           (d) *Contract.* All contracts entered into by the board of school directors of the  
14 Milwaukee Public Schools remain in effect and are transferred to the Milwaukee  
15 Public Schools governing commission. The Milwaukee Public Schools governing  
16 commission shall carry out any such contractual obligations until modified or  
17 rescinded by the Milwaukee Public Schools governing commission to the extent  
18 allowed under the contract.

19           (e) *Pending matters.* Any matter pending with the board of school directors of  
20 the Milwaukee Public Schools is transferred to the Milwaukee Public Schools  
21 governing commission, and all materials submitted to or actions taken before the  
22 date on which the commission is established with respect to the pending matter are  
23 considered as having been submitted to or taken by the Milwaukee Public Schools  
24 governing commission.

1           (f) *Rules and orders.* All rules and orders of the board of school directors of the  
2 Milwaukee Public Schools that are in effect on the date on which the commission is  
3 established remain in effect until their specified expiration date or until amended,  
4 repealed, modified or rescinded by the Milwaukee Public Schools governing  
5 commission.

6           **SECTION 9239. Appropriation changes; public instruction.**

7           (1) AID TO MILWAUKEE PUBLIC SCHOOLS. In the schedule under section 20.005 (3)  
8 of the statutes for the appropriation to the department of public instruction under  
9 section 20.255 (2) (ec) of the statutes, as affected by the acts of 1997, the dollar  
10 amount is increased by \$2,500,000 for fiscal year 1998-99 to increase funding for the  
11 purposes for which the appropriation is made.

12           (2) TRUANCY ABATEMENT AND BURGLARY SUPPRESSION. In the schedule under  
13 section 20.005 (3) of the statutes for the appropriation to the department of public  
14 instruction under section 20.255 (2) (ed) of the statutes, as affected by the acts of  
15 1997, the dollar amount is increased by \$325,000 for fiscal year 1998-99 to increase  
16 funding for the purpose for which the appropriation is made.

17           **SECTION 9356. Initial applicability; other**

18           (1) OPEN MEETINGS. The treatment of section 111.70 (4) (cm) 2m. of the statutes  
19 first applies to contract negotiation meetings for proposed collective bargaining  
20 agreements that apply to the period beginning on July 1, 1999.

21           (2) COLLECTIVE BARGAINING. The treatment of section 111.70 (4) (m) (intro.), 1.,  
22 2. and 4. of the statutes first applies to employes who are affected by a collective  
23 bargaining agreement that contains provisions inconsistent with that treatment on  
24 the day on which the collective bargaining agreement expires or is extended,  
25 modified or renewed, whichever occurs first.

