



2009 SENATE BILL 685

April 13, 2010 - Introduced by Senators GROTHMAN, OLSEN and HOPPER, cosponsored by Representatives PRIDEMORE, VOS, LEMAHIEU, STRACHOTA and TOWNSEND. Referred to Committee on Education.

1 **AN ACT to amend** 118.22 (1) (a) and (b), 118.22 (2), 118.22 (3), 118.22 (4) and
2 119.04 (1); and **to create** 111.70 (4) (m) 5. and 118.22 (1m) of the statutes;
3 **relating to:** the terms of teacher employment contracts.

Analysis by the Legislative Reference Bureau

Under current law, a school board must annually give a teacher employed by the board a written notice of renewal or refusal to renew the teacher's contract for the following school year. The statutory renewal provision may be modified, waived, or replaced by a collective bargaining agreement. Under current law, the board of directors in any city of the first class (currently, Milwaukee) is not required to provide written notice of renewal or refusal to renew the contract of a teacher employed by that board of directors.

This bill provides that the term of each teacher's employment contract is limited to one year, until the teacher has been continuously employed by the same board of directors for five years, at which point the term of the contract becomes two years. The bill also requires the board of directors in any city of the first class to provide written notice of renewal or refusal to renew the contract of a teacher employed by that board of directors. The bill limits the term of the employment contract of a teacher employed by the board of directors in a city of the first class to one year until the teacher has been continuously employed by the same board of directors for five years, at which point the term of the contract becomes two years.

Finally, this bill prohibits the nonrenewal of a contract for arbitrary or capricious reasons and provides that the reasons for renewal or nonrenewal are a prohibited subject of collective bargaining for school district employees.

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

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

1 **SECTION 1.** 111.70 (4) (m) 5. of the statutes is created to read:

2 111.70 (4) (m) 5. Any reason for renewal or nonrenewal of a contract under s.
3 118.22.

4 **SECTION 2.** 118.22 (1) (a) and (b) of the statutes are amended to read:

5 118.22 (1) (a) “Board” means a school board, technical college district board,
6 board of control of a cooperative educational service agency or county children with
7 disabilities education board, ~~but does not include any board of school directors in a~~
8 ~~city of the 1st class.~~

9 (b) “Teacher” means any person who holds a teacher’s certificate or license
10 issued by the state superintendent or a classification status under the technical
11 college system board and whose legal employment requires such certificate, license
12 or classification status, but does not include part-time teachers ~~or teachers~~
13 ~~employed by any board of school directors in a city of the 1st class.~~

14 **SECTION 3.** 118.22 (1m) of the statutes is created to read:

15 118.22 (1m) (a) Except as provided under par. (b), the term of each teacher’s
16 contract entered into by a board shall be one year.

17 (b) After a teacher’s continuous employment by a board for 5 years, the term
18 of the teacher’s contract shall be 2 years. The term of a contract of a teacher who has
19 been continuously employed by a board for 5 or more years as of the effective date
20 of this paragraph [LRB inserts date], shall be 2 years.

21 **SECTION 4.** 118.22 (2) of the statutes is amended to read:

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1 118.22 (2) On or before March 15 of the school last year during which of a
2 teacher holds a teacher's contract, the board by which the teacher is employed or an
3 employee at the direction of the board shall give the teacher written notice of renewal
4 or refusal to renew the teacher's contract ~~for the ensuing school year~~. If no such
5 notice is given on or before March 15, the contract then in force shall continue for the
6 ensuing school year, or for the ensuing 2 school years if the teacher has been
7 employed continuously by the board for 5 or more years. A teacher who receives a
8 notice of renewal of contract ~~for the ensuing school year~~, or a teacher who does not
9 receive a notice of renewal or refusal to renew the teacher's contract ~~for the ensuing~~
10 school year on or before March 15 of the last year of the contract, shall accept or reject
11 in writing such contract not later than the following April 15. No teacher may be
12 employed or dismissed except by a majority vote of the full membership of the board.
13 A refusal to renew a teacher's contract may not be for arbitrary or capricious reasons.
14 Nothing in this section prevents the modification or termination of a contract by
15 mutual agreement of the teacher and the board. No such board may enter into a
16 contract of employment with a teacher for any period of time as to which the teacher
17 is then under a contract of employment with another board.

18 **SECTION 5.** 118.22 (3) of the statutes is amended to read:

19 118.22 (3) At least 15 days prior to giving written notice of refusal to renew a
20 teacher's contract ~~for the ensuing school year~~, the employing board shall inform the
21 teacher by preliminary notice in writing that the board is considering nonrenewal
22 of the teacher's contract and that, if the teacher files a request therefor with the
23 board within 5 days after receiving the preliminary notice, the teacher has the right
24 to a private conference with the board ~~prior to~~ before being given written notice of
25 refusal to renew the teacher's contract.

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1 **SECTION 6.** 118.22 (4) of the statutes is amended to read:

2 118.22 (4) ~~A~~ Except as provided in s. 111.70 (4) (m) 5., a collective bargaining
3 agreement may modify, waive or replace any of the provisions of this section as they
4 apply to teachers in the collective bargaining unit, but neither the employer nor the
5 bargaining agent for the employees is required to bargain such modification, waiver
6 or replacement.

7 **SECTION 7.** 119.04 (1) of the statutes, as affected by 2009 Wisconsin Acts 60 and
8 96, is amended to read:

9 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
10 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
11 115.345, 115.361, 115.365 (3), 115.38 (2), 115.445, 115.45, 118.001 to 118.04, 118.045,
12 118.06, 118.07, 118.075, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15,
13 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.22, 118.225,
14 118.24 (1), (2) (c) to (f), (6) and (8), 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51,
15 118.52, 118.55, 120.12 (5) and (15) to (25), 120.125, 120.13 (1), (2) (b) to (g), (3), (14),
16 (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25 are
17 applicable to a 1st class city school district and board.

18 **SECTION 8. Initial applicability.**

19 (1) The treatment of sections 111.70 (4) (m) 5. and 118.22 (4) of the statutes first
20 applies to a collective bargaining agreement that is entered into, modified, or
21 renewed on the effective date of this subsection.

22 (2) The treatment of section 118.22 (1m), (2), and (3) of the statutes first applies
23 to teachers who hold a license to teach on the effective date of this subsection.

24 **SECTION 9. Effective dates.** This act takes effect on the day after publication,
25 except as follows:

