



State of Wisconsin  
1997 - 1998 LEGISLATURE

April 1998 Special Session

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**SENATE SUBSTITUTE AMENDMENT 1,  
TO SENATE BILL 2**

May 5, 1998 - Offered by 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), 20.255 (2) (fs), 111.70 (4)  
10            (cm) 2m., 118.01 (2) (e), subchapter I (title) of chapter 119 [precedes 119.01],  
11            119.07, 119.32 (8), 119.55 (3), 119.76, 119.83, subchapter II of chapter 119  
12            [precedes 119.90] and 121.85 (6) (h) of the statutes; **relating to:** the  
13            composition and method of election of members of the board of school directors

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

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

17 **SECTION 1.** 5.58 (1g) (b) of the statutes is repealed.

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

19 5.58 (1g) (c) The arrangement of candidates for school board seats shall be  
20 determined by the school district clerk ~~or the executive director of the city board of~~  
21 ~~election commissioners~~ by the drawing of lots not later than the 2nd Tuesday in  
22 January, or the next day if the first Tuesday is a holiday. The method of determining

1 arrangement shall be the same as provided in s. 5.60 (1) (b). Sufficient space shall  
2 be provided on the ballot for write-in candidates.

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

4 5.58 (2) (a) There shall be one separate ballot for state superintendent, judicial  
5 officers, county executive under s. 59.17 and county supervisor. In counties having  
6 a population of 500,000 or more, the ballot also shall include those offices under s.  
7 8.11 (2) ~~and (2m)~~. The arrangement of names of candidates for state superintendent,  
8 justice, court of appeals judge and circuit court judge shall be determined by the  
9 board in the manner specified in s. 5.60 (1) (b). Arrangement of the names of  
10 candidates for county executive and county supervisor shall be determined by the  
11 county clerk or by the executive director of the county board of election  
12 commissioners in the manner specified in s. 5.60 (1) (b). The ballot shall be titled  
13 "Official Ballot for State Superintendent of Public Instruction, Judicial, County  
14 Executive and County Supervisor Primary".

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

16 5.58 (3) NAMES ON SPRING BALLOT. Only 2 candidates for state superintendent,  
17 for any judicial office, for any elected seat on a metropolitan sewerage commission  
18 or town sanitary district commission, in counties having a population of 500,000 or  
19 more only 2 candidates for member of the board of supervisors within each district,  
20 in counties having a population of less than 500,000 only 2 candidates for each  
21 member of the county board of supervisors from each district or numbered seat or  
22 only 4 candidates for each 2 members of the county board of supervisors from each  
23 district whenever 2 supervisors are elected to unnumbered seats from the same  
24 district, ~~in 1st class cities only 2 candidates for any at large seat and only 2~~  
25 ~~candidates from any election district to be elected to the board of school directors, in~~

1 school districts electing school board members to numbered seats, or pursuant to an  
2 apportionment plan or district representation plan, only 2 school board candidates  
3 for each numbered seat or within each district, and twice as many candidates as are  
4 to be elected members of other school boards or other elective officers receiving the  
5 highest number of votes at the primary shall be nominees for the office at the spring  
6 election. Only their names shall appear on the official spring ballot.

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

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

9 5.62 (4m) (a) In 1st class cities, there shall be a separate ballot for school  
10 district officers when so required, giving the names of the candidates for any seat to  
11 be filled on the board of school directors at large and from any election district.

12 (b) The arrangement of the names of the candidates for seats on the board of  
13 school directors shall be determined by the executive director of the city board of  
14 election commissioners by the drawing of lots not later than the 3rd Tuesday in July.  
15 The method of determining arrangement shall be the same as provided in s. 5.60 (1)

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

17 (c) Only the 2 candidates for election to the board of school directors receiving  
18 the highest numbers of votes at large and within each election district at the primary  
19 shall be nominees for the board of school directors at the general election. Only their  
20 names shall appear on the official general election ballot.

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

22 5.64 (4) (title) FIRST CLASS CITY SCHOOL BOARD.

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

24 8.10 (3) (i) For city offices in 1st class cities, not less than 1,500 nor more than  
25 3,000 electors for city-wide offices, not less than 200 nor more than 400 electors for

1     alderpersons elected from aldermanic districts and not less than 400 nor more than  
2     800 electors for members of the board of school directors elected from election  
3     districts.

4             **SECTION 9.** 8.15 (5) (a) of the statutes is amended to read:

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

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

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

17            8.15 (6) (f) In 1st class cities, not less than 1,500 nor more than 3,000 electors  
18    for member of the board of school directors elected at large, and not less than 400 nor  
19    more than 800 electors for member of the board of school directors elected from an  
20    election district.

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

22            17.01 (8m) By a commissioner appointed under s. 119.92 (1), to the appointing  
23    authority.

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

1           **17.125 Removal of Milwaukee Public Schools commissioners.**

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

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

5           17.26 (2) In a 1st class city school district operating under subch. I of ch. 119,  
6           by special election as provided under s. 119.08 (4).

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

8           17.27 (3m) MILWAUKEE PUBLIC SCHOOLS GOVERNING COMMISSION. A vacancy in  
9           the membership of the Milwaukee Public Schools governing commission shall be  
10          filled by the appointing authority.

11          **SECTION 15.** 20.255 (2) (ac) of the statutes, as affected by 1997 Wisconsin Act  
12          27, is amended to read:

13          20.255 (2) (ac) *General equalization aids.* A sum sufficient for the payment of  
14          educational aids under ss. 121.08, 121.09 and 121.105 and subch. VI of ch. 121 equal  
15          to \$3,318,488,800 in the 1997–98 fiscal year, equal to \$3,485,173,800 in the 1998–99  
16          fiscal year and equal to the amount determined by the joint committee on finance  
17          under s. 121.15 (3m) (c) in each fiscal year thereafter, less the amount appropriated  
18          under par. (bi).

19          **SECTION 16.** 20.255 (2) (ec) of the statutes, as affected by 1997 Wisconsin Act  
20          27, is amended to read:

21          20.255 (2) (ec) *Aid to Milwaukee public schools.* The amounts in the schedule  
22          to correct the academic deficiencies of educationally and economically  
23          disadvantaged pupils, to create after-school educational, recreational and health  
24          programs, and to achieve a more effective and responsive educational program in the  
25          school district operating under ch. 119. In the 1993–94 fiscal year and in each fiscal

1 year thereafter, the amount in the schedule shall be distributed according to the  
2 spending plan under s. 119.80. The department of public instruction may not  
3 distribute any funds in the appropriation under this paragraph in the 1993-94 fiscal  
4 year or in any fiscal year thereafter until the spending plan for that fiscal year has  
5 been approved under s. 119.80.

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

7 20.255 (2) (ed) (title) ~~Youth service centers, truancy~~ Truancy abatement and  
8 burglary suppression. The amounts in the schedule for ~~youth service centers,~~  
9 ~~truancy abatement and burglary suppression under 1993 Wisconsin Act 16, section~~  
10 ~~9145 (1t) (b) s. 119.55 (3).~~ No moneys may be encumbered under this paragraph after  
11 June 30, ~~1996~~ 2000.

12 **SECTION 18.** 20.255 (2) (fs) of the statutes is created to read:

13 20.255 (2) (fs) *Summer school; 1st class city school districts.* A sum sufficient  
14 to pay 50% of the costs of summer school in the school district operating under ch.  
15 119, as provided in s. 119.83.

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

17 111.70 (4) (cm) 2m. 'Open meetings.' The contract negotiation meetings  
18 between a board of school directors under ch. 119 and a labor organization recognized  
19 or certified to represent school district professional employes shall be open to the  
20 public at the request of either party or the parties jointly. This subdivision shall  
21 apply only to contract negotiation meetings that are conducted after the presentation  
22 of initial collective bargaining proposals under subd. 2. but before the  
23 commencement of mediation under subd. 3. Failure to comply with this subdivision  
24 is not cause to invalidate a collective bargaining agreement under this subchapter.

1           **SECTION 20.** 111.70 (4) (m) (intro.), 1., 2. and 4. of the statutes are repealed and  
2 recreated to read:

3           111.70 (4) (m) *Prohibited subjects of bargaining.* (intro.) In a school district,  
4 the municipal employer is prohibited from bargaining collectively with respect to:

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

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

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

20           **SECTION 21.** 118.01 (2) (e) of the statutes is created to read:

21           118.01 (2) (e) *Applicability.* This subsection does not apply to the school district  
22 operating under subch. II of ch. 119.

23           **SECTION 22.** 118.40 (1m) (a) of the statutes is amended to read:

24           118.40 (1m) (a) 1. A written petition requesting the school board to establish  
25 a charter school under this section may be filed with the school district clerk.



1 SUBCHAPTER I

2 BOARD OF SCHOOL DIRECTORS

3 **SECTION 27.** 119.01 of the statutes is amended to read:

4 119.01 **Applicability.** This ~~chapter~~ subchapter applies only to cities of the 1st  
5 class.

6 **SECTION 28.** 119.02 (intro.) of the statutes is amended to read:

7 **119.02 Definitions.** (intro.) In this ~~chapter~~ subchapter, unless the context  
8 clearly requires otherwise:

9 **SECTION 29.** 119.06 (3) (intro.) and (a) of the statutes are repealed.

10 **SECTION 30.** 119.06 (3) (b) of the statutes is renumbered 119.06 (3) and  
11 amended to read:

12 119.06 (3) ~~Four of the combined aldermanic district~~ Except as provided in sub.  
13 (4), the members first appointed to the board by the commission shall serve for a term  
14 terms beginning on the 4th Monday of the month next following their appointment  
15 and. The at-large member and the 4 members representing the even-numbered  
16 election districts shall be appointed for terms expiring on the 4th first Monday in  
17 April in December of the 4th first even-numbered year following the year in which  
18 a city becomes a 1st class city and the 4 members representing the odd-numbered  
19 election districts shall be appointed for terms expiring on the first Monday in  
20 December of the 2nd even-numbered year following the year in which a city becomes  
21 a city of the 1st class city.

22 **SECTION 31.** 119.06 (4) (b) of the statutes is amended to read:

23 119.06 (4) (b) The board members elected at the special election shall be  
24 nominated and elected to succeed the board members appointed ~~for the terms~~  
25 ~~expiring under sub. (3) (a) and (b) (2)~~ and for the same terms. The terms of office of

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

4 **SECTION 32.** 119.06 (4) (c) and (d) of the statutes are amended to read:

5 119.06 (4) (c) Candidates for the board at the special election shall be  
6 nominated in the same manner as for the spring general election, except that the  
7 nomination paper format under s. 8.10 (2) (b) shall apply.

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

10 **SECTION 33.** 119.06 (5) and (6) of the statutes are amended to read:

11 119.06 (5) The board first appointed under sub. (2) or first elected at a special  
12 election under sub. (4) shall hold an organizational meeting under s. 119.10 (2) on  
13 the 4th Monday ~~of the month~~ following its appointment or election, or the next day  
14 if the 4th Monday is a legal holiday, ~~following their appointment or election,~~ and  
15 annually thereafter shall meet in accordance with s. 119.10 (2).

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

19 **SECTION 34.** 119.07 of the statutes is created to read:

20 **119.07 Revised method of election of board; transitional provisions. (1)**

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

1 on the 4th Monday in April, 2001, are extended until the 4th Monday in November,  
2 2002.

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

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

18 **SECTION 35.** 119.07 of the statutes, as created by 1997 Wisconsin Act .... (this  
19 act), is repealed.

20 **SECTION 36.** 119.08 (1) (a) and (b) of the statutes are amended to read:

21 119.08 (1) (a) The board shall consist of one member elected at-large and 8  
22 members elected from numbered election districts determined by the board. The  
23 election districts shall consist of whole contiguous wards and shall be substantially  
24 equal in population ~~and the~~. The boundaries of the election districts shall be drawn  
25 so as to reflect a balanced representation of citizens in all areas within the city.

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

8 **SECTION 37.** 119.08 (2) and (3) of the statutes are amended to read:

9 119.08 (2) The electors of each election district shall elect one member residing  
10 within the election district to represent the election district. The at-large member  
11 shall be elected by the electors of the city. Board members shall be electors of the city  
12 and shall be elected on a nonpartisan ballot at the spring general election.  
13 Candidates shall file nomination papers for full terms or, when vacancies are to be  
14 filled, for unexpired terms. The format for the nomination papers shall be as  
15 prescribed in s. 8.10 (2) (b). The primary and ~~spring elections~~ election for board  
16 members shall be conducted by the election officials for the election of ~~judicial or~~  
17 other officers held on that date. The polling places for the state, ~~municipal or judicial~~  
18 election elections shall be the polling places for the board election and the municipal  
19 election hours shall apply.

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

23 **SECTION 38.** 119.08 (4) of the statutes is amended to read:

24 119.08 (4) A vacancy ~~on~~ in the membership of the board occurring on or before  
25 June 1 preceding expiration of the member's term of office shall be filled by a special

1 election ordered by the board. At such election the vacancy shall be filled for the  
2 unexpired term. The board shall follow procedures under s. 8.50, so far as applicable.

3 **SECTION 39.** 119.10 (1) of the statutes is amended to read:

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

15 **SECTION 40.** 119.10 (2) of the statutes is amended to read:

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

23 **SECTION 41.** 119.18 (23) of the statutes is repealed and recreated to read:

24 119.18 (23) SCHOOL REORGANIZATIONS. The board may reorganize any school  
25 that it determines is low in performance by adopting a resolution to that effect. If

1 the superintendent of schools recommends to the board that a school be reorganized,  
2 he or she shall state the reasons for the recommendation in writing. If the board  
3 reorganizes a school, the superintendent of schools may reassign the school's staff  
4 members without regard to seniority in service and may reassign other employes of  
5 the board to the school without regard to seniority in service.

6 **SECTION 42.** 119.235 of the statutes is repealed and recreated to read:

7 **119.235 Contracts with private schools and agencies. (1)** The board may  
8 contract with any nonsectarian private school located in the city or any nonsectarian  
9 private agency located in the city to provide educational programs to pupils enrolled  
10 in the school district operating under this chapter. The board shall ensure that each  
11 private school or agency under contract with the board complies with ss. 118.125 and  
12 118.13, 20 USC 1232g, 20 USC 1681 to 1688, 20 USC 3171 to 3197, 29 USC 794, 42  
13 USC 2000d and 42 USC 6101 to 6107, and all health and safety laws and rules that  
14 apply to public schools.

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

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

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

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

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

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

24 1. A good faith effort to achieve racial balance.

1           2. A pupil selection process that gives preference to the siblings of enrolled  
2 pupils and that gives no other preferences except those approved by the board.

3           3. A statement describing how the plan will serve the needs of low-academic  
4 achievers and pupils from low-income families.

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

6           **(3)** Any pupil enrolled in the school district operating under this chapter may  
7 attend, at no charge, any private school or agency with which the board has  
8 contracted under sub. (1) if space is available in the private school or agency.

9           **(4)** The board shall establish appropriate, quantifiable performance standards  
10 for pupils at each private school or agency with which it contracts in such areas as  
11 attendance, reading achievement, pupil retention, pupil promotion, parent surveys,  
12 credits earned and grade point average.

13           **(5)** Annually, the board shall monitor the performance of the program under  
14 this section. The board may use the results of standardized basic educational skills  
15 tests to do so. The board shall include a summary of its findings in its annual report  
16 to the state superintendent under s. 119.44.

17           **SECTION 43.** 119.32 (8) of the statutes is created to read:

18           119.32 **(8)** This section does not apply to the Milwaukee Public Schools  
19 beginning on the date that the board of school directors of the Milwaukee Public  
20 Schools is abolished under s. 119.92 (2).

21           **SECTION 44.** 119.55 (3) of the statutes is created to read:

22           119.55 **(3)** The board shall contract with the Boys and Girls Clubs of Greater  
23 Milwaukee to provide case managers at selected middle schools and high schools to  
24 work with school staff and pupils and their families to improve the attendance rate  
25 of pupils enrolled in the selected schools. The board shall use the funds appropriated

1 under s. 20.255 (2) (ed) to pay the costs of the contracts. No contract under this  
2 subsection may extend beyond June 30, 2000.

3 **SECTION 45.** 119.76 of the statutes is created to read:

4 **119.76 After-school programs.** From the appropriation under s. 20.255 (2)  
5 (ec), the state superintendent shall pay to the board the amounts specified in the  
6 spending plan under s. 119.80 for the following programs in each school year:

7 (1) After-school educational programs.

8 (2) After-school recreational programs.

9 (3) After-school health programs.

10 **SECTION 46.** 119.83 of the statutes is created to read:

11 **119.83 Summer school.** Beginning in the 1999-2000 school year, the state  
12 superintendent shall pay to the board, from the appropriation under s. 20.255 (2) (fs),  
13 50% of the cost incurred by the board to operate summer school in the previous school  
14 year.

15 **SECTION 47.** Subchapter II of chapter 119 [precedes 119.90] of the statutes is  
16 created to read:

17 **CHAPTER 119**

18 **SUBCHAPTER II**

19 **MILWAUKEE PUBLIC SCHOOLS**

20 **GOVERNING COMMISSION**

21 **119.90 Definitions.** In this subchapter:

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

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

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

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

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

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

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

9           (d) The percentage of pupils enrolled in the 3rd grade in the system whose score  
10 on the reading test under s. 121.02 (1) (r) in the preceding school year was at least  
11 at the basic level was equal to at least 90% of the percentage of all pupils enrolled  
12 in 3rd grade in the state whose score on the test in the preceding school year was at  
13 least at the basic level.

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

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

20           **119.92 Commission; creation, duties.** (1) If the department, the  
21 department of administration and the legislative fiscal bureau certify that the  
22 system does not meet all of the criteria under s. 119.91, on March 1 of the year  
23 following the certification, the commission is established. The commission shall  
24 consist of 5 members, all of whom shall reside in the city of Milwaukee. One member  
25 shall be appointed by the governor, one member shall be appointed by the state

1 superintendent, one member shall be appointed by the mayor of the city of  
2 Milwaukee and 2 members shall be appointed by the common council of the city of  
3 Milwaukee. The governor's appointee shall serve as the chairperson of the  
4 commission. Unless the context clearly dictates otherwise, any law that applies to  
5 the members of the board of school directors of a 1st class city school district applies  
6 to the commissioners of the commission, and any law that applies to the president  
7 of the board of school directors of a 1st class city school district applies to the  
8 chairperson of the commission. Members of the commission shall serve at the  
9 pleasure of the appointing authority.

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

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

- 17 1. Attempt to achieve all of the criteria in s. 119.91 (1).
- 18 2. Ensure continuing academic improvement of pupils.
- 19 3. Reduce noninstructional expenditures in the system and use, to the extent  
20 practicable, the moneys saved for instructional purposes.
- 21 4. Develop school-based budgeting.
- 22 5. Approve, reject or modify educational reform plans as provided under s.  
23 119.94 (2) (b).
- 24 6. Appoint an executive director.

1           7. On July 1 of the year in which the commission is established, establish a body  
2 to govern each school in the system beginning in the following school year and  
3 determine the governing body's powers, composition and size, the process of selecting  
4 the members of the governing body and the terms of its members. The commission  
5 may establish different kinds of governing bodies for different schools in the system.

6           **(3)** In any action or proceeding in which the commission is a defendant, service  
7 of any summons, writ, pleading or other papers served in commencing the action or  
8 proceeding upon the chairperson of the commission and the executive director  
9 constitutes service upon the entire commission. It is sufficient to serve on one  
10 commissioner any notice required by law to be served upon the commission.

11           **119.93 Executive director.** **(1)** The executive director appointed under s.  
12 119.92 (2) (b) 6. shall be a person of suitable learning and experience in the art of  
13 instruction and shall have practical familiarity with the most approved methods of  
14 organizing and conducting a system of schools. Unless the context clearly dictates  
15 otherwise, any law that applies to the superintendent of schools of a 1st class city  
16 school district, except s. 119.32, applies to the executive director.

17           **(2)** Under the direction of the commission, the executive director shall have  
18 general supervision of all of the following:

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

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

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

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

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

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

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

12           **119.94 Educational reform plans.** (1) This section applies if the commission  
13 is established under s. 119.92 (1).

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

- 18           1. The educational goals and expectations of the school governing body.
- 19           2. A description of the educational program of the school, including the method  
20 to be followed to ensure parental involvement.
- 21           3. The methods that the school will use to enable pupils to achieve the  
22 educational goals and expectations under subd. 1.
- 23           4. The methods that the school will use to measure pupils' progress towards the  
24 educational goals and expectations under subd. 1.
- 25           5. An annual budget and operational plan.

1           6. A professional development plan.

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

4           1. The commission disapproves of the educational goals and expectations  
5 contained in the educational reform plan.

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

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

11           (c) If the commission rejects the educational reform plan, it shall notify the  
12 school governing body in writing of the reasons for the rejection. The school  
13 governing body shall submit a revised educational reform plan by May 1. By June  
14 1, the commission shall either approve the revised educational reform plan or modify  
15 it for any of the reasons enumerated under par. (b).

16           **119.95 Commission report.** By January 1 of the 4th year after the  
17 commission is established, the commission shall submit a report that contains the  
18 commission's recommendations for the future governance of the system to the  
19 legislature under s. 13.172 (2).

20           **SECTION 48.** 121.02 (3) of the statutes, as affected by 1997 Wisconsin Act 27,  
21 is amended to read:

22           121.02 (3) Prior to any finding that a school district is not in compliance with  
23 the standards under sub. (1), the state superintendent shall, upon request of the  
24 school board or upon receipt of a petition signed by the maximum number of electors  
25 allowed for nomination papers of school district officers under s. 8.10 (3) (i), (km) or

1 (ks) or 8.15 (6) (f), conduct a public hearing in the school district. If the state  
2 superintendent, after the hearing, finds that the district is not in compliance with  
3 the standards, the state superintendent may develop with the school board a plan  
4 which describes methods of achieving compliance. The plan shall specify the time  
5 within which compliance shall be achieved. The state superintendent shall withhold  
6 up to 25% of state aid from any school district that fails to achieve compliance within  
7 the specified period.

8 **SECTION 49.** 121.15 (3m) (b) of the statutes, as affected by 1997 Wisconsin Act  
9 113, is amended to read:

10 121.15 (3m) (b) ~~Annually~~ By June 15, 1999, and annually by June 15  
11 thereafter, the department, the department of administration and the legislative  
12 fiscal bureau shall jointly certify to the joint committee on finance an estimate of the  
13 amount necessary to appropriate under s. 20.255 (2) (ac) in the following school year  
14 to ensure that the sum of state school aids and the school levy tax credit under s.  
15 79.10 (4) equals two-thirds of partial school revenues.

16 **SECTION 50.** 121.15 (3m) (c) of the statutes, as affected by 1997 Wisconsin Act  
17 27, is amended to read:

18 121.15 (3m) (c) By June 30, ~~1998~~ 1999, and annually by June 30 thereafter, the  
19 joint committee on finance shall determine the amount appropriated under s. 20.255  
20 (2) (ac) in the following school year.

21 **SECTION 51.** 121.85 (6) (h) of the statutes is created to read:

22 121.85 (6) (h) *Neighborhood schools.* Beginning in the 1998-99 school year, the  
23 school district operating under ch. 119 shall allocate a portion of the amount received  
24 under par. (a) in each school year to build or lease neighborhood schools.

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

1           (1) EDUCATIONAL CERTIFICATION. By December 15, 1999, the department of  
2 public instruction, the department of administration and the legislative fiscal  
3 bureau shall jointly determine and certify to the governor and the joint committee  
4 on finance the graduation, attendance and dropout rates for the Milwaukee Public  
5 Schools in the 1998-99 school year and the percentage of pupils enrolled in the 3rd  
6 grade in the Milwaukee Public Schools whose score on the reading test under section  
7 121.02 (1) (r) of the statutes in the 1998-99 school year was at least at the basic level,  
8 as calculated and defined by the department of public instruction.

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

12           (a) *Assets and liabilities.* The assets and liabilities of the board of school  
13 directors of the Milwaukee Public Schools become assets and liabilities of the  
14 Milwaukee Public Schools governing commission.

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

18           (c) *Employee status.* Except for the superintendent of schools and the appointees  
19 of the superintendent of schools under section 119.32 (3) of the statutes, all employes  
20 of the board of school directors of the Milwaukee Public Schools become employes of  
21 the Milwaukee Public Schools governing commission and have the same rights and  
22 status that they enjoyed as employes of the board of school directors of the Milwaukee  
23 Public Schools.

24           (d) *Contract.* All contracts entered into by the board of school directors of the  
25 Milwaukee Public Schools remain in effect and are transferred to the Milwaukee

1 Public Schools governing commission. The Milwaukee Public Schools governing  
2 commission shall carry out any such contractual obligations until modified or  
3 rescinded by the Milwaukee Public Schools governing commission to the extent  
4 allowed under the contract.

5 (e) *Pending matters.* Any matter pending with the board of school directors of  
6 the Milwaukee Public Schools is transferred to the Milwaukee Public Schools  
7 governing commission, and all materials submitted to or actions taken before the  
8 date on which the commission is established with respect to the pending matter are  
9 considered as having been submitted to or taken by the Milwaukee Public Schools  
10 governing commission.

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

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

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

22 (2) TRUANCY ABATEMENT AND BURGLARY SUPPRESSION. In the schedule under  
23 section 20.005 (3) of the statutes for the appropriation to the department of public  
24 instruction under section 20.255 (2) (ed) of the statutes, as affected by the acts of

1 1997, the dollar amount is increased by \$325,000 for fiscal year 1998-99 to increase  
2 funding for the purpose for which the appropriation is made.

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

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

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

12 **SECTION 9400. Effective dates; general.** Except as provided in SECTIONS  
13 9401 to 9456, this act takes effect on the day after publication.

14 **SECTION 9456. Effective dates; other.**

15 (1) METHOD OF ELECTION OF 1ST CLASS CITY SCHOOL DIRECTORS. The treatment of  
16 sections 5.58 (1g) (b) and (c), (2) (a) and (3), 5.60 (4) (b), 5.62 (4m), 5.64 (4) (title), 8.10  
17 (3) (i), 8.15 (5) (a) and (6) (f), 119.06 (3) (intro.), (a) and (b), (4) (b), (c) and (d), (5) and  
18 (6), 119.08 (1) (a) and (b), (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 January 1,  
20 1999.

21 (2) FIRST CLASS CITY SCHOOL ELECTION TRANSITIONAL PROVISIONS. The repeal of  
22 section 119.07 of the statutes takes effect on January 1, 2003.

23 **(END)**