



1997 SENATE BILL 188

April 30, 1997 - Introduced by Senators GROBSCHMIDT, DARLING, FARROW, ROSENZWEIG and BURKE, cosponsored by Representatives CULLEN, LA FAVE, PLALE, RILEY and NOTESTEIN. Referred to Committee on Education.

1 **AN ACT to repeal and recreate** 111.70 (4) (m) (intro.) and 4. and 119.235 of the
2 statutes; **relating to:** contracts between the Milwaukee Public Schools board
3 of school directors and nonsectarian private schools or agencies to provide
4 educational services and the prohibition against collective bargaining with
5 respect to such contracts.

Analysis by the Legislative Reference Bureau

Current law authorizes the Milwaukee Public Schools board of school directors (MPS board) to contract with any nonsectarian private school or agency located in the city of Milwaukee to provide educational programs for pupils enrolled in MPS. In addition, the MPS board is prohibited from bargaining collectively with respect to a decision of the MPS board to contract with a nonsectarian private school or agency to provide these educational programs or with respect to the impact of such a decision on the wages, hours or conditions of employment of the municipal employees who perform services for the MPS board.

On August, 5, 1996, the Milwaukee Teachers' Education Association initiated a suit against the MPS board, alleging, among other things, that the statutes authorizing these MPS contracts and prohibiting collective bargaining with respect to these contracts are private or local laws, whose enactment as part of 1995 Wisconsin Act 27 (the 1995-97 biennial budget act) violates 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 these statutes without change.

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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) (intro.) 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 of the statutes are repealed and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 4. Any decision of a board of school directors to contract with a school or agency
6 to provide educational programs under s. 119.235, or the impact of any such decision
7 on the wages, hours or conditions of employment of the municipal employes who
8 perform services for the board.

9 **SECTION 2.** 119.235 of the statutes is repealed and recreated to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 **SECTION 3. Initial applicability.**

24 (1) The treatment of section 111.70 (4) (m) (intro.) and 4. of the statutes first
25 applies to employes who are affected by a collective bargaining agreement that

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SECTION 3

1 contains provisions inconsistent with that treatment on the day on which the
2 collective bargaining agreement expires or is extended, modified or renewed,
3 whichever occurs first.

4 (END)