

**1999 DRAFTING REQUEST****Bill**Received: **12/18/98**Received By: **mlief**Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-1923**By/Representing: **Pahnke**This file may be shown to any legislator: **NO**Drafter: **mlief**

May Contact:

Alt. Drafters:

Subject: **Education - MPS**Extra Copies: **PG**

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**Topic:**

DOA:.....Pahnke - Contracting with private agencies, MPS school closings and collective bargaining

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	mlief 12/21/98	jgeller 12/21/98	jfrantze 12/22/98	_____	lrb_docadmin 12/22/98		S&L
/2	mlief 01/25/99	jgeller 01/25/99	hhagen 01/26/99	_____	lrb_docadmin 01/26/99		S&L
/3	mlief 01/28/99	jgeller 01/28/99	martykr 01/28/99	_____	lrb_docadmin 01/28/99		S&L
/4	mlief 01/29/99	jgeller 01/29/99	jfrantze 01/29/99	_____	lrb_docadmin 01/29/99		S&L
/5	champra 01/31/99	jgeller 01/31/99	hhagen 01/31/99	_____	gretskl 01/31/99		S&L
/6	mlief 02/5/99	jgeller 02/5/99	jfrantze 02/8/99	_____	lrb_docadmin 02/8/99		S&L

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*10/25/99 JG* *JF 2/6* *JF/EP 2/6*

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15 1/31 jlg 44 1/31 44/JF 1/31

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*Handwritten notes:*  
 14 1/29 JG  
 16 1/29 JG  
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 1/29

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*3/28 jg km/28*

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Topic:

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Instructions:

See Attached

*Include 99-1349 in this*

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*1/2/99 jg mlief only 1/25*

FE Sent For:

<END>

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**Topic:**

DOA:.....Pahnke - Contracting with private agencies, MPS school closings and collective bargaining

**Instructions:**

*Rp + re 117.70(4)(m)2. + 4., 119.18(23) + S.119.235*

See Attached

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1?	mlief	<i>11/21 JLG</i>	<i>12/22</i>	<i>12/22</i>			
		<i>1/24</i>		<i>1/25</i>			

FE Sent For:

<END>



1999

Date (time) needed

SOON

To editing 12/21/98

LRB-1356 1.1

DOA BUDGET DRAFT

MJL:ja

Use the appropriate components and routines developed for bills.

D-N

>>FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION<<

AN ACT . . . [DO NOT generate catalog]; relating to: the budget. . . . .

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Analysis by the Legislative Reference Bureau

For the 3 titles used in an analysis, in the component bar:

For the main heading [old =M], execute: . . . . . create -> anal: -> title: -> head

For the subheading [old =S], execute: . . . . . create -> anal: -> title: -> sub

For the sub-subheading [old =P], execute: . . . . . create -> anal: -> title: -> sub-sub

head -> EDUCATION  
sub -> Primary and Secondary Education

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

SECTION #.

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 <sup>plain</sup> 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) a 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

START →

Milwaukee Public Schools (MPS)

The MPS board may also

MPS

(1)

board's decision

(2)

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, <sup>these statutes without change.</sup> ~~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.

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

# FE - STATE  
LOCAL

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.) <sup>2.</sup> 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        ~~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 <sup>CLOSINGS</sup> ~~REORGANIZATIONS~~. The board may <sup>close</sup> ~~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 <sup>closed</sup> ~~reorganized~~,  
4 he or she shall state the reasons for the recommendation in writing. If the board  
(5) <sup>closes</sup> ~~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. <sup>If the board reopens</sup>

8 **SECTION 41.** 119.235 <sup>X</sup> of the statutes is repealed and recreated to read:

9 **119.235 Contracts with private schools and agencies.** (1) The board may <sup>the school, the</sup>  
10 contract with any nonsectarian private school located in the city or any nonsectarian <sup>superintendent of schools</sup>  
11 private agency located in the city to provide educational programs to pupils enrolled <sup>may</sup>  
12 in the school district operating under this chapter. The board shall ensure that each <sup>reassign</sup>  
13 private school or agency under contract with the board complies with ss. 118.125 and <sup>staff</sup>  
14 118.13, 20 USC 1232g, 20 USC 1681 to 1688, 20 USC 3171 to 3197, 29 USC 794, 42 <sup>members to</sup>  
15 USC 2000d and 42 USC 6101 to 6107, and all health and safety laws and rules that <sup>the school</sup>  
16 apply to public schools. <sup>without</sup>  
<sup>regard</sup>  
<sup>to</sup>  
<sup>seniority</sup>  
<sup>in</sup>  
<sup>service.</sup>

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. <sup>✓</sup>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 ~~(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 9353. Initial applicability; <sup>39 ✓</sup> other <sup>Public instruction.</sup>**

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 <sup>#</sup> (2) COLLECTIVE BARGAINING. The treatment of section <sup>✓</sup> 111.70 (4) (m) (intro.), ~~4~~  
22 2. and 4. of the statutes first applies to employees 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.

(END) ✓



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1356/1dn

MJ  
JLg

Brian:

As discussed more fully below, the Milwaukee circuit court has enjoined the statutory sections treated in this bill as a "private or local bill" which, under art. IV, sec. 18, of the Wisconsin constitution, must be enacted as single-subject legislation. If the State is successful in its appeal, the court of appeals would direct the circuit court to lift its injunction, thereby making a repeal and recreation of these statutory sections unnecessary. Conversely, if the State is unsuccessful and the statutory sections are reenacted as part of the budget bill, the Milwaukee circuit court might rule that the State is collaterally estopped from relitigating the issues.

Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place or thing is a private or local law within the meaning of art. 4, sec. 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest." In applying this test to the statutory sections in this bill, the Milwaukee circuit court found them to constitute a private or local bill, which must be enacted as single-subject legislation.

Madelon J. Lief  
Legislative Attorney  
267-7380

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1356/1dn  
MJL:jljg:jf

December 22, 1998

Brian:

As discussed more fully below, the Milwaukee circuit court has enjoined the statutory sections treated in this bill as a "private or local bill" which, under art. IV, sec. 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If the State is successful in its appeal, the court of appeals would direct the circuit court to lift its injunction, thereby making a repeal and recreation of these statutory sections unnecessary. Conversely, if the State is unsuccessful and the statutory sections are reenacted as part of the budget bill, the Milwaukee circuit court might rule that the State is collaterally estopped from relitigating the issues.

Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place or thing is a private or local law within the meaning of art. 4, sec. 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest." In applying this test to the statutory sections in this bill, the Milwaukee circuit court found them to constitute a private or local bill, which must be enacted as single-subject legislation.

Madelon J. Lief  
Legislative Attorney  
267-7380

TL w/ Brian Pahnke, 1/20 - Redraft LRB-1356

Make provisions of LRB-1356 apply statewide

Section 2 - Also 119.18 (23) - If a school board  
decides to close a school that it deems low  
in performance, \_\_\_\_\_



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1356/2

MJL:jljgjf

ERAC

DOA:.....Pahnke - Contracting with private agencies, MPS school closings and collective bargaining

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

SOON

To editing 1/25

do not gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

(educational services statute)

PRIMARY AND SECONDARY EDUCATION

Current law authorizes the Milwaukee Public Schools (MPS) board to contract with any nonsectarian private school located in the city to provide educational programs for pupils enrolled in the school district.

The MPS board may also close any school that it determines is low in performance (school closing statute). If the MPS board 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 MPS board is prohibited from bargaining collectively with respect to: 1) the board's decision 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 employees who perform those services; or 2) the reassignment of employees 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.

(collective bargaining statute)

On June 2, 1997, the Milwaukee County Circuit Court in Milwaukee Teachers' Education Association v. Milwaukee Board of School Directors (consolidated cases)

This bill extends the educational services, school closing and collective bargaining statutes to cover all school boards.

PF-E-ST+L



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1356/1

MJL:jlj:f

DOA:.....Pahnke - Contracting with private agencies, MPS school closings  
and collective bargaining

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

Current law authorizes the Milwaukee Public Schools (MPS) board to contract with any nonsectarian private school located in the city to provide educational programs for pupils enrolled in the school district.

The MPS board may also close any school that it determines is low in performance (school closing statute). If the MPS board 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 MPS board is prohibited from bargaining collectively with respect to: 1) the board's decision 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 employees who perform those services; or 2) the reassignment of employees 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 and the statute authorizing the MPS board to contract for educational programs 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 these statutes without change.

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:**

Fix Component

1

SECTION 1. 111.70 (4) (m) (intro.), <sup>1.</sup> 2. and 4. of the statutes are ~~repealed and~~ <sup>amended</sup>

2

~~repealed~~ 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

2. Reassignment of municipal employees who perform services for a <sup>school</sup> board of

6

~~school directors~~, with or without regard to seniority, as a result of the decision of the

7

<sup>school</sup> board to reorganize a school under s. ~~119.18 (23)~~ <sup>118.36</sup>, or the impact of any such

8

reassignment on the wages, hours or conditions of employment of the municipal

9

employees who perform those services.

10

4. Any decision of a <sup>school</sup> board of school directors to contract with a school or agency

11

to provide educational programs under s. ~~119.235~~ <sup>118.37</sup>, or the impact of any such decision

12

on the wages, hours or conditions of employment of the municipal employees who

13

perform services for the board.

14

SECTION 2. 119.18 (23) of the statutes is ~~repealed~~ and <sup>renumbered 118.36</sup> ~~repealed~~ <sup>amended</sup> to read:

15

~~119.18 (23)~~ <sup>118.36</sup> **SCHOOL CLOSINGS.** The board <sup>if a school</sup> may close <sup>it shall adopt</sup> any school that it

16

determines is low in performance by <sup>school</sup> adopting a resolution to that effect. If the

17

~~superintendent of schools~~ recommends to the board that a school be closed, he or she

school district administrator

Insert 2-4

Fix Component

no CS.  
L.C. 7  
Closes  
school

1 shall state the reasons for the recommendation in writing. If the <sup>school</sup>board closes a  
 2 school, the ~~superintendent of schools~~ <sup>school district administrator</sup> may reassign the school's staff members  
 3 without regard to seniority in service and may reassign other employes of the <sup>school</sup>board  
 4 to the school without regard to seniority in service. If the <sup>school</sup>board reopens the school,  
 5 the ~~superintendent of schools~~ <sup>school district administrator</sup> may reassign staff members to the school without  
 6 regard to seniority in service.

Fix Component

SECTION 3. 119.235 of the statutes is ~~repealed and recreated~~ <sup>renumbered 118.37</sup> to read:  
118.37 ← (B) <sup>amended</sup>

7 **Contracts with private schools and agencies.** (1) The <sup>A school</sup>board may  
 8 contract with any nonsectarian private school located in the <sup>school district</sup>city or any nonsectarian  
 9 private agency located in the <sup>school district</sup>city to provide educational programs to pupils enrolled  
 10 in the <sup>school</sup>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  
 16 (2) Each private school or agency under contract with the <sup>school</sup>board shall do all of  
 17 the following:

- 18 (a) Offer a full school year educational program.
- 19 (b) Participate in the <sup>school</sup>board's parent information program.
- 20 (c) Offer diverse opportunities for parents to participate in the school's  
 21 programs.
- 22 (d) Meet insurance and financial requirements established by the <sup>school</sup>board.
- 23 (e) Develop a pupil recruitment and enrollment plan that incorporates all of the  
 24 following:
- 25 1. A good faith effort to achieve racial balance.

→  
back  
of  
page

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 <sup>school</sup> board any information requested by the <sup>school</sup> 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 <sup>school</sup> 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.

Insert  
4-16

17 **SECTION 9339. Initial applicability; public instruction.**

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

(END)

Insert 4-17



Ins 4-16

Section #. 121.05 (1) (a) 10.<sup>x</sup> of the statutes is amended to read:

121.05 (1) (a) 10. Pupils attending a private school or agency under contract with the board under

X s. <sup>v</sup>119.235. 118.37

History: 1971 c. 125; 1973 c. 89; 1975 c. 224; 1977 c. 29, 418; 1979 c. 34, 221, 244; 1981 c. 20, 251; 1983 a. 27, 192, 509; 1985 a. 29, 218; 1985 a. 225 s. 100; 1987 a. 27, 399; 1989 a. 336; 1991 a. 39; 1993 a. 16, 395; 1995 a. 27 ss. 4040x, 4042, 9145 (1); 1995 a. 225; 1997 a. 27, 113, 164.

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:*

SECTION 1. 111.70 (4) (m) 1. of the statutes is repealed and recreated to read:

111.70 (4) (m) 1. Reassignment of municipal employes, with or without regard to seniority, as a result of a decision of the municipal employer to contract with an individual or group to operate a school as a charter school, as defined in s. 115.001 (1), or to convert a school to a charter school, or the impact of any such reassignment on the wages, hours or conditions of employment of the municipal employes who perform those services. (end ins 2-4)

SECTION 9316. Initial applicability; employment relations commission.

(1) REASSIGNMENT OF SCHOOL DISTRICT EMPLOYEES. The treatment of section 111.70 (4) (m) 1. of the statutes first applies to a collective bargaining agreement that expires or is extended, modified or renewed, whichever occurs first, on the effective date of this subsection.

(END)

collective bargaining agreements for which negotiations have been filed with the employment relations commission on the effective date of this subsection.

PROVISION OF EDUCATIONAL PROGRAMS

CS

under section 111.70 (4) (m) 1. of the statutes

ENS 4-179

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13

INS 2-4

Section #. 111.70 (4) (m) 1. of the statutes is amended to read:

municipal

IP

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

2-4

History: 1971 c. 124, 246, 247, 307, 336; 1973 c. 64, 65; 1977 c. 178, 186, 272, 442, 449; 1979 c. 32 s. 92 (15); 1981 c. 20, 112, 187; 1983 a. 189, 192; 1985 a. 29; 1985 a. 182 s. 57; 1985 a. 318; 1987 a. 153, 399; 1991 a. 136; 1993 a. 16, 429, 492; 1995 a. 27, 225, 289; 1997 a. 27, 237.



DOA:.....Pahnke - Contracting with private agencies, MPS school closings  
and collective bargaining

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

R-M run  
SOON  
To editing 11/28/99

do not gen

1 AN ACT ...; relating to: the budget.

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

**PRIMARY AND SECONDARY EDUCATION**

Current law authorizes the Milwaukee Public Schools (MPS) board to contract with any nonsectarian private school located in the city to provide educational programs for pupils enrolled in the school district (educational services statute). The MPS board may also close any school that it determines is low in performance (school closing statute). If the MPS board 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 MPS board is prohibited from bargaining collectively with respect to: 1) the board's decision 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 employees who perform those services; or 2) the reassignment of employees 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 (collective bargaining statute).

This bill extends the educational services, school closing and collective bargaining statutes to cover all school boards.

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.), 1., 2. and 4. of the statutes are amended to  
2 read:

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

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

13 2. Reassignment of municipal employes ~~who perform services for a school board~~  
14 ~~of school directors~~, with or without regard to seniority, as a result of the decision of  
15 the ~~school board~~ <sup>municipal employer</sup> to reorganize a school under s. ~~119.18 (23)~~ 118.36, or the impact of  
16 any such reassignment on the wages, hours or conditions of employment of the  
17 municipal employes who perform those services.

18 4. Any decision of a ~~school~~ board of school directors <sup>municipal employer</sup> to contract with a school or  
19 agency to provide educational programs under s. ~~119.235~~ 118.37, or the impact of any  
20 such decision on the wages, hours or conditions of employment of the municipal  
21 employes who perform services for the ~~school~~ board <sup>municipal employer</sup>

1           **SECTION 2.** 119.18 (23) of the statutes is renumbered 118.36 and amended to  
2 read:

3           **118.36 School closings.** ~~The~~ If a school board ~~may close~~ closes any school that  
4 it determines is low in performance ~~by adopting, it shall adopt~~ a resolution to that  
5 effect. If the ~~superintendent of schools~~ school district administrator recommends to  
6 the school board that a school be closed, <sup>for low performance ✓</sup> he or she shall state the reasons for the  
7 recommendation in writing. If the school board closes <sup>the</sup> a school, the ~~superintendent~~  
8 ~~of schools~~ school district administrator may reassign the school's staff members  
9 without regard to seniority in service and may reassign other employes of the school  
10 board to the school without regard to seniority in service. If the school board reopens  
11 the school, the ~~superintendent of schools~~ school district administrator may reassign  
12 staff members to the school without regard to seniority in service.

13           **SECTION 3.** 119.235 of the statutes is renumbered 118.37 and amended to read:

14           **118.37 Contracts with private schools and agencies.** (1) ~~The~~ A school  
15 board may contract with any nonsectarian private school located in the ~~city~~ school  
16 district or any nonsectarian private agency located in the ~~city~~ school district to  
17 provide educational programs to pupils enrolled in the school district ~~operating~~  
18 ~~under this chapter.~~ The school board shall ensure that each private school or agency  
19 under contract with the board complies with ss. 118.125 and 118.13, 20 USC 1232g,  
20 20 USC 1681 to 1688, 20 USC 3171 to 3197, 29 USC 794, 42 USC 2000d and 42 USC  
21 6101 to 6107, and all health and safety laws and rules that apply to public schools.

22           (2) Each private school or agency under contract with the school board shall  
23 do all of the following:

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

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

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 school 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 school 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 school board any information requested by the school 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 school board has  
14 contracted under sub. (1) if space is available in the private school or agency.

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

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

23 **SECTION 4.** 121.05 (1) (a) 10. of the statutes is amended to read:

24 121.05 (1) (a) 10. Pupils attending a private school or agency under contract  
25 with the board under s. ~~119.235~~ 118.37.







State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1356/8  
MJL&RAC:jlg:km

4

D

DOA:.....Pahnke - Contracting with private agencies, MPS school closings  
and collective bargaining

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

SOON  
To editing 1/29

do not get

1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

Current law authorizes the Milwaukee Public Schools (MPS) board to contract with any nonsectarian private school located in the city to provide educational programs for pupils enrolled in the school district (educational services statute). The MPS board may also close any school that it determines is low in performance (school closing statute). If the MPS board 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 MPS board is prohibited from bargaining collectively with respect to: 1) the board's decision 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 employees who perform those services; or 2) the reassignment of employees 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 (collective bargaining statute).

This bill extends the educational services, school closing and collective bargaining statutes to cover all school boards.

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.), 1., 2. and 4. of the statutes are amended to  
2 read:

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

6           1. Reassignment of municipal employes ~~who perform services for a board of~~  
7 ~~school directors under ch. 119~~, with or without regard to seniority, as a result of a  
8 decision of the ~~board of school directors~~ municipal employer to contract with an  
9 ~~individual or group~~ a person to operate a school as a charter school, as defined in s.  
10 115.001 (1), or to convert a school to a charter school, or the impact of any such  
11 reassignment on the wages, hours or conditions of employment of the municipal  
12 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~~ municipal employer to reorganize a school under s. ~~119.18 (23)~~ 118.36, or the  
16 impact of any such reassignment on the wages, hours or conditions of employment  
17 of the municipal employes who perform those services.

18           4. Any decision of a ~~board of school directors~~ municipal employer to contract  
19 with a school or agency to provide educational programs under s. ~~119.235~~ 118.37, or  
20 the impact of any such decision on the wages, hours or conditions of employment of  
21 the municipal employes who perform services for the ~~board~~ municipal employer.

1 SECTION 2. 119.18 (23) of the statutes is renumbered 118.36 and amended to  
2 read:

3 118.36 School closings. ~~The~~ If a school board may close closes any school that  
4 it determines is low in performance ~~by adopting, it shall adopt~~ a resolution to that  
5 effect. If the ~~superintendent of schools school district administrator~~ recommends to  
6 the school board that a school be closed for low performance, he or she shall state the  
7 reasons for the recommendation in writing. If the school board closes a the school,  
8 the ~~superintendent of schools school district administrator~~ may reassign the school's  
9 staff members without regard to seniority in service and may reassign other  
10 employes of the school board to the school without regard to seniority in service. If  
11 the school board reopens the school, the ~~superintendent of schools school district~~  
12 administrator may reassign staff members to the school without regard to seniority  
13 in service.

118.37(1), and (2) (intro), (b), (d), (e) and (f) as renumbered, are

Fix component 14

14 SECTION 3. 119.235 of the statutes is renumbered 118.37 and amended to read:

15 plain 118.37 Contracts with private schools and agencies. (1) The A school  
16 board may contract with any nonsectarian private school located in the city school  
17 district or any nonsectarian private agency located in the city school district to  
18 provide educational programs to pupils enrolled in the school district operating  
19 under this chapter. The school board shall ensure that each private school or agency  
20 under contract with the board complies with ss. 118.125 and 118.13, 20 USC 1232g,  
21 20 USC 1681 to 1688, 20 USC 3171 to 3197, 29 USC 794, 42 USC 2000d and 42 USC  
22 6101 to 6107, and all health and safety laws and rules that apply to public schools.

23 (2) <sup>(intro)</sup> Each private school or agency under contract with the school board shall  
24 do all of the following:

25 (a) Offer a full school year educational program

not renumbered

*not amended*

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

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

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

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

1. A good faith effort to achieve racial balance.

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

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

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

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

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

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

SECTION 4. 121.05 (1) (a) 10. of the statutes is amended to read:





State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1356/a 5  
MJL&RACjlg:jf  
*Redraft memo  
has been run*

*SOON*

DOA:.....Pahnke - Contracting with private agencies, MPS school closings  
and collective bargaining

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 *do not gen*  
AN ACT ...; relating to: the budget.

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

**PRIMARY AND SECONDARY EDUCATION**

Current law authorizes the Milwaukee Public Schools (MPS) board to contract with any nonsectarian private school located in the city to provide educational programs for pupils enrolled in the school district (educational services statute). The MPS board may also close any school that it determines is low in performance (school closing statute). If the MPS board 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 MPS board is prohibited from bargaining collectively with respect to: 1) the board's decision 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 2) 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 employes who perform those services (collective bargaining statute).

This bill extends the educational services, school closing and collective bargaining statutes to cover all school boards.

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) <sup>(title)</sup> ~~111.70~~, 1., 2. and 4. of the statutes are amended to  
2 read:

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

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

Insert  
2-12

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~~ municipal employer to reorganize a school under s. ~~119.18 (23)~~ 118.36, or the  
16 impact of any such reassignment on the wages, hours or conditions of employment  
17 of the municipal employes who perform those services.

18 4. Any decision of a ~~board of school directors~~ municipal employer to contract  
19 with a school or agency to provide educational programs under s. ~~119.235~~ 118.37, or  
20 the impact of any such decision on the wages, hours or conditions of employment of  
21 the municipal employes who perform services for the ~~board~~ municipal employer.

1           **SECTION 2.** 119.18 (23) of the statutes is renumbered 118.36 and amended to  
2 read:

3           **118.36 School closings.** ~~The~~ If a school board may close ~~closes~~ any school that  
4 it determines is low in performance ~~by adopting, it shall adopt~~ a resolution to that  
5 effect. If the ~~superintendent of schools~~ school district administrator recommends to  
6 the school board that a school be closed for low performance, he or she shall state the  
7 reasons for the recommendation in writing. If the school board closes a the school,  
8 the ~~superintendent of schools~~ school district administrator may reassign the school's  
9 staff members without regard to seniority in service and may reassign other  
10 employes of the school board to the school without regard to seniority in service. If  
11 the school board reopens the school, the ~~superintendent of schools~~ school district  
12 administrator may reassign staff members to the school without regard to seniority  
13 in service.

14           **SECTION 3.** 119.235 of the statutes is renumbered 118.37, and 118.37 (1), (2)  
15 (intro.), (b), (d), (e) 2. and (f), and (3) to (5), as renumbered, are amended to read:

16           **118.37 (1)** ~~The~~ A school board may contract with any nonsectarian private  
17 school located in the ~~city~~ school district or any nonsectarian private agency located  
18 in the ~~city~~ school district to provide educational programs to pupils enrolled in the  
19 school district ~~operating under this chapter~~. The school board shall ensure that each  
20 private school or agency under contract with the board complies with ss. 118.125 and  
21 118.13, 20 USC 1232g, 20 USC 1681 to 1688, 20 USC 3171 to 3197, 29 USC 794, 42  
22 USC 2000d and 42 USC 6101 to 6107, and all health and safety laws and rules that  
23 apply to public schools.

24           **(2)** (intro.) Each private school or agency under contract with the school board  
25 shall do all of the following:



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

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

3 (e) 2. A pupil selection process that gives preference to the siblings of enrolled  
4 pupils and that gives no other preferences except those approved by the school board.

5 (f) Report to the school board any information requested by the school 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 school board has  
8 contracted under sub. (1) if space is available in the private school or agency.

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

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

17 **SECTION 4.** 121.05 (1) (a) 10. of the statutes is amended to read:

18 121.05 (1) (a) 10. Pupils attending a private school or agency under contract  
19 with the board under s. ~~119.235~~ 118.37.

20 **SECTION 9316. Initial applicability; employment relations commission.**

21 (1) REASSIGNMENT OF SCHOOL DISTRICT EMPLOYEES; PROVISION OF EDUCATIONAL  
22 PROGRAMS. The treatment of section 111.70 (4) (m) (intro.), 1., 2. and 4. of the statutes  
23 first applies to collective bargaining agreements for which notices of commencement

1 of contract negotiations have been filed with the employment relations commission  
2 under section 111.70 (4) (cm) 1. of the statutes on the effective date of this subsection.

3 (END)

2-12

Section #. 111.70 (4) (m) 2. of the statutes is amended to read:

✓ municipal  
employer

111.70 (4) (m) 2. Reassignment of municipal employees ~~who perform services for a board of school directors~~, with or without regard to seniority, as a result of the decision of the ~~board~~ to close or reopen a school under s. ~~119.18 (23)~~ <sup>118.36 ✓</sup>, or the impact of any such reassignment on the wages, hours or conditions of employment of the municipal employees who perform those services.

History: 1971 c. 124, 246, 247, 307, 336; 1973 c. 64, 65; 1977 c. 178, 186, 272, 442, 449; 1979 c. 32 s. 92 (15); 1981 c. 20, 112, 187; 1983 a. 189, 192; 1985 a. 29; 1985 a. 182 s. 57; 1985 a. 318; 1987 a. 153, 399; 1991 a. 136; 1993 a. 16, 429, 492; 1995 a. 27, 225, 289; 1997 a. 27, 237.



DOA:.....Pahnke - Contracting with private agencies, MPS school closings and collective bargaining

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

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or to contract with an individual to operate a charter school or to convert a school to a charter school,

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1 AN ACT ...; relating to: the budget.

**Analysis by the Legislative Reference Bureau  
EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

Current law authorizes the Milwaukee Public Schools (MPS) board to contract with any nonsectarian private school located in the city to provide educational programs for pupils enrolled in the school district (educational services statute). The MPS board may also close any school that it determines is low in performance (school closing statute). If the MPS board 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 MPS board is prohibited from bargaining collectively with respect to: 1) the board's decision 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 employees who perform those services; or 2) the reassignment of employees 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 (collective bargaining statute).

This bill extends the educational services, school closing and collective bargaining statutes to cover all school boards.

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)(title), 1., 2. and 4. of the statutes are amended to read:

2           111.70 (4) (m) (title) *Prohibited subjects of bargaining: school districts.*

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

10          2. Reassignment of municipal employes ~~who perform services for a board of~~  
11 ~~school directors~~, with or without regard to seniority, as a result of the decision of the  
12 ~~board~~ municipal employer to close or reopen a school under s. ~~119.18 (23)~~ 118.36, or  
13 the impact of any such reassignment on the wages, hours or conditions of  
14 employment of the municipal employes who perform those services.

15          4. Any decision of a ~~board of school directors~~ municipal employer to contract  
16 with a school or agency to provide educational programs under s. ~~119.235~~ 118.37, or  
17 the impact of any such decision on the wages, hours or conditions of employment of  
18 the municipal employes who perform services for the ~~board~~ municipal employer.

19           **SECTION 2.** 119.18 (23) of the statutes is renumbered 118.36 and amended to  
20 read:

1           **118.36 School closings.** ~~The~~ If a school board may close ~~closes~~ any school that  
2 it determines is low in performance ~~by adopting, it shall adopt~~ a resolution to that  
3 effect. If the ~~superintendent of schools~~ school district administrator recommends to  
4 the school board that a school be closed for low performance, he or she shall state the  
5 reasons for the recommendation in writing. If the school board closes a the school,  
6 the ~~superintendent of schools~~ school district administrator may reassign the school's  
7 staff members without regard to seniority in service and may reassign other  
8 employes of the school board to the school without regard to seniority in service. If  
9 the school board reopens the school, the ~~superintendent of schools~~ school district  
10 administrator may reassign staff members to the school without regard to seniority  
11 in service.

12           **SECTION 3.** 119.235 of the statutes is renumbered 118.37, and 118.37 (1), (2)  
13 (intro.), (b), (d), (e) 2. and (f), and (3) to (5), as renumbered, are amended to read:

14           **118.37 (1)** ~~The~~ A school board may contract with any nonsectarian private  
15 school located in the ~~city~~ school district or any nonsectarian private agency located  
16 in the ~~city~~ school district to provide educational programs to pupils enrolled in the  
17 school district ~~operating under this chapter~~. The school board shall ensure that each  
18 private school or agency under contract with the board complies with ss. 118.125 and  
19 118.13, 20 USC 1232g, 20 USC 1681 to 1688, 20 USC 3171 to 3197, 29 USC 794, 42  
20 USC 2000d and 42 USC 6101 to 6107, and all health and safety laws and rules that  
21 apply to public schools.

22           **(2)** (intro.) Each private school or agency under contract with the school board  
23 shall do all of the following:

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

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

1 (e) 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 school board.

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

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

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

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

15 **SECTION 4.** 121.05 (1) (a) 10. of the statutes is amended to read:

16 121.05 (1) (a) 10. Pupils attending a private school or agency under contract  
17 with the board under s. ~~119.235~~ 118.37.

18 **SECTION 9316. Initial applicability; employment relations commission.**

19 (1) REASSIGNMENT OF SCHOOL DISTRICT EMPLOYEES; PROVISION OF EDUCATIONAL  
20 PROGRAMS. The treatment of section 111.70 (4) (m) (intro.), 1., 2. and 4. of the statutes  
21 first applies to collective bargaining agreements for which notices of commencement  
22 of contract negotiations have been filed with the employment relations commission  
23 under section 111.70 (4) (cm) 1. of the statutes on the effective date of this subsection.

24 (END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1356/6  
MJL&RAC;jlg:jf

DOA:.....Pahnke – Contracting with private agencies, MPS school closings  
and collective bargaining

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

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24 (END)