

2001 DRAFTING REQUEST

Bill

Received: 12/06/2000

Received By: grantpr

Wanted: As time permits

Identical to LRB:

For: Administration-Budget 6-1923

By/Representing: Maternowski

This file may be shown to any legislator: NO

Drafter: grantpr

May Contact:

Alt. Drafters: champra

Subject: Education - school boards
Employ Pub - collective bargain

Extra Copies: MJL

Pre Topic:

DOA:.....Maternowski -

Topic:

Commencement of school term

Instructions:

See Attached

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>
/?	grantpr 12/08/2000	hhagen 12/18/2000					S&L
/1			jfrantze 12/19/2000		lrb_docadmin 12/19/2000		S&L
/2	champra 01/08/2001	hhagen 01/08/2001	pgreensl 01/08/2001		lrb_docadmin 01/08/2001		S&L
/3	champra 02/06/2001	wjackson 02/06/2001	pgreensl 02/06/2001		lrb_docadmin 02/06/2001		S&L
/4	grantpr 02/12/2001	jdye 02/12/2001	jfrantze 02/13/2001		lrb_docadmin 02/13/2001		

FE Sent For:

<END>

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/3	champra 02/06/2001	wjackson 02/06/2001	pgreensl 02/06/2001		lrb_docadmin 02/06/2001		

Handwritten notes: 14 2/12 JLD, 2/13, 2/13, 2/13, 2/13

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/?	grantpr 12/08/2000	hhagen 12/18/2000					S&L
/1			jfrantze 12/19/2000	<i>2/6</i> <i>Self</i>	lrb_docadmin 12/19/2000		S&L
/2	champra 01/08/2001	hhagen 01/08/2001	pgreensl 01/08/2001		lrb_docadmin 01/08/2001		

FE Sent For:

2/6
PS

<END>

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/?	grantpr 12/08/2000	hhagen 12/18/2000		4/8/01 PG/SH			S&L
/1		12 hmk 1/8/01	jfrantze 12/19/2000		lrb_docadmin 12/19/2000		
FE Sent For:			1/8/01 PG				

<END>

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1?	grantpr	12/13/00 <i>[Signature]</i>	12/18 <i>[Signature]</i>	12/19 <i>[Signature]</i>			

FE Sent For:

<END>



Date: December 5, 2000
To: Stephen Miller, Chief
Legislative Reference Bureau
From: Peter Maternowski
Subject: 2001-2003 Budget Drafting Requests

Please draft the following items for possible inclusion in the Governor's 2001-2003 biennial budget bill.

1. School Start Date

Under current law, if a school board wants to begin the school term prior to Sept 1st it must hold a public hearing to approve a resolution to do so. The hearing must be held during the school year in question, i.e. on or after July 1st.

- ✓ a) Change the earliest date that the public hearing can be held to May 1st of the preceding school year.
- ✓ b) Make the school calendar a prohibited subject of bargaining. The monetary impact of any changes would remain a mandatory subject of bargaining as under current law.
- ✓ c) Prohibit school districts from conducting classes on the Friday preceding Labor Day in FY02 and FY03. This would not limit them from conducting in-service days for teachers.
- ✓ d) Create a nine-member task force to study the educational and economic impacts of requiring school districts to begin classes after Sept 1st. Members would be appointed by the Governor and would include:
 - i) a teacher
 - ii) a member of the general public
 - iii) a parent
 - iv) a school board member from a list provided by WSBA
 - v) a school district administrator from a list provided by WASDA
 - vi) an employer from a list provided by WMC
 - vii) a representative of the Wisconsin Restaurant Association
 - viii) a representative of the Wisconsin Tourism Association
 - ix) the Secretary of the Department of Commerce

2. Clarify Special Adjustment Aid 85% Threshold. Under current law, a school district receives no less than 85% of the general aid it received in the prior year. Clarify that the special adjustment aid calculation is based on the aid that a district should have received, rather than the aid it actually received.

lt AP 11/4 2002-03

RAC

01-02

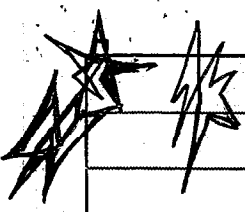
20505 (6) (4)

02-03

8/30

report by 12/1/02
to gov. + leg.

lists also



~~BRIAN 6/28/04~~

① 8/31/01 + 8/31/02, rt. ? yes

② hrg ~~May~~ nt before May 1 - apply lit to
5/1/02, rt. ? yes

2001

Date (time) needed _____

LRB-1392, 1/1

DOA BUDGET DRAFT

DN

PG & RAC: hnh

Use the appropriate components and routines developed for bills.

(see INS. A)

>>FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION<<

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

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: create → anal: → title: → head

For the subheading, execute: create → anal: → title: → sub

For the sub-subheading, execute: create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: create → anal: → text

(attached)

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

SECTION #.

INS. C

X
Section #. 118.045 (3) of the statutes is amended to read:

118.045 (3) A school board may commence the school term before September 1 in any school year if it holds a public hearing on the issue and adopts a resolution to that effect in that school year.

History: 1999 a. 9.

after April 30 of the
previous school year

INS. D

2001

Nonstat File Sequence: **AAA**

LRB _____ / _____

_____ : _____ : _____

NONSTAT SESSLAW

1. In the component bar:

For the action phrase, execute: create → action: → *NS: → nonstat

For the budget action phrase, execute: create → action: → *NS: → 91XX

For a subsection, execute: create → text: → *NS: → sub

For a paragraph, execute: create → text: → *NS: → par

For a subdivision, execute: create → text: → *NS: → subd

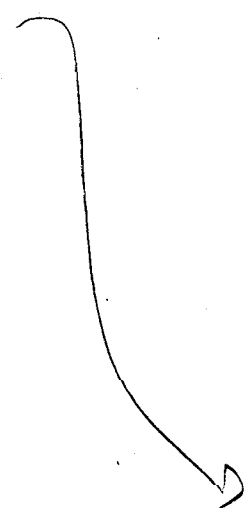
For a subdivision paragraph, execute: create → text: → *NS: → subpar

2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9100 department code.

SECTION # [91 40]. Nonstatutory provisions; ...

..... public instruction

(#1) () .. Commencement of school term; study ..



The sub. shall
~~the pub.~~
... if it has a pub. hrs on the same
after April 30 of the previous school year
~~at least a year to the effect~~

~~NOT~~ (a) Notwithstanding section 118.045 (3) of
the statute, as affected by this
act, a public school may not
conduct classes on August 31, 2001, or
on August 30, 2002.

(2) ~~is created~~
P (b) ~~There shall be established~~ a committee
to study the educational and economic
effects of ~~requiring~~ ^{prohibiting} school districts ~~to~~ ^{from} beginning
the school term ~~after August 31~~ until
September 1. The committee shall consist

of 9 members appointed by the governor.

One ~~of the~~ member shall be a

~~or~~ A teacher licensed by the

department of public instruction; one member shall be a

~~to~~ A parent of a pupil enrolled in a

public school in this state; one member shall

be a ~~school~~ ^{board} member, selected from a

list of ~~candidates~~ ^{nominees} submitted

by the Wisconsin School ^{Boards} Association; one member shall be a

~~A~~ school district administrator

selected from a list of ^{nominees} ~~nominees~~ submitted by

the Wisconsin Association of School District

Administrators; one member shall be an

~~or~~ An employee ~~is~~ selected from a

list of nominees submitted by Wisconsin

^{Manufacturers} Manufacturers and Commerce, one member

shall be a
~~for a~~ ~~person~~ person selected from
of nominees
a list submitted by the Wisconsin

Restaurant Association; one member shall be

~~of~~ a person selected from a list of
nominees

submitted by the Wisconsin Tourism

and
Association; one member shall be

~~to~~ the ^{secretary} secretary of commerce or his or

her designee.

~~As one other member.~~

By December 1, 2002,
~~The~~ The committee ~~under subdivision b.~~ shall

report its findings and recommendations to

the governor and to the legislature in the

manner provided in section 13.172(2) of

the statutes. The committee terminates on the

date it submits its findings and recommendations or

on December 1, 2002, whichever occurs first.

INITIAL APPLICABILITY

- 1. In the component bar:
 For the action phrase, execute: create → action: → *NS: → inappl
 For the budget action phrase, execute: create → action: → *NS: → 93XX
 For the text, execute: create → text: → *NS: → inappl
- 2. Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9300 department code.

SECTION # 93 40 . **Initial applicability;**

public instruction

(#1) () *Commencement of school term.*

The treatment of sections ..

118.045(3)

..... of the statutes
first applies to *the commencement of the school term*
in the 2002-03 school year.

(End)

- 1. In the component bar:
 For the action phrase, execute: create → action: → *NS: → inappl
 For the text, execute: create → text: → *NS: → inapplA
- 2. Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed.

SECTION # _____ . **Initial applicability;**

(#1) () This act first
applies to

ANALYSIS

(B) CAPS

EDUCATION

(CS) (B)

PRIMARY AND SECONDARY EDUCATION

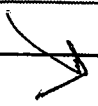
Under current law, ~~a~~ public school
may not begin the school term until
September 1 unless ^{it holds a} public hearing
on the issue and ^{adopts} ~~adopts~~ a resolution.

The hearing ^{must} be held no earlier than
the ^{preceding} ~~preceding~~ July 1.

Beginning in the 2002-03 school
year, this bill allows the hearing to
be held as early as the preceding
May 1. The bill also prohibits ~~classes~~
from being ^{held} on August 30, 2001, and
August 31, 2002.

INSERT B

~~CONFIDENTIAL~~



(insert "B" on next page)

creates a ^{nine}-member committee
Finally the bill directs the ~~governor~~ to
appointed ~~appointed~~ by the governor
~~appointed~~ committee to study the educational
and economic effects of ^{prohibiting} the school
districts from beginning school ^{term} until
September 1. The committee must ^{report} report
its findings and recommendations to the
governor ^{and} the legislature by December 1, 2012.

FE-SL

INSERTS

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1392/?insrc
.....

relating to the
restriction on
bargaining

A

Insert D-Note:

Please make certain that the initial applicability provision is the one that you intend. As drafted, this provision provides that the restriction on bargaining on the school calendar first applies to those school districts that commence bargaining after the effective date of the budget bill.

RAC

Insert Analysis:

B

Under current law, a school district is required to bargain collectively in good faith with the majority representative of its employees in a collective bargaining unit concerning the wages, hours, and conditions of employment of the employees. Among the subjects that are mandatory subjects of collective bargaining is any school calendaring proposal that is primarily related to wages, hours, and conditions of employment. *Beloit Ed. Assn. v. WERC*, 73 Wis. 2d 43, 61-62 (1976).

employees

This bill provides that a school district may not bargain collectively with respect to the establishment of the school calendar, but expressly requires that a school district must bargain collectively with respect to the impact of any school calendar decision on wages, hours, and conditions of employment.

Insert:

C

SECTION 1. 111.70 (4) (m) 7. of the statutes is created to read:

111.70 (4) (m) 7. The establishment of the school calendar. This subdivision shall not be construed to eliminate a school district's duty to bargain collectively with respect to the impact of the school calendar on wages, hours, and conditions of employment of the municipal employees who perform services for a school district.

Insert:

D

SECTION 2. 120.12 (15) of the statutes is amended to read:

120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal school day. The school board may differentiate between the various elementary and high school grades in scheduling the school day. The equivalent of 180 such days, as defined in s. 115.01 (10), shall be held during the school term. This subsection shall

not be construed to eliminate a school district's duty to bargain ~~with the employee's collective bargaining representative over any calendaring proposal which is primarily related to~~ collectively with respect to the impact of the school calendar on wages, hours, and conditions of employment.

History: 1973 c. 61, 90; 1975 c. 180, 421; 1977 c. 206, 418; 1979 c. 301, 318, 334; 1983 a. 189 s. 329 (21); 1985 a. 29, 218, 225; 1987 a. 285; 1989 a. 31, 114, 209, 264, 359; 1991 a. 39, 269; 1993 a. 16, 27, 437; 1995 a. 27 ss. 4022n, 4023m, 9126 (19), 9145 (1); 1995 a. 77, 201; 1997 a. 27, 160, 237, 240; 1999 a. 9; 1999 a. 130 s. 672.

SECTION 9317. Initial applicability; employment relations commission.

(1) SCHOOL CALENDAR. The treatment of sections 111.70 (4) (m) 7. and 120.12 (15) of the statutes first applies to collective bargaining agreements for which notices of commencement of contract negotiations have been filed with the employment relations commission under section 111.70 (4) (cm) 1. of the statutes on the effective date of this subsection.

(E)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1392/1dn
RAC:hmh:jf

December 18, 2000

Please make certain that the initial applicability provision relating to the restriction on bargaining is the one that you intend. As drafted, this provision provides that the restriction on bargaining on the school calendar first applies to those school districts that commence bargaining after the effective date of the budget bill.

Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.state.wi.us

Champagne, Rick

From: Grant, Peter
Sent: Sunday, January 07, 2001 10:03 AM
To: Champagne, Rick
Subject: FW: Revisions to LRB-1392/1

Rick, could you take care of this one? I think you're more qualified to answer his first question. As to the second question, my copy of the draft has a period after the 7: as to the third question, there's no problem in deleting from page 3, lines 19 and 20, the material after "recommendations" on line 19.

Thanks.

Peter

-----Original Message-----

From: Maternowski, Peter
Sent: Saturday, January 06, 2001 1:17 PM
To: Champagne, Rick; Grant, Peter
Subject: Revisions to LRB-1392/1

Draft 1392/1 relates to the commencement of the school term.

1. Is it possible to have the initial applicability of ss. 111.70 (4) (m) 7 and 120.12 (15) at an earlier date? E.g., is it possible to make the changes apply to any collective bargaining agreements that cover the 2001-2003 biennium or, if not, to cover all agreements that take effect after the bill is signed?
2. (Is a period needed after the '7' on page 3, line 22?)
3. Could you revise the draft to have the committee terminate on the date it submits its findings.

Thanks

Peter Maternowski
State Budget Office
608-266-1923
peter.maternowski@doa.state.wi.us



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1392/1
PG&RAC:hmh:jf

soon

DOA:.....Maternowski - Commencement of school term

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

do not get

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

Analysis by the Legislative Reference Bureau

✓ EDUCATION

✓ PRIMARY AND SECONDARY EDUCATION

Under current law, a public school may not begin the school term until September 1 unless it holds a public hearing on the issue and adopts a resolution. The hearing must be held no earlier than the preceding July 1.

Beginning in the 2002-03 school year, this bill allows the hearing to be held as early as the preceding May 1. The bill also prohibits classes from being held on August 30, 2001, and August 31, 2002.

Under current law, a school district is required to bargain collectively in good faith with the majority representative of its employees in a collective bargaining unit concerning the wages, hours, and conditions of employment of the employees. Among the subjects that are mandatory subjects of collective bargaining is any school calendaring proposal that is *primarily related to* wages, hours, and conditions of employment. *Beloit Ed. Assn. v. WERC*, 73 Wis. 2d 43, 61-62 (1976).

This bill provides that a school district may not bargain collectively with respect to the establishment of the school calendar, but expressly requires that a school district must bargain collectively with respect to the *impact* of any school calendar decision on wages, hours, and conditions of employment.

Finally, the bill creates a nine-member committee, appointed by the governor, to study the educational and economic effects of prohibiting school districts from

beginning the school term until September 1. The committee must report its findings and recommendations to the governor and the legislature by December 1, 2002.

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) 7. of the statutes is created to read:

2 111.70 (4) (m) 7. The establishment of the school calendar. This subdivision
3 shall not be construed to eliminate a school district's duty to bargain collectively with
4 respect to the impact of the school calendar on wages, hours, and conditions of
5 employment of the municipal employees who perform services for a school district.

6 **SECTION 2.** 118.045 (3) of the statutes is amended to read:

7 118.045 (3) A school board may commence the school term before September
8 1 in any school year if it holds a public hearing on the issue after April 30 of the
9 previous school year and adopts a resolution to that effect ~~in that school year.~~

10 **SECTION 3.** 120.12 (15) of the statutes is amended to read:

11 120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal
12 school day. The school board may differentiate between the various elementary and
13 high school grades in scheduling the school day. The equivalent of 180 such days, as
14 defined in s. 115.01 (10), shall be held during the school term. This subsection shall
15 not be construed to eliminate a school district's duty to bargain ~~with the employee's~~
16 ~~collective bargaining representative over any calendaring proposal which is~~
17 ~~primarily related to~~ collectively with respect to the impact of the school calendar on
18 wages, hours, and conditions of employment.

19 **SECTION 9140. Nonstatutory provisions; public instruction.**

20 (1) COMMENCEMENT OF SCHOOL TERM; STUDY.

1 (a) Notwithstanding section 118.045 (3) of the statutes, as affected by this act,
2 a public school may not conduct classes on August 31, 2001, or on August 30, 2002.

3 (b) There is created a committee to study the educational and economic effects
4 of prohibiting school districts from beginning the school term until September 1. The
5 committee shall consist of 9 members appointed by the governor. One member shall
6 be a teacher licensed by the department of public instruction; one member shall be
7 a parent of a pupil enrolled in a public school in this state; one member shall be a
8 school board member selected from a list of nominees submitted by the Wisconsin
9 School Boards Association; one member shall be a school district administrator
10 selected from a list of nominees submitted by the Wisconsin Association of School
11 District Administrators; one member shall be an employer selected from a list of
12 nominees submitted by Wisconsin manufacturers and commerce; one member shall
13 be a person selected from a list of nominees submitted by the Wisconsin Restaurant
14 Association; one member shall be a person selected from a list of nominees submitted
15 by the Wisconsin Tourism Association; and one member shall be the secretary of
16 commerce or his or her designee. By December 1, 2002, the committee shall report
17 its findings and recommendations to the governor and to the legislature in the
18 manner provided in section 13.172 (2) of the statutes. The committee terminates on
19 the date it submits its findings and recommendations *or on December 1, 2002,*

20 *whichever occurs first.*

21 **SECTION 9317. Initial applicability; employment relations commission.**

22 (1) SCHOOL CALENDAR. The treatment of sections 111.70 (4) (m) 7. and 120.12
23 (15) of the statutes first applies to collective bargaining agreements ~~for which notices~~
24 ~~of commencement of contract negotiations have been filed with the employment~~

1 ~~relations commission under section 111.70 (4)(cm) 1. of the statutes~~ on the effective
2 date of this subsection.

3 **SECTION 9340. Initial applicability; public instruction.**

4 (1) COMMENCEMENT OF SCHOOL TERM. The treatment of section 118.045 (3) of the
5 statutes first applies to the commencement of the school term in the 2002-03 school
6 year.

7 (END)

*that ~~the term~~ expire or are extended,
modified, or renewed, whichever occurs first,*



(D-Note)
State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1392/2 3
PG&RAC:hmh/pg
RMR
EWJ

(S&M) TODAY

DOA:.....Maternowski – Commencement of school term

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

DO NOT GEN

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

Analysis by the Legislative Reference Bureau
EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, a public school may not begin the school term until September 1 unless it holds a public hearing on the issue and adopts a resolution. The hearing must be held no earlier than the preceding July 1.

Beginning in the 2002-03 school year, this bill allows the hearing to be held as early as the preceding May 1. The bill also prohibits classes from being held on August 30, 2001, and August 31, 2002.

Under current law, a school district is required to bargain collectively in good faith with the majority representative of its employees in a collective bargaining unit concerning the wages, hours, and conditions of employment of the employees. Among the subjects that are mandatory subjects of collective bargaining is any school calendaring proposal that is *primarily related to wages, hours, and conditions of employment*. *Beloit Ed. Assn. v. WERC*, 73 Wis. 2d 43, 61-62 (1976).

This bill provides that a school district may not bargain collectively with respect to the establishment of the school calendar, but expressly requires that a school district must bargain collectively with respect to the *impact* of any school calendar decision on wages, hours, and conditions of employment.

Finally, the bill creates a nine-member committee, appointed by the governor, to study the educational and economic effects of prohibiting school districts from

beginning the school term until September 1. The committee must report its findings and recommendations to the governor and the legislature by December 1, 2002.

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
2
SECTION 1. 111.70 (4) (m) ⁸ of the statutes is created to read:

3
4
5
6
111.70 (4) (m) ⁸ The establishment of the school calendar. This subdivision shall not be construed to eliminate a school district's duty to bargain collectively with respect to the impact of the school calendar on wages, hours, and conditions of employment of the municipal employees who perform services for a school district.

7
8
SECTION 2. 118.045 (3) of the statutes is amended to read:

9
10
118.045 (3) A school board may commence the school term before September 1 in any school year if it holds a public hearing on the issue after April 30 of the previous school year and adopts a resolution to that effect ~~in that school year~~.

12
13
SECTION 3. 120.12 (15) of the statutes is amended to read:

14
15
16
17
18
120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal school day. The school board may differentiate between the various elementary and high school grades in scheduling the school day. The equivalent of 180 such days, as defined in s. 115.01 (10), shall be held during the school term. This subsection shall not be construed to eliminate a school district's duty to bargain ~~with the employee's collective bargaining representative over any calendaring proposal which is primarily related to~~ collectively with respect to the impact of the school calendar on wages, hours, and conditions of employment.

19
20
SECTION 9140. Nonstatutory provisions; public instruction.

(1) COMMENCEMENT OF SCHOOL TERM; STUDY.

1 (a) Notwithstanding section 118.045 (3) of the statutes, as affected by this act,
2 a public school may not conduct classes on August 31, 2001, or on August 30, 2002.

3 (b) There is created a committee to study the educational and economic effects
4 of prohibiting school districts from beginning the school term until September 1. The
5 committee shall consist of 9 members appointed by the governor. One member shall
6 be a teacher licensed by the department of public instruction; one member shall be
7 a parent of a pupil enrolled in a public school in this state; one member shall be a
8 school board member selected from a list of nominees submitted by the Wisconsin
9 School Boards Association; one member shall be a school district administrator
10 selected from a list of nominees submitted by the Wisconsin Association of School
11 District Administrators; one member shall be an employer selected from a list of
12 nominees submitted by Wisconsin manufacturers and commerce; one member shall
13 be a person selected from a list of nominees submitted by the Wisconsin Restaurant
14 Association; one member shall be a person selected from a list of nominees submitted
15 by the Wisconsin Tourism Association, and one member shall be the secretary of
16 commerce or his or her designee. By December 1, 2002, the committee shall report
17 its findings and recommendations to the governor and to the legislature in the
18 manner provided in section 13.172 (2) of the statutes. The committee terminates on
19 the date it submits its findings and recommendations.

20 **SECTION 9317. Initial applicability; employment relations commission.**

21 (1) SCHOOL CALENDAR. The treatment of sections 111.70 (4) (m) ⁽⁸⁾ and 120.12
22 (15) of the statutes first applies to collective bargaining agreements that expire or
23 are extended, modified, or renewed, whichever occurs first, on the effective date of
24 this subsection.

25 **SECTION 9340. Initial applicability; public instruction.**

One member shall be a member of the general public. ✓

1 (1) COMMENCEMENT OF SCHOOL TERM. The treatment of section 118.045 (3) of the
2 statutes first applies to the commencement of the school term in the 2002-03 school
3 year.

4

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1392/3dn
PG&RAC:hmh/pg

WJ

Peter Maternowski:

For reconciliation purposes, this version of the draft simply renumbers s. 111.70 (4) (m) 7. to s. 111.70 (4) (m) 8. ~~Everything~~ Everything else remains the same.

Rick A. Champagne
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1392/3dn
PG&RAC:wlj:pg

February 6, 2001

Peter Maternowski:

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State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1392/8

PG&RAC:hmh&wj:pg

DN

DOA:.....Maternowski - Commencement of school term

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

Do not gen

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

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, a public school may not begin the school term until September 1 unless it holds a public hearing on the issue and adopts a resolution. The hearing must be held no earlier than the preceding July 1.

Beginning in the 2002-03 school year, this bill allows the hearing to be held as early as the preceding May 1. The bill also prohibits classes from being held on August 30, 2001, and August 31, 2002.

Under current law, a school district is required to bargain collectively in good faith with the majority representative of its employees in a collective bargaining unit concerning the wages, hours, and conditions of employment of the employees. Among the subjects that are mandatory subjects of collective bargaining is any school calendaring proposal that is *primarily related to wages, hours, and conditions of employment*. *Beloit Ed. Assn. v. WERC*, 73 Wis. 2d 43, 61-62 (1976).

This bill provides that a school district may not bargain collectively with respect to the establishment of the school calendar, but expressly requires that a school district must bargain collectively with respect to the *impact* of any school calendar decision on wages, hours, and conditions of employment.

Finally, the bill creates a nine-member committee, appointed by the governor, to study the educational and economic effects of prohibiting school districts from

beginning the school term until September 1. The committee must report its findings and recommendations to the governor and the legislature by December 1, 2002.

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) 8. of the statutes is created to read:

2 111.70 (4) (m) 8. The establishment of the school calendar. This subdivision
3 shall not be construed to eliminate a school district's duty to bargain collectively with
4 respect to the impact of the school calendar on wages, hours, and conditions of
5 employment of the municipal employees who perform services for a school district.

6 **SECTION 2.** 118.045 (3) of the statutes is amended to read:

7 118.045 (3) A school board may commence the school term before September
8 1 in any school year if it holds a public hearing on the issue after April 30 of the
9 previous school year and adopts a resolution to that effect in that school year.

10 **SECTION 3.** 120.12 (15) of the statutes is amended to read:

11 120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal
12 school day. The school board may differentiate between the various elementary and
13 high school grades in scheduling the school day. The equivalent of 180 such days, as
14 defined in s. 115.01 (10), shall be held during the school term. This subsection shall
15 not be construed to eliminate a school district's duty to bargain ~~with the employee's~~
16 ~~collective bargaining representative over any calendaring proposal which is~~
17 ~~primarily related to collectively with respect to the impact of the school calendar on~~
18 wages, hours, and conditions of employment.

19 **SECTION 9140. Nonstatutory provisions; public instruction.**

20 (1) COMMENCEMENT OF SCHOOL TERM; STUDY.

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16 public; and one member shall be the secretary of commerce or his or her designee.
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20 recommendations.

21 **SECTION 9317. Initial applicability; employment relations commission.**

22 (1) SCHOOL CALENDAR. The treatment of sections 111.70 (4) (m) 8. and 120.12
23 (15) of the statutes first applies to collective bargaining agreements that expire or
24 are extended, modified, or renewed, whichever occurs first, on the effective date of
25 this subsection.

*(No) The governor shall name the
chairperson of the committee.*

PG: jld

DN

This redraft directs the governor to
name the chairperson of the committee
created in section ^{CS} 9140 (1) (b). ✓

PG

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1392/4dn
PG:jld,jf

February 13, 2001

This redraft directs the governor to name the chairperson of the committee created in SECTION 9140 (1) (b).

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State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1392/4
PG&RAC:hmh&wlj:jf

DOA:.....Maternowski – Commencement of school term

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau
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14 Association; one member shall be a person selected from a list of nominees submitted
15 by the Wisconsin Tourism Association; one member shall be a member of the general
16 public; and one member shall be the secretary of commerce or his or her designee.
17 The governor shall name the chairperson of the committee. By December 1, 2002,
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23 (15) of the statutes first applies to collective bargaining agreements that expire or
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