

**2007 DRAFTING REQUEST**

**Bill**

Received: **01/11/2007**

Received By: **tkuczens**

Wanted: **As time permits**

Identical to LRB:

For: **Glenn Grothman (608) 266-7513**

By/Representing: **Jim Emerson**

This file may be shown to any legislator: **NO**

Drafter: **tkuczens**

May Contact:

Addl. Drafters:

Subject: **Education - school boards  
Education - miscellaneous**

Extra Copies: **pg**

Submit via email: **YES**

Requester's email: **Sen.Grothman@legis.wisconsin.gov**

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

The terms of teacher employment contracts.

**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>
/?	tkuczens 02/05/2007	wjackson 02/20/2007		_____			S&L
/1	tkuczens 01/03/2008	wjackson 01/04/2008	pgreensl 02/20/2007	_____	sbasford 02/20/2007		S&L
/2			nmatzke 01/04/2008	_____	sbasford 01/04/2008	sbasford 01/04/2008	

FE Sent For: "12" @ intro. 1-14-08  
<END>

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/?	tkuczens 02/05/2007	wjackson 02/20/2007		_____			S&L
/1		<i>1/2 wlj 1/4</i>	pgreensl 02/20/2007	_____	sbasford 02/20/2007	<i>Jacket for senate.</i>	
			<i>nwn 1/4</i>	<i>nwn/wlj 1/4</i>			

FE Sent For:

<END>

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/?	tkuczens	1/11/20	2/20 P8	20 P8/15			

FE Sent For:

<END>

2007-2008  
~~2005-2006~~ LEGISLATURE

in 2/5/07

by 2/20 if possible

1490/1  
LRB-1057/2  
PC&CMI:jlj:pg  
TKK = WLj:

2007

**2005 SENATE BILL 643**

LPS: Please  
PWF

February 28, 2006 - Introduced by Senators GROTHMAN and STEPP, cosponsored by Representatives VOS, HINES and ALBERS. Referred to Committee For Review of Administrative Rules.

Regen

1 AN ACT *to amend* 118.22 (2) and 118.22 (3); and *to create* 118.22 (1m) of the  
2 statutes; **relating to:** the terms of teacher employment contracts.

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

Under current law, a school board must give a teacher a written notice of renewal or refusal to renew the teacher's contract for the following school year. This statutory renewal provision may be modified, waived, or replaced by a collective bargaining agreement.

This bill provides that the term of each teacher's employment contract is limited to one year, until the teacher has been continuously employed for five years, at which point the term of the contract becomes two years. The bill also prohibits the nonrenewal of a contract for arbitrary or capricious reasons.

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:***

3 SECTION 1. 118.22 (1m) of the statutes is created to read:  
4 118.22 (1m) (a) Except as provided under par. (b), the term of each teacher's  
5 contract entered into by a board shall be one year.

## SENATE BILL 643

## SECTION 1

1 (b) After a teacher's continuous employment by a board for 5 years, the term  
2 of the teacher's contract shall be 2 years. The term of a contract of a teacher who has  
3 been continuously employed by a board for 5<sup>or more</sup> years as of the effective date of this  
4 paragraph .... [revisor inserts date], shall be 2 years.

5 SECTION 2. 118.22 (2) of the statutes is amended to read:

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

23 SECTION 3. 118.22 (3) of the statutes is amended to read:

24 118.22 (3) At least 15 days prior to giving written notice of refusal to renew a  
25 teacher's contract ~~for the ensuing school year,~~ the employing board shall inform the

**SENATE BILL 643**

1 teacher by preliminary notice in writing that the board is considering nonrenewal  
2 of the teacher's contract and that, if the teacher files a request therefor with the  
3 board within 5 days after receiving the preliminary notice, the teacher has the right  
4 to a private conference with the board ~~prior to~~ before being given written notice of  
5 refusal to renew the teacher's contract.

6 **SECTION 4. Initial applicability.**

7 (1) This act first applies to teachers who hold a license to teach on the effective  
8 date of this subsection.

9 (END)

LRB-1490

1/3/08

Jim in Sen. Grothman's office

- make applicable to teachers employed by the bd. of directors in a 1st class city
- <sup>lines 2-land 3</sup> ~~change~~ change ~~to~~ reference from "a board" to "the same board"
- line 2-12 change reference from "the board" to "the same board".

RWH (by 1/4/08)



**Kuczenski, Tracy**

**From:** Emerson, James  
**Sent:** Thursday, January 03, 2008 4:51 PM  
**To:** Kuczenski, Tracy  
**Cc:** Hurlburt, Waylon  
**Subject:** FW: Attached Image  
**Attachments:** SB-643 teacher contracts 05.pdf

Tracy:

After speaking to Senator Grothman, attached is the bill we would like to introduce ~~(SB 643)~~. It is very similar to the one I sent you earlier from Sheri Krause, but is slightly different, with some "arbitrary and capricious" language mixed in. If possible, we would like this to be 1491/3, since the language you worked on this morning for 1491/2 will not be the bill we are going with.

Also, in this new draft, if possible, can we make sure it also applies to include Milwaukee Public Schools if the current language doesn't?

Thank you and sorry for the confusion.

Jim Emerson  
 Senator Grothman's Office

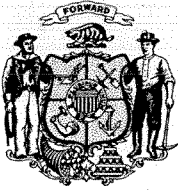
*\* No language requiring the teacher to be employed  
 by the same board.*

---

**From:** Emerson, James  
**Sent:** Thursday, January 03, 2008 1:46 PM  
**To:** Kuczenski, Tracy  
**Subject:** FW: Attached Image

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**From:** Sheri Krause [mailto:skrause@wasb.org]  
**Sent:** Thursday, January 03, 2008 1:42 PM  
**To:** Emerson, James  
**Subject:** FW: Attached Image



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-1490/1  
TKK:wlj:pg

FCMH  
RMNR  
inserts

2007 BILL

Friday  
1/4/08  
through editing

Regen

1 AN ACT to amend 118.22 (2) and 118.22 (3); and to create 118.22 (1m) of the  
2 statutes; relating to: the terms of teacher employment contracts.

Insert ANAL-1

Analysis by the Legislative Reference Bureau

Under current law, a school board must give a teacher a written notice of renewal or refusal to renew the teacher's contract for the following school year. This statutory renewal provision may be modified, waived, or replaced by a collective bargaining agreement.

This bill provides that the term of each teacher's employment contract is limited to one year, until the teacher has been continuously employed for five years, at which point the term of the contract becomes two years. The bill also prohibits the nonrenewal of a contract for arbitrary or capricious reasons.

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

Insert ANAL-2

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

Insert 1-3A+B

3 SECTION 1. 118.22 (1m) of the statutes is created to read:  
4 118.22 (1m) (a) Except as provided under par. (b), the term of each teacher's  
5 contract entered into by a board shall be one year.

and provides that the reasons for renewal or nonrenewal are prohibited subject of collective bargaining

**BILL**

1 (b) After a teacher's continuous employment by a board for 5 years, the term  
2 of the teacher's contract shall be 2 years. The term of a contract of a teacher who has  
3 been continuously employed by a board for 5 or more years as of the effective date  
4 of this paragraph ... [revisor inserts date], shall be 2 years.

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

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

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

24 118.22 (3) At least 15 days prior to giving written notice of refusal to renew a  
25 teacher's contract ~~for the ensuing school year~~, the employing board shall inform the

**BILL**

1 teacher by preliminary notice in writing that the board is considering nonrenewal  
2 of the teacher's contract and that, if the teacher files a request therefor with the  
3 board within 5 days after receiving the preliminary notice, the teacher has the right  
4 to a private conference with the board ~~prior to~~ before being given written notice of  
5 refusal to renew the teacher's contract.

Insert 3-6A,B,C

**SECTION 4. Initial applicability.**

6  
7 (1) This act first applies to teachers who hold a license to teach on the effective  
8 date of this subsection.

9 (END)

1           **INSERT ANAL-1**

(No ff) Under current law, the board of directors in any city of the 1st class (currently, Milwaukee) is not required to provide written notice of renewal or refusal to renew the contract of a teacher employed by that board of directors. (SP)

2           **INSERT ANAL-2**

√ requires the board of directors in any city of the 1st class to provide written notice of renewal or refusal to renew the contract of a teacher employed by that board of directors. The bill also limits the term of the employment contract of a teacher employed by the board of directors in a city of the 1st class to one year until the teacher has been continuously employed by the same board of directors for five years, at which point the term of the contract becomes two years. (SP)

Finally, this bill

3           **INSERT 1-3 B**

4           **SECTION 118.22 (1)** of the statutes <sup>(a) and (b) are</sup> amended to read:

5           118.22 (1) ~~In this section~~ (No ff)

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

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

History: 1971 c. 154; 1981 c. 223; 1983 a. 189; 1993 a. 399, 492; 1995 a. 27 s. 9145 (1); 1997 a. 27, 164.

15           **INSERT 3-6 B**

16           **SECTION 119.04 (1)** of the statutes <sup>as affected by 2007 Wisconsin Act 20, 1</sup> is amended to read:

17           **119.04 Public instruction laws applicable.** (1) Subchapters IV, V and VII  
18 of ch. 115, ch. 121 and ss. 66.0235 (3) (c), 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28,

1 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38 (2), 115.445, 115.45,  
2 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14, 118.145  
3 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20,  
4 118.22, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291, 118.30  
5 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (26), 120.125, 120.13 (1), (2)  
6 (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, and 120.25  
7 are applicable to a 1st class city school district and board.

**History:** 1971 c. 152 s. 38; 1971 c. 154 s. 80; 1973 c. 89 s. 20 (1); 1973 c. 90; 1973 c. 188 s. 6; 1973 c. 243, 254, 290, 307, 333; 1975 c. 39, 41, 95, 220, 379, 395, 422; 1977 c. 29; 1977 c. 203 s. 106; 1977 c. 206, 284, 447; 1979 c. 20; 1979 c. 34 s. 2102 (43) (a); 1979 c. 221, 298, 331; 1979 c. 346 s. 15; 1979 c. 355; 1981 c. 59; 1981 c. 241 s. 4; 1983 a. 193; 1983 a. 339 s. 10; 1983 a. 374 s. 12; 1983 a. 412, 489, 538; 1985 a. 29 s. 3202 (43); 1985 a. 56 s. 43; 1985 a. 214 s. 4; 1985 a. 225, 332; 1987 a. 27, 187, 285, 386, 403; 1989 a. 31, 120, 121, 122, 201, 209, 359; 1991 a. 39, 42, 189, 269; 1993 a. 16, 334, 377, 491; 1995 a. 27, 225; 1997 a. 27, 77, 113, 240, 252, 335; 1999 a. 9, 32, 73; 1999 a. 150 ss. 631, 672; 1999 a. 186; 2005 a. 99, 290, 346; 2007 a. 20.

Begin Insert 1-3A

2007-2008

2005 - 2006 LEGISLATURE

LRB-1057/1

MLJ:jld:pg

TRK:ECM

Insert

2007

2005 BILL

due Friday 1/4/08

through 1/4/08

Regen

1 AN ACT *to amend* 118.22 (2), 118.22 (3) and 118.22 (4); and *to create* 111.70 (4)

2 (m) 5. and 118.22 (1m) of the statutes; **relating to:** making the reasons for

3 renewal or nonrenewal of teacher employment contracts a prohibited subject

4 of collective bargaining and the terms of teacher employment contracts.

Insert ANAL-1

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

Under current law, a school board must give a teacher a written notice of renewal or refusal to renew the teacher's contract for the following school year. This statutory renewal provision may be modified, waived, or replaced by a collective bargaining agreement.

This bill provides that the term of each teacher's employment contract is limited to one year, until the teacher has been continuously employed for five years, at which point the term of the contract becomes two years. The bill also provides that the reasons for renewal or nonrenewal are a prohibited subject of collective bargaining.

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

Insert ANAL-2

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

5 SECTION ~~11~~ 111.70 (4) (m) 5. of the statutes is created to read:

## BILL

1 111.70 (4) (m) 5. Any reason for renewal or nonrenewal of a contract under s.  
2 118.22.

3 SECTION 2. 118.22 (1m) of the statutes is created to read:

4 118.22 (1m) (a) Except as provided under par. (b), the term of each teacher's  
5 contract entered into by a board shall be one year.

6 (b) After a teacher's continuous employment by a board for 5 years, the term  
7 of the teacher's contract shall be 2 years. The term of a contract of a teacher who has  
8 been continuously employed by a board for 5 years as of the effective date of this  
9 paragraph .... [revisor inserts date], shall be 2 years.

10 SECTION 3. 118.22 (2) of the statutes is amended to read:

11 118.22 (2) On or before March 15 of the school last year during which of a  
12 teacher holds a teacher's contract, the board by which the teacher is employed or an  
13 employee at the direction of the board shall give the teacher written notice of renewal  
14 or refusal to renew the teacher's contract ~~for the ensuing school year~~. If no such  
15 notice is given on or before March 15, the contract then in force shall continue for the  
16 ensuing school year, or for the ensuing 2 school years if the teacher has been  
17 employed continuously for 5 years. A teacher who receives a notice of renewal of  
18 contract ~~for the ensuing school year~~, or a teacher who does not receive a notice of  
19 renewal or refusal to renew the teacher's contract ~~for the ensuing school year~~ on or  
20 before March 15 of the last year of the contract, shall accept or reject in writing such  
21 contract not later than the following April 15. No teacher may be employed or  
22 dismissed except by a majority vote of the full membership of the board. Nothing in  
23 this section prevents the modification or termination of a contract by mutual  
24 agreement of the teacher and the board. No such board may enter into a contract of

End Insert 1-3A



**BILL**

1 employment with a teacher for any period of time as to which the teacher is then  
2 under a contract of employment with another board.

3 **SECTION 4.** 118.22 (3) of the statutes is amended to read:

4 118.22 (3) At least 15 days prior to giving written notice of refusal to renew a  
5 teacher's contract ~~for the ensuing school year~~, the employing board shall inform the  
6 teacher by preliminary notice in writing that the board is considering nonrenewal  
7 of the teacher's contract and that, if the teacher files a request therefor with the  
8 board within 5 days after receiving the preliminary notice, the teacher has the right  
9 to a private conference with the board ~~prior to~~ before being given written notice of  
10 refusal to renew the teacher's contract.

Begin  
Insert  
3-6A

11 **SECTION 5.** 118.22 (4) of the statutes is amended to read:

12 118.22 (4) ~~A~~ Except as provided in s. 111.70 (4) (m) 5., a collective bargaining  
13 agreement may modify, waive or replace any of the provisions of this section as they  
14 apply to teachers in the collective bargaining unit, but neither the employer nor the  
15 bargaining agent for the employees is required to bargain such modification, waiver  
16 or replacement.

End  
Insert 3-6A

Begin  
Insert  
3-6C

17 **SECTION 6. Initial applicability.**

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

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

(END) or after

STET

STET