



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-3864/P1
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NOW

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grand election of members of the board of school directors

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

the governance of a first class city school district; the election of members of the board of school directors; school medical services; payment for

reger

1 AN ACT to renumber 119.23 (11); to amend 49.45 (39) (b) 1.; to repeal and
2 recreate 119.32 (1); and to create 20.255 (3) (cm), 49.45 (39) (b) 3., 77.70 (5),
3 119.11, 119.16 (1c), 119.16 (3m), 119.16 (7), 119.16 (9), 119.16 (11), 119.16 (12),
4 119.16 (13), 119.16 (14), 119.16 (15), 119.16 (16), 119.185, 119.23 (11) (b), 119.31,
5 119.315, 119.32 (8), 119.43, 119.475, 119.76 and 119.77 of the statutes; relating
6 to: ~~Milwaukee Public Schools changes~~ and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health Services (DHS) administers the Medical Assistance (MA) program to provide health care services to MA recipients, who are, generally, low-income, elderly, or disabled persons and who meet other specific eligibility requirements. The federal government reimburses DHS a portion of the cost of services provided under MA. If a school district, cooperative educational service agency (CESA), or the Department of Public Instruction (DPI), on behalf of the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, provides and pays for school medical services, and DHS receives federal MA reimbursement for the services, DHS reimburses the school district, CESA, or DPI 60 percent of the federal reimbursement.

This bill provides that if DHS receives more federal reimbursement under MA for school medical services provided in a biennium than it received for services

A

(i) school medical services

A complete

provided in the previous biennium, DHS must distribute all of the difference to school districts and CESAs that provided school medical services that were reimbursed under MA.

This is a preliminary draft. An analysis will be provided in a later version.

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:

2-1 →

1 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

	2009-10	2010-11
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4 **20.255 Public instruction, department of**

5 (3) AIDS TO LIBRARIES, INDIVIDUALS AND
6 ORGANIZATIONS

(cm) Transition campus partnership	GPR	A	-0-	-0-
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8 **SECTION 2.** 20.255 (3) (cm) of the statutes is created to read:

9 20.255 (3) (cm) *Transition campus partnership.* The amounts in the schedule
10 for a grant to a local civic organization or nonprofit corporation that has partnered
11 with a transition campus under s. 119.16 (16) to provide comprehensive services to
12 pupils attending the transition campus.

13 **SECTION 3.** 49.45 (39) (b) 1. of the statutes is amended to read:

14 49.45 (39) (b) 1. 'Payment for school medical services.' If a school district or a
15 cooperative educational service agency elects to provide school medical services and
16 meets all requirements under par. (c), the department shall reimburse the school
17 district or the cooperative educational service agency for ~~60%~~ 60 percent of the
18 federal share of allowable charges for the school medical services that it provides,

1 plus any applicable amount under subd. 3., and, as specified in subd. 2., for allowable
2 administrative costs. If the Wisconsin Center for the Blind and Visually Impaired
3 or the Wisconsin Educational Services Program for the Deaf and Hard of Hearing
4 elects to provide school medical services and meets all requirements under par. (c),
5 the department shall reimburse the department of public instruction for ~~60%~~ 60
6 percent of the federal share of allowable charges for the school medical services that
7 the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin
8 Educational Services Program for the Deaf and Hard of Hearing provides and, as
9 specified in subd. 2., for allowable administrative costs. A school district, cooperative
10 educational service agency, the Wisconsin Center for the Blind and Visually
11 Impaired or the Wisconsin Educational Services Program for the Deaf and Hard of
12 Hearing may submit, and the department shall allow, claims for common carrier
13 transportation costs as a school medical service unless the department receives
14 notice from the federal health care financing administration that, under a change in
15 federal policy, the claims are not allowed. If the department receives the notice, a
16 school district, cooperative educational service agency, the Wisconsin Center for the
17 Blind and Visually Impaired, or the Wisconsin Educational Services Program for the
18 Deaf and Hard of Hearing may submit, and the department shall allow,
19 unreimbursed claims for common carrier transportation costs incurred before the
20 date of the change in federal policy. The department shall promulgate rules
21 establishing a methodology for making reimbursements under this paragraph. All
22 other expenses for the school medical services provided by a school district or a
23 cooperative educational service agency shall be paid for by the school district or the
24 cooperative educational service agency with funds received from state or local taxes.
25 The school district, the Wisconsin Center for the Blind and Visually Impaired, the

1 Wisconsin Educational Services Program for the Deaf and Hard of Hearing, or the
2 cooperative educational service agency shall comply with all requirements of the
3 federal department of health and human services for receiving federal financial
4 participation.

5 **SECTION 4.** 49.45 (39) (b) 3. of the statutes is created to read:

6 49.45 (39) (b) 3. 'Additional payments.' If the federal share of allowable charges
7 for school medical services provided in a biennium exceeds the federal share of
8 allowable charges for school medical services provided in the previous biennium, the
9 department shall reimburse school districts and cooperative educational service
10 agencies all of the difference. The department shall allocate any reimbursement
11 under this subdivision among school districts and cooperative educational service
12 agencies in proportion to the total reimbursement that each school district and
13 cooperative educational service agency received under subd. 1. in the previous
14 biennium.

15 **SECTION 5.** 77.70 (5) of the statutes is created to read:

16 77.70 (5) If the sales and use tax rate imposed in the city of Milwaukee is
17 increased for transit purposes, the fare for public transit for a pupil who attends
18 public school in the city shall be at least one-third less than the regular adult fare.

19 **SECTION 6.** 119.11 of the statutes is created to read:

20 **119.11 Partnership for success committee.** (1) There is established a
21 partnership for success committee. The committee shall consist of the mayor, the
22 members of the common council, the members of the board, and the superintendent
23 of schools. The mayor and the president of the board shall serve as cochairpersons
24 of the committee. The committee shall meet quarterly and may meet at other times
25 on the call of the cochairpersons.

1 **(2)** The committee shall foster collaboration between the school district and the
2 city. The committee shall seek grants for education purposes.

3 **(3)** The common council and the board shall each pay one-half of the
4 committee's costs.

5 **SECTION 7.** 119.16 (1c) of the statutes is created to read:

6 **119.16 (1c) STANDARDS FOR LITERACY AND MATHEMATICS CURRICULA.** The board
7 shall evaluate literacy and mathematics curricula employed in schools in the school
8 district, and shall establish minimum standards for literacy and mathematics
9 curricula.

 ****NOTE: Do you want the board to undertake any regular or periodic review of
 these curricula?

10 **SECTION 8.** 119.16 (3m) of the statutes is created to read:

11 **119.16 (3m) MASTER FACILITIES PLAN.** (a) No later than December 1, 2010, the
12 board shall evaluate all school buildings in the school district operating under this
13 chapter according to the criteria established under par. (b), and shall develop a
14 master plan governing the use, repair, renovation, and demolition of buildings in the
15 school district. The master plan shall include procedures for notifying the
16 partnership for success committee, created under s. 119.11, in the event that the
17 board determines that one or more school buildings will be closed or demolished and
18 the pupils in those buildings reassigned to other buildings in the school district.

19 (b) The board shall establish criteria to evaluate the safety, structural integrity,
20 utility, and costs of maintenance and repair of school buildings in the school district.
21 Subject to the requirements under sub. (10), the criteria shall include consideration
22 of the advantages and disadvantages of repairing versus demolishing older buildings
23 having high maintenance or operating costs.

****NOTE: Do you want the board to work with any city or state agencies with expertise in engineering, construction, building maintenance, etc., to develop these criteria?

1 **SECTION 9.** 119.16 (7) of the statutes is created to read:

2 119.16 (7) PARENT INVOLVEMENT COMMITTEE. The board shall establish a parent
3 involvement committee to handle parent issues and complaints and to foster
4 parental involvement in the schools.

5 **SECTION 10.** 119.16 (9) of the statutes is created to read:

6 119.16 (9) FINANCIAL REPORTING; BUDGETING; ACCOUNTABILITY. (a) The board
7 shall submit quarterly financial reports to all of the following:

- 8 1. The state superintendent.
- 9 2. The mayor.
- 10 3. The city comptroller.
- 11 4. The personnel and finance committee of the common council.
- 12 5. The joint committee on finance.

****NOTE: It is our understanding that these financial reports would be public records subject to review without an explicit direction that they be made available for review upon request by any person. Is that incorrect?

13 (b) The board shall annually prepare a budget for each school in the school
14 district operating under this chapter. The board shall require each school to submit
15 annual financial reports to the board.

****NOTE: The written instructions on page 5, item VI 2. directed me to "centralize individual school budgets." As drafted, the board will now prepare the budgets for all schools in the district. Your instructions also ask that individual school budgets be "submitted to the district." What does that mean?

16 (c) The board shall maintain a chief accountability office to ensure financial
17 accountability.

18 **SECTION 11.** 119.16 (11) of the statutes is created to read:

1 119.16 (11) BOARD TRAINING. Each member of the board shall annually receive
2 professional training from a nationally recognized association of school boards.

****NOTE: Do you want to specify how many hours or what type of training? May
or must the board members travel or receive training via the web?

3 SECTION 12. 119.16 (12) of the statutes is created to read:

4 119.16 (12) PROFESSIONAL DEVELOPMENT AND TRAINING. (a) The board shall
5 establish a professional development and training program for principals employed
6 by the board and may require a principal employed by the board to attend the
7 program.

8 (b) The board shall require all staff and administrators employed by the board
9 to complete multicultural training.

****NOTE: What do you mean by "staff"? Is this support staff only? Only persons
who are licensed? Or all employees of the district? Must the training take place annually?
Will the board be required to develop the program? Do you want to specify what
"multicultural training" means?

>

****NOTE: ^{maybe} Is this a condition of employment subject to a collective bargaining
agreement?

10 SECTION 13. 119.16 (13) of the statutes is created to read:

11 119.16 (13) PUBLIC TRANSPORTATION FOR MIDDLE SCHOOL PUPILS. The board shall
12 ^{ensure that} ~~provide~~ pupils enrolled in the school district operating under this chapter in the
13 ^{are able} middle school grades to be transported to and from school by a mass transit system,
14 ^{at a reduced fare} as defined in s. 85.20 (1) (e).

****NOTE: ~~Does MPS currently prohibit middle school pupils from riding a mass
transit system?~~ Does this provision sufficiently address the problem raised on page 7
item IX 2. of the drafting instructions?

15 SECTION 14. 119.16 (14) of the statutes is created to read:

16 119.16 (14) ALLOCATION OF BONDING AUTHORITY UNDER AMERICAN RECOVERY AND
17 REINVESTMENT ACT OF 2009. The board shall send a communication to the common
18 council of the city regarding any unsecured bonding authority allocated to the board
19 under ~~sec. 2, division B, Title I, Subtitle F, Part III of P.L. 111-5,~~ stating the amount

section

① of unsecured bonding authority allocated to the board under ~~sec.~~ ^{section} 2, division B, Title
 ② I, ~~Subtitle F, Part III~~ of P.L. 111-5, and directing that the unsecured bonding
 3 authority be assigned to the department for reallocation as provided under this
 4 subsection. The department shall reallocate the bonding authority under this
 5 subsection to school districts that meet the following criteria and shall collaborate
 6 with the board regarding the reallocation of that bonding authority:

****NOTE: Must the communication required under this section occur by any particular date? That is, does the bonding authority expire?

7 (a) At least 50 percent of the school district's membership in the previous school
 8 year was eligible for a free or reduced-price lunch under 42 USC 1758 (b). In this
 9 paragraph, "membership" has the meaning given in s. 121.004 (5).

10 (b) 1. The school board has identified school buildings requiring significant
 11 maintenance or improvements.

12 2. The school board proposes cost-effective and technically feasible energy
 13 efficiency or green building improvements to the buildings identified in subd. 1.

X ****NOTE: ^{and} Who determines whether the proposed improvements are
 "cost-effective", "technically feasible", "energy efficient", and "green"? _{or}

14 **SECTION 15.** 119.16 (15) of the statutes is created to read:

15 119.16 (15) PARENT SURVEY. Annually, the board shall conduct a survey of
 16 parents of pupils enrolled in the school district operating under this chapter and use
 17 the results of the survey to develop or modify parent involvement and school
 18 improvement plans. The board shall provide the results of the survey to the
 19 partnership for success committee under s. 119.11 and the parent involvement
 20 committee under sub. (7).

21 **SECTION 16.** 119.16 (16) of the statutes is created to read:

1 119.16 (16) TRANSITION CAMPUSES. (a) Beginning in the 2011-12 school year,
2 the board shall designate at least 2 schools as transition campuses and provide for
3 the assignment of disruptive pupils to a transition campus. The transition campuses
4 shall provide the pupils with additional services and academic assistance in order
5 to address their problems and facilitate their return to their previous schools. The
6 board shall seek to establish partnerships between the transition campuses and local
7 civic organizations or nonprofit corporations in order to provide comprehensive
8 services to pupils attending a transition campus for the purpose of improving their
9 stability, education, health, and economic opportunities.

 ****NOTE: Do you want to specify the grades or ages of pupils who may be assigned
 to a transition campus?

10 **SECTION 17.** 119.185 of the statutes is created to read:

11 **119.185 School governance councils. (1)** In this section, "parent" has the
12 meaning given in s. 115.76 (12) (a).

 ****NOTE: Proposed s. 119.185 is modelled on but differs from MPS Administrative
 Policy 9.11. Please review the section carefully to ensure that it accomplishes your intent.

13 **(2)** The board shall ensure that each school in the school district operating
14 under this chapter establishes a school governance council to provide a forum in
15 which pupils enrolled in the school, the parents of pupils enrolled in the school,
16 teachers and administrators at the school, and members of the community may work
17 together to analyze and make recommendations for the improvement of school
18 policies, curricula, and educational plans at the school and the well-being of pupils
19 enrolled in the school.

20 **(3) (a)** Members of a school governance council shall be elected in the manner
21 provided under sub. (5) (a). Except as provided in par. (b), the number of members

1 of a school governance council shall be determined by multiplying 0.01 by the number
2 of pupils enrolled in the school. Each council shall consist of the following members:

3 1. Parents of pupils enrolled in the school, except that no parent elected to the
4 council under this subdivision may be a paid employee of the school. At least 51
5 percent of the members of a school governance council shall be elected under this
6 subdivision.

7 2. The principal of the school or his or her designee.

8 3. If the school has pupils enrolled in the middle school, junior high school, or
9 high school grades, one pupil who is enrolled in the school in grade 6 or higher.

10 4. At least one person who is employed at the school as a teacher or support
11 staff.

12 5. At least one person who is a resident of the city and who does not qualify for
13 membership on the council under subsds. 1. to 4.

14 (b) 1. Subject to the requirement under par. (a) 1., if the number of members
15 determined under par. (a) is an even number, the membership of the council shall be
16 increased by one member in any one category.

****NOTE: Who determines which membership category gets an additional
representative under this subdivision?

17 2. No school governance council may have fewer than 9 members.

18 3. A school governance council may vote to increase the number of members on
19 the council, but the number of members on the council shall always be an odd
20 number.

21 (4) A school governance council may, on its own initiative or upon the written
22 petition of a majority of the teachers of the school for which the council is established,

1 direct the principal of the school to attend a professional development and training
2 program established under s. 119.16 (12).

3 (5) The board shall establish policies and procedures governing all of the
4 following:

5 (a) The nomination and election of initial members to a school governance
6 council and for the transfer of the nomination and election process to the council
7 following the first election.

8 (b) The manner of filling vacancies in the membership of the council that occur
9 prior to the expiration of a term. The board shall permit the partnership for success
10 committee, created under s. 119.11, to nominate individuals to fill vacancies on the
11 council. An individual nominated by the partnership for success committee may fill
12 a vacancy only upon the approval of a majority of the members serving on the council.

13 (c) The terms of office of council members.

14 (d) The selection of officers.

15 (e) The location and frequency of meetings.

16 (f) The powers, duties, and responsibilities of councils and the powers and
17 duties of individual council members.

18 (g) The reimbursement of expenses incurred by council members in connection
19 with their powers and duties.

20 **SECTION 18.** 119.23 (11) of the statutes is renumbered 119.23 (11) (a).

21 **SECTION 19.** 119.23 (11) (b) of the statutes is created to read:

22 119.23 (11) (b) 1. The department and the board shall jointly develop a survey
23 to be taken by a parent who moves his or her child from a private school participating
24 in the program under this section to a public school in the city or from a public school
25 in the city to a private school participating in the program under this section. The

1 survey shall include questions related to the decision of the parent to enroll the child
2 in the private or public school and move the child from one educational setting to the
3 other and shall be taken during the enrollment process.

4 2. a. Beginning in the 2010-11 school year, the board shall annually administer
5 the survey developed under subd. 1. to the parent of a pupil who was enrolled in the
6 program under this section after the effective date of this subd. 2. a. [LRB inserts
7 date], if the parent withdraws the pupil from the program under this section and
8 enrolls the pupil instead in a public school in the city.

9 b. Beginning in the 2010-11 school year, each private school participating in
10 the program under this section shall annually administer the survey developed
11 under subd. 1. to the parent of a pupil who was enrolled in a public school in the city
12 after the effective date of this subd. 2. b. [LRB inserts date], if the parent
13 withdraws the pupil from a public school in the city and enrolls the pupil instead in
14 the private school.

15 3. Annually, by July 1, the board shall submit to the department, the
16 cochairpersons of the joint committee on finance, and the appropriate standing
17 committees of the legislature under s. 13.172 (3) the results of the surveys
18 administered under subd. 2., and shall, subject to s. 118.125, upon request by any
19 person, make information obtained from the surveys available for review.

****NOTE: By permitting the surveys to be public records, some
personally-identifiable information could become available. Okay?

20 **SECTION 20.** 119.31 of the statutes is created to read:

21 **119.31 Achievement guarantee contracts for 9th grade pupils.** (1) If the
22 board determines that state or federal aid is available, any school in the city that

1 enrolls 9th grade pupils is eligible to participate in the program under this section.

2 The board shall give priority for funding to schools with the lowest graduation rates.

3 (2) An achievement guarantee contract shall require the board to do all of the
4 following in each participating school:

5 (a) Reduce each 9th grade class size to 15. In this paragraph, "class" refers to
6 a core curriculum course, as determined by the board.

7 (b) Keep the school open every day from early in the morning until late in the
8 day, as specified in the contract.

9 (c) Collaborate with community organizations to make educational and
10 recreational opportunities, as well as a variety of community and social services,
11 available in the school to all residents in the school's attendance area.

12 (d) 1. Provide a rigorous academic curriculum designed to improve pupil
13 academic achievement.

14 2. In consultation with the department and with the participation of the
15 school's teachers and administrators and residents in the school's attendance area,
16 review the school's current 9th grade curriculum to determine how well it promotes
17 9th grade pupil academic achievement.

18 3. If necessary, outline any changes to the curriculum to improve 9th grade
19 pupil academic achievement.

20 (e) 1. Develop a one-year program for all newly hired employees that helps
21 them make the transition from their previous employment or school to their current
22 employment.

23 2. Provide time for employees to collaborate and plan.

24 3. Require that each teacher and administrator submit to the board a
25 professional development plan that focuses on how the individual will help improve

1 9th grade pupil academic achievement. The plan shall include a method by which
2 the individual will receive evaluations on the success of his or her efforts from a
3 variety of sources.

4 4. Regularly review staff development plans to determine if they are effective
5 in helping to improve 9th grade pupil academic achievement.

6 5. Establish an evaluation process for professional staff members that does all
7 of the following:

8 a. Identifies individual strengths and weaknesses.

9 b. Clearly describes areas in need of improvement.

10 c. Includes a support plan that provides opportunities to learn and improve.

11 d. Systematically documents performance in accordance with the support plan.

12 e. Allows professional staff members to comment on and contribute to revisions
13 in the evaluation process.

14 f. Provides for the dismissal of professional staff members whose failure to
15 learn and improve has been documented over a 2-year period.

16 **(3)** Each achievement guarantee contract shall include all of the following:

17 (a) A description of how the school will implement each of the elements under
18 sub. (2), including any alternative class configurations for specific educational
19 activities that may be used to meet the class size requirement under sub. (2) (a).

20 (b) A description of the method that the board will use to evaluate the academic
21 achievement of the 9th grade pupils enrolled in the school.

22 (c) A description of the school's performance objectives for the academic
23 achievement of the 9th grade pupils enrolled in the school and the means that will
24 be used to evaluate success in attaining the objectives. Performance objectives shall
25 include all of the following:

- 1 1. The attainment of any educational goals adopted by the board.
- 2 2. Professional development with the objective of improving pupil academic
- 3 achievement.
- 4 3. Methods by which the school involves pupils, parents or guardians of pupils,
- 5 and other residents of the school attendance area in decisions affecting the school.
- 6 (d) A description of any statute or rule that is waived under s. 118.38 if the
- 7 waiver is related to the contract.
- 8 (e) A description of the means by which the department will monitor
- 9 compliance with the terms of the contract.

10 **SECTION 21.** 119.315 of the statutes is created to read:

11 **119.315 Science, technology, engineering, and mathematics pilot**
12 **programs for pupils in grades ~~Kindergarten~~ to 5.** If the board determines that
13 state or federal aid is available, any school in the city that enrolls pupils in grades
14 kindergarten to 5 is eligible to apply to the board for funding to participate in a pilot
15 program designed to develop innovative instructional programs in science,
16 technology, engineering, and mathematics; support pupils who are typically
17 under-represented in these subjects; and increase the academic achievement of
18 pupils in those subjects.

19 **SECTION 22.** 119.32 (1) of the statutes is repealed and recreated to read:

20 119.32 (1) (a) There is established a superintendent search advisory committee
21 consisting of the mayor or his or her designee; the president of the common council
22 or his or her designee; a representative of businesses located in the city, appointed
23 by the mayor; and a teacher who is employed by the board, appointed by the head of
24 the labor organization that represents public school teachers in a school district
25 operating under this chapter. All committee members shall be residents of the city.

1 (b) The board shall conduct a search for a superintendent of schools whenever
2 that office becomes vacant. The board shall keep the committee under par. (a) fully
3 informed about all applicants for the office.

4 (c) 1. The committee under par. (a) shall recommend to the mayor, from the pool
5 of applicants, its choice for superintendent of schools.

6 2. From the pool of applicants, the board shall select 3 to recommend to the
7 mayor. The mayor may interview the 3 candidates.

8 3. The mayor shall choose a candidate from the 3 recommended by the board
9 under subd. 2. to recommend to the board.

10 (d) The board shall by roll call vote select a superintendent of schools from the
11 3 candidates recommended by the board under par. (c) 2. and notify the mayor of its
12 selection. The mayor may veto the board's selection. If he or she does so, the board
13 may override the veto by a two-thirds vote of the membership.

14 (e) If the board fails to override the mayor's veto, the board shall by roll call vote
15 select another candidate from those recommended under par. (c) 2. and notify the
16 mayor under par. (d), or begin another search under par. (b).

17 **SECTION 23.** 119.32 (8) of the statutes is created to read:

18 119.32 (8) The superintendent of schools may require a principal employed by
19 the board to attend the professional development and training program established
20 under s. 119.16 (12).

21 **SECTION 24.** 119.43 of the statutes is created to read:

22 **119.43 Principal tenure; performance reviews.** (1) (a) Except as provided
23 in sub. (2), a principal of a school in a city of the 1st class shall be initially employed
24 under a 3-year contract with the board and on probation. The superintendent of
25 schools may recommend that the board renew the contract of a principal after the

1 successful completion of a continuous 3-year contract term. After the successful
 2 completion of a 2nd continuous 3-year contract term with the board, the
 3 superintendent of schools may recommend that the board make the employment of
 4 the principal permanent. The board may accept or reject the recommendation of the
 5 superintendent of schools. A principal for whom permanent employment is rejected
 6 may appeal the rejection to the department.

****NOTE: This paragraph requires the principal to complete a continuous 3-year contract term. Was that your intent? If so, what happens to a principal who serves for, say, two years under a contract, takes a break, and then comes back? Does that principal start over at the beginning of the two three-year terms tenure clock under this paragraph, or may the principal resume the tenure clock as if there were no interruption?

****NOTE: How do you want to treat principals who are currently employed by the board but who do not have tenure under their existing contracts? Must they start their tenure clock from the beginning, with two three-year contracts, as provided in this paragraph (a)?

****NOTE: This paragraph permits a principal to appeal rejection of permanent employment to DPI. Okay?
is rejected to appeal the rejection for whom

*

7 (b) No principal who has become permanently employed under this section may
 8 be refused employment, dismissed, removed, or discharged, except for inefficiency
 9 or immorality, for willful and persistent violation of reasonable regulations of the
 10 board, or for other good cause, upon written charges based on fact proffered by the
 11 board or other proper officer of the board or school in which the principal is employed.
 12 Upon the principal's written request and no fewer than 10 nor more than 30 days
 13 after receipt of notice by the principal, the charges shall be heard and determined by
 14 the board. Hearings shall be public when requested by the principal and all
 15 proceedings at the hearing shall be taken by a court reporter. All parties shall be
 16 entitled to be represented by counsel at the hearing. The action of the board is final.

17 (2) A principal whose employment is permanent under an agreement entered
 18 into before the effective date of this subsection [LRB inserts date], between the
 19 board and an organization that is not a labor organization, as defined in s. 111.70 (1)

1 (h), shall retain all of the rights and privileges of permanent employment obtained
2 under that agreement.

3 (3) A principal who is under a 3-year contract with the board is subject to
4 annual performance reviews.

5 **SECTION 25.** 119.475 of the statutes is created to read:

6 **119.475 Veto of operating budget.** (1) Immediately upon receipt of the
7 school budget under s. 119.16 (8) (b), the common council shall transmit it to the
8 mayor.

9 (2) Notwithstanding ss. 119.46 (1) and 119.47 (1), if the aggregate amount of
10 money required by the board under those sections is at least 8 percent higher than
11 the aggregate amount in the previous year, the mayor may veto the board's budget
12 for school operations in whole or in part. In vetoing the budget in part, the mayor
13 may not create a new word by rejecting individual letters in the words of the budget,
14 and may not create a new sentence by combining parts of 2 or more sentences of the
15 budget.

16 (3) The mayor shall transmit the part approved to the common council for
17 implementation and return the part vetoed to the board with his or her objections in
18 writing. If two-thirds of the board's members agree to adopt the part vetoed
19 notwithstanding the mayor's objection, the board shall transmit the part to the
20 common council for implementation.

21 **SECTION 26.** 119.76 of the statutes is created to read:

22 **119.76 Pupil ACT testing.** (1) Subject to sub. (2), the board shall provide each
23 pupil enrolled in the 11th grade in the school district operating under this chapter
24 with the opportunity to take the ACT test.

1 (2) The board shall comply with all standards for administering the ACT test
2 established by ACT, Inc., including providing reasonable accommodations for a pupil
3 who is a child with a disability, as defined in s. 115.76 (5), if the pupil complies with
4 the process for requesting accommodations and submits sufficient documentation of
5 his or her disability.

6 SECTION 27. 119.77 of the statutes is created to read:

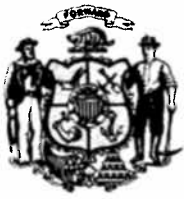
7 **119.77 Promise neighborhoods.** (1) The board shall work with the common
8 council, community agencies, public agencies, and nonprofit charitable
9 organizations to plan for the establishment of promise neighborhoods in the city in
10 which the following services would be integrated and provided to residents of the
11 neighborhoods:

****NOTE: Is it your intent that the following services would be provided to residents
of the neighborhood at no charge?

- 12 (a) Counseling and training for new parents.
- 13 (b) Early childhood education.
- 14 (c) High-quality child care.
- 15 (d) After-school programming involving children and parents.
- 16 (e) Crime-prevention support programs.
- 17 (f) Youth job training and internship opportunities.
- 18 (g) Local community health centers.
- 19 (h) (g) Financial counseling.
- 20 (i) Increased broadband internet access for low-income community members
21 who lack such access.

19-21 →

22 SECTION 28. Nonstatutory provisions.



2009 BILL

①
Election of members of the board of school directors

1 ~~AN ACT to repeal 5.58 (1g) (b), 8.11 (2m) (title), 119.06 (3) (intro.) and (a) and~~
 2 ~~119.07; to renumber 5.60 (4) (b); to renumber and amend 8.11 (2m) and~~
 3 ~~119.06 (3) (b); to amend 5.58 (1g) (c), 5.58 (2), 5.58 (3), 8.10 (3) (i), 8.15 (5) (a),~~
 4 ~~17.26 (2), 119.06 (2), 119.06 (4) (b), 119.06 (4) (c) and (d), 119.06 (5) and (6),~~
 5 ~~119.08 (1) (a) and (b), 119.08 (2) and (3), 119.08 (4), 119.10 (1), 119.10 (2) and~~
 6 ~~121.02 (3); and to create 5.62 (4m), 5.64 (4) (title), 8.15 (6) (f) and 119.07 of the~~
 7 ~~statutes; relating to: the method of election of members and the method of~~
 8 ~~filling vacancies in the membership of the board of school directors in 1st class~~
 9 ~~city school systems.~~

Analysis by the Legislative Reference Bureau

Currently, the board of school directors in first class cities (of which Milwaukee is the only one) consists of eight members elected from election districts that must be approximately equal in population, and one member elected from the city at large. Members are elected on a nonpartisan ballot at the spring election. Board members serve for four-year terms. The terms of office of five members of the board expire on the fourth Monday in April, 2011, and the terms of office of four members of the board expire on the fourth Monday in April, 2013.

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This bill provides instead for the board of school directors to be elected on a nonpartisan ballot at the general (November) election. Under the bill, all members are elected from election districts that must be substantially equal in population.

To effect the change, the bill provides for the terms of the four members whose terms expire in April 2013, to expire in November 2012, and the terms of the five members who are elected to replace the five members whose terms expire in April 2011, to expire in November 2014. The bill provides for four new members to be elected for four-year terms at the general election in November 2012, and five new members to be elected for four-year terms at the general election in November 2014. The bill provides for initial election districts to be drawn by the board of school directors in accordance with the 2010 federal decennial census.

Currently, a vacancy in the membership of the board of school directors in a first class city is filled by special election for the unexpired term. Under this bill, a vacancy may be filled by temporary appointment of the mayor until a special election can be held to fill the vacancy on a permanent basis. The bill provides, however, that the mayor must submit any temporary appointment to the board of school directors, which may reject the appointment with a vote of at least two-thirds of the current membership.

Currently, the board of school directors elects officers at its annual organizational meeting, which is held between the fourth 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 third Monday in December, and provides for the officers elected at an organizational meeting to be held in the spring of 2011 to serve until an organizational meeting is held in the fall of 2012.

For further information see the *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.** 5.58 (1g) (b) of the statutes is repealed.

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

3 5.58 (1g) (c) The arrangement of candidates for school board seats shall be
4 determined by the school district clerk ~~or the executive director of the city board of~~
5 ~~election commissioners~~ by the drawing of lots not later than the 2nd Tuesday in
6 January, or the next day if the first Tuesday is a holiday. The method of determining
7 arrangement shall be the same as provided in s. 5.60 (1) (b). Sufficient space shall
8 be provided on the ballot for write-in candidates.

(A)

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BILL

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

2 **5.58 (2)** STATE SUPERINTENDENT OF PUBLIC INSTRUCTION; JUDICIARY; COUNTY
3 EXECUTIVE; AND COUNTY SUPERVISORS. There shall be one separate ballot for state
4 superintendent, judicial officers, county executive under s. 59.17 and county
5 supervisor, except as authorized in s. 5.655. In counties having a population of
6 500,000 or more, the ballot also shall include those offices under s. 8.11 (2) ~~and (2m)~~.
7 The arrangement of names of candidates for state superintendent, justice, court of
8 appeals judge and circuit court judge shall be determined by the board in the manner
9 specified in s. 5.60 (1) (b). Arrangement of the names of candidates for county
10 executive and county supervisor shall be determined by the county clerk or by the
11 executive director of the county board of election commissioners in the manner
12 specified in s. 5.60 (1) (b).

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

14 **5.58 (3)** NAMES ON SPRING BALLOT. Only 2 candidates for state superintendent,
15 for any judicial office, for any elected seat on a metropolitan sewerage commission
16 or town sanitary district commission, in counties having a population of 500,000 or
17 more only 2 candidates for member of the board of supervisors within each district,
18 in counties having a population of less than 500,000 only 2 candidates for each
19 member of the county board of supervisors from each district or numbered seat or
20 only 4 candidates for each 2 members of the county board of supervisors from each
21 district whenever 2 supervisors are elected to unnumbered seats from the same
22 district, ~~in 1st class cities only 2 candidates for any at-large seat and only 2~~
23 ~~candidates from any election district to be elected to the board of school directors, in~~
24 school districts electing school board members to numbered seats, or pursuant to an
25 apportionment plan or district representation plan, only 2 school board candidates



BILL**SECTION 4**

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

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

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

7 5.62 (4m) (a) In 1st class cities, there shall be a separate ballot for school
8 district officers when so required, giving the names of the candidates for any seat to
9 be filled on the board of school directors.

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

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

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

20 5.64 (4) (title) FIRST CLASS CITY SCHOOL BOARD.

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

22 8.10 (3) (i) For city offices in 1st class cities, not less than 1,500 nor more than
23 3,000 electors for city-wide offices, not less than 200 nor more than 400 electors for
24 alderpersons elected from aldermanic districts and not less than 400 nor more than



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1 ~~800 electors for members of the board of school directors elected from election~~
2 ~~districts.~~

3 **SECTION 9.** 8.11 (2m) (title) of the statutes is repealed.

4 **SECTION 10.** 8.11 (2m) of the statutes is renumbered 8.15 (9) and amended to
5 read:

6 8.15 (9) A primary shall be held in 1st class cities concurrently with the
7 September primary whenever there are more than 2 candidates for member of the
8 board of school directors ~~at-large or~~ from any election district in any year.

9 **SECTION 11.** 8.15 (5) (a) of the statutes is amended to read:

10 8.15 (5) (a) ~~Each~~ Except as provided in ss. 119.06 (4) (c) and 119.08 (2), each
11 nomination paper shall have substantially the following words printed at the top:

2-1
12 I, the undersigned, request that the name of (insert candidate's last name plus
13 first name, nickname or initial, and middle name, former legal surname, nickname
14 or middle initial or initials if desired, but no other abbreviations or titles) residing
15 at (insert candidate's street address) be placed on the ballot at the (general or special)
16 election to be held on (date of election) as a candidate representing the (name of
17 party) so that voters will have the opportunity to vote for (him or her) for the office
18 of (name of office). I am eligible to vote in (name of jurisdiction or district in which
19 candidate seeks office). I have not signed the nomination paper of any other
20 candidate for the same office at this election.

21 **SECTION 12.** 8.15 (6) (f) of the statutes is created to read:

22 8.15 (6) (f) In 1st class cities, not less than 400 nor more than 800 electors for
23 member of the board of school directors elected from an election district.

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

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1 17.26 (2) In a 1st class city school district, by temporary appointment of the
2 mayor which shall continue until the vacancy is filled by special election as provided
3 under s. 119.08 (4).

4 **SECTION 14.** 119.06 (2) of the statutes is amended to read:

4-18

5 119.06 (2) Within 120 days after the date on which a city becomes a 1st class
6 city, the mayor, the city treasurer, the city comptroller, the city attorney and the
7 president of the common council of that city, acting as a commission for the city, shall
8 meet and appoint a board of ~~one at-large member and 8~~ 9 members ~~from, one of each~~
9 of whom shall represent 9 election districts numbered and designated by the common
10 council. The election districts shall be substantially equal in population and the
11 boundaries of the election districts shall be drawn so as to reflect a balanced
12 representation of citizens of all areas within the city. The person appointed to
13 represent an election district shall reside within the boundaries of ~~the~~ that election
14 district as determined by the common council under this subsection.

15 **SECTION 15.** 119.06 (3) (intro.) and (a) of the statutes are repealed.

16 **SECTION 16.** 119.06 (3) (b) of the statutes is renumbered 119.06 (3) and
17 amended to read:

18 119.06 (3) ~~Four of the combined aldermanic district~~ Except as provided in sub.
19 (4), the members first appointed to the board by the commission shall serve for -a
20 ~~term~~ terms beginning on the 4th Monday ~~of the month~~ next following their
21 appointment ~~and.~~ The 5 members representing the odd-numbered election districts
22 shall be appointed for terms expiring on the 4th first Monday in ~~April in~~ December
23 of the 4th first odd-numbered year following the year in which a city becomes a 1st
24 class city and the 4 members representing the even-numbered election districts
25 shall be appointed for terms expiring on the first Monday in December of the 2nd

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1 odd-numbered year following the year in which a city becomes a ~~city of the~~ 1st class
2 city.

3 **SECTION 17.** 119.06 (4) (b) of the statutes is amended to read:

4 119.06 (4) (b) The board members elected at the special election shall be
5 nominated and elected to succeed the board members appointed ~~for the terms~~
6 ~~expiring under sub. (3) (a) and (b) (2)~~ and for the same terms. The terms of office of
7 the board members appointed under sub. (2) shall expire on the 4th Monday
8 following the special election. The terms of office of the board members elected at the
9 special election shall begin on the 4th Monday following the special election.

10 **SECTION 18.** 119.06 (4) (c) and (d) of the statutes are amended to read:

11 119.06 (4) (c) Candidates for the board at the special election shall be
12 nominated in the same manner as for the spring general election, except that the
13 nomination paper format under s. 8.10 (2) (b) shall apply.

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

16 **SECTION 19.** 119.06 (5) and (6) of the statutes are amended to read:

17 119.06 (5) The board first appointed under sub. (2) or first elected at a special
18 election under sub. (4) shall hold an organizational meeting under s. 119.10 (2) on
19 the 4th Monday ~~of the month~~ following its appointment or election, or the next day
20 if the 4th Monday is a legal holiday, ~~following their appointment or election~~, and
21 annually thereafter shall meet in accordance with s. 119.10 (2).

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

25 **SECTION 20.** 119.07 of the statutes is created to read:



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

2 Notwithstanding s. 119.08 (1) to (3), in each 1st class city in existence on the effective
3 date of this subsection [LRB inserts date], members of the board of school directors
4 whose terms expire on the 4th Monday in April, 2013, shall serve for terms expiring
5 on the first Monday in December, 2012, and members of the board of school directors
6 of each such city who are elected at the spring election to be held in April 2011, to
7 succeed those members whose terms expire on the 4th Monday in April, 2011, shall
8 serve for terms expiring on the 1st Monday in December, 2014.

4-18

9 **(2)** At the general election to be held in November 2012, there shall be elected
10 in each 1st class city in existence on the effective date of this subsection [LRB
11 inserts date], 4 members of the board of school directors, who shall be elected from
12 even-numbered election districts prescribed under s. 119.08 (1) (b). At the general
13 election to be held in November 2014, there shall be elected in each such city 5
14 members of the board of school directors who shall be elected from odd-numbered
15 election districts prescribed under s. 119.08 (1) (b).

16 **(3)** Notwithstanding s. 119.10 (1) and (2), the board of school directors of each
17 1st class city in existence on the effective date of this subsection [LRB inserts
18 date], shall hold an organizational meeting on the 4th Monday in April, 2011, and
19 shall not hold any other organizational meeting in 2011. On the 4th Monday in April,
20 2011, the board of school directors of each such city shall elect officers, who shall hold
21 office until the board holds its next organizational meeting under s. 119.10 (2) in
22 2012.

23 **SECTION 21.** 119.07 of the statutes, as created by 2009 Wisconsin Act (this
24 act), is repealed.

25 **SECTION 22.** 119.08 (1) (a) and (b) of the statutes are amended to read:



BILL

1 119.08 (1) (a) The board shall consist of ~~one member elected at-large and 8~~ 9
2 members elected from numbered election districts determined by the board. The
3 election districts shall consist of whole contiguous wards and shall be substantially
4 equal in population ~~and the~~. The boundaries of the election districts shall be drawn
5 so as to reflect a balanced representation of citizens in all areas within the city.

6 (b) Within 60 days after the common council of the city enacts an ordinance
7 ~~determining or adopts a resolution adjusting~~ the boundaries of ~~the aldermanic~~
8 ~~districts~~ wards in the city following the federal decennial census under s. ~~62.08 (1)~~
9 5.15 (1), the board shall, by vote of a majority of the membership of the board, adopt
10 an election district apportionment plan for the election of board members which shall
11 be effective until the city enacts a new ordinance ~~under s. 62.08 (1) redetermining~~
12 ~~the aldermanic district~~ adjusting the boundaries of its wards under s. 5.15 (1) and
13 (2). The territory included within election district 9 shall encompass the
14 southernmost point in the school district.

15 **SECTION 23.** 119.08 (2) and (3) of the statutes are amended to read:

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



BILL

1 be the polling places for the board election and the municipal election hours shall
2 apply.


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

6 SECTION 24. 119.08 (4) of the statutes is amended to read:

7 119.08 (4) A vacancy ~~on~~ in the membership of the board may be filled by
8 temporary appointment of the mayor, subject to disapproval by the board. Upon
9 making a temporary appointment under this subsection, the mayor shall file a letter
10 of appointment with the president of the board. If, within 15 days of receipt of the
11 letter by the board, the board, by a vote of at least two-thirds of the current
12 membership, rejects the appointment, the appointment is not effective. In such case,
13 the president of the board shall promptly notify the mayor and the mayor may
14 appoint another person to fill the vacancy under this subsection. If an appointment
15 is not rejected by the board, the appointment becomes effective on the 16th day
16 beginning after receipt of notice of the appointment by the president of the board.
17 A temporary appointee under this subsection may serve until his or her successor is
18 elected and qualified. If a vacancy occurs on or before June 1 immediately preceding
19 expiration of the member's term of office, the vacancy shall be filled on a permanent
20 basis by a special election ordered by the board. At such election the vacancy shall
21 be filled for the unexpired term. The board shall follow procedures under s. 8.50, so
22 far as applicable.

23 SECTION 25. 119.10 (1) of the statutes is amended to read:

24 119.10 (1) The board is a continuing body. Any unfinished business before the
25 board or any of its standing or special committees on the date of the annual meeting



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

10 **SECTION 26.** 119.10 (2) of the statutes is amended to read:

11 119.10 (2) Annually, no earlier than the 4th ~~first~~ Monday in ~~April~~ December
12 and no later than the ~~first~~ 3rd Monday in ~~May~~ December, the board shall hold its
13 organizational meeting, shall elect a president from among its members to serve for
14 ~~one year~~ ^{2 years} and until a successor is chosen and shall designate an individual to serve
15 as clerk. In the absence or during the disability of the board president, the board
16 shall elect an acting president. The board president shall appoint standing
17 committees to serve for one year.

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18 **SECTION 27.** 121.02 (3) of the statutes is amended to read:

19 121.02 (3) Prior to any finding that a school district is not in compliance with
20 the standards under sub. (1), the state superintendent shall, upon request of the
21 school board or upon receipt of a petition signed by the maximum number of electors
22 allowed for nomination papers of school district officers under s. 8.10 (3) (i), (km) or
23 (ks) or 8.15 (6) (f), conduct a public hearing in the school district. If the state
24 superintendent, after the hearing, finds that the district is not in compliance with
25 the standards, the state superintendent may develop with the school board a plan

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1 which describes methods of achieving compliance. The plan shall specify the time
 2 within which compliance shall be achieved. The state superintendent shall withhold
 3 up to 25% of state aid from any school district that fails to achieve compliance within
 4 the specified period.

SECTION 28. Initial applicability.

5
 6 (1) The treatment of section 119.08 (1) (a) and (b) of the statutes first applies
 7 with respect to election district apportionment plans that are adopted following
 8 adjustment of ward boundaries in response to the 2010 federal decennial census.

9 **SECTION 29. Effective dates.** This act takes effect on the day after publication,
 10 except as follows:

11 (1) **METHOD OF ELECTION OF 1ST CLASS CITY SCHOOL DIRECTORS.** The treatment of
 12 sections 5.58 (1g) (b) and (c), (2) and (3), 5.60 (4) (b), 5.62 (4m), 5.64 (4) (title), 8.10
 13 (3) (i), 8.11 (2m), 8.15 (5) (a) and (6) (f), 119.06 (2), (3) (intro.), (a) and (b), (4) (b), (c)
 14 and (d), (5) and (6), 119.08 (2), (3), and (4), 119.10 (1) and (2) and 121.02 (3) of the
 15 statutes and the creation of section 119.07 of the statutes take effect on November
 16 1, 2011.

17 (2) **FIRST CLASS CITY SCHOOL ELECTION TRANSITIONAL PROVISIONS.** The repeal of
 18 section 119.07 of the statutes takes effect on January 1, 2015.

(END)

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

LRB-3869/1dm
PL/TKK/ JTK:mf:ph
KJf + nwn

November 20, 2009

Date

JTK/PG/TKK
3864/PIDN

Representative Grigsby:

This draft provides in its treatment of s. 119.08 (4), stats., that June 1 of the final year of a member's term is the latest day preceding the general election that a vacancy on the board of school directors is filled at a special election. After this day, any vacancy would be filled in the regular course at the September primary and general election. June 1 preceding a general election is the first day for circulation of nomination papers by candidates for seats that are contested at the general election. Please let me know if you would like to see this treated differently.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

9 Please review the ^{notes} embedded in the draft?
9 The next version of the draft will include a complete analysis. ✓

PG. + TKK

CS PROMISE NEIGHBORHOODS

1 (1) No later than 365 days after the effective date of this subsection [LRB
2 inserts date], the partnership for success committee, created under section 119.11 of
3 the statutes, as created by this act, shall communicate in writing with the federal
4 office of urban affairs to identify sources of federal funding for establishing a pilot
5 promise neighborhood under section 119.77 of the statutes, as created by this act.

6 (2) UNFUNDED LIABILITY. By the 1st day of the 12th month beginning after the
7 effective date of this subsection, the partnership for success committee under section
8 119.11 of the statutes, as created by this act, working with school administrators,
9 teachers' collective bargaining representatives, and an independent 3rd party, shall
10 develop a plan for resolving the unfunded liability of the school district operating
11 under chapter 119 of the statutes.

20-11

SECTION 29. Effective date.

13 ~~(#)~~ ~~(1)~~ MEDICAL ASSISTANCE REIMBURSEMENT FOR SCHOOL MEDICAL SERVICES. The
14 treatment of section 49.45 (39) (b) 1. and 3. of the statutes takes effect on July 1, 2011.

15 (END)

DN

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3864/P1dn
JTK/PG/TKK:kjf&nwn:ph

November 25, 2009

Representative Grigsby:

This draft provides in its treatment of s. 119.08 (4), stats., that June 1 of the final year of a member's term is the latest day preceding the general election that a vacancy on the board of school directors is filled at a special election. After this day, any vacancy would be filled in the regular course at the September primary and general election. June 1 preceding a general election is the first day for circulation of nomination papers by candidates for seats that are contested at the general election. Please let me know if you would like to see this treated differently.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

Please review the notes embedded in the draft.

The next version of the draft will include a complete analysis.

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: peter.grant@legis.wisconsin.gov

Tracy K. Kuczenski
Legislative Attorney
Phone: (608) 266-9867
E-mail: tracy.kuczenski@legis.wisconsin.gov

Kuczenski, Tracy

From: Benish, Kevin
Sent: Monday, December 21, 2009 9:35 AM
To: Kuczenski, Tracy
Subject: RE: 9th grade SAGE in LRB-3864/P!

Tracy,

I don't know if you received my response to this particular question.

*Pages 23-25 of LRB-3864/P1 permit the board of directors of MPS (board) to establish a new, 9th grade SAGE program "[i]f the board determines that state or federal aid is available." As structured, any school in Milwaukee that enrolls 9th grade pupils is eligible to participate in the 9th grade SAGE program (if established), but the board must give priority to schools with the lowest graduation rates. **This is great, thanks.***

Lines 6 and 7 on page 23 require that a 9th grade achievement guarantee contract impose certain requirements on a participating school, but does not identify the parties to the contract or to what entity a school will apply to participate. The SAGE program under current law (s. 118.43, stats.), requires a school district to apply to and enter into a contract with the Department of Public Instruction (department); the department then enforces the terms of the contract. I omitted this important requirement from the 9th grade SAGE program in this bill.

*I propose the following revision for the next draft of LRB-3864: modify the 9th grade SAGE program to require the board to apply to the department for 9th grade SAGE funding on behalf of those schools with the lowest graduation rates. **Please make this revision. This would be very helpful.***

*Does Rep. Grigsby have an alternative proposal for how the 9th grade SAGE program would be implemented and monitored? **It would be implemented at the direction of the MPS Board. It would be monitored in the same way that other SAGE programs are monitored in the state.***

*Does Rep. Grigsby still want the ***board*** to make a determination as to whether "state or federal aid is available?" If so, it may make sense, once a source of funding appears, for the board to be directed to work with the department to establish a 9th grade SAGE program, to be implemented by the department. **Please add this provision.***

Thanks again for your help,
Kevin

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

From: Kuczenski, Tracy
Sent: Tuesday, December 08, 2009 8:54 AM
To: Benish, Kevin
Subject: 9th grade SAGE in LRB-3864/P!

Hi Kevin -

In the event you are preparing responses to the drafting notes in advance of a revision of LRB-3864, I have another question to add to the notes embedded in the bill itself.

12/21/2009

Pages 23-25 of LRB-3864/P1 permit the board of directors of MPS (board) to establish a new, 9th grade SAGE program "[i]f the board determines that state or federal aid is available." As structured, any school in Milwaukee that enrolls 9th grade pupils is eligible to participate in the 9th grade SAGE program (if established), but the board must give priority to schools with the lowest graduation rates.

Lines 6 and 7 on page 23 require that a 9th grade achievement guarantee contract impose certain requirements on a participating school, but does not identify the parties to the contract or to what entity a school will apply to participate. The SAGE program under current law (s. 118.43, stats.), requires a school district to apply to and enter into a contract with the Department of Public Instruction (department); the department then enforces the terms of the contract. I omitted this important requirement from the 9th grade SAGE program in this bill.

I propose the following revision for the next draft of LRB-3864: modify the 9th grade SAGE program to require the board to apply to the department for 9th grade SAGE funding on behalf of those schools with the lowest graduation rates.

Does Rep. Grigsby have an alternative proposal for how the 9th grade SAGE program would be implemented and monitored?

Does Rep. Grigsby still want the *board* to make a determination as to whether "state or federal aid is available?" If so, it may make sense, once a source of funding appears, for the board to be directed to work with the department to establish a 9th grade SAGE program, to be implemented by the department.

Feel free to contact me with any questions or comments. I look forward to working with you on this issue.

Tracy

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Kuczenski, Tracy

From: Benish, Kevin
Sent: Friday, December 18, 2009 11:40 AM
To: Kuczenski, Tracy
Subject: Comments for LRB 3864

Dear Tracy,

My apologies for the delay. Here are all the changes and comments for LRB 3864. There aren't any substantial changes, so please let me know if you think these modifications will take very long.

**Many thanks,
Kevin**

DRAFT CHANGES

- JTK • ~~X~~ Page 4, lines 22 and 23: change "spring" to FALL.
- JTK • ~~X~~ Page 5, lines 18-20: can we include language that says school board candidates should have no less than 200 but not more than 400 electors? That's the range we believe should be required for school board candidates.
- JTK • ✓ Page 6, line 17: change to "not less than 200 nor more than 400 electors"
- ~~JTK PG~~ • ✓ Page 13, line 7: shouldn't this say general or fall election, rather than "spring elections"?
- ~~JTK PG~~ • ✓ Page 12, line 4: do we need it to be "FALL 2011"? Also, should it be the fourth Monday in April or should it be some month in the fall? April 2012 → December 2012
- ~~JTK PG~~ • ✓ Page 12, line 23: change from southernmost point to "lower southern point" Southeasternmost?
- ~~JTK PG~~ • ~~X~~ Page 14, line 13: Why is it after the annual "April" meeting?
- PG • Page 15, line 2: Change from one year to "two years".
- TKK • ✓ Page 15, AFTER line 18, REGARDING YOUR NOTE: We would like the board to receive annual updates regarding this issue and undertake an annual review.
- TKK • ✓ Page 16, AFTER line 9, REGARDING YOUR NOTE: No. the school board has it's own facilities department.
- TKK • ✓ Page 16, AFTER line 21, REGARDING YOUR NOTE: I believe your understanding is correct. We also wish to direct the MPS Administration and board to post these records on their website.
- TKK • ✓ Page 17, lines 2-3: DELETE this sentence: "The board shall require each school to submit annual financial reports to the board." Deleting this sentence should clarify the question raised in the note below line 3.
- TKK • ✓ Page 17, line 4: add "under the board of governance," following chief accountability office in line 4.
1 Keep out - internal administrative structure.

Lines 4 and 5 should then read "The board shall maintain a chief accountability office under the office of board governance to ensure financial accountability."

TKK ✓ Page 17, line 8: add "locally" in addition to "nationally recognized association. (line 8 would then read: "professional training from a nationally or locally recognized association of school boards).

TKK ✓ Page 17, AFTER line 8, REGARDING YOUR NOTE: board members must actually attend a conference. At this time, we do not wish to mandate hours. The training should relate to the duties of their position.

TKK ✓ Page 17, line 14: add "teachers and support staff" to staff and administrators, unless those two groups are already included within what is outlined in line 14.

TKK ✓ Page 17, AFTER line 15, REGARDING YOUR NOTE: Training must take place annually. The MPS Board will be required to develop the program. The program must also include training related to special needs students (in addition to the multicultural training). At this time, it is not necessary to define multicultural training. Regarding the note immediately following this, I do not believe this would be a condition of employment subject to collective bargaining agreements...

TKK ✓ Page 18, AFTER line 2, REGARDING YOUR NOTE: this provision is sufficient to our drafting instructions.

TKK [• Page 18, AFTER line 13, REGARDING YOUR NOTE: Per the established federal guidelines under ARRA, the bonding authority does expire at a certain date. DPI would be the best agency to contact to establish a timeframe for this. *Chris Thiel of MPS →*

TKK ✓ Page 18, AFTER line 20, REGARDING YOUR NOTE: DPI shall determine whether the proposed improvements are "cost-effective," "technically feasible," "energy efficient," or "green."

PG • Page 19, AFTER line 16, REGARDING YOUR NOTE: specify grades 9 through 12.

TKK ✓ Page 19, AFTER line 19, REGARDING YOUR NOTE: This section is fine. It accomplished our intent.

TKK ✓ Page 20, AFTER line 22, REGARDING YOUR NOTE: The MPS Board determines which membership category.

TKK ✓ Page 23, line 8: class size between 15 and 20.

TKK ✓ Page 27, line 6: add "newly appointed" before "principal of a school"

TKK ✓ Page 27, AFTER line 14, REGARDING YOUR NOTE: If the principal takes a break and then comes back, that person would have to start over in the process. REGARDING THE NEXT NOTE: This would only apply to newly appointed principals. REGARDING THE NEXT NOTE: the appeal process would be through the MPS Board.

TKK ✓ Page 29, AFTER line 18, REGARDING YOUR NOTE: Residents would not be expected to pay for these services.

* Did Grigsby's office see note at top of p. 23?

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12/29/09

TC from Kevin :

replace the ^{conditions leading to} original vote of budget w/
one from SB 437 : if s.s. has found
MPS in need of improvement for 4
consec. years.