

GM/PJK



1 SECTION 2251w. 111.91 (2) (n) of the statutes, as affected by 2009 Wisconsin
2 Act 14, is amended to read:

3 111.91 (2) (n) The provision to employees of the health insurance coverage
4 required under s. 632.895 (11) to (14) and, (16), and (17).

5 SECTION 2252. 111.91 (2) (nm) of the statutes is amended to read:

6 111.91 (2) (nm) The requirements related to providing coverage for a dependent
7 under s. 632.885 and to continuing coverage for a dependent student on a medical
8 leave of absence under s. 632.895 (15).

9 SECTION 2252m. 111.91 (2) (t) of the statutes is created to read:

10 111.91 (2) (t) Retention payments to assistant state public defenders under s.
11 977.10 (2) and retention payments to assistant district attorneys under s. 978.12 (7)
12 (b).

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13 SECTION 2253. 111.91 (2c) of the statutes is created to read:

14 111.91 (2c) In addition to the prohibited subjects under sub. (2), the employer
15 is prohibited from bargaining with a collective bargaining unit formed under s.
16 111.825 (2g) on any of the following:

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- 17 (a) Policies.
- 18 (b) Work rules.
- 19 (c) Hours of employment.
- 20 (d) Any right of the consumer under s. 111.905.

21 SECTION 2254. 111.92 (1) (a) of the statutes is amended to read:

22 111.92 (1) (a) Any tentative agreement reached between the office, or, as
23 provided in s. 111.815 (1), the department of health services, acting for the state, and
24 any labor organization representing a collective bargaining unit specified in s.
25 111.825 (1) or, (2) (a) to (e), or (2g) shall, after official ratification by the labor

1 organization, be submitted by the office or department of health services to the joint
2 committee on employment relations, which shall hold a public hearing before
3 determining its approval or disapproval. If the committee approves the tentative
4 agreement, it shall introduce in a bill or companion bills, to be put on the calendar
5 or referred to the appropriate scheduling committee of each house, that portion of the
6 tentative agreement which requires legislative action for implementation, such as
7 salary and wage adjustments, changes in fringe benefits, and any proposed
8 amendments, deletions or additions to existing law. Such bill or companion bills are
9 not subject to ss. 13.093 (1), 13.50 (6) (a) and (b) and 16.47 (2). The committee may,
10 however, submit suitable portions of the tentative agreement to appropriate
11 legislative committees for advisory recommendations on the proposed terms. The
12 committee shall accompany the introduction of such proposed legislation with a
13 message that informs the legislature of the committee's concurrence with the
14 matters under consideration and which recommends the passage of such legislation
15 without change. If the joint committee on employment relations does not approve
16 the tentative agreement, it shall be returned to the parties for renegotiation. If the
17 legislature does not adopt without change that portion of the tentative agreement
18 introduced by the joint committee on employment relations, the tentative agreement
19 shall be returned to the parties for renegotiation.

20 **SECTION 2254g.** 111.92 (2m) of the statutes is created to read:

21 111.92 (2m) A collective bargaining agreement entered into by a collective
22 bargaining unit specified in s. 111.825 (2g) may not take effect before July 1, 2011.

23 **SECTION 2254L.** 111.935 of the statutes is created to read:

1 **111.935 Representatives and elections for research assistants.** (1) In
2 this section, "authorization card" means a signed card that employees complete to
3 indicate their preferences regarding collective bargaining.

4 (2) Notwithstanding s. 111.83 (2), the commission shall establish a procedure
5 whereby research assistants may determine whether to form themselves into
6 collective bargaining units under s. 111.825 (2) (g), (h), or (i) by authorization cards
7 in lieu of secret ballot. The procedure shall provide that once a majority of research
8 assistants have indicated their preference on the authorization cards to form
9 themselves into a collective bargaining unit, the collective bargaining unit is
10 established.

11 (3) Notwithstanding ss. 111.825 (4) and 111.83 (3), all of the following shall
12 apply:

13 (a) The initial representative of the employees in the collective bargaining unit
14 under s. 111.825 (2) (g) is the representative of the employees in the collective
15 bargaining unit under s. 111.825 (2) (a).

16 (b) The initial representative of the employees in the collective bargaining unit
17 under s. 111.825 (2) (h) is the representative of the employees in the collective
18 bargaining unit under s. 111.825 (2) (b).

19 (c) The initial representative of the employees in the collective bargaining unit
20 under s. 111.825 (2) (i) is either the representative of the employees in the collective
21 bargaining unit under s. 111.825 (2) (a) or the representative of the employees in the
22 collective bargaining unit under s. 111.825 (2) (b). The commission shall establish
23 a procedure for selecting the representative by authorization cards in lieu of secret
24 ballot.

1 employees, to meet and confer at reasonable times, in good faith, with respect to the
2 subjects of bargaining provided in s. 111.998 with the intention of reaching an
3 agreement, or to resolve questions arising under such an agreement. The duty to
4 bargain, however, does not compel either party to agree to a proposal or require the
5 making of a concession. Collective bargaining includes the reduction of any
6 agreement reached to a written and signed document.

7 (4) "Collective bargaining unit" means a unit established under s. 111.98 (1).

8 (5) "Commission" means the employment relations commission.

9 (6) "Election" means a proceeding conducted by the commission in which the
10 employees in a collective bargaining unit cast a secret ballot for collective bargaining
11 representatives, or for any other purpose specified in this subchapter.

12 (7) "Employee" includes:

13 (a) All faculty, including specifically faculty who are supervisors or
14 management employees, but not including faculty holding a limited appointment
15 under s. 36.17 or deans.

16 (b) All academic staff, except for supervisors, management employees, and
17 individuals who are privy to confidential matters affecting the employer-employee
18 relationship.

19 (8) "Employer" means the state of Wisconsin.

20 (9) "Faculty" has the meaning given in s. 36.05 (8), except for an individual
21 holding an appointment under s. 36.15.

22 (10) "Fair-share agreement" means an agreement between the employer and
23 a labor organization representing employees under which all of the employees in a
24 collective bargaining unit are required to pay their proportionate share of the cost

1 of the collective bargaining process and contract administration measured by the
2 amount of dues uniformly required of all members.

3 (11) "Institution" has the meaning given in s. 36.05 (9).

4 (12) "Labor dispute" means any controversy with respect to the subjects of
5 bargaining provided in this subchapter.

6 (13) "Labor organization" means any employee organization whose purpose is
7 to represent employees in collective bargaining with the employer, or its agents, on
8 matters pertaining to terms and conditions of employment, but does not include any
9 organization that does any of the following:

10 (a) Advocates the overthrow of the constitutional form of government in the
11 United States.

12 (b) Discriminates with regard to the terms or conditions of membership
13 because of race, color, creed, sex, age, sexual orientation, or national origin.

14 (14) "Maintenance of membership agreement" means an agreement between
15 the employer and a labor organization representing employees that requires that all
16 of the employees whose dues are being deducted from earnings under s. 20.921 (1)
17 or 111.992 at or after the time the agreement takes effect shall continue to have dues
18 deducted for the duration of the agreement and that dues shall be deducted from the
19 earnings of all employees who are hired on or after the effective date of the
20 agreement.

21 (15) "Management employees" include those personnel engaged
22 predominately in executive and managerial functions.

23 (16) "Office" means the office of state employment relations in the department
24 of administration.

1 (17) "Referendum" means a proceeding conducted by the commission in which
2 employees, or supervisors specified in s. 111.98 (5), in a collective bargaining unit
3 may cast a secret ballot on the question of directing the labor organization and the
4 employer to enter into a fair-share agreement or to terminate a fair-share
5 agreement.

6 (18) "Representative" includes any person chosen by an employee to represent
7 the employee.

8 (19) "Strike" includes any strike or other concerted stoppage of work by
9 employees, any concerted slowdown or other concerted interruption of operations or
10 services by employees, or any concerted refusal to work or perform their usual duties
11 as employees of the state.

12 (20) "Supervisor" means any individual whose principal work is different from
13 that of the individual's subordinates and who has authority, in the interest of the
14 employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign,
15 reward, or discipline employees, or to adjust their grievances, or to authoritatively
16 recommend such action, if the individual's exercise of such authority is not of a
17 merely routine or clerical nature, but requires the use of independent judgment.

18 (21) "Unfair labor practice" means any unfair labor practice specified in s.
19 111.991.

20 **111.965 Duties of the state.** (1) In the furtherance of this subchapter, the
21 state shall be considered as a single employer. The board shall negotiate and
22 administer collective bargaining agreements. To coordinate the employer position
23 in the negotiation of agreements, the board shall maintain close liaison with the
24 office relative to the negotiation of agreements and the fiscal ramifications of those
25 agreements. The board shall coordinate its collective bargaining activities with the

1 office. The legislative branch shall act upon those portions of tentative agreements
2 negotiated by the board that require legislative action.

3 (2) The board shall establish a collective bargaining capacity and shall
4 represent the state in its responsibility as an employer under this subchapter. The
5 board shall coordinate its actions with the director of the office.

6 **111.97 Rights of employees.** Employees shall have the right of
7 self-organization and the right to form, join, or assist labor organizations, to bargain
8 collectively through representatives of their own choosing under this subchapter,
9 and to engage in lawful, concerted activities for the purpose of collective bargaining
10 or other mutual aid or protection. Employees shall also have the right to refrain from
11 any such activities.

12 **111.98 Collective bargaining units.** (1) Collective bargaining units for
13 faculty and staff in the unclassified service of the state shall be structured with a
14 collective bargaining unit for each of the following groups:

15 (a) Faculty of the University of Wisconsin-Madison.

16 (b) Faculty of the University of Wisconsin-Milwaukee.

17 (c) Faculty of the University of Wisconsin-Extension.

18 (cm) Faculty of the University of Wisconsin-Eau Claire.

19 (d) Faculty of the University of Wisconsin-Green Bay.

20 (dm) Faculty of the University of Wisconsin-La Crosse.

21 (e) Faculty of the University of Wisconsin-Oshkosh.

22 (em) Faculty of the University of Wisconsin-Parkside.

23 (f) Faculty of the University of Wisconsin-Platteville.

24 (fm) Faculty of the University of Wisconsin-River Falls.

25 (g) Faculty of the University of Wisconsin-Stevens Point.

- 1 (gm) Faculty of the University of Wisconsin-Stout.
- 2 (h) Faculty of the University of Wisconsin-Superior.
- 3 (hm) Faculty of the University of Wisconsin-Whitewater.
- 4 (i) Faculty of the University of Wisconsin Colleges.
- 5 (j) Academic staff of the University of Wisconsin-Madison and academic staff
6 employed at the University of Wisconsin System administration.
- 7 (jm) Academic staff of the University of Wisconsin-Milwaukee.
- 8 (k) Academic staff of the University of Wisconsin-Extension.
- 9 (km) Academic staff of the University of Wisconsin-Eau Claire.
- 10 (L) Academic staff of the University of Wisconsin-Green Bay.
- 11 (Lm) Academic staff of the University of Wisconsin-La Crosse.
- 12 (n) Academic staff of the University of Wisconsin-Oshkosh.
- 13 (nm) Academic staff of the University of Wisconsin-Parkside.
- 14 (o) Academic staff of the University of Wisconsin-Platteville.
- 15 (om) Academic staff of the University of Wisconsin-River Falls.
- 16 (p) Academic staff of the University of Wisconsin-Stevens Point.
- 17 (pm) Academic staff of the University of Wisconsin-Stout.
- 18 (q) Academic staff of the University of Wisconsin-Superior.
- 19 (qm) Academic staff of the University of Wisconsin-Whitewater.
- 20 (r) Academic staff of the University of Wisconsin Colleges.
- 21 **(2)** (a) Notwithstanding sub. (1), 2 or more collective bargaining units described
22 under sub. (1) (a) to (r) may be combined into a single unit. If 2 or more collective
23 bargaining units seek to combine into a single collective bargaining unit, the
24 commission shall, upon the petition of at least 30 percent of the employees in each
25 unit, hold an election, or include on any ballot for an election held under s. 111.990

1 (2) the question of whether to combine units, to determine whether a majority of
2 those employees voting in each unit desire to combine into a single unit. A combined
3 collective bargaining unit shall be formed including all employees from each of those
4 units in which a majority of the employees voting in the election approve a combined
5 unit. The combined collective bargaining unit shall be formed immediately if there
6 is no existing collective bargaining agreement in force in any of the units to be
7 combined. If there is a collective bargaining agreement in force at the time of the
8 election in any of the collective bargaining units to be combined, the combined unit
9 shall be formed upon expiration of the last agreement for the units concerned.

10 (b) If 2 or more collective bargaining units have combined under par. (a), the
11 commission shall, upon petition of at least 30 percent of the employees in any of the
12 original units, hold an election of the employees in the original unit to determine
13 whether the employees in that unit desire to withdraw from the combined collective
14 bargaining unit. If a majority of the employees voting desire to withdraw from the
15 combined collective bargaining unit, separate units consisting of the unit in which
16 the election was held and a unit composed of the remainder of the combined unit shall
17 be formed. The new collective bargaining units shall be formed immediately if there
18 is no collective bargaining agreement in force for the combined unit. If there is a
19 collective bargaining agreement in force for the combined collective bargaining unit,
20 the new units shall be formed upon the expiration of the agreement. While there is
21 a collective bargaining agreement in force for the combined collective bargaining
22 unit, a petition for an election under this paragraph may be filed only during October
23 in the calendar year prior to the expiration of the agreement.

24 (3) The commission shall assign employees to the appropriate collective
25 bargaining units described under sub. (1) or (2) or under s. 111.825 (1) or (2).

1 (4) Any labor organization may petition for recognition as the exclusive
2 representative of a collective bargaining unit described under sub. (1) or (2) in
3 accordance with the election procedures under s. 111.990 if the petition is
4 accompanied by a 30 percent showing of interest in the form of signed authorization
5 cards. Any additional labor organization seeking to appear on the ballot shall file a
6 petition within 60 days of the date of filing of the original petition and prove, through
7 signed authorization cards, that at least 10 percent of the employees in the collective
8 bargaining unit want it to be their representative.

9 (5) Although academic staff supervisors are not considered employees for the
10 purpose of this subchapter, the commission may consider a petition for a statewide
11 collective bargaining unit consisting of academic staff supervisors, but the
12 representative of the supervisors may not be affiliated with any labor organization
13 representing employees. For purposes of this subsection, affiliation does not include
14 membership in a national, state, county, or municipal federation of national or
15 international labor organizations. The certified representative of the supervisors
16 may not bargain collectively with respect to any matter other than wages and fringe
17 benefits.

18 **111.990 Representatives and elections.** (1) A representative chosen for the
19 purposes of collective bargaining by a majority of the employees voting in a collective
20 bargaining unit shall be the exclusive representative of all of the employees in such
21 unit for the purposes of collective bargaining. Any individual employee, or any
22 minority group of employees in any collective bargaining unit, may present any
23 grievance to the employer in person, or through representatives of their own
24 choosing, and the employer shall confer with the individual employee or group of
25 employees with respect to the grievance if the majority representative has been

1 afforded the opportunity to be present at the conference. Any adjustment resulting
2 from such a conference may not be inconsistent with the conditions of employment
3 established by the majority representative and the employer.

4 (2) (a) Whenever a question arises concerning the representation of employees
5 in a collective bargaining unit, the commission shall determine the representation
6 by taking a secret ballot of the employees and certifying in writing the results to the
7 interested parties and to the board. There shall be included on any ballot for the
8 election of representatives the names of all labor organizations having an interest
9 in representing the employees participating in the election as indicated in petitions
10 filed with the commission. The name of any existing representative shall be included
11 on the ballot without the necessity of filing a petition. The commission may exclude
12 from the ballot one who, at the time of the election, stands deprived of his or her rights
13 under this subchapter by reason of a prior adjudication of his or her having engaged
14 in an unfair labor practice. The ballot shall be so prepared as to permit a vote against
15 representation by anyone named on the ballot.

16 (b) 1. Except as provided in subd. 2., for elections in a collective bargaining unit
17 composed of employees who are members of the faculty or academic staff, whenever
18 more than one representative qualifies to appear on the ballot, the ballot shall be so
19 prepared as to provide separate votes on 2 questions. The first question shall be:
20 "Shall the employees of the (name of collective bargaining unit) participate in
21 collective bargaining?". The 2nd question shall be: "If the employees of the (name
22 of collective bargaining unit) elect to participate in collective bargaining, which labor
23 organization do you favor to act as representative of the employees?". The 2nd
24 question shall not include a choice for no representative. All employees in the
25 collective bargaining unit may vote on both questions. Unless a majority of those

1 employees voting in the election vote to participate in collective bargaining, no votes
2 for a particular representative may be counted. If a majority of those employees
3 voting in the election vote to participate in collective bargaining, the ballots for
4 representatives shall be counted.

5 2. For elections in a collective bargaining unit composed of employees who are
6 members of the faculty or academic staff, whenever more than one representative
7 qualifies to appear on the ballot and a question of whether to combine collective
8 bargaining units as permitted under s. 111.98 (2) (a) qualifies to appear on the ballot,
9 the ballot shall be so prepared as to provide separate votes on 3 questions and each
10 ballot shall identify the collective bargaining unit to which each voter currently
11 belongs. The first question shall be: "Shall the employees of the (name of the
12 voter's current collective bargaining unit) participate in collective bargaining?". The
13 2nd question shall be "Shall the employees of the (names of all of the collective
14 bargaining units that qualify to appear on the ballot, including the name of the
15 voter's current collective bargaining unit) combine to participate in collective
16 bargaining?". The 3rd question shall be: "If the employees of the (name of the
17 voter's current collective bargaining unit) elect to participate in collective
18 bargaining, which labor organization do you favor to act as representative of the
19 employees?". The 3rd question shall not include a choice for no representative. All
20 employees in the collective bargaining unit may vote on all questions. Unless a
21 majority of those employees voting in the election vote to participate in collective
22 bargaining, no votes for combination or for a particular representative may be
23 counted. If a majority of those employees voting in the election vote to participate
24 in collective bargaining, the ballots for combination shall be counted. If the ballots
25 for combination are counted and a majority of those employees voting from each

1 collective bargaining unit listed in the 2nd question on the ballot vote to combine,
2 then the ballots for representatives of the combined collective bargaining unit shall
3 be counted. If the ballots for combination are counted and a majority of those
4 employees voting from each collective bargaining unit listed in the 2nd question on
5 the ballot do not vote to combine, then the ballots for representatives of each current
6 collective bargaining unit shall be counted.

7 (c) The commission's certification of the results of any election is conclusive as
8 to the findings included therein unless reviewed under s. 111.07 (8).

9 (3) Whenever an election has been conducted under sub. (2) in which the ballots
10 for representatives have been counted but in which no named representative is
11 favored by a majority of the employees voting, the commission may, if requested by
12 a party to the proceeding within 30 days from the date of the certification of the
13 results of the election, conduct a runoff election. In that runoff election, the
14 commission shall drop from the ballot the name of the representative who received
15 the least number of votes at the original election.

16 (4) While a collective bargaining agreement between a labor organization and
17 an employer is in force under this subchapter, a petition for an election in the
18 collective bargaining unit to which the agreement applies may be filed only during
19 October in the calendar year prior to the expiration of that agreement. An election
20 held under that petition may be held only if the petition is supported by proof that
21 at least 30 percent of the employees in the collective bargaining unit desire a change
22 or discontinuance of existing representation. Within 60 days of the time that an
23 original petition is filed, another petition may be filed supported by proof that at least
24 10 percent of the employees in the same collective bargaining unit desire a different
25 representative. If a majority of the employees in the collective bargaining unit vote

1 for a change or discontinuance of representation by any named representative, the
2 decision takes effect upon expiration of any existing collective bargaining agreement
3 between the employer and the existing representative.

4 **111.991 Unfair labor practices. (1)** It is an unfair labor practice for an
5 employer individually or in concert with others:

6 (a) To interfere with, restrain, or coerce employees in the exercise of their rights
7 guaranteed under s. 111.97.

8 (b) Except as otherwise provided in this paragraph, to initiate, create,
9 dominate, or interfere with the formation or administration of any labor or employee
10 organization or contribute financial support to it. Except as provided in ss. 40.02 (22)
11 (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin Retirement
12 System under ch. 40 and no action by the employer that is authorized by such a law
13 is a violation of this paragraph unless an applicable collective bargaining agreement
14 specifically prohibits the change or action. No such change or action affects the
15 continuing duty to bargain collectively regarding the Wisconsin Retirement System
16 under ch. 40 to the extent required by s. 111.998. It is not an unfair labor practice
17 for the employer to reimburse an employee at his or her prevailing wage rate for the
18 time spent during the employee's regularly scheduled hours conferring with the
19 employer's officers or agents and for attendance at commission or court hearings
20 necessary for the administration of this subchapter.

21 (c) To encourage or discourage membership in any labor organization by
22 discrimination in regard to hiring, tenure, or other terms or conditions of
23 employment. This paragraph does not apply to fair-share or maintenance of
24 membership agreements.

1 (d) To refuse to bargain collectively on matters set forth in s. 111.998 with a
2 representative of a majority of its employees in an appropriate collective bargaining
3 unit. Whenever the employer has a good faith doubt as to whether a labor
4 organization claiming the support of a majority of its employees in an appropriate
5 collective bargaining unit does in fact have that support, it may file with the
6 commission a petition requesting an election as to that claim. The employer is not
7 considered to have refused to bargain until an election has been held and the results
8 of the election are certified to the employer by the commission. A violation of this
9 paragraph includes the refusal to execute a collective bargaining agreement
10 previously orally agreed upon.

11 (e) To violate any collective bargaining agreement previously agreed upon by
12 the parties with respect to wages, hours, and conditions of employment affecting the
13 employees, including an agreement to arbitrate or to accept the terms of an
14 arbitration award, when previously the parties have agreed to accept such award as
15 final and binding upon them.

16 (f) To deduct labor organization dues from an employee's earnings, unless the
17 employer has been presented with an individual order therefor, signed by the
18 employee personally, and terminable by at least the end of any year of its life or
19 earlier by the employee giving at least 30 but not more than 120 days' written notice
20 of such termination to the employer and to the representative labor organization,
21 except if there is a fair-share or maintenance of membership agreement in effect.
22 The employer shall give notice to the labor organization of receipt of such notice of
23 termination.

24 **(1m)** Notwithstanding sub. (1), it is not an unfair labor practice for the board
25 to implement changes in salaries or conditions of employment for members of the

1 faculty or academic staff at one institution, and not for other members of the faculty
2 or academic staff at another institution, but this may be done only if the differential
3 treatment is based on comparisons with the compensation and working conditions
4 of employees performing similar services for comparable higher education
5 institutions or based upon other competitive factors.

6 (2) It is unfair practice for an employee individually or in concert with others:

7 (a) To coerce or intimidate an employee in the enjoyment of the employee's legal
8 rights, including those guaranteed under s. 111.97.

9 (b) To coerce, intimidate, or induce any officer or agent of the employer to
10 interfere with any of the employer's employees in the enjoyment of their legal rights
11 including those guaranteed under s. 111.97 or to engage in any practice with regard
12 to its employees which would constitute an unfair labor practice if undertaken by the
13 officer or agent on the officer's or agent's own initiative.

14 (c) To refuse to bargain collectively on matters specified in s. 111.998 with the
15 authorized officer or agent of the employer that is the recognized or certified
16 exclusive collective bargaining representative of employees in an appropriate
17 collective bargaining unit. Such refusal to bargain shall include a refusal to execute
18 a collective bargaining agreement previously orally agreed upon.

19 (d) To violate the provisions of any written agreement with respect to terms and
20 conditions of employment affecting employees, including an agreement to arbitrate
21 or to accept the terms of an arbitration award, when previously the parties have
22 agreed to accept such awards as final and binding upon them.

23 (e) To engage in, induce, or encourage any employees to engage in a strike or
24 a concerted refusal to work or perform their usual duties as employees.

1 (f) To coerce or intimidate a supervisory employee, officer, or agent of the
2 employer, working at the same trade or profession as the employer's employees, to
3 induce the person to become a member of or act in concert with the labor organization
4 of which the employee is a member

5 (3) It is an unfair labor practice for any person to do or cause to be done on
6 behalf of or in the interest of employers or employees, or in connection with or to
7 influence the outcome of any controversy as to employment relations, any act
8 prohibited by subs. (1) and (2).

9 (4) Any controversy concerning unfair labor practices may be submitted to the
10 commission as provided in s. 111.07, except that the commission shall schedule a
11 hearing on complaints involving alleged violations of sub. (2) (e) within 3 days after
12 filing of a complaint, and notice shall be given to each party interested by service on
13 the party personally, or by telegram, advising the party of the nature of the complaint
14 and of the date, time, and place of hearing. The commission may appoint a substitute
15 tribunal to hear unfair labor practice charges by either appointing a 3-member panel
16 or submitting a 7-member panel to the parties and allowing each to strike 2 names.
17 Any such panel shall report its finding to the commission for appropriate action.

18 **111.992 Fair-share and maintenance of membership agreements. (1)**

19 (a) 1. No fair-share agreement may become effective unless authorized by a
20 referendum. The commission shall order a referendum whenever it receives a
21 petition supported by proof that at least 30 percent of the employees or supervisors
22 specified in s. 111.98 (5) in a collective bargaining unit desire that a fair-share
23 agreement be entered into between the employer and a labor organization.

24 2. For a fair-share agreement to be authorized, at least a majority of the eligible
25 employees or supervisors voting in a referendum shall vote in favor of the agreement.

1 (b) No maintenance of membership agreement may be effective unless
2 authorized. For a maintenance of membership agreement to be authorized, the
3 employer and the labor organization representing the employees must voluntarily
4 agree to establish the maintenance of membership agreement.

5 (c) If a fair-share agreement is authorized in a referendum, the employer shall
6 enter into a fair-share agreement with the labor organization named on the ballot
7 in the referendum. If a maintenance of membership agreement is authorized under
8 par. (b), the employer shall enter into the maintenance of membership agreement
9 with the labor union that voluntarily agreed to establish the agreement. Each
10 fair-share or maintenance of membership agreement shall contain a provision
11 requiring the employer to deduct the amount of dues as certified by the labor
12 organization from the earnings of the employees or supervisors affected by the
13 agreement and to pay the amount so deducted to the labor organization. Unless the
14 parties agree to an earlier date, a fair-share agreement shall take effect 60 days after
15 the commission certifies that the referendum vote authorized the fair-share
16 agreement and a maintenance of membership agreement shall take effect 60 days
17 after the commission certifies that the parties have voluntarily agreed to establish
18 the maintenance of membership agreement. The employer shall be held harmless
19 against any claims, demands, suits, and other forms of liability made by employees
20 or supervisors or local labor organizations which may arise for actions taken by the
21 employer in compliance with this section. All such lawful claims, demands, suits,
22 and other forms of liability are the responsibility of the labor organization entering
23 into the agreement.

24 (d) Under each fair-share or maintenance of membership agreement, an
25 employee or supervisor who has religious convictions against dues payments to a

1 labor organization based on teachings or tenets of a church or religious body of which
2 he or she is a member shall, on request to the labor organization, have his or her dues
3 paid to a charity mutually agreed upon by the employee or supervisor and the labor
4 organization. Any dispute concerning this paragraph may be submitted to the
5 commission for adjudication.

6 (2) (a) 1. Once authorized, a fair-share agreement shall continue in effect,
7 subject to the right of the employer or labor organization concerned to petition the
8 commission to conduct a new referendum. Such a petition must be supported by
9 proof that at least 30 percent of the employees or supervisors in the collective
10 bargaining unit desire that the fair-share agreement be discontinued. Upon so
11 finding, the commission shall conduct a new referendum. If the continuance of the
12 fair-share agreement is approved in the referendum by at least the percentage of
13 eligible voting employees or supervisors required for its initial authorization, it shall
14 be continued in effect, subject to the right of the employer or labor organization to
15 later initiate a further vote following the procedure prescribed in this subsection. If
16 the continuance of the fair-share agreement is not supported in any referendum, it
17 is considered terminated at the termination of the collective bargaining agreement,
18 or one year from the date of the certification of the result of the referendum,
19 whichever is earlier.

20 2. Once authorized, a maintenance of membership agreement shall continue
21 in effect, subject to the right of the employer or the labor organization concerned to
22 notify the commission that it no longer voluntarily agrees to continue the agreement.
23 After the commission is notified, the maintenance of membership agreement is
24 terminated at the termination of the collective bargaining agreement or one year
25 from the notification, whichever is earlier.

1 (b) The commission shall declare any fair-share or maintenance of
2 membership agreement suspended upon such conditions and for such time as the
3 commission decides whenever it finds that the labor organization involved has
4 refused on the basis of race, color, sexual orientation, or creed to receive as a member
5 any employee or supervisor in the collective bargaining unit involved, and the
6 agreement shall be made subject to the findings and orders of the commission. Any
7 of the parties to the agreement, or any employee or supervisor covered under the
8 agreement, may come before the commission, as provided in s. 111.07, and petition
9 the commission to make such a finding.

10 (3) A stipulation for a referendum executed by an employer and a labor
11 organization may not be filed until after the representation election has been held
12 and the results certified.

13 (4) The commission may, under rules adopted for that purpose, appoint as its
14 agent an official of a state agency whose employees are entitled to vote in a
15 referendum to conduct a referendum under this section.

16 **111.993 Grievance arbitration.** (1) Parties to the dispute pertaining to the
17 interpretation of a collective bargaining agreement may agree in writing to have the
18 commission or any other appointing state agency serve as arbitrator or may
19 designate any other competent, impartial, and disinterested persons to so serve.
20 Such arbitration proceedings shall be governed by ch. 788.

21 (2) The board shall charge an institution for the employer's share of the cost
22 related to grievance arbitration under sub. (1) for any arbitration that involves one
23 or more employees of the institution. Each institution so charged shall pay the
24 amount that the board charges from the appropriation account or accounts used to

1 pay the salary of the grievant. Funds received under this subsection shall be credited
2 to the appropriation account under s. 20.545 (1) (km).

3 **111.994 Mediation.** The commission may appoint any competent, impartial,
4 disinterested person to act as mediator in any labor dispute either upon its own
5 initiative or upon the joint request of both parties to the dispute. It is the function
6 of a mediator to bring the parties together voluntarily under such favorable auspices
7 as will tend to effectuate settlement of the dispute, but neither the mediator nor the
8 commission shall have any power of compulsion in mediation proceedings.

9 **111.995 Fact-finding. (1)** If a dispute has not been settled after a reasonable
10 period of negotiation and after the settlement procedures, if any, established by the
11 parties have been exhausted, the representative that has been certified by the
12 commission after an election, as the exclusive representative of employees in an
13 appropriate bargaining unit, and the employer, its officers, and agents, after a
14 reasonable period of negotiation, are deadlocked with respect to any dispute between
15 them arising in the collective bargaining process, either party, or the parties jointly,
16 may petition the commission, in writing, to initiate fact-finding under this section,
17 and to make recommendations to resolve the deadlock.

18 **(2)** Upon receipt of a petition to initiate fact-finding, the commission shall
19 make an investigation with or without a formal hearing, to determine whether a
20 deadlock in fact exists. The commission shall certify the results of the investigation.
21 If the commission decides that fact-finding should be initiated, it shall appoint a
22 qualified, disinterested person or, when jointly requested by the parties, a 3-member
23 panel to function as a fact finder.

24 **(3)** The fact finder may establish dates and place of hearings and shall conduct
25 the hearings under rules established by the commission. Upon request, the

1 commission shall issue subpoenas for hearings conducted by the fact finder. The fact
2 finder may administer oaths. Upon completion of the hearing, the fact finder shall
3 make written findings of fact and recommendations for solution of the dispute and
4 shall cause the same to be served on the parties and the commission. In making
5 findings and recommendations, the fact finder shall take into consideration among
6 other pertinent factors the principles vital to the public interest in efficient and
7 economical governmental administration. Upon the request of either party, the fact
8 finder may orally present the recommendations in advance of service of the written
9 findings and recommendations. Cost of fact-finding proceedings shall be divided
10 equally between the parties. At the time the fact finder submits a statement of his
11 or her costs to the parties, the fact finder shall submit a copy thereof to the
12 commission at its Madison office.

13 (4) A fact finder may mediate a dispute at any time prior to the issuance of the
14 fact finder's recommendations.

15 (5) Within 30 days of the receipt of the fact finder's recommendations or within
16 a time period mutually agreed upon by the parties, each party shall advise the other,
17 in writing, as to the party's acceptance or rejection, in whole or in part, of the fact
18 finder's recommendations and, at the same time, send a copy of the notification to
19 the commission at its Madison office. Failure to comply with this subsection, by the
20 employer or employee representative, is a violation of s. 111.991 (1) (d) or (2) (c).

21 **111.996 Strike prohibited.** (1) Upon establishing that a strike is in progress,
22 the employer may either seek an injunction or file an unfair labor practice charge
23 with the commission under s. 111.991 (2) (e) or both. It is the responsibility of the
24 board to decide whether to seek an injunction or file an unfair labor practice charge.

1 The existence of an administrative remedy does not constitute grounds for denial of
2 injunctive relief.

3 (2) The occurrence of a strike and the participation in the strike by an employee
4 do not affect the rights of the employer, in law or in equity, to deal with the strike,
5 including all of the following:

6 (a) The right to impose discipline, including discharge, or suspension without
7 pay, of any employee participating in the strike.

8 (b) The right to cancel the reinstatement eligibility of any employee engaging
9 in the strike.

10 (c) The right of the employer to request the imposition of fines, either against
11 the labor organization or the employee engaging in the strike, or to sue for damages
12 because of such strike activity.

13 **111.997 Management rights.** Nothing in this subchapter shall interfere with
14 the right of the board, in accordance with this subchapter, to do any of the following:

15 (1) Carry out the statutory mandate and goals assigned to the board by the
16 most appropriate and efficient methods and means and utilize personnel in the most
17 appropriate and efficient manner possible.

18 (2) Suspend, demote, discharge, or take other appropriate disciplinary action
19 against the employee; or to lay off employees in the event of lack of work or funds or
20 under conditions where continuation of such work would be inefficient and
21 nonproductive.

22 **111.998 Subjects of bargaining.** (1) (a) Except as provided in pars. (b) to (f),
23 matters subject to collective bargaining to the point of impasse are salaries; fringe
24 benefits consistent with sub. (2); and hours and conditions of employment.

1 (b) The board is not required to bargain on management rights under s.
2 111.997, except that procedures for the adjustment or settlement of grievances or
3 disputes arising out of any type of disciplinary action in s. 111.997 (2) is a subject of
4 bargaining.

5 (c) The board is prohibited from bargaining on matters contained in sub. (2).

6 (d) Except as provided in sub. (2) (d) and (e) and ss. 40.02 (22) (e) and 40.23 (1)
7 (f) 4., all laws governing the Wisconsin Retirement System under ch. 40 and all
8 actions of the board that are authorized under any such law which apply to
9 nonrepresented individuals employed by the state shall apply to similarly situated
10 employees, unless otherwise specifically provided in a collective bargaining
11 agreement that applies to those employees.

12 (e) Demands relating to retirement and group insurance shall be submitted to
13 the board at least one year prior to commencement of negotiations.

14 (f) The board is not required to bargain on matters related to employee
15 occupancy of houses or other lodging provided by the state.

16 **(2)** The board is prohibited from bargaining on:

17 (a) The mission and goals of the board as set forth in the statutes; the
18 diminution of the right of tenure provided the faculty under s. 36.13, the rights
19 granted faculty under s. 36.09 (4) and academic staff under s. 36.09 (4m), or the
20 rights of appointment provided academic staff under s. 36.15; or academic freedom.

21 (b) Amendments to this subchapter.

22 (c) Family leave and medical leave rights below the minimum afforded under
23 s. 103.10. Nothing in this paragraph prohibits the board from bargaining on rights
24 to family leave or medical leave which are more generous to the employee than the
25 rights provided under s. 103.10.

- 1 (d) An increase in benefit adjustment contribution rates under s. 40.05 (2n) (a)
- 2 3.
- 3 (e) The rights of employees to have retirement benefits computed under s.
- 4 40.30.
- 5 (f) Honesty testing requirements that provide fewer rights and remedies to
- 6 employees than are provided under s. 111.37.
- 7 (h) Creditable service to which s. 40.285 (2) (b) 4. applies.
- 8 (i) Compliance with the health benefit plan requirements under ss. 632.746 (1)
- 9 to (8) and (10), 632.747, and 632.748.
- 10 (j) Compliance with the insurance requirements under s. 631.95.
- 11 (k) The definition of earnings under s. 40.02 (22).
- 12 (L) The maximum benefit limitations under s. 40.31
- 13 (m) The limitations on contributions under s. 40.32.
- 14 (n) The provision to employees of the health insurance coverage required under
- 15 s. 632.895 (11) to (14).
- 16 (o) The requirements related to coverage of and prior authorization for
- 17 treatment of an emergency medical condition under s. 632.85.
- 18 (p) The requirements related to coverage of drugs and devices under s. 632.853.
- 19 (q) The requirements related to experimental treatment under s. 632.855.
- 20 (r) The requirements under s. 609.10 related to offering a point-of-service
- 21 option plan.
- 22 (s) The requirements related to internal grievance procedures under s. 632.83
- 23 and independent review of certain health benefit plan determinations under s.
- 24 632.835.

1 **(3)** Upon request, the chancellor at each institution, or his or her designee,
2 shall meet and confer with the collective bargaining representative, if any, with
3 regard to any issue that is a permissive subject of bargaining, except when the issue
4 is under active consideration by a governance organization under s. 36.09 (4) or (4m).

5 **111.999 Labor proposals.** The board shall notify and consult with the joint
6 committee on employment relations, in such form and detail as the committee
7 requests, regarding substantial changes in wages, employee benefits, personnel
8 management, and program policy contract provisions to be included in any contract
9 proposal to be offered to any labor organization by the state or to be agreed to by the
10 state before such proposal is actually offered or accepted.

11 **111.9991 Agreements. (1)** Any tentative agreement reached between the
12 board, acting for the state, and any labor organization representing a collective
13 bargaining unit specified in s. 111.98 shall, after official ratification by the labor
14 organization, be submitted by the board to the joint committee on employment
15 relations, which shall hold a public hearing before determining its approval or
16 disapproval. If the committee approves the tentative agreement, it shall introduce
17 in a bill or companion bills, to be put on the calendar or referred to the appropriate
18 scheduling committee of each house, that portion of the tentative agreement which
19 requires legislative action for implementation, such as salary and wage adjustments,
20 changes in fringe benefits, and any proposed amendments, deletions, or additions to
21 existing law. Such bill or companion bills are not subject to ss. 13.093 (1), 13.50 (6)
22 (a) and (b), and 16.47 (2). The committee may, however, submit suitable portions of
23 the tentative agreement to appropriate legislative committees for advisory
24 recommendations on the proposed terms. The committee shall accompany the
25 introduction of such proposed legislation with a message that informs the legislature

1 of the committee's concurrence with the matters under consideration and that
2 recommends the passage of such legislation without change. If the joint committee
3 on employment relations does not approve the tentative agreement, it shall be
4 returned to the parties for renegotiation. If the legislature does not adopt without
5 change that portion of the tentative agreement introduced by the joint committee on
6 employment relations, the tentative agreement shall be returned to the parties for
7 renegotiation.

8 (2) No portion of any tentative agreement shall become effective separately.

9 (3) Agreements shall coincide with the fiscal year or biennium.

10 (4) The negotiation of collective bargaining agreements and their approval by
11 the parties should coincide with the overall fiscal planning and processes of the state.

12 (5) All compensation adjustments for employees shall be effective on the
13 beginning date of the pay period nearest the statutory or administrative date.

14 **111.9992 Status of existing benefits and rights.** Unless a prohibited
15 subject of bargaining under s. 111.998 (2), and except as provided in ss. 7.33 (4),
16 40.05, 40.80 (3), 111.998 (1) (d), and 230.35 (2d) and (3) (e) 6., all statutes and rules
17 governing the salaries, fringe benefits, hours, and conditions of employment apply
18 to each employee, unless otherwise provided in a collective bargaining agreement.

19 **111.9993 Rules, transcripts, fees.** (1) The commission may adopt
20 reasonable and proper rules relative to the exercise of its powers and authority and
21 proper rules to govern its proceedings and to regulate the conduct of all elections and
22 hearings under this subchapter. The commission shall, upon request, provide a
23 transcript of a proceeding to any party to the proceeding for a fee, established by rule,
24 by the commission at a uniform rate per page. All transcript fees shall be credited
25 to the appropriation account under s. 20.425 (1) (i).



1 (2) The commission shall assess and collect a filing fee for filing a complaint
2 alleging that an unfair labor practice has been committed under s. 111.991. The
3 commission shall assess and collect a filing fee for filing a request that the
4 commission act as an arbitrator to resolve a dispute involving the interpretation or
5 application of a collective bargaining agreement under s. 111.993. The commission
6 shall assess and collect a filing fee for filing a request that the commission initiate
7 fact-finding under s. 111.995. The commission shall assess and collect a filing fee
8 for filing a request that the commission act as a mediator under s. 111.994. For the
9 performance of commission actions under ss. 111.993, 111.994, and 111.995, the
10 commission shall require that the parties to the dispute equally share in the payment
11 of the fee and, for the performance of commission actions involving a complaint
12 alleging that an unfair labor practice has been committed under s. 111.991, the
13 commission shall require that the party filing the complaint pay the entire fee. If any
14 party has paid a filing fee requesting the commission to act as a mediator for a labor
15 dispute and the parties do not enter into a voluntary settlement of the labor dispute,
16 the commission may not subsequently assess or collect a filing fee to initiate
17 fact-finding to resolve the same labor dispute. If any request concerns issues arising
18 as a result of more than one unrelated event or occurrence, each such separate event
19 or occurrence shall be treated as a separate request. The commission shall
20 promulgate rules establishing a schedule of filing fees to be paid under this
21 subsection. Fees required to be paid under this subsection shall be paid at the time
22 of filing the complaint or the request for fact-finding, mediation, or arbitration. A
23 complaint or request for fact-finding, mediation, or arbitration is not filed until the
24 date such fee or fees are paid. Fees collected under this subsection shall be credited
25 to the appropriation account under s. 20.425 (1) (i).

1 **SECTION 2255m.** 115.28 (52) of the statutes is amended to read:

2 115.28 **(52)** ADULT LITERACY GRANTS. From the appropriation under s. 20.255
3 (3) (b), award grants to nonprofit organizations, as defined in s. 108.02 (19), to
4 support programs that train community-based adult literacy staff and to establish
5 new volunteer-based programs in areas of this state that have a demonstrated need
6 for adult literacy services. No ~~grant may exceed \$10,000, and no~~ organization may
7 receive more than one grant in any fiscal year.

8 **SECTION 2256g.** 115.38 (2) of the statutes is renumbered 115.38 (2) (a) and
9 amended to read:

10 115.38 **(2)** (a) Annually by January 1, each school board shall notify the parent
11 or guardian of each pupil enrolled in the school district of the right to request a school
12 and school district performance report under this subsection. ~~Annually~~ Except as
13 provided in par. (b), annually by May 1, each school board shall, upon request,
14 distribute to the parent or guardian of each pupil enrolled in the school district,
15 including pupils enrolled in charter schools located in the school district, or give to
16 each pupil to bring home to his or her parent or guardian, a school and school district
17 performance report that includes the information specified by the state
18 superintendent under sub. (1). The report shall also include a comparison of the
19 school district's performance under sub. (1) (a) and (b) with the performance of other
20 school districts in the same athletic conference under sub. (1) (a) and (b). If the school
21 district maintains an Internet site, the report shall be made available to the public
22 at that site.

23 **SECTION 2256r.** 115.38 (2) (b) of the statutes is created to read:

24 115.38 **(2)** (b) If a school board enters into an agreement with a federally
25 recognized American Indian tribe or band in this state to establish a charter school,

1 that school board shall, upon request, distribute to the parent or guardian of each
2 pupil enrolled in the charter school a school and school district performance report
3 that includes the information specified by the state superintendent under sub. (1),
4 regardless of the location of the charter school.

5 **SECTION 2256t.** 115.436 (3) (a) (intro.), 1. and 2. of the statutes are consolidated,
6 renumbered 115.436 (3) (a) and amended to read:

7 115.436 (3) (a) Beginning in the ~~2008-09~~ 2009-10 school year, from the
8 appropriation under s. 20.255 (2) (ae) and subject to par. (b), the department shall
9 pay to each school district eligible for sparsity aid ~~the following amount from the~~
10 ~~appropriation under s. 20.255 (2) (ae), subject to par. (b):~~ 1. If less than 50 percent
11 of the school district's membership in the previous school year was eligible for a free
12 or reduced-price lunch under 42 USC 1758 (b), \$150 multiplied by the membership
13 in the previous school year. 2. If 50 percent or more of the school district's
14 membership in the previous school year was eligible for a free or reduced-price lunch
15 under 42 USC 1758 (b), \$300 multiplied by the membership in the previous school
16 year.

17 **SECTION 2257.** 115.745 of the statutes is created to read:

18 **115.745 Tribal language revitalization grants.** (1) A school board or
19 cooperative educational service agency, in conjunction with a tribal education
20 authority, may apply to the department for a grant for the purpose of supporting
21 innovative, effective instruction in one or more American Indian languages.

22 (2) The department shall award grants under sub. (1) from the appropriation
23 under s. 20.255 (2) (km).

24 (3) The department shall promulgate rules to implement and administer this
25 section.

1 **SECTION 2258m.** 118.07 (4) (a) 2. of the statutes is created to read:

2 118.07 (4) (a) 2. If a school district is created or a public or private school opens
3 after the effective date of this paragraph ... [LRB inserts date], the school board or
4 governing body of the private school shall have in effect a school safety plan for each
5 public or private school within 3 years of its creation or opening.

6 **SECTION 2258n.** 118.07 (4) (b) to (d) of the statutes are created to read:

7 118.07 (4) (b) A school safety plan shall be created with the active
8 participation of appropriate parties, as specified by the school board or governing
9 body of the private school. The appropriate parties may include local law
10 enforcement officers, fire fighters, school administrators, teachers, pupil services
11 professionals, as defined in s. 118.257 (1) (c), and mental health professionals. A
12 school safety plan shall include general guidelines specifying procedures for
13 emergency prevention and mitigation, preparedness, response, and recovery. The
14 plan shall also specify the process for reviewing the methods for conducting drills
15 required to comply with the plan.

16 (c) The school board or governing body of the private school shall determine
17 which persons are required to receive school safety plan training and the frequency
18 of the training. The training shall be based upon the school district's or private
19 school's prioritized needs, risks, and vulnerabilities.

20 (d) Each school board and the governing body of each private school shall
21 review the school safety plan at least once every 3 years after the plan goes into effect.

22 **SECTION 2259.** 118.125 (4) of the statutes is amended to read:

23 118.125 (4) **TRANSFER OF RECORDS.** Within 5 working days, a school district and
24 a private school participating in the program under s. 119.23 shall transfer to
25 another school or school district all pupil records relating to a specific pupil if the

1 transferring school district or private school has received written notice from the
2 pupil if he or she is an adult or his or her parent or guardian if the pupil is a minor
3 that the pupil intends to enroll in the other school or school district or written notice
4 from the other school or school district that the pupil has enrolled or from a court that
5 the pupil has been placed in a juvenile correctional facility, as defined in s. 938.02
6 (10p), or a secured residential care center for children and youth, as defined in s.
7 938.02 (15g). In this subsection, "school" and "school district" include any juvenile
8 correctional facility, secured residential care center for children and youth, adult
9 correctional institution, mental health institute, or center for the developmentally
10 disabled, that provides an educational program for its residents instead of or in
11 addition to that which is provided by public and private schools.

12 **SECTION 2264.** 118.245 of the statutes is repealed.

13 **SECTION 2265.** 118.30 (1g) (a) 1. of the statutes is amended to read:

14 118.30 (1g) (a) 1. By August 1, 1998, each school board shall adopt pupil
15 academic standards in mathematics, science, reading and writing, geography, and
16 history. ~~If the governor has issued~~ The school board may adopt the pupil academic
17 standards issued by the governor as an executive order under s. 14.23, the school
18 board may adopt those standards no. 326, dated January 13, 1998.

19 **SECTION 2266.** 118.30 (1g) (a) 3. of the statutes is created to read:

20 118.30 (1g) (a) 3. The governing body of each private school participating in the
21 program under s. 119.23 shall adopt pupil academic standards in mathematics,
22 science, reading and writing, geography, and history. The governing body of the
23 private school may adopt the pupil academic standards issued by the governor as
24 executive order no. 326, dated January 13, 1998.

25 **SECTION 2266d.** 118.30 (1m) (a) of the statutes is amended to read:

1 118.30 (1m) (a) 1. Except as provided in ~~sub.~~ subs. (6) and (7), administer the
2 4th grade examination adopted or approved by the state superintendent under sub.
3 (1) to all pupils enrolled in the school district, including pupils enrolled in charter
4 schools located in the school district, in the 4th grade.

5 2. ~~Beginning on July 1, 2002, if~~ Except as provided in sub. (7), if the school
6 board has developed or adopted its own 4th grade examination, administer that
7 examination to all pupils enrolled in the school district, including pupils enrolled in
8 charter schools located in the school district, in the 4th grade.

9 **SECTION 2266h.** 118.30 (1m) (am) of the statutes is amended to read:

10 118.30 (1m) (am) 1. Except as provided in ~~sub.~~ subs. (6) and (7), administer the
11 8th grade examination adopted or approved by the state superintendent under sub.
12 (1) to all pupils enrolled in the school district, including pupils enrolled in charter
13 schools located in the school district, in the 8th grade.

14 2. ~~Beginning on July 1, 2002, if~~ Except as provided in sub. (7), if the school
15 board has developed or adopted its own 8th grade examination, administer that
16 examination to all pupils enrolled in the school district, including pupils enrolled in
17 charter schools located in the school district, in the 8th grade.

18 **SECTION 2266p.** 118.30 (1m) (b) of the statutes is amended to read:

19 118.30 (1m) (b) ~~Administer~~ Except as provided in sub. (7), ~~administer~~ the 10th
20 grade examination to all pupils enrolled in the school district, including pupils
21 enrolled in charter schools located in the school district, in the 10th grade.

22 **SECTION 2267.** 118.30 (1s) of the statutes is created to read:

23 118.30 (1s) (a) Except as provided in par. (b), annually, the governing body of
24 each private school participating in the program under s. 119.23 shall do all of the
25 following:

1 1. Administer the 4th grade examination adopted or approved by the state
2 superintendent under sub. (1) to all pupils attending the 4th grade in the private
3 school under s. 119.23.

4 2. Administer the 8th grade examination adopted or approved by the state
5 superintendent under sub. (1) to all pupils attending the 8th grade in the private
6 school under s. 119.23.

7 3. Administer the 10th grade examination adopted or approved by the state
8 superintendent under sub. (1) to all pupils attending the 10th grade in the private
9 school under s. 119.23.

10 4. Administer to pupils attending the private school under s. 119.23 all other
11 examinations in reading, mathematics, and science that are required to be
12 administered to public school pupils under 20 USC 6311 (b) (3).

13 (b) If, before January 1, 2010, the state superintendent notifies in writing the
14 cochairpersons of the joint committee on finance and the chairpersons of the
15 appropriate standing committees in each house of the legislature that the
16 department will adopt or approve substantially redesigned examinations under sub.
17 (1) to be initially administered to pupils in the 2011-12 school year, then, in the
18 2010-11 school year, the governing body of each private school participating in the
19 program under s. 119.23 shall administer nationally normed standardized tests in
20 reading, mathematics, and science to pupils attending the school under s. 119.23 in
21 the 4th, 8th, and 10th grades instead of administering the examinations under par.
22 (a).

23 **SECTION 2268.** 118.30 (2) (b) 1. and 2. of the statutes are amended to read:

24 118.30 (2) (b) 1. If a pupil is enrolled in a special education program under
25 subch. V of ch. 115, the school board or operator of the charter school under s. 118.40

1 (2r), or governing body of the private school participating in the program under s.
2 119.23 shall comply with s. 115.77 (1m) (bg).

3 2. According to criteria established by the state superintendent by rule, the
4 school board ~~or~~, operator of the charter school under s. 118.40 (2r), or governing body
5 of the private school participating in the program under s. 119.23 may determine not
6 to administer an examination under this section to a limited-English speaking
7 pupil, as defined under s. 115.955 (7), may permit the pupil to be examined in his or
8 her native language or may modify the format and administration of an examination
9 for such pupils.

10 **SECTION 2269.** 118.30 (2) (b) 5. of the statutes is created to read:

11 118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing
12 body of a private school participating in the program under s. 119.23 shall excuse the
13 pupil from taking an examination administered under sub. (1s) (a) 1. to 3.

14 **SECTION 2269f.** 118.30 (7) of the statutes is created to read:

15 118.30 (7) If a school board enters into an agreement with a federally recognized
16 American Indian tribe or band in this state to establish a charter school, that school
17 board shall administer the examinations under sub. (1m) regardless of the location
18 of the charter school.

19 **SECTION 2270m.** 118.33 (1) (f) 1. of the statutes is amended to read:

20 118.33 (1) (f) 1. By September 1, 2004, each school board operating high school
21 grades shall develop a written policy specifying criteria for granting a high school
22 diploma that are in addition to the requirements under par. (a). The criteria shall
23 include the pupil's academic performance, and the recommendations of teachers.
24 Except as provided in ~~subd.~~ subds. 2. and 4., the criteria apply to pupils enrolled in
25 charter schools located in the school district.

1 **SECTION 2271.** 118.33 (1) (f) 2m. of the statutes is created to read:

2 118.33 (1) (f) 2m. The governing body of each private school participating in the
3 program under s. 119.23 shall develop a policy specifying criteria for granting a high
4 school diploma to pupils attending the private school under s. 119.23. The criteria
5 shall include the pupil's academic performance and the recommendations of
6 teachers.

7 **SECTION 2272.** 118.33 (1) (f) 3. of the statutes is amended to read:

8 118.33 (1) (f) 3. Beginning on September 1, 2005, neither a school board nor an
9 operator of a charter school under s. 118.40 (2r) may grant a high school diploma to
10 any pupil unless the pupil has satisfied the criteria specified in the school board's or
11 charter school's policy under subd. 1. or 2. Beginning on September 1, 2010, the
12 governing body of a private school participating in the program under s. 119.23 may
13 not grant a high school diploma to any pupil attending the private school under s.
14 119.23 unless the pupil has satisfied the criteria specified in the governing body's
15 policy under subd. 2m.

16 **SECTION 2272e.** 118.33 (1) (f) 4. of the statutes is created to read:

17 118.33 (1) (f) 4. If a school board enters into an agreement with a federally
18 recognized American Indian tribe or band in this state to establish a charter school,
19 the criteria specified in the policy developed by that school board under subd. 1. apply
20 to pupils enrolled in the charter school, regardless of the location of the charter
21 school.

22 **SECTION 2272m.** 118.33 (6) (a) of the statutes is amended to read:

23 118.33 (6) (a) 1. Each school board shall adopt a written policy specifying the
24 criteria for promoting a pupil from the 4th grade to the 5th grade and from the 8th
25 grade to the 9th grade. The criteria shall include the pupil's score on the examination

1 administered under s. 118.30 (1m) (a) or (am), unless the pupil has been excused from
2 taking the examination under s. 118.30 (2) (b); the pupil's academic performance; the
3 recommendations of teachers, which shall be based solely on the pupil's academic
4 performance; and any other academic criteria specified by the school board. Except
5 as provided in par. (b) 1. and 3., the criteria apply to pupils enrolled in charter schools
6 located in the school district.

7 2. Except as provided in par. (b) 2., ~~beginning on September 1, 2002~~ and 3., a
8 school board may not promote a 4th grade pupil enrolled in the school district,
9 including a pupil enrolled in a charter school located in the school district, to the 5th
10 grade, and may not promote an 8th grade pupil enrolled in the school district,
11 including a pupil enrolled in a charter school located in the school district, to the 9th
12 grade, unless the pupil satisfies the criteria for promotion specified in the school
13 board's policy adopted under subd. 1.

14 **SECTION 2272s.** 118.33 (6) (b) 3. of the statutes is created to read:

15 118.33 (6) (b) 3. If a school board enters into an agreement with a federally
16 recognized American Indian tribe or band in this state to establish a charter school,
17 the criteria specified in the policy adopted by that school board under par. (a) 1. apply
18 to pupils enrolled in the charter school and that school board is subject to the
19 prohibitions in par. (a) 2. with respect to pupils enrolled in the charter school,
20 regardless of the location of the charter school.

21 **SECTION 2273.** 118.33 (6) (c) of the statutes is created to read:

22 118.33 (6) (c) 1. The governing body of each private school participating in the
23 program under s. 119.23 shall adopt a written policy specifying criteria for promoting
24 a pupil who is attending the private school under s. 119.23 from the 4th grade to the
25 5th grade and from the 8th grade to the 9th grade. The criteria shall include the

1 pupil's score on the examination administered under s. 118.30 (1s) (a) 1. or 2., unless
2 the pupil has been excused from taking the examination under s. 118.30 (2) (b); the
3 pupil's academic performance; the recommendations of teachers, which shall be
4 based solely on the pupil's academic performance; and any other academic criteria
5 specified by the governing body of the private school.

6 2. Beginning on September 1, 2010, the governing body of a private school
7 participating in the program under s. 119.23 may not promote a 4th grade pupil who
8 is attending the private school under s. 119.23 to the 5th grade, and may not promote
9 an 8th grade pupil who is attending the private school under s. 119.23 to the 9th
10 grade, unless the pupil satisfies the criteria for promotion specified in the governing
11 body's policy under subd. 1.

12

13 **SECTION 2273bd.** 118.40 (2r) (e) 1. of the statutes is renumbered 118.40 (2r) (e)

14 1. a. and amended to read:

15 118.40 (2r) (e) 1. a. ~~From~~ In the 2009-10 and 2010-11 school years, from the
16 appropriation under s. 20.255 (2) (fm), the department shall pay to the operator of
17 the charter school an amount equal to the sum of the amount paid per pupil under
18 this subdivision in the previous school year and the increase in the per pupil amount
19 paid to private schools under s. 119.23 (4) (b) 2. or (bg) in the current school year as
20 compared to the previous school year, multiplied by the number of pupils attending
21 the charter school.

22 c. The amount paid per pupil under this subdivision may not be less than the
23 amount paid per pupil under this subdivision in the previous school year. The
24 department shall pay 25% of the total amount in September, 25% in December, 25%

1 in February, and 25% in June. The department shall send the check to the operator
2 of the charter school.

3 **SECTION 2273be.** 118.40 (2r) (e) 1. b. of the statutes is created to read:

4 118.40 (2r) (e) 1. b. In the 2011-12 school year and in each school year
5 thereafter, from the appropriation under s. 20.255 (2) (fm), the department shall pay
6 to the operator of the charter school an amount equal to the sum of the amount paid
7 per pupil under this subdivision in the previous school year and the per pupil revenue
8 limit adjustment under s. 121.91 (2m) in the current school year, multiplied by the
9 number of pupils attending the charter school.

10 **SECTION 2273bf.** 118.40 (2r) (f) of the statutes is created to read:

11 118.40 (2r) (f) When establishing or contracting for the establishment of a
12 charter school under this subsection, an entity specified under par. (b) shall consider
13 the principles and standards for quality charter schools established by the National
14 Association of Charter School Authorizers.

15 **SECTION 2273d.** 118.40 (3) (c) 1. of the statutes is renumbered 118.40 (3) (c) 1.
16 (intro.) and amended to read:

17 118.40 (3) (c) 1. (intro.) A school board may not enter into a contract for the
18 establishment of a charter school located outside the school district, ~~except that if as~~
19 follows:

20 a. If 2 or more school boards enter into an agreement under s. 66.0301 to
21 establish a charter school, the charter school shall be located within one of the school
22 districts, ~~and if,~~

23 b. If one or more school boards enter into an agreement with the board of control
24 of a cooperative educational service agency to establish a charter school, the charter

1 school shall be located within the boundaries of the cooperative educational service
2 agency. ~~This subdivision~~

3 1m. Subdivision 1. does not apply to the establishment of a virtual charter
4 school.

5 **SECTION 2273h.** 118.40 (3) (c) 1. c. of the statutes is created to read:

6 118.40 (3) (c) 1. c. If a school board enters into an agreement with a federally
7 recognized American Indian tribe or band in this state to establish a charter school,
8 the charter school shall be located within the school district or within the boundaries
9 of the tribe's or band's reservation.

10 **SECTION 2273p.** 118.40 (7) (am) 4. of the statutes is created to read:

11 118.40 (7) (am) 4. If a school board enters into an agreement with a federally
12 recognized American Indian tribe or band in this state to establish a charter school
13 under sub. (3) (c) 1. c., that school board shall determine whether the charter school
14 is an instrumentality of the school district regardless of the location of the charter
15 school.

16 **SECTION 2273t.** 118.40 (7) (ar) of the statutes is amended to read:

17 118.40 (7) (ar) Nothing in this subsection affects the rights of personnel of a
18 charter school that is an instrumentality of the a school district in which it is located
19 to engage in collective bargaining pursuant to subch. IV of ch. 111.

20 **SECTION 2274t.** 118.51 (16) (e) of the statutes is created to read:

21 118.51 (16) (e) If in any school year the number determined in par. (a) 2. less
22 the number determined in par. (a) 1. is greater than 10 percent of the school district's
23 membership used to calculate general school aids in that school year, in the following
24 school year the department shall pay to the school district, from the appropriation
25 account under s. 20.255 (2) (ch), the amount determined as follows:

1 1. Subtract the number of pupils determined in par. (a) 1. for the calculation
2 under par. (e) (intro.) from the number of pupils determined in par. (a) 2 for the
3 calculation under par. (e) (intro.).

4 2. Multiply the school district's membership used for the calculation under par.
5 (e) (intro.) by 0.10.

6 3. Subtract the result under subd. 2. from the result in subd. 1.

7 4. Multiply the difference under subd. 3. by the amount under par. (a) 3. in the
8 previous school year.

9 **SECTION 2276m.** 119.04 (1) of the statutes is amended to read:

10 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
11 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
12 115.345, 115.361, 115.365 (3), 115.38 (2), 115.445, ~~115.445~~, 115.45, 118.001 to 118.04,
13 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15,
14 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.24 (1), (2) (c)
15 to (f), (6) and (8), ~~118.245~~, 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51, 118.52,
16 118.55, 120.12 (5) and (15) to ~~(26)~~ (25), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17)
17 to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25 are
18 applicable to a 1st class city school district and board.

19 **SECTION 2276v.** 119.23 (1) (a) of the statutes is renumbered 119.23 (1) (ah).

20 **SECTION 2276w.** 119.23 (1) (ae) of the statutes is created to read:

21 119.23 (1) (ae) "Administrator" means the superintendent, supervising
22 principal, executive director, or other person who acts as the administrative head of
23 a private school participating in the program under this section.

24 **SECTION 2276y.** 119.23 (1) (am) of the statutes is created to read:

1 119.23 (1) (am) "Preaccreditation" means the review and approval of an
2 educational plan. Review of an education plan includes consideration of whether the
3 school submitting the plan meets the requirements under s. 118.165 (1). The fact
4 that a private school has obtained preaccreditation does not require an accreditation
5 organization to accredit the private school.

6 **SECTION 2277.** 119.23 (1) (as) of the statutes is created to read:

7 119.23 (1) (as) "Progress records" has the meaning given in s. 118.125 (1) (c).

8 **SECTION 2278.** 119.23 (2) (a) 3. of the statutes is amended to read:

9 119.23 (2) (a) 3. The private school notified the state superintendent of its
10 intent to participate in the program under this section, and paid a nonrefundable fee
11 set by the department, by February 1 of the previous school year. The notice shall
12 specify the number of pupils participating in the program under this section for
13 which the school has space. The department shall by rule set the fee charged under
14 this subdivision at an amount such that the total fee revenue covers the costs of
15 employing one full-time auditor to evaluate the financial information submitted by
16 the private schools under sub. (7) (am) and (d) 2. and 3.

17 **SECTION 2279.** 119.23 (2) (a) 6. of the statutes is renumbered 119.23 (2) (a) 6.

18 a. and amended to read:

19 119.23 (2) (a) 6. a. ~~All~~ Except as provided in subd. 6. c., all of the private school's
20 teachers have ~~graduated from high school or been granted a declaration of~~
21 ~~equivalency of high school graduation~~ a bachelor's degree from an accredited
22 institution of higher education.

23 **SECTION 2279d.** 119.23 (2) (a) 6. b. and c. of the statutes are created to read:

24 119.23 (2) (a) 6. b. All of the private school's administrators have at least a
25 bachelor's degree from an accredited institution of higher education.

1 c. Any teacher employed by the private school on July 1, 2010, who has been
2 teaching for at least the 5 consecutive years immediately preceding July 1, 2010, and
3 who does not satisfy the requirements under subd. 6. a. on July 1, 2010, applies to
4 the department on a form prepared by the department for a temporary,
5 nonrenewable waiver from the requirements under subd. 6. a. The department shall
6 promulgate rules to implement this subd. 6. c., including the form of the application
7 and the process by which the waiver application will be reviewed. The application
8 form shall require the applicant to submit a plan for satisfying the requirements
9 under subd. 6. a., including the name of the accredited institution of higher education
10 at which the teacher is pursuing or will pursue the bachelor's degree and the
11 anticipated date on which the teacher expects to complete the bachelor's degree. No
12 waiver granted under this subd. 6. c. is valid after July 31, 2015.

13 **SECTION 2280b.** 119.23 (2) (a) 7. of the statutes is renumbered 119.23 (2) (a) 7.
14 a. and amended to read:

15 119.23 (2) (a) 7. a. The Subject to subd. 7. c., for a private school participating
16 in the program under this section on the effective date of this subd. 7. a. [LRB
17 inserts date], the private school achieves accreditation by the Wisconsin North
18 Central Association, the Wisconsin Religious and Independent Schools
19 Accreditation, the Independent Schools Association of the Central States, the
20 Archdiocese of Milwaukee, the Institute for the Transformation of Learning at
21 Marquette University, or any other organization recognized by the National Council
22 for Private School Accreditation, by December 31 of the 3rd school year following the
23 first school year that begins after June 30, 2006, in which it participates in the
24 program under this section, or the private school was approved for scholarship
25 funding for the 2005-06 school year by Partners Advancing Values in Education. I



1 the private school is accredited as provided under this subd. 7. a., the private school
2 is not required to obtain preaccreditation from the Institute for the Transformation
3 of Learning at Marquette University under subd. 7. b. as a prerequisite to providing
4 instruction under this section in additional grades or in an additional or new school.

5 **SECTION 2280c.** 119.23 (2) (a) 7. b. of the statutes is created to read:

6 119.23 (2) (a) 7. b. Subject to subd. 7. c., for a private school that is a first-time
7 participant in the program under this section on the effective date of this subd. 7.
8 b. [LRB inserts date], and that is not accredited as provided under subd. 7. a., the
9 private school obtains preaccreditation from the Institute for the Transformation of
10 Learning at Marquette University by August 1 before the first school term of
11 participation in the program under this section that begins after the effective date
12 of this subd. 7. b. [LRB inserts date], or by May 1 if the private school begins
13 participating in the program during summer school, and achieves accreditation by
14 the Wisconsin North Central Association, the Wisconsin Religious and Independent
15 Schools Accreditation, the Independent Schools Association of the Central States,
16 the Archdiocese of Milwaukee, or any other organization recognized by the National
17 Council for Private School Accreditation, by December 31 of the 3rd school year
18 following the first school year that begins after the effective date of this subd. 7. b.
19 [LRB inserts date], in which it participates in the program under this section. If
20 the private school is accredited under this subd. 7. b., the private school is not
21 required to obtain preaccreditation from the Institute for the Transformation of
22 Learning at Marquette University as a prerequisite to providing instruction under
23 this section in additional grades or in an additional or new school.

24 **SECTION 2280d.** 119.23 (2) (a) 7. c. of the statutes is created to read:

delete (page)

1 119.23 (2) (a) 7. c. On or after the effective date of this subd. 7. c. [LRB inserts
2 date], a private school participating or seeking to participate in the program under
3 this section may not apply for accreditation by the Institute for the Transformation
4 of Learning at Marquette University, except that a private school that has applied
5 for accreditation to the Institute for the Transformation of Learning at Marquette
6 University before the effective date of this subd. 7. c. [LRB inserts date], may
7 complete the accreditation process with the Institute for the Transformation of
8 Learning at Marquette University, and may seek renewal of accreditation from the
9 Institute for the Transformation of Learning at Marquette University.

10 **SECTION 2281.** 119.23 (2) (a) 8. of the statutes is created to read:

11 119.23 (2) (a) 8. Notwithstanding s. 118.165 (1) (c), the private school annually
12 provides at least 1,050 hours of direct pupil instruction in grades 1 to 6 and at least
13 1,137 hours of direct pupil instruction in grades 7 to 12. Hours provided under this
14 subdivision include recess and time for pupils to transfer between classes but do not
15 include the lunch periods.

16 **SECTION 2282.** 119.23 (2) (b) of the statutes is renumbered 119.23 (2) (b) (intro.)
17 and amended to read:

18 119.23 (2) (b) (intro.) No more than 22,500 pupils, as counted under s. 121.004
19 (7), may attend private schools under this section. Whenever the state
20 superintendent determines that the limit is reached, he or she shall issue an order
21 prohibiting the participating private schools from accepting additional pupils until
22 he or she determines that the number of pupils attending private schools under this
23 section has fallen below the limit. If the number of pupils attending private schools
24 under this section falls below the limit under this paragraph, the state
25 superintendent shall issue an order notifying participating private schools that they

1 may begin accepting additional pupils, and, notwithstanding sub. (3) (a),
2 participating private schools that wish to accept additional pupils under this section
3 shall accept pupils as follows:

4 **SECTION 2283.** 119.23 (2) (b) 1. of the statutes is created to read:

5 119.23 (2) (b) 1. The private school shall give first priority to pupils who are
6 attending a private school under this section.

7 **SECTION 2284.** 119.23 (2) (b) 2. of the statutes is created to read:

8 119.23 (2) (b) 2. The private school shall give 2nd priority to the siblings of
9 pupils who are attending a private school under this section.

10 **SECTION 2285.** 119.23 (2) (b) 3. of the statutes is created to read:

11 119.23 (2) (b) 3. The private school shall give 3rd priority to pupils selected at
12 random under a procedure established by the department by rule.

13 **SECTION 2285b.** 119.23 (2) (c) of the statutes is created to read:

14 119.23 (2) (c) 1. Notwithstanding par. (a) 6., a teacher employed by a private
15 school participating in the program under this section who teaches only courses in
16 rabbinical studies is not required to have a bachelor's degree.

17 2. Notwithstanding par. (a) 6., an administrator of a private school
18 participating in the program under this section that prepares and trains pupils
19 attending the school in rabbinical studies is not required to have a bachelor's degree.

20 **SECTION 2285c.** 119.23 (3) (a) of the statutes is amended to read:

21 119.23 (3) (a) The pupil or the pupil's parent or guardian shall submit an
22 application, on a form provided by the state superintendent, to the participating
23 private school that the pupil wishes to attend. Within 60 days after receiving the
24 application, the private school shall notify the applicant, in writing, whether the
25 application has been accepted. If the private school rejects an application, the notice

1 shall include the reason. A private school may reject an applicant only if it has
2 reached its maximum general capacity or seating capacity. The state superintendent
3 shall ensure that the private school determines which pupils to accept on a random
4 basis, except that the private school may give preference in accepting applications
5 to siblings of pupils accepted on a random basis.

6 **SECTION 2285d.** 119.23 (4) (b) (intro.) of the statutes is amended to read:

7 119.23 (4) (b) (intro.) ~~Upon~~ Except as provided in par. (bg), upon receipt from
8 the pupil's parent or guardian of proof of the pupil's enrollment in the private school
9 during a school term, the state superintendent shall pay to the parent or guardian,
10 from the appropriation under s. 20.255 (2) (fu), an amount equal to the lesser of the
11 following:

12 **SECTION 2285h.** 119.23 (4) (b) 2. of the statutes is amended to read:

13 119.23 (4) (b) 2. The amount paid per pupil under this ~~paragraph~~ subsection
14 in the previous school year multiplied by the sum of 1.0 plus the percentage change
15 from the previous school year to the current school year in the total amount
16 appropriated under s. 20.255 (2) (ac) expressed as a decimal, but not less than zero.

17 **SECTION 2285p.** 119.23 (4) (bg) of the statutes is created to read:

18 119.23 (4) (bg) In the 2009-10 and 2010-11 school years, upon receipt from the
19 pupil's parent or guardian of proof of the pupil's enrollment in the private school
20 during a school term, the state superintendent shall pay to the parent or guardian,
21 from the appropriation under s. 20.255 (2) (fu), an amount equal to the private
22 school's operating and debt service cost per pupil that is related to educational
23 programming, as determined by the department, or \$6,442, whichever is less.

24 **SECTION 2285s.** 119.23 (4) (c) of the statutes is amended to read:

1 119.23 (4) (c) The state superintendent shall pay 25% of the total amount under
2 ~~par. (b) this subsection~~ in September, 25% in November, 25% in February and 25%
3 in May. The state superintendent may include the entire amount under sub. (4m)
4 in one of those installments or apportion the entire amount among one or more of
5 those installments. ~~The Except as provided in sub. (4r), the~~ department shall send
6 the check to the private school. ~~The Except as provided in sub. (4r), the~~ parent or
7 guardian shall restrictively endorse the check for the use of the private school.

8 **SECTION 2285x.** 119.23 (4r) of the statutes is created to read:

9 119.23 (4r) If, after the 3rd Friday in September in any school year, a private
10 school participating in the program under this section closes, for each installment
11 under sub. (4) (c) that was not paid to the private school in that school year, the state
12 superintendent shall pay to the board, from the appropriation under s. 20.255 (2) (fv),
13 the amount determined as follows for each pupil who had been attending the private
14 school under this section in that school year and who enrolls in the school district
15 operating under this chapter in that school year:

16 (a) 1. In the 2009-10 school year, multiply the amount determined under sub.
17 (4) (b) or (bg) by 0.584.

18 2. In the 2010-11 school year and in any school year thereafter, multiply the
19 amount determined under sub. (4) (b) or (bg) by 0.616.

20 (b) Multiply the product under par. (a) by 0.25.

21 **SECTION 2286.** 119.23 (6m) of the statutes is created to read:

22 119.23 (6m) Each private school participating in the program under this
23 section shall do all of the following:

24 (a) Provide to each pupil, or the parent or guardian of each minor pupil, who
25 applies to attend the private school all of the following:

1 1. The name, address, and telephone number of the private school and the
2 name of one or more contact persons at the school.

3 2. A list of the names of the members of the private school's governing body and
4 of the private school's shareholders, if any.

5 3. A notice stating whether the private school is an organization operated for
6 profit or not for profit. If the private school is a nonprofit organization, the private
7 school shall also provide the applicant with a copy of the certificate issued under
8 section 501 (c) (3) of the Internal Revenue Code verifying that the private school is
9 a nonprofit organization that is exempt from federal income tax.

10 4. A copy of the appeals process used if the private school rejects the applicant.

11 5. A copy of the policy developed by the private school under s. 118.33 (1) (f) 2m.

12 6. A copy of the non-harassment policy used by the private school, together
13 with the procedures for reporting and obtaining relief from harassment.

14 7. A copy of the suspension and expulsion policies and procedures, including
15 procedures for appealing a suspension or expulsion, used by the private school.

16 8. A copy of the policy used by the private school for accepting or denying the
17 transfer of credits earned by a pupil attending the private school under this section
18 for the satisfactory completion of coursework at another school.

19 9. A copy of the policy governing visitors and visits to the private school,
20 developed as required under sub. (7) (b) 2m.

21 (b) Annually, by August 1st, provide to the department the material specified
22 in par. (a) and all of the following information:

23 1. The number of pupils attending the private school under this section in the
24 previous school year.

1 2. The number of pupils attending the private school other than under this
2 section in the previous school year.

3 3. For each of the previous 5 school years in which the private school has
4 participated in the program under this section, all of the following information:

5 a. The number of pupils who attended the private school under this section and
6 other than under this section in the 12th grade and the number of those pupils who
7 graduated from the private school.

8 b. The number of pupils who attended the private school under this section and
9 other than under this section in the 8th grade and the number of those pupils who
10 advanced from grade 8 to grade 9.

11 c. The number of pupils who attended the private school under this section and
12 other than under this section in the 4th grade and the number of those pupils who
13 advanced from grade 4 to grade 5.

14 d. To the extent permitted under 20 USC 1232g and 43 CFR part 99, pupil
15 scores on all standardized tests administered under sub. (7) (e) 1.

16 4. A copy of the academic standards adopted under sub. (7) (b) 2.

17 (c) Provide to the department a signed statement from each individual who is
18 a member of the private school's governing body verifying that the individual is a
19 member of the governing body.

20 (d) Upon request by any pupil, or the parent or guardian of any minor pupil,
21 who is attending or who applies to attend the private school, provide the material
22 specified in pars. (a) and (b).

23 **SECTION 2289.** 119.23 (7) (b) of the statutes is created to read:

24 119.23 (7) (b) Each private school participating in the program under this
25 section shall do all of the following:

1 1. Administer to any pupils attending the 3rd grade in the private school under
2 this section a standardized reading test developed by the department.

3 2. Adopt the pupil academic standards required under s. 118.30 (1g) (a) 3.

4 2m. Develop a written policy governing visitors and visits to the private school.

5 3. Ensure that any teacher's aide employed by the private school has graduated
6 from high school, been granted a declaration of equivalency of high school
7 graduation, or been issued a general educational development certificate of high
8 school equivalency.

9 3m. Annually, schedule two meetings at which members of the governing body
10 of the private school will be present and at which pupils, and the parents or
11 guardians of pupils, applying to attend the private school or attending the private
12 school may meet and communicate with the members of the governing body. The
13 private school shall, within 30 days after the start of the school term, notify the
14 department in writing of the scheduled meeting dates and shall, at least 30 days
15 before the scheduled meeting date, notify in writing each pupil, or the parent or
16 guardian of each minor pupil, applying to attend the private school or attending the
17 private school of the meeting date, time, and place.

18 4. Maintain progress records for each pupil attending the private school under
19 this section while the pupil attends the school and, except as provided under subd.
20 7., for at least 5 years after the pupil ceases to attend the school.

21 5. Upon request, provide a pupil or the parent or guardian of a minor pupil who
22 is attending the private school under this section with a copy of the pupil's progress
23 records.

1 6. Issue a high school diploma or certificate to each pupil who attends the
2 private school under this section and satisfactorily completes the course of
3 instruction and any other requirements necessary for high school graduation.

4 7. a. Except as provided in subd. 7. b., if the private school ceases operating as
5 a private school, immediately transfer all of the progress records of the pupils who
6 attended the school under this section to the board. The private school shall send
7 written notice to each pupil, or to the parent or guardian of a minor pupil, of the
8 transfer of progress records under this subd. 7. a.

9 b. If the private school is affiliated with an organization that will maintain the
10 progress records of each pupil who attended the school under this section for at least
11 5 years after the private school ceases operation as a private school, the private
12 school may transfer a pupil's records to the organization if the pupil, or the parent
13 or guardian of a minor pupil, consents in writing to the release of the progress records
14 to the affiliated organization. The private school shall send to the department a copy
15 of the consent form for each pupil who consents to the transfer of progress records
16 under this subd. 7. b. The written notice shall be signed by the pupil, or the parent
17 or guardian of a minor pupil, and shall include the name, phone number, mailing
18 address, and other relevant contact information of the organization that will
19 maintain the progress records, and a declaration by the affiliated organization that
20 the organization agrees to maintain the progress records for at least 5 years after the
21 private school ceases operation as a private school.

22 8. Ensure that an accrediting agency reviews and reports to the department
23 on the private school's compliance with subds. 4. and 6. as provided under sub. (9)
24 (b). The accrediting agency may determine compliance by examining an appropriate
25 sample of pupil records.