

2009 DRAFTING REQUEST

Assembly Amendment (AA-SB437)

Received: 04/15/2010

Received By: pgrant

Wanted: As time permits

Companion to LRB:

For: Brett Davis (608) 266-1192

By/Representing: Luke Bacher

May Contact:

Drafter: pgrant

Subject: Education - school boards

Addl. Drafters:

Extra Copies: TKK

Submit via email: YES

Requester's email: Rep.Davis@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Teacher evaluations

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

<END>

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/?	pgrant	1/4 1/19 jld	2/19 [Signature]	[Signature] P/H			
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FE Sent For:

<END>

## Grant, Peter

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**From:** Bacher, Luke  
**Sent:** Thursday, April 15, 2010 12:47 PM  
**To:** Grant, Peter  
**Cc:** Bacher, Luke  
**Subject:** Amendment(s) Request to SSA 1 to SB 437

Peter -

Brett needs 5 amendments to SSA1 to SB 437. I assume this is the final version that will pass out of the Senate today and that we'll be taking up in the Assembly. I don't think I'll need them today, because I don't think the Assembly will take up the bill, but I'll most likely need them before session on Tuesday.

1 - On page 6, delete lines 10-12.

2 - On page 5, delete everything starting with "that" and ending with "agreements."

3 - Arbitration to give greatest or greater weight to state superintendent directives. Nothing in a collective bargaining agreement agreed to on or after the effective date of this law shall prevent the school board from implementing the state superintendent's directives under this law.

4 - State Superintendent may affect terms of contracts once the contract is up (cant' break current contracts, but can once they are expired/up for renewal).

5 - This is the amendment I'm not so sure on. Brett wants it to mirror AA1 and AA2 to SB 372. However, SB 372 is now current law. So if its possible, we'd like to delete the same things in current law that AA1 & 2 did.

Thanks,

Luke

**Luke Bacher**  
**Research Assistant**  
**State Representative Brett Davis**  
**Phone: (608)-266-1192**  
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**<http://www.brettdavis.us>**



SENATE BILL 372

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

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

1

SECTION 1. 111.70 (1) (a) of the statutes, as affected by 2009 Wisconsin Act

hard number (not auto)

5 34 and 60

2

is amended to read:

INSERT JLD

3

111.70 (1) (a) "Collective bargaining" means the performance of the mutual obligation of a municipal employer, through its officers and agents, and the representative of its municipal employees in a collective bargaining unit, to meet and confer at reasonable times, in good faith, with the intention of reaching an agreement, or to resolve questions arising under such an agreement, with respect to wages, hours and conditions of employment, and with respect to a requirement of the municipal employer for a municipal employee to perform law enforcement and fire fighting services under s. 61.66 ~~and for a school district with respect to any matter~~

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~~under sub. (4) (a)~~ except as provided in subs. (3m), (3p), and (4) (m) and (mc) and s. 40.81 (3) and except that a municipal employer shall not meet and confer with respect to any proposal to diminish or abridge the rights guaranteed to municipal employees under ch. 164. The duty to bargain, however, does not compel either party to agree to a proposal or require the making of a concession. Collective bargaining includes the reduction of any agreement reached to a written and signed document. The municipal employer shall not be required to bargain on subjects reserved to management and direction of the governmental unit except insofar as the manner of exercise of such functions affects the wages, hours and conditions of employment of the municipal employees in a collective bargaining unit. In creating this subchapter the legislature recognizes that the municipal employer must exercise its

strike through instead of score

SENATE BILL 372

1 powers and responsibilities to act for the government and good order of the  
2 jurisdiction which it serves, its commercial benefit and the health, safety and welfare  
3 of the public to assure orderly operations and functions within its jurisdiction,  
4 subject to those rights secured to municipal employees by the constitutions of this  
5 state and of the United States and by this subchapter.

(B) 19

SECTION 2. 111.70 (4) (o) of the statutes is created to read:

by 2009 Wisconsin Act 19 is repealed.

7 ~~111.70 (4) (o) Mandatory subjects of bargaining.~~ In a school district, in addition  
8 to any subject of bargaining on which the municipal employer is required to bargain  
9 under sub. (1) (a), the municipal employer is required to bargain collectively with  
10 respect to the development of or any changes to a teacher evaluation plan under s.  
11 118.225.

SECTION 3. 118.225 of the statutes is created to read:

13 **118.225 Teacher evaluations.** A school board may use the results of  
14 examinations administered to pupils under s. 118.30 and 20 USC 6311 (b) (3) to  
15 evaluate teachers if the school board has developed a teacher evaluation plan that  
16 includes all of the following:

- 17 (1) A description of the evaluation process.
- 18 (2) Multiple criteria in addition to examination results.
- 19 (3) The rationale for using examination results to evaluate teachers.
- 20 (4) An explanation of how the school board intends to use the evaluations to  
21 improve pupil academic achievement.

SECTION 4. 118.30 (2) (c) of the statutes is amended to read:

23 118.30 (2) (c) The results of examinations administered under this section or  
24 under 20 USC 6311 (b) (3) to pupils enrolled in public schools, including charter  
25 schools, may not be used to evaluate teacher performance, to discharge, suspend or

SENATE BILL 372

1 powers and responsibilities to act for the government and good order of the  
2 jurisdiction which it serves, its commercial benefit and the health, safety and welfare  
3 of the public to assure orderly operations and functions within its jurisdiction,  
4 subject to those rights secured to municipal employees by the constitutions of this  
5 state and of the United States and by this subchapter.

6 SECTION 2. 111.70 (4) (o) of the statutes is created to read:

7 111.70 (4) (o) *Mandatory subjects of bargaining.* In a school district, in addition  
8 to any subject of bargaining on which the municipal employer is required to bargain  
9 under sub. (1) (a), the municipal employer is required to bargain collectively with  
10 respect to the development of or any changes to a teacher evaluation plan under s.  
11 118.225.

12 SECTION 3. 118.225 of the statutes is created to read:

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14 examinations administered to pupils under s. 118.30 and 20 USC 6311 (b) (3) to  
15 evaluate teachers if the school board has developed a teacher evaluation plan that  
16 includes all of the following:

- 17 (1) A description of the evaluation process.
- 18 (2) Multiple criteria in addition to examination results.
- 19 (3) The rationale for using examination results to evaluate teachers.
- 20 (4) An explanation of how the school board intends to use the evaluations to

21 improve pupil academic achievement.

22 SECTION 1. 118.30 (2) (c) of the statutes is amended to read:

23 118.30 (2) (c) The results of examinations administered under this section <sup>or</sup> plain  
24 under 20 USC 6311 (b) (3) to pupils enrolled in public schools, including charter  
25 schools, may not be used <sup>strike</sup> ~~to evaluate teacher performance~~ <sup>delete</sup> to discharge, suspend or

MDUC

as affected by 2009 Wisconsin Act 60,

#. Page 1, line 7: delete "SECTION 1" and substitute "SECTION 1m"

#. Page 1, line 9: after that line insert:

SENATE BILL 372

SECTION 4

strike

ins. 4-1 ✓

strike

for not renewing ✓

1 ~~formally discipline~~ a teacher or ~~as the reason for the nonrenewal of~~ a teacher's  
2 contract. >> (end) J

3 SECTION 5. 119.04 (1) of the statutes, as affected by 2009 Wisconsin Act 28, is

4 amended to read:

5 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
6 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,  
7 115.345, 115.361, 115.365 (3), 115.38 (2), 115.445, 115.45, 118.001 to 118.04, 118.045,  
8 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153,  
9 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.225, 118.24 (1), (2) (c)  
10 to (f), (6) and (8), 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51, 118.52, 118.55,  
11 120.12 (5) and (15) to (25), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26),  
12 (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25 are applicable to a 1st  
13 class city school district and board.

14 (END)





State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBa1122/1  
PG:jld&nwn:md

4-1

~~ASSEMBLY AMENDMENT 1,  
TO 2009 SENATE BILL 372~~

November 5, 2009 - Offered by Representatives DAVIS and VUKMIR.

1 At the locations indicated, amend the bill as follows:

- 2 **1.** Page 3, line 25: delete the material beginning with that line and ending with  
3 page 4, line 2, and substitute "schools, may not be used to evaluate teacher  
4 performance, to discharge, suspend or formally discipline the sole reason for  
5 discharging, suspending, or formally disciplining a teacher or as the reason for the  
6 nonrenewal of for not renewing a teacher's contract.

7

(END)

(end ins 4-1)

INSERT JLD

111.70(1)(a)

<sup>(B)</sup>  
① (a) "Collective bargaining" means the performance of the mutual obligation of a municipal employer, through its officers and agents, and the representative of its municipal employees in a collective bargaining unit, to meet and confer at reasonable times, in good faith, with the intention of reaching an agreement, or to resolve questions arising under such an agreement, with respect to wages, hours, and conditions of employment, and with respect to a requirement of the municipal employer for a municipal employee to perform law enforcement and fire fighting services under s. 61.66 <sup>(3)</sup> ~~and for a school district with respect to any matter under sub. (4) (o)~~, and for a school district with respect to any matter under sub. (4) (n), except as provided in subs. (3m), (3p), and (4) (m) and (mc) and s. 40.81 (3) and except that a municipal employer shall not meet and confer with respect to any proposal to diminish or abridge the rights guaranteed to municipal employees under ch. 164. The duty to bargain, however, does not compel either party to agree to a proposal or require the making of a concession. Collective bargaining includes the reduction of any agreement reached to a written and signed document. The municipal employer shall not be required to bargain on subjects reserved to management and direction of the governmental unit except insofar as the manner of exercise of such functions affects the wages, hours, and conditions of employment of the municipal employees in a collective bargaining unit. In creating this subchapter the legislature recognizes that the municipal employer must exercise its powers and responsibilities to act for the government and good order of the jurisdiction which it serves, its commercial benefit and the health, safety and welfare of the public to assure orderly operations and functions within its jurisdiction, subject to those rights secured to municipal employees by the constitutions of this state and of the United States and by this subchapter.

111.70 - ANNOT.

NOTE: Par. (a) is shown as affected by 2 acts of the 2009 Wisconsin legislature and as merged by the legislative reference bureau under s. 13.92 (2) (i). A necessary comma is shown in brackets. Corrective legislation is pending.

(end ins JLD)