

👉 **09hr\_SC-LEUA\_sb0067\_pt01**



Details:

(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

### 2009-10

(session year)

### Senate

(Assembly, Senate or Joint)

### Committee on ... Labor, Elections, and Urban Affairs (SC-LEUA)

### COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)
  - (**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

## Senate

### Record of Committee Proceedings

#### **Committee on Labor, Elections and Urban Affairs**

##### **Senate Bill 67**

Relating to: preparation time as a mandatory subject of collective bargaining.

By Senators Erpenbach, Lehman, Taylor, Wirch, Hansen, Vinehout, Coggs, Risser and Miller; cosponsored by Representatives Sinicki, Mason, Toles, Berceau, Smith, Soletski, Zepnick, Benedict, Vruwink, Hixson, Pocan, Zigmunt, Pope-Roberts, Young, Milroy, Turner and Bernard Schaber.

February 18, 2009      Referred to Committee on Labor, Elections and Urban Affairs.

March 19, 2009      **PUBLIC HEARING HELD**

Present:    (5)      Senators Coggs, Wirch, Lehman, A. Lasee and Grothman.

Absent:    (0)      None.

##### Appearances For

- Jon Erpenbach — Senator
- Christine Sinicki — Representative
- DJ Holub — WEAC
- Marnie Langlois — WEAC

##### Appearances Against

- Dan Rossmiller — Wisconsin Association of School Boards

##### Appearances for Information Only

- None.

##### Registrations For

- Diane Craney — WEAC

##### Registrations Against

- Joseph Quick — Madison Metropolitan School District
- John Forester — School Administrators Alliance

##### Registrations for Information Only

- None.

April 14, 2009      **EXECUTIVE SESSION HELD**

Present: (5) Senators Coggs, Wirch, Lehman, A. Lasee and Grothman.

Absent: (0) None.

Moved by Senator Lehman, seconded by Senator Wirch that **Senate Bill 67** be recommended for passage.

Ayes: (3) Senators Coggs, Wirch and Lehman.

Noes: (2) Senators A. Lasee and Grothman.

PASSAGE RECOMMENDED, Ayes 3, Noes 2



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Adam Plotkin  
Committee Clerk

## Vote Record

### Committee on Labor, Elections and Urban Affairs

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Date: Tuesday, April 14, 2009

Moved by: LEHMAN      Seconded by: WIRCH

AB \_\_\_\_\_ SB 67 \_\_\_\_\_ Clearinghouse Rule \_\_\_\_\_  
 AJR \_\_\_\_\_ SJR \_\_\_\_\_ Appointment \_\_\_\_\_  
 AR \_\_\_\_\_ SR \_\_\_\_\_ Other \_\_\_\_\_

A/S Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_  
 A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

Be recommended for:  
 Passage       Adoption       Confirmation       Concurrence       Indefinite Postponement  
 Introduction       Rejection       Tabling       Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<b>Senator Spencer Coggs, Chair</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Robert Wirch</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator John Lehman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Alan Lasee</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Glenn Grothman</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Totals:</b>	<u>3</u>	<u>2</u>	_____	_____

A QUALITY  
EDUCATION  
FOR  
EVERY  
CHILD



## State of Wisconsin Department of Public Instruction

Elizabeth Burmaster, State Superintendent

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March 19, 2009

The Honorable Spencer Coggs, Chair  
Senate Committee on Labor, Elections and Urban Affairs  
State Capitol  
P.O. Box 7882  
Madison, WI 53707-7882

Dear Senator Coggs,

I am writing in regards to 2009 Senate Bill 67, relating to making teacher preparation time a mandatory subject of collective bargaining.

It is important to the quality of instruction students receive that teachers are afforded preparation time. Preparation time has value. Research has shown that it can make a significant difference in achievement. This is not something that should be left primarily to be done at home after work or on weekends. It is too important and the experience of being able to prepare at work can not be replicated. The ability to share instructional strategies and discuss lessons, standards, and assessments with other teachers is difficult to duplicate outside of the work day, which is what makes this issue so critical.

Increasingly, teachers have less and less time during the day to prepare for classroom instruction. This is, in part, due to the many roles and responsibilities teachers have had to take on due to cuts made under revenue limits. While many school districts recognize the value of teacher preparation time, many others have cut or are proposing to cut this time. It would be shameful if, under revenue limits, preparation time continued to be eroded.

Sincerely,

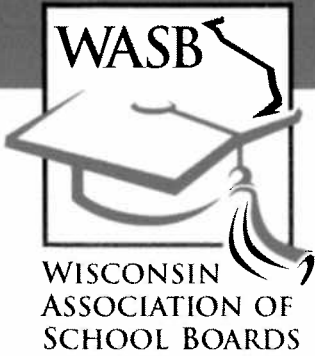
A handwritten signature in black ink, appearing to read 'Elizabeth Burmaster', is written over a light blue horizontal line.

Elizabeth Burmaster  
State Superintendent

EB:ls

cc: Members, Senate Committee on Labor, Elections and Urban Affairs





122 W. WASHINGTON AVENUE, MADISON, WI 53703  
PHONE: 608-257-2622 • FAX: 608-257-8386

JOHN H. ASHLEY, EXECUTIVE DIRECTOR

TO: Members, Senate Committee on Labor, Elections and Urban Affairs

FROM: Dan Rossmiller, WASB Government Relations Director

DATE: March 19, 2009

RE: **Senate Bill 67**, relating to teacher preparation time as a mandatory subject of collective bargaining.

The Wisconsin Association of School Boards (WASB) strongly **opposes** Senate Bill 67, which would convert historic management rights into new a mandatory collective bargaining right for teachers and school districts.

The bill would force school districts to bargain collectively with respect to preparation time (also called “prep time”)—a period during the school day when a teacher does not have assigned teaching responsibility. If it passes this bill, the Legislature will give teachers the right to bargain not to teach during the school day. There is a strong potential for such a mandate to limit educational opportunities for students and increase class sizes.

Prep time is time—apart from pupil contact time—during the school day when teachers have no specific assigned duties. A teacher may use that time for planning or may use the time as a break if he or she chooses to do preparation tasks at times other than prep time.

Given the current fiscal situation facing most Wisconsin school districts, school boards are not in a position to hire more teachers in order to provide additional prep time. Thus, school boards will have two choices when faced with proposed contract language:

- Agree to at least some additional prep time, which in most cases will result in reduced class offerings and/or increasing class sizes to provide additional non-pupil-contact time for each teacher during the school day; or
- Reject the proposed contract language, which likely will result in providing additional compensation to teachers or offering other benefits that can directly impact the amount of resources available to provide programs and services for students.

If the Legislature passes SB 67 and makes preparation time a mandatory subject of bargaining, one effect would be to make prep time subject to binding interest arbitration. This means that if a bargaining impasse is reached, an arbitrator will choose one party's final offer, including its provisions regarding prep time.

The ultimate decision for a school district's contract will rest with an unelected arbitrator, an expert in contract negotiations, not education. This arbitrator, who most often is someone with no connection to the district, will make decisions on prep time that will have wide ranging impacts on the use of school facilities, class sizes, class offerings, the ability of administrators to schedule meetings to discuss individualized education plans (or IEPs) for special education students or to work on curriculum improvements.

With revenue limits in place, school boards cannot hire more teachers. If the arbitrator increases the amount of prep time each teacher is given, this reduces the teaching load of the existing staff. School boards will have little or no option but to increase class sizes, reduce program offerings, eliminate enrichment opportunities, delay maintenance and make other cuts if an arbitrator enforces a requirement for more prep time than the school board can afford.

The Wisconsin Employment Relations Commission and our state's courts, including the Wisconsin Supreme Court, have consistently held that school boards are not required to negotiate over issues that are primarily related to educational policy and management, including preparation time. School boards do, however, have a duty to bargain over the impact of any of their decisions concerning educational policy or management, including preparation time, have on employee's wages, hours and conditions of employment.

The importance of preparation time is not in dispute. The intent of this bill is laudable as it pertains to attempting to improve instruction in Wisconsin's public K-12 schools. However, school boards need more flexibility, not less, to meet the challenges presented by the current fiscal environment. Requiring school boards to negotiate over the actual amount of preparation time in addition to the impact on wages, hours and working conditions will not accomplish this goal.

Locally elected school boards are in the best position to balance the needs of their teachers as they relate to preparation time with the needs of their students and they relate to class sizes and curriculum offerings.

Please oppose Senate Bill 67. Thank you.







# School Administrators Alliance

*Representing the Interests of Wisconsin School Children*

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**TO:** Senate Committee on Labor, Elections and Urban Affairs  
**FROM:** John D. Forester, SAA Director of Government Relations  
**DATE:** March 19, 2009  
**RE:** Senate Bill 67 – Teacher Prep Time, Mandatory Subject of Bargaining

The School Administrators Alliance (SAA) strongly opposes Senate Bill 67, relating to requiring teacher prep time to be a mandatory subject of bargaining. This proposal would diminish the ability of school districts to implement reforms and has the potential to be extremely costly for districts.

Under current law, employers are required to bargain only on those matters deemed mandatory subjects of bargaining (wage, hours and conditions of employment). Matters that are deemed to relate primarily to the management and direction of the municipal employer are permissive subjects of bargaining and the employer is not obligated to bargain such matters collectively. SB 67 would ensure that matters relating to teacher preparation time be treated as mandatory subjects of bargaining.

SB 67 would require districts to bargain collectively over how **any time** is spent during the school day, except that time spent directly with students. If enacted, the bill would:

- Severely limit the ability for school districts to make any changes in work assignments or class schedules, and to schedule professional development or other activities.
- Force educational policy decisions, such as class offerings, behind closed doors during bargaining without input from parents or the public.
- Require more staff to be hired to cover assignments.
- Have a huge impact on special education. It would drive up special education costs with the bargaining of IEP and M-Team meetings, and further complicate the already difficult process of scheduling these meetings.

Thank you for your consideration of our views. If you have questions regarding the SAA's opposition to SB 67, please contact me at 608-242-1370.

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4797 Hayes Road, 2nd Floor • Madison, WI 53704 • (608) 242-1370 • Fax (608) 242-1290 • [www.wsaa.org](http://www.wsaa.org)

**An Alliance of:**

Association of Wisconsin  
School Administrators

Wisconsin Association of  
School District Administrators

Wisconsin Association of  
School Business Officials

Wisconsin Council for  
Administrators of Special Services





# **JON ERPENBACH**

**S T A T E   S E N A T O R**

**SENATE COMMITTEE ON LABOR, ELECTIONS AND URBAN AFFAIRS: MARCH 19, 2009 10:00 a.m. 411 South, State Capitol**

**TESTIMONY OF STATE SENATOR JON ERPENBACH**

**SENATE BILL 67 – PREPARATION TIME AS A MANDATORY SUBJECT OF COLLECTIVE BARGAINING**

**Good morning Chairperson Coggs and members of the committee. Thank you for holding a public hearing on SB 67, which will make preparation time a mandatory subject of collective bargaining between school districts and teacher unions.**

**Being the son of a long-time teacher at the elementary level, I am very aware of the work that teachers put in to do the best job possible teaching their students.**

**Countless hours are put in outside the classroom to plan the direct instruction as well as enrichment activities to reinforce concepts.**

**We know that teachers having preparation time during their day is best practice – this bill will acknowledge that and give all teachers in our state the ability to bargain for it in the collective bargaining process.**

**The bill affects time spent during the day, but separate from pupil contact time, when teachers prepare lessons, labs, educational materials, confer or collaborate with other**

staff, or complete administrative duties. It will give teachers input into the scheduling of their preparation times at the local level through the collective bargaining process.

Currently, between 60% and 70% of teacher contracts address preparation time in some manner. This means two things.

1. Many districts recognize the importance of preparation time, thus reinforcing the idea that it should be a mandatory subject of collective bargaining, and
2. That between 60% and 70% of districts have staff that are vulnerable to losing preparation time as long as it remains a permissive subject of bargaining, and 30-40% don't have it addressed in their contracts at all.

This is especially true in the current environment where teacher time is stretched tight as teachers serve in multiple capacities to meet the educational needs of children. As a result, teachers are left with little or no time in the day to prepare for classroom instruction and to meet the other demands on their time.

In the end – the children pay the price. We know that the quality of our children's education suffers when teachers are not given enough time during the workday to prepare for the classroom.

I hope this committee will support best practice, and support SB 67.





WISCONSIN STATE ASSEMBLY  
**Christine Sinicki**  
STATE REPRESENTATIVE

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Date?

**Testimony Before Senate Committee on Labor, Elections and Urban Affairs**

Mr. Chairman and Members:

Thank you for hearing my position on this important legislation. This bill is simple. It is rooted in the simple premise that our children deserve the best education we can give them. Our kids are our future and they deserve no less. They deserve educators who have ample time to prepare course work and lesson plans as well as attend to the many tasks that go a long with a busy public school teacher's day.

Senate Bill 67 will ensure our state's teachers have this valuable educational tool available to them. The current amount of time teachers can allot for preparation is not adequate and not sufficient. Educator planning makes a significant difference in student learning and achievement. Our kids are worth that much.

Thank you for your attention to my position on this bill.





①

# LEVA PH + EXEC - 3/19/09

SB 67

- SB 914
  - GL testimony (written)
  - Bruce Cdemah (written)
    - SC asks about minor repairs
      - expands
      - JL - 1000 hours - create
  - Jeff Beiriger
    - speaking in "very tepid" opposition
    - there is public health + safety issue
    - likes minor repairs provision, but how to define
    - how to give input on rules making
    - SC - let council list minor repairs
  - Tim Elverman
    - looks clean up, answers previous questions
    - Plumbers Local 75 supports
- SB 49
  - Lena Taylor w/ Maria Montecagudo
    - written testimony from both
- SB 67
  - Tryg + Sinicki (both w/ written testimony)
    - ~~Dr~~ - thank you for bill, good for teachers
  - Dan Rossmiller, WASB
    - written
    - about economics
  - SC - is prep time important/affordable?
    - keep it as permissive

(2)

Racine

- DS Holdub & Marnie Langlois
    - importance of prep time
    - prep time not guaranteed
    - other issues to prepare for besides classroom
  - Lasee - how do you calculate for extra time
    - no prep time contributes to burn out of new teachers
- 

EXEC

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# LEVA - Exec + PH - 4/14/09

SB07

## Exec

- SB20 - Russ explains sub based on Karl's memo
- SC points out WI Counties change of support w/ sub
- GG
  - offensive to biz.
  - penalties too high
  - atty fees too high
  - govt shouldn't get exemption (thinks totally off the hook)
  - biz. w/ 16 employees
- Arch
  - cost of doing biz.
  - don't control atty fees
- SC
  - don't use China as paragon of virtue
  - 3-2 vote on adoption of amendment
- GG - many claims found to have no probable cause
  - putting full burden on businesses
  - contempt for business
  - haven't seen need for change
  - unfair to biz, will negatively affect employees too
- BW - burden is atty fees
  - employer can be bad actor
  - level playing field for employee
  - need to allow for day in court
- AL - bill could be tolerable at any other time, but economy right now makes it a bad idea
  - are more real in the coffin for biz
  - hold for a year, don't see need

2

BW - Tommy Thompson sold the state

- bad mouthing state's prospects + economy
- AL + GG are only pointing out negatives

AL - not bad mouthing econ., unemployment rates

GG - 15% such fixable cause

- frivolous, bitter claims filed
- biz. also penalized by attys. fees
- putting WI at disadvantage
- find more claims in MKE Co., GG will go to district
  - wants to visit on a Monday or Friday

BW - no one in audience for victims

- SB 49 - no discussion - 4-1

3-2  
↙  
SB 67

- SL - sky won't fall w/ bill

- GG - agree, but schools will get worse

- schools are for students, not teachers

→ 3-2 vote

- SB 94

- Russ describes amendment

→ amendment 5-0, bill 4-1

Public Hearing

- SB 161 / AB 194

- Taylor + Grigsby

- both have written testimony

- error rates are national embarrassment

- doing this for the employees

- cooperation w/ county board on some items based on lawsuit



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- ▶ Organizations employing lobbyists
- ▶ Lobbyists

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Government Accountability Board



as of Wednesday, March 18, 2009

**2009-2010 legislative session**  
**Legislative bills and resolutions**

(search for another legislative bill or resolution at the bottom of this page)

**Senate Bill 67**

preparation time as a mandatory subject of collective bargaining. (FE)

<b>TEXT</b> sponsors LBR analysis	<b>STATUS</b> committee actions and votes text of amendments	<b>COST &amp; HOURS</b> of lobbying efforts directed at this proposal
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Organization		These organizations have reported lobbying on this proposal:	Place pointer on icon to display comments, click icon to display prior comments		
Profile	Interests		Date Notified	Position	Comments
●	●	AFT - Wisconsin	3/17/2009	↑	
●	●	Association of Wisconsin School Administrators	2/24/2009	↓	
●	●	Milwaukee Teachers Education Association	2/24/2009	↑	
●	●	Wisconsin Association of School Boards Inc	2/23/2009	↓	
●	●	Wisconsin Association of School Business Officials	2/24/2009	↓	
●	●	Wisconsin Association of School District Administrators	2/23/2009	↓	
●	●	Wisconsin Council for Administrators of Special Services	2/24/2009	↓	
●	●	Wisconsin Education Association Council	2/19/2009	↑	
●	●	Wisconsin Professional Police Association	3/2/2009	↑	

Select a legislative proposal and click "go"

<b>House</b>	<input type="text" value="Assembly"/> <input type="text" value="Senate"/>
<b>Proposal Type</b>	<input type="text" value="Bill"/> <input type="text" value="Joint Resolution"/> <input type="text" value="Resolution"/>
<b>Proposal Number</b>	<input type="text" value="67"/> (enter proposal number)
<b>Legislative Session</b>	<input type="text" value="2009 Regular Session"/>
	<input type="button" value="Go"/>

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- ▶ Lobbyists

Presented by the Wisconsin Government Accountability Board



as of Sunday, April 12, 2009

**2009-2010 legislative session**  
**Legislative bills and resolutions**  
 (search for another legislative bill or resolution at the bottom of this page)

**Senate Bill 67**

preparation time as a mandatory subject of collective bargaining. (FE)

<b>TEXT</b> sponsors LBR analysis	<b>STATUS</b> committee actions and votes text of amendments	<b>COST &amp; HOURS</b> of lobbying efforts directed at this proposal
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●	●	Wisconsin Council for Administrators of Special Services	2/24/2009	↓	
●	●	Wisconsin Education Association Council	2/19/2009	↑	
●	●	Wisconsin Professional Police Association	3/2/2009	↑	

Select a legislative proposal and click "go"

<b>House</b>	Assembly Senate
<b>Proposal Type</b>	Bill Joint Resolution Resolution
<b>Proposal Number</b>	67 (enter proposal number)
<b>Legislative Session</b>	2009 Regular Session ▼
<input type="button" value="Go"/>	