September 2, 2015 – Introduced by Representatives WEATHERSTON, E. BROOKS and MURPHY, cosponsored by Senator WANGGAARD. Referred to Committee on Education.

AN ACT to renumber 17.26 (2) and 17.26 (4); to renumber and amend 17.26 (intro.) and 17.26 (1); to amend 17.26 (3) and 120.42 (3); and to create 17.26 (1m) of the statutes; relating to: allowing a school board president to fill certain vacancies on a school board of a common, union high, or unified school district.

Analysis by the Legislative Reference Bureau

This bill allows the school board president of a common, union high, or unified school district to appoint a person to fill a vacancy on the school board if the remaining school board members fail to fill the vacancy within 60 days.

Under current law, if a vacancy occurs on a school board of a common, union high, or unified school district, the remaining school board members appoint a person to fill the vacancy. This bill allows the school board president of one of these school districts to appoint a person to fill a vacancy on the school board if the remaining school board members do not fill the vacancy within 60 days of the date on which the vacancy first occurs. A school board member appointed to fill a vacancy, whether by remaining school board members or by a school board president, serves until his or her successor is elected and takes office.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:
SECTION 1. 17.26 (intro.) of the statutes is renumbered 17.26 (1g) (intro.) and amended to read:

17.26 (1g) (intro.) Except as provided in s. 9.10 and sub. (1m), vacancies in a school board shall be filled as follows:

SECTION 2. 17.26 (1) of the statutes is renumbered 17.26 (1g) (a) and amended to read:

17.26 (1g) (a) In a common, union high, or unified school district, by appointment by the remaining members. Each appointee under this subsection or sub. (1m) shall hold office until a successor is elected and takes office under s. 120.06 (4) or 120.42 (2). When a vacancy occurs in the office of a board member who is in the last year of his or her term, or when a vacancy occurs after the spring election but on or before the last Tuesday in November in the office of a board member who is not in the last year of his or her term, the successor shall be elected at the next spring election. When a vacancy occurs after the last Tuesday in November and on or before the date of the next spring election in the office of a board member who is not in the last year of his or her term, the successor shall be elected at the 2nd following spring election.

SECTION 3. 17.26 (1m) of the statutes is created to read:

17.26 (1m) The school district president of a common, union high, or unified school district may, by appointment, fill a vacancy in the school board if the remaining members of the school board do not appoint an individual to fill the vacancy under sub. (1g) (a) within 60 days of the date on which the vacancy first exists.

SECTION 4. 17.26 (2) of the statutes is renumbered 17.26 (1g) (b).

SECTION 5. 17.26 (3) of the statutes is amended to read:
17.26 (3) Any person selected under sub. (1) (1g) (a) or (1m), upon being notified of his or her selection, shall be deemed to have accepted the selection unless within 5 days after notification he or she files with the clerk or director a written refusal to serve.

SECTION 6. 17.26 (4) of the statutes is renumbered 17.26 (1g) (c).

SECTION 7. 120.42 (3) of the statutes is amended to read:

120.42 (3) All vacancies shall be filled by appointment, in accordance with s. 17.26 (1) (1g) (a) or (1m).

(END)