2021 ASSEMBLY BILL 1158


__AN ACT to renumber 120.01; to amend 117.105 (4m) (e) 1. a., 117.17 (1) (a), 119.08 (title), 119.08 (3), 119.10 (3), 120.01 (title), 120.11 (2) (a), 120.11 (2) (b), 120.11 (2) (c) and 120.13 (32); and to create 119.08 (1m), 120.01 (2m), 120.065 and 120.41 (3) of the statutes; relating to: adding a teacher representative to school boards.__

Analysis by the Legislative Reference Bureau

Under this bill, each school board must, in addition to its regular elected members, have one teacher representative who is not a member and does not vote at school board meetings but who is entitled to attend all school board meetings. The bill provides that the teacher representative to a school board must be an employee of the school district who is employed in a teaching role. The teacher representative is selected by the employees of the school district who are employed in teaching roles by secret ballot held no later than the spring election, which is the election at which school board members are elected. The bill directs each school district clerk to establish the timelines and procedures for providing notice of and conducting the secret ballot and for notifying interested persons regarding the result of the secret ballot.

The bill provides that a teacher representative takes office on the same date that school board members take office, which is the fourth Monday in April. The regular term of a teacher representative is three years, except that, in a first class city school district (currently, only Milwaukee Public Schools), the term of a teacher representative is four years.
For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

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

 SECTION 1. 117.105 (4m) (e) 1. a. of the statutes is amended to read:

117.105 (4m) (e) 1. a. The number of school board members under s. 120.01 (1m) or 120.41.

 SECTION 2. 117.17 (1) (a) of the statutes is amended to read:

117.17 (1) (a) Every order of school district reorganization under s. 117.08, 117.09, or 117.105 that creates a new school district shall state the school districts which that are dissolved or from which territory is detached to create the new school district, name the new school district, state the type of school district and the grades to be taught by the new school district pursuant to s. 115.01 (2), (3), and (5), designate the number of school board members under s. 120.01 (1m) or 120.41, designate the terms of initial members of the school board under s. 120.02 (3) (a), designate the method of election of school board members under s. 120.06 or 120.42, direct the election of school board members under s. 120.06 or 120.42, insofar as applicable, designate the date of the first election of school board members, as provided under s. 117.22 (2) (b), and fix the time and place for the first annual meeting of the new school district, if one is to be held. The secretary of the board shall give notice of the first annual meeting, if one is to be held, under s. 120.08 (1) (c), and shall designate a person to act as temporary chairperson of the annual meeting until a chairperson is elected.

 SECTION 3. 119.08 (title) of the statutes is amended to read:
119.08 (title) Election of board members; nonvoting teacher representative.

SECTION 4. 119.08 (1m) of the statutes is created to read:

119.08 (1m) In addition to the members under sub. (1) (a), the board shall have one teacher representative selected as provided under s. 120.065. The teacher representative is not a member of the board and does not vote. The teacher representative is entitled to attend all board meetings, including any meeting convened in closed session under s. 19.85 (1).

SECTION 5. 119.08 (3) of the statutes is amended to read:

119.08 (3) The regular terms of board members shall be 4 years. Notwithstanding s. 120.065 (4), the regular term of the teacher representative shall be 4 years.

SECTION 6. 119.10 (3) of the statutes is amended to read:

119.10 (3) The board shall hold a regular meeting at least once each month at times fixed and published by the board in its rules. If a regular board meeting falls on a legal holiday, it shall be held on the next business day. Special meetings may be called and held as provided by the rules of the board. No business may be transacted at a special meeting other than that specified in the notice of the meeting, which shall be delivered personally or by mail to each member and the teacher representative at least 24 hours before the time of such meeting.

SECTION 7. 120.01 (title) of the statutes is amended to read:

120.01 (title) Number of school board members; nonvoting teacher representative.

SECTION 8. 120.01 of the statutes is renumbered 120.01 (1m).

SECTION 9. 120.01 (2m) of the statutes is created to read:
120.01 (2m) In addition to the members under sub. (1m), a school board of a common or union high school district shall have one teacher representative selected under s. 120.065. The teacher representative is not a member of the school board and does not vote. The teacher representative is entitled to attend all school board meetings, including any meeting convened in closed session under s. 19.85 (1).

SECTION 10. 120.065 of the statutes is created to read:

120.065 Selection of teacher representative. In a common or union high school district, the teacher representative to the school board shall be selected as follows:

(1) No later than the spring election, the teacher representative shall be selected by the employees of the school district who are employed in teaching roles by secret ballot.

(2) The teacher representative shall be an employee of the school district who is employed in a teaching role.

(3) At least 30 days before a secret ballot is held under sub. (1), the school district clerk shall inform all school district employees who are eligible to serve as the teacher representative of the date of the secret ballot and shall solicit the names of candidates for the position. The school district clerk shall establish the timelines and procedures for providing notice of and conducting the secret ballot and for notifying interested persons regarding the result of the secret ballot.

(4) The regular term of the teacher representative shall be for 3 years. A teacher representative selected for a regular or unexpired term shall take office on the 4th Monday in April. The selection process to fill an unexpired term shall be held in the same manner as the selection of a teacher representative under a regular term.

SECTION 11. 120.11 (2) (a) of the statutes is amended to read:
1 120.11 (2) (a) The school board shall hold a special school board meeting upon
2 the written request of a school board member filed with the school district clerk or,
3 in the school district clerk’s absence, the school district president. The school district
4 clerk or, in the school district clerk’s absence, the president shall fix a reasonable
5 date, time, and place for the meeting. Except as provided under pars. (b) and (c), the
6 school district clerk or, in the school district clerk’s absence, the president shall notify
7 each school board member and the teacher representative of the date, time, and place
8 of the meeting at least 24 hours before the meeting. Except as provided under pars.
9 (b) and (c), the school district clerk or, in the school district clerk’s absence, the
10 president shall give the notice to each school board member and the teacher
11 representative in a manner likely to give the school board member or teacher
12 representative notice of the meeting.
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14 **SECTION 12.** 120.11 (2) (b) of the statutes is amended to read:
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16 120.11 (2) (b) If the school district clerk or, in the school district clerk’s absence,
17 the school district president determines that providing notice at least 24 hours before
18 a special school board meeting under par. (a) is, for good cause shown by the school
19 district clerk or president, impossible or impractical, the school district clerk or
20 president may notify each school board member and the teacher representative of the
21 date, time, and place of the meeting less than 24 hours, but not less than 2 hours,
22 before the meeting.
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24 **SECTION 13.** 120.11 (2) (c) of the statutes is amended to read:
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26 120.11 (2) (c) The school board may hold a special school board meeting under
27 par. (a) without prior notice if all school board members and the teacher
28 representative are present and consent or if every school board member and the
teacher representative consents in writing even though the school board member or
teacher representative does not attend.

SECTION 14. 120.13 (32) of the statutes is amended to read:

120.13 (32) SCHOOL BOARD ORIENTATION. Provide for the orientation and
continuing education of school board members, the teacher representative, and
persons who have been elected to the school board but have not yet taken office in
the general duties and responsibilities of the school board and the school district, and
pay for the actual and necessary expenses incurred.

SECTION 15. 120.41 (3) of the statutes is created to read:

120.41 (3) In addition to the members under sub. (1) or (2), a school board of
a unified school district shall have one teacher representative selected under s.
120.065. The teacher representative is not a member of the school board and does
not vote. The teacher representative is entitled to attend all school board meetings,
including any meeting convened in closed session under s. 19.85 (1).

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