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CERTIFICATE

STATE OF WISCONSIN

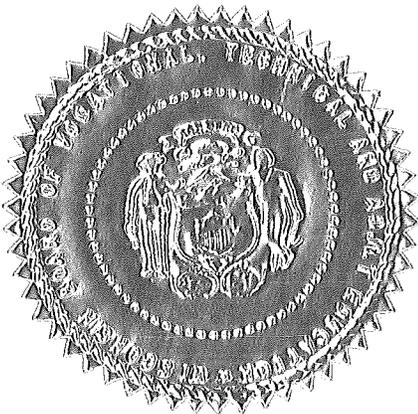
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BOARD OF VOCATIONAL, TECHNICAL AND ADULT EDUCATION

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Robert P. Sorensen, State Director of the Wisconsin Board of Vocational, Technical and Adult Education, and custodian of the official records of said Board do hereby certify that the annexed rules relating to Vocational, Technical and Adult Education District Board Appointments were duly approved and adopted by this Board on May 25, 1983.

I further certify that said copy has been compared by me with the original on file in this board and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Board at Hill Farms State Office Building in the city of Madison, this 12th day of July, 1983.

Robert P. Sorensen

Robert P. Sorensen
State Director

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ORDER OF
THE BOARD OF VOCATIONAL, TECHNICAL
AND ADULT EDUCATION ADOPTING
AND REPEALING RULES RELATING TO
DISTRICT BOARD MEMBER APPOINTMENTS

To repeal and adopt chapter A-V 2 relating to vocational,
technical and adult education district board appointments.

ANALYSIS PREPARED BY THE BOARD OF VOCATIONAL, TECHNICAL AND ADULT
EDUCATION

Section 38.04(15), Stats., as created by chapter 269, Laws of
1981, provides that the Board of Vocational, Technical and Adult
Education is to adopt rules establishing "criteria and procedures
for the review of district board appointments." These
appointments are made by appointment committees consisting of
county board chairs or public school board presidents depending
upon how the district was originally organized.

Prior to appointment of district board members, the appointment
committee is required to adopt a plan of representation that
gives equal consideration to the general population distribution,
the distribution of women within the district and the

distribution of minorities within the district. Appointments made by the appointment committee are to comply with the provisions of the plan.

The Board of Vocational, Technical and Adult Education is required under s. 38.10(2)(c), Stats., to "require that district board appointments comply with the provisions of the plan." Additionally, the Board of Vocational, Technical and Adult Education is required under s. 38.10(2)(f), Stats., to formulate the plan of representation and appoint district board members if the appointment committee cannot reach agreement on the representation plan and district board membership within 30 days after their first meeting to make appointments.

A-V 2.01 sets forth the purpose of the rules and notes that these rules are authorized under s. 38.04(15), Stats., and interpret ss. 38.10(2)(c) and 38.10(2)(f), Stats.

A-V 2.02 defines certain terminology as used in the rules.

A-V 2.03 requires district boards to provide all reasonable and necessary clerical services, support services and information, upon request of the appointment committee.

A-V 2.04 sets forth the procedures of the Board in reviewing

appointments and the information required from the appointment committee to allow the Board to conduct a meaningful review. It is incumbent upon the appointment committee to demonstrate how the plan of representation and appointments made under the plan give equal consideration to the general population distribution of the district, the distribution of women within the district and the distribution of minorities within the district. The Board will review the appointments to determine whether they are reasonably conform to the statutory requirements.

A-V 2.05 requires the Board to notify the chair of the appointment committee, the person recommended for appointment and the chair of the district board of the Board's action upon making its review under A-V 2.04.

A-V 2.06 sets forth procedures to be followed by the Board in appointing district board members and formulating a plan of representation where the appointment committee has been unable to reach agreement on the plan of representation and district board membership within 30 days of its first meeting to make appointments. This section requires the appointment committee to forward all information used in its deliberation to the Board. The Board has the option to readvertise for candidates as it deems necessary.

Pursuant to authority vested in the Board of Vocational, Technical and Adult Education by sections 38.04(15), and 227.014(2)(a), Stats., the Board of Vocational, Technical and Adult Education hereby repeals and adopts rules interpreting sections 38.04(15), 38.10(2)(c) and 38.10(2)(f), Stats., as follows:

SECTION 1. Chapter A-V 2 of the Wisconsin Administrative Code is repealed.

SECTION 2. Chapter A-V 2 of the Wisconsin Administrative Code is adopted to read:

DISTRICT BOARD MEMBER APPOINTMENTS

A-V 2.01 PURPOSE. This chapter establishes criteria and procedures for the review of district board member appointments by the board as required under s. 38.04(15), Stats., interprets the board's authority to require under s. 38.10(2)(c), Stats., that district board appointments comply with the plan of representation, and interprets s. 38.10(2)(f), Stats., requiring the board to formulate the plan of representation and appoint district board members where the appointment committee cannot reach agreement within 30 days of their first meeting.

1 A-V 2.02 DEFINITIONS. (1) "Appointment committee"
2 means the appointment committee constituted under s. 38.10(1)(a),
3 (b) or (c), Stats.

4 (2) "Board" means the board of vocational, technical
5 and adult education.

6 (3) "District" means a vocational, technical and adult
7 education district.

8 (4) "District board" means the district board in
9 charge of the vocational, technical and adult education schools
10 of a district.

11 (5) "Minority" means a person whose race or ethnic
12 group is either:

13 (a) American Indian or Alaskan Native - a person with
14 origins in any of the original people of North America, and who
15 maintain cultural identification through tribal affiliation or
16 community recognition;

17 (b) Asian or Pacific Islander - a person having
18 origins in the Far East, Southeast Asia, the Indian subcontinent,
19 or the Pacific Islands;

20 (c) Black - a person not of Hispanic culture having
21 origins in any of the Black racial groups of Africa; or

22 (d) Hispanic - a person of Mexican, Puerto Rican,
23 Caribbean, Central or South American or other Spanish culture or
24 origin, regardless of race.

25 (6) "Business and industry" includes every trade,

1 occupation and profession.

2
3 A-V 2.03 DISTRICT DUTIES. If requested by the
4 district board appointment committee, the district board shall
5 provide any reasonable and necessary clerical services, support
6 services and information.

7
8 A-V 2.04 BOARD REVIEW OF APPOINTMENTS. (1) Pursuant
9 to s. 38.10(2)(c), Stats., the board shall require that district
10 board appointments comply with the provisions of the plan of
11 representation. Plans shall be in writing and need not conform
12 to any technical requirements, but shall contain the information
13 required under sub. (2).

14 (2) At a minimum, the plan of representation prepared
15 by the appointment committee shall include:

16 (a) A map of the district, and if the district is
17 divided into subunits for appointment purposes, the boundaries of
18 these subunits shall be indicated on the map.

19 (b) A statement explaining the plan of representation
20 and demonstrating how the plan of representation gives equal
21 consideration to:

- 22 1. The general population distribution of the
23 district.
24 2. The distribution of women within the district.
25 3. The distribution of minorities within the district.

1 (3) To enable the board to determine whether
2 appointments made under the plan of representation are in
3 compliance with the plan, the following materials shall be
4 submitted to the board by the appointment committee:

5 (a) A statement explaining how the appointments
6 implement the plan, how the appointments give equal consideration
7 to the general population distribution and the distribution of
8 women and minorities within the district as required under sub.
9 (2)(c), and what actions were taken to recruit women and minority
10 candidates for positions on the district board.

11 (b) An affidavit of each candidate for a position on
12 the board indicating the candidate's:

- 13 1. Full legal name.
- 14 2. Home and business addresses.
- 15 3. Home and business telephone numbers.
- 16 4. Position sought as an employer, employe, at-large
17 or school district administrator and whether the candidate holds
18 any public office enumerated under s. 38.08(1)(a)2, Stats. A
19 candidate may seek appointment to any position for which the
20 person qualifies.
- 21 5. Power to employ or discharge if the person is
22 seeking an employer position, or inability to employ or discharge
23 if the candidate is seeking an employe position.
- 24 6. Sex and status as a member of a minority as defined
25 under s. A-V 2.02(5). This information is optional but is

1 requested to enable the board to determine whether equal
2 consideration has been given to the distribution of women and
3 minorities within the district.

4 7. Other qualifications that the candidate desires
5 brought to the attention of the appointment committee.

6 (c) A statement explaining how the employer and
7 employe members as appointed are representative of the various
8 businesses and industries in the district as required under
9 s. 38.08(1)(a)2, Stats.

10 (4) In considering the approval of any appointments
11 made under the plan of representation, the board shall determine
12 whether the appointments:

13 (a) Reasonably represent the general population
14 distribution and the distribution of women and minorities as set
15 forth in the plan of representation.

16 (b) Reasonably represent the various businesses and
17 industries in the district as required for employer and employe
18 members of the district board.

19 (c) Result in a district board consisting of 9 members
20 who are residents of the district, including 3 employer members
21 who have the power to employ and discharge, 3 employe members who
22 do not have the power to employ or discharge, 2 at-large members
23 and a school district administrator as defined under
24 s. 115.01(11) Stats., and employed by the school board of a
25 school district located in the district.

1 (d) Result in at least two of the members of the
2 district board being elected officials of a county board of
3 supervisors, common council, village board of trustees, town
4 board of supervisors or school board. No 2 members of the
5 district board may be officials of the same governmental unit nor
6 may any district board member be a member of the school board
7 that employs the school district administrator.

8
9 A-V 2.05 NOTIFICATION OF BOARD ACTION. (1) Upon
10 approval of the appointment committee's action appointing board
11 members, the board send notice of approval to the chair of the
12 appointment committee, person appointed and the chair of the
13 district board within 10 days of board action.

14 (2) Upon disapproval of the appointment committee's
15 action in appointing board members, the board shall send notice
16 of disapproval to the chair of the appointment committee, person
17 recommended for appointment by the appointment committee and the
18 chair of the district board within 10 days of board action. The
19 notice shall request the appointment committee to hold its first
20 meeting for reconsideration of the appointment action within 30
21 days of receipt of the notice. Any action of the appointment
22 committee appointing a new district board member shall be
23 resubmitted to the board for its review under s. A-V 2.04. The
24 board shall make appointments to district boards only as
25 permitted under s. A-V 2.06.

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A-V 2.06 APPOINTMENTS BY THE BOARD.

(1) If the appointment committee cannot reach agreement on the representation plan and district board membership within 30 days after its first meeting to make appointments, or within 30 days after its first meeting to make appointments following receipt of the board's notice of disapproval under s. A-V 2.05(2), the board shall formulate the plan of representation and appoint the district board members in accordance with the plan.

(2) The appointment committee shall forward to the board the most recent approved plan of representation, the affidavit of each applicant required under s. A-V 2.05(3)(b), and a statement explaining why the appointment committee could not reach agreement.

(3) If there are insufficient candidates for a specific position on the district board, or if the board in its judgment determines that there are insufficient candidates to make an appointment, the board shall publish a notice in the district soliciting the submission of names and qualifications of candidates.

(4) Upon appointment of a candidate to a position on the district board, the board shall, in writing, notify the chair of the appointment committee, the candidate and the chair of the district board of the board's action.

The rules contained in this order shall take effect as provided
in s. 227.026(1)(intro.), Stats.

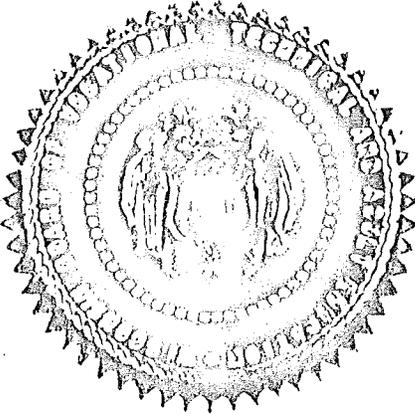
Dated: July 11, 1983

WISCONSIN BOARD OF VOCATIONAL,
TECHNICAL AND ADULT EDUCATION

Robert P. Sorensen

Robert P. Sorensen, Ph.D.

State Director





State of Wisconsin \

BOARD OF VOCATIONAL, TECHNICAL & ADULT EDUCATION

July 12, 1983

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Mr. Orlan L. Prestegard
Revisor of Statutes
Room 411 West - State Capitol
Madison, Wisconsin 53702

ROBERT P. SORENSEN, Ph.D.
State Director
4802 Sheboygan Avenue, 7th Floor
P. O. Box 7874
MADISON, WISCONSIN 53707

Dear Mr. Prestegard:

Enclosed for filing is a certified copy of the Order of the Board of Vocational, Technical and Adult Education adopting Chapter A-V 2, Wisconsin Administrative Code (Clearinghouse Rule 83-9), entitled "Vocational, Technical and Adult Education District Board Appointments". Also enclosed is an additional copy of the Order for use as printer's copy.

Should you have any questions, please do not hesitate to contact me at 266-8171.

Sincerely,

Edward S. Alschuler
Legal Counsel

ESA/mt

cc: Robert P. Sorensen, Ph.D.
John R. Kroll
Edward Chin

Enclosures