

CR 88-48

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CERTIFICATE

STATE OF WISCONSIN

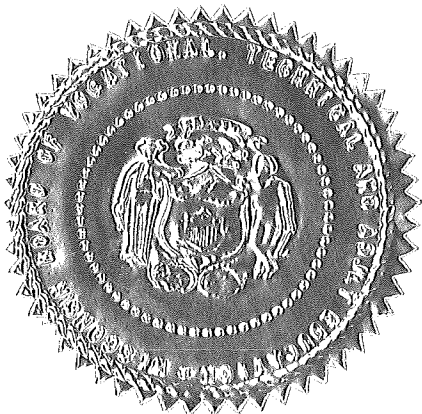
BOARD OF VOCATIONAL, TECHNICAL AND ADULT EDUCATION

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) SS
)

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 amending, and repealing and recreating various sections of chapter VTAE 2, Wisconsin Administrative Code, relating to district board member appointments (Clearinghouse Rule 88-48) were duly approved and adopted by this Board on July 28, 1988.

I further certify that said copy has been compared by me with the original on file in this board and that the same is 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 310 Price Place in the city of Madison, this 5th day of October, 1988.

Robert P. Sorensen
Robert P. Sorensen
State Director

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

The Wisconsin Board of Vocational, Technical and Adult Education proposes an order to amend ss. VTAE 2.04(1), (3)(intro.), (3)(b)4 and (4)(d); and to repeal and recreate ss. VTAE 2.06(1) and (2), relating to district board member appointments.

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

Statutory Authority: s. 38.04(15) and 227.11(2)(a), Stats.
Statute Interpreted ss. 38.04(15) and 38.10(2)(c), Stats.

This proposed rule consists of an update of ch. VTAE 2, Wis. Admin. Code, which establishes procedures and standards for State Board review of appointments of members to vocational, technical and adult education district boards by local appointment committees. 1987 Wisconsin Act 94 enlarges the classifications of elected officials who can fulfill the elected official category on district boards; requires the State Board to review district board member appointments to determine whether they comply with the plan of representation adopted by the appointment committee and the category requirements under s. 38.08(1)(a),

Stats.; and provides for the State Board making appointments to district boards under certain circumstances.

Notwithstanding the fact that the Amendments contained in 1987 Wisconsin Act 94 apply to all appointments made on or after December 1, 1987, these amendments to ch. VTAE 2 apply to all appointments made on or after the first day of the month following publication of these rules

Following is a summary of the changes to ch. VTAE 2 proposed by this order:

1. Section VTAE 2.04(1) is amended to incorporate the requirement that all appointments reviewed by the State Board are required to meet the categorical enumeration under s.

38.08(1)(a), Stats. Additional technical changes are made to bring the rule into compliance with various technical modifications to terminology.

2. Section VTAE 2.04(3)(intro.) is amended to add a similar reference to the required categorical enumeration under s. 38.08(1)(a), Stats.

3. Section VTAE 2.04(3)(b)4 is amended to provide that a candidate shall disclose whether or not he or she is an elected official rather than an elected official of certain enumerated governmental units, since the enumeration is no longer set forth in the statutes.

4. Section VTAE 2.04(4)(d) is amended to provide that the categories of individuals eligible for appointment as elected official members are expanded to encompass all individuals who

hold state or local office as that term is defined under s. 5.02, Stats., except for those individuals who hold the office of party committeeman or party committeewoman.

5. Sections VTAE 2.06(1) and (2) are repealed and recreated to establish that the State Board is required to make district board appointments to district boards when the appointment committee cannot reach agreement; or when an appointment committee makes appointments following a prior disapproval of the appointments by the State Board and these new appointments are again determined to be in noncompliance with the plan of representation or s. 38.08(1)(a), Stats. Prior to 1987 Wisconsin Act 94 the State Board could only make the appointments if the appointment committee could not reach agreement.

1 SECTION 1: VTAE 2.04(1) is amended to read:

2 VTAE 2.04(1). Pursuant to s.38.10(2)(c), Stats., the board
3 shall ~~require that~~ review district board appointments to
4 determine whether they comply with the provisions of the plan
5 of representation and the requirements of s.38.08(1)(a),
6 Stats. Plans shall be in writing and need not conform to any
7 technical requirements, but shall contain the information
8 required under sub.(2).

9 SECTION 2. VTAE 2.04(3)(intro.) is amended to read:

10 VTAE 2.04(3)(intro.). To enable the board to determine
11 whether appointments made under the plan of representation
12 are in compliance with the plan and s. 38.08(1)(a), Stats.,
13 the following materials shall be submitted to the board by

1 the appointment committee:

2 SECTION 3: VTAE 2.04(3)(b)4 is amended to read:

3 VTAE 2.04(3)(b)4. Position sought as an employer, employe,
4 at-large or school district administrator and whether the
5 candidate holds any public office enumerated is an elected
6 official for purposes of meeting the requirement under
7 s. 38.08(1)(a)2, Stats. A candidate may seek appointment
8 to any position for which the person qualifies.

9 SECTION 4. VTAE 2.04(4)(d) is amended to read as follows:

10 VTAE 2.04(4)(d). Result in at least 2 of the members of the
11 district board being elected officials of a county board of
12 supervisors, common council, village board of trustees, town
13 board of supervisors or school board who hold a state or
14 local office, as defined in s.5.02, Stats., except for the
15 office of party committeeman or party committeewoman.

16 No 2 members of the district board may be officials of
17 the same governmental unit nor may any district board
18 member be a member of the school board that employs the
19 school district administrator member.

20 SECTION 5. VTAE 2.06(1) and (2) are repealed and recreated
21 to read:

22 VTAE 2.06(1) The board shall make appointments to a district
23 board if one of the following occurs:

24 (a) The appointment committee cannot reach agreement on the
25 plan of representation or district board membership within 30
26 days after its first meeting to make appointments, or within

1 45 days following receipt of the board's notice of disapproval
2 under s. VTAE 2.05(2).

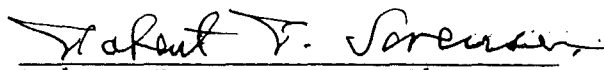
3 (b) The appointment committee, after receiving the board's
4 notice of disapproval under s. VTAE 2.05(2), makes appoint-
5 ments that are resubmitted for board review under s. VTAE
6 2.04 and are again found by the board to be in noncompliance
7 with the plan of representation or s. 38.08(1)(a), Stats.

8 (2) If the board is required to make appointments the
9 appointment committee shall forward to the board the most
10 recent approved plan of representation, the affidavit of each
11 applicant required under s. VTAE 2.04(3)(b), and, for
12 appointment matters arising under sub. (1)(a), a statement
13 explaining the reasons the appointment committee could not
14 reach agreement.

The rules, amendments and repeals contained in this order shall take effect on the first day of the month following publication as provided in s. 227.22(2)(intro.), Stats.

DATE: October 5, 1988

WISCONSIN BOARD OF VOCATIONAL
TECHNICAL AND ADULT EDUCATION


Robert P. Sorensen, Ph.D.
State Director

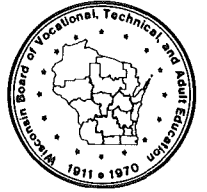
Wisconsin Board of Vocational, Technical and Adult Education

310 Price Place

P.O. Box 7874

Madison, WI 53707

608-266-1207



Robert P. Sorensen, Ph. D.
State Director

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Mr. Orlan L. Prestegard
Revisor of Statutes
Suite 702
30 West Mifflin Street
Madison, WI 53703

Dear Mr. Prestegard:

Enclosed for filing and publication is a certified copy of the Order of the Board of Vocational, Technical and Adult Education amending, and repealing and creating, various sections of Chapter VTAE 2, Wis. Admin. Code, relating to district board member appointments (Clearinghouse Rule 88-48). Also enclosed is an additional copy of the Order for use as printers copy.

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

Sincerely,

Edward S. Alschuler
Legal Counsel

Enclosure

cc: Robert P. Sorensen
John R. Kroll
Edward Chin
Glenn Davison