

1981 Assembly Bill 718

Date published: April 26, 1982

CHAPTER 269 , Laws of 1981

AN ACT to renumber 38.001; to renumber and amend 38.08 (1) (a); to amend 15.94 (intro.), 19.42 (5), 38.08 (1) (b) and (3), 38.10 (2) (b), (e) and (f), 38.14 (4), 38.18 and 38.28 (2) (d); to repeal and recreate 38.10 (2) (a) and (d); and to create 19.42 (10) (b) and (13) (f), 38.001 (2), 38.04 (4) (am), (14) and (15), 38.08 (1) (a) 2, 38.10 (1m) and (2) (g), 38.12 (3) (d), (7) and (8) and 38.14 (3) (bm) of the statutes, relating to various changes in the statutes pertaining to vocational, technical and adult education and granting rule-making authority.

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

SECTION 1. 15.94 (intro.) of the statutes is amended to read:

15.94 Board of vocational, technical and adult education; creation. (intro.) There is created a board of vocational, technical and adult education consisting of 12 members, ~~as follows.~~ No person may serve as president of the board for more than 2 successive annual terms. The board shall be composed of:

SECTION 2. 19.42 (5) of the statutes is amended to read:

19.42 (5) "Department" means the legislature, the university of Wisconsin system, any authority or public corporation created and regulated by an act of the legislature and any office, department, independent agency or legislative service agency created under ch. 13, 14 or 15, any vocational, technical and adult education district or any constitutional office other than a judicial office.

SECTION 3. 19.42 (10) (b) and (13) (f) of the statutes are created to read:

19.42 (10) (b) A member of a district board or district director of vocational, technical and adult education, or any person occupying the position of assistant, associate or deputy district director of vocational, technical and adult education.

(13) (f) A member of a district board or district director of vocational, technical and adult education, or any position designated as assistant, associate or deputy district director of vocational, technical and adult education.

SECTION 4. 38.001 of the statutes is renumbered 38.001 (1).

SECTION 5. 38.001 (2) of the statutes is created to read:

38.001 (2) (a) The district boards shall actively coordinate, with the department of public instruction and the school boards, the responsibility for providing vocational training to pupils attending high school and for providing education to persons who have dropped out of high school.

(b) The district boards shall actively coordinate, with the institutions and centers within the university of Wisconsin system, the sharing of programs and facilities, including the collegiate transfer program, adult education and evening courses and part-time student and associate degree programs, in order to reduce the duplication of such programs and facilities.

SECTION 6. 38.04 (4) (am), (14) and (15) of the statutes are created to read:

38.04 (4) (am) The board shall not consider any course of study for approval under par. (a) that has not first been approved by the district board.

(14) GENERAL DISTRICT POLICIES. (a) The board shall adopt rules, applicable to all district boards, establishing general district policies and procedures on all of the following:

1. Employe and district board member travel and expenses. The policies and procedures established under this subdivision shall be similar to the provisions of ss. 16.535 and 20.916, insofar as applicable.

2. Procurement.

3. Personnel, including the district director.

4. Contracts to provide services.

(b) The board may direct the district boards to establish written policies relating to any matter not enumerated under par. (a).

(15) REVIEW OF DISTRICT BOARD APPOINTMENTS. The board shall, by rule, establish criteria and procedures for the review of district board member appointments by the board.

SECTION 7. 38.08 (1) (a) of the statutes is renumbered 38.08 (1) (a) 1 and amended to read:

38.08 (1) (a) 1. A district board shall administer the district and shall be composed of ~~7~~ 9 members who are residents of the district, including ~~2~~ 3 employers who have power to employ and discharge, ~~2~~ 3 employes who do not have power to employ or discharge, ~~2~~ 2 additional members and a school district administrator ~~of a school district which lies within the district, as defined under s. 115.01 (11).~~

SECTION 8. 38.08 (1) (a) 2 of the statutes is created to read:

38.08 (1) (a) 2. The employer and employe members of the district board shall be representative of the various businesses and industries in the district. The school district administrator shall be employed by the school board of a school district located in the district. At least 2 of the members of the district board shall be elected officials of a county board of supervisors, common council, village board of trustees, town board of supervisors or school board, but no 2 members of the district board may be officials of the same governmental unit nor may any district board member be a member of the school board that employs the school district administrator member.

SECTION 9. 38.08 (1) (b) and (3) of the statutes are amended to read:

38.08 (1) (b) District board members shall take office on July 1 and shall serve ~~6-year staggered 3-year terms, except that the school district administrator shall serve a 2-year term.~~

(3) The district board shall hold its annual organizational meeting on the 2nd Monday in July at which it shall elect from among its members a ~~chairman~~ chairperson, vice ~~chairman~~ chairperson, secretary and treasurer. If a vacancy occurs in any of the district board officer positions after the annual organizational meeting, the district board may elect an officer to fill the vacancy at any subsequent district board meeting. No person may serve as chairperson for more than 2 successive annual terms.

SECTION 10. 38.10 (1m) of the statutes is created to read:

38.10 (1m) An appointment committee member may designate another officer of his or her governmental unit to represent the member at appointment committee meetings.

SECTION 11. 38.10 (2) (a) of the statutes is repealed and recreated to read:

38.10 (2) (a) 1. On or before the first Monday in March, or within 30 days of the date on which a vacancy on the district board resulting from an uncompleted term occurs, the district board secretary shall notify each member of the appointment committee, each governing body having a member on the appointment committee and the board of the vacancy or of terms of office which will expire during the year.

2. The chairperson of the appointment committee shall fix a date, to be no later than 60 days after receipt of notification of the vacancy or term expiration, and a time and place for a public hearing and meeting of the appointment committee to approve a representation plan and to appoint district board members, and shall send written notice of the public hearing and meeting to each district board member, each governing body having a member on the appointment committee, each member of the appointment committee and the board.

SECTION 12. 38.10 (2) (b) of the statutes is amended to read:

38.10 (2) (b) The appointment committee member from the appropriate governmental unit specified under sub. (1) (a), (b) or (c) having the largest population in the district shall act as ~~chairman~~ chairperson of the appointment committee.

SECTION 13. 38.10 (2) (d) of the statutes is repealed and recreated to read:

38.10 (2) (d) 1. Upon receiving notice of the vacancy or term expiration under par. (a) 1 and at least 14 days before publication of the notice required under subd. 3, the appointment committee shall publish a notice announcing the intent to appoint district board members, including the criteria for selection, and soliciting the submission of names and qualifications of candidates.

2. In order to be eligible for consideration for appointment to the district board, a candidate shall submit his or her name and qualifications to the appointment committee within 14 days of the date of publication of the notice under subd. 1.

3. Notwithstanding s. 19.84 (3), the appointment committee shall publish a notice of any meeting or public hearing at which the appointment committee will consider the filling of any vacancy on the district board or any other matter pertaining to the appointment of district board members at least 14 days before the meeting or public hearing. The subject matter of the meeting or public hearing as specified in the notice shall contain the names of individuals being considered for appointment. Prior to the meeting at which an appointment is made, the appointment committee shall hold a public hearing at which the names and qualifications of individuals being considered for appointment to the district board shall be discussed. No person may be appointed to a district board by an appointment committee unless his or her name appeared in at least one notice of a public hearing or meeting of the committee.

4. All notices under this paragraph are class 1 notices under ch. 985, except that they shall be 8-point type or larger.

SECTION 14. 38.10 (2) (e) and (f) of the statutes are amended to read:

38.10 (2) (e) Within 5 days of the appointment of district board members, the ~~chairman~~ chairperson of the appointment committee shall send written notice of the appointments and lengths of terms to the board, to the members appointed to the district board and to the district board secretary.

(f) Selection of district board members and approval of a representation plan by the appointment committee shall be by majority vote of a quorum under par. (g). If the appointment committee cannot reach agreement on the representation plan and district board membership within 30 days after their first meeting, the board shall formulate the plan of representation and appoint the district board members in accordance with the plan.

SECTION 15. 38.10 (2) (g) of the statutes is created to read:

38.10 (2) (g) County board chairmen from counties having a combined population exceeding 50% of the population of the district constitute a quorum to do business for appointment committees composed of county board chairmen under sub. (1) (b). School board presidents from school districts having a combined population exceeding 50% of the population of the district constitute a quorum to do business for appointment committees composed of school board presidents under sub. (1) (a). In no case may fewer than 2 people constitute a quorum.

SECTION 16. 38.12 (3) (d), (7) and (8) of the statutes are created to read:

38.12 (3) (d) Employment of the district director under par. (a) 1 shall be by written contract which shall be filed with the district board secretary. The contract shall set forth all of the terms and conditions of employment.

(7) DISTRICT POLICIES. The district boards shall establish specific written policies on district matters, including all of the matters enumerated under s. 38.04 (14), which are consistent with the rules adopted under s. 38.04 (14). The policies may not conflict with any collective bargaining agreement and are subject to review and approval by the board.

(8) ANNUAL REPORT. Annually by July 1, the district board shall report to the school boards of every school district located in whole or in part within the boundaries of the district on the steps the district board has taken in the previous year to satisfy its responsibility under s. 38.001 (2).

SECTION 17. 38.14 (3) (bm) of the statutes is created to read:

38.14 (3) (bm) The district board may enter into contracts to provide fiscal and management services to state and local governmental units.

SECTION 18. 38.14 (4) of the statutes is amended to read:

38.14 (4) GIFTS AND GRANTS. The district board may accept gifts, grants, and bequests ~~and devises~~ to be used in the execution of its functions and may accept grants to provide fiscal and management services for the council on criminal justice or its subsidiaries or, if applicable, its successor agency.

SECTION 19. 38.18 of the statutes is amended to read:

38.18 Contracts and bidding. All contracts made by a district board for public construction in a district, the estimated cost of which exceeds \$5,000, shall be let by the district board to the lowest responsible bidder in accordance with s. 62.15 (1) to (11) and (14). For purposes of this section, the district board shall possess the powers conferred by s. 62.15 on the board of public works and the common council. All contracts made under this section shall be made in the name of the district and shall be executed by the district board ~~chairman~~ chairperson and district board secretary.

SECTION 20. 38.28 (2) (d) of the statutes is amended to read:

38.28 (2) (d) Notwithstanding par. (b), the board may withhold ~~or~~, suspend ~~or~~ reduce in whole or in part payment of state aid under this subsection to any district board whose program or educational personnel does not meet minimum standards set by the

board or which violates this chapter or any rule established by the board under the authority of this chapter, including a district board which has operated on an annual budget that exceeds the allowable budget under s. 38.29. The board shall discontinue aids to those programs which are no longer necessary to meet needs within the state.

SECTION 21. Initial statements of economic interests. Each member and district director of a district board of vocational, technical and adult education and each person occupying the position of assistant, associate or deputy district director of vocational, technical and adult education holding office on the effective date of this act shall file an initial statement of economic interests with the ethics board no later than October 30, 1982, unless the individual has previously filed a statement of economic interests with the ethics board containing information current as of, or subsequent to, December 31, 1981. The information contained in the statement filed under this section shall be current as of December 31, 1981.

SECTION 22. Implementation; district board members. Notwithstanding chapter 154, laws of 1971, section 81, the members of district boards of vocational, technical and adult education on the effective date of this act shall serve until July 1, 1983. Notwithstanding section 38.08 (1) (b) of the statutes, as affected by this act, one employer, one employe and one additional member of the district board shall be appointed for a one-year term commencing on July 1, 1983; one employer, one employe and the school district administrator member of the district board shall be appointed for a 2-year term commencing on July 1, 1983; and one employer, one employe and one additional member of the district board shall be appointed for a 3-year term commencing on July 1, 1983. Thereafter, all members shall serve for terms prescribed in section 38.08 (1) (b) of the statutes, as affected by this act.
