

1981 Assembly Bill 384

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CHAPTER 287 , Laws of 1981

AN ACT to repeal 17.26 (2), 120.43 (2) (b) and 120.44 (2) (b); and to amend 17.26 (1) and (3), 117.04 (2), 120.43 (1) (a), (5) and (6), 120.44 (2) (intro.) and 120.50 (5) of the statutes, relating to the method of selecting school board members in city school districts.

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

SECTION 1. 17.26 (1) of the statutes is amended to read:

17.26 (1) In the case of common, city, joint city, unified and union high school districts, by appointment by the remaining members. Such appointees shall hold office until a successor is elected and takes office under s. 120.06 (4), 120.43 (6) or 120.73 (1). 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SECTION 2. 17.26 (2) of the statutes is repealed.

SECTION 3. 17.26 (3) of the statutes is amended to read:

17.26 (3) Any person selected ~~pursuant to~~ under sub. (1) ~~or (2)~~, upon being notified of his or her selection, shall be deemed to have accepted the same selection unless within 5 days ~~thereafter~~ after notification he or she files with the clerk or director a written refusal to serve.

SECTION 4. 117.04 (2) of the statutes is amended to read:

117.04 (2) The electors in a joint city school district may petition to change the school district into a unified school district. So far as possible, s. 9.20 shall be applicable to this section. The required number of signatures on such a petition shall be determined in accordance with s. 115.01 (13). The petition shall meet the requirements of s. 117.01 (2) (a). If the boundaries of the joint city school district and the proposed unified school district are identical, the petition shall state whether the school board of the joint city school district, ~~if it is an elected school board~~, shall become the first school board of the unified district. The petition shall be submitted to the city clerk and referred by the city clerk to the fiscal board under s. 120.50 in lieu of the common council for either adoption without alteration or referral without alteration to a vote of the electors of the school district at a referendum. If a referendum is held, the proposed reorganization shall become effective if it is approved at the referendum by a majority of electors voting at the referendum. Adoption by the fiscal board or approval at a referendum shall constitute the making of an order of school district reorganization, which shall be effective the next following July 1.

SECTION 5. 120.43 (1) (a), (5) and (6) of the statutes are amended to read:

120.43 (1) (a) School board members shall be electors of the school district and may be elected at large, at large to numbered seats or by aldermanic districts at the spring election, ~~may be appointed by the mayor and confirmed by the common council or may be appointed by the common council~~. A plan of apportionment of school board members may be adopted in accordance with s. 120.02 (2).

(5) When an order of school district reorganization attaching territory to a city school district becomes effective, the first additional members on the school board required under sub. (2) (a) ~~or (b)~~ shall be appointed in accordance with s. 17.26 ~~(2)~~.

(6) The regular terms of school board members shall be for 3 years. ~~Unexpired terms shall be filled in accordance with s. 17.26 (2). All members shall hold office until their successors have been elected and qualified except as otherwise provided under s. 17.26.~~ School board members selected for regular or unexpired terms shall take office, if they have taken and filed the official oath, on the 4th Monday in April. ~~School board members appointed for unexpired terms under s. 17.26 (2) shall take office immediately upon their having taken and filed the official oath.~~

SECTION 6. 120.43 (2) (b) of the statutes is repealed.

SECTION 7. 120.44 (2) (intro.) of the statutes is amended to read:

120.44 (2) (intro.) An ordinance or resolution under sub. (1) may provide for a plan under either par. (a), ~~(b)~~ or (c) and the provisions thereof shall be set forth in the ordinance or resolution.

SECTION 8. 120.44 (2) (b) of the statutes is repealed.

SECTION 9. 120.50 (5) of the statutes is amended to read:

120.50 (5) By the adoption of a resolution effective at the end of a school fiscal year, the fiscal board may abolish the city school district and fiscal board and create a common school district or a unified school district containing the territory of the city school district. In a joint city school district, if the boundaries of the joint city school district and the proposed unified school district are identical, any such resolution shall state whether the school board of a joint city school district, ~~if it is an elected school board,~~ shall become the first school board of the unified school district. The city clerk shall transmit a certified copy of such resolution to the state superintendent who shall make an order in accordance therewith and file it as provided in s. 117.01 (2) (c).
