



## 1995 ASSEMBLY BILL 63

January 26, 1995 - Introduced by Representatives DUFF, WARD, BRANDEMUEHL, JENSEN, SCHNEIDERS, HANDRICK, SILBAUGH, VRAKAS, LAZICH, WALKER, GROTHMAN, LADWIG, URBAN and GOETSCH, cosponsored by Senators HUELSMAN, LEEAN, ROSENZWEIG, ZIEN and DRZEWIECKI. Referred to Committee on Education.

1     **AN ACT to amend** 115.83 (1) (b), 115.93 (1), 118.195 (1), 118.20 (1) and (2), 118.25  
2             (1), 119.04 (1) and 121.006 (2) (b); and **to create** 120.13 (26f) and 121.05 (1) (a)  
3             10. of the statutes; **relating to:** contracts for teaching or other educational  
4             services in elementary and secondary schools.

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### *Analysis by the Legislative Reference Bureau*

This bill authorizes a school district, as an alternative to the employment of teachers, to contract with any person for the performance of teaching or other educational services by individuals who are licensed by the state superintendent of public instruction but who are not employees of the school district.

If a school district decides to subcontract work that would otherwise be performed by employees in a collective bargaining unit for which a representative is recognized or certified, and the decision is primarily related to the wages, hours or conditions of employment of employees in the bargaining unit, the school district must first bargain collectively with the representative concerning that decision. See *Unified School District No. 1 of Racine County v. Wisconsin Employment Relations Commission*, 81 Wis. 2d 89 (1977).

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

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

5             **SECTION 1.** 115.83 (1) (b) of the statutes is amended to read:  
6             115.83 (1) (b) ~~Employ, for~~ For a special education program, employ or contract  
7             under s. 120.13 (26f) for either full- or part-time licensed teachers, licensed

1 coordinators of special education, licensed school social workers, licensed school  
2 psychologists, paraprofessionals, licensed consulting teachers to work with any  
3 teacher of regular education programs who has a child with exceptional educational  
4 needs in a class and any other personnel approved by the department.

5 **SECTION 2.** 115.93 (1) of the statutes is amended to read:

6 115.93 (1) Except as provided under sub. (2), if upon receipt of the reports under  
7 s. 115.92 (2) the state superintendent is satisfied that the school age parents program  
8 has been maintained during the preceding school year in accordance with the rules  
9 under s. 115.92 (3), he or she shall certify to the department of administration in  
10 favor of each school district maintaining the program a sum equal to 63% of the  
11 amount expended by the school district during the preceding school year for salaries  
12 of teachers and instructional aids, special transportation, costs of contracts under s.  
13 120.13 (26f) and other expenses approved by the state superintendent. The  
14 department of administration shall pay such amounts to the school district from the  
15 appropriation under s. 20.255 (2) (b).

16 **SECTION 3.** 118.195 (1) of the statutes is amended to read:

17 118.195 (1) No person otherwise qualified may be denied a certificate or license  
18 from the state superintendent under s. 118.19 (1) because the person is totally or  
19 partially blind, deaf or physically handicapped nor may any school district refuse to  
20 employ or contract with a teacher on such grounds, if such handicapped teacher is  
21 able to carry out the duties of the position which the person seeks.

22 **SECTION 4.** 118.20 (1) and (2) of the statutes are amended to read:

23 118.20 (1) No discrimination because of sex, except where sex is a bona fide  
24 occupational qualification as defined in s. 111.36 (2), race, nationality or political or  
25 religious affiliation may be practiced in the employment of or contracting with

1 teachers or administrative personnel in public schools or in their assignment or  
2 reassignment. No questions of any nature or form relative to sex, except where sex  
3 is a bona fide occupational qualification as defined in s. 111.36 (2), race, nationality  
4 or political or religious affiliation may be asked applicants for teaching or  
5 administrative positions in the public schools either by public school officials or  
6 employes or by teachers agencies or placement bureaus.

7 (2) The state superintendent or a person designated by the superintendent  
8 may receive and investigate complaints charging discrimination in employment,  
9 assignment or reassignment of or contracting with teachers or administrative  
10 personnel in the public schools and the superintendent or designee may hold  
11 hearings, subpoena witnesses and take testimony to effectuate the purposes of this  
12 section.

13 **SECTION 5.** 118.25 (1) of the statutes is amended to read:

14 118.25 (1) In this section, "school employe" means a person employed by a  
15 school board, or under contract to a school board under s. 120.13 (26f), who comes in  
16 contact with children or who handles or prepares food for children while they are  
17 under the supervision of school authorities.

18 **SECTION 6.** 119.04 (1) of the statutes is amended to read:

19 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c),  
20 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.364,  
21 115.366, 115.38 (2), 115.40, 115.45, 118.01 to 118.04, 118.06, 118.07, 118.10, 118.12,  
22 118.125 to 118.14, 118.15, 118.153, 118.16, 118.162, 118.163, 118.18, 118.19, 118.20,  
23 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.30 to 118.42, 120.12  
24 (5) and (15) to (23), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (26f),  
25 (34) and (35) and 120.14 are applicable to a 1st class city school district and board.

