AN ACT to repeal 119.36 and 121.137 (1) (a); to renumber 119.18 (2) and 119.18 (11); to renumber and amend 119.12 (4), 119.12 (6), 119.18 (15) and 119.70 (1); to amend 16.70 (8), 24.66 (3) (a), 24.66 (5) (a), 38.08 (1g), 40.02 (41), 40.02 (55) (b), 63.235, 63.36 (2), 63.53, 66.0217 (8) (c), 66.0901 (1) (a), 66.1333 (5r) (b) 1. (intro.) and a., 66.1333 (5s) (a), 111.70 (4) (m) 1., 111.70 (4) (m) 4., 115.001 (7), 115.395, 118.22 (1) (b), 119.02 (1), 119.04 (1), 119.04 (2), 119.10 (2), 119.16, 119.18 (title), (1g) and (1r), 119.18 (3) to (5), (6) (intro.) and (b) and (7) to (10), 119.18 (12), (13) (intro.), (b) and (c) and (14), 119.18 (16) to (22), 119.19, 119.235 (1), 119.235 (2) (intro.) and (b), 119.235 (2) (d), 119.235 (2) (e) 2., 119.235 (2) (f), 119.235 (3), 119.235 (4), 119.235 (5), 119.24, 119.26, 119.28 (1), 119.28 (2), 119.28 (3), 119.28 (4), 119.30, 119.32 (1), 119.32 (2) (intro.), 119.32 (3), 119.32 (4), 119.32 (5), 119.32 (6), 119.32 (7), 119.40, 119.42 (1m), 119.42 (2), 119.44 (title), 119.44 (1), 119.44 (2) (intro.), 119.44 (2) (a) 3., 119.46 (1), 119.47, 119.48 (1), 119.48 (2) (intro.), 119.48 (2) (a), 119.48 (4) (a), 119.485, 119.49 (1) (a), 119.49 (2), 119.49 (3), 119.498 (1), 119.498 (2), 119.499, 119.50 (2), 119.55, 119.60,
119.66, 119.68 (1), 119.70 (3), 119.70 (5), 119.71 (3), 119.73, 119.74 (intro.), 119.75, 119.78, 119.82 (1m) (intro.), 120.115 (1), 120.13 (17), 120.14 (1), 121.137 (2), 121.137 (3), 121.85 (6) (am) 1. a., 121.85 (6) (am) 2. a., 121.85 (6) (am) 3. a., 121.85 (6) (am) 4. a., 121.85 (6) (am) 5., 121.85 (6) (am) 6. a., 121.85 (6m), 121.87 (3) and 200.23 (2) (a) 6.; to repeal and recreate 111.70 (4) (m) 2. and 119.18 (23); and to create 20.255 (3) (cs), 115.28 (53), 119.14 (title), (1), (2) and (6) to (13), 119.14 (15), 119.16 (8) (am), 119.16 (11), 119.53, 119.70 (1) (b), 119.90 and 121.137 (1) (c) of the statutes; relating to: the powers and duties of the board of school directors and the superintendent of schools in a first class city school district, requiring a referendum, and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version. For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 16.70 (8) of the statutes is amended to read:

16.70 (8) “Municipality” means a county, city, village, town, school district, board of school directors, sewer district, drainage district, technical college district or any other public or quasi-public corporation, officer, board or other body having the authority to award public contracts.

SECTION 2. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:
SECTION 2

20.255 Public instruction, department of

(3) AIDS TO LIBRARIES, INDIVIDUALS, AND ORGANIZATIONS

(cs) Comprehensive services GPR A –0– –0–

SECTION 3. 20.255 (3) (cs) of the statutes is created to read:

20.255 (3) (cs) Comprehensive services. The amounts in the schedule for the grant to provide comprehensive services to children under s. 115.28 (53).

SECTION 4. 24.66 (3) (a) of the statutes is amended to read:

24.66 (3) (a) For long-term loans by common, union high and 1st class city school districts. Every application for a loan, the required repayment of which exceeds 10 years, shall be approved and authorized for a common, union high or 1st class city school district by a vote of a majority of its legal voters voting on this question. If the vote is taken at a special meeting the objects thereof shall be clearly stated in the notice of the meeting. The application shall state the facts in detail respecting the holding of the meeting, and the taking and the result of the vote required. The in a common or union high school district, the application shall be signed by a majority of the members of the district school board and verified by the clerk. In a 1st class city school district, the application shall be signed by the superintendent of schools. The statement accompanying the application shall contain a correct map or plat of the district. If the district is a joint district, the statement accompanying the application shall show the assessed valuation in its several parts separately, so that the valuation of each part of the district which lies in each town or municipality may be readily shown.
SECTION 5. 24.66 (5) (a) of the statutes is amended to read:

24.66 (5) (a) Every application for a loan under this section by a municipality shall be accompanied by a certified copy under the hand of the proper clerk of a recorded resolution adopted by the municipality applying for or approving the loan, levying, except as provided in par. (b), upon all the taxable property of the municipality a direct annual tax for the purpose of paying and sufficient to pay the principal and interest on the proposed loan as they become due. In a 1st class city school district, the application shall be accompanied by a certified copy of a resolution, adopted by the board of school directors sworn affidavit by the superintendent of schools, stating that it is the intention of the board of school directors superintendent of schools to include in its his or her budget transmitted to the common council under s. 119.16 (8) (b) a written notice specifying the amount of money necessary to pay the principal and interest on the loan as they become due. Every application for a loan under this subsection by a cooperative educational service agency shall be accompanied by a copy of a recorded resolution adopted by the school board of each school district for which the loan is sought, certified by the school district clerk of that school district, levying upon all taxable property of the school district a direct annual tax for the purpose of paying and sufficient to pay the school district’s share of the principal and interest on the proposed loan as they become due. The levy imposed by the municipality shall be void if the board declines to make the loan; otherwise it shall remain valid and irrepealable until the loan and all interest on the loan are fully paid.

SECTION 6. 38.08 (1g) of the statutes is amended to read:

38.08 (1g) The appointment committee for a district board that governs a district encompassing a 1st class city shall include 4 additional members designated
by the board of school directors in charge of the public schools of the 1st class city. The additional members shall be appointed so as to reflect, to the extent possible, the distribution of women and minorities within the 1st class city.

Section 7. 40.02 (41) of the statutes is amended to read:

40.02 (41) "Milwaukee teacher" means any teacher employed by the board of school directors of the city of Milwaukee superintendent of schools of a 1st class city school district.

Section 8. 40.02 (55) (b) of the statutes is amended to read:

40.02 (55) (b) Any person employed as a full-time social center, community house, adult education or recreation director, instructor or other employee employed by the board of school directors of the city of Milwaukee superintendent of schools of a 1st class city school district, who possesses the qualifications required for employment as a teacher.

Section 9. 63.235 of the statutes is amended to read:

63.235 Delegation to board of school directors. In a 1st class city, the city service commission shall delegate its recruitment and hiring duties related to specified classifications of school employees to the board of school directors superintendent of schools if the board adopts a resolution requesting superintendent of schools requests the commission to do so.

Section 10. 63.36 (2) of the statutes is amended to read:

63.36 (2) Persons in the service of the city shall not be compensated for acting as examiners if they are public officers or if their service as examiners is rendered during their paid working schedule, but the board may compensate employees of the board of school directors superintendent of schools for serving as city service
examiners beyond their regular working hours and beyond their regular duties as such employees.

**SECTION 11.** 63.53 of the statutes is amended to read:

63.53 **Board of school directors employees Employees of a 1st class city school district.** *(1)* Except as provided under sub. (2), all officers and employees of the board of school directors, **superintendent of schools** of any 1st class city **school district** are members of the classified service and shall be selected and have their tenure and employment status determined in accordance with ss. 63.18 to 63.51, the rules adopted under ss. 63.18 to 63.51 and the charter ordinances applying to the board of city service commissioners of the city.

*(2)* The following employees are not members of the classified service: the superintendent of schools, **deputy superintendent of schools**, **associate superintendent of schools**, executive assistant to the superintendent of schools, assistant to the superintendent of schools, assistant superintendent, division director, department director, and employees appointed by the superintendent of schools under s. 119.32 (3), principals, teachers and substitute teachers actually engaged in teaching, staff of the board of school directors if the board so decides under s. 119.18 (10) (c), and, in any department of the school board devoted wholly or principally to the subjects of municipal recreation and adult education, all employees of those departments whose duties are peculiar to municipal recreation and adult education but not including employees whose duties are clerical or custodial.

**SECTION 12.** 66.0217 (8) (c) of the statutes is amended to read:

66.0217 *(8) (c)* The annexation is effective upon enactment of the annexation ordinance. **The board of school directors superintendent of schools** in a 1st class city
is not required to administer the schools in any territory annexed to the city until July 1 following the annexation.

**SECTION 13.** 66.0901 (1) (a) of the statutes is amended to read:

66.0901 (1) (a) “Municipality” means the state or a town, city, village, school district, board of school directors, sewer district, drainage district, technical college district or other public or quasi-public corporation, officer, board or other public body charged with the duty of receiving bids for and awarding any public contracts.

**SECTION 14.** 66.1333 (5r) (b) 1. (intro.) and a. of the statutes are amended to read:

66.1333 (5r) (b) 1. (intro.) The authority of a 1st class city may issue up to $170,000,000 in bonds to finance or refinance the development or redevelopment of sites and facilities to be used for public school facilities by the board of school directors of the school district operating under ch. 119 if all of the following apply:

a. The board of school directors of the school district operating under ch. 119 requests the issuance of the bonds to implement the report approved under 1999 Wisconsin Act 9, section 9158 (7tw) (b).

**SECTION 15.** 66.1333 (5s) (a) of the statutes is amended to read:

66.1333 (5s) (a) Bond issuance. Subject to s. 119.499 (1), the authority of a 1st class city may issue up to $200,000,000 in bonds to finance or refinance the payment of unfunded prior service liability contributions under the Wisconsin Retirement System for the board of school directors of the school district operating under ch. 119 if the board of school directors of the school district operating under ch. 119 requests the issuance of the bonds.

**SECTION 16.** 111.70 (4) (m) 1. of the statutes is amended to read:
111.70 (4) (m) 1. Reassignment of municipal employees who perform services
for the board of school directors or the superintendent of schools under ch. 119, with or
without regard to seniority, as a result of a decision of the board of school directors,
superintendent of schools to contract with an individual or group to operate a school
as a charter school, as defined in s. 115.001 (1), or to convert a school to a charter
school, or the impact of any such reassignment on the wages, hours or conditions of
employment of the municipal employees who perform those services.

Section 17. 111.70 (4) (m) 2. of the statutes is repealed and recreated to read:

111.70 (4) (m) 2. Reassignment of municipal employees who perform services
for the superintendent of schools, with or without regard to seniority, as a result of
the decision of the superintendent of schools to close or reopen a school under s.
119.18 (23), or the impact of any such reassignment on the wages, hours or conditions
of employment of the municipal employees who perform those services.

Section 18. 111.70 (4) (m) 4. of the statutes is amended to read:

111.70 (4) (m) 4. Any decision of the board of school directors or the superintendent
of schools to contract with a school or agency to provide educational programs under
s. 119.235, or the impact of any such decision on the wages, hours or conditions of
employment of the municipal employees who perform services for the board
superintendent of schools.

Section 19. 115.001 (7) of the statutes is amended to read:

115.001 (7) School board. “School board” means the school board or board of
school directors in charge of the schools of a school district, except that in a 1st class
city school district “school board” means the board of school directors.

Section 20. 115.28 (53) of the statutes is created to read:
115.28 (53) Comprehensive services to children in Milwaukee. From the appropriation under s. 20.255 (3) (cs), beginning in the 2011−12 school year annually award a grant to a nonprofit corporation that jointly with a local governmental unit or a state agency provides comprehensive services to improve the education, health, and economic opportunities of children residing in a 1st class city school district. The state superintendent shall promulgate rules to implement and administer this subsection, including rules establishing a matching requirement.

Section 21. 115.395 of the statutes is amended to read:

115.395 Grants for improving pupil academic achievement. (1) In this section, “board” “superintendent” means the board of school directors in charge superintendents of schools of the school district operating under ch. 119.

(2) Beginning in the 2008−09 school year, the board The superintendent may apply to the department of administration for an annual grant of up to $10,000,000 to implement initiatives to improve pupil academic achievement in all grades, such as employing licensed teachers to tutor pupils who are struggling academically, or employing persons to coordinate the district’s instructional programs and provide ongoing professional development for teachers. The board superintendent shall submit with its his or her application a plan for the department of administration’s approval describing the initiatives for which the grant will be used, describing the research showing that the initiatives have a positive effect on pupil academic achievement, and including criteria for evaluating the effectiveness of the initiatives, such as high school graduation rates or the results of the statewide pupil assessments under ch. s. 118.30.

(3) The department of administration may approve the plan submitted under sub. (2) in whole or in part. If the department approves a plan in part, the board
superintendent may submit an additional plan for the same school year and the department may award the board school district operating under ch. 119 all or part of the balance of grant funds.

(4) Upon receipt of a notice from the department of administration that a plan has been approved under sub. (3), the state superintendent shall pay to the board school district operating under ch. 119, from the appropriation under s. 20.255 (2) (df), the amount specified by the department of administration.

SECTION 22. 118.22 (1) (b) of the statutes is amended to read:

118.22 (1) (b) “Teacher” means any person who holds a teacher’s certificate or license issued by the state superintendent or a classification status under the technical college system board and whose legal employment requires such certificate, license or classification status, but does not include part–time teachers or teachers employed by any board of school directors the superintendent of schools in a city of the 1st class.

SECTION 23. 119.02 (1) of the statutes is amended to read:

119.02 (1) “Board” means the board of school directors in charge of the public schools of a city of the 1st class city school district.

SECTION 24. 119.04 (1) of the statutes, as affected by 2009 Wisconsin Act 28, is amended to read:

119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c), 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.365 (3), 115.38 (2), 115.445, 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12
(5) and (15) to (25), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district and board. Except for ss. 118.06 (1), 118.13 (2) (a), 118.31 (4), and 120.13 (17), in a 1st class city school district, any power conferred or duty imposed upon a school board in these provisions is conferred or imposed instead upon the superintendent of schools, and any prohibition upon a school board’s actions in these provisions applies to both the board and the superintendent of schools.

**Section 25.** 119.04 (2) of the statutes is amended to read:

119.04 **(2)** The board [superintendent of schools] shall exercise the powers, perform the functions and be entitled to all school aid under sub. (1) insofar as the same are relevant to cities of the 1st class. The [superintendent of schools, the board, and the schools in cities of the 1st class] shall be governed in all matters by the general laws of the state, except as altered or modified by express amendments.

**Section 26.** 119.10 (2) of the statutes is amended to read:

119.10 **(2)** Annually, no earlier than the 4th Monday in April and no later than the first Monday in May, the board shall hold its organizational meeting, shall elect a president from among its members to serve for one year and until a successor is chosen, and shall designate an individual to serve as clerk and an individual to serve as assistant clerk. In the absence or during the disability of the board president, the board shall elect an acting president. The board president shall appoint standing committees to serve for one year.

**Section 27.** 119.12 (4) of the statutes is renumbered 119.18 (25) and amended to read:
119.18 (25) Limit on Debt and Expenses. The board superintendent of schools shall not in any one year contract any debt or incur any expense greater than the amount of the school funds subject to its order.

Section 28. 119.12 (6) of the statutes is renumbered 119.18 (24) and amended to read:

119.18 (24) Attorney. The city attorney of the city shall be the legal adviser of and attorney for the board superintendent of schools, except that the board superintendent of schools may retain an attorney to represent the board superintendent of schools in any matter if the board superintendent of schools determines that it requires specialized legal expertise not possessed by the city attorney, the city attorney does not have sufficient staff to adequately represent the interests of the board superintendent of schools, or a conflict of interest exists. The board superintendent of schools shall provide the city attorney with reasonable notice of any board meeting at which the board will consider retention of an attorney.

Section 29. 119.14 (title), (1), (2) and (6) to (13) of the statutes are created to read:

119.14 (title) Board; powers and duties. (1) General supervision. The board may visit and examine the schools of the school district and advise the superintendent of schools regarding the instruction, government, and progress of the pupils.

(2) Rules. The board may adopt and modify or repeal rules for its own government.

(6) Public Input. The board shall allocate time at each board meeting for public comment on issues of concern or interest to residents of the school district regarding
the education of pupils, management of the school district, the school district's budget, or other issues of interest or concern. The board shall provide a written summary of public comments received at each board meeting to the superintendent of schools within 2 weeks of the board meeting.

(7) Discussion of Public Questions. Upon the written application of one-half of the electors of the school district, the board shall allow the use of the school buildings or grounds for the free discussion of public questions so far as such use does not interfere, as determined by the superintendent of schools, with the prime purpose of the school buildings or grounds.

(8) Funds for Rewards. The board may establish a reward, not exceeding $500, for information leading to the arrest and conviction of persons who damage or destroy school property or who injure any person while at school or under the supervision of a school authority.

(9) School Board Organization; Fee. The board may pay the membership fee in an organization of school boards in this state and the actual and necessary expenses of its representatives incurred in attending meetings of such organization.

(10) Community Programs and Services. The board may establish and maintain community education, training, recreational, cultural, or athletic programs and services, outside the regular curricular and extracurricular programs for pupils, under such terms and conditions as the board prescribes. The board may establish and collect fees to cover all or part of the costs of such programs and services. Costs associated with such programs and services shall not be included in the school district's shared cost under s. 121.07 (6).

(11) Lectures. The board may provide free lectures on educational subjects in school buildings, public library buildings, or other suitable places, and provide for
the further education of the adult residents of the school district. The superintendent
of schools may purchase books, stationery, charts, and other things necessary to
conduct such lectures. The board may designate a person to manage such lectures.

(12) **School Board Orientation.** The board may provide for the orientation and
continuing education of board members and persons who have been elected to the
board but have not yet taken office in the general duties and responsibilities of the
board and the school district, and pay for the actual and necessary expenses
incurred.

(13) **Attorney.** The board may retain an attorney to advise and represent it
on matters relating to board governance and to subchs. II and V of ch. 19 if the city
attorney approves. The board shall provide the city attorney with reasonable notice
of any board meeting at which the board will consider retention of an attorney.

**Section 30.** 119.14 (15) of the statutes is created to read:

119.14 (15) **Records Custodian.** The board may designate one or more persons
to be legal custodians of the board’s records.

**Section 31.** 119.16 of the statutes is amended to read:

119.16 **Board Superintendent of schools; duties.** (1) **Educational**
priorities and objectives. The board and the superintendent of schools shall identify
broad yearly objectives and assess priorities for education in the school district and
shall issue an annual report and such additional reports as the board and
superintendent deem desirable on the status of academic programs in the
school district and the progress of pupils enrolled in the public schools.

(1m) **Management of school district.** The board superintendent of schools
shall have the possession, care, control and management of the schools, facilities,
operations, property and affairs of the school district.
(2) Establish schools and districts. The board superintendent of schools shall maintain the public schools in the city and shall establish, organize and maintain such schools as the board superintendent of schools determines are necessary to accommodate the children entitled to instruction therein. The board superintendent of schools shall divide the city into attendance districts for such schools.

(3) Buildings and sites. (a) The board superintendent of schools shall construct, purchase, lease, improve or enlarge buildings and purchase furniture and sites for the public schools, shall purchase, install and maintain heating systems in public schools and may contract for carrying out any of these purposes.

(b) Except as provided in par. (c), schoolhouses and the sites on which they are situated shall be the property of the city. No site may be purchased or leased and no schoolhouse may be constructed unless a resolution therefor is duly adopted by the board superintendent of schools issues an order to do so. Except as provided in par. (c), deeds of conveyance and leases shall be made to the city.

(c) If the redevelopment authority of the city issues bonds under s. 66.1333 (5r), the board superintendent of schools may lease buildings or sites from the redevelopment authority or borrow money from the redevelopment authority for the purposes of par. (a).

(4) Competitive bidding. The board superintendent of schools shall establish competitive bidding policies and procedures for purchases and for construction contracts.

(5) Special courses. Within budgetary limitations, the board superintendent of schools shall establish in any public school, in grade 7 and higher, such classes of instruction consistent with the educational goals and objectives adopted by the board superintendent of schools under sub. (1) as are petitioned for by the parents of a
number of pupils attending the school sufficient to form one or more classes of
instruction. Petition by the parents of 30 or more pupils of like classification
attending any such school requesting the establishment of instruction in a specified
subject is prima facie evidence of the sufficiency of the number of pupils to commence
instruction therein.

(6) **Custodians of School Premises.** The board superintendent of schools shall
fix the duties and responsibilities of principals, as custodians of the school premises,
and of the school engineers. Each principal shall have general supervision of and
shall be custodian of all school premises over which the principal presides.

(8) **Budget.** (a) Annually before adopting its the budget for the ensuing school
year and at least 5 65 days before transmitting its the completed budget under par.
(b), the board shall hold a public hearing on the proposed school budget at a time and
place fixed by the board. At least one week before the public hearing, the board shall
publish a class 1 notice, under ch. 985, of the public hearing. superintendent of
schools shall submit the proposed budget to the board for its review. If the board
objects to one or more items, it shall return the budget to the superintendent of
schools within 15 days, indicating the items to which it objects in writing. The
superintendent of schools shall respond to the board’s objections, in writing, within
25 days. The response may include revised versions of the items to which the board
objected. The board may hold one or more public hearings on the superintendent’s
response. If the board does so, it shall provide to the superintendent of schools a
written report on the hearings within 15 days of receiving the superintendent’s
response.

(b) The board superintendent of schools shall transmit its the completed budget
to the common council on or before the first Monday in August of each year on forms
SECTION 31

Such completed budget shall be published with the budget summary under s. 65.04 (2) or 65.20 and budget under s. 65.05 (7).

(10) School facilities. (a) The board superintendent of schools may not demolish any school facility that is 50 years old or older without the approval of the city historic preservation commission.

(b) The board superintendent of schools may construct new school facilities only in the areas of greatest local need for such facilities.

SECTION 32. 119.16 (8) (am) of the statutes is created to read:

119.16 (8) (am) At least 5 days before transmitting the completed budget to the common council under par. (b), the superintendent of schools shall hold a public hearing on the proposed budget.

SECTION 33. 119.16 (11) of the statutes is created to read:

119.16 (11) Collective bargaining agreements. (a) Within 5 days of signing a collective bargaining agreement, the superintendent of schools shall submit a copy of the agreement to the board for its review. The superintendent of schools shall meet with the board to discuss the agreement if the board requests such a meeting within 30 days of receiving a copy of the agreement.

(b) The superintendent of schools may not enter into a contract specifying wages, hours, or conditions of employment with any organization that is not a labor organization, as defined in s. 111.70 (1) (h).

SECTION 34. 119.18 (title), (1g) and (1r) of the statutes are amended to read:

119.18 (title) Board Superintendent of schools; powers. (1g) Generally. The board superintendent of schools may do all things reasonable to promote the
cause of education, including establishing, providing and improving school district
programs, functions and activities for the benefit of pupils.

**Section 34**

**(1r) Rules.** The board superintendent of schools may adopt and modify or
repeal rules for its own government, the administration of the school district, and for
the organization, discipline and management of the public schools which shall
promote the good order and public usefulness of the public schools.

**Section 35.** 119.18 (2) of the statutes is renumbered 119.14 (3).

**Section 36.** 119.18 (3) to (5), (6) (intro.) and (b) and (7) to (10) of the statutes
are amended to read:

**119.18 (3) Transportation.** The board superintendent of schools may provide
for the transportation of pupils to and from any school within the city.

**(4) Insurance.** The board superintendent of schools may provide for accident
insurance covering pupils in the school district.

**(5) Textbooks for indigent pupils.** The board superintendent of schools may
purchase textbooks for pupils whose parents, guardians or other persons having
control or custody of such pupils are without means to furnish them with textbooks,
if the indigency of such pupils have been investigated and certified by a welfare
worker or attendance officer. The local governmental authority administering poor
relief in the city shall reimburse the board superintendent of schools for all
expenditures by the board superintendent of schools for such textbooks. Such
textbooks shall be the property of the city and subject to the disposal of the board
superintendent of schools.

**(6) School calendar.** (intro.) The board superintendent of schools may
determine the school calendar and vacation periods for each school year for the
regular day schools, summer schools, social centers and playgrounds, except that:
(b) The board superintendent of schools may close any school or dismiss any class in the event of an emergency, fire or other casualty, quarantine or epidemic.

(7) School hours. The board superintendent of schools may establish rules scheduling the hours of each school day during which the schools shall be in session. The board superintendent of schools may differentiate between the various grades in scheduling such school hours.

(8) Schools closed. The board superintendent of schools may determine on which national, state and local legal holidays and for which educational conventions the public schools shall be closed. There shall be no deductions from the annual or monthly compensation of employees not rendering services on such days.

(9) Enrollment under legal name. The board superintendent of schools may require that any pupil attending public school shall be enrolled under the pupil’s legal name.

(10) Employees. (b) Subject to ss. 63.18 to 63.53 when applicable, the board superintendent of schools may employ and determine the qualifications, duties and compensation of any persons as are required in the operation and management of the schools.

(c) The board superintendent of schools may employ a staff to aid it in its his or her duties. The board superintendent of schools shall determine the compensation, duties and qualifications of its his or her staff, including whether or not employment of such staff shall be subject to ss. 63.18 to 63.53.

Section 37. 119.18 (11) of the statutes is renumbered 119.14 (14).

Section 38. 119.18 (12), (13) (intro.), (b) and (c) and (14) of the statutes are amended to read:
119.18 (12) Employer Contribution. The board superintendent of schools may make as the employer agency the contributions to the city retirement system payable under chapter 396, laws of 1937, in respect to its his or her employees who are members of such system.

(13) Exchange Teachers. (intro.) The board superintendent of schools may make an agreement with the managing body of the schools in any city or school district in the United States or another country for the exchange of one of the board’s teachers a teacher for a teacher of such other city or school district for a period not exceeding one school year. The board superintendent of schools shall determine the qualifications and compensation of the teacher rendering service under the agreement in the schools under its jurisdiction, who shall be counted as a regular teacher in the city in the computation of state and county school aids. The agreement shall state:

(b) That any teacher regularly employed by the board superintendent of schools under this chapter shall receive credit for the year of exchange teaching service in the computation of any benefits to which the teacher is entitled under ch. 40 and the manner in which the monthly reservations shall be paid under that subchapter.

(c) Such other provisions as the board superintendent of schools and the other managing body deem appropriate.

(14) Sales and Charges. The board superintendent of schools may establish and maintain, in any of the schools or playgrounds under its jurisdiction, cafeterias and stores for the sale of schoolbooks, candies, refreshments and supplies. The board superintendent of schools also may charge or permit the making of a charge for admission to any school, social center or athletic entertainment or activity, under such terms and conditions as the board prescribes.
Section 39. 119.18 (15) of the statutes is renumbered 119.14 (4) and amended to read:

119.14 (4) LEASE SCHOOL PROPERTY. In addition to any other authority, the board may lease school sites, buildings and equipment not needed for school purposes, as determined by the superintendent of schools, to any person for any lawful use at a reasonable rental for a term not exceeding 15 years.

Section 40. 119.18 (16) to (22) of the statutes are amended to read:

119.18 (16) GIFTS AND GRANTS. The board superintendent of schools may receive, accept and use gifts or grants of furniture, books, equipment, supplies, moneys, securities or other property used or useful for school and educational purposes. The board superintendent of schools shall make such use of gifts or grants, or invest the same in the case of moneys, as the donor or grantor specifies. In the absence of any specific direction as to the use of such gifts or grants by a donor or grantor, the board superintendent of schools may determine the use of or may invest the same in accordance with the law applicable to trust investments. In the use, control or investment of such gifts or grants, the board superintendent of schools may exercise the rights and powers generally conferred upon trustees.

(17) PURCHASES FROM HOUSE OF CORRECTION. The board superintendent of schools may purchase for use in the schools, from any county in which the city is located, furniture, furnishings and equipment manufactured in any house of correction under s. 303.16 (1). The board superintendent of schools may waive the furnishing by the county or institution of bid bonds and performance bonds otherwise required by the statutes in connection with any such purchase.
(18) COPYRIGHT MATERIALS. The board superintendent of schools may copyright under the applicable federal laws any book, pamphlet, bulletin or record form edited and published by or under the direction of the board superintendent of schools.

(19) FENCES. The board superintendent of schools may construct around any schoolhouse or playground site a fence of materials and design approved by the board superintendent of schools.

(20) DIPLOMAS. The board superintendent of schools may grant diplomas in testimony of the completion of high school or special education requirements, including the requirements of special schools established under s. 119.28.

(21) RULES ON CONDUCT AND DRESS. The board superintendent of schools may establish rules pertaining to conduct and dress of pupils in order to maintain good decorum and a favorable academic atmosphere.

(22) RECORDS CUSTODIAN. On except as provided in s. 119.14 (15), on behalf of any school district authority as defined in s. 19.32 (1), including the board, school district officers and any subunit of the board or school district, the superintendent of schools may designate one or more persons to be legal custodians of records.

SECTION 41. 119.18 (23) of the statutes is repealed and recreated to read:

119.18 (23) SCHOOL CLOSINGS. (a) The superintendent of schools may close any school that it determines is low in performance. If the superintendent of schools closes a school, he or she may reassign the school's staff members without regard to seniority in service. If the superintendent of schools reopens the school, he or she may reassign staff members to the school without regard to seniority in service.

(b) The process described in s. 119.16 (8) (a) applies to any decision made by the superintendent of schools to close a school under par. (a).

SECTION 42. 119.19 of the statutes is amended to read:
119.19 Released time for religious instruction. (1) The board superintendent of schools may permit a pupil, with the written permission of the pupil's parent or guardian, to be absent from school for up to 180 minutes per week to obtain religious instruction outside the school during the required school period. The board superintendent of schools shall determine periods allotted for the pupil to be absent from school for the purpose of religious instruction. Monthly, the supervisor of the religious instruction shall report the names of the pupils who attended such weekly religious instruction to the principal of the school that the pupil regularly attends. The board superintendent of schools may withdraw permission to be absent from school if a pupil does not attend the religious instruction.

(2) The board superintendent of schools is not responsible for transporting a pupil to or from religious instruction under sub. (1).

(3) The board superintendent of schools is released from all liability for a pupil who is absent from school under sub. (1).

Section 43. 119.235 (1) of the statutes is amended to read:

119.235 (1) The board superintendent of schools may contract with any nonsectarian private school located in the city or any nonsectarian private agency located in the city to provide educational programs to pupils enrolled in the school district operating under this chapter. The board superintendent of schools shall ensure that each private school or agency under contract with the board superintendent of schools complies with ss. 118.125 and 118.13, 20 USC 1232g, 20 USC 1681 to 1688, 20 USC 3171 to 3197, 29 USC 794, 42 USC 2000d and 42 USC 6101 to 6107, and all health and safety laws and rules that apply to public schools.

Section 44. 119.235 (2) (intro.) and (b) of the statutes are amended to read:
119.235 (2) (intro.) Each private school or agency under contract with the board superintendent of schools shall do all of the following:

(b) Participate in the board’s superintendent of schools’ parent information program.

Section 45. 119.235 (2) (d) of the statutes is amended to read:

119.235 (2) (d) Meet insurance and financial requirements established by the board superintendent of schools.

Section 46. 119.235 (2) (e) 2. of the statutes is amended to read:

119.235 (2) (e) 2. A pupil selection process that gives preference to the siblings of enrolled pupils and that gives no other preferences except those approved by the board superintendent of schools.

Section 47. 119.235 (2) (f) of the statutes is amended to read:

119.235 (2) (f) Report to the board superintendent of schools any information requested by the board superintendent of schools.

Section 48. 119.235 (3) of the statutes is amended to read:

119.235 (3) Any pupil enrolled in the school district operating under this chapter may attend, at no charge, any private school or agency with which the board superintendent of schools has contracted under sub. (1) if space is available in the private school or agency.

Section 49. 119.235 (4) of the statutes is amended to read:

119.235 (4) The board superintendent of schools shall establish appropriate, quantifiable performance standards for pupils at each private school or agency with which it he or she contracts in such areas as attendance, reading achievement, pupil retention, pupil promotion, parent surveys, credits earned and grade point average.

Section 50. 119.235 (5) of the statutes is amended to read:
119.235 (5) Annually, the board superintendent of schools shall monitor the performance of the program under this section. The board superintendent of schools may use the results of standardized basic educational skills tests to do so. The board superintendent of schools shall include a summary of its findings in its annual report to the state superintendent under s. 119.44.

Section 51. 119.24 of the statutes is amended to read:

119.24 Admission of pupils. A pupil may attend a school in an attendance district other than the one in which he or she resides with the written permission of the superintendent of schools. Beginning in the 2000–01 school year, the board shall provide spaces in each school for pupils who reside outside the attendance district for the school, but shall fill any unused spaces with pupils who reside in the attendance district. A pupil who attends a school may continue to attend that school until he or she graduates from the school and each sibling of that pupil shall be given priority over other pupils in the process of admission for that school.

Section 52. 119.26 of the statutes is amended to read:

119.26 Partial annexation of school district. When the city has annexed a portion of the territory of a school district and such annexation does not include the site of any school building of such school district, the school board of the district and the board superintendent of schools may enter into an agreement to permit pupils residing in the annexed territory to continue to attend school in the school district, and the board superintendent of schools shall pay tuition to the school district for the pupils in accordance with s. 121.78.

Section 53. 119.28 (1) of the statutes is amended to read:
119.28 (1) The board superintendent of schools shall establish and maintain such special schools for children with disabilities, as defined in s. 115.76 (5), as are required to accommodate pupils of school age desiring to attend school. The board superintendent of schools shall prescribe the courses of study and the educational and other activities in special schools.

Section 54. 119.28 (2) of the statutes is amended to read:
119.28 (2) The board superintendent of schools may employ teachers to give instruction in homes or hospitals to pupils unable to attend special schools.

Section 55. 119.28 (3) of the statutes is amended to read:
119.28 (3) The board superintendent of schools may provide transportation for pupils attending special schools and provide school lunches for pupils under such terms as it determines.

Section 56. 119.28 (4) of the statutes is amended to read:
119.28 (4) The superintendent of schools shall prescribe, with the approval of the committee on instruction, the periods of instruction at special schools subject to amendment, rejection or confirmation by the board.

Section 57. 119.30 of the statutes is amended to read:
119.30 Trade schools. (1) The board superintendent of schools may establish, conduct and maintain one or more schools for the purpose of giving practical instruction in the useful trades and may purchase the proper machinery, tools and equipment and employ a sufficient number of teachers and other necessary employees in such schools. Such schools shall be known as senior trade schools and junior trade schools.

(2) Until otherwise determined by the board superintendent of schools, only pupils who have completed the 8th grade in an accredited school whose graduates
are eligible for admission to a high school in the city shall be admitted to the senior trade schools. Only pupils who have attained the age of 14 years or have completed at least 6 grades in elementary school shall be admitted to the junior trade schools.

(3) The board superintendent of schools may require pupils in trade schools to pay the cost of all materials consumed in the course. In lieu of that requirement, the board superintendent of schools may establish a fixed sum to be paid by each pupil in a course which shall be sufficient to cover the cost of materials to be consumed by the pupil in the course. The board superintendent of schools may sell any articles made or manufactured in a trade school and determine the use of the proceeds from the sale.

Section 58. 119.32 (1) of the statutes is amended to read:

119.32 (1) The board mayor shall elect by roll call vote at a regular meeting appoint a superintendent of schools, to serve at his or her pleasure, whenever that office becomes vacant. The superintendent of schools shall be a person of suitable learning and experience in the art of instruction and shall have practical familiarity with the most approved methods of organizing and conducting a system of schools.

Section 59. 119.32 (2) (intro.) of the statutes is amended to read:

119.32 (2) (intro.) Under the direction of the board, the superintendent of schools shall have general supervision of:

Section 60. 119.32 (3) of the statutes is amended to read:

119.32 (3) Subject to confirmation by the board, the superintendent of schools shall appoint the deputy superintendent of schools, associate superintendent of schools, executive assistant to the superintendent of schools, assistant to the superintendent of schools, assistant superintendent, division director, department
director and any other supervisory or administrative employees designated by the board.

**SECTION 61.** 119.32 (4) of the statutes is amended to read:

119.32 (4) The superintendent of schools shall be an advisory member of every committee of the board, except when an inquiry into his or her acts or an investigation of his or her official conduct is under consideration by such committee.

**SECTION 62.** 119.32 (5) of the statutes is amended to read:

119.32 (5) The superintendent of schools shall assign all teachers and engage and assign substitute teachers at the per diem compensation fixed by the board superintendent of schools.

**SECTION 63.** 119.32 (6) of the statutes is amended to read:

119.32 (6) The superintendent of schools shall collect such statistics and information relating to schools and the population entitled to school privileges in the city as the board directs he or she deems necessary.

**SECTION 64.** 119.32 (7) of the statutes is amended to read:

119.32 (7) Notwithstanding ss. 115.28 (7), 118.19 (1) and 121.02 (1) (a), the board mayor may elect appoint a superintendent of schools, and the superintendent of schools may employ a business manager, who are not licensed by the department.

**SECTION 65.** 119.36 of the statutes is repealed.

**SECTION 66.** 119.40 of the statutes is amended to read:

119.40 (1) (a) Annually, the board superintendent of schools shall establish a schedule of salaries for all classroom teachers, not including principals and vice principals, in the schools of the city.

(b) Annually, the board superintendent of schools may establish one or more schedules of salaries for all its employees not covered under par. (a).
(2) All schedules of salaries annually fixed by the board superintendent of schools shall be adopted for the same period and on the same year basis as the annual school budget is adopted by the board superintendent of schools.

Section 67. 119.42 (1m) of the statutes is amended to read:

119.42 (1m) The appointment of a teacher in a 1st class city school district shall be probationary. After successful probation by completing 3 years of continuous service, the appointment shall be permanent during efficiency and good behavior. A teacher who has a permanent appointment shall not be discharged, except for cause upon written charges. After 10 days' written notice to the teacher of the charges and upon the teacher's written request, the charges shall be investigated, heard and determined by the board superintendent of schools. The action of the board superintendent of schools on the matter shall be final.

Section 68. 119.42 (2) of the statutes is amended to read:

119.42 (2) Any teacher employed in a public school in territory annexed to the city, who at the time of the annexation possesses the qualifications required by law and by the rules of the board superintendent of schools for probationary or permanent appointment to a teaching position in the city, shall have the status of a regularly appointed teacher in the schools of the city and shall be entitled to all the rights and privileges of regularly appointed teachers in the city. Time spent in teaching in the annexed territory prior to annexation shall be credited to each such teacher as time spent in teaching in the city.

Section 69. 119.44 (title) of the statutes is amended to read:

119.44 (title) Board Superintendent of schools report.

Section 70. 119.44 (1) of the statutes is amended to read:
119.44 (1) The board superintendent of schools shall file its the annual financial report with the city clerk and shall send a copy of the report to the state superintendent.

**SECTION 71.** 119.44 (2) (intro.) of the statutes is amended to read:

119.44 (2) (intro.) Annually at such times as the department prescribes but on or before September 1, the board superintendent of schools shall file a verified annual report with the department, on forms supplied by the department. The annual report shall contain all of the following:

**SECTION 72.** 119.44 (2) (a) 3. of the statutes is amended to read:

119.44 (2) (a) 3. The number of pupils transferred by the school board superintendent of schools to a different school in the same school district.

**SECTION 73.** 119.46 (1) of the statutes, as affected by 2009 Wisconsin Act 28, is amended to read:

119.46 (1) As part of the budget transmitted annually to the common council under s. 119.16 (8) (b), the board superintendent of schools shall report the amount of money required for the ensuing school year to operate all public schools in the city under this chapter, to repair and keep in order school buildings and equipment, to make material improvements to school property and to purchase necessary additions to school sites. The amount included in the report for the purpose of supporting the Milwaukee Parental Choice Program under s. 119.23 shall be reduced by the amount of aid received by the board school district under s. 121.136 and by the amount specified in the notice received by the board superintendent of schools under s. 121.137 (2). The common council shall levy and collect a tax upon all the property subject to taxation in the city, which shall be equal to the amount of money required by the board superintendent of schools for the purposes set forth in this subsection,
at the same time and in the same manner as other taxes are levied and collected. Such taxes shall be in addition to all other taxes which the city is authorized to levy. The taxes so levied and collected, any other funds provided by law and placed at the disposal of the city for the same purposes, and the moneys deposited in the school operations fund under s. 119.60 (1), shall constitute the school operations fund.

Section 74. 119.47 of the statutes is amended to read:

119.47 Taxes for school extension fund. (1) If activities are being conducted under s. 119.70 (1), the board superintendent of schools as part of the budget transmitted annually to the common council under s. 119.16 (8) (b) shall specify the amount of money required for the ensuing school year under s. 119.70 (3). The taxes so levied and collected shall constitute the school extension fund.

(2) The board superintendent of schools may receive and expend, in addition to the tax levied and collected under s. 119.70 (3), any sums of money appropriated by the common council of the city for community services. The common council may appropriate from the city general fund or a similar fund to the school district such sums of money as the common council deems expedient.

Section 75. 119.48 (1) of the statutes is amended to read:

119.48 (1) If the board adopts a resolution by a two-thirds vote of the members-elect superintendent of schools determines to provide funds, in addition to receipts from the sale of bonds, to purchase school sites, to construct school buildings and additions thereto or to remodel existing buildings, the board he or she may include, as part of the budget transmitted to the common council under s. 119.16 (8) (b), a communication stating the amount of funds needed for such purposes. Upon receipt of the communication, the common council shall levy and collect a tax upon all property subject to taxation in the city, which shall be equal to the amount of
money required by the board superintendent of schools for the purposes set forth in
the communication, at the same time and in the same manner as other taxes are
levied and collected. Such taxes shall be in addition to all other taxes which the city
is authorized to levy. The taxes so levied and collected and the moneys under s. 119.60 (1) that are deposited in the school construction fund shall constitute the
school construction fund. If moneys under s. 119.60 (1) are deposited in the school
construction fund, the moneys shall be used for the purchase of real property for
school purposes. The board superintendent of schools may allow the school
construction fund to accumulate from year to year.

Section 76. 119.48 (2) (intro.) of the statutes is amended to read:
119.48 (2) (intro.) The common council shall have the following options on the
board’s superintendent’s communication under sub. (1):

Section 77. 119.48 (2) (a) of the statutes is amended to read:
119.48 (2) (a) To levy and collect a tax equal to the amount of money specified
by the board superintendent of schools under sub. (1).

Section 78. 119.48 (4) (a) of the statutes is amended to read:
119.48 (4) (a) If the board superintendent of schools deems it necessary to
exceed the levy rate specified under s. 65.07 (1) (f), it he or she may by a two-thirds
vote of the members-elect include a communication to the common council as part
of the budget transmitted to the common council under s. 119.16 (8) (b).

Section 79. 119.485 of the statutes is amended to read:
119.485 Taxes for state trust fund loans. (1) If the board school district is
awarded a state trust fund loan under subch. II of ch. 24, the board superintendent
of schools shall include in its his or her budget transmitted to the common council
under s. 119.16 (8) (b) a written notice specifying the amount of money necessary to
pay the principal and interest on the loan as they become due. The common council shall levy and collect a tax upon all property subject to taxation in the city, at the same time and in the same manner as other taxes are levied and collected, equal to the amount of money required to make such payments. The taxes are in addition to all other taxes that the city is authorized to levy.

(2) Annually by December 31, the board superintendent of schools shall transfer to the city an amount which, when added to the interest that will accrue on the amount, is sufficient to meet the anticipated costs of debt service on the loan in the ensuing year.

Section 80. 119.49 (1) (a) of the statutes is amended to read:

119.49 (1) (a) If the board superintendent of schools deems it necessary to construct buildings or additions to buildings, to remodel buildings or to purchase school sites or to provide funds for any such purpose as a participant in a contract under s. 120.25, it may by a two-thirds vote of the members-elect, he or she shall send a written communication to the common council of the city and issue a public notice.

Section 81. 119.49 (2) of the statutes is amended to read:

119.49 (2) Upon receipt of the communication, the common council shall file the communication as provided in s. 8.37 and shall cause the question of issuing such school bonds in the stated amount and for the stated school purposes to be submitted to the voters of the city at the next election held in the city. The question of issuing such school bonds shall be submitted so that the vote upon issuing such school bonds is taken separately from any other question submitted to the voters. If a majority of the electors voting on the school bond question favors issuing such school bonds, the common council shall cause the school bonds to be issued immediately or within
the period permitted by law, in the amount requested by the board superintendent of schools and in the manner other bonds are issued.

**Section 82.** 119.49 (3) of the statutes is amended to read:

119.49 (3) The proper city officials shall sell or dispose of the bonds in the same manner as other bonds are disposed of. The entire proceeds of the sale of the bonds shall be placed in the city treasury, subject to the order of the board superintendent of schools for the purposes named in the communication under sub. (1). Such school bonds shall be payable within 20 years from the date of their issue.

**Section 83.** 119.498 (1) of the statutes is amended to read:

119.498 (1) Subject to s. 119.499 (1), the board superintendent of schools may adopt a resolution requesting the common council of the city to authorize the issuance of promissory notes under s. 67.12 (12) for school purposes consisting of paying unfunded prior service liability contributions under the Wisconsin Retirement System.

**Section 84.** 119.498 (2) of the statutes is amended to read:

119.498 (2) If the board adopts a resolution under sub. (1) and the city issues the notes, annually the board superintendent of schools shall include in its budget transmitted to the common council under s. 119.16 (8) (b) an amount sufficient to pay the principal of and interest and redemption premium on the notes as they become due. The common council may authorize the issuance of the notes at public or private sale.

**Section 85.** 119.499 of the statutes is amended to read:

**119.499 Borrowing; unfunded prior service liability. (1)** The board superintendent of schools may not request the redevelopment authority of the city to issue bonds under s. 66.1333 (5s) or adopt a resolution under s. 119.498 (1) unless
it he or she develops information on both options and chooses the option that is in the best public interest.

(1m) If the redevelopment authority of the city issues bonds under s. 66.1333 (5s), the board superintendent of schools may borrow money from the redevelopment authority to pay unfunded prior service liability contributions under the Wisconsin Retirement System for the board. If the board superintendent of schools borrows money from the redevelopment authority of the city to make such payments, it he or she may use any school district revenues, including state aid, to repay the loan.

(2) (a) If the board superintendent of schools decides to use school district revenues to repay the loan, it he or she may request the city to remit designated revenues of the school district to the redevelopment authority of the city at such times and in such amounts as the board he or she determines. The city may agree to the request, which is irrevocable while any amount due under the loan remains outstanding.

(b) If the board superintendent of schools decides to use state aid to repay the loan, it he or she may request the department to remit the aid to the redevelopment authority of the city in an annual amount agreed to by the board superintendent of schools and the department, and the department shall ensure that the aid remittance does not affect the amount determined to be received by the board school district as state aid under s. 121.08 for any other purpose.

SECTION 86. 119.50 (2) of the statutes is amended to read:

119.50 (2) The board superintendent of schools shall provide by resolution for the manner in which the payroll shall be certified, audited, approved and paid.

SECTION 87. 119.53 of the statutes is created to read:
119.53 **Budget committee.** (1) There is created a budget committee consisting of the following members:

(a) The city comptroller or his or her designee.

(b) The president of the common council or his or her designee.

(c) The president of the board or his or her designee.

(d) Three members appointed by the mayor to serve at his or her pleasure.

(2) The budget committee shall advise the superintendent of schools on the formulation of the annual school budget.

**SECTION 88.** 119.55 of the statutes is amended to read:

119.55 **Youth service centers, truancy abatement and burglary suppression.** (1) (a) The board superintendent of schools shall establish one or more youth service centers for the counseling of children who are taken into custody under s. 938.19 (1) (d) 10. for being absent from school without an acceptable excuse under s. 118.15. The board superintendent of schools shall contract with the boys and girls clubs of Greater Milwaukee for the operation of the centers.

(b) The board superintendent of schools shall establish 2 youth service centers under par. (a).

(2) The board superintendent of schools shall pay the city a sum sufficient to pay the costs of salaries and fringe benefits of 4 law enforcement officers to work on truancy abatement and burglary suppression on a full–time basis.

**SECTION 89.** 119.60 of the statutes is amended to read:

119.60 **Real property.** (1) If any real property within the city which is used for school purposes is sold, the board superintendent of schools shall determine whether the proceeds of the sale are deposited in the school operations fund under s. 119.46 or are deposited in the school construction fund under s. 119.48.
(2) City-owned property used for school purposes shall be sold by the city upon written request of the board superintendent of schools if the common council adopts a resolution approving the sale. If, within 12 months after a written request by the board superintendent of schools, the city has not disposed of the property, has failed to obtain a written agreement to dispose of the property or has not provided the board superintendent of schools with a written report giving specific reasons, which are not identified by the city attorney as constituting a conflict of interest, for its failure to dispose of the property or to obtain an agreement to dispose of the property, the board superintendent of schools may retain a real estate agent to represent the board superintendent of schools in its real estate transactions.

(3) The board's superintendent's authority to retain a real estate agent under sub. (2) is limited to the actual sale of property. The board superintendent of schools may compensate the real estate agent for his or her services only on the basis of a commission for specific property sold, and no property taxes may be levied for the purpose of providing funds to pay such commissions.

(4) The city is not liable for any action of the board superintendent of schools or its real estate agent in the sale of property under this section.

Section 90. 119.66 of the statutes is amended to read:

119.66 Interest in contracts forbidden. During the term for which elected or appointed and for 2 years after the expiration of the term, no member of the board may be employed by the board school district or by the department of employee trust funds in any capacity for which a salary or emolument is provided by the board school district or the department of employee trust funds. For 2 years after leaving office, the superintendent of schools may not be employed by the school district or by the department of employee trust funds in any capacity for which a salary or emolument
is provided by the school district or the department of employee trust funds. No 
board member, superintendent of schools, assistant superintendent, other assistant, 
teacher or other employee of the board may have any interest in the purchase or sale 
of property by the city for the use or convenience of the schools. No contract made 
in violation of this section is valid. Any consideration paid by the city for a purchase 
or sale prohibited by this section may be recovered in an action at law in the name 
of the city. Any person violating this section shall be removed from any position held 
under this chapter.

**Section 91.** 119.68 (1) of the statutes is amended to read:

119.68 (1) All claims against the city or board school district shall be audited 
for sufficiency of funds by the auditing officer of the city. The superintendent of 
schools shall furnish the auditing officer of the city a complete list of the claims. 
Before a warrant is issued therefor, the auditing officer of the city shall countersign 
it. Within 20 days after each regular or special meeting of the board Monthly, the 
superintendent of schools shall make and file with the auditing officer of the city 
statements of on the condition of the funds for the support of the schools and of the 
financial transactions of the board school district during the period next preceding 
any such statement.

**Section 92.** 119.70 (1) of the statutes is renumbered 119.70 (1) (a) and 
amended to read:

119.70 (1) (a) The board superintendent of schools may establish and maintain 
for children and adults, in the school buildings and on the school grounds, evening 
schools, vacation schools, reading rooms, library stations, debating clubs, 
gymnasiums, public playgrounds, public baths and similar activities and 
accommodations to be determined by the board superintendent of schools. The board
superintendent of schools may cooperate, by agreement, with other commissions or boards having the custody and management of public parks, libraries, museums and public buildings and grounds of whatever sort to provide the equipment, supervision, instruction and oversight necessary to carry on such public educational and recreational activities in and upon such other buildings and grounds.

Section 93. 119.70 (1) (b) of the statutes is created to read:

119.70 (1) (b) The board may establish and maintain for adults, in the school buildings and on the school grounds, evening schools, vacation schools, reading rooms, library stations, debating clubs, gymnasiums, public playgrounds, public baths and similar activities and accommodations to be determined by the board. The board may cooperate, by agreement, with other commissions or boards having the custody and management of public parks, libraries, museums and public buildings and grounds of whatever sort to provide the equipment, supervision, instruction and oversight necessary to carry on such public educational and recreational activities in and upon such other buildings and grounds.

Section 94. 119.70 (3) of the statutes is amended to read:

119.70 (3) The board superintendent of schools shall report to the common council on or before the first Monday in August of each year the amount of money required during the ensuing school year for the support of activities under sub. (1). The common council shall levy and collect a special tax in the manner that other taxes are levied and collected, equal to the amount of money so required for the activities. The tax shall not be used or appropriated, directly or indirectly, for any other purpose.

Section 95. 119.70 (5) of the statutes is amended to read:
119.70 (5) Nothing in this section prohibits the board or the superintendent of schools from granting the use of school property to religious organizations under s. 120.13 (17).

SECTION 96. 119.71 (3) of the statutes is amended to read:

119.71 (3) (a) Annually, the board superintendent of schools shall spend at least $5,090,000 to expand its half-day 5-year-old kindergarten program to a full-day program, as provided under par. (b), and shall enroll in the expanded program only pupils who meet the income eligibility standards for a free lunch under 42 USC 1758 (b). The board superintendent of schools shall select pupils for the expanded program based on the order in which the pupils register for the program.

(b) The board superintendent of schools shall use the funds specified under par. (a) to pay the costs of teachers, aides and other support staff, transportation of staff to pupils’ homes, in-service programs, parental involvement programs and instructional materials. The board superintendent of schools may not use the funds to provide facilities to house the program or to pay pupil transportation or indirect administrative costs associated with the program.

SECTION 97. 119.73 of the statutes is amended to read:

119.73 Kindergarten programs. The board superintendent of schools shall evaluate the effectiveness of the expanded 5-year-old kindergarten programs under s. 119.71 in meeting the needs of disadvantaged children. Annually by January 1, the board superintendent of schools shall submit a report summarizing its his or her findings to the state superintendent and to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3).

SECTION 98. 119.74 (intro.) of the statutes is amended to read:
119.74 Extended-day elementary grade, 4-year-old kindergarten and alcohol and other drug abuse programs. (intro.) The board superintendent of schools shall spend at least $430,000 for the following programs in each school year:

SECTION 99. 119.75 of the statutes is amended to read:

119.75 First grade programs. (1) The board superintendent of schools shall provide expanded educational opportunities for first grade pupils who have participated in an expanded 5-year-old kindergarten program under s. 119.71.

(2) Annually, the board superintendent of schools shall spend at least $1,070,000 to pay the costs of teachers, aides and other support staff, transportation of staff to pupils' homes, in-service programs, parental involvement programs and instructional materials related to the programs under sub. (1). The board superintendent of schools may not use the funds to provide facilities to house the programs under sub. (1) or to pay pupil transportation or indirect administrative costs associated with the programs under sub. (1).

SECTION 100. 119.78 of the statutes is amended to read:

119.78 Family resource center. The board superintendent of schools shall establish a family resource center to distribute parent education materials, conduct workshops on child development, facilitate communication between school personnel and parents of pupils enrolled in the school district and provide volunteer opportunities for parents within the schools.

SECTION 101. 119.82 (1m) (intro.) of the statutes is amended to read:

119.82 (1m) (intro.) Upon the request of the child or the child's parent or guardian, the board superintendent of schools shall provide an alternative educational program for any child who resides in the city and satisfies all of the following:
**SECTION 102.** 119.90 of the statutes is created to read:

119.90 **Advisory referendum.** There shall be submitted to the electors of the city of Milwaukee at the April 2017 spring election, for advisory purposes only, the following question: “Do you favor returning to the elected board of school directors of the Milwaukee Public Schools all of the powers and duties that were transferred to the superintendent of schools by 2009 Wisconsin Act .... (this act)?”

**SECTION 103.** 120.115 (1) of the statutes is amended to read:

120.115 (1) (a) Within 10 days after adopting a resolution that authorizes the school board to incur debt, or that authorizes within 10 days of issuing a written communication to the common council of a 1st class city that authorizes it to incur debt on behalf of the school district operating under ch. 119, the school board or superintendent of schools shall notify the department of the scheduled date of the referendum and submit a copy of the resolution to the department.

(b) Within 10 days after holding a referendum that would authorize the school district to incur debt or that would authorize the common council of a 1st class city to incur debt on behalf of the school district operating under ch. 119, the school board or superintendent of schools shall notify the department of the approval or rejection of the referendum.

**SECTION 104.** 120.13 (17) of the statutes is amended to read:

120.13 (17) **Temporary use of school property.** Grant the temporary use of school grounds, buildings, facilities, or equipment, upon such conditions, including fees not to exceed actual costs, as determined by the school board, to any responsible person for any lawful nonschool purpose if such use does not interfere with use for school purposes or school–related functions. Fees received under this subsection shall be paid into the school district treasury and accounted for as prescribed under
s. 115.28 (13). The user shall be primarily liable, and the school board secondarily liable, for any damage to property and for any expense incurred in consequence of any use of school grounds, buildings, facilities, or equipment under this subsection.

In the school district operating under ch. 119, both the board and the superintendent of schools have the authority granted to the school board under this subsection, and the school district is secondarily liable for damage to property and for any expense incurred in consequence of any use of school grounds, buildings, facilities, or equipment under this subsection.

Section 105. 120.14 (1) of the statutes is amended to read:

120.14 (1) At the close of each fiscal year, the school board of each school district shall employ a licensed accountant to audit the school district accounts and certify the audit. The audit shall include information concerning the school district's self−insurance plan under s. 120.13 (2) (b), as specified by the commissioner of insurance. If required by the state superintendent under s. 115.28 (18), the audit shall include an audit of the number of pupils reported for membership purposes under s. 121.004 (5). The cost of the audit shall be paid from school district funds. The superintendent of schools of a school district operating under ch. 119 shall provide a copy of the audit to the budget committee under s. 119.53. Annually by September 15, the school district clerk shall file a financial audit statement with the state superintendent.

Section 106. 121.137 (1) (a) of the statutes, as created by 2009 Wisconsin Act 28, is repealed.

Section 107. 121.137 (1) (c) of the statutes is created to read:

121.137 (1) (c) “Superintendent of schools” means the superintendent of schools of the school district operating under ch. 119.
**SECTION 108.** 121.137 (2) of the statutes, as created by 2009 Wisconsin Act 28, is amended to read:

121.137 (2) Annually, the department shall calculate the amount of the state aid reduction under s. 121.08 (4) (b) 2. in the current school year and shall notify the board superintendent of schools, in writing, of the result.

**SECTION 109.** 121.137 (3) of the statutes, as created by 2009 Wisconsin Act 28, is amended to read:

121.137 (3) From the appropriation under s. 20.255 (2) (ac), annually the department shall pay the amount calculated under sub. (2) to the city in installments according to the schedule used by the board school district operating under ch. 119 for the distribution of state aid under s. 121.15 (1) or (1g). The city shall pay an amount equal to the amount received under this subsection to the board school district operating under ch. 119.

**SECTION 110.** 121.85 (6) (am) 1. a. of the statutes is amended to read:

121.85 (6) (am) 1. a. Subtract from 75% the percentage of pupils whose parents or guardians have provided the board school directors superintendent of schools with written consent to a pupil transfer to another attendance area.

**SECTION 111.** 121.85 (6) (am) 2. a. of the statutes is amended to read:

121.85 (6) (am) 2. a. Subtract from 80% the percentage of pupils whose parents or guardians have provided the board school directors superintendent of schools with written consent to a pupil transfer to another attendance area.

**SECTION 112.** 121.85 (6) (am) 3. a. of the statutes is amended to read:

121.85 (6) (am) 3. a. Subtract from 90% the percentage of pupils whose parents or guardians have provided the board school directors superintendent of schools with written consent to a pupil transfer to another attendance area.
SECTION 113. 121.85 (6) (am) 4. a. of the statutes is amended to read:

121.85 (6) (am) 4. a. Subtract from 95% the percentage of pupils whose parents or guardians have provided the board of school directors superintendent of schools with written consent to a pupil transfer to another attendance area.

SECTION 114. 121.85 (6) (am) 5. of the statutes is amended to read:

121.85 (6) (am) 5. In the 2004–05 school year, the number of pupils whose parents or guardians have not provided the board of school directors superintendent of schools with written consent to a pupil transfer to another attendance area.

SECTION 115. 121.85 (6) (am) 6. a. of the statutes is amended to read:

121.85 (6) (am) 6. a. Subtract from 95% the percentage of pupils whose parents or guardians have provided the board of school directors superintendent of schools with written consent to a pupil transfer to another attendance area.

SECTION 116. 121.85 (6m) of the statutes is amended to read:

121.85 (6m) USE OF AID FOR LEASE OR LOAN PAYMENTS. If the board of directors superintendent of schools of the school district operating under ch. 119 leases buildings or sites from the redevelopment authority of the city or borrows money from the redevelopment authority of the city under s. 119.16 (3) (c), it he or she may use intradistrict transfer aid under sub. (6) to make lease payments or repay the loan. If the board of school directors superintendent of schools decides to use the aid to make lease payments or repay the loan, it he or she may request the department to remit the intradistrict transfer aid under sub. (6) to the redevelopment authority of the city of Milwaukee in an annual amount agreed to by the board of school directors superintendent of schools and the department, and the department shall ensure that the aid remittance does not affect the amount determined to be received.
by the board of school directors school district operating under ch. 119 as state aid
under s. 121.08 for any other purpose.

SECTION 117. 121.87 (3) of the statutes is amended to read:

121.87 (3) In addition to the report under sub. (1), annually by May 1 the board
of school directors superintendent of schools of the school district operating under ch.
119 shall submit a report to the legislature under s. 13.172 (2) that specifies the
number, percentage, race, sex, grade and attendance area of pupils transferred
outside their attendance area without written consent under s. 121.85 (6) (am).

SECTION 118. 200.23 (2) (a) 6. of the statutes is amended to read:

200.23 (2) (a) 6. Members of the board of school directors in charge of the public
schools of the a 1st class city school district.


(1) Mayoral appointments.

(a) The mayor of a 1st class city shall make the appointment under section
119.32 (1) of the statutes, as affected by this act, within 90 days after the effective
date of this paragraph.

(b) The mayor of a 1st class city shall make the appointments under section
119.53 (1) (d) of the statutes, as created by this act, within 90 days after the effective
date of this paragraph.

(2) Superintendent of schools; incumbency.

(a) Notwithstanding section 119.32 (1) of the statutes, as affected by this act,
the superintendent of schools of the school district operating under chapter 119 of the
statutes on the effective date of this paragraph may continue to hold that office and
exercise the powers and duties of that office until his or her successor under section
119.32 of the statutes, as affected by this act, is appointed and qualified.
(b) Notwithstanding section 119.32 (1) of the statutes, as affected by this act, the employment of the person holding the position of superintendent of schools of the school district operating under chapter 119 of the statutes on the effective date of this paragraph terminates on the date that his or her successor under section 119.32 (1) of the statutes, as affected by this act, is appointed and qualified.

(3) Technical college appointment committee. Notwithstanding section 38.08 (1g) of the statutes, as affected by this act, the members of the appointment committee on the effective date of this subsection who were designated by the board of school directors may continue to serve until their successors are appointed by the superintendent of schools of the school district operating under ch. 119.

Section 120. Initial applicability.

(1) The treatment of section 63.53 of the statutes first applies to persons appointed to positions on the effective date of this subsection.