



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2015 Senate Bill 244	Senate Substitute Amendment 1
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Memo published: September 30, 2015 Contact: Katie Bender-Olson, Senior Staff Attorney (266-2988)

2015 SENATE BILL 244

Under **current law**, when a vacancy occurs on the school board of a common, union, or unified school district, the remaining school board members may fill the vacancy by appointment. Current law does not provide an alternative method for filling a vacancy and does not address how a vacancy is to be filled in the event that the remaining school board members do not make an appointment.

Under Senate Bill 244, if the remaining school board members of a common, union, or unified school district do not fill a vacancy within 60 days of the date on which the vacancy first exists, the school board president may appoint someone to fill the vacancy.

SENATE SUBSTITUTE AMENDMENT 1

Senate Substitute Amendment 1 (the substitute amendment) addresses three issues, discussed below.

School Board Policies

The substitute amendment requires the school boards of all common, union, and unified school districts to adopt a policy addressing how they will fill a school board vacancy if the remaining school board members do not appoint a replacement within 60 days of the date on which the vacancy first exists. School boards must adopt such a policy by July 1, 2016.

Filling School Board Vacancies

The substitute amendment modifies how school board vacancies may be filled, making a temporary distinction between certain unified school districts and all other school districts.

Common, Union, and Unified School Districts

Under the substitute amendment, if the remaining members of a school board in a common, union, or unified school district do not fill a vacancy by appointment within 60 days of the date on which the vacancy first exists, then they may fill the vacancy according to the school board's adopted policy.

Certain Unified School Districts

The substitute amendment creates a temporary alternative method of filling school board vacancies in unified school districts that encompass a city with a population greater than 75,000 but less than 100,000 and that encompass at least two villages. Currently, Racine Unified School District (RUSD) is the only school district that meets this definition. If the remaining members of a school board in such a unified school district do not fill a vacancy by appointment within 60 days of the date on which the vacancy first exists, then the school board president may appoint someone to fill the vacancy.

If the school board president does not appoint someone to fill a vacancy that has lasted more than 60 days, then the remaining school board members may fill the vacancy according to the school board's adopted policy.

The provision granting school board presidents in certain unified school districts the authority to appoint someone to fill a vacancy will be repealed effective April 12, 2016. As of April 12, 2016, vacancies lasting longer than 60 days in certain unified school districts may be filled according to the school board's adopted policy.

School Board Elections in Certain Unified School Districts

School District Apportionment Plans

Under **current law**, school board members in a unified school district that, on July 14, 2015, encompasses a city with a population greater than 75,000 but less than 100,000 and that encompasses at least two villages must be elected from election districts. RUSD is the only school district that meets this definition. The RUSD school board must establish a representation plan for the election of school board members and must adopt a district apportionment plan before November 1, 2015. New apportionment plans must be adopted periodically.

In addition to the apportionment plan adopted by November 1, 2015, the RUSD school board must adopt a new apportionment plan within 60 days after the federal population count by census block becomes available in print. The **substitute amendment** clarifies that the RUSD school board must adopt a new apportionment plan every 10 years within 60 days after the federal information becomes available, rather than every 10 years after the school board adopts its first apportionment plan.

School Board Primary Elections

Under **current law**, school boards must hold primary elections in certain situations involving multiple school board candidates running for the same seat. The **substitute amendment** requires that school boards subject to representation and apportionment plans (including the RUSD), as described above, must require a primary election for particular apportioned areas in which there are more than twice as many candidates as there are members to be elected.

BILL HISTORY

Senate Substitute Amendment 1 was offered by Senator Wanggaard on September 11, 2015. On September 29, 2015, the Senate Committee on Education recommended adoption of Senate Substitute Amendment 1 on a vote of Ayes, 4; Noes, 3, and passage of Senate Bill 244, as amended, on a vote of Ayes, 4; Noes, 3.

KBO:mcm;ksm