

State of Wisconsin



2009 Senate Bill 372

Date of enactment: **November 9, 2009**
Date of publication*: **November 23, 2009**

2009 WISCONSIN ACT 60

AN ACT *to amend* 111.70 (1) (a), 118.30 (2) (c) and 119.04 (1); and *to create* 111.70 (4) (o) and 118.225 of the statutes; **relating to:** using the results of standardized examinations to evaluate teachers and requiring the development of a teacher evaluation plan to be a mandatory subject of collective bargaining.

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

SECTION 1. 111.70 (1) (a) of the statutes, as affected by 2009 Wisconsin Act 28, is amended to read:

111.70 (1) (a) "Collective bargaining" means the performance of the mutual obligation of a municipal employer, through its officers and agents, and the representative of its municipal employees in a collective bargaining unit, to meet and confer at reasonable times, in good faith, with the intention of reaching an agreement, or to resolve questions arising under such an agreement, with respect to wages, hours and conditions of employment, and with respect to a requirement of the municipal employer for a municipal employee to perform law enforcement and fire fighting services under s. 61.66 and for a school district with respect to any matter under sub. (4) (o), except as provided in subs. (3m), (3p), and (4) (m) and (mc) and s. 40.81 (3) and except that a municipal employer shall not meet and confer with respect to any proposal to diminish or abridge the rights guaranteed to municipal employees under ch. 164. The duty to bargain, however, does not compel either party to agree to a proposal or require the making of a concession. Collective bargaining includes the reduction of any agreement reached to a written and signed document. The municipal employer shall not be required to bargain on subjects

reserved to management and direction of the governmental unit except insofar as the manner of exercise of such functions affects the wages, hours and conditions of employment of the municipal employees in a collective bargaining unit. In creating this subchapter the legislature recognizes that the municipal employer must exercise its powers and responsibilities to act for the government and good order of the jurisdiction which it serves, its commercial benefit and the health, safety and welfare of the public to assure orderly operations and functions within its jurisdiction, subject to those rights secured to municipal employees by the constitutions of this state and of the United States and by this subchapter.

SECTION 2. 111.70 (4) (o) of the statutes is created to read:

111.70 (4) (o) *Mandatory subjects of bargaining.* In a school district, in addition to any subject of bargaining on which the municipal employer is required to bargain under sub. (1) (a), the municipal employer is required to bargain collectively with respect to the development of or any changes to a teacher evaluation plan under s. 118.225.

SECTION 3. 118.225 of the statutes is created to read:
118.225 Teacher evaluations. A school board may use the results of examinations administered to pupils under s. 118.30 and 20 USC 6311 (b) (3) to evaluate

* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

teachers if the school board has developed a teacher evaluation plan that includes all of the following:

- (1) A description of the evaluation process.
- (2) Multiple criteria in addition to examination results.
- (3) The rationale for using examination results to evaluate teachers.
- (4) An explanation of how the school board intends to use the evaluations to improve pupil academic achievement.

SECTION 4. 118.30 (2) (c) of the statutes is amended to read:

118.30 (2) (c) The results of examinations administered under this section or under 20 USC 6311 (b) (3) to pupils enrolled in public schools, including charter schools, may not be used to ~~evaluate teacher performance~~, to discharge, suspend or formally discipline a

teacher or as the reason for the nonrenewal of a teacher's contract.

SECTION 5. 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, 118.225, 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.