



2015 ASSEMBLY BILL 299

August 6, 2015 - Introduced by Representatives VANDERMEER, TITTL, PETRYK, KREMER, KITCHENS, E. BROOKS, BALLWEG, A. OTT, SINICKI, MURPHY, C. TAYLOR, QUINN, KAHL, BRANDTJEN and ROHRKASTE, cosponsored by Senators LASSA, OLSEN, MARKLEIN, BEWLEY, WIRCH, VINEHOUT and L. TAYLOR. Referred to Committee on Education.

1 **AN ACT** *to amend* 119.04 (1); and *to create* 120.20 of the statutes; **relating to:**
2 allowing a school board member to serve as a volunteer coach or extracurricular
3 activity supervisor.

Analysis by the Legislative Reference Bureau

Under current law, unless specifically allowed by a statute, the common law doctrine of incompatibility prohibits a person from holding two or more public positions when the duties of each position might conflict, or when one position might be seen as superior to the other. This bill creates an exception to the doctrine of incompatibility that allows a school board member to act as a volunteer coach or as a supervisor for an extracurricular activity if the school board member does not receive compensation for coaching or supervising the extracurricular activity, the school board member agrees to abstain from voting on issues substantially and directly related to the activity he or she coaches or supervises, and the school board receives the results of a criminal background investigation of the school board member.

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

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

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1 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
2 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
3 115.345, 115.363, 115.365 (3), 115.38 (2), 115.415, 115.445, 118.001 to 118.04,
4 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145
5 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20,
6 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258,
7 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.51, 118.52, 118.53, 118.55,
8 118.56, 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3),
9 (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.137, 120.14, 120.20, 120.21
10 (3), and 120.25 are applicable to a 1st class city school district and board.

11 **SECTION 2.** 120.20 of the statutes is created to read:

12 **120.20 School board members; compatible positions.** (1) A school board
13 member may serve as a volunteer coach or a supervisor of an extracurricular activity
14 if all of the following apply:

15 (a) The school board member does not receive compensation for serving as a
16 volunteer coach or supervisor.

17 (b) The school board member agrees to abstain from voting on any issue that
18 comes before the school board that substantially and directly concerns the activity
19 that he or she coaches or supervises while he or she is serving as a volunteer coach
20 or supervisor.

21 (c) The school board receives the results of a criminal background investigation
22 of the school board member conducted by the department of justice or the federal
23 bureau of investigation.

