

School Law Update

JULY 5, 2018

Recent Matters Of Interest

A number of court decisions or other matters have been in the news recently, and we thought it might benefit our readers to review and highlight some issues concerning these matters.

FAIR SHARE FEES

On June 27, 2018, the United States Supreme Court in *Janus v. AFSCME*, reversed existing case law and held that public employees cannot be compelled to pay union dues or fees because doing so violates the free speech rights of the employee by compelling him/her to subsidize the union's "private speech on matters of substantial public concern." While this decision will have a substantial impact on employees in approximately 23 other states that allow public employee unions to negotiate fair share provisions, this decision will have essentially little effect in Wisconsin because most Wisconsin public employees (including school district employees) have not had the right to negotiate fair share provisions since Act 10 went into effect in 2011. Act 10 also prohibited school districts from using automatic payroll deductions for union dues. Thus, the impact of this decision will be very little among school districts in Wisconsin. However, the impact of this decision might be seen if Act 10 is ever repealed or modified. The *Janus* decision will govern and make it unlawful for public sector unions and employers in Wisconsin to negotiate fair share provisions.

STUDENT RECORDS TRANSFERS

Effective April 5, 2018, the student records transfer provision contained in Section 118.125(4) of the Wisconsin Statutes was amended and now requires that student records be transferred to a student's new school no later than the next working day after the receipt of a written request. Previously, schools had five days after receipt of the written notice that the student was transferring in order to provide those records.

WRS RATES SET FOR 2019

Effective January 1, 2019, the WRS rate will decrease 0.3%, going from 13.40% to 13.10%. This rate decrease is primarily due to positive investment returns.

Because the contribution rates are split evenly between the employer and the participant, for most school district employers this means the employee and employer share will each be 6.55%.

However, for employers who have either elected to increase prior service coverage or pay off their unfunded liability balances, they may experience a change in their prior service rates. Each employers' specific contribution rates effective for salaries and wages paid beginning January 1, 2019, are available [here](#).

EDUCATOR LICENSING CHANGES

Significant changes have been proposed to PI 34 – the administrative regulations governing teacher licensing. While the revisions to PI 34 concerning teacher licensure are not likely to be finalized until August at the earliest, one change that has taken place is that internally, the Office of Legal Services within DPI is now investigating any referrals concerning teacher licensure and “immoral conduct” under Wis. Stats. Section 115.31. DPI hopes this change will streamline and speed up the process when referrals are made under the license review referral statute.

STAY TUNED

A number of other court decisions have been issued within the last month and other matters are pending before state and federal agencies and courts. We will continue to address these cases and other issues which are of interest to school districts and educational institutions around the state as they develop. If you have any questions regarding any of these matters, please feel free to contact one of the members of our School Law Practice Group at the numbers listed below.

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