



DISTRICT II  
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**COURT OF APPEALS**  
OF WISCONSIN

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**JAN 22 1986**

**WISCONSIN EMPLOYMENT  
RELATIONS COMMISSION**

Marilyn L. Graves  
Clerk

*Madison,* January 22, 1986

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Clerk of Circuit Court  
Racine County Courthouse  
(L.C. #84-CV-810)

Hon. Dennis J. Flynn  
Racine County Courthouse

Decision No.  
21689

**You are hereby notified that the Court entered the following opinion and order:**

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85-0444 Racine Education Association v. WERC and  
Racine Unified School District

Before Scott, C.J., Brown, P.J., and

Nettesheim, J.

The Racine Unified School District and the Wisconsin Employment Relations Commission have both appealed from a judgment vacating a decision and order entered by the Commission and remanding the matter to the Commission for a declaratory ruling as to whether the School District's bargaining proposals concerning class size and the time teachers are expected to be in their classrooms are mandatory or permissive subjects of bargaining. Based upon our review of the briefs and record, at conference, and upon representations made by the parties' counsel at oral argument, we conclude that this case is appropriate for summary disposition. See Rule 809.21, Stats.

The parties' attorneys all conceded at oral argument that resolution of the appeal would not resolve a controversy currently existing between the parties and that the issues raised are therefore moot. See Milwaukee Professional Firefighters, Local 215 v. City of Milwaukee, 78 Wis.2d 1, 14-15, 253 N.W.2d 481, 488 (1977). Since we are also not persuaded that our consideration of the merits of the appeal would resolve an issue which is likely to recur or which is of great public importance, we decline to address the issues on appeal and dismiss the appeal based on mootness. See id. at 15, 253 N.W.2d at 488.

Upon the foregoing reasons,

IT IS ORDERED that this appeal is summarily dismissed pursuant to Rule 809.21, Stats.

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*Marilyn L. Graves*  
*Clerk of Court of Appeals*