

1999 DRAFTING REQUEST

Bill

Received: **09/8/98**

Received By: **grantpr**

Wanted: **As time permits**

Identical to LRB:

For: **Cloyd Porter (608) 266-2530**

By/Representing: **John Roth**

This file may be shown to any legislator: **NO**

Drafter: **grantpr**

May Contact: **John Roth, 414-248-9177**

Alt. Drafters:

Subject: **Education - sch. dist. reorg.
Education - school boards
Education - state superintendent**

Extra Copies: **MJL**

Pre Topic:

No specific pre topic given

Topic:

School district boundary disputes

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	grantpr 09/8/98	gilfokm 10/30/98		_____			S&L
/1			jfrantze 11/2/98	_____	lrb_docadmin 11/2/98		S&L
/2	grantpr 01/8/99 gibsom 01/13/99	jgeller 01/8/99	lpaasch 01/11/99	_____	lrb_docadmin 01/11/99	lrb_docadmin 03/3/99	

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Page 2

FE Sent For:

04-09-99

<END>

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/1		1/2 1/8 JLg	jfrantze 11/2/98	_____	lrb_docadmin 11/2/98		
FE Sent For:			1/8 L.P.	1/8 L.P. JP			

<END>

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1/?	grantpr	PJK 10-30	6/11/2	6/11/2			

FE Sent For:

<END>

8/27/98

John Pott

414-248-9177

for Clupe Pote

re: '97 WCB-2525 / 2 re that

dispute goes boundary appeal he instead
of state superintendent.

LRB-0021/1

PG:PK:

1996
1997 BILL

1 AN ACT to amend 117.17 (1) (d), 117.17 (2) and 117.17 (3); and to create 117.03
2 (3g), 117.05 (9) (d), 117.14 (1m) and 117.35 of the statutes; relating to: school
3 district boundary disputes.

regenerate

Analysis by the Legislative Reference Bureau

This bill provides a method for resolving disputes between ~~2~~ ^{two} or more school districts concerning whether certain territory is located within a particular school district. Under the bill, resolution of a boundary dispute between ~~2~~ or more school districts may proceed along either of the following paths:

1. The school boards involved may resolve the dispute voluntarily. Before doing so, they must notify the electors residing in and owners of real property located in the disputed territory. The notice must specify the time and place of the school board meetings at which the dispute will be discussed.

2. The school board of any school district involved in the dispute, or any other person who has an interest in its outcome, may request the ~~state superintendent of public instruction~~ ^{state superintendent} to resolve the dispute. The ~~state superintendent~~ must issue an order resolving the dispute within 60 days of receiving such a request unless the school boards voluntarily resolve the dispute prior to that date. In resolving the dispute, the ~~state superintendent~~ must consider and give the greatest weight to decisions made previously by the ~~school district boundary appeal board~~ ^{that} or any predecessor body.

The bill provides that an order issued by the ~~state superintendent~~ is effective on the following July 1, although the ~~state superintendent~~ may stay the effective

school district boundary appeal board

BILL

school district boundary appeal board

date until the ^{second} following July 1. If the order is effective on the following July 1, the ~~state superintendent~~ may specify in the order that pupils residing in the disputed territory may continue to attend the school district that they have been attending until the July 1 following the effective date of the order.

Finally, the bill provides that no court action may be commenced regarding a boundary dispute between ~~2~~ or more school districts until the ~~state superintendent~~ issues an order resolving the dispute.

two

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. 117.03 (3g) of the statutes is created to read:

2 117.03 (3g) "Boundary dispute" means a dispute between 2 or more school
3 districts concerning whether certain territory is located within a particular school
4 district.

2-4

5 SECTION 2. 117.05 (9) ^{(a) § 6.} of the statutes is created to read:

6 117.05 (9) ^{(a) § 6.} ~~The state superintendent may charge the~~ school board or other
7 person requesting resolution of a boundary dispute under s. 117.35 ⁽²⁾ ~~a fee sufficient~~
8 ~~to reimburse the department for its costs in resolving that dispute.~~

6
7
8

9 SECTION 3. 117.14 (1m) of the statutes is created to read:

10 117.14 (1m) Any person aggrieved by an order resolving a boundary dispute
11 under s. 117.35 ⁽³⁾ ~~(4)~~ may, within 30 days after copies of the order are filed with the
12 secretary of the board under s. 117.17 (2), appeal the order to circuit court. The
13 appeal shall be filed with the circuit court of any county in which any portion of the
14 disputed territory is located.

15 SECTION 4. 117.17 (1) (d) of the statutes is amended to read:

16 117.17 (1) (d) Every order of school district reorganization and every order
17 under s. 117.35 ⁽³⁾ shall state the date on which it is to take effect. The date shall be as

proof w/ Stats

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(3)

1

specified under ss. 117.08 to 117.132 and, 117.27 (1) and 117.35 ~~117.35~~. If an
2 appeal is made to court under s. 117.14, the court may stay enforcement under s.
3 227.54 of the order if a showing is made that there is substantial probability that the
4 party seeking review will prevail on the merits and will suffer irreparable harm if
5 a stay is not granted.

6

SECTION 5. 117.17 (2) of the statutes is amended to read:

7

117.17 (2) FILING. A certified copy of any resolution or order granting, affirming
8 or denying a reorganization or resolving a boundary dispute shall be filed, within 5
9 days after it is adopted or issued, with the secretary of the board. Upon receipt of the
10 resolution or order, the secretary of the board shall immediately place on it the date
11 upon which it was received. If the resolution or order affirms or grants a
12 reorganization or resolves a boundary dispute, within 5 days after receipt of the
13 resolution or order the secretary of the board shall send, by certified mail, a certified
14 copy of the resolution or order to the clerk of each city, village, town or county, any
15 part of which is contained within an affected school district, or any part of which is
16 contained within an interested school district, as defined in s. 117.25(1) if the
17 resolution or order resolves a boundary dispute.

proof w/ stats →

18

SECTION 6. 117.17 (3) of the statutes is amended to read:

19

117.17 (3) PRESUMPTION; VALIDITY OF ORDER. (a) A reorganization order or order
20 resolving a boundary dispute shall be presumptive evidence of the facts recited
21 therein and of the proceedings preliminary to the issuance of the order.

22

(b) The failure of any officer to perform a duty imposed upon him or her by this
23 chapter does not affect the validity of a reorganization order or order resolving a
24 boundary dispute otherwise lawfully made, but the officer is subject to s. 946.12.

25

SECTION 7. 117.35 of the statutes is created to read:

✓

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SECTION 7

117.35 School district boundary disputes. (1) DEFINITION. In this section,

"interested school district" means a school district involved in a boundary dispute.

No 91
(1) **SCHOOL BOARD ACTION.** (a) If there is a boundary dispute, the school boards of the interested school districts may resolve the dispute by the adoption, by each of the school boards, of a resolution resolving the dispute. Before adopting such a resolution, the school boards jointly shall notify the electors residing in and owners of real property located in the disputed territory. The notice shall include a description of the territory, as certified by the clerk of each city, town or village within which all or any part of the territory is located, shall indicate that the school boards are considering resolving the boundary dispute and shall specify the time and place of the school board meeting at which the boundary dispute will be discussed.

(b) Each of the resolutions adopted under par. (a) shall include a legal description of the territory in dispute and a legal description of that portion of the disputed territory that is to be included in each interested school district. The school district clerk of each school board that adopts a resolution under this subsection shall, within 5 days after adopting the resolution, send a certified copy of the resolution to the school board of each of the other interested school districts, file a certified copy of the resolution as provided in s. 117.17 (2) and notify the electors residing in and owners of real property located in the disputed territory. If the school board of each of the interested school districts adopts a resolution under this subsection, the resolution of the dispute shall take effect on the first July 1 after the March 1 following the adoption of the resolutions.

(2) **REQUEST FOR RESOLUTION.** (a) If there is a boundary dispute, the school board of any interested school district, and any other person having an interest in the outcome of the dispute, may submit a written request to the ~~state superintendent~~ *board* for

BILL

1 the resolution of the boundary dispute. The request shall state the particulars of the
2 boundary dispute, including a legal description of the territory involved and the
3 names of all interested school districts. The school board or other person making the
4 request shall send a copy of the request by 1st class mail to each interested school
5 district at the time that the request is submitted to the ~~state superintendent~~ board

6 (b) Upon receipt of a request under par. (a), the ~~state superintendent~~ board shall
7 determine or request the school boards of the interested school districts to provide
8 all of the following:

9 1. A description of the territory in dispute, as certified by the clerk of each city,
10 town or village within which all or any part of the territory is located.

11 2. The number of pupils residing in the disputed territory who, on the most
12 recent of the preceding 3rd Friday of September or 2nd Friday of January, were
13 enrolled in each interested school district.

14 (3) ~~ORDER~~ (a) Unless the school boards of the interested school districts have
15 resolved the boundary dispute under sub. ~~(2)~~ ⁽¹⁾, within 60 days after receipt of a request
16 under sub. ~~(2)~~ ⁽²⁾ (a) the ~~state superintendent~~ board shall issue an order resolving the
17 boundary dispute. The ~~state superintendent~~ board shall send a certified copy of the order
18 to the person who made the request under sub. ~~(2)~~ ⁽²⁾ (a) and to the school board of each
19 interested school district and shall file a certified copy of the resolution as provided
20 in s. 117.17 (2). The order shall take effect on the following July 1 unless the ~~state~~
21 ~~superintendent~~ board stays the effective date of the order until the 2nd following July 1.

22 (b) In making a decision under par. (a), the ~~state superintendent~~ board shall consider
23 and give the greatest weight to decisions made previously by the board or any
24 predecessor body. The ~~state superintendent~~ board shall also consider other evidence,
25 including applicable property tax records.

BILL

1 (c) If the order under par. (a) takes effect on the following July 1, the ~~state~~
2 ~~superintendent~~^{board} may specify in the order that pupils residing in the disputed territory
3 may continue to attend school in the school district that they are attending before the
4 order takes effect until the July 1 following the effective date of the order. The ~~state~~
5 ~~superintendent~~^{board} shall base ~~his or her~~^{its} decision on the estimated fiscal and other effects
6 of the decision on the interested school districts and on the likelihood that a petition
7 to detach all or a portion of the disputed territory from one school district and attach
8 it to another school district will be filed under s. 117.11 (2) or 117.12 (2) during the
9 school year following the effective date of the order.

10 (4) ~~(5)~~ LIMITATION ON COURT ACTION. If there is a boundary dispute, the school board
11 of any interested school district, and any other person having an interest in the
12 outcome of the dispute, may not commence court action regarding that dispute until
13 an order issued under sub. ³ (4) is filed with the ^{secretary of the} board under s. 117.17 (2).

14 (END)

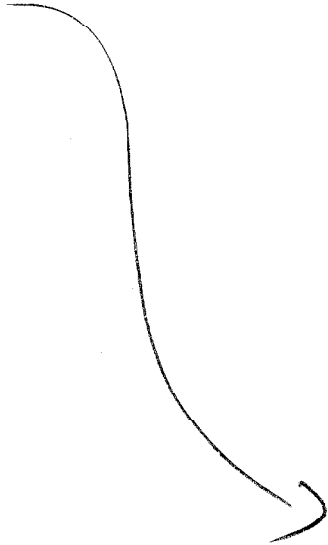
24:1

Section #. 117.05 (9) (a) (intro.) of the statutes is amended to read:

117.05 (9) (a) (intro.) The state superintendent may charge the following persons a fee sufficient to reimburse the department for the costs of the board under ss. 117.10, 117.105 and 117.132: ^{and} 117.135

~~NOTE: Par. (a) (intro.) is shown as affected by two acts of the 1997 legislature and as merged by the revisor under s. 13.93 (2) (c).~~

History: 1989 a. 114, 287; 1993 a. 392; 1995 a. 27 ss. 3927 to 3930. 9145 (1); 1997 a. 27, 286; s. 13.93 (2) (c).



2-4.2

SEC. 4R, 117-03 (4m)

117-03(4m) "Interested school district"
means a school district involved in a
boundary dispute.

MEMO

DATE: January 8, 1999
TO: Peter Grant
FROM: Samantha Starzyk
RE: Proposed Changes to School District Boundaries Legislation LRB 0021/1

Enclosed is a copy of some changes made to LRB 0021/1. Could you please redraft the bill? If you have any questions, please feel free to call me. Thank you for your time and consideration.

State Representative Cloyd Porter
Room 309 North, State Capitol
Madison, Wisconsin 53708
608-266-2530



1999 BILL

1 AN ACT to amend 117.05 (9) (a) (intro.), 117.17 (1) (d), 117.17 (2) and 117.17 (3);
2 and to create 117.03 (3g), 117.03 (4m), 117.05 (9) (a) 6., 117.14 (1m) and 117.35
3 of the statutes; relating to: school district boundary disputes.

Analysis by the Legislative Reference Bureau

This bill provides a method for resolving disputes between two or more school districts concerning whether certain territory is located within a particular school district. Under the bill, resolution of a boundary dispute between two or more school districts may proceed along either of the following paths:

1. The school boards involved may resolve the dispute voluntarily. Before doing so, they must notify the electors residing in and owners of real property located in the disputed territory. The notice must specify the time and place of the school board meetings at which the dispute will be discussed.

2. The school board of any school district involved in the dispute ~~or any other person who has an interest in its outcome,~~ may request the school district boundary appeal board to resolve the dispute. The school district boundary appeal board must issue an order resolving the dispute within 60 days of receiving such a request unless the school boards voluntarily resolve the dispute prior to that date. In resolving the dispute, the school district boundary appeal board must consider and give the greatest weight to decisions made previously by that board or any predecessor body.

The bill provides that an order issued by the school district boundary appeal board is effective on the following July 1, although the school district boundary appeal board may stay the effective date until the second following July 1. If the

and shall also
consider the
criteria for
school district
reorganization.

BILL

order is effective on the following July 1, the school district boundary appeal board may specify in the order that pupils residing in the disputed territory may continue to attend the school district that they have been attending until the July 1 following the effective date of the order.

Finally, the bill provides that no court action may be commenced regarding a boundary dispute between two or more school districts until the school district boundary appeal board issues an order resolving the dispute.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 117.03 (3g) of the statutes is created to read:

2 117.03 (3g) "Boundary dispute" means a dispute between 2 or more school
3 districts concerning whether certain territory is located within a particular school
4 district.

5 **SECTION 2.** 117.03 (4m) of the statutes is created to read:

6 117.03 (4m) "Interested school district" means a school district involved in a
7 boundary dispute.

8 **SECTION 3.** 117.05 (9) (a) (intro.) of the statutes is amended to read:

9 117.05 (9) (a) (intro.) The state superintendent may charge the following
10 persons a fee sufficient to reimburse the department for the costs of the board under
11 ss. 117.10, 117.105 and, 117.132 and 117.135: ←

12 **SECTION 4.** 117.05 (9) (a) 6. of the statutes is created to read:

13 117.05 (9) (a) 6. A school board [~~or other person~~] requesting resolution of a
14 boundary dispute under s. 117.35 (2).

15 **SECTION 5.** 117.14 (1m) of the statutes is created to read:

16 117.14 (1m) Any person aggrieved by an order resolving a boundary dispute
17 under s. 117.35 (3) may, within 30 days after copies of the order are filed with the

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1 secretary of the board under s. 117.17 (2), appeal the order to circuit court. The
2 appeal shall be filed with the circuit court of any county in which any portion of the
3 disputed territory is located.

4 SECTION 6. 117.17 (1) (d) of the statutes is amended to read:

5 117.17 (1) (d) Every order of school district reorganization and every order
6 under s. 117.35 (3) shall state the date on which it is to take effect. The date shall
7 be as specified under ss. 117.08 to 117.132 ~~and, 117.27 (1) and 117.35 (3)~~. If an appeal
8 is made to court under s. 117.14, the court may stay enforcement under s. 227.54 of
9 the order if a showing is made that there is substantial probability that the party
10 seeking review will prevail on the merits and will suffer irreparable harm if a stay
11 is not granted.

12 SECTION 7. 117.17 (2) of the statutes is amended to read:

13 117.17 (2) FILING. A certified copy of any resolution or order granting, affirming
14 or denying a reorganization or resolving a boundary dispute shall be filed, within 5
15 days after it is adopted or issued, with the secretary of the board. Upon receipt of the
16 resolution or order, the secretary of the board shall immediately place on it the date
17 upon which it was received. If the resolution or order affirms or grants a
18 reorganization or resolves a boundary dispute, within 5 days after receipt of the
19 resolution or order the secretary of the board shall send, by certified mail, a certified
20 copy of the resolution or order to the clerk of each city, village, town or county, any
21 part of which is contained within an affected school district, or any part of which is
22 contained within an interested school district if the resolution or order resolves a
23 boundary dispute.

24 SECTION 8. 117.17 (3) of the statutes is amended to read:

BILL



1 117.17 (3) PRESUMPTION; VALIDITY OF ORDER. (a) A reorganization order or order
2 resolving a boundary dispute shall be presumptive evidence of the facts recited
3 therein and of the proceedings preliminary to the issuance of the order.

4 (b) The failure of any officer to perform a duty imposed upon him or her by this
5 chapter does not affect the validity of a reorganization order or order resolving a
6 boundary dispute otherwise lawfully made, but the officer is subject to s. 946.12.

7 SECTION 9. 117.35 of the statutes is created to read:

8 **117.35 School district boundary disputes. (1) SCHOOL BOARD ACTION.** (a)
9 If there is a boundary dispute, the school boards of the interested school districts may
10 resolve the dispute by the adoption, by each of the school boards, of a resolution
11 resolving the dispute. [Before adopting such a resolution, the school boards jointly
12 shall notify the electors residing in and owners of real property located in the
13 disputed territory.] The notice shall include a description of the territory, as certified
14 by the clerk of each city, town or village within which all or any part of the territory
15 is located, shall indicate that the school boards are considering resolving the
16 boundary dispute and shall specify the time and place of the school board meeting
17 at which the boundary dispute will be discussed.

*talk to
Peter*

18 (b) Each of the resolutions adopted under par. (a) shall include a legal
19 description of the territory in dispute and a legal description of that portion of the
20 disputed territory that is to be included in each interested school district. The school
21 district clerk of each school board that adopts a resolution under this subsection
22 shall, within 5 days after adopting the resolution, send a certified copy of the
23 resolution to the school board of each of the other interested school districts, file a
24 certified copy of the resolution as provided in s. 117.17 (2) and notify the electors
25 residing in and owners of real property located in the disputed territory. If the school

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1 board of each of the interested school districts adopts a resolution under this
2 subsection, the resolution of the dispute shall take effect on the first July 1 after the
3 March 1 following the adoption of the resolutions.

4 (2) REQUEST FOR RESOLUTION. (a) If there is a boundary dispute, the school board
5 of any interested school district ~~and any other person having an interest in the~~
6 ~~outcome of the dispute,~~ may submit a written request to the board for the resolution
7 of the boundary dispute. The request shall state the particulars of the boundary
8 dispute, including a legal description of the territory involved and the names of all
9 interested school districts. The school board ~~or other person~~ making the request
10 shall send a copy of the request by 1st class mail to each interested school district at
11 the time that the request is submitted to the board.

12 (b) Upon receipt of a request under par. (a), the board shall determine or
13 request the school boards of the interested school districts to provide all of the
14 following:

- 15 1. A description of the territory in dispute, as certified by the clerk of each city,
16 town or village within which all or any part of the territory is located.
- 17 2. The number of pupils residing in the disputed territory who, on the most
18 recent of the preceding 3rd Friday of September or 2nd Friday of January, were
19 enrolled in each interested school district.

20 (3) ORDER. (a) Unless the school boards of the interested school districts have
21 resolved the boundary dispute under sub. (1), within 60 days after receipt of a request
22 under sub. (2) (a) the board shall issue an order resolving the boundary dispute. The
23 board shall send a certified copy of the order ~~to the person who made the request~~
24 ~~under sub. (2) (a) and~~ to the school board of each interested school district and shall
25 file a certified copy of the resolution as provided in s. 117.17 (2). The order shall take



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1 effect on the following July 1 unless the board stays the effective date of the order
2 until the 2nd following July 1.

3 (b) In making a decision under par. (a), the board shall consider and give the
4 greatest weight to decisions made previously by the board or any predecessor body.
5 The board shall also consider other evidence, including applicable property tax
6 records. the criteria under s. 117.15 and

7 (c) If the order under par. (a) takes effect on the following July 1, the board may
8 specify in the order that pupils residing in the disputed territory may continue to
9 attend school in the school district that they are attending before the order takes
10 effect until the July 1 following the effective date of the order. ~~The board shall base~~
11 its decision on the estimated fiscal and other effects of the decision on the interested
12 school districts and on the likelihood that a petition to detach all or a portion of the
13 disputed territory from one school district and attach it to another school district will
14 be filed under s. 117.11 (2) or 117.12 (2) during the school year following the effective
15 date of the order.

*Based on B
would + be
necessary*

16 (4) LIMITATION ON COURT ACTION. If there is a boundary dispute, the school board
17 of any interested school district and any other person having an interest in the
18 outcome of the dispute may not commence court action regarding that dispute until
19 an order issued under sub. (3) is filed with the secretary of the board under s. 117.17
20 (2).

21 (END)

~~SECTION 5m. 117.15 (intro.) is amended to read:
117.15 (intro.) In making any decision under ss. 117.08
to 117.132 or under s. 117.35, a school board, the board
and an appeal panel shall consider ...~~



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-00214 2
PG:pkjf
2/19/00

500m

1999 BILL

1 *Regen*
AN ACT to amend 117.05 (9) (a) (intro.), 117.17 (1) (d), 117.17 (2) and 117.17 (3);
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* 2. The school board of any school district involved in the dispute, ~~or any other person who has an interest in its outcome,~~ may request the school district boundary appeal board to resolve the dispute. The school district boundary appeal board must issue an order resolving the dispute within 60 days of receiving such a request unless the school boards voluntarily resolve the dispute prior to that date. In resolving the dispute, the school district boundary appeal board must consider and give the greatest weight to decisions made previously by that board or any predecessor body.

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LB-0021/1
pkjf

*involved in a boundary dispute
may not commence*

order is effective on the following July 1, the school district boundary appeal board may specify in the order that pupils residing in the disputed territory may continue to attend the school district that they have been attending until the July 1 following the effective date of the order.

Finally, the bill provides that ~~a~~ court action ~~may be commenced~~ regarding ~~a~~ *the* boundary dispute ~~between two or more school districts~~ until the school district boundary appeal board issues an order resolving the dispute.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 117.03 (3g) of the statutes is created to read:

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3 districts concerning whether certain territory is located within a particular school
4 district.

5 **SECTION 2.** 117.03 (4m) of the statutes is created to read:

6 117.03 (4m) "Interested school district" means a school district involved in a
7 boundary dispute.

8 **SECTION 3.** 117.05 (9) (a) (intro.) of the statutes is amended to read:

9 117.05 (9) (a) (intro.) The state superintendent may charge the following
10 persons a fee sufficient to reimburse the department for the costs of the board under
11 ss. 117.10, 117.105 ~~and~~, 117.132 ~~and~~ 117.135 ✓

12 **SECTION 4.** 117.05 (9) (a) 6. of the statutes is created to read:

13 117.05 (9) (a) 6. A school board ~~or other person~~ *or other person* requesting resolution of a
14 boundary dispute under s. 117.35 (2).

15 **SECTION 5.** 117.14 (1m) of the statutes is created to read:

16 117.14 (1m) Any person aggrieved by an order resolving a boundary dispute
17 under s. 117.35 (3) may, within 30 days after copies of the order are filed with the

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1 secretary of the board under s. 117.17 (2), appeal the order to circuit court. The
2 appeal shall be filed with the circuit court of any county in which any portion of the
3 disputed territory is located.

4 **SECTION 6.** 117.17 (1) (d) of the statutes is amended to read:

5 117.17 (1) (d) Every order of school district reorganization and every order
6 under s. 117.35 (3) shall state the date on which it is to take effect. The date shall
7 be as specified under ss. 117.08 to 117.132 and, 117.27 (1) and 117.35 (3). If an appeal
8 is made to court under s. 117.14, the court may stay enforcement under s. 227.54 of
9 the order if a showing is made that there is substantial probability that the party
10 seeking review will prevail on the merits and will suffer irreparable harm if a stay
11 is not granted.

12 **SECTION 7.** 117.17 (2) of the statutes is amended to read:

13 117.17 (2) FILING. A certified copy of any resolution or order granting, affirming
14 or denying a reorganization or resolving a boundary dispute shall be filed, within 5
15 days after it is adopted or issued, with the secretary of the board. Upon receipt of the
16 resolution or order, the secretary of the board shall immediately place on it the date
17 upon which it was received. If the resolution or order affirms or grants a
18 reorganization or resolves a boundary dispute, within 5 days after receipt of the
19 resolution or order the secretary of the board shall send, by certified mail, a certified
20 copy of the resolution or order to the clerk of each city, village, town or county, any
21 part of which is contained within an affected school district, or any part of which is
22 contained within an interested school district if the resolution or order resolves a
23 boundary dispute.

24 **SECTION 8.** 117.17 (3) of the statutes is amended to read:

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SECTION 8

1 117.17 (3) PRESUMPTION; VALIDITY OF ORDER. (a) A reorganization order or order
2 resolving a boundary dispute shall be presumptive evidence of the facts recited
3 therein and of the proceedings preliminary to the issuance of the order.

4 (b) The failure of any officer to perform a duty imposed upon him or her by this
5 chapter does not affect the validity of a reorganization order or order resolving a
6 boundary dispute otherwise lawfully made, but the officer is subject to s. 946.12.

7 SECTION 9. 117.35 of the statutes is created to read:

8 117.35 School district boundary disputes. (1) SCHOOL BOARD ACTION. (a)
9 If there is a boundary dispute, the school boards of the interested school districts may
10 resolve the dispute by the adoption, by each of the school boards, of a resolution
11 resolving the dispute. Before adopting such a resolution, the school boards jointly
12 shall notify the electors residing in and owners of real property located in the
13 disputed territory ^{by certified mail}. The notice shall include a description of the territory, as certified
14 by the clerk of each city, town or village within which all or any part of the territory
15 is located, shall indicate that the school boards are considering resolving the
16 boundary dispute and shall specify the time and place of the school board meeting
17 at which the boundary dispute will be discussed.

18 (b) Each of the resolutions adopted under par. (a) shall include a legal
19 description of the territory in dispute and a legal description of that portion of the
20 disputed territory that is to be included in each interested school district. The school
21 district clerk of each school board that adopts a resolution under this subsection
22 shall, within 5 days after adopting the resolution, send a certified copy of the
23 resolution to the school board of each of the other interested school districts, file a
24 certified copy of the resolution as provided in s. 117.17 (2) and notify the electors
25 residing in and owners of real property located in the disputed territory. If the school

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1 board of each of the interested school districts adopts a resolution under this
2 subsection, the resolution of the dispute shall take effect on the first July 1 after the
3 March 1 following the adoption of the resolutions.

4 (2) REQUEST FOR RESOLUTION. (a) If there is a boundary dispute, the school board
5 of any interested school district, ~~and any other person having an interest in the~~
6 ~~outcome of the dispute,~~ may submit a written request to the board for the resolution
7 of the boundary dispute. The request shall state the particulars of the boundary
8 dispute, including a legal description of the territory involved and the names of all
9 interested school districts. The school board ~~or other person~~ making the request
10 shall send a copy of the request by 1st class mail to each interested school district at
11 the time that the request is submitted to the board.

12 (b) Upon receipt of a request under par (a), the board shall determine or
13 request the school boards of the interested school districts to provide all of the
14 following:

15 1. A description of the territory in dispute, as certified by the clerk of each city,
16 town or village within which all or any part of the territory is located.

17 2. The number of pupils residing in the disputed territory who, on the most
18 recent of the preceding 3rd Friday of September or 2nd Friday of January, were
19 enrolled in each interested school district.

20 (3) ORDER. (a) Unless the school boards of the interested school districts have
21 resolved the boundary dispute under sub. (1), within 60 days after receipt of a request
22 under sub. (2) (a) the board shall issue an order resolving the boundary dispute. The
23 board shall send a certified copy of the order to the ~~person who made the request~~
24 ~~under sub. (2) (a) and to the~~ school board of each interested school district and shall
25 file a certified copy of the resolution as provided in s. 117.17 (2). The order shall take

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SECTION 9

the criteria specified in s. 117.11 and

1 effect on the following July 1 unless the board stays the effective date of the order
2 until the 2nd following July 1.

3 (b) In making a decision under par. (a), the board shall consider and give the
4 greatest weight to decisions made previously by the board or any predecessor body.

5 The board shall also consider other evidence, including applicable property tax
6 records.

7 (c) If the order under par. (a) takes effect on the following July 1, the board may
8 specify in the order that pupils residing in the disputed territory may continue to
9 attend school in the school district that they are attending before the order takes
10 effect until the July 1 following the effective date of the order. The board shall base
11 its decision on the estimated fiscal and other effects of the decision on the interested

12 school districts and on the likelihood that a petition to detach all or a portion of the
13 disputed territory from one school district and attach it to another school district will
14 be filed under s. 117.11 (2) or 117.12 (2) during the school year following the effective
15 date of the order.

16 (4) LIMITATION ON COURT ACTION. If there is a boundary dispute, the school board
17 of any interested school district, ~~and any other person having an interest in the~~
18 ~~outcome of the dispute,~~ may not commence court action regarding that dispute until
19 an order issued under sub. (3) is filed with the secretary of the board under s. 117.17
20 (2).

21 (END)

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 1/11/99

To: Representative Porter

Relating to LRB drafting number: LRB-0021

Topic

School district boundary disputes

Subject(s)

Education - sch. dist. reorg., Education - school boards, Education - state superintendent

1. **JACKET** the draft for introduction LRB-0021/2

in the **Senate** ____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Peter R. Grant, Managing Attorney
Telephone: (608) 267-3362