

CHAPTER 388

AN ACT to repeal 40.025 (1) (b), (d) 6 and 6a and (2) (b), 40.03, 40.035 (2), 40.04 and 40.06; to renumber 39.56 (12); to amend 40.01 (12), 40.025 (1) (a) and (d) 2, 3, 4, 7 and 7a, (2) (a) and (5), 40.05, 40.055, 40.078 (2), 40.08 (1) and (3) (a), 40.09 (1), 40.095 (1) and (2), 40.80 (2) (c), 40.807 (1) (intro. par.) and 40.87 (1); to repeal and recreate 40.02; and to create 39.02 (28), 39.56 (12) and (13), 40.025 (1) (d) 6, 40.13 and 40.135 of the statutes, relating to school district reorganization by county school committee and municipal boards, to create agency school committees and a state appeal board.

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

SECTION 1. 39.02 (28) of the statutes is created to read:

39.02 (28) STATE APPEAL BOARD. Appoint a state appeal board under s. 40.13 (4), act as the chairman of the appeal board or assign a member of his department to act in his stead, and provide secretarial assistance from his staff.

SECTION 2. 39.56 (12) of the statutes is renumbered 39.56 (14).

SECTION 3. 39.56 (12) and (13) of the statutes are created to read:

39.56 (12) Select an agency school committee of 7 members pursuant to s. 40.02.

(13) Conduct the initial election of officers for newly created school districts under s. 40.27.

SECTION 4. 40.01 (12) of the statutes is amended to read:

40.01 (12) "Reorganization authority" means any officer, committee, agency, school district board, board of education, ~~town board~~, village board, city council, electors, *state appeal board*, or any group or combination thereof, which is empowered by statute to authorize or make orders of school district reorganization.

SECTION 5. 40.02 of the statutes is repealed and recreated to read:

40.02 AGENCY SCHOOL COMMITTEE. (1) CREATION; MEMBERSHIP; ELECTION. The board of control of each co-operative educational service agency shall appoint by a majority vote of the entire board an agency school committee composed of 7 members from within the agency. No member of such committee shall be a member or employe of a school board or of the agency nor shall more than one member be appointed from the territory serviced by a school district operating a high school. Persons appointed shall have a recognized understanding of and an interest in the improvement of public education.

(a) Of the initial members of the agency school committee, 3 shall be appointed to terms of 3 years, 2 to terms of 2 years and 2 to terms of one year. Thereafter all full terms shall be for a period of 3 years. Each member shall serve until his successor is selected and qualified.

(b) The first agency school committee shall be appointed following the effective date of this section (1965) and shall take office on January 1,

1966, or on the first day of the month following one full calendar month after the passage and publication of this act, whichever is later. All subsequent selections shall be made to take effect on July 1 of each year except for vacancies due to death, resignation, absence from the agency for more than 60 consecutive days or change in residence. Such vacancies shall be filled for the remainder of the unexpired term by a majority vote of those present and acting at the next meeting of the board of control.

(c) The agency school committee shall study and evaluate the existing school district structure evolving from the former county school committee plans and subsequent modifications to determine if the goals of equal and improved educational opportunities for all children within the agency area have been attained. Where needs exist for further school district reorganization, there shall be formulated a plan to strengthen the administrative districts of the agency area to operate a comprehensive school program of offerings and services which meet the present and future educational needs of the children of the state and which can function with efficiency and a justifiable cost to the local taxpayers and to the state.

(2) INITIAL MEETING; COMPENSATION; EXPENSES. The first agency school committee meeting shall be called at a time and place set by the coordinator of the co-operative educational service agency for the purpose of electing a president and a vice president who shall hold office for one year or until a successor has been named. The committee may transact other business within its jurisdiction.

(a) Each member shall receive \$10 per day for each day he attends a meeting of the committee. Eight cents per mile traveled going to and returning from the place of meeting by the usual traveled route and any other necessary expenses shall be paid to the members and the secretary. The costs of preparation, service, posting and publication of notice to perform its functions and defend its actions, shall be allowed.

(b) Each agency treasurer shall keep a separate account of the expense and receipts of the agency school committee. The expense of the agency school committee shall be certified to the state superintendent by August 1 as a part of the annual report of the agency board of control. In any co-operative educational service agency which contains any part of a county having a population of 500,000 or more, the agency treasurer shall keep a separate accounting of expenses incurred by the agency school committee for school district reorganization activity according to the several counties in which such reorganization procedures originated and for which such expenses are incurred, and the expenses certified to the state superintendent shall show a separate breakdown for expenses incurred by the agency school committee for the cost of services performed and expenses incurred in each county. The state superintendent shall certify to the clerk of the counties included in the several co-operative educational service agencies: 1) the name and number of the agency, 2) the amount of expense of the agency school committee, 3) the amount to be spread on the territory of the county included in the agency, 4) the names of the several cities, villages and towns and 5) the amount of the latest equalized valuations in each which lies within the agency. In making his certification for any agency which contains any part of a county having a population of 500,000 or more, the state superintendent shall allocate separately to each county having territory in the agency the amount, as reported by the agency treasurer, spent for agency school committee work in the county. The county clerk shall spread the amount on the tax roll of the agency area included, and on March 15 following, the county treasurer shall transmit such certified amount to the treasurer of the co-operative educational service agency or agencies.

(3) JOINT COMMITTEE. If the territory to be affected by a proposed order of school district reorganization lies within 2 or more agencies the agency school committees shall act as a joint committee. The secretaries shall agree which co-ordinator shall act as secretary of the joint committee and on the time and place and he shall give notice of a public hearing as provided in s. 40.025 (2). If at the public hearing on such order the joint committee cannot agree, they shall appoint an additional member. The additional member shall be a resident of the state but not a resident of either agency affected. If the joint committee cannot agree upon an additional member within 30 days after such initial joint meeting, the secretary shall immediately notify the circuit court judge within whose jurisdiction the largest area of the agencies involved lies, and he shall appoint an additional member within 15 days from outside the agencies involved who meets the requirements of sub. (1). If there is more than one judicial circuit within the joint committee area, the administrator of courts under s. 256.54 shall designate the circuit court of jurisdiction.

SECTION 6. 40.025 (1) (a) and (d) 2, 3, 4, 7 and 7a, (2) (a) and (5) of the statutes are amended to read:

40.025 (1) (a) Jurisdiction of a reorganization authority, ~~other than the state superintendent,~~ to make orders of school district reorganization under s. 40.02, ~~40.06~~ 40.032, 40.07, 40.12, ~~40.13,~~ 40.14, 40.15 or 40.807 is acquired upon the filing of a petition or the ~~giving of authorization to give~~ notice of a public hearing when a reorganization authority acts upon a resolution adopted upon its own motion.

(d) 2. Upon the ~~making expiration of 30 days following the date of the mailing of an order by the agency co-ordinator denying the reorganization proposed by a petition or a resolution; provided that until the expiration of 30 days after the mailing, as provided in sub. (5), of such an order made by town or village boards or city councils, acting alone or jointly, which denies a reorganization proposed by a petition, no other reorganization order shall be made and no other reorganization proceedings commenced, pertaining to all or any part of the territory included in said proposed reorganization, and any such other order made or other proceeding commenced is void;~~

3. Upon ~~taking of formal action the expiration of 30 days following the date of mailing of an order by the agency co-ordinator under sub. (5) denying the reorganization proposed by a petition or a resolution and the failure to make and file, as required by sub. (5), an order to such effect within 10 days after such action; provided that until the expiration of 30 days following the date of such action by town or village boards or city councils, acting alone or jointly, which denies a reorganization proposed by a petition, no other reorganization order shall be made and no other reorganization proceedings commenced, pertaining to all or any part of the territory included in said proposed reorganization, and any such other order made or other reorganization proceeding commenced, is void;~~

4. Upon certification by a school district, ~~town, village, city or county clerk or a county election commission of a referendum vote of nonapproval;~~

7. Upon failure of ~~county agency~~ school committees, acting alone or jointly, to make an order of reorganization within 90 days following the giving of notice of a public hearing upon a resolution proposing such reorganization;

7a. Upon failure of ~~county~~ *agency* school committees, acting alone or jointly, to make an order of reorganization within 90 days following the filing of a petition proposing such reorganization;

(2) (a) All publication, posting and service of notice of a public hearing on a proposed reorganization required by s. ~~40.02~~ *40.13* shall be made by the secretary of the ~~county~~ *agency* school committee or the secretary of the joint ~~county~~ *agency* school committee at least 10 days before the date of hearing. Such notice shall be in writing, shall state the hour, day and place of such hearing, and shall be served upon the clerk of each school district affected by the proposed reorganization. Pursuant to s. 40.01 (14) the secretary shall also serve notice upon the clerk of each town, village or city affected by the proposed reorganization and upon the school district boards of any school district affected by the reorganization. Such service may be either by personal service or by registered mail with return receipt requested. The secretary shall also mail a copy of such notice to every other member of the board of each school district, town and village and the council of each city, affected by the proposed reorganization. The secretary shall also post notice of such hearing in 4 or more public places in each school district affected and shall cause notice thereof to be published once in at least one newspaper which has general circulation in the school districts affected by the proposed reorganization, all not less than 10 days before the date of such hearing. When all other requirements of notice have been complied with, the presence of an official at a hearing waives the required service upon or mailing to him of notice thereof.

(5) A certified copy of any order made under ss. ~~40.02, 40.06~~ *40.032, 40.07 to 40.09, 40.11, 40.12, 40.13, 40.14, 40.15 and 40.807* shall be filed within 10 days with the secretary of the ~~county~~ *agency* school committee in which the reorganized district lies. The secretary of the ~~county~~ *agency* school committee, upon receipt of the order, shall immediately place thereon the date upon which the same was received, and within 5 days after receipt thereof, shall send by registered mail a certified copy thereof together with a certification of the date of mailing of the same to the clerk of each school district and of each town, village or city affected and to the state superintendent. When an order affects a district that operates a high school, the secretary of the ~~county~~ *agency* school committee shall also send copies to the county clerks of the counties concerned. When the territory of a reorganized district lies in more than one county the order shall be filed with the secretary of the ~~county~~ *agency* school committee of the ~~county~~ *agency* school committee of the ~~county~~ *agency* in which the major portion of the area of the reorganized district lies and said secretary shall mail certified copies thereof as hereinbefore provided and also to the secretary of all other ~~county~~ *agency* school committees affected. The appeal and referendum period shall run from the date the certified copies of the order are mailed by the secretary of the ~~city~~ *agency* school committee to the officials hereinbefore mentioned. An appeal taken from any order shall stay said order until the appeal has been determined and the result of the final determination made and filed. A referendum petition or resolution shall stay an order until the result of the referendum has been certified by the school district clerk, ~~municipal~~ or county clerk or the county election commission to the secretary of the ~~county~~ *agency* school committee. When the results of a referendum election have been canvassed the proper clerk shall certify the same to the secretary of the ~~county~~ *agency* school committee with whom the order was filed who shall notify all the officials who received a copy of the order of the results of the referendum.

SECTION 7. 40.025 (1) (b), (d) 6 and 6a and (2) (b) of the statutes are repealed.

SECTION 8. 40.025 (1) (d) 6 of the statutes is created to read:

40.025 (1) (d) 6. Upon completion of any action authorized by s. 40.13 (3) and (4).

SECTION 9. 40.03 of the statutes is repealed.

SECTION 10. 40.035 (2) of the statutes is repealed.

SECTION 11. 40.04 of the statutes is repealed.

SECTION 12. 40.05 of the statutes is amended to read:

40.05 The board of any town or village and the council or commission of any city of the 2nd, 3rd and 4th class shall, within 30 days after receipt of a written request from a ~~county~~ *an agency* school committee, advise and make recommendations to the committee in writing concerning any proposed reorganization of any school district which lies in their respective municipalities. In cities of the 1st class, the board of school directors shall give such advice and recommendations.

SECTION 13. 40.055 of the statutes is amended to read:

40.055 The state superintendent shall advise and consult with the several ~~county~~ *agency* school committees. If in his opinion any school district or districts should be created, altered, consolidated or dissolved, he may make his recommendations to the ~~county~~ *agency* school committee or committees of the ~~county~~ *agency* or ~~counties~~ *agencies* within which the territory affected is situated.

SECTION 14. 40.06 of the statutes is repealed.

SECTION 15. 40.078 (2) and 40.08 (1) and (3) (a) of the statutes are amended to read:

40.078 (2) Whenever a petition signed by 10% of the electors in a unified school district, asking that such district be changed to a common school district, is filed with the secretary of the ~~county~~ *agency* school committee that committee, or those committees, shall receive the same and assume jurisdiction ~~as provided~~ under s. ~~40.03~~ *40.13*.

40.08 (1) Except as otherwise provided in this subsection, if a district for 2 or more successive years neglects to operate a school for its children as required by law, it shall be attached to a district that does operate schools, by referendum pursuant to s. 40.07, or by ~~county~~ *an agency* school committee pursuant to s. ~~40.03~~ or by ~~municipal board action~~ pursuant to s. ~~40.06~~ *40.13*. If orders of attachment of any such district to an operating district have not been issued pursuant to s. ~~40.03~~, ~~40.06~~ or 40.07 or *40.13* prior to or within 30 days after June 30, 1955, or within 30 days after any such district becomes subject to this section, whichever is later, orders attaching such districts to operating districts shall be issued by the ~~county~~ *agency* school committee having jurisdiction under s. ~~40.03~~ prior to August 30, 1955 *40.13*, or prior to August 30 of any year in which such a district becomes subject to attachment. Notwithstanding the provisions of s. 40.025 (4), orders by the ~~county~~ *agency* school committee issued under this subsection shall take effect upon being filed as provided in s. 40.025. The state superintendent shall notify the school district clerks of districts which are subject to this section and shall notify the clerks of the municipalities in which all parts of such districts lie and the secretaries of the ~~county~~ *agency* school committees of the ~~counties~~ *agencies* in which these districts lie within 60 days of the date on which the districts become subject to this section. The school board of a district to which any territory is

attached or consolidated therewith shall levy and collect a special tax against the property in the territory attached thereto or consolidated therewith for such amount as is payable for tuition and transportation, at the time of such attachment or consolidation, by the district in which such territory so attached or consolidated was located prior thereto, in the proportion that the valuation of the territory attached thereto or consolidated therewith bears to the total valuation of the district in which such territory was located prior to such attachment or consolidation. This amendment ~~(1955)~~ (1965) shall operate retroactively to and including May 15, 1953.

(3) (a) Section ~~40.03 (6)~~ 40.13 (5) shall not apply to orders issued by the ~~county~~ agency school committees pursuant to this section.

SECTION 16. 40.09 (1) and 40.095 (1) and (2) of the statutes are amended to read:

40.09 (1) Upon approval by the state superintendent, the ~~county~~ agency school committee of any ~~county or the municipal board of any municipality~~ agency in Wisconsin bordering on the boundary of Wisconsin and an adjoining state, may by joint action with bodies authorized to do so by the laws of such adjoining states, issue and file orders of creation of joint school districts comprised of territory lying in Wisconsin and in such adjoining states and by such order provide for the operation of either elementary grades or high school grades, or for both elementary and high school grades by such districts. Such orders may be subject to a referendum election ~~as provided by s. 40.03~~ under s. 40.13.

40.095 (1) Except as to school districts organized under ch. 38 and school districts operating under the city school plan, the ~~county~~ agency school committee may, under s. ~~40.03~~ 40.13, create or alter a unified school district for the operation of public schools in any territory containing more than 1,000 electors and containing a village or villages, a village or villages and surrounding territory, a city, a city or cities and surrounding territory, a city and village or villages, a city and village or villages and surrounding territory, or any territory containing not less than 1,000 electors. In a joint city school district a unified school district may be created by petition and referendum of the electors, which petition and referendum shall be governed by the procedures set forth in s. 10.43 as far as possible, and the petition submitted to the city clerk and then referred to the body as provided in s. 40.807 (2) in lieu of the city council. The determination of the number of electors shall be governed by s. 40.01 (6). All orders affecting unified school districts shall be made effective as provided in s. 40.025 (4). A reorganization order under this subsection which is subject to a referendum election shall not become effective until approved at such election by a majority of the electors, voting thereon, residing within each city and incorporated village in the proposed unified school district and a majority of the electors residing within the remainder of such district. An order made or approved under s. 40.807 (1), (2) and (4) affecting a joint city school district containing an incorporated village shall not be effective until approved by the village board.

(2) Except as to school districts organized under ch. 38, the ~~municipal boards~~ agency school committee may, under s. ~~40.06~~ 40.13, create or alter a unified school district for the operation of public schools in any territory containing more than 1,000 electors and containing a village or villages, a village or villages and surrounding territory, a city, a city or cities and surrounding territory, a city and village or villages, a city and village or villages and surrounding territory, or any territory containing not less than 1,000 electors. Section 40.807 (4a) is applicable to this section but other provisions of s. 40.807 shall not be applicable to unified

school districts created pursuant to this subsection. All orders affecting unified school districts shall be made effective as provided in s. 40.025 (4). Failure of ~~the city council, or village board to make an order~~ *an agency school committee* under this section shall not be subject to s. ~~40.06 (3)~~ *40.13 (3) and (4)*.

SECTION 17. 40.13 and 40.135 of the statutes are created to read:

40.13 AGENCY SCHOOL COMMITTEE. (1) **PETITION; HEARING; ORDER.** (a) Upon the filing of a petition by 10% of the electors residing in the area of a proposed reorganized district or 10% of the electors of an area proposed to be detached from one district and attached to another or upon a resolution adopted upon its own motion, the agency school committee may order the reorganization of school districts within the agency, subject to the referendum provisions of sub. (5). The secretary of the committee shall set a date for a public hearing on the proposed reorganization which shall be held not more than 30 days after the filing of the petition or the date on which the committee ordered such a hearing when the committee initiated the proceedings, at a place within the district proposed to be reorganized or within a reasonable distance of such district. If a proposed order is subject to joint committee action, the secretaries of the several committees shall agree which agency co-ordinator shall act as secretary of the joint committee and on the time and place for a public hearing, which shall be held simultaneously with the meeting of the joint committee to adopt an order therefor. Notice in writing of the time and place of the hearing shall be given as provided in s. 40.025 (2). Within 30 days after the hearing on any proposed plan of reorganization and before the making of any order thereon, the committee shall hold a conference on the proposed order of reorganization with the school boards of the districts involved. The committee action taken shall represent the decision reached at this conference and an order conforming therewith shall be made within 10 days and filed with the co-ordinator as provided in s. 40.025 (5).

(b) If the agency school committee determines that a petition filed under this subsection is identical with or essentially similar to a petition on which it has acted during the past year, it may set the date for a hearing approximately one year from the date on which it held its last hearing on the matter. The petitioners may require that the hearing be held under par. (a) if they agree to pay all costs involved and post bond to cover the cost of the hearing.

(2) **ALTERNATE SECRETARY.** If the agency school committee determines that the co-ordinator is unable to perform duties assigned to him under this section as secretary of the agency school committee, such committee shall appoint a competent person to perform such duties.

(3) **FILING OF APPEAL.** Any person aggrieved by an order made granting or denying the petition or resolution may appeal to the state appeal board by filing an appeal with the state superintendent within 30 days following the mailing of such order under s. 40.025 (5). No appeal hereunder to the state appeal board may be withdrawn.

(4) **STATE APPEAL BOARD.** The state superintendent upon receipt of an appeal filed under sub. (3) shall promptly proceed pursuant to s. 39.02 (28) to establish a state appeal board composed of the presidents of 4 agency school committees from agencies which have no territory included in the order under appeal either by detachment, attachment, dissolution or consolidation or in any other manner whatsoever.

(a) The state superintendent or his designated representative shall act as its chairman, and shall have the right to vote and shall furnish secretarial services.

(b) The state appeal board by a majority vote of its members shall make and file an order pursuant to s. 40.025 (5) to affirm, grant, deny, reverse or modify the order appealed from in such a manner as it deems proper under the circumstances. Failure of the state appeal board to make an order on appeal within 120 days shall operate as a denial of the appeal.

(c) Any person aggrieved by any order of the state appeal board issued under this section may appeal therefrom to a circuit court of any county in which any territory of the reorganized district lies. A written notice of appeal stating specifically the grounds upon which said appeal is based shall be served on the state superintendent as chairman of the appeal board and filed with the clerk of the court all within 30 days from the date certified copies of his order are mailed as provided in s. 40.025 (5). Such service and filing thereof shall constitute perfection of the appeal.

(5) REFERENDUM. (a) If within 30 days after the date of mailing of any order of school district reorganization issued in accordance with s. 40.13 under s. 40.025 (5), a petition signed by a sufficient number of the qualified electors of the territory included in the reorganized district is filed with the county clerk, or with the clerk of the county having the largest assessed valuation in said district when it lies in more than one county, requesting a referendum election on the order, such order shall not become effective until it has been approved at such election by both a majority vote of the electors residing within the reorganized district territory which lies in towns and unincorporated villages voting at such election and by a majority vote of the electors residing within the reorganized district territory lying in all cities and incorporated villages voting at such election. A sufficient number of petitioners is 500 of the electors residing in the reorganized district; or 10% of such electors, residing in the cities and incorporated villages, or 10% of such electors residing in the territory outside the cities and incorporated villages. The agency school committee or a joint committee may upon its own motion at the time of the issuance of its order or at any time after issuing the order and within 30 days after the mailing of its order, provide for the holding of a referendum election upon an order issued by it. As an alternative to making and filing the foregoing petition the common council of any city affected by an order of a committee may, by resolution adopted within 30 days after the order is mailed, demand the holding of a referendum election upon such order.

(b) Where the order either consolidates 2 or more common school districts that operate high schools or attaches territory to a common school district that operates a high school and 2 or more sites have been proposed for additional high school facilities of such proposed reorganized district, if the petition for referendum on said order designates one of such proposed sites the referendum election may, at the discretion of the reorganization authority involved, be upon approval of such site, as well as upon approval of the order. In such case the ballots shall provide for a single question on the establishment of the district and the site of the school. If 2 or more sites are listed, a plurality vote cast for a site shall prevail.

(c) The petition, resolution or order demanding a referendum shall be filed with the county clerk of the county having the largest equalized valuation in the proposed district. The referendum election shall be called by the county clerk. It shall be set for a date not more than 30 days from the time the petition, resolution or order for a referendum is filed, except that, if a spring election or general election is to be held within 90 days

from the time of filing, such referendum election shall be held on the date of the spring or general election. The clerk shall cause notice of the purpose, time and place of holding such election and the hours of opening and closing of the polls to be published at least twice, one week apart, in a newspaper of general circulation in the territory involved in the reorganization, if any. If there are no such newspapers, he shall post such notices at least 15 days before the date set for such election in at least 3 public places in each of the school districts involved in the reorganization.

(d) Electors shall vote at the polling place at which they would be required to vote at a general election except when the municipal clerk deems it feasible to accommodate all of the voters at other polling places. In such case, he shall inform the county clerk or the county election commission thereof immediately upon his being notified by the county clerk that a referendum election will be conducted, and the county clerk shall thereupon include in the advertising only those polling places where the referendum election will be conducted. The election officials shall be selected by the governing body of the municipality where the polling place is located. Each municipality shall compensate the election officials and shall provide the necessary ballot boxes and voting booths. Such elections shall be held and conducted and the votes counted, canvassed and the results returned to the county clerk as at general elections under ch. 6.

(e) In any county which has an election commission, such commission shall act in all matters pertaining to a referendum in lieu of the county clerk. The county clerk or the county election commission shall provide for the printing and distribution of ballots and other election supplies at county expense. The form of the ballot provided shall correspond as near as may be with form "D" annexed to s. 6.23. In the case of a reorganized district which overlaps county lines, the election shall be conducted and the vote counted and canvassed in each county separately, but a tabulation of the vote in each county shall be forwarded to the county clerk of the county having the greatest equalized valuation within the reorganized district for a final consolidated tabulation and determination of the result.

(f) When a reorganized district includes territory in more than one county, the county clerk of the county having the largest equalized valuation within the reorganized district shall be responsible for conducting the referendum but the cost of ballots and other election supplies shall be borne by each of the counties in such proportion as the equalized valuation of the property in each county or portion thereof that is affected by such referendum bears to the total equalized valuation of the property in the reorganized district.

(g) The cost to the county for compliance with the requirements of pars. (d) and (e) shall be ascertained by the county clerk and certified for payment by the county clerk to the clerk of the school district or several school districts in the county concerned in said referendum in such proportion as the equalized valuation in each such district bears to the total equalized valuation of the property lying within such reorganized district. Such payments shall be made by the school district boards to the county from any funds not otherwise appropriated. When necessary, such charge shall be included in the succeeding budget and become part of the next school district tax levy.

(6) CITIES OF FIRST CLASS. In cities of the 1st class notice of hearing provided in sub. (1) shall be served upon the secretary-business manager of the board of school directors, who shall cause it to be published 2 times in a newspaper published in such city not less than 10 days before such hearing. No such notices need be posted. The agency school commit-

tee shall make a written demand upon the county clerk to issue a call for the election of a board of school directors for any newly created school district of which such city shall by creation, alteration or consolidation become a part, at the time and in the manner the legislature prescribes. Any referendum election held pursuant to sub. (5) shall be called and held in such manner and at such time and upon such notice and under the auspices of the board of election commissioners created and maintained under s. 10.01, as the legislature prescribes. The electors shall have 90 days after the date of issuance of any order of the committee in which to file the required petition. The referendum shall not be held prior to 40 days after the filing of such petition or prior to 40 days from the time the committee by its own motion provides for such referendum. No such referendum shall be held at any time other than on the regular election date in April or November in any year.

(7) EFFECT OF DISAPPROVAL. If the proposed order is not approved by the referendum, the committee may not within one year reconsider the first plan but may with the advice of local school boards prepare a 2nd plan of reorganization and within one year from the date of the first referendum election order the establishment of a reorganized district or districts. Such order shall be subject to the same referendum provisions as the first reorganization order. If the 2nd referendum does not approve the order, the agency school committee, with the advice of the local school boards, shall continue its work, issue orders and provide for further referendums on its own motion or as provided in sub. (5) so long as the need for reorganization continues to exist, but after the 2nd referendum, at least one year shall elapse between referendums.

40.135 (1) The state appeal board may review action on any order of an agency school committee when requested to do so by one or more electors aggrieved by the action of such committee.

(2) The per diem for each member of the state appeal board shall be \$15 per day, 8 cents per mile traveled to and from meetings by the usual traveled routes and necessary expenses. Expense account vouchers shall be filed with the state superintendent and paid out of the appropriation under s. 20.650 (1).

SECTION 18. 40.80 (2) (c) of the statutes is amended to read:

40.80 (2) (c) No 2nd or 3rd class city may, because of this amendment ~~(1953)~~ (1965), change from the city school district plan to the common school district plan unless it does so as part of a school reorganization plan under either s. 40.03, 40.06 or s. 40.07 or 40.13.

SECTION 19. 40.807 (1) (intro. par.) of the statutes is amended to read:

40.807 (1) (intro. par.) Whenever a plan of reorganization under s. 40.03 or 40.06 ~~40.13~~ which involves a city school district has been made effective, the city council or commission and the town chairmen and village presidents of the municipalities involved in the reorganization shall determine by the method of voting prescribed in sub. (2) whether to:

SECTION 20. 40.87 (1) of the statutes is amended to read:

40.87 (1) The officers of union high school districts shall be a director, a treasurer and a clerk and such additional members as ~~may~~ be designated in orders creating union high school districts pursuant to s. 40.025 (3) or s. 40.03 ~~(1)~~; ~~they~~ 40.13 (1). Such members shall constitute the school board. When the designated number is 3 the term of each shall be

3 years and until his successor has qualified. They shall be elected and notified and shall qualify in the same manner and time as the officers of common school districts. At the first election, the clerk shall be chosen for one year, the treasurer for 2 years and the director for 3 years, and the time preceding the next annual meeting shall be counted as a year in determining their terms of office. When the number of board members designated in orders creating union high school districts is in excess of 3 the first election of officers and the terms thereof and of succeeding officers shall be governed by s. 40.26 (3) and (4).

SECTION 21. 1. Wherever the term "county school committee" appears in sections 40.025 (3) and (4), 40.035 (3) (intro. par.) and (4) and 40.08 (3) (b) of the statutes, "agency school committee" is substituted.

2. Wherever the reference "40.06" appears in section 40.26 (5) of the statutes, "40.13" is substituted.

3. Wherever the reference "40.03" appears in section 40.30 (12) of the statutes, "40.13" is substituted.

Approved November 18, 1965.
