

Chapter TCS 1

DISTRICT REORGANIZATION PROCEEDINGS

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History: Chapter A-V 1, requirements for certification, as it existed on March 31, 1973 was repealed and a new chapter A-V 1 was created, Register, March, 1973, No. 207, eff. 4-1-73; chapter A-V 1 was renumbered chapter TCS 1, Register, September, 1985, No. 357, eff. 10-1-85; chapter TCS 1 as it existed on September 30, 1990, was repealed and a new chapter TCS 1 was created effective October 1, 1990; chapter VTAE 1 was renumbered chapter TCS 1 under s. 13.93 (2m) (b) 1., Stats., Register, June, 1994, No. 462.

TCS 1.01 Applicability and purpose. The purpose of this chapter is to establish procedures regarding reorganization of district boundaries by the board acting under s. 38.06, Stats.

History: Cr. Register, September, 1990, No. 417, eff. 10-1-90.

TCS 1.02 Definitions. In this chapter:

- (1) "Board" means the technical college system board.
- (2) "Director" means the person appointed by the board under s. 38.04 (2), Stats.
- (3) "District" means a technical college district established under ch. 38, Stats., consisting of one or more counties, municipalities or school districts in any contiguous combination.
- (4) "District board" means the district board in charge of the technical colleges of a district.
- (5) "District director" means the person employed by a district board under s. 38.12 (3) (a) 1., Stats.
- (6) "District reorganization order" means a determination by the board providing for reorganization of one or more districts.
- (7) "Municipality" means a city, village or town.
- (8) "Reorganization" means the alteration, dissolution, creation or merger of any district by the board.

History: Cr. Register, September, 1990, No. 417, eff. 10-1-90; correction in (1), (3) and (4) made under s. 13.93 (2m) (b) 6., Stats., Register, June, 1994, No. 462.

TCS 1.03 Commencement of reorganization proceedings. Proceedings for reorganization of a district may be commenced upon:

- (1) The adoption of a resolution by the board under s. TCS 1.04 (1), or
- (2) The filing of a petition, meeting the requirements of s. TCS 1.05 (1), filed by a county, municipality or school district.

History: Cr. Register, September, 1990, No. 417, eff. 10-1-90; correction in (1) and (2) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1994, No. 462.

TCS 1.04 Reorganization proceedings initiated by the board. (1) **INITIATION OF PROCEEDINGS.** All reorganization proceedings commenced by the board on its own motion shall require adoption, by a two-thirds vote, of a resolution authorizing the proceedings. At a minimum, the resolution shall:

- (a) Set forth the board's initial proposal for reorganization.
- (b) Establish a 45 day public comment period commencing 10 days after adoption of the resolution.
- (c) Establish a date, time and place for one or more public hearings as required under sub. (5).

(2) **NOTICE OF COMMENCEMENT OF PROCEEDINGS.** Following adoption of the resolution under sub. (1), the board shall:

- (a) Publish a notice in the newspaper selected by each affected district for the publication of proceedings under s. 38.12 (4), Stats., informing the citizens of each affected district of the institution of the reorganization proceedings, the board's initial proposal for reorganization, the public comment period and the address to

which the comments should be sent, and the date, time and place for the public hearing. If no newspaper is published in an affected district and an alternative method for publicizing proceedings under s. 38.12 (4), Stats., has been adopted by the affected district, the board shall use a similar method to provide the notice required by this subsection. All notices under this paragraph are class 1 notices under ch. 985, Stats., except that they shall be 8-point type or larger.

(b) By certified mail, return receipt requested, provide a copy of the board's resolution to the district director and district board chairperson of each affected district along with a notice requiring each affected district to comment as provided in sub. (4).

(3) **STUDIES AND INVESTIGATIONS.** The board may conduct, or cause to be conducted, such studies and investigations as it deems necessary.

(4) **DISTRICT COMMENT.** Each affected district board shall, during the public comment period established under sub. (1) (b), comment on all of the following:

- (a) The estimated fiscal effect of the proposed reorganization upon the district.
- (b) The impact of the proposed reorganization upon the educational needs of students enrolled in the district.
- (c) Any alternatives to the board's initial proposal for reorganization. For each alternative proposed the affected district shall provide the information required under pars. (a) and (b).
- (d) Any other information the affected district desires to bring to the attention of the board.

(5) **PUBLIC HEARING.** (a) Upon adoption of the resolution authorizing reorganization proceedings under sub. (1), the board shall schedule one or more public hearings to be held at least 14 days following the expiration of the public comment period. A hearing shall be held in each affected district which, based upon the board's initial proposal for reorganization, would be dissolved, merged or have property detached.

(b) At least 14 days prior to the date scheduled for the hearing the board shall:

- 1. Publish a notice of hearing and a summary of the board's initial proposal for reorganization in the same manner as the notice of commencement of proceedings under sub. (2) (a). The notice shall inform the public of the time, place, date, and general subject matter of the hearing.

2. By certified mail, return receipt requested, provide a copy of the notice to the district director and district board chairperson of each affected district.

(c) At the hearing, and prior to taking testimony, the board shall summarize the comments obtained from the affected districts and comments obtained pursuant to the public comment period.

(d) The hearing shall be recorded either stenographically or electronically.

(6) **FINAL REORGANIZATION PROPOSAL.** (a) At the conclusion of the public hearing, or at any time thereafter, the board may adopt a final district reorganization proposal to alter, dissolve, create, or merge any district or districts after considering all of the following:

1. The estimated fiscal effect of the reorganization including the effect of the apportionment of assets and liabilities.

2. The educational needs of students enrolled in the affected district and the impact of the reorganization upon those needs.

3. The information obtained from the public hearing and any studies and investigations, comments received pursuant to the public comment period and from the affected districts, and any other information which the board determines to be relevant to its decision.

(7) FINAL PUBLIC HEARING. (a) Upon adoption of a final reorganization proposal the board shall schedule a public hearing in each district in which a public hearing was held under sub. (5).

(b) At least 14 days prior to the date scheduled for each hearing, the board shall:

1. Publish a notice of the public hearing and a summary of the board's final reorganization proposal in the same manner as the notice of commencement of proceedings under sub. (2) (a).

2. By certified mail, return receipt requested, provide a copy of the notice along with a copy of the board's final reorganization proposal, to the district director and district board chairperson of each affected district.

(c) At the hearing, and prior to taking testimony, the board shall summarize the final reorganization proposal.

(d) The hearing shall be recorded either stenographically or mechanically.

(8) FINAL BOARD ACTION. At the conclusion of the public hearing or at any time thereafter, the board may, by a majority vote, modify the final reorganization proposal and adopt, upon a two-thirds vote, a district reorganization order under s. TCS 1.06.

(9) TERMINATION OF PROCEEDINGS. At any time following initiation of reorganization proceedings under sub. (1), the board may, upon a majority vote, terminate the reorganization proceedings.

History: Cr. Register, September, 1990, No. 417, eff. 10-1-90; correction in (8) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1994, No. 462.

TCS 1.05 Reorganization proceedings commenced by petition. **(1) INITIATION OF PROCEEDINGS.** (a) The governing body of a county, municipality or school district may file a petition for reorganization.

(b) The relief requested and that may be granted by the board shall be limited to:

1. The detachment and reattachment of territory of the petitioning county, municipality or school district located in one district to another contiguous district, or

2. The consolidation of territory of the petitioning county, municipality or school district in one district where the territory of that county, municipality or school district is divided among two or more districts.

(c) The petition filed with the board shall contain:

1. The name of the county, municipality or school district filing the petition.

2. The name, address and telephone number of the specific person to whom all correspondence, notice and communications are to be addressed.

3. The relief requested as permitted under par. (b).

4. A clear and concise statement of the reasons that the county, municipality or school district seeks relief as permitted under sub. (1).

5. The signature of an official of the governing body of a county, municipality or school district. The signature of the official shall constitute a certification that the governing body of the county, municipality or school district has authorized the filing of the petition.

(2) NOTICE OF COMMENCEMENT OF PROCEEDINGS. Upon receipt of the petition the director shall:

(a) Publish a notice in the newspaper selected by each affected district for the publication of proceedings under s. 38.12 (4), Stats., informing the citizens of the affected districts of the institution of the reorganization proceedings, the relief requested by the petitioning county, municipality or school district, the existence of the public comment period established under sub. (4), and the address to which comments should be sent. If no newspaper is published in an affected district and an alternative method for publicizing proceedings under s. 38.12 (4), Stats., has been adopted by the affected district, the board shall use a similar method to provide the notice required by this paragraph. All notices under this paragraph are class 1 notices under ch. 985, Stats., except that they shall be 8-point type or larger.

(b) By certified mail, return receipt requested, notify the district director and district board chairperson of each affected district of the boundary reorganization request and provide them with a copy of the petition along with a notice requiring each affected district to comment as provided in sub. (4).

(3) STUDIES AND INVESTIGATIONS. The board may conduct, or cause to be conducted, such studies and investigations as it deems necessary.

(4) COMMENT PERIOD. A 45 day public comment period, commencing on the date of publication of the notice under sub. (2) (a), shall be established for each reorganization proceeding commenced by petition. During this period each affected district shall comment on all of the following:

(a) The estimated fiscal effect of the proposed reorganization upon the district.

(b) The impact of the proposed reorganization upon the educational needs of students enrolled in the district.

(c) Any other information the affected district desires to bring to the attention of the board.

(5) PUBLIC HEARING. (a) The board shall hold a public hearing following expiration of the public comment period, but in no case more than 90 days after receipt of the petition.

(b) At least 14 days prior to the date scheduled for the hearing, the board shall:

1. Publish a notice of hearing and a summary of the petition in the same manner as the notice of commencement of proceedings under sub. (2) (a).

2. By certified mail, return receipt requested, provide a copy of the notice to the district director and district board chairperson of each affected district.

(c) At the hearing, and prior to taking the testimony, the board shall summarize the comments obtained from the public and the affected districts during the public comment period.

(d) The hearing shall be recorded either stenographically or electronically.

(6) BOARD ACTION. Within 90 days of receipt of the petition, the board shall approve or disapprove the petition and issue a reorganization order under s. TCS 1.06 after considering all of the following:

(a) The estimated fiscal effect of the petitioned reorganization upon the affected districts, including the effect of the apportionment of assets and liabilities.

(b) The educational needs of students enrolled in the affected districts and the impact of the petitioned reorganization upon those needs.

(c) The information obtained from the public hearing and any studies and investigations, the comments from the affected districts and citizens of the affected districts, and any other information the board receives which it determines to be relevant to its decision.

History: Cr. Register, September, 1990, No. 417, eff. 10-1-90; correction in (6) (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1994, No. 462.

TCS 1.06 District reorganization orders. **(1)** Each reorganization order issued under s. TCS 1.04 (3) or 1.05 (6) shall

be served by certified mail, return receipt requested, upon the districts affected by the order, and, in the case of a reorganization proceeding initiated by petition, upon the petitioning county, municipality or school district, and shall contain:

- (a) A statement of the facts relating to the reorganization.
- (b) A decision including a statement of the reasons supporting or denying the reorganization.
- (c) A description of the territory attached to or detached from any district affected by the order.

(d) A statement of the affected district boards' obligations under s. 66.0235, Stats., concerning the adjustment of assets and liabilities as a result of the order.

(2) All district reorganization orders shall take effect on the July 1 next succeeding the date of such order, provided, however, that a reorganization order issued after January 1 of any year shall not take effect until July 1 of the following year.

History: Cr. Register, September, 1990, No. 417, eff. 10-1-90; correction in (1) (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1994, No. 462; **correction in (1) (d) made under s. 13.93 (2m) (b) 7., Stats.**