



1995 ENGROSSED ASSEMBLY BILL 400

February 2, 1996 - Printed by direction of SENATE CHIEF CLERK.

1 **AN ACT** *to renumber* 121.07 (6) (e) and 121.07 (7) (e); *to renumber and amend*
2 117.30 (1), 120.06 (2), 121.90 (2), 121.905 (3) (a) and 121.905 (3) (b); *to amend*
3 67.12 (12) (e) 2., 117.05 (1m), 117.05 (2) (a), 117.05 (4) (a) (intro.), 117.05 (5) (a),
4 117.05 (8), 117.05 (9) (title), 117.05 (9) (a) (intro.), 117.05 (9) (b), 117.05 (10),
5 117.14 (1) (b), 117.17 (1) (a), 117.20 (1), 117.22 (2) (a) 1., 117.22 (2) (d), 120.42
6 (1) (a), 121.84 (1) (b) and 121.905 (4); and *to create* 67.05 (6a) (bg), 67.05 (7) (j),
7 67.12 (12) (e) 2r., 67.12 (12) (h), 117.05 (4) (d), 117.05 (9) (a) 1. and 2., 117.105,
8 117.17 (1) (bm), 117.22 (2) (bm), 117.22 (3), 117.25 (4), 117.30 (1) (b) and (c),
9 120.06 (2) (b), 120.42 (1) (c), 121.07 (6) (e) 2., 121.07 (7) (e) 2., 121.78 (2) (bm),
10 121.78 (2) (br), 121.90 (2) (b), 121.905 (3) (a) 2., 121.905 (3) (b) 2., 121.91 (2m)
11 (e), 121.91 (4) (c) 3. and 121.91 (4) (f) of the statutes; **relating to:** procedures
12 to create a school district out of the territory of one or more existing school
13 districts and information provided to persons filing a petition for a referendum

1 on the detachment of large territory from one school district and its attachment
2 to another school district.

Analysis by the Legislative Reference Bureau

Engrossment information:

The text of Engrossed 1995 Assembly Bill 400 consists of the following documents adopted in the assembly on February 1, 1996: Assembly Substitute Amendment 1 as affected by Assembly Amendments 1, 2, 3 and 4.

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

3 **SECTION 1.** 67.05 (6a) (bg) of the statutes is created to read:

4 67.05 (6a) (bg) For a school district from which territory is detached to create
5 a new school district under s. 117.105, the amounts specified and calculated under
6 par. (b) shall be increased, for the construction of a building or an addition to a
7 building only, by the amount determined as follows:

8 1. Determine the number of pupils in each grade level who attended school in
9 the previous school year in a building that was then owned by the school district and
10 has been allocated to another school district by the reorganization and who resided
11 in the previous school year in territory that was not transferred to the other school
12 district. The number shall be the average of such pupils enrolled on the 3rd Friday
13 of September and the 2nd Friday of January.

14 2. The department of industry, labor and human relations shall determine for
15 each grade level in which pupils attended school in a building described in subd. 1.,
16 the average cost per square foot for, and the average number of square feet per pupil
17 included in, 2 recently constructed school buildings that were designed to serve
18 pupils of that grade level, as selected by that department.

1 3. For each grade level, multiply the number determined under subd. 1. by the
2 product of the 2 numbers determined under subd. 2., and total the results.

3 **SECTION 2.** 67.05 (7) (j) of the statutes is created to read:

4 67.05 (7) (j) An initial resolution adopted by the school board of a school district
5 created by a reorganization under s. 117.105, or adopted by the school board of a
6 school district from which territory is detached to create a school district under s.
7 117.105, for the purpose of financing any assets or liabilities apportioned to the
8 school district or assets apportioned to another school district under s. 117.105 (1m)
9 or (2m), is not subject to a referendum.

10 **SECTION 3.** 67.12 (12) (e) 2. of the statutes is amended to read:

11 67.12 (12) (e) 2. Unless the purpose and amount of the borrowing have been
12 approved by the electors under s. 67.05 (6a) or deemed approved by the electors under
13 s. 67.05 (7) (d) 3., the purpose is to refund any outstanding municipal obligation or
14 would not be subject to a referendum as a bond issue under s. 67.05 (7) (cc), (h) or (i),
15 or subd. 2g. or par. (f) or (h) applies, the school district clerk shall, within 10 days after
16 a school board adopts a resolution under subd. 1. to issue a promissory note in excess
17 of \$5,000, publish notice of such adoption as a class 1 notice, under ch. 985.
18 Alternatively, the notice may be posted as provided under s. 10.05. The notice need
19 not set forth the full contents of the resolution, but shall state the maximum amount
20 proposed to be borrowed, the purpose thereof, that the resolution was adopted under
21 this subsection, and the place where, and the hours during which, the resolution may
22 be inspected. If, within 15 days after publication or posting, a petition conforming
23 to the requirements of s. 8.40 is filed with the school district clerk for a referendum
24 on the resolution signed by at least 7,500 electors of the district or at least 20% of the
25 number of district electors voting for governor at the last general election, as

1 determined under s. 115.01 (13), whichever is the lesser, then the resolution shall not
2 be effective unless adopted by a majority of the district electors voting at the
3 referendum. The referendum shall be called in the manner provided under s. 67.05
4 (6a), except that the question which appears on the ballot shall be "Shall (name
5 of district) borrow the sum of \$.... for (state purpose) by issuing its general obligation
6 promissory note (or notes) under section 67.12 (12) of the Wisconsin Statutes?"

7 **SECTION 4.** 67.12 (12) (e) 2r. of the statutes is created to read:

8 67.12 (12) (e) 2r. For a school district from which territory is detached to create
9 a new school district under s. 117.105, the amounts specified and calculated under
10 subd. 2g. shall be increased, for the construction of a building or an addition to a
11 building only, by the amount determined as follows:

12 a. Determine the number of pupils in each grade level who attended school in
13 the previous school year in a building that was then owned by the school district and
14 has been allocated to another school district by the reorganization and who resided
15 in the previous school year in territory that was not transferred to the other school
16 district. The number shall be the average of such pupils enrolled on the 3rd Friday
17 of September and the 2nd Friday of January.

18 b. The department of industry, labor and human relations shall determine, for
19 each grade level in which pupils attended school in a building described in subd. 2r.
20 a., the average cost per square foot for, and the average number of square feet per
21 pupil included in, 2 recently constructed school buildings that were designed to serve
22 pupils of that grade level, as selected by that department.

23 c. For each grade level, multiply the number determined under subd. 2r. a. by
24 the product of the 2 numbers determined under subd. 2r. b., and total the results.

25 **SECTION 5.** 67.12 (12) (h) of the statutes is created to read:

1 67.12 (12) (h) Paragraph (e) 2. does not apply to borrowing by the school board
2 of a school district created by a reorganization under s. 117.105, or by the school
3 board from which territory is detached to create a school district under s. 117.105,
4 for the purpose of financing any assets or liabilities apportioned to the school district
5 or assets apportioned to another school district under s. 117.105 (1m) or (2m).

6 **SECTION 6.** 117.05 (1m) of the statutes, as affected by 1995 Wisconsin Act 27,
7 is amended to read:

8 117.05 (1m) BOARD AND APPEAL PANEL MEETINGS. The secretary shall set the time
9 and place for meetings of the board under ss. 117.10, 117.105 (2m), 117.12 (5) and
10 117.132 and for meetings of appeal panels under ss. 117.12 (4) and 117.13.

11 **SECTION 7.** 117.05 (2) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
12 is amended to read:

13 117.05 (2) (a) *Board*. The secretary shall appoint 7 members of the board to
14 perform any review under ss. 117.10, 117.105 (2m), 117.12 (5) and 117.132. The 7
15 members shall include the secretary or his or her designee on the board, 2 board
16 members from school districts with small enrollments, 2 board members from school
17 districts with medium enrollments and 2 board members from school districts with
18 large enrollments. Any action of the board under this chapter requires the
19 affirmative vote of at least 4 of the 7 members appointed under this paragraph.

20 **SECTION 8.** 117.05 (4) (a) (intro.) of the statutes is amended to read:

21 117.05 (4) (a) *Pending proceedings*. (intro.) A reorganization proceeding is
22 pending from the date that a petition is filed under s. 117.105 (1) (a), 117.11 (2) or
23 117.12 (2) or a resolution is adopted under s. 117.08 (1), 117.09 (1), 117.10 (1), 117.105
24 (1) (b), 117.13 (2) or 117.132 (2) until the date on which the latest of any of the
25 following occurs:

1 **SECTION 9.** 117.05 (4) (d) of the statutes is created to read:

2 117.05 (4) (d) *Four-year limitation on consideration of creation of a school*
3 *district.* 1. Except as provided in subd. 2., no petition may be filed or resolution
4 adopted for the creation of a new school district under s. 117.105 (1) (a) or (b) before
5 the 5th July 1 following the filing of a petition under s. 117.105 (1) (a) or the adoption
6 of a resolution under s. 117.105 (1) (b) for any reorganization that includes any of the
7 same territory.

8 2. The limitation under subd. 1. does not apply if the school board of each
9 affected school district adopts a resolution waiving the limitation. If a school board
10 denies a request for a waiver under this subdivision, the denial may not be appealed
11 under this chapter.

12 **SECTION 10.** 117.05 (5) (a) of the statutes is amended to read:

13 117.05 (5) (a) *Territory in district.* All territory within this state shall be
14 included in a school district operating elementary school grades and a school district
15 operating high school grades or in a school district operating both elementary and
16 high school grades. No territory may be detached from a school district unless by the
17 same order it is attached to another school district or included in a new school district
18 created by the order. No territory may be detached from a school district that
19 operates high school grades unless by the same order it is attached to or included in
20 another school district that operates high school grades.

21 **SECTION 11.** 117.05 (8) of the statutes is amended to read:

22 117.05 (8) **INFORMATION ON REORGANIZATION PROCEDURES.** The department shall
23 prepare a written description of the procedures for school district reorganizations
24 under ss. 117.08 to 117.132 and distribute copies to school district clerks. A school
25 district clerk shall give a copy of the description to any person, upon request, and to

1 any person filing a petition with the clerk under s. 117.08 (3) (a) 2., 117.09 (3) (a) 2.,
2 117.105 (1) (a), 117.11 (2) or (4) (a) 2. or 117.12 (2), at the time the petition is filed.

3 **SECTION 12.** 117.05 (9) (title) of the statutes is amended to read:

4 117.05 (9) (title) APPEAL BOARD AND APPEAL PANEL FEES.

5 **SECTION 13.** 117.05 (9) (a) (intro.) of the statutes is amended to read:

6 117.05 (9) (a) (intro.) The department may charge the following persons a fee
7 sufficient to reimburse the department for the costs of the board under ss. 117.10,
8 117.105 and 117.132:

9 **SECTION 14.** 117.05 (9) (a) 1. and 2. of the statutes are created to read:

10 117.105 (9) (a) 1. The school boards of the affected school districts under s.
11 117.105 if they fail to reach agreement under s. 117.105 (1m) (b).

12 2. A person who files a petition requesting review by the board under s. 117.105
13 (2m).

14 **SECTION 15.** 117.05 (9) (b) of the statutes is amended to read:

15 117.05 (9) (b) The clerk of the school district ordering the dissolution or
16 requesting review shall pay the fee under par. (a) 3. or 4. to the department. The clerk
17 of each affected school district shall pay the fee under par. (a) 1. to the department.
18 The department shall allocate the fee under par. (a) 1. among the school districts
19 from which territory is being detached to create a new school district if there is more
20 than one such school district. The secretary of the board shall forward the fee fees
21 collected under par. (a) 1. and 5. to the department.

22 **SECTION 16.** 117.05 (10) of the statutes, as affected by 1995 Wisconsin Act 27,
23 is amended to read:

24 117.05 (10) SECRETARY TO ADVISE. The secretary shall advise and consult with
25 school boards regarding school district organization and reorganization. If, in the

1 secretary's opinion, one or more school districts should be created, altered,
2 consolidated or dissolved, he or she may make recommendations to the school boards
3 of the affected school districts.

4 **SECTION 17.** 117.105 of the statutes is created to read:

5 **117.105 Creation of a school district. (1) INITIATION OF PROCEDURES.**

6 Procedures to create a school district from the territory of one or more existing school
7 districts may be initiated by any of the following methods:

8 (a) Before July 1 of any year, a written petition requesting the creation of a
9 school district may be filed with the clerk of the school district that has the highest
10 equalized valuation of the affected school districts. The petition shall be signed by
11 at least 20% of the total number of electors residing in the affected school districts
12 and by at least 5% of the number of electors residing in each affected school district.
13 The school district clerk with whom the petition is filed shall immediately send a
14 certified notice of the petition to the school board of each affected school district and
15 to the secretary of the board. The petition shall include the approximate boundaries
16 of the proposed school district.

17 (b) Before July 1 of any year, the school board of each school district from which
18 territory will be detached to create the proposed school district may adopt a
19 resolution stating that the school board will consider the creation of the school
20 district. The resolution shall include the approximate boundaries of the proposed
21 school district. The school district clerk of each school board adopting a resolution
22 under this paragraph shall send a certified copy of the resolution to the school boards
23 of each of the other affected school districts and to the secretary of the board.

24 **(1m) HEARING; BOUNDARIES; ASSETS AND LIABILITIES.** (a) Upon receipt of a petition
25 or notice under sub. (1) (a), or upon the adoption of a resolution and the receipt of

1 copies of resolutions adopted by the school board of each of the other affected school
2 districts under sub. (1) (b), the school board shall hold a public hearing on the
3 proposed reorganization.

4 (b) Before the November 1 following the receipt of a petition or notice under sub.
5 (1) (a) or the adoption of resolutions under sub. (1) (b), the school boards of the
6 affected school districts may, by the adoption of resolutions by the school boards of
7 a majority of the affected school districts, agree on the precise boundaries of the
8 proposed school district and the apportionment of the assets and liabilities between
9 the affected school districts and the proposed school district according to the criteria
10 under s. 66.03 (2c). The school boards may establish an alternative method to govern
11 the assignment of assets and liabilities as provided in s. 66.03 (2c) (b). In
12 determining the precise boundaries, the school boards may not detach territory from
13 any additional school districts. The clerk of the school district that has the highest
14 equalized valuation of the affected school districts shall notify the board of their
15 agreement or their failure to reach agreement.

16 (c) If the school boards of a majority of the affected school districts fail to agree
17 on the precise boundaries or on the apportionment of assets and liabilities by
18 November 1 under par. (b), the board shall issue an order doing so by the following
19 March 1. In determining the precise boundaries of the proposed school district, the
20 board may not detach territory from any additional school districts.

21 **(2) SCHOOL BOARD ACTION.** Before the February 1 following the determination
22 of the precise boundaries of the proposed school district and the apportionment of
23 assets and liabilities under sub. (1m) (b), or before the May 1 following an order
24 issued by the board under sub. (1m) (c), the school board of each affected school
25 district shall adopt a resolution ordering or denying the creation of the school district.

1 The resolution shall state the school board's rationale for ordering or denying the
2 reorganization and include an evaluation of each of the factors specified in s. 117.15.
3 Failure of a school board to adopt a resolution either ordering or denying the creation
4 of the school district before the applicable date required under this subsection
5 constitutes a denial of the creation of the school district by that school board. The
6 school district clerk of each school board adopting a resolution under this subsection,
7 either ordering or denying the reorganization, shall, within 5 days after the adoption
8 of the resolution, send a certified copy of the resolution to the school boards of each
9 of the other affected school districts and file a certified copy of the resolution as
10 provided in s. 117.17 (2).

11 **(2m) BOARD REVIEW.** (a) The board shall review a proposed reorganization
12 under this section if any of the following occurs:

13 1. The school board of each affected school district issues an order under sub.
14 (2) granting the proposed reorganization, and a petition for board review of the
15 proposed reorganization, signed by at least 10% of the number of electors residing
16 in the territory of the affected school districts that is not within the proposed school
17 district, is filed with the secretary of the board. The petition shall be filed by March
18 1 following the school board action under sub. (2), or by June 1 following the school
19 board action under sub. (2) if the board issued an order under sub. (1m) (c).

20 2. The school board of any of the affected school districts issues an order under
21 sub. (2) denying the proposed reorganization, and a petition for board review of the
22 proposed reorganization, signed by at least 10% of the number of electors residing
23 in each affected school district, is filed with the secretary of the board. The petition
24 shall be filed by March 1 following the school board action under sub. (2), or by June

1 1 following the school board action under sub. (2) if the board issued an order under
2 sub. (1m) (c).

3 (b) Upon receipt of a petition for review under par. (a), the secretary of the board
4 shall immediately notify the school board of each affected school district and the
5 board shall hold a public hearing on the proposed reorganization. After the hearing
6 and after consulting with the school boards of the affected school districts, but before
7 July 1, the board may modify the boundaries of the proposed school district and the
8 apportionment of assets and liabilities between the affected school districts and the
9 proposed school district unless the board determined the boundaries and
10 apportionment under sub. (1m) (c). The board may not modify the boundaries by
11 detaching territory from any additional school districts.

12 (bm) If the board modifies the boundaries or the apportionment of assets and
13 liabilities under par. (b), it shall immediately notify the school board of each affected
14 school district, and before August 15, the school board of each affected school district
15 may proceed under sub. (2) to issue an order either granting or denying the proposed
16 reorganization, as modified by the board. The board shall then proceed under par.
17 (c) without the filing of a new petition under par. (a) but may not issue an order under
18 par. (c) before August 21.

19 (c) By October 1 following receipt of a petition for review under par. (a), the
20 board shall issue an order either granting or denying the proposed reorganization.
21 The order shall state the board's rationale and include an evaluation of each of the
22 factors specified in s. 117.15. The board may overturn the decision of the school
23 boards only if it finds that the school boards' conclusions regarding the factors
24 specified in s. 117.15 are not supported by the facts or that the school boards did not
25 properly apply these factors.

1 **(3) REFERENDUM.** (a) A referendum shall be held under par. (b) if any of the
2 following occurs:

3 1. The school boards of all of the affected school districts grant the proposed
4 reorganization and there is no petition filed for board review.

5 2. The school boards of all of the affected school districts grant the proposed
6 reorganization, a petition for board review is filed and the board grants the proposed
7 reorganization.

8 3. The school board of one or more of the affected school districts denies the
9 proposed reorganization, a petition for board review is filed and the board grants the
10 proposed reorganization.

11 (b) If a referendum is required under par. (a), the board shall immediately
12 notify the school boards of each of the affected school districts and the clerk of each
13 city, village or town, any part of which is contained within an affected school district.
14 The referendum shall be held in the territory of the school district proposed to be
15 created by the reorganization.

16 **(4) ORDER OF REORGANIZATION IF APPROVED AT REFERENDUM.** If a majority of the
17 votes cast in the territory of the school district proposed to be created by the
18 reorganization is in favor of the creation of the proposed school district, at the time
19 of canvassing the returns the school boards of the affected school districts shall make
20 and file an order of school district reorganization under s. 117.17 (2). The
21 reorganization shall take effect on the following July 1 unless the school board of the
22 newly created school district adopts and files a resolution, as provided in s. 117.17
23 (2), stating that the reorganization shall take effect on the 2nd July 1 following the
24 order of reorganization.

25 **SECTION 18.** 117.14 (1) (b) of the statutes is amended to read:

1 117.14 (1) (b) If the order is issued under ss. ~~117.11~~ 117.105 to 117.132, the
2 appeal shall be filed with the circuit court of any county in which any of the territory
3 proposed to be detached from one school district and attached to, or included in,
4 another school district is located or with the circuit court of any county in which any
5 territory of the school district to which the territory is proposed to be attached, or the
6 school district that is proposed to be created, is located.

7 **SECTION 19.** 117.17 (1) (a) of the statutes is amended to read:

8 117.17 (1) (a) Every order of school district reorganization under s. 117.08 ~~or,~~
9 117.09 or 117.105 that creates a new school district shall state the school districts
10 which are dissolved or from which territory is detached to create the new school
11 district, name the new school district, state the type of school district and the grades
12 to be taught by the new school district pursuant to s. 115.01 (2), (3) and (5), designate
13 the number of school board members under s. 120.01 or 120.41, designate the terms
14 of initial members of the school board under s. 120.02 (3) (a), designate the method
15 of election of school board members under s. 120.06 or 120.42, direct the election of
16 school board members under s. 120.06 or 120.42, insofar as applicable, designate the
17 date of the first election of school board members, as provided under s. 117.22 (2) (b),
18 and fix the time and place for the first annual meeting of the new school district, if
19 one is to be held. The secretary of the board shall give notice of the first annual
20 meeting, if one is to be held, under s. 120.08 (1) (c), and shall designate a person to
21 act as temporary chairperson of the annual meeting until a chairperson is elected.

22 **SECTION 20.** 117.17 (1) (bm) of the statutes is created to read:

23 117.17 (1) (bm) Every order of school district reorganization under s. 117.105
24 shall describe the territory of the school districts from which territory is detached to

1 create the new school district, state the school district created by the order and
2 describe the territory of the school district created by the order.

3 **SECTION 21.** 117.20 (1) of the statutes is amended to read:

4 117.20 (1) If a referendum is required under ss. 117.08 to 117.11, it shall be held
5 on the Tuesday after the first Monday in November following receipt of the petition
6 or adoption of the resolution under s. 117.08 (3) (a), 117.09 (3) (a), 117.10 (3) (a) or
7 117.11 (4) (a). If a referendum is required under s. 117.105, it shall be held on the
8 Tuesday after the first Monday in the 2nd November following receipt of the petition
9 or adoption of the resolution under s. 117.105 (1).

10 **SECTION 22.** 117.22 (2) (a) 1. of the statutes is amended to read:

11 117.22 (2) (a) 1. The clerk of the affected school district that has the highest
12 equalized valuation, if an order of reorganization is issued under s. 117.08 or 117.105.

13 **SECTION 23.** 117.22 (2) (bm) of the statutes is created to read:

14 117.22 (2) (bm) If an order of reorganization is issued under s. 117.105, the first
15 election of school board members shall be held at the spring election following the
16 referendum under s. 117.105 (3).

17 **SECTION 23g.** 117.22 (2) (d) of the statutes is amended to read:

18 117.22 (2) (d) At least 12 weeks prior to the date of the election, the school
19 district clerk shall publish a type A notice of the school board election, under s. 10.01
20 (2) (a). No later than 5 p.m. on the date 10 weeks prior to the election, any qualified
21 elector of the school district created by the reorganization may file with the school
22 district clerk a sworn declaration of candidacy for the school board and, if required,
23 nomination papers, as provided under s. 120.06 (6) (b). For purposes of this
24 paragraph, a candidate who resides in the territory of the school district created
25 pursuant to a reorganization under s. 117.105 and is otherwise a qualified elector

1 shall be considered a qualified elector for a school board election under par. (bm). A
2 candidate shall file an amended declaration with the school district clerk as provided
3 in s. 120.06 (6) (b). Within 8 days after the first election in the newly created school
4 district, the school district clerk shall notify the successful candidates of their
5 election. On the 2nd Tuesday following the election, the clerk shall administer or
6 receive the official oath and the newly elected members shall take office.

7 **SECTION 23r.** 117.22 (3) of the statutes is created to read:

8 117.22 (3) INELIGIBILITY. Any person elected to a school board in an election
9 under sub. (2) (bm) who is also a member of the school board of an affected school
10 district is not eligible to serve as a member of the school board for the school district
11 created by the reorganization unless the person resigns as a member of the school
12 board of the affected school district prior to receiving the official oath of office under
13 sub. (2) (d).

14 **SECTION 24.** 117.25 (4) of the statutes is created to read:

15 117.25 (4) CREATIONS. When a school district is created under s. 117.105, all of
16 the following apply:

17 (a) Any employe of a school district from which territory is detached by the
18 reorganization who is laid off as a result of the reorganization has priority over other
19 persons for 3 years after the effective date of the reorganization for new positions and
20 vacant positions for which he or she is qualified in the school district that is created
21 by the reorganization.

22 (b) Any person who wishes to exercise his or her priority under par. (a) shall
23 notify the school district that is created by the reorganization, in writing, that he or
24 she wishes to be considered for any new position or vacant position and shall include

1 in the notice the address to be used by the school district to notify the person of such
2 positions.

3 **SECTION 25.** 117.30 (1) of the statutes is renumbered 117.30 (1) (a) and
4 amended to read:

5 117.30 (1) (a) If Except as provided under pars. (b) and (c), if a school district
6 for 2 or more successive years has failed to operate a school as required by law
7 sufficient classes at each grade level to provide all pupils who reside in the school
8 district an opportunity to attend class at the appropriate grade level, the board shall
9 attach the territory of the school district to one or more school districts that do
10 ~~operate schools so.~~ Within 60 days of the date on which a school district becomes
11 subject to this section, the department shall so notify the school district clerk and the
12 clerk of each municipality in which part of the school district lies. Prior to August
13 30 of the year in which the school district becomes subject to this section, the board
14 shall issue an order of school district reorganization attaching the school district to
15 one or more operating school districts. Orders issued under this section take effect
16 upon being filed as provided in s. 117.17 (2). The school board of each district to which
17 any territory is attached under this section shall levy and collect a special tax against
18 the property in the territory so attached for such amount as is payable for tuition and
19 transportation, at the time of the attachment, by the school district in which the
20 attached territory was located prior thereto, in the proportion that the equalized
21 valuation of the attached territory bears to the total equalized valuation of the school
22 district in which such territory was located prior to such attachment.

23 **SECTION 26.** 117.30 (1) (b) and (c) of the statutes are created to read:

24 117.30 (1) (b) Before the end of the first school year beginning after the effective
25 date of a reorganization under s. 117.105, the school board of the school district

1 created by the reorganization may request the department to extend the 2-year time
2 period under par. (a) by one year. The department may grant the extension, and may
3 renew the extension for additional one-year periods, if the department determines
4 that the school board has adequate plans and is making adequate progress toward
5 operating sufficient classes at each grade level to provide all pupils who reside in the
6 school district an opportunity to attend class at the appropriate grade level.

7 (c) If a school district created under s. 117.105 fails to operate sufficient classes
8 at each grade level to provide all pupils who reside in the school district an
9 opportunity to attend class at the appropriate grade level before the end of the first
10 school year beginning after the effective date of the reorganization under s. 117.105,
11 plus the period of any extension granted under par. (b), the board's order under par.
12 (a) shall reattach the territory of the school district to each of the school districts from
13 which the territory was detached by the reorganization under s. 117.105, unless the
14 school district from which the territory was detached is no longer an operating school
15 district.

16 **SECTION 26d.** 120.06 (2) of the statutes is renumbered 120.06 (2) (a) and
17 amended to read:

18 120.06 (2) (a) School Except as provided under par. (b), school board members
19 shall be electors of the school district and shall be elected at large by a plurality vote
20 of the electors of the school district.

21 **SECTION 26h.** 120.06 (2) (b) of the statutes is created to read:

22 120.06 (2) (b) School board members elected to a school board in an election
23 under s. 117.22 (2) (bm) shall reside in the territory of the school district created by
24 the reorganization.

25 **SECTION 26p.** 120.42 (1) (a) of the statutes is amended to read:

1 120.42 (1) (a) Except as provided in ~~par.~~ pars. (b) and (c), school board members
2 in a unified school district shall be electors of the school district and shall be elected
3 at large, at large to numbered seats or at large to an apportioned election district area
4 by a plurality vote of the electors of the school district. School board members in a
5 unified school district shall be elected under s. 120.06 at the spring election. All
6 candidates for school board seats shall file a declaration of candidacy as provided in
7 s. 120.06 (6) (b).

8 **SECTION 26t.** 120.42 (1) (c) of the statutes is created to read:

9 120.42 (1) (c) School board members elected to a school board in an election
10 under s. 117.22 (2) (bm) shall reside in the territory of the school district created by
11 the reorganization.

12 **SECTION 27.** 121.07 (6) (e) of the statutes, as affected by 1995 Wisconsin Act 27,
13 is renumbered 121.07 (6) (e) 1.

14 **SECTION 28.** 121.07 (6) (e) 2. of the statutes is created to read:

15 121.07 (6) (e) 2. For a school district from which territory was detached to
16 create a school district under s. 117.105, in each of the 4 school years beginning on
17 the July 1 following the effective date of the reorganization under s. 117.105, the
18 amounts under par. (b) and (d) shall be multiplied by 1.1 and rounded to the next
19 lower dollar.

20 **SECTION 29.** 121.07 (7) (e) of the statutes, as affected by 1995 Wisconsin Act 27,
21 is renumbered 121.07 (7) (e) 1.

22 **SECTION 30.** 121.07 (7) (e) 2. of the statutes is created to read:

23 121.07 (7) (e) 2. For a school district from which territory was detached to
24 create a school district under s. 117.105, in each of the 4 school years beginning on
25 the July 1 following the effective date of the reorganization under s. 117.105, the

1 amounts under pars. (a) to (bm) shall be multiplied by 1.1 and rounded to the next
2 lower dollar.

3 **SECTION 31.** 121.78 (2) (bm) of the statutes is created to read:

4 121.78 (2) (bm) The school board of a school district from which territory was
5 detached to create a school district under s. 117.105 and the school board of the school
6 district created under s. 117.105 shall permit a pupil who resides in the territory that
7 was detached to continue to attend school in the school district from which the
8 territory was detached until the school district created by the reorganization begins
9 offering instruction at the pupil's grade level. The school board of the school district
10 created by the reorganization shall pay tuition for the pupil.

11 **SECTION 32.** 121.78 (2) (br) of the statutes is created to read:

12 121.78 (2) (br) 121.78 (2) (br) The school board of a school district from which
13 territory was detached to create a school district under s. 117.105 and the school
14 board of the school district created under s. 117.105 shall permit a pupil who resides
15 in the territory that was detached and has gained 12th grade status in the school
16 district from which the territory was detached to continue to attend school in the
17 school district from which the territory was detached. The school board of the school
18 district created by the reorganization shall pay tuition for the pupil.

19 **SECTION 33.** 121.84 (1) (b) of the statutes is amended to read:

20 121.84 (1) (b) Upon request of a pupil's parent or guardian, a school board of
21 a district operating high school grades shall permit a pupil who has gained 12th
22 grade status in a high school under its jurisdiction and is a resident of the school
23 district at the time of gaining such status to complete 12th grade at the high school
24 without payment of tuition, even though the pupil is no longer a resident of the school
25 district. This paragraph does not apply to a pupil to whom s. 121.78 (2) (br) applies.

1 **SECTION 34.** 121.90 (2) of the statutes, as affected by 1995 Wisconsin Act 27,
2 is renumbered 121.90 (2) (intro.) and amended to read:

3 121.90 (2) (intro.) “State aid” means aid under ss. 121.08, 121.09, 121.10 and
4 121.105 and subch. VI, as calculated for the current school year on October 15 under
5 s. 121.15 (4), except that “state aid” excludes any all of the following:

6 (a) Any additional aid that a school district receives as a result of ss. 121.07 (6)
7 (e) 1. and (7) (e) 1. and 121.105 (3) for school district consolidations that are effective
8 on or after July 1, 1995, as determined by the department.

9 **SECTION 35.** 121.90 (2) (b) of the statutes is created to read:

10 121.90 (2) (b) Any additional aid that a school district receives as a result of s.
11 121.07 (6) (e) 2. and (7) (e) 2. for school district reorganizations under s. 117.105, as
12 determined by the department.

13 **SECTION 36.** 121.905 (3) (a) of the statutes, as created by 1995 Wisconsin Act
14 27, is renumbered 121.905 (3) (a) 1. and amended to read:

15 121.905 (3) (a) 1. Calculate Except as provided under subd. 2., calculate the
16 sum of the amount of aid received under ss. 121.08, 121.10 and 121.105 and subch.
17 VI in the previous school year and property taxes levied for the previous school year,
18 excluding funds described under s. 121.91 (4) (c), and the costs of the county
19 handicapped children’s education board program, as defined in s. 121.135 (2) (a) 2.,
20 for pupils who were school district residents and solely enrolled in a special education
21 program provided by a county handicapped children’s education board in the
22 previous school year.

23 **SECTION 37.** 121.905 (3) (a) 2. of the statutes is created to read:

1 121.905 (3) (a) 2. For a school district created under s. 117.105, for the school
2 year beginning with the effective date of the reorganization, perform the following
3 calculations:

4 a. Calculate the sum under subd. 1. for each of the school districts from which
5 territory was detached to create the new school district.

6 b. For each of those school districts, divide the result in subd. 2. a. by the
7 number of pupils enrolled in that school district in the previous school year.

8 c. For each of those school districts, multiply the result in subd. 2. b. by the
9 number of pupils enrolled in that school district in the previous school year who
10 resided in territory that was detached to create the new school district.

11 d. Calculate the sum of the amounts determined under subd. 2. c.

12 **SECTION 38.** 121.905 (3) (b) of the statutes, as created by 1995 Wisconsin Act
13 27, is renumbered 121.905 (3) (b) 1. and amended to read:

14 121.905 (3) (b) 1. ~~Divide~~ Except as provided under subd. 2., divide the result
15 in par. (a) 1. by the sum of the average of the number of pupils in the 3 previous school
16 years and the number of pupils who were school district residents and solely enrolled
17 in a special education program provided by a county handicapped children's
18 education board program in the previous school year.

19 **SECTION 39.** 121.905 (3) (b) 2. of the statutes is created to read:

20 121.905 (3) (b) 2. For a school district created under s. 117.105, for the school
21 year beginning with the effective date of the reorganization, divide the result in par.
22 (a) 2. by the number of pupils who in the previous school year were enrolled in a
23 school district from which territory was detached to create the new school district
24 and who resided in the detached territory; for the school year beginning on the first
25 July 1 following the effective date of the reorganization, divide the result in par. (a)

1 2. by the number of pupils in the previous school year; and for the school year
2 beginning on the 2nd July 1 following the effective date of the reorganization, divide
3 the result in par. (a) 2. by the average of the number of pupils in the 2 previous school
4 years.

5 **SECTION 40.** 121.905 (4) of the statutes, as created by 1995 Wisconsin Act 27,
6 is amended to read:

7 121.905 (4) A school district that is exempt from the revenue limits under this
8 ~~section~~ sub. (2) may not increase its base revenue per member to an amount that is
9 greater than its revenue ceiling unless that school district follows the procedures
10 prescribed in s. 121.91 (3).

11 **SECTION 41.** 121.91 (2m) (e) of the statutes is created to read:

12 121.91 (2m) (e) 1. Notwithstanding pars. (c) and (d), if a school district is
13 created under s. 117.105, its revenue limit under this section for the school year
14 beginning with the effective date of the reorganization shall be determined as follows
15 except as provided under subs. (3) and (4):

16 a. Divide the result under s. 121.905 (3) (a) 2. by the total number of pupils who
17 in the previous school year were enrolled in a school district from which territory was
18 detached to create the new school district and who resided in the detached territory.

19 b. Add \$206 to the result under subd. 1. a.

20 c. Multiply the result under subd. 1. b. by the number of pupils who in the
21 previous school year were enrolled in a school district from which territory was
22 detached to create the new school district and who resided in the detached territory,
23 or by the number of pupils enrolled in the new school district in the current school
24 year, whichever is greater.

1 2. If a school district is created under s. 117.105, the following adjustments to
2 the calculations under pars. (c) and (d) apply for the 2 school years beginning on the
3 July 1 following the effective date of the reorganization:

4 a. For the school year beginning on the first July 1 following the effective date
5 of the reorganization the number of pupils in the previous school year shall be used
6 under pars. (c) 1. and (d) 1. instead of the average of the number of pupils in the 3
7 previous school years, and for the school year beginning on the 2nd July 1 following
8 the effective date of the reorganization the average of the number of pupils in the 2
9 previous school years shall be used under pars. (c) 1. and (d) 1. instead of the average
10 of the number of pupils in the 3 previous school years.

11 b. For the school year beginning on the first July 1 following the effective date
12 of the reorganization the average of the number of pupils in the current and the
13 previous school years shall be used under pars. (c) 4. and (d) 4. instead of the average
14 of the number of pupils in the current and the 2 preceding school years.

15 **SECTION 42.** 121.91 (4) (c) 3. of the statutes is created to read:

16 121.91 (4) (c) 3. Funds needed for the payment of any general obligation debt
17 service, including debt service on debt issued or reissued to fund or refund
18 outstanding municipal obligations, interest on outstanding municipal obligations or
19 the payment of related issuance costs or redemption premiums, authorized by a
20 resolution of the school board and secured by the full faith and credit of the school
21 district if the issuance of the debt was not subject to a referendum as a result of s.
22 67.05 (6a) (bg) or (7) (j) or 67.12 (12) (e) 2r. or (h).

23 **SECTION 43.** 121.91 (4) (f) of the statutes is created to read:

24 121.91 (4) (f) The limit otherwise applicable to a school district from which
25 territory is detached to create a school district under s. 117.105 is increased for the

1 school year beginning with the effective date of the reorganization under s. 117.105
2 by an amount equal to 10% of the school district's state aid.

3 **SECTION 44. Effective date.**

4 (1) This act takes effect on January 1, 1996, or on the day after publication,
5 whichever is later.

6 (END)