

**CHAPTER 501.**

AN ACT to reenact 40.303 (1), (2), (3), (5), (6) and (7); to amend 40.30 (1) (a), 40.303 (1), (3), (6) and (7), as reenacted; and to create 40.303 (4), (8), (9), (10), (11), (12), (13) and (14) and 40.50 (4) and (5) of the statutes, relating to the county school committee, its membership, powers and duties.

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

SECTION 1. 40.30 (1) (a) of the statutes is amended to read:

40.30 (1) (a) Upon the filing of a petition by an elector with the municipal clerk, any town or village board or council of a city of the second, third or fourth class may, by order, create, alter, consolidate or dissolve school districts. Such districts shall be known by the names of the municipalities in which they lie, and if there is more than one district in a municipality, those districts shall be further designated by numbers. \* \* \* No territory shall be detached from a district unless it be by the same order attached to another district or districts, and no district shall be created having less than \$150,000 of taxable property as shown by the last assessment roll. \* \* \*

SECTION 2. 40.303 (1), (2), (3), (5), (6) and (7) of the statutes are reenacted.

SECTION 3. 40.303 (1) and (3) of the statutes as reenacted, are amended to read:

40.303 (1) There shall be created in each of the counties of this state a county school committee consisting of 6 members to be elected by the county board. Three of such committee members shall be residents of incorporated cities or villages of the county and 3 shall be residents of towns of the county. *If there is one city within the county at least one of the city-village members shall be a resident of that city. If there are 2 or more cities in the county, that are subject to the provisions of this section, at least 2 of the city-village members shall be residents of cities. One member of the committee may be a member of the county board.* Of the village or city members first elected one shall serve for a term of one year; one for a term of 2 years and one for a term of 3 years; and of the town members first elected one shall serve for a term of one year; one for a term of 2 years and one for a term of 3 years. Thereafter members shall each be elected for a term of 3 years. *All members shall serve until their successors have qualified.* Any vacancy caused by resignation, death, \* \* \* removal of residence from the county or any other cause shall be filled by appointment by the chairman of the county board for the remainder of the unexpired term, subject to confirmation by the county board at its next succeeding meeting. Upon failure of the county board to approve of an appointment made by the chairman of the county board, the board shall elect a successor to fill the vacancy for the balance of the unexpired term. Resignations shall be made in writing to the county school committee and shall be filed with the county superintendent of schools. The county superintendent shall serve as secretary of the committee but shall not be entitled to vote.

(3) *Committee members elected in the year 1949 and thereafter shall be elected at the annual November meeting of the county board and their term of office shall run from January 1 following their election.* If appointments are not made by any county board or boards within the time limitations herein specified, the state superintendent shall forthwith make said appointments. *The members of the county school committee elected pursuant to section 40.303, statutes of 1947, shall continue in office until the members of the county school committee elected pursuant to this act qualify.*

SECTION 4. 40.303 (4) of the statutes is created to read:

40.303 (4) DUTIES OF COMMITTEE. The county school committee shall:

(a) In counties in which a city of the first class is located, on or before July 1, 1953, and in all other counties on or before July 1, 1951, file with the superintendent of public instruction a plan for the development of the educational system of the county. The plan shall provide a comprehensive program of improved educational opportunity for the school children of the county and shall provide for the establishment of substantial administrative districts covering grades from kindergarten or first through twelfth which may be the pattern for the future development of the educational system of the county. The plan shall be based upon reliable data on census, enrollment, location, financial status, geography and the general needs of each community of the county. If the committee shall fail within such respective times to prepare and file such plan the committee shall automatically be removed from office and it shall be the duty of the county board within 90 days to elect a new committee with different personnel who shall immediately succeed the committee removed from office, which committee shall prepare such a

plan within one year from the date of its appointment. Nothing in this subsection shall be interpreted as prohibiting the committee from issuing any orders under paragraph (b) prior to July 1, 1951.

(b) Have the power, upon the petition of an elector of the county or upon its own motion, to order the creation, alteration, consolidation or dissolution of school districts within the county, subject to the referendum provisions of subsection (8) but all orders of the county school committee providing for the reorganization of school districts shall not take effect until the end of the school year except those involving one or less school districts. Before voting upon any such order it shall be the duty of the committee, at a regular or special meeting, by resolution, to provide for a public hearing on the proposed reorganization which shall be held not more than 15 days after the date of the resolution at a place within the district proposed to be reorganized or within a reasonable distance of such district. Notice in writing of the time and place of the hearing shall be served forthwith upon the clerks of the school districts affected by the proposed reorganization. It shall be the duty of the clerks of the districts affected to post notices of such hearing in 4 or more public places in their respective districts and cause such notice to be published once in a newspaper having general circulation in the area affected, not less than 10 days before such hearing. One of the notices shall be posted on the outer door of the school house. Failure of the school clerk to post such notices shall constitute malfeasance in office. Within 10 days after the hearing on any proposed plan of reorganization and prior to the issuance of any order thereon, the county committee shall hold a conference on the plan of reorganization which they propose to order with the school boards of the districts involved in the proposed plan, and the order issued shall represent the decision reached at this conference.

(c) Call the first annual meeting of any district created by its order under the provisions of paragraph (b).

(d) Determine the amount to be allowed in excess of the established maximum on claims for transportation of nonresident high school students as provided in section 40.34 (10).

(e) Approve all school bus routes established by the several school districts of the county.

(f) When applicable to cities of the first class: 1. Notice of hearing provided for in paragraph (b) shall be served upon the secretary-business manager of the board of school directors, who shall cause to be published in any such city the notice of such hearing 2 times in a daily newspaper or newspapers published in such city not less than 10 days before such hearing; 2. No such notices need be posted as in paragraph (b); 3. In lieu of the call for the first annual district meeting as provided in paragraph (c), the county school committee 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 of the first class shall by creation, alteration or consolidation become a part, at the time and in the manner as the legislature may hereinafter prescribe; 4. Any referendum election held pursuant to subsection (8) 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 section 10.01, as the legislature shall hereinafter prescribe, provided, that the electors shall have 90 days after the date of issuance of any order of the county school committee in the premises in which to file the required petition; and 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 county school committee by its own motion shall provide for such referendum, and provided that no such referendum shall be held at any time other than on a regular election date in April or November in any year; 5. The county shall reimburse any city of the first class for any and all necessary expenditures incurred and paid incident to any such referendum; and 6. The board of school directors in any city of the first class shall in behalf of such city perform the duties provided in subsection (10).

SECTION 5. 40.303 (6) and (7) of the statutes, as reenacted, are amended to read:

40.303 (6) When any territory to be affected by a proposed school district creation, alteration, consolidation or dissolution lies in 2 or more counties the county school committees of said counties shall act as a joint committee. \* \* \* *If the joint committee cannot agree, they shall appoint an additional member. The additional member shall be a resident of the state but shall not be a resident of either county affected.*

(7) Each member of the county school committee, except the county superintendent of schools, shall receive per diem \* \* \*, *as fixed by the county board, of not less than \$4 nor more than \$8 per day for each day he attends a meeting of said county school committee. Each member of the committee shall also receive for each day he attends a meeting of the committee compensation for other necessary expenses and mileage at the*

rate of 6 cents per mile for each mile traveled in going to and returning from the place of meeting by the most usual traveled route. Such per diem, mileage and expenses shall be paid by the county.

SECTION 6. 40.303 (8), (9), (10), (11), (12), (13) and (14) of the statutes are created to read:

40.303 (8) REFERENDUM. (a) If within 30 days after the date of issuance of any order of the county school committee creating, altering, consolidating or dissolving school districts within the county, a petition signed by 500 of the qualified electors of the territory to be included in the reorganized district or signed by a number of such electors, residing in the incorporated cities and villages, equal to not less than 10 per cent of the vote cast in the last general election within these incorporated cities and villages or signed by a number of such electors residing in all the territory outside the incorporated cities and villages within the reorganized district equal to not less than 10 per cent of the vote cast in the last general election or by 500 of the qualified electors from such territory outside such cities and villages, whichever number is smaller, is filed with the county school committee requesting a referendum election on the order, such order shall not become effective until it has been approved by both a majority vote of the electors residing within all of the territory outside the city or village limits of any city or village involved in the proposed reorganized district voting at such election and by a majority vote of the electors residing within the city or village limits of all cities and villages involved in the proposed district voting at such election. The county school committee may upon its own motion provide for the holding of a referendum election upon an order issued by it, provided such motion is made within 30 days of the issuance of the order. If the proposed order is not approved by the referendum, the county school committee, with the advice of the school boards of the several districts included in the reorganized district or districts may not within one year reconsider the first plan but may prepare a second plan of reorganization and the county school committee may within one year from the date of the first referendum election order the establishment of such reorganized district or districts except that such order shall be subject to the same referendum provisions as the first reorganization order. If the second referendum does not approve the order, the county school committee, with the advice of the local school boards, shall continue its work, issue orders and provide for further referenda on its own motion or upon petition as provided in this subsection so long as the need for reorganization continues to exist, but after the second referendum, at least one school year shall elapse between referendums.

(b) The referendum election provided for in this subsection shall be called by the county clerk and it shall be set for a date not more than 30 days from the time the petition for a referendum is filed with the county committee or 30 days from the time the county school committee by its own motion provides for a referendum. The county 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 or newspapers of general circulation in the territory involved in the reorganization, if there be any, and if there are none, he shall post or cause to be posted 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.

(c) Electors shall vote at the polling place at which they would be required to vote at a general election. The polls shall open at 7 a. m. and be closed at 8 p. m. or at an earlier hour to be determined by the local governing body. The election officials shall be selected by the governing body of the municipality where the polling place is located. The 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 cast thereat counted, canvassed and the results returned to the county clerk as at general elections as provided in chapter 6.

(d) The county clerk or the county election commission, as the case may be, shall provide for the printing and distribution of ballots and other election supplies. The form of the ballot provided shall correspond as near as may be with form "D" annexed to section 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.

(e) When a reorganized district includes territory in more than one county, the county clerk of the county having the largest assessed valuation within the reorganized district shall be responsible for conducting the referendum election as provided in this subsection but the cost of election shall be borne equally by all of the counties concerned.

(9) **APPEAL.** All orders of the county school committee creating, altering, consolidating or dissolving school districts shall be final except that a referendum election may be had upon them as provided in subsection (8) and except that any person aggrieved by any order of a county school committee issued and recorded pursuant to the provisions of this section or aggrieved by the refusal or neglect of a county school committee to file orders of alteration, dissolution, consolidation or creation when petitioned to do so may appeal therefrom to the circuit court of the county in which the territory described in the petition lies, within 30 days following the issuing and recording of any order, or where the county committee or committees refuse or neglect to issue and record an order of creation, alteration, dissolution or consolidation, then within 90 days following the filing of the petition. No school district shall be denied payment of school aid solely because of any appeal from an order of a county school committee.

(10) **LOCAL GOVERNING BODIES TO ADVISE.** It shall be the duty of the governing bodies of all towns, villages, and cities of the second, third and fourth class, within 30 days after receipt of a written request from the county school committee, to advise and make recommendations to the committee in writing concerning the division of existing school districts within the limits of their respective municipalities which the committee proposes to include in any reorganization of school districts.

(11) **ORDER AS EVIDENCE.** Any order of the county school committee issued as provided in subsection (4) (b) shall be presumptive evidence of the facts recited therein and of the validity of all proceedings preliminary thereto.

(12) **DISTRICT NUMBERED.** An order of the county school committee creating a district shall number the district and mention the municipalities in which it is situated.

(13) **ORDER FILED AND RECORDED.** Every order issued as provided in subsection (4) (b) shall be promptly filed and recorded in the office of the clerk of the municipality in which the school districts affected by the order are situated (and if in more than one, a sufficient number of originals shall be executed so that one may be filed with each municipal clerk), and a copy of such order shall be mailed to the clerk of each school district affected, to the county superintendent, and to the state superintendent.

(14) **REFERENDA ON PRIOR ORDERS.** (a) Except as provided in paragraph (b), a referendum election may be held to approve any order of a county school committee creating, altering, consolidating or dissolving school districts entered after August 26, 1947 and prior to July 1, 1949, provided a petition for such referendum election, signed by either 25 per cent of the electors or 1,000 of the electors residing within all of the territory outside the city or village limits of any city or village involved in the proposed reorganized district, or by either 25 per cent of the electors or 1,000 of the electors residing within the city or village limits of all cities and villages involved in the proposed district, is filed with the county school committee within 30 days after such reorganized district has been operating one school year under the state aid system provided by the 1949 legislature. Such referendum election shall be held and the vote counted and canvassed in the same manner as provided in subsection (8) for referendum elections held on orders entered after July 1, 1949. Such order shall not become effective unless it is approved by both a majority vote of the electors residing within all of the territory outside the city or village limits of any city or village involved in the reorganized district voting at such election, and by a majority vote of the electors residing within the city or village limits of all cities and villages involved in the district voting at such election. (b) The provisions of paragraph (a) shall not apply to any school district reorganized by such order of the county school committee whose first officers had not qualified before March 15, 1949, but in such instance if on or before August 1, 1949 a petition signed by 500 of the qualified electors of the territory to be placed in the reorganized district or signed by a number of such electors equal to not less than 10 per cent of the total vote cast for governor therein in the last general election is filed with the county school committee requesting a referendum election on the order, such order shall be void unless approved at a referendum election held for that purpose by a majority vote of the electors voting at such election residing in any city or village involved in the reorganized district and by a majority vote of the electors voting at such election residing in the territory involved in the reorganized district lying outside any such city or village. Such referendum election shall be held and the vote counted and canvassed in the same manner as provided in subsection (8) for referendum elections held on orders entered after July 1, 1949.

**SECTION 7.** 40.50 (4) and (5) of the statutes are created to read:

40.50 (4) Whenever a plan of reorganization which involves a city school system has been made effective either by order of the county school committee or by referendum, and a board of education of 3, 5, 7 or 9 members has been created, 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 paragraph (b)

which of the following plans shall be put into operation for the fiscal control of the school affairs of the school district:

(a) Abolish the fiscal controls of the city council or commission over the city school system and create an integrated common school district operating as an independent fiscal unit with power to tax, to hold property for school purposes and to incur indebtedness.

(b) Provide that for fiscal control of the school affairs of the school district the several municipalities in which part of the reorganized district is located shall act with the city council or commission in the following manner: the town chairmen, village presidents and each member of the city council or commission shall have one vote for each full \$200,000 of equalized valuation of the school district which is within their municipality. In the case of city council or commission members, the amount of equalized valuation per councilman or commissioner shall be determined by dividing the total equalized valuation of the city within the school district by the total number of city councilmen or commissioners. In no case shall any town chairman or village president have less than one vote. The city council or commission acting with the town chairmen and village presidents shall have the power to approve the school budget, levy the general property tax for school purposes, and all other fiscal controls now exercised by the city council or commission over city school systems. The provisions of this subsection shall not apply to cities of the first class.

(5) The city council or commission and the town chairmen and village presidents of the municipalities voting as prescribed in subsection (4) (b) may at the end of any school fiscal year abandon the method of fiscal control in use by the school district and adopt the alternate plan provided under subsection (4).

SECTION 8. This act shall take effect July 1, 1949.

SECTION 9. No referendum had pursuant to chapter 61, laws of 1949, in a case where an appeal was taken from an order of the county school committee creating, altering, consolidating or dissolving school districts prior to June 30, 1949 shall be declared or held invalid for the reason that the court dismissed such appeal prior to June 30, 1949, unless such dismissal was after a full hearing upon the merits. Every such appeal so taken shall be deemed to have been pending on and after June 30, 1949 unless previously dismissed by the court after a full hearing upon the merits.

Approved July 19, 1949.

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