



2009 ASSEMBLY BILL 201

April 7, 2009 – Introduced by Representatives HUEBSCH, MURSAU, LEMAHIEU, PETROWSKI, A. OTT, BIES, MONTGOMERY, VOS, GUNDERSON, NERISON, TOWNSEND, MURTHA and KNODL, cosponsored by Senators TAYLOR, KREITLOW, GROTHMAN and OLSEN. Referred to Committee on Education.

1 **AN ACT** *to amend* 67.05 (6a) (bg) 1., 67.12 (12) (e) 2r. a., 117.03 (3m), 117.11 (2),
2 117.12 (2), 117.12 (5) (a) 2., 117.13 (2), 117.35 (2) (b) 2., 119.23 (1) (c), 121.05 (1)
3 (a) (intro.), 121.84 (1) (a) 2., 121.84 (4) (a) 1. and 121.84 (4) (a) 2. of the statutes;
4 **relating to:** the date of pupil counts in second semester of school year.

Analysis by the Legislative Reference Bureau

Under current law, each school district is required to file an annual report with the Department of Public Instruction (DPI). The report must include the average of the number of pupils enrolled in the district on the third Friday of September and the second Friday of January in the previous school year. The pupil count is used by DPI to compute state aid to the school district.

This bill changes the date of the pupil count in January to the last Friday of that month. The bill makes changes elsewhere in the statutes where the pupil count conducted on those dates is used as an indicator of enrollment in a school district.

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

5 **SECTION 1.** 67.05 (6a) (bg) 1. of the statutes is amended to read:
6 67.05 (**6a**) (bg) 1. Determine the number of pupils in each grade level who
7 attended school in the previous school year in a building that was then owned by the

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1 school district and has been allocated to another school district by the reorganization
2 and who resided in the previous school year in territory that was not transferred to
3 the other school district. The number shall be the average of such pupils enrolled on
4 the 3rd Friday of September and the ~~2nd~~ last Friday of January.

5 **SECTION 2.** 67.12 (12) (e) 2r. a. of the statutes is amended to read:

6 67.12 **(12)** (e) 2r. a. Determine the number of pupils in each grade level who
7 attended school in the previous school year in a building that was then owned by the
8 school district and has been allocated to another school district by the reorganization
9 and who resided in the previous school year in territory that was not transferred to
10 the other school district. The number shall be the average of such pupils enrolled on
11 the 3rd Friday of September and the ~~2nd~~ last Friday of January.

12 **SECTION 3.** 117.03 (3m) of the statutes is amended to read:

13 117.03 **(3m)** “Enrollment” means the number of pupils enrolled, as provided
14 under s. 121.05 (1) (a), on the most recent of the preceding 3rd Friday of September
15 or ~~2nd~~ last Friday of January.

16 **SECTION 4.** 117.11 (2) of the statutes is amended to read:

17 117.11 **(2)** INITIATION OF PROCEDURES. A majority of the electors residing in
18 territory proposed to be detached from one school district and attached to an
19 adjoining school district, or owners of more than 50% of the territory proposed to be
20 detached from one school district and attached to an adjoining school district, as
21 measured by its assessed valuation divided by the assessment ratio of the taxation
22 district, may file a written petition with the clerk of the school district in which the
23 territory is located requesting the detachment of the territory from that school
24 district and its attachment to an adjoining school district. The petition shall include
25 a description of the territory sufficiently accurate to determine its location in the

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1 school district in which it is located, as certified by the clerk of each city, town or
2 village within which all or part of the territory is located, and the number of pupils
3 residing in that territory who, on the most recent of the preceding 3rd Friday of
4 September or ~~2nd~~ last Friday of January, were enrolled in the school district from
5 which the territory is proposed to be detached, as certified by the clerk of that school
6 district. Upon receipt of the petition, the school district clerk shall send a certified
7 notice of the petition to the school board of the school district to which the territory
8 is proposed to be attached and to the secretary of the board.

9 **SECTION 5.** 117.12 (2) of the statutes is amended to read:

10 117.12 **(2)** PETITION. A majority of the electors residing in the territory
11 described under sub. (1) or owners of 50% or more of that territory may file a written
12 petition with the clerk of the school district in which the territory is located
13 requesting the detachment of the territory from that school district and its
14 attachment to an adjoining school district. The petition shall include a description
15 of the territory sufficiently accurate to determine its location in the school district in
16 which it is located, as certified by the clerk of each city, town or village within which
17 all or part of the territory is located, and the number of pupils residing in that
18 territory who, on the most recent of the preceding 3rd Friday of September or ~~2nd~~
19 last Friday of January, were enrolled in the school district from which the territory
20 is proposed to be detached, as certified by the clerk of that school district. Upon
21 receipt of the petition, the school district clerk shall send a certified copy of the
22 petition to the school board of the school district to which the territory is proposed
23 to be attached and to the secretary of the board.

24 **SECTION 6.** 117.12 (5) (a) 2. of the statutes is amended to read:

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1 117.12 (5) (a) 2. The total number of pupils residing in the territory proposed
2 to be detached under the appeals who, on the most recent of the preceding 3rd Friday
3 of September or ~~2nd~~ last Friday of January, were enrolled in the school district from
4 which the territory is proposed to be detached is equal to or greater than 7% of that
5 school district's enrollment.

6 **SECTION 7.** 117.13 (2) of the statutes is amended to read:

7 117.13 (2) SCHOOL BOARD ACTION. The school boards of 2 adjoining school
8 districts may order territory detached from one of the school districts and attached
9 to the other school district by the adoption, by each of the school boards, of a
10 resolution ordering the detachment and attachment. The resolution shall include a
11 description of the territory sufficiently accurate to determine its location in the
12 school district in which it is located, as certified by the clerk of each city, village or
13 town within which all or any part of the territory is located, and the number of pupils
14 residing in that territory who, on the most recent of the preceding 3rd Friday of
15 September or ~~2nd~~ last Friday of January, were enrolled in the school district from
16 which the territory is proposed to be detached, as certified by the clerk of that school
17 district. Prior to adopting a resolution under this subsection, the school board of each
18 affected school district shall give the electors residing in and the owners of the
19 territory notice of the proposed reorganization and an opportunity to meet with the
20 school board to present reasons for or against the proposed reorganization. The
21 school district clerk of each school board that adopts a resolution under this
22 subsection shall, within 5 days after adopting the resolution, send a certified copy of
23 the resolution to the school board of the other affected school district and file a
24 certified copy of the resolution as provided under s. 117.17 (2). If the school board
25 of each of the affected school districts adopts a resolution ordering the detachment

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1 and attachment, the reorganization shall take effect on the first July 1 after the
2 March 1 following the adoption of the resolutions, unless an appeal is filed under sub.
3 (3).

4 **SECTION 8.** 117.35 (2) (b) 2. of the statutes is amended to read:

5 117.35 (2) (b) 2. The number of pupils residing in the disputed territory who,
6 on the most recent of the preceding 3rd Friday of September or 2nd last Friday of
7 January, were enrolled in each interested school district.

8 **SECTION 9.** 119.23 (1) (c) of the statutes is amended to read:

9 119.23 (1) (c) “Summer choice average daily membership equivalent” means
10 the summer average daily membership equivalent of pupils who were attending a
11 private school under this section on the 2nd last Friday of January of the school term
12 immediately preceding that summer or whose applications have been accepted
13 under sub. (3) for attendance at the private school in the school term immediately
14 following that summer.

15 **SECTION 10.** 121.05 (1) (a) (intro.) of the statutes is amended to read:

16 121.05 (1) (a) (intro.) The average of the number of pupils enrolled on the 3rd
17 Friday of September and the 2nd last Friday of January of the previous school year,
18 including all of the following:

19 **SECTION 11.** 121.84 (1) (a) 2. of the statutes is amended to read:

20 121.84 (1) (a) 2. A school board shall permit a pupil who was a resident of the
21 school district on the 3rd Friday in September or the 2nd last Friday in January of
22 the current school year and who has been enrolled in the school district for at least
23 20 school days during the current school year to complete the current school year at
24 the school he or she is attending without payment of tuition, even though the pupil
25 is no longer a resident of the school district.

