Chapter PI 2

SCHOOL DISTRICT BOUNDARY APPEALS

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Note: Chapter PI 2 as it existed on July 15, 1984 was repealed and recreated by emergency rule effective July 16, 1984. Chapter PI 2 as it existed on January 31, 1985 was repealed and a new chapter PI 2 was created effective February 1, 1985. Chapter PI 2 was repealed and recreated as an emergency rule effective February 1, 1990. Chapter PI 2 as it existed on October 31, 1990 was repealed and a new chapter PI 2 was created effective November 1, 1990.

PI 2.01 Purpose. This chapter establishes procedures for school district boundary appeals under ch. 117, Stats.

History: Cr. Register, October, 1990, No. 418, eff. 11–1–90.

PI 2.02 Definitions. In this chapter:

(1) "Affected school district" has the meaning given in s. 117.03 (1), Stats.

(2) "Appeal panel" has the meaning given in s. 117.03 (2), Stats.

(3) "CESA" means a cooperative educational service agency created under ch. 116, Stats.

(4) "Notice of appeal" means an appeal filed with the secretary of the SDBAB under s. 117.12 (4) or 117.13 (3), Stats.

(5) "Petition for review" includes any of the following actions:

(a) A school board directive for the holding of a referendum under s. 117.08 (3) (a) 1., Stats.

(b) Filing of a petition for a referendum under s. 117.08 (3) (a) 2., Stats.

(c) A school board request for SDBAB review under s. 117.09 (5) (c) or (d), Stats.

(d) A school board adoption of a resolution to dissolve the school district under s. 117.10 (2), Stats.

(e) A school board request for SDBAB review under s. 117.132 (4) (a) 1., Stats.

(f) Filing of a petition for SDBAB review under s. 117.132 (4) (a) 2., Stats.

(g) A request for SDBAB review under s. 121.78 (1) (c), Stats.

Note: Section 121.78 (1) (c) was repealed by 2015 Wis. Act 55.

(6) "School board" has the meaning given in s. 115.001 (7), Stats.

(7) "School district boundary appeal board" or "SDBAB"means the school district boundary appeal board appointed under s. 15.375 (2), Stats.

(8) "Reorganization" has the meaning given in s. 117.03 (5), Stats.

(9) "State superintendent" means the state superintendent of public instruction or his or her designee to the school district boundary appeal board under s. 15.375 (2), Stats.

History: Cr. Register, October, 1990, No. 418, eff. 11–1–90; correction in (5) (a) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1999, No. 522.

PI 2.03 State superintendent's responsibilities. Upon receipt of a notice of appeal or a petition for review, the state superintendent shall:

(1) Collect a filing fee as specified in s. 117.05 (9), Stats. Annually, the state superintendent shall establish a filing fee sufficient to cover the expenses of convening the school district boundary appeal board and the appeal panel, as follows:

(a) The fee for appeal to the SDBAB shall be based on the estimated cost of convening the SDBAB for one day for one appeal. If, due to circumstances such as more than one appeal being heard by the SDBAB in one day or annual revenues exceeding annual expenditures, the state superintendent may refund a portion of the fee prorated among the persons who paid the filing fee.

(b) The fee for appeal to the appeal panel under s. 117.12 (4), Stats., shall be based on the estimated cost of convening the appeal panel for one day for one appeal. If, due to circumstances such as more than one appeal being heard by the appeal panel in one day or annual revenues exceeding annual expenditures, the state superintendent may refund a portion of the fee prorated among the persons who paid the filing fee.

(2) Notify the clerk of the school board of each affected school district of receipt of a notice of appeal.

(3) For an appeal filed under s. 117.12 (4), Stats., determine whether any of the circumstances described under s. 117.12 (5), Stats., require review by the SDBAB rather than by the appeal panel, and notify the clerk of the school board of any affected school district whether the appeal will be heard by the SDBAB or the appeal panel.

(4) Set a time and place for the SDBAB or appeal panel to meet, as follows:

(a) For a review under s. 117.10 (4), Stats., following receipt of the certified results of the referendum, as described in s. 117.20, Stats., and before the following January 15.

(b) For review under s. 117.132 (4), Stats., following receipt of the petition under s. 117.132 (4) (a), Stats., and before the following January 15.

(c) Following receipt of a request for review under s. 117.09 (5) (c) or (d), Stats.

(d) For a review under s. 117.12 (4) or (5) or 117.13 (3), Stats., after the March 15 following the school board denial of the detachment and attachment and before the following June 15.

(e) Following receipt of a request for review under s. 121.78 (1) (c), Stats.

Note: Section 121.78 (1) (c) was repealed by 2015 Wis. Act 55.

(5) Notify the clerk of the school board of each affected school district and the person who filed the notice of appeal or petition for review of the time and place of the SDBAB or appeal panel review.

History: Cr. Register, October, 1990, No. 418, eff. 11–1–90.

PI 2.04 Submission of materials to the school district boundary appeal board. (1) The clerk of the school board of an affected school district shall submit the following materials to the secretary of the SDBAB:

(a) Any reorganization order filed as required under s. 117.17, Stats.

(b) Fees collected under s. 117.05 (9) (b), Stats.

(c) A certified copy of any resolution related to any reorganization proceeding under ch. 117, Stats.

(d) The original or a certified copy of any petition or school district order for a referendum under s. 117.08 (3) (a), 117.09 (3) (a), 117.10 (3) (a) or 117.11 (4) (a), Stats.

(e) The original or a certified copy of a petition filed under s. 117.12 (2), Stats.

(f) A copy of the notice of any school board hearing on a petition or a resolution for reorganization; transcribed minutes, transcribed stenographic record, or transcribed electronic record of hearing; and a correct copy of all exhibits and data submitted at the hearing. If the hearing was a joint hearing, the clerk of the school board from which territory is proposed to be detached shall submit the information.

(g) A copy of the notice for referendum and certified statement of the results of the referendum, as specified in s. 117.20 (2), Stats.

(h) Any written statement of facts and other relevant matters relating to a proposed reorganization.

(2) A person who files a petition under s. 117.132 (4) (a) 1., Stats., shall submit any written statement of facts and other relevant materials with the petition for review by the SDBAB.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; **correction in (2) under 13.92 (4) (b) 7., Stats., Register December 2016 No. 732.**

PI 2.05 School district boundary appeal board. (1) COMPOSITION AND LENGTH OF TERMS. (a) Section 15.375 (2), Stats., requires the state superintendent of public instruction to appoint 12 school board members to serve on the school district boundary appeal board. As further specified in s. 15.375 (2), Stats., 4 members of the SDBAB shall be school board members from small school districts, 4 members shall be school board members from medium school districts and 4 members shall be school board members from large school districts. No 2 school board members of the SDBAB may reside within the boundaries of the same CESA. One member of the board shall be the state superintendent or the state superintendent's designee.

(b) Members of the SDBAB shall be appointed to staggered 2−year terms. Persons who were regular and alternate members on January 1, 1990, shall be appointed regular members to serve the remainder of their terms. By May 1, 1990, the state superintendent shall appoint 4 new members, as specified in sub. (2), to bring membership of the SDBAB into conformance with s. 15.375 (2), Stats. Two of these members shall be appointed to terms which expire on May 1, 1990, and 2 shall be appointed to terms which expire on May 1, 1992.

(2) APPOINTMENT. The state superintendent shall appoint members to the board as follows:

(a) All school districts in the state shall be ranked in descending order by enrollment and shall be divided into thirds based on enrollment. School districts in the top third, by enrollment, shall be designated large school districts; school districts in the middle third, by enrollment, shall be designated medium school districts; and school districts in the bottom third, by enrollment, shall be designated small school districts. If the state's enrollment is not evenly divisible by 3, the state superintendent shall determine, from the enrollments, in which group the remaining districts should be included.

(b) The board of control of each CESA which will have a vacancy on the SDBAB on the following May 1 shall nominate 3 school board members from at least 2 of the groups described in par. (a) for the state superintendent's consideration.

(c) If the state superintendent determines that a size group has not been adequately represented in nominations, either overall or from a specific CESA, the state superintendent may request nominations of a specific size school district from that CESA board of control.

(d) The state superintendent shall make appointments from the nominations under pars. (b) and (c).

(e) If a member of the SDBAB is unable to complete his or her term, the corresponding CESA board of control from which the vacancy came shall nominate 2 persons for the state superintendent to consider for appointment to serve the remainder of the term. The nominees shall represent the same size school district as the departing member.

(3) SELECTION OF SDBAB MEMBERS FOR SDBAB REVIEW. As specified in s. 117.05 (2), Stats., the state superintendent shall appoint 7 members of the SDBAB to perform any review under ss. 117.10 (4), 117.12 (5) and 117.132, Stats. One member shall be the state superintendent or the state superintendent's designee. Two members each shall represent small, medium and large school districts. No member may participate in any review involving a school district in which the member resides or in which the member serves on or is employed by the school board, or in which the member may have any other conflict of interest.

(4) SELECTION OF SDBAB MEMBERS FOR APPEAL PANEL REVIEW. As specified in s. 117.05 (1), Stats., the state superintendent shall appoint 3 members of the SDBAB to perform any review under ss. 117.12 (4) and 117.13 (3), Stats. One member each shall represent a small, medium and large school district. The state superintendent shall also appoint a non−voting chair and secretary to assist the panel. No SDBAB member may participate in any review involving a school district in which the member resides or in which the member is on or employed by the school board, or in which the member may have any other conflict of interest.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90; am. (2) (a), Register, September, 1998, No. 513, eff. 10−1−98.

PI 2.06 Initial applicability. This chapter applies to all petitions or resolutions for reorganization filed on or after January 1, 1990, the effective date of 1989 Wis. Act 114.

History: Cr. Register, October, 1990, No. 418, eff. 11−1−90.