

CR 89-72

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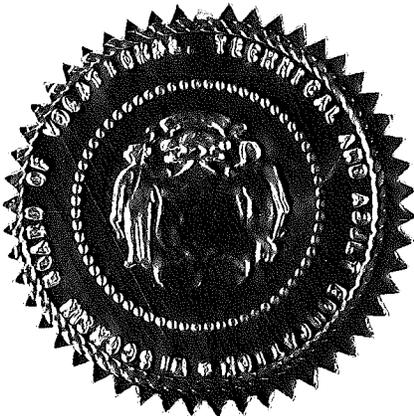
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Revisor of Statutes
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CERTIFICATE

STATE OF WISCONSIN)
) ss.
BOARD OF VOCATIONAL, TECHNICAL AND ADULT EDUCATION)

I, Dwight A. York, State Director of the Board of Vocational, Technical and Adult Education and custodian of the official records, certify that the annexed rules, Clearinghouse Rule 89-72 relating to vocational, technical and adult education district reorganization, were duly approved by this Board on May 23, 1990.

I further certify that this copy has been compared by me with the original on file in this Board and that it is a true copy of the original, and of the whole of the original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Board at 310 Price Place, in the City of Madison, this 16th day of July, 1990.

Dwight A. York

Dwight A. York
State Director

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ORDER OF THE
WISCONSIN BOARD OF VOCATIONAL,
TECHNICAL AND ADULT EDUCATION
ADOPTING RULES RELATING TO REORGANIZATION OF
VOCATIONAL, TECHNICAL AND ADULT EDUCATION DISTRICTS
(Clearinghouse Rule 89-72)

1 The Wisconsin Board of Vocational, Technical and Adult Education proposes
2 an order to repeal and recreate ch. VTAE 1, relating to vocational, technical
3 and adult education district reorganization.

**PLAIN LANGUAGE ANALYSIS PREPARED BY THE BOARD OF VOCATIONAL, TECHNICAL AND
ADULT EDUCATION**

Statutory authority: s. 227.11(2)(a), Stats.

Statute interpreted: s. 38.06, Stats.

Pursuant to s. 38.06, Wis. Stats., the Board of Vocational, Technical and Adult Education ("Board") has authority to issue a district reorganization order on its own motion or upon approval of a petition filed by the governing body of a county, municipality or school district. This order creates rules establishing procedures for the Board's consideration of reorganization actions, defines specific terminology and establishes a uniform process for reorganization actions.

In reorganization actions commenced by the Board on its own motion, the Board is required to adopt, by a two-thirds vote, a resolution authorizing the proceedings. The resolution will, at a minimum, set forth the Board's initial proposal for reorganization, establish a 45 day public comment period, and establish the date, time, and place for public hearings required under the rule.

After adoption of the resolution the Board is required to publish a class 1 notice informing the general public of the district of the institution of the reorganization proceedings, the Board's initial reorganization proposal, the public comment period and the date, time, and place of an initial public hearing. A copy of the resolution, and a notice requiring each district that could be affected by the reorganization to comment on the Board's initial reorganization proposal, shall be mailed by certified mail, return receipt requested, to the district director and board chairperson of each affected district.

At least 14 days following the 45 day public comment period a public hearing will be held. Notice of the public hearing shall be published at least 14 days prior to the hearing with a copy mailed to the district director and district board chairperson of each affected district.

Following the public hearing, the Board may adopt a final reorganization proposal after considering the estimated fiscal effect of the reorganization; the educational needs of students enrolled in the district; information obtained from any studies and investigations; comments received pursuant to the public comment period and from the affected districts, and any other information the Board determines to be relevant to its decision.

After adoption of a final reorganization proposal a second public hearing will be scheduled, noticed, and held in the same manner and in the same locations as the initial hearing. At any time following the second hearing the Board may modify the final reorganization proposal, and may, upon a two-thirds vote, adopt a reorganization order.

Reorganization proceedings may also be initiated by a county, municipality, or school district filing a petition with the Board. Pursuant

to s. 38.06(4)(c), Stats., these proceedings must be completed within 90 days. By statute, s. 38.06(4)(a), Stats., the relief that may be granted by the Board is limited to detachment of the territory of a county, municipality, or school district from one district and reattachment to another district to which such territory is contiguous, or the consolidation of the territory of a county, municipality or school district into one district where its territory is split among more than one district.

Following receipt of a petition the State Director is required to publish and mail to the affected districts a notice in the same manner as the notice published by the Board when it initiates proceedings on its own motion. The notice will inform the citizens of the affected districts of the institution of the reorganization proceedings, the relief requested by the petitioning county, municipality or school district and the establishment of a public comment period. During the public comment period the affected districts will be required to comment on the proposed reorganization. A public hearing will be held upon completion of the public comment period. Notice of the public hearing shall be published and mailed in the same manner as the initial notice.

Upon completion of the public hearing, but in no case later than 90 days after the petition is filed, the Board is required to approve or disapprove the petition after considering the estimated fiscal effect, the educational needs of students enrolled in the districts, the results of any studies and investigations, comments from the public and affected districts, and any other information the Board determines is relevant. The Board may then issue a reorganization order.

1 (8) "Reorganization" means the alteration, dissolution, creation or
2 merger of any district by the board.

3 VTAE 1.03 COMMENCEMENT OF REORGANIZATION PROCEEDINGS. Proceedings for
4 reorganization of a district may be commenced upon:

5 (1) The adoption of a resolution by the board under s. VTAE 1.04(1), or

6 (2) The filing of a petition, meeting the requirements of
7 s. VTAE 1.05(1), filed by a county, municipality or school district.

8 VTAE 1.04 REORGANIZATION PROCEEDINGS INITIATED BY THE BOARD.

9 (1) INITIATION OF PROCEEDINGS. All reorganization proceedings commenced
10 by the board on its own motion shall require adoption, by a two-thirds vote,
11 of a resolution authorizing the proceedings. At a minimum, the resolution
12 shall:

13 (a) Set forth the board's initial proposal for reorganization.

14 (b) Establish a 45 day public comment period commencing 10 days after
15 adoption of the resolution.

16 (c) Establish a date, time and place for one or more public hearings as
17 required under sub. (5).

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

20 (a) Publish a notice in the newspaper selected by each affected district
21 for the publication of proceedings under s. 38.12(4), Stats., informing the
22 citizens of each affected district of the institution of the reorganization
23 proceedings, the board's initial proposal for reorganization, the public
24 comment period and the address to which comments should be sent, and the date,
25 time and place for the public hearing. If no newspaper is published in an
26 affected district and an alternative method for publicizing proceedings under

1 s. 38.12(4), Stats., has been adopted by the affected district, the board
2 shall use a similar method to provide the notice required by this subsection.
3 All notices under this paragraph are class 1 notices under ch. 985, except
4 that they shall be 8-point type or larger.

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

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

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

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

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

18 (c) Any alternatives to the board's initial proposal for reorganization.
19 For each alternative proposed the affected district shall provide the
20 information required under par. (a) and (b).

21 (d) Any other information the affected district desires to bring to the
22 attention of the board.

23 (5) PUBLIC HEARING. (a) Upon adoption of the resolution authorizing
24 reorganization proceedings under sub. (1), the board shall schedule one or
25 more public hearings to be held at least 14 days following the expiration of
26 the public comment period. A hearing shall be held in each affected district

1 which, based upon the board's initial proposal for reorganization, would be
2 dissolved, merged or have property detached.

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

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

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

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

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

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

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

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

25 3. The information obtained from the public hearing and any studies and
26 investigations, comments received pursuant to the public comment period and

1 from the affected districts, and any other information which the board
2 determines to be relevant to its decision.

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

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

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

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

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

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

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

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

1 VTAE 1.05 REORGANIZATION PROCEEDINGS COMMENCED BY PETITION. (1)

2 INITIATION OF PROCEEDINGS. (a) The governing body of a county, municipality
3 or school district may file a petition for reorganization.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 VTAE 1.06 DISTRICT REORGANIZATION ORDERS.

6 (1) Each reorganization order issued under ss. VTAE 1.04(3) or 1.05(6)
7 shall be served by certified mail, return receipt requested, upon the
8 districts affected by the order, and, in the case of a reorganization
9 proceeding initiated by petition, upon the petitioning county, municipality or
10 school district, and shall contain:

11 (a) A statement of the facts relating to the reorganization.

12 (b) A decision including a statement of the reasons supporting or denying
13 the reorganization.

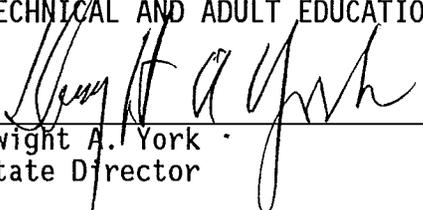
14 (c) A description of the territory attached to or detached from any
15 district affected by the order.

16 (d) A statement of the affected district boards' obligations under
17 s. 66.03, Stats., concerning the adjustment of assets and liabilities as a
18 result of the order.

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

The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Dated: May 23, 1990

WISCONSIN BOARD OF VOCATIONAL,
TECHNICAL AND ADULT EDUCATION


Dwight A. York
State Director

Wisconsin Board of Vocational, Technical and Adult Education

310 Price Place

P.O. Box 7874

Madison, WI 53707

608-266-1207



Dwight A. York
State Director

July 16, 1990

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JUL 16 1990

Mr. Bruce Munson
Revisor of Statutes
30 W. Mifflin St., Suite 702
Madison, WI 53702

Revisor of Statutes
Bureau

Dear Mr. Munson:

Enclosed for filing and publication is a certified copy of an Order of the Board of Vocational, Technical and Adult Education (Clearinghouse Rule 89-72) repealing and recreating ch. VTAE 1, Wis. Admin. Code, relating to vocational, technical and adult education district reorganization. Also enclosed is an additional copy of the Order for use as printer's copy.

Should you have any questions, please do not hesitate to contact me at 266-8171.

Sincerely,

Edward S. Alschuler
General Counsel

ESA:PLD
Enclosure

cc: Dwight A. York, State Director
Edward Chin, Assistant State Director
Glenn Davison, Assistant State Director
Linda Stewart, Executive Assistant
Thomas Fletemeyer, Bureau Director