

1989 Assembly Bill 146

Date of enactment: December 8, 1989
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1989 Wisconsin Act 114 (Vetoed in Part)

AN ACT to repeal 115.001 (1), (4), (5), (6) and (9), 117.005, 117.035 and 117.06; to renumber and amend 117.07 and 117.09; to amend 15.07 (4), 15.375 (2), 20.255 (1) (jz), 120.02 (2) (b) and (3) (d), 120.06 (15), 120.08 (1) (a), 120.12 (3) (b), 120.17 (8) (c), 121.07 (1) (c), 121.105 (3) and 121.78 (2); to repeal and recreate 117.01, 117.03, 117.05, 117.08 and 117.10; and to create 117.09, 117.11, 117.12, 117.13, 117.132, 117.14, 117.15, 117.17, 117.20, 117.22, 117.25, 121.07 (6) (e) and (7) (e), 121.78 (1) (c) and 121.84 (1m) of the statutes, relating to procedures for school district reorganization and making an appropriation.

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

SECTION 1. 15.07 (4) of the statutes is amended to read:

15.07 (4) QUORUM. A majority of the membership of a board constitutes a quorum to do business and, unless a more restrictive provision is adopted by the board, a majority of a quorum may act in any matter within the jurisdiction of the board. This subsection does not apply to actions of the ethics board, the school district boundary appeal board, the lottery board or the racing board as provided in ss. 19.47 (4), 117.05 (2) (a), 562.02 (3) and 565.02 (5).

SECTION 2. 15.375 (2) of the statutes is amended to read:

15.375 (2) SCHOOL DISTRICT BOUNDARY APPEAL BOARD. There is created a school district boundary appeal board in the department of public instruction. The board shall consist of 8 ~~12~~ school board members appointed by the state superintendent of public instruction for staggered 2-year terms and the state superintendent of public instruction or his or her designee. ~~Four of the members appointed by the state superintendent of public instruction shall be appointed as alternate members, who may act only when another member is absent, disqualifies himself or herself or is disqualified because of a conflict of interest~~ Four board members shall be school board members of school districts with small enrollments, 4 board members shall be school board members of school districts with medium enrollments and 4 board members shall be school board members of school districts with large enrollments. No 2 school board mem-

bers of the board may reside within the boundaries of the same cooperative educational service agency.

SECTION 3. 20.255 (1) (jz) of the statutes is amended to read:

20.255 (1) (jz) School district boundary appeal proceedings. All moneys received from fees authorized to be charged under s. ~~117.08 (4)~~ 117.05 (9) to pay ~~mediation and school district boundary appeal board and appeal panel~~ expenses.

SECTION 4. 115.001 (1), (4), (5), (6) and (9) of the statutes are repealed.

SECTION 5. 117.005 of the statutes is repealed.

SECTION 6. 117.01 of the statutes is repealed and recreated to read:

117.01 Applicability. This chapter does not apply to any school district reorganization affecting a school district operating under ch. 119.

SECTION 7. 117.03 of the statutes is repealed and recreated to read:

117.03 Definitions. In this chapter:

(1) "Affected school district" means the entire territory of any of the following school districts:

(a) A school district from which any territory is detached or proposed to be detached.

(b) A school district to which any territory is attached or proposed to be attached.

(c) A school district that is consolidated with one or more other school districts or proposed to be consolidated with one or more other school districts.

(d) A school district that is dissolved or proposed to be dissolved.

(2) "Appeal panel" means a panel appointed by the state superintendent under s. 117.05 (1).

(3) "Board" means the school district boundary appeal board.

(3m) "Enrollment" means the number of pupils enrolled, as provided under s. 121.05 (1) (a), on the most recent of the preceding 3rd Friday of September or 2nd Friday of January.

(4) "Equalized valuation" has the meaning given under s. 121.004 (2).

(5) "Reorganization" means the consolidation of 2 or more school districts, the dissolution of a school district, the detachment of territory from one school district and its attachment to an adjoining school district or the creation of a school district.

SECTION 8. 117.035 of the statutes is repealed.

SECTION 9. 117.05 of the statutes is repealed and recreated to read:

117.05 General provisions. (1) **APPEAL PANELS.** The state superintendent shall appoint 3 members of the board to hear appeals filed under ss. 117.12 (4) and 117.13 (3). ~~No more than~~ 2 members of the appeal panel may be board members from any of the following kinds of school districts: those with small enrollments, those with medium enrollments or those with large enrollments.

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(1m) **BOARD AND APPEAL PANEL MEETINGS.** The state superintendent shall set the time and place for meetings of the board under ss. 117.08, 117.10, 117.12 (5) and 117.132 and for meetings of appeal panels under ss. 117.12 (4) and 117.13.

(2) **SELECTION OF BOARD MEMBERS FOR EACH REVIEW; BOARD AND SCHOOL BOARD VOTING REQUIREMENTS.** (a) *Board.* The state superintendent shall appoint 7 members of the board to perform any review under ss. 117.08, 117.10, 117.12 (5) and 117.132. The 7 members shall include the state superintendent or his or her designee on the board, 2 board members from school districts with small enrollments, 2 board members from school districts with medium enrollments and 2 board members from school districts with large enrollments. Any action of the board under this chapter requires the affirmative vote of at least 4 of the 7 members appointed under this paragraph.

(b) *School board.* Any action by a school board under this chapter requires the affirmative vote of a majority of its full authorized membership.

(3) **JOINT MEETINGS AND HEARINGS.** The school boards of the affected school districts may hold joint meetings or joint public hearings in any reorganization proceeding under this chapter.

(4) **LIMITATIONS ON PROCEEDINGS.** (a) *Pending proceedings.* A reorganization proceeding is pending from the date that a petition is filed under s. 117.11 (2) or 117.12 (2) or a resolution is adopted under s. 117.08 (1), 117.09 (1), 117.10 (1), 117.13 (2) or 117.132 (2) until the date on which the latest of any of the following occurs:

1. An order granting the reorganization takes effect.

2. The reorganization is denied and, following the denial, any time period for requesting a referendum, requesting review by the board or making an appeal to an appeal panel or to court, under ss. 117.08 to 117.14, has expired.

3. If an appeal is made to court, the circuit court order is entered under s. 807.11 (2) or, if there is an appeal under s. 808.03, the appellate judgment is filed with the clerk of the circuit court under s. 809.26 or 809.63.

(b) *Limitation if proceeding is pending; state aid apportionment.* While a reorganization is pending, as provided under par. (a) or under s. 117.01 (1) (d), 1987 stats.:

1. Any other reorganization proceeding commenced or order made that includes any territory included in the pending reorganization proceeding is void.

2. State aid shall be apportioned to the affected school districts as if the reorganization had not been initiated.

(c) *One-year limitation on consideration of transfers.*

1. Except as provided under subd. 2, no petition for the detachment of territory from one school district and its attachment to an adjoining school district may be filed under s. 117.11 (2) or 117.12 (2) before the 2nd July 1 following the filing of a petition under s. 117.11 (2) or 117.12 (2) for any reorganization that includes any of the same territory.

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

(5) **ALL TERRITORY IN SCHOOL DISTRICT; CONTIGUOUS UNION HIGH SCHOOL DISTRICT TERRITORY.** (a) *Territory in district.* All territory within this state shall be included in a school district operating elementary school grades and a school district operating high school grades or in a school district operating both elementary and high school grades. No territory may be detached from a school district unless by the same order it is attached to another school district. No territory may be detached from a school district that operates high school grades unless by the same order it is attached to another school district that operates high school grades.

(b) *Contiguous union high school district territory.* No territory may be detached from a union high school district so as to make parts of the school district noncontiguous.

(7) **VALIDATION OF SCHOOL DISTRICTS.** No appeal or other action attacking the legality of the formation of a school district, either directly or indirectly, may be taken after the period provided under s. 893.74. This subsection shall be liberally construed to effect the legislative purpose to validate and make certain the legal

existence of all school districts in this state, however created or reorganized, and to bar every right to question the existence of a school district in any manner and to bar every remedy relating to the formation of a school district notwithstanding any defects or irregularities, jurisdictional or otherwise, in any action or proceeding commenced after the expiration of the period provided in under s. 893.74.

(8) INFORMATION ON REORGANIZATION PROCEDURES. The department shall prepare a written description of the procedures for school district reorganizations under ss. 117.08 to 117.132 and distribute copies to school district clerks. A school district clerk shall give a copy of the description to any person, upon request, and to any person filing a petition with the clerk under s. 117.08 (3) (a) 2, 117.09 (3) (a) 2, 117.11 (2) or 117.12 (2), at the time the petition is filed.

(9) APPEAL FEES. (a) The state superintendent may charge the following persons a fee sufficient to reimburse the department for the costs of the board under ss. 117.08, 117.10 and 117.132:

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1. A person who files a petition for an ~~advisory~~ referendum or board review under s. 117.08 (3) (a) 2.
2. A school board that directs the holding of a referendum or requests board review under s. 117.08 (3) (a) 1.
3. A school board that adopts a resolution to dissolve the school district under s. 117.10 (2).
4. A school board that requests review by the board under s. 117.132 (4) (a) 1.
5. A person who files a petition requesting review by the board under s. 117.132 (4) (a) 2.

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(b) The school district clerk with whom a petition is filed shall collect the fee under par. (a) 1 and forward it to the state superintendent. The clerk of the school district directing the ~~advisory~~ referendum, ordering the dissolution or requesting review shall pay the fee under par. (a) 2, 3 or 4 to the state superintendent. The secretary of the board shall forward the fee collected under par. (a) 5 to the state superintendent.

(c) The state superintendent may charge a person filing a notice of appeal under s. 117.12 (4) or 117.13 (3) a fee sufficient to reimburse the department for the costs of the appeal panel under s. 117.12 (4) or 117.13 (3). The secretary of the board shall collect the fee and forward it to the state superintendent. The state superintendent may not charge any person who files a notice of appeal under s. 117.12 (4) and is charged the fee under this paragraph any additional fee for review by the board under s. 117.12 (5).

(10) STATE SUPERINTENDENT TO ADVISE. The state superintendent shall advise and consult with school boards regarding school district organization and reorganization. If, in the state superintendent's opinion, one or more school districts should be altered, consolidated or dissolved, he or she may make recommendations to the school boards.

SECTION 10. 117.06 of the statutes is repealed.

SECTION 11. 117.07 of the statutes is renumbered 117.27, and 117.27 (3), as renumbered, is amended to read:

117.27 (3) If a majority of the electors voting at the spring election vote in favor of the change, the school board shall issue an order of school district reorganization effective on the July 1 following the spring election. A certified copy of the order shall be filed as provided under s. ~~117.01 (2) (e)~~ 117.17 (2).

SECTION 12. 117.08 of the statutes is repealed and recreated to read:

117.08 Consolidation of school districts. (1) INITIATION OF PROCEDURES. The school boards of 2 or more school districts may adopt resolutions stating that they will consider consolidating their school districts. The school district clerk of each school board adopting a resolution under this subsection shall send a certified copy of the resolution to the school boards of each of the other affected school districts and to the secretary of the board.

(2) SCHOOL BOARD ACTION. In the first July beginning after the adoption of resolutions by 2 or more school boards under sub. (1), the school boards of the affected school districts may order the school districts consolidated by the adoption, by each of those school boards, of a resolution ordering the consolidation. Failure of a school board to adopt a resolution either ordering or denying the consolidation before August 1 constitutes a denial of the consolidation by that school board. The school district clerk of each school board adopting a resolution under this subsection, either ordering or denying a consolidation, shall, within 5 days after the adoption of the resolution, send a certified copy of the resolution to the school boards of each of the other affected school districts and file a certified copy of the resolution as provided under s. 117.17 (2). If the school board of each affected school district adopts a resolution ordering the consolidation, the consolidation shall take effect on the following July 1, unless an ~~advisory~~ referendum under sub. (3) and board review under sub. (4) are required.

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(3) ~~ADVISORY~~ REFERENDUM. (a) If the school board of each affected school district adopts a resolution ordering a consolidation under sub. (2), an ~~advisory~~ referendum on the consolidation shall be held under par. (b), followed by board review under sub. (4), if one of the following occurs:

1. At the time of adopting the resolution under sub. (2), the school board of any affected school district directs the holding of an ~~advisory~~ referendum followed by board review.

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2. Before the 2nd Tuesday of September following the adoption of the resolutions under sub. (2), a petition requesting an ~~advisory~~ referendum and board review, signed by at least 10% of the electors who reside in any affected school district, is filed with the clerk of the school district that has the highest equalized valuation of the affected school districts. The preparation, form and validity of the petition shall be

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governed by s. 8.15 (2) and (4) (a) and the rules promulgated under s. 8.07.

Vetoed in Part (b) If an ~~advisory~~ referendum is directed or a petition requesting an ~~advisory~~ referendum is filed under par. (a), the school district clerk of the school board adopting the resolution or the school district clerk receiving the petition shall immediately notify the school boards of each of the other affected school districts, the secretary of the board and the clerk of each city, village or town, any part of which is contained within an affected school district. The ~~advisory~~ referendum shall be held in the affected school districts as provided under s. 117.20. Votes shall be counted separately for each affected school district.

Vetoed in Part (4) BOARD REVIEW. After an ~~advisory~~ referendum under sub. (3) (b), the board shall review the consolidation and, before the following January 15, issue an order either affirming or denying the school boards' consolidation orders. The order shall be in writing, shall include a statement of the reasons for the order and shall be filed as provided under s. 117.17 (2). If the board affirms the consolidation orders, the consolidation shall take effect on the following July 1.

SECTION 13. 117.09 of the statutes is renumbered 117.30, and 117.30 (1), as renumbered, is amended to read:

117.30 (1) If a school district for 2 or more successive years has failed to operate a school as required by law, the board shall attach the territory of ~~such the~~ school district ~~shall be attached~~ to one or more school districts that do operate schools ~~by the board under this section~~. Within 60 days of the date on which a school district becomes subject to this section, the state superintendent shall so notify the school district clerk and the clerk of each municipality in which part of the school district lies. Prior to August 30 of the year in which the school district becomes subject to this section, the board shall issue an order of school district reorganization attaching the school district to one or more operating school districts. ~~Notwithstanding s. 117.01 (2) (b), orders~~ Orders issued under this section shall take effect upon being filed as provided in s. ~~117.01 (2) (c)~~ 117.17 (2). The school board of each district to which any territory is attached under this section shall levy and collect a special tax against the property in the territory so attached for such amount as is payable for tuition and transportation, at the time of the attachment, by the school district in which the attached territory was located prior thereto, in the proportion that the equalized valuation of the attached territory bears to the total equalized valuation of the school district in which such territory was located prior to such attachment.

SECTION 14. 117.09 of the statutes is created to read:

117.09 Consolidation of union high and elementary school districts. (1) INITIATION OF PROCEDURES. The school board of a union high school district and the school boards of any of the school districts operating

only elementary grades whose territory is included in the union high school district may adopt resolutions stating that they will consider consolidating the union high school district and all of the elementary school districts whose territory is included in the union high school district to create a common or unified school district operating both elementary and high school grades. The school district clerk of each school board adopting a resolution under this subsection shall send a certified copy of the resolution to the school boards of each of the other affected school districts and to the secretary of the board.

(2) SCHOOL BOARD ACTION. (a) In the first July beginning after the adoption of resolutions under sub. (1), the school board of the union high school district and the school boards of one or more of the elementary school districts that adopted resolutions under sub. (1) and that have, in their combined territory, at least 55% of the equalized valuation of the union high school district, may order the union high school district and all of the elementary school districts whose territory is included in the union high school district consolidated to create a common or unified school district operating both elementary and high school grades by the adoption of a resolution ordering the consolidation by each school board.

(b) Failure of a school board to adopt a resolution under par. (a) before August 1, either ordering or denying the consolidation, constitutes a denial of the consolidation by that school board. The school district clerk of each school board that adopts a resolution ordering or denying a consolidation under par. (a) shall, within 5 days after the adoption of the resolution, send a certified copy of the resolution to the school boards of the other affected school districts and file a certified copy of the resolution as provided under s. 117.17 (2). If a consolidation is ordered under par. (a), the consolidation shall take effect on the following July 1, unless a referendum is required under sub. (3).

(3) REFERENDUM. (a) If a consolidation is ordered under sub. (2) (a), a referendum on the consolidation shall be held under par. (b) if one of the following occurs:

1. Before the 2nd Tuesday of September following the adoption of the resolution ordering consolidation under sub. (2) (a), the school board of any affected school district directs the holding of a referendum.

2. Before the 2nd Tuesday of September following the adoption of the resolutions under sub. (2) (a), a petition requesting a referendum, signed by at least 10% of the electors who reside in any affected school district, is filed with the clerk of the union high school district. The preparation, form and validity of the petition shall be governed by s. 8.15 (2) and (4) (a) and the rules promulgated under s. 8.07.

(b) If a referendum is directed or a petition requesting a referendum is filed under par. (a), the school district clerk of the school board adopting the resolution

or the school district clerk receiving the petition shall immediately notify the school boards of each of the other affected school districts, the secretary of the board and the clerk of each city, village or town, any part of which is contained within an affected school district. The referendum shall be held in the union high school district as provided under s. 117.20. Votes shall be counted separately for the union high school district and each affected elementary school district.

(4) **REFERENDUM RESULTS.** If a majority of the votes cast in the union high school district and in a majority of the affected elementary school districts is in favor of consolidation, the union high school district and all of the affected elementary school districts shall be consolidated on the following July 1. At the time of canvassing the returns, the school boards of the affected school districts shall make and file an order of school district reorganization under s. 117.17 (2).

(5) **ELEMENTARY SCHOOL DISTRICT IN MORE THAN ONE UNION HIGH SCHOOL DISTRICT.** (a) If a school district that operates only elementary grades has territory in more than one union high school district, it may consolidate under this section only with the union high school district in which more than 50% of its territory, as measured by equalized valuation, is located. Only the territory of the elementary school district that is located in that union high school district shall be included in the newly created common or unified school district operating both elementary and high school grades.

(b) The remaining territory of the elementary school district shall be attached, by the reorganization order issued under sub. (2) or (4), to a school district that operates only elementary grades and has territory located in the union high school district attended by the high school pupils who reside in the territory being attached.

(c) Upon the request of the school board of any affected school district, or the school board of any other school district operating only elementary grades that has territory in the union high school district identified under par. (b), the board shall determine to which elementary school district territory shall be attached under par. (b). The board shall issue an order that either affirms the attachment of the territory as specified in the order under sub. (2) or (4) or modifies the order under sub. (2) or (4) by attaching all or part of the territory to one or more other school districts identified under par. (b).

(d) Upon the request of the school board of any affected school district, the board shall review any proposed apportionment of assets and liabilities under s. 66.03 (2c) (a) 1, between the school district created by the consolidation under par. (a) and any elementary school district to which territory is proposed to be attached under par. (b) or (c), and shall issue an order affirming or modifying that apportionment.

SECTION 15. 117.10 of the statutes is repealed and recreated to read:

117.10 Dissolution of a school district. (1) **INITIATION OF PROCEDURES.** A school board may adopt a resolution stating that it will consider dissolving the school district. The school district clerk of a school board adopting a resolution under this subsection shall send a certified copy of the resolution to the secretary of the board.

(2) **SCHOOL BOARD ACTION.** In the first July beginning after the adoption of a resolution under sub. (1), the school board may order the school district dissolved by adopting a resolution ordering the dissolution. Failure of a school board to adopt a resolution either ordering or denying the dissolution before August 1 constitutes a denial of the dissolution by the school board. The school district clerk of a school board adopting a resolution under this subsection, either ordering or denying a dissolution, shall file a certified copy of the resolution as provided under s. 117.17 (2). A school board order under this subsection is not effective unless affirmed by the board under sub. (4).

(3) **ADVISORY REFERENDUM.** (a) If the school board adopts a resolution under sub. (2) ordering a dissolution, an advisory referendum on the dissolution shall be held under this subsection if one of the following occurs:

1. At the time of adopting the resolution under sub. (2), the school board directs the holding of an advisory referendum on the dissolution.

2. Before the 2nd Tuesday of September following the adoption of the resolution under sub. (2), a petition requesting an advisory referendum, signed by at least 10% of the electors who reside in the affected school district, is filed with the school district clerk. The preparation, form and validity of the petition shall be governed by s. 8.15 (2) and (4) (a) and rules promulgated under s. 8.07.

(b) If an advisory referendum is directed or a petition requesting an advisory referendum is filed under par. (a), the school district clerk shall immediately notify the secretary of the board and the clerk of each city, village or town, any part of which is contained within the school district. The advisory referendum shall be held in the school district as provided under s. 117.20.

(4) **BOARD REVIEW.** After the 2nd Tuesday of September following the adoption of the resolution under sub. (2), if no advisory referendum is required, or after the advisory referendum, if one is held, the board shall review the dissolution and, before the following January 15, issue an order either affirming or denying the school board's dissolution order. The order shall be in writing, shall include a statement of the reasons for the order and shall be filed as provided under s. 117.17 (2). If the board affirms the school board's dissolution order, the board shall also issue an order assigning the school district's assets and liabilities under s. 66.03 (2c) (a) 1, and the school district's territory, to one or more other school districts. If the board affirms the

school board's dissolution order, the school district shall be dissolved on the following July 1.

(5) **EFFECT OF NEW BUILDING CONSTRUCTION.** A school district may not be dissolved under this section if it has constructed a new school building within the 3 years immediately preceding the adoption of a resolution under sub. (2) and, on the date the resolution is adopted, the school district has outstanding debt for the building. This subsection does not apply if the school district to which the building is assigned under sub. (4) agrees to accept both the school building and the outstanding debt for the school building or, prior to the effective date of the dissolution, the building is sold and the debt is paid.

SECTION 16. 117.11 of the statutes is created to read:

117.11 Detachment and attachment of large territory. (1) **APPLICATION.** This section applies to the detachment of territory from one school district and its attachment to an adjoining school district if one of the following applies:

(a) The assessed value of the territory proposed to be detached from one school district and attached to an adjoining school district, divided by the assessment ratio of the taxation district, is equal to or greater than 7% of the equalized valuation of the school district from which the territory is proposed to be detached.

(b) Seven percent or more of the enrollment of the school district from which the territory is proposed to be detached resides in the territory proposed to be detached from that school district.

(2) **INITIATION OF PROCEDURES.** A majority of the electors residing in territory proposed to be detached from one school district and attached to an adjoining school district, or owners of more than 50% of the territory proposed to be detached from one school district and attached to an adjoining school district, as measured by its assessed valuation divided by the assessment ratio of the taxation district, may file a written petition with the clerk of the school district in which the territory is located requesting the detachment of the territory from that school district and its attachment to an adjoining school district. The petition shall include a description of the territory sufficiently accurate to determine its location in the school district in which it is located, as certified by the clerk of each city, town or village within which all or part of the territory is located, and the number of pupils residing in that territory who, on the most recent of the preceding 3rd Friday of September or 2nd Friday of January, were enrolled in the school district from which the territory is proposed to be detached, as certified by the clerk of that school district. Upon receipt of the petition, the school district clerk shall send a certified notice of the petition to the school board of the school district to which the territory is proposed to be attached and to the secretary of the board.

(3) **SCHOOL BOARD ACTION.** In the first July beginning after receipt of a petition under sub. (2), the

school boards of the affected school districts may order the territory detached from the school district in which it is located and attached to the adjoining school district by the adoption, by each of those school boards, of a resolution ordering the detachment and attachment. Failure of a school board to adopt a resolution either ordering or denying the detachment and attachment before August 1 constitutes a denial of the reorganization by that school board. The school district clerk of each school board that adopts a resolution ordering or denying the reorganization under this subsection shall, within 5 days after the adoption of the resolution, send a certified copy of the resolution to the school board of the other affected school district and file a certified copy of the resolution as provided under s. 117.17 (2). If the school board of each affected school district adopts a resolution ordering the detachment and attachment, the reorganization shall take effect on the July 1 following the adoption of the resolutions, unless a referendum is required under sub. (4).

(4) **REFERENDUM.** (a) ~~If a proposed detachment and attachment of territory is denied by either school board under sub. (3), a referendum on the proposed reorganization shall be held if one of the following occurs before the 2nd Tuesday of September following the adoption of a resolution under sub. (3):~~

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1. The school board of either affected school district directs the holding of a referendum.

2. A petition requesting a referendum, signed by at least 10% of the electors who reside in either affected school district, is filed with the clerk of the school district from which the territory is proposed to be detached. The preparation, form and validity of the petition shall be governed by s. 8.15 (2) and (4) (a) and the rules promulgated under s. 8.07.

(b) If a referendum is directed or a petition requesting a referendum is filed under par. (a), the school district clerk of the school board adopting the resolution or the school district clerk receiving the petition shall immediately notify the school board of the other affected school district, the secretary of the board and the clerk of each city, village or town, any part of which is contained within an affected school district. The referendum shall be held in the affected school districts as provided under s. 117.20. Votes shall be counted separately for each affected school district.

(5) **REFERENDUM RESULTS.** If a majority of the votes cast in each affected school district is in favor of the reorganization, the reorganization shall take effect on the following July 1. At the time of canvassing the returns, the school boards of the affected school districts shall make and file an order of school district reorganization under s. 117.17 (2).

SECTION 1. 117.12 of the statutes is created to read:

117.12 Detachment and attachment of small territory initiated by owner. (1) **APPLICATION.** This section applies to the detachment of territory from one school

district and its attachment to an adjoining school district if all of the following apply:

(a) The assessed value of the territory proposed to be detached from one school district and attached to an adjoining school district, divided by the assessment ratio of the taxation district, is less than 7% of the equalized valuation of the school district from which it is proposed to be detached.

(b) Less than 7% of the enrollment of the school district from which the territory is proposed to be detached resides in the territory proposed to be detached from that school district.

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

(3) SCHOOL BOARD ACTION. In the first February beginning after receipt of a petition under sub. (2), the school boards of the affected school districts may order the territory detached from the school district in which it is located and attached to the adjoining school district by the adoption, by each of those school boards, of a resolution ordering the reorganization. Before adopting a resolution under this subsection that grants or denies the reorganization, each school board shall give the electors and owners who signed the petition under sub. (2) an opportunity to meet with the school board to present their reasons for the proposed reorganization. Failure of a school board to adopt a resolution before March 1 either ordering or denying the reorganization constitutes a denial of the reorganization by the school board. The school district clerk of each school board adopting a resolution under this subsection that orders or denies a reorganization shall, within 5 days after the adoption of the resolution, send a certified copy of the resolution to the school board of the other affected school district and file a certified copy of the resolution as provided under s. 117.17 (2). If the school board of each affected school district adopts a resolution ordering the detachment and attachment, the reorganiza-

tion shall take effect on the following July 1, unless an appeal is filed under sub. (4).

(4) APPEAL TO PANEL. If the detachment and attachment of territory is denied by either school board under sub. (3), a majority of the electors residing in the territory or the owners of 50% or more of the territory may appeal the denial to an appeal panel by filing notice of appeal with the secretary of the board before the March 15 following the denial. The secretary of the board shall send a copy of the notice of appeal to the school board of each affected school district. Except as provided under sub. (5), the appeal panel shall issue an order either affirming the school board's denial of the proposed reorganization or ordering all or any part of the territory described in the petition under sub. (2) detached from the school district in which it is located and attached to the adjoining school district. The order shall be issued before the June 15 following the filing of the notice of appeal. The order shall be in writing, shall include a statement of reasons for the order and shall be filed as provided under s. 117.17 (2). If the appeal panel orders territory detached from one school district and attached to an adjoining school district, the reorganization shall take effect on the following July 1.

(5) BOARD REVIEW. (a) If more than one appeal to detach territory from a single school district is filed under sub. (4) before March 15 and any of the following applies, the board shall review all of those appeals:

1. The total assessed valuation of the territory proposed to be detached under the appeals, divided by the assessment ratio of the taxation district, is equal to or greater than 7% of the equalized valuation of the school district from which the territory is proposed to be detached.

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

(am) In addition to reviewing appeals described under par. (a), the board shall review an appeal if any of the following applies:

1. The assessed valuation of the territory proposed to be detached under the appeal, divided by the assessment ratio of the taxation district, when added to the total assessed valuation of all territory detached from that school district in the 5 years preceding the date on which the petition was filed under sub. (2), divided by the appropriate assessment ratios, is equal to or greater than 20% of the school district's equalized valuation.

2. The number of pupils residing in the territory proposed to be detached under the appeal who are included in the enrollment of the school district from which the territory is proposed to be detached, when added to the number of pupils who resided in territory

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detached from that school district, and were included in previous enrollments of that school district, in the 5 years preceding the date on which the petition was filed under sub. (2), constitute 20% or more of the school district's enrollment.

(b) The secretary of the board shall notify the school board of each affected school district and each owner or elector who signed the notice of appeal under sub. (4) that the appeal or appeals will be reviewed by the board under this subsection rather than by an appeal panel under sub. (4). The board shall issue an order either affirming the school boards' denial of all or any of the proposed reorganizations under par. (a) or the proposed reorganization under par. (am) or ordering all or any part of the territory described in all or any of the petitions under sub. (2) or included in the appeal filed under par. (am) detached from the school district in which it is located and attached to an adjoining school district. In addition to the criteria under s. 117.15, in making its decision the board also shall consider the effect that the proposed detachments under par. (a), taken as a whole, will have on the school district from which the territory is proposed to be detached, or the cumulative effect on that school district of the proposed detachment under par. (am). The board's order shall be issued before the June 15 following the filing of the notice of appeal. The order shall be in writing, shall include a statement of reasons for the order and shall be filed as provided under s. 117.17 (2). If the board orders territory detached from one school district and attached to an adjoining school district, the reorganization shall take effect on the following July 1.

SECTION 2. 117.13 of the statutes is created to read:

117.13 Detachment and attachment of small territory initiated by school boards. (1) APPLICATION. This section applies to the detachment of territory from one school district and its attachment to an adjoining school district if all of the following apply:

(a) The assessed value of the territory proposed to be detached from one school district and attached to an adjoining school district, divided by the assessment ratio of the taxation district, is less than 7% of the equalized valuation of the school district from which the territory is proposed to be detached.

(b) Less than 7% of the enrollment of the school district from which the territory is proposed to be detached resides in the territory proposed to be detached from that school district.

(2) SCHOOL BOARD ACTION. The school boards of 2 adjoining school districts may order territory detached from one of the school districts and attached to the other school district by the adoption, by each of the school boards, of a resolution ordering the detachment and attachment. The resolution shall include a description of the territory sufficiently accurate to determine its location in the school district in which it is located, as certified by the clerk of each city, village

or town within which all or any part of the territory is located, and the number of pupils residing in that territory who, on the most recent of the preceding 3rd Friday of September or 2nd Friday of January, were enrolled in the school district from which the territory is proposed to be detached, as certified by the clerk of that school district. Prior to adopting a resolution under this subsection, the school board of each affected school district shall give the electors residing in and the owners of the territory notice of the proposed reorganization and an opportunity to meet with the school board to present reasons for or against the proposed reorganization. The school district clerk of each school board that adopts a resolution under this subsection shall, within 5 days after adopting the resolution, send a certified copy of the resolution to the school board of the other affected school district and file a certified copy of the resolution as provided under s. 117.17 (2). If the school board of each of the affected school districts adopts a resolution ordering the detachment and attachment, the reorganization shall take effect on the first July 1 after the March 1 following the adoption of the resolutions, unless an appeal is filed under sub. (3).

(3) APPEAL TO PANEL. A majority of the electors residing in or the owners of 50% or more of the territory detached from one school district and attached to an adjoining school district under sub. (2) may appeal the reorganization to an appeal panel by filing notice of appeal with the secretary of the board before the first March 15 following the adoption of the resolution under sub. (2). The secretary of the board shall send a copy of the notice of appeal to the school board of each affected school district. If an appeal is filed under this subsection, the appeal panel shall issue an order detaching all or any part of the territory described in the resolution adopted under sub. (2) from the school district in which it is located and attaching it to the adjoining school district, or denying the reorganization. The order shall be issued before the June 15 following the filing of the notice of appeal. The order shall be in writing, shall include a statement of reasons for the order and shall be filed as provided under s. 117.17 (2). If the appeal panel affirms the school boards' order, the reorganization shall take effect on the following July 1.

SECTION 3. 117.132 of the statutes is created to read:

117.132 Territory annexed to certain municipalities. (1) APPLICATION. This section applies to the proposed attachment to a school district of territory that is located wholly in a county with a population of more than 325,000 and less than 500,000.

(1m) DEFINITIONS. In this section:

(a) "Annexed" means annexed or attached under s. 66.021, 66.022, 66.024, 66.025 or 66.027.

(b) "Less than 50% of the land in the annexed territory is developed" means that on the date of annexation, less than 50% of the land in the annexed

territory, as measured by geographic area, is occupied by permanent improvements, including buildings, streets, sidewalks, parking lots, driveways, sewers or utilities, or is incidental to such improvements.

(c) "Municipality" means any city or village any portion of which is located in a county that has a population of more than 325,000 and less than 500,000.

(d) "Municipal school district" means a school district whose territory includes more than 50% of the territory of a municipality, as measured by geographic area.

(2) INITIATION OF PROCEDURES. (a) If territory is annexed to a municipality, the territory is not included in the municipal school district and less than 50% of the land in the annexed territory is developed, the school board of the municipal school district may adopt a resolution requesting the school board of the school district in which the annexed territory is located to meet with it to discuss the detachment of the annexed territory from the school district in which it is located and its attachment to the municipal school district. The resolution shall include a description of the territory sufficiently accurate to determine its location in the school district in which it is located, as certified by the clerk of the annexing municipality. The clerk of the municipal school district shall send a certified copy of the resolution to the school board of the school district in which the annexed territory is located, to all owners of territory located in the annexed territory and to the secretary of the board.

(b) If territory is annexed to a municipality and the territory is not included in the municipal school district, the owners of more than 50% of the annexed territory, as measured by its assessed valuation divided by the assessment ratio of the taxation district, may file a written petition with the clerk of the school district in which the territory is located requesting the detachment of the annexed territory from the school district in which it is located and its attachment to the municipal school district. The petition shall include a description of the territory sufficiently accurate to determine its location in the school district in which it is located, as certified by the clerk of the annexing municipality. Upon receipt of the petition, the school district clerk shall send a certified copy of the resolution to the school board of the municipal school district, to all owners of territory located in the annexed territory and to the secretary of the board.

(3) SCHOOL BOARD ACTION. In the first July beginning after the adoption of a resolution under sub. (2) (a) or the receipt of a petition under sub. (2) (b), the school boards of the affected school districts may order the territory detached from the school district in which it is located and attached to the municipal school district by the adoption, by each of the school boards, of a resolution ordering the detachment and attachment. Failure of a school board to adopt a resolution before August 1 either ordering or denying the detachment and attachment constitutes a denial of the

reorganization by that school board. The school district clerk of each school board adopting a resolution under this subsection that orders or denies the reorganization shall, within 5 days after adopting the resolution, send a certified copy of the resolution to the school board of the other affected school district and to each of the owners of territory in the annexed territory and file a certified copy of the resolution as provided under s. 117.17 (2). If the school board of each affected school district adopts a resolution under this subsection ordering the detachment and attachment, the reorganization shall take effect on the following July 1.

(4) BOARD REVIEW. (a) The board shall review a reorganization proposed under this section if one of the following occurs:

1. Less than 50% of the land in the annexed territory is developed, one of the school boards under sub. (3) adopts a resolution ordering the reorganization, the other school board denies the reorganization and, before the following September 1, either of the school boards files a petition with the secretary of the board requesting board review of the proposed reorganization.

2. Before the September 1 following the granting or denying of the proposed reorganization under sub. (3), the owners of more than 50% of the annexed territory, as measured by its assessed valuation divided by the assessment ratio of the taxation district, file a petition with the secretary of the board requesting board review of the proposed reorganization.

(b) If a petition requesting review is filed under par. (a) 1, the secretary of the board shall immediately notify the school board of the other affected school district and each of the owners of territory in the annexed territory. If a petition requesting review is filed under par. (a) 2, the secretary of the board shall immediately notify the school board of each affected school district. Before the following January 15, the board shall issue an order either affirming the denial of the proposed reorganization or detaching all or part of the annexed territory described in the resolution or petition under sub. (2) from the school district in which it is located and attaching it to the municipal school district. The board's order shall be in writing, shall include a statement of reasons for the order and shall be filed as provided under s. 117.17 (2). If the board orders territory detached from the school district in which it is located and attached to the municipal school district, the reorganization shall take effect on the following July 1.

SECTION 4. 117.14 of the statutes is created to read:

117.14 Appeal to court. (1) Any person aggrieved by the denial of a consolidation under s. 117.09 (2), the granting of a detachment and attachment of territory under s. 117.11 (3) or any order of the board or an appeal panel under this chapter may, within 30 days after copies of the order are filed with the secretary of

the board under s. 117.17 (2), appeal the order to a circuit court as follows:

(a) If the order is issued under ss. 117.08, 117.09 or 117.10, the appeal shall be filed with the circuit court of any county in which any territory of any affected school district is located.

(b) If the order is issued under ss. 117.11 to 117.132, the appeal shall be filed with the circuit court of any county in which any of the territory proposed to be detached from one school district and attached to another school district is located or with the circuit court of any county in which any territory of the school district to which the territory is proposed to be attached is located.

(2) A person appealing under this section shall serve a written notice of appeal stating specifically the grounds upon which the appeal is based on the secretary of the board and file the notice with the clerk of the circuit court.

SECTION 5. 117.15 of the statutes is created to read:

117.15 Criteria for school district reorganizations. In making any decision under ss. 117.08 to 117.132, a school board, the board and an appeal panel shall consider the following factors as they affect the educational welfare of all of the children residing in all of the affected school districts, and may consider other appropriate factors:

(1) The geographical and topographical characteristics of the affected school districts, including the estimated travel time to and from school for pupils in the school districts.

(2) The educational needs of all of the children residing in the affected school districts, the educational programs currently offered by each affected school district and the ability and commitment of each school district to meet those needs and continue to offer those educational programs.

(2m) If territory is proposed to be detached from one school district and attached to an adjoining school district, whether the proposed detachment will have any adverse effect on the program currently offered by the school district from which the territory is proposed to be detached, including both curricular and extracurricular aspects of that program.

(3) The testimony of and written statements filed by the residents of the affected school districts.

(4) The estimated fiscal effect of the proposed reorganization on the affected school districts, including the effect of the apportionment of assets and liabilities.

(5) Whether the proposed reorganization will make any part of a school district's territory noncontiguous.

(6) The socioeconomic level and racial composition of the pupils who reside or will reside in territory proposed to be detached from one school district and attached to an adjoining school district or in school districts proposed to be consolidated or in a school district proposed to be dissolved; the proportion of

the pupils who reside in such territory who are children at risk, as defined under s. 118.153 (1) (a); and the effect that the pupils described in this paragraph will have on the present and future socioeconomic level and racial composition of the affected school districts and on the proportion of the affected school districts' enrollments that will be children at risk.

(7) The results of any ~~advisory~~ referendum held under s. 117.08 or 117.10.

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SECTION 6. 117.17 of the statutes is created to read:

117.17 Reorganization order. (1) CONTENTS; EFFECTIVE DATE. (a) Every order of school district reorganization under s. 117.08 or 117.09 that creates a new school district shall state the school districts which are dissolved to create the new school district, name the new school district, state the type of school district and the grades to be taught by the new school district pursuant to s. 115.01 (2), (3) and (5), designate the number of school board members under s. 120.01 or 120.41, designate the terms of initial members of the school board under s. 120.02 (3) (a), designate the method of election of school board members under s. 120.06 or 120.42, direct the election of school board members under s. 120.06 or 120.42, insofar as applicable, designate the date of the first election of school board members, as provided under s. 117.22 (2) (b), and fix the time and place for the first annual meeting of the new school district, if one is to be held. The secretary of the board shall give notice of the first annual meeting, if one is to be held, under s. 120.08 (1) (c), and shall designate a person to act as temporary chairperson of the annual meeting until a chairperson is elected.

(b) Every order of school district reorganization under s. 117.10 that dissolves a school district shall state the school district that is dissolved and describe the territory, assets and liabilities of the school district. Every order of school district reorganization issued under s. 117.10 (4) shall describe the territory, assets and liabilities allocated to each other school district under that subsection.

(c) Every order of school district reorganization under ss. 117.11 to 117.132 shall state the school districts from which any territory is detached and the school district to which any territory is attached and describe the territory.

(d) Every order of school district reorganization shall state the date on which it is to take effect. The date shall be as specified under ss. 117.08 to 117.132 and 117.27 (1), except as follows:

1. An appeal to circuit court under s. 117.14 stays an order of reorganization. If no appeal from the circuit court order is filed under s. 808.03, the effective date of a reorganization order appealed to circuit court shall be the later of the effective date specified under ss. 117.08 to 117.132 or the day after the last day on which an appeal from the circuit court order

may be filed, as specified under s. 808.04 (1), unless a later date is ordered by the circuit court.

2. An appeal under s. 808.03 stays an order of reorganization. The effective date of an order appealed under s. 808.03 shall be the later of the effective date specified under ss. 117.08 to 117.132 or the date on which an appellate judgment affirming or granting reorganization is filed with the clerk of the circuit court under s. 809.26 or 809.63, unless a later date is ordered by the court.

(2) **FILING.** A certified copy of any resolution or order granting, affirming or denying a reorganization shall be filed, within 5 days after it is adopted or issued, with the secretary of the board. Upon receipt of the resolution or order, the secretary of the board shall immediately place on it the date upon which it was received. If the resolution or order affirms or grants a reorganization, within 5 days after receipt of the resolution or order the secretary of the board shall send, by certified mail, a certified copy of the resolution or order to the clerk of each city, village, town or county, any part of which is contained within an affected school district.

(3) **PRESUMPTION; VALIDITY OF ORDER.** (a) A reorganization order shall be presumptive evidence of the facts recited therein and of the proceedings preliminary to the issuance of the order.

(b) The failure of any officer to perform a duty imposed upon him or her by this chapter does not affect the validity of a reorganization order otherwise lawfully made, but the officer is subject to s. 946.12.

SECTION 7. 117.20 of the statutes is created to read:

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

(2) The clerk of each affected school district shall publish notice, as required under s. 8.55, in the territory of that school district. The procedures for school board elections under s. 120.06 (5), (9), (11), (13) and (14) apply to a referendum held under this section. The school board and school district clerk of each affected school district shall each perform, for that school district, the functions assigned to the school board and the school district clerk, respectively, under those subsections. The form of the ballot shall correspond to the form prescribed by the elections board under ss. 5.64 (2) and 7.08 (1) (a). The clerk of each affected school district shall file with the secretary of the board a certified statement prepared by the school district board of canvassers of the results of the referendum in that school district.

SECTION 8. 117.22 of the statutes is created to read:

117.22 School boards in new school districts. (1) **JOINT INTERIM SCHOOL BOARDS.** (a) If school districts

are consolidated under s. 117.08 or 117.09, the school boards of the consolidating school districts shall constitute the joint interim school board of the new school district.

(b) The joint interim school board under par. (a) constitutes the school board of the new school district beginning on the following date:

1. If no referendum is required, on the 2nd Tuesday of September following the adoption of the resolution under s. 117.08 (2) or 117.09 (2).

2. If an ~~advisory~~ referendum and board review is required but no appeal is made to circuit court under s. 117.14, on the 31st day following the date the board issues its order under s. 117.08 (4).

2m. If a referendum is required under s. 117.09 (3), on the 31st day following the date the order of reorganization is filed under s. 117.09 (4).

3. If an appeal is made to circuit court under s. 117.14, the circuit court affirms or grants the reorganization and no appeal from the circuit court order is filed under s. 808.03, on the day after the last date under s. 808.04 (1) on which an appeal may be filed from the circuit court order.

4. If an appeal from the circuit court order is filed under s. 808.03, on the day after the date on which an appellate judgment affirming or granting reorganization is filed under s. 809.26 or 809.63.

(c) The joint interim school board shall constitute the school board of the new school district until a school board is elected and qualified under sub. (2). The joint interim school board shall have all the powers and duties of a school board elected for the school district. Any action by the joint interim school board requires an affirmative vote of a majority of a quorum of the joint interim board.

(2) **SCHOOL BOARD ELECTIONS.** (a) In this subsection, "school district clerk" means:

1. The clerk of the affected school district that has the highest equalized valuation, if an order of reorganization is issued under s. 117.08.

2. The clerk of the affected union high school district, if an order of reorganization is issued under s. 117.09.

(b) An order of school district reorganization issued under s. 117.08 or 117.09 shall designate the date of the first election of school board members, which shall be after the time for appeal under s. 117.14 has expired, if applicable, and not later than 4 months after the effective date of the order, except as provided under par. (cm).

(c) In the event of an appeal to circuit court under s. 117.14, the secretary of the board shall set a new date for the election which shall be after the entry of the circuit court order affirming or granting the reorganization and the expiration of the appeal period under s. 808.04 (1), but not later than 6 months after expiration of the appeal period under s. 808.04 (1), except as provided under par. (cm). An appeal from the circuit court order under s. 808.03 shall invalidate any elec-

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tion date set after the appeal to circuit court. If an appeal is made under s. 808.03, the secretary of the board shall set a new date for the election which shall be not later than 4 months after the date on which the appellate court judgment affirming or granting the reorganization is filed with the circuit court under s. 809.26 or 809.63, except as provided under par. (cm).

(cm) 1. No election date may be set under par. (b) or (c) that would require the filing of a declaration of candidacy or nomination papers prior to the expiration of the relevant appeal period.

2. No election under par. (b) or (c) may be held after February 1 and before the date of the spring election, nor after September 1 and before the date of a general election held in the same year.

(d) At least 12 weeks prior to the date of the election, the school district clerk shall publish a type A notice of the school board election, under s. 10.01 (2) (a). No later than 5 p.m. on the date 10 weeks prior to the election, any qualified elector of the school district created by the reorganization may file with the school district clerk a sworn declaration of candidacy for the school board and, if required, nomination papers, as provided under s. 120.06 (6) (b). A candidate shall file an amended declaration with the school district clerk as provided in s. 120.06 (6) (b). Within 8 days after the first election in the newly created school district, the school district clerk shall notify the successful candidates of their election. On the 2nd Tuesday following the election, the clerk shall administer or receive the official oath and the newly elected members shall take office.

(e) If a primary election for the school board positions is required under s. 120.06 (7) (b), it shall be held on the day which is 4 weeks before the election, except that if the school board election is held on the day of the general election, the primary shall be held on the day of the September primary, and if the school board election is held on the day of the spring election, the primary shall be held on the day of the spring primary. The school district clerk shall notify the clerk of each city, village or town, any part of which is contained within an affected school district, of the primary election. The school district clerk shall give the notices under s. 120.06 (8) (c) on the Monday before the primary election, if one is held, and on the Monday before the school board election.

(f) Costs chargeable to the school district under ss. 5.68 and 7.03 shall become a charge upon the new school district and the school board of the new school district shall pay all such costs.

SECTION 9. 117.25 of the statutes is created to read:

117.25 Transfer of assets, liabilities and employes.

(1) CONSOLIDATIONS. On the effective date of a consolidation of school districts under s. 117.08 or 117.09, all of the following apply:

(a) The school districts that were consolidated cease to exist.

(b) Title to all property and the assets of the school districts under par. (a) become vested in the new consolidated school district.

(c) Claims, obligations and contracts of the school districts under par. (a) become claims, obligations and contracts of the new consolidated school district.

(d) 1. Employes of the school districts under par. (a) become employes of the new consolidated school district.

2. The new consolidated school district assumes the rights and obligations of the school districts under par. (a), under the provisions of any collective bargaining agreement that applies to these employes.

3. The collective bargaining agreement remains in effect until the expiration date of the agreement or until a new collective bargaining agreement between the school district and representatives of these employes is effective, whichever occurs first.

(2) DETACHMENT AND ATTACHMENT OF TERRITORY. When territory is detached from one school district and attached to an adjoining school district under ss. 117.11 to 117.132, ~~all of the following apply.~~

~~(a) Assets and liabilities are assigned to the school districts under s. 66.03 on the effective date of the reorganization.~~

~~(b) Employes of the school district from which territory is detached, who are laid off as a result of the reorganization, have first priority for employment in new positions for which they are qualified in the school district to which the territory is attached.~~

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SECTION 10. 120.02 (2) (b) and (3) (d) of the statutes are amended to read:

120.02 (2) (b) ~~Any~~ An order of school district reorganization ~~issued under s. 117.08, 117.09 or 117.27~~ may contain such a plan of apportionment of school board members, and the determination of terms of school board members shall be as provided in sub. (3).

(3) (d) If a school board in its order ~~creating~~ changing a school district type under s. ~~447.07 (3)~~ 117.27 designates a school board of 5, 7 or 9 members, it shall prepare a plan for allocating terms in accordance with this subsection. ~~If a union high school district is established under s. 117.05, the state superintendent shall prepare a plan for allocating terms in accordance with this subsection.~~

SECTION 11. 120.06 (15) of the statutes is amended to read:

120.06 (15) Unless otherwise provided by this chapter, s. ~~447.04~~ 117.22, or other applicable law, the elections for school board members shall be guided by the municipal election laws.

SECTION 12. 120.08 (1) (a) of the statutes is amended to read:

120.08 (1) (a) Common school districts shall hold an annual meeting on the 4th Monday in July at 8 p.m. and union high school districts shall hold an annual meeting on the 3rd Monday in July at 8 p.m. unless the electors at one annual meeting determine to

thereafter hold the annual meeting on a different date or hour, or authorize the school board to establish a different date or hour. No annual meeting may be held before May 15 or after September 30. The first school district meeting in a ~~reorganized common or union high~~ school district created under s. 117.08, 117.09 or 117.27 shall be considered an annual meeting.

SECTION 13. 120.12 (3) (b) of the statutes is amended to read:

120.12 (3) (b) If a tax sufficient to operate and maintain the schools of a school district for the ensuing school year has not been determined, certified and levied prior to the effective date of school district reorganization under ch. 117 affecting any territory of the school district, the school board of the ~~reorganized affected~~ school district shall determine, on or before the 3rd Monday of October following the effective date of the reorganization, the amount of deficiency in operation and maintenance funds on the effective date of the reorganization which should have been paid by the property in the ~~reorganized affected~~ school district if the tax had been determined, certified and assessed prior to the effective date of the reorganization. On or before the last working day in October, the school district clerk shall certify the appropriate amount to each appropriate municipal clerk who shall assess, enter and collect the amount as a special tax on the property. This paragraph does not affect the apportionment of assets and liabilities under s. 66.03.

SECTION 14. 120.17 (8) (c) of the statutes is amended to read:

120.17 (8) (c) If an order of school district reorganization under ch. 117 is effective after January 1 and before July 1 of any year, the school district clerks of the school districts affected shall prepare the statement under par. (a) based on the equalized valuation of the school districts as altered by the order and related to the equalized valuation of the year upon which the tax levy is required to be made. If the school district clerk has filed the statement prior to the effective date of the order, the clerk shall file a corrected certification which shall be accepted by the clerks of the municipalities affected and acted upon by them as provided in par. (a). Failure of the school district clerk to file a corrected certification of the levy based on the equalized valuation of each of the municipalities or portions thereof within the school district shall be corrected by the school district clerk by an appropriate adjustment in the levy certified in the following year.

SECTION 15. 121.07 (1) (c) of the statutes is amended to read:

121.07 (1) (c) If an order of school district reorganization under ch. 117 is not effective due to litigation until after the 3rd Friday in September but takes effect before April 1 of the current school year, state aid for ~~the reorganized any affected~~ school district for the first year of operation shall be computed after the

order takes effect using calculations by the state superintendent of the number of pupils enrolled and teacher-pupil ratio for the territory in the ~~reorganized affected~~ school district, which shall be made as if the school district had been in existence on the 3rd Friday in September.

SECTION 16. 121.07 (6) (e) and (7) (e) of the statutes are created to read:

121.07 (6) (e) For a school district created by a consolidation under s. 117.08 or 117.09, in the school year in which the consolidation takes effect and in each of the subsequent 2 school years, the amounts under par. (b) shall be multiplied by 1.05 and rounded to the next lowest dollar.

(7) (e) For a school district created by a consolidation under s. 117.08 or 117.09, in the school year in which the consolidation takes effect and in each of the subsequent 2 school years, the amounts under pars. (a) and (b) shall be multiplied by 1.05 and rounded to the next lowest dollar.

SECTION 17. 121.105 (3) of the statutes is amended to read:

121.105 (3) In the school year in which a school district consolidation takes effect under s. ~~117.06~~ 117.08 or 117.09 and in each of the subsequent 2 school years, the consolidated school district's state aid shall be an amount that is not less than the aggregate state aid received by the consolidating school districts in the school year prior to the school year in which the consolidation takes effect. The additional state aid shall be paid from the appropriation under s. 20.255 (2) (ac).

SECTION 18. 121.78 (1) (c) of the statutes is created to read:

121.78 (1) (c) 1. The parent or guardian of a pupil may request the school board of the school district in which the pupil resides to provide for the enrollment of the pupil at a public school located outside this state under par. (b). The request shall be in writing. If the school board denies the request, the parent or guardian may request the school district boundary appeal board, in writing, to review the denial. Failure of a school board to act on a written request within 45 days of its submission to the school board constitutes a denial reviewable by the school district boundary appeal board.

2. Upon receipt of a request for review, the school district boundary appeal board may order the school board to pay tuition and transportation costs, as provided in par. (b), for the pupil's attendance at the out-of-state public school if the board finds that the course of study in the out-of-state public school is equivalent to the course of study in this state, the out-of-state public school is at least 1.5 miles nearer the pupil's home than any public school in this state, unusual hazards exist for the transportation of the pupil to and from the public school in his or her school district of residence, the out-of-state public school agrees to accept the pupil, and the tuition for the pupil does not

exceed the per pupil costs of the out-of-state public school that are attributable to the enrollment of Wisconsin pupils.

3. The school district of residence shall be paid state aid for a pupil attending an out-of-state public school under this paragraph as though the pupil was enrolled in the school district, and shall be paid transportation aid under subch. IV as though the pupil had been transported to the school of the school district of residence.

SECTION 19. 121.78 (2) of the statutes is amended to read:

121.78 (2) REORGANIZED SCHOOL DISTRICTS. (a) The school board of a district operating high school grades shall permit a high school pupil who resides in the school district as the result of school district reorganization under ch. 117 and has completed 9th and 10th grades at one high school outside the school district to complete his high school education at ~~such that~~ high school. The school board of residence shall pay tuition for ~~such the~~ pupil. If the parent or guardian of ~~such the~~ pupil has paid tuition in order to enroll ~~such the~~ pupil in ~~such the~~ high school, the school board of residence shall reimburse the parent or guardian for the tuition upon receipt of a tuition claim within 3 years from the date ~~such the~~ tuition was paid.

(b) A ~~reorganized~~ school district created or altered by a reorganization under ch. 117, in its first year of operating high school grades, may provide for its 11th and 12th grade pupils on a tuition basis and, in its 2nd such year, may provide for its 12th grade pupils on a tuition basis. The clerk of the school district in which nonresident pupils under this subsection are enrolled shall certify the number of such pupils enrolled to the department and to the clerk of their school district of residence. The school district of residence shall include such pupils in membership for aid under subch. II.

(c) A ~~reorganized~~ school district created or altered by a reorganization under ch. 117 which has at least one operating high school within its territory and which does not have sufficient building facilities to provide high school educational services for all of the high school pupils residing in the reorganized school district may provide for such high school pupils on a tuition basis for a period of 2 years. The reorganized

school district shall be eligible for state aid in accordance with par. (b).

SECTION 20. 121.84 (1m) of the statutes is created to read:

121.84 (1m) The school boards of 2 school districts operating high school grades may enter into an agreement under which a high school pupil who resides in one of the school districts as the result of a reorganization under ch. 117 and who has completed 9th and 10th grades at a high school in the other school district may complete his or her high school education at the latter high school without payment of tuition. The school district of attendance shall count the pupil in its membership for state aid purposes under subch. II.

SECTION 21. **Nonstatutory provisions; school district boundary appeal board.** (1) Regular and alternate members of the school district boundary appeal board under section 15.375 (2) of the statutes immediately prior to the effective date of this subsection shall serve as regular members of the board until their terms expire.

(2) Notwithstanding section 15.375 (2) of the statutes, as affected by this act:

(a) Two of the members appointed to the board to bring its membership into conformance with section 15.375 (2) of the statutes, as affected by this act, shall be appointed for terms expiring on May 1, 1991.

(b) Two of the members appointed to the board to bring its membership into conformance with section 15.375 (2) of the statutes, as affected by this act, shall be appointed for terms expiring on May 1, 1992.

SECTION 22. **Initial applicability.** This act first applies to reorganizations initiated by petitions filed or resolutions adopted under sections 117.08 to 117.14 of the statutes, as affected by this act, on the effective date of this SECTION, except as follows:

~~(1) The requirements of section 117.25 (2) (b) of the statutes, as created by this act, first apply to detachments and attachments of territory that take effect on the effective date of this subsection.~~

**Vetoed
in Part**

(2) Section 117.132 of the statutes, as created by this act, first applies to territory annexed to a city or village on the effective date of this subsection.

SECTION 23. **Effective date.** This act takes effect on January 1, 1990.