



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-4490/1
KRP:skw

2021 ASSEMBLY BILL 854

January 18, 2022 - Introduced by Representatives SUMMERFIELD, JAMES, KUGLITSCH, MOSES and KNODL, cosponsored by Senators BERNIER and STROEBEL. Referred to Committee on Education.

1 **AN ACT to amend** 117.05 (4) (c) 1., 117.12 (2), 117.12 (3), 117.12 (4) and 117.12
2 (5) (b) of the statutes; **relating to:** the authority of school boards to approve or
3 deny owner-initiated petitions to detach and attach small territories of school
4 districts and modifying a waiting period that applies to filing multiple
5 petitions.

Analysis by the Legislative Reference Bureau

This bill eliminates the authority of the school board of a school district to approve or deny an owner-initiated petition to detach territory from the school district and attach the territory to an adjoining school district (reorganization). Under the bill, only the school board of the adjoining school district has the authority to approve or deny the proposed reorganization.

Under current law, this type of owner-initiated petition process is available if 1) the assessed value of the territory proposed to be transferred divided by the assessment ratio of the taxation district is less than 7 percent of the equalized valuation of the school district from which the territory would be detached; and 2) less than 7 percent of the enrollment of the school district from which the territory would be detached resides in that territory (small territory). A petition can be filed by a majority of the electors residing in the small territory or the owners of 50 percent or more of the small territory.

Under current law, the petitioners must file a written petition with the clerk of the school district in which the small territory is located requesting the

ASSEMBLY BILL 854

reorganization, and the clerk must send a certified copy of the petition to the school board of the adjoining school district. Under the bill, the petitioners must file the petition with the clerk of the adjoining school district, who must send a certified copy to the school board of the school district in which the small territory is located.

Currently, in the first February beginning after receipt of a petition, the school boards of both affected school districts may grant or deny the reorganization by adopting resolutions ordering the reorganization, and, if both school boards order the reorganization, the reorganization takes effect on July 1. Under current law, if a school board adopts such a resolution, the school board must send a certified copy of the resolution to the other school board. Under the bill, only the school board of the adjoining school district has the authority to grant or deny the reorganization.

Under current law, the petitioners may appeal a denial of their petition to an appeal panel appointed by the state superintendent of public instruction or, if certain conditions are met, to the School District Boundary Appeal Board, and notice of the appeal is sent to the school boards of both affected school districts. The bill does not change the appeal process.

Finally, the bill modifies a waiting period that prohibits the filing of multiple petitions involving the same territory within a certain period of time. Under current law, in addition to the process for an owner-initiated petition for reorganization of small territory described above, there is also a similar process for an owner-initiated petition for reorganization of large territory, which is defined as any territory that does not meet the definition of small territory. Current law provides that, if an owner-initiated petition is filed using either process, another owner-initiated petition may not be filed before the second July 1 following the filing of the first petition if the subsequent petition involves any of the same territory.

The bill modifies the waiting period so that it no longer applies to owner-initiated petitions related to small territory. In other words, under the bill, the waiting period applies only if more than one owner-initiated petition related to large territory that involves any of the same territory is filed within the statutory time frame.

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

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

- 1 **SECTION 1.** 117.05 (4) (c) 1. of the statutes is amended to read:
- 2 117.05 (4) (c) 1. Except as provided under subd. 2., no petition for the
- 3 detachment of territory from one school district and its attachment to an adjoining
- 4 school district may be filed under s. 117.11 (2) ~~or 117.12 (2)~~ before the 2nd July 1

ASSEMBLY BILL 854

1 following the filing of a petition under s. 117.11 (2) ~~or 117.12 (2)~~ for any
2 reorganization that includes any of the same territory.

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

4 117.12 (2) PETITION. A majority of the electors residing in the territory
5 described under sub. (1) or owners of 50 percent or more of that territory may file a
6 written petition with the clerk of the school district ~~in~~ to which the territory is located
7 proposed to be attached requesting the ~~detachment~~ attachment of the territory ~~from~~
8 to that school district and its ~~attachment to an adjoining~~ the detachment from the
9 school district in which the territory is located. The petition shall include a
10 description of the territory sufficiently accurate to determine its location in the
11 school district in which it is located, as certified by the clerk of each city, town, or
12 village within which all or part of the territory is located, and the number of pupils
13 residing in that territory who, on the most recent of the preceding 3rd Friday of
14 September or 2nd Friday of January, were enrolled in the school district from which
15 the territory is proposed to be detached, as certified by the clerk of that school district.
16 Upon receipt of the petition, the school district clerk shall send a certified copy of the
17 petition to the school board of the school district ~~to~~ from which the territory is
18 proposed to be ~~attached~~ detached and to the secretary of the board.

19 **SECTION 3.** 117.12 (3) of the statutes is amended to read:

20 117.12 (3) SCHOOL BOARD ACTION. In the first February beginning after receipt
21 of a petition under sub. (2), the school boards board of the affected school districts
22 school district to which the territory is proposed to be attached may ~~order~~ adopt a
23 resolution ordering the territory detached from the school district in which ~~it~~ the
24 territory is located and attached to the adjoining school district ~~by the adoption, by~~
25 ~~each of those school boards, of a resolution ordering the reorganization~~. Before

ASSEMBLY BILL 854**SECTION 3**

1 adopting a resolution under this subsection that grants or denies the reorganization,
2 each the school board shall give the electors and owners who signed the petition
3 under sub. (2) an opportunity to meet with the school board to present their reasons
4 for the proposed reorganization. Failure of ~~a~~ the school board to adopt a resolution
5 before March 1 either ordering or denying the reorganization constitutes a denial of
6 the reorganization by the school board. The school district clerk of each the school
7 board ~~adopting a resolution under this subsection that orders or denies a~~
8 ~~reorganization~~ shall, within 5 days after the adoption of ~~the~~ a resolution under this
9 subsection that orders or denies a reorganization, send a certified copy of the
10 resolution to the school board of the ~~other affected~~ school district in which the
11 territory is located and file a certified copy of the resolution as provided under s.
12 117.17 (2). If the school board of each ~~affected~~ the school district to which the
13 territory is proposed to be attached adopts a resolution ordering the detachment and
14 attachment, the reorganization shall take effect on the following July 1.

15 **SECTION 4.** 117.12 (4) of the statutes is amended to read:

16 117.12 (4) APPEAL TO PANEL. If the detachment and attachment of territory is
17 denied by either the school board under sub. (3), a majority of the electors residing
18 in the territory or the owners of 50 percent or more of the territory may appeal the
19 denial to an appeal panel by filing notice of appeal with the secretary of the board
20 before the March 15 following the denial. The secretary of the board shall send a copy
21 of the notice of appeal to the school board of each affected school district. Except as
22 provided under sub. (5), the appeal panel shall issue an order either affirming the
23 school board's denial of the proposed reorganization or ordering all or any part of the
24 territory described in the petition under sub. (2) detached from the school district in
25 which ~~it~~ the territory is located and attached to the adjoining school district. The

ASSEMBLY BILL 854

1 ~~appeal panel shall issue the order shall be issued~~ before the June 15 following the
2 filing of the notice of appeal. The order shall be in writing, shall include a statement
3 of reasons for the order, and shall be filed as provided under s. 117.17 (2). If the
4 appeal panel orders territory detached from one school district and attached to an
5 adjoining school district, the reorganization shall take effect on the following July 1.

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

7 117.12 (5) (b) The secretary of the board shall notify the school board of each
8 affected school district and each owner or elector who signed the notice of appeal
9 under sub. (4) that the appeal or appeals will be reviewed by the board under this
10 subsection rather than by an appeal panel under sub. (4). The board shall issue an
11 order either affirming the a school boards' board's denial of all or any of the proposed
12 reorganizations under par. (a) or the proposed reorganization under par. (am) or
13 ordering all or any part of the territory described in all or any of the petitions under
14 sub. (2) or included in the appeal filed under par. (am) detached from the school
15 district in which it is located and attached to an adjoining school district. In addition
16 to the criteria under s. 117.15, in making its decision, the board also shall consider
17 the effect that the proposed detachments under par. (a), taken as a whole, will have
18 on the school district from which the territory is proposed to be detached, or the
19 cumulative effect on that school district of the proposed detachment under par. (am).

20 The ~~board's~~ board shall issue the order shall be issued before the June 15 following
21 the filing of the notice of appeal. The order shall be in writing, shall include a
22 statement of reasons for the order, and shall be filed as provided under s. 117.17 (2).
23 If the board orders territory detached from one school district and attached to an
24 adjoining school district, the reorganization shall take effect on the following July 1.

25 (END)