

CR 84-131

RECEIVED

CERTIFICATE

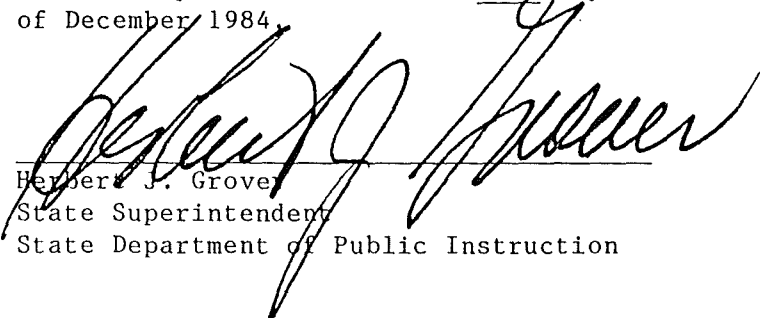
STATE OF WISCONSIN )  
 ) SS  
DEPARTMENT OF PUBLIC INSTRUCTION )

DEC 12 1984  
12:50  
Revisor of Statutes  
Bureau

I, State Superintendent of the Department of Public Instruction and custodian of the official records of said Department, do hereby certify that the annexed amendment of rules concerning school district boundary appeals was duly adopted by this Department on the first day of the month following publication in the Wisconsin Administrative Register.

I further certify that said copy has been compared by me with the original on file in this Department and the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Public Instruction at 125 South Webster Street, in the City of Madison, this 10th day of December 1984.

  
Herbert J. Grover  
State Superintendent  
State Department of Public Instruction

STATE OF WISCONSIN  
RECEIVED AND FILED

DEC 10 1984

DOUGLAS LA FOLLETTE  
SECRETARY OF STATE

2-1-85

ORDER OF THE  
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION  
REPEALING AND RECREATING RULES

1       To repeal and recreate Chapter PI 2 relating to school district boundary  
2 appeals.

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Analysis Prepared by the Department of Public Instruction

Chapter PI 2 Appeals outlines the procedures followed by the Department of Public Instruction in considering school district boundary appeals. Chapter 27, Laws of 1983, extensively amended Chapter 117, School District Reorganization, Stats. thereby necessitating the repeal and recreation of Chapter PI 2 Appeals.

S. 15.375(2), Stats., as created by Chapter 27, Laws of 1983, provides for a school district boundary appeal board in the department. The board will consist of the state superintendent or designee, and four school board members. The state superintendent is empowered to appoint eight board members (four regular and four alternate members). The proposed rules outline the procedures the state superintendent will follow in appointing the members of the board.

As amended, s. 117.08, Stats., outlines procedures for attachment of territory by school boards. The owner of an individual parcel of property or electors residing in the territory considering transfer from one school district to another may file a petition with the clerk of each school district affected by the proposed detachment-attachment. At a joint meeting of the school boards of the districts affected, a decision is reached to grant the petition, modify the petition, or deny the petition. An aggrieved person may file a written request for review by a mediator with the state superintendent if the territory described in the petition is less than 5% of the equalized valuation of the school district from which the territory is proposed to be detached. The state superintendent will appoint a mediator to review the request. The order issued by the school boards following mediation may be appealed to the school district boundary appeal board. If the territory described in the petition is equal to or greater than 5% of the equalized valuation from which the territory is proposed to be detached, the aggrieved person may appeal directly to the school district boundary appeal board.

S. 117.08(3)(b), Stats., requires that the mediator inform himself or herself relative to the review by methods established by the state superintendent by rule. The proposed rules outline the qualifications of the mediator and the review procedures the mediator must follow.

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3       Pursuant to the authority vested in the State Superintendent by ss.  
4 15.375(2), 115.28(5), and 117.08, Stats., the State Superintendent hereby  
5 repeals and recreates rules interpreting ss. 115.28(5) and 117.08, Stats.,  
6 as follows:

STATE OF WISCONSIN  
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DOUGLAS LA FOLLETTE  
SECRETARY OF STATE

1 SECTION 1. CHAPTER PI 2 is repealed and recreated to read:

2 PI 2 SCHOOL DISTRICT BOUNDARY APPEALS

3 PI 2.01 APPLICABILITY AND PURPOSE. This chapter establishes procedures for  
4 mediation and appeals regarding attachment of parcels by school districts  
5 under s. 117.08, Stats.

6 PI 2.02 DEFINITIONS. In this chapter:

- 7 (1) "Board" means the school district boundary appeal board.
- 8 (2) "CESA" means a cooperative educational service agency.
- 9 (3) "Department" means the department of public instruction.
- 10 (4) "Immediate relative" means a spouse, parent, grandparent, brother,  
11 sister, uncle, aunt, step-parent, son, daughter, or in-law.
- 12 (5) "Mediator" means a person meeting the criteria under s. PI 2.04  
13 appointed by the state superintendent under s. 117.08(3)(a), Stats.,  
14 to carry out the responsibilities in s. PI 2.06.
- 15 (6) "Notice of appeal" means a written notice of appeal to the school  
16 district boundary appeal board filed with the state superintendent  
17 within 30 days following the mailing of an order under s. 117.01(2)(c),  
18 Stats., by a person aggrieved by an order under s. 117.08(2) or (3)(b),  
19 Stats.
- 20 (7) "Request for mediation" means a written request for review by a mediator  
21 filed with the state superintendent within 30 days of the date of an  
22 order under s. 117.08(1)(c), Stats., by a person aggrieved by the order  
23 or failure to make an order.
- 24 (8) "School board" means the school board or board of education in charge of  
25 the schools of a school district.
- 26 (9) "School district affected" has the meaning given in s. 115.01(17), Stats.

1 (10) "State superintendent" includes the deputy state superintendent acting in  
2 accordance with s. 15.04(2), Stats., or any officer or employe of the  
3 department to whom a lawful function has been delegated by the state  
4 superintendent pursuant to s. 15.375(2), Stats.

5 PI 2.03 STATE SUPERINTENDENT RESPONSIBILITIES. Upon receipt of a request for  
6 mediation or the filing of a notice of appeal, the state superintendent shall:

7 (1) Collect a filing fee sufficient to reimburse the department for the  
8 estimated costs of the mediator or the board from the person requesting  
9 review by a mediator prior to the appointment of a mediator or from the  
10 person filing a notice of appeal before the setting of a time and place  
11 for the board to meet. The filing fee shall be reviewed annually and  
12 adjusted as necessary.

13 (2) Notify the clerk of each municipality and school district affected.

14 (3) Appoint a mediator or set a time and place for the board to meet, as  
15 required by ss. 117.08(3)(a) or 117.03(3)(a), Stats., respectively.

16 PI 2.04 MEDIATOR APPOINTMENT CRITERIA. A mediator shall:

17 (1) Possess knowledge and skills in the following areas:

18 (a) School organization;

19 (b) School law;

20 (c) School finance;

21 (d) Curriculum and instruction;

22 (e) Conflict resolution; and

23 (f) Problem-solving.

24 (2) Not be nor ever have been a resident of any of the school districts  
25 affected;

26 (3) Not be nor ever have been employed by any of the school districts  
27 affected;

1 (4) Not have nor ever have had an immediate relative employed by  
2 any of the school districts affected;

3 (5) Not have an immediate relative be a current resident of any  
4 of the school districts affected; and

5 (6) Not be nor ever have been an employe of the department.

6 PI 2.05 SUBMITTAL OF MATERIALS. Within 10 working days after  
7 notification of a request for mediation or a notice of an appeal has  
8 been received, the school board of the school district from which the  
9 property is proposed to be detached shall submit to the department:

10 (1) A copy of the original petition filed with the school board under  
11 s. 117.08(1)(a), Stats;

12 (2) Transcribed minutes, transcribed stenographic record, or transcribed  
13 electronic recording of the hearing on the petition or resolution and  
14 a correct copy of all exhibits and data submitted at the hearing;

15 (3) A copy of notice of the hearing.

16 (4) Any written statement of facts and other relevant matters relating  
17 to the petition.

18 (5) A certified copy of the resolution, if any, adopted by the school  
19 boards.

20 PI 2.06 MEDIATOR RESPONSIBILITIES.

21 (1) The mediator shall:

22 (a) Review the district map of each district affected in relation  
23 to the boundaries, attendance centers, metropolitan centers,  
24 distance, geography, roads, and transportation;

25 (b) Review the transcribed stenographic or electronically recorded  
26 record or listen to the electronic recording of the school  
27 boards' joint public hearing;

1 (c) Review all of the exhibits and data presented at the school  
2 boards' joint public hearing;

3 (d) Review all statements of fact and other relevant matters  
4 submitted under s. PI 2.05.

5 (2) Within 60 days of appointment and after considering and weighing the  
6 factors under s. 117.03(3)(b), Stats., the mediator shall:

7 (a) Make written findings of fact;

8 (b) Make recommendations for resolution of the review; and

9 (c) Send, via registered mail, the written findings and recommenda-  
10 tions to the aggrieved party and to the school boards of the  
11 school districts affected.

12 PI 2.07 ACTION ON MEDIATOR'S RECOMMENDATIONS. The school boards of  
13 the school districts affected shall meet jointly and shall act on the  
14 mediator's recommendations within 30 days of receipt of the recommendations  
15 by affirming, modifying or reversing the resolution adopted under  
16 s. 117.08(1)(c), Stats. Upon request of one or both of the school boards  
17 of the school districts affected and with the consent of the aggrieved party,  
18 or by request of the aggrieved party, the mediator shall be present to  
19 explain and clarify the written findings and recommendations.

20 PI 2.08 SCHOOL DISTRICT BOUNDARY APPEAL BOARD. (1) In making  
21 appointments to the school district boundary appeal board, the state  
22 superintendent shall:

23 (a) Arrange the CESAs into four areas consisting of three CESAs in each  
24 area:

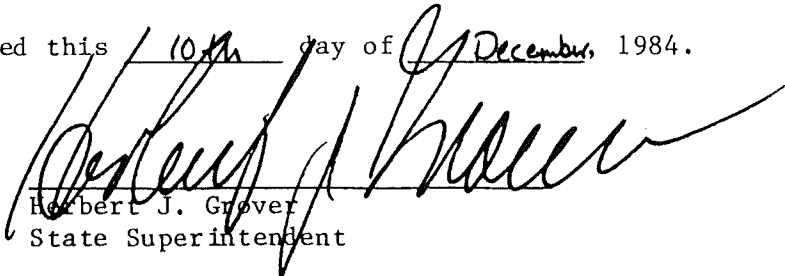
25 1. Area "A" - CESAs 8, 9 and 12

26 2. Area "B" - CESAs 4, 10 and 11

- 1           3.    Area "C" - CESAs 5, 6 and 7
- 2           4.    Area "D" - CESAs 1, 2 and 3
- 3           (b) Request the name of one board of education member from each CESA
- 4                 board of control for consideration for appointment to the board.
- 5           (c) Appoint one regular member and one alternate member from each area.
- 6           (2) Candidates shall be appointed for a two year term and may be nominated
- 7                 and appointed to succeed themselves. Board membership is contingent
- 8                 upon continued service as a school board member.
- 9           (3) The state superintendent shall notify the CESA boards of control in the
- 10                affected area of the impending or actual vacancy and request nominations
- 11                of school board members for appointment. The candidate for appointment
- 12                shall not be from a CESA which already has a regular or an alternate
- 13                member serving on the school district boundary appeal board. If a
- 14                regular member is unable to complete his or her term, the alternate
- 15                member shall be considered for appointment to the regular member's term.
- 16           (4) The board shall be convened as necessary by the state superintendent.

The rule 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. 227.026(1)(intro.), Stats.

Dated this 10th day of December, 1984.

  
Herbert J. Grover  
State Superintendent

FISCAL ESTIMATE

AD-MBA-23 (Rev. 11/82)

1983 Session

LRB or Bill No./Adm. Rule No.

PI 2

Amendment No. if Applicable

ORIGINAL  UPDATED  
 CORRECTED  SUPPLEMENTAL

Subject

School District Boundary Appeals

Fiscal Effect

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Existing Appropriation  Increase Existing Revenues  
 Decrease Existing Appropriation  Decrease Existing Revenues  
 Create New Appropriation

Increase Costs - May Be Possible to Absorb Within Agency's Budget  Yes  No  
 Decrease Costs

Local:  No local government costs

1.  Increase Costs  
 Permissive  Mandatory  
 2.  Decrease Costs  
 Permissive  Mandatory

3.  Increase Revenues  
 Permissive  Mandatory  
 4.  Decrease Revenues  
 Permissive  Mandatory

5. Types of Local Governmental Units Affected:  
 Towns  Villages  Cities  
 Counties  Others \_\_\_\_\_

Fund Sources Affected

GPR  FED  PRO  PRS  SEG  SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

Under the proposed rules Chapter PI 2 School District Boundary Appeals the State Superintendent is responsible for naming a qualified disinterested person to act as mediator in a school district boundary dispute and for appointing a school district boundary appeals board. The appeals board will consist of the State Superintendent or designee and four regular and four alternate members. The appeals board will be convened as necessary by the State Superintendent.

The fiscal note assumes that:

- As provided in s.117.08(4), Stats., all costs involved in the boundary dispute will be borne by the petitioner;
- Based on previous years' statistics the number of requests for a review by a mediator or appeals will not exceed 20 per year (16 appeals were considered in 1983);
- The Department will absorb the costs associated with staff time and secretarial expenses including the preparation and mailing of the transcript of the hearing.

The rules provide that a filing fee will be collected from the petitioner prior to the appointment of a mediator or the setting of a hearing date before the appeals board. The mediator will receive an honorarium of \$100 in addition to reimbursement for mileage, meals, and lodging. The appeal board members will receive \$25 per day as provided for in s. 15.07(5)(L), Stats., in addition to reimbursement for mileage, meals, and lodging. In the past all appeals have been completed within one day. The filing fee will be reviewed annually and adjusted accordingly by the Department.

Any state or local costs will be minimal so no fiscal impact is projected.

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.)

Department of Public Instruction

Authorized Signature/Telephone No.

Debra Byars (266-1966)

Date

4/9/84



**FISCAL ESTIMATE WORKSHEET**

1983 Session

Detailed Estimate of Annual Fiscal Effect  
AD-MBA-22 (Rev. 11/82)

ORIGINAL     UPDATED  
 CORRECTED     SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.  
PI 2

Amendment No.

Subject

School District Boundary Appeals

**I. One-time Costs or Revenue Fluctuations for State and/or Local Government (do not include in annualized fiscal effect):**

**II. Annualized Costs:** Note: Treat fiscal costs like a "checkbook": increased costs reduce available funds (-); decreased costs increase available funds (+).

Annualized fiscal impact on State funds from:	Annualized fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>		
Salaries and Fringes	\$ -	\$ +
Staff Support Costs	-	+
Other State Costs	-	+
Local Assistance	-	+
Aids to Individuals or Organizations	-	+
<b>TOTAL State Costs by Category</b>	\$ - 0	\$ + 0
<b>B. State Costs by Source of Funds</b>		
GPR	\$ -	\$ +
FED	-	+
PRO/PRS	-	+
SEG/SEG-S	-	+
<b>C. FTE Position Changes</b>	Increased Pos. + ( 0 )	Decreased Pos. - ( 0 )
<b>III. State Revenues--Complete this only when proposal will increase or decrease state revenues, such as taxes, license fees, etc.</b>		
GPR Taxes	\$ -	\$ +
GPR Earned	-	+
FED	-	+
PRO/PRS	-	+
SEG/SEG S	-	+
<b>TOTAL State Revenues</b>	\$ - 0	\$ + 0

**Net Annualized Fiscal Impact on State & Local Funds**

State	Annual Increases	Annual Decreases	Local	Annual Increases	Annual Decreases
Total Costs	\$ -	\$ +	Total Costs	\$ -	\$ +
Total Revenues	+	-	Total Revenues	+	-
<b>NET Impact on State Funds</b>	\$ (+) or (-)	0	<b>NET Impact on Local Funds</b>	\$ (+) or (-)	0

Authorized Signature/Telephone No.

Date