

## Chapter PI 2

## SCHOOL DISTRICT BOUNDARY APPEALS

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Note: Chapter PI 2 as it existed on July 15, 1984 was repealed and recreated by emergency rule effective July 16, 1984. Chapter PI 2 as it existed on January 31, 1985 was repealed and a new chapter PI 2 was created effective February 1, 1985.

**PI 2.01 Applicability and purpose.** This chapter establishes procedures for mediation and appeals regarding attachment of parcels by school districts under s. 117.08, Stats. *Emerg. not recd 2/1/90*

**History:** Cr. Register, January, 1985, No. 349, eff. 2-1-85.

**PI 2.02 Definitions.** In this chapter:

- (1) "Board" means the school district boundary appeal board.
- (2) "CESA" means a cooperative educational service agency.
- (3) "Department" means the department of public instruction.
- (4) "Immediate relative" means a spouse, parent, grandparent, brother, sister, uncle, aunt, step-parent, son, daughter, or in-law.
- (5) "Mediator" means a person meeting the criteria under s. PI 2.04 appointed by the state superintendent under s. 117.08 (3) (a), Stats., to carry out the responsibilities in s. PI 2.06.
- (6) "Notice of appeal" means a written notice of appeal to the school district boundary appeal board filed with the state superintendent within 30 days following the mailing of an order under s. 117.01 (2) (c), Stats., by a person aggrieved by an order under s. 117.08 (2) or (3) (b), Stats.
- (7) "Request for mediation" means a written request for review by a mediator filed with the state superintendent within 30 days of the date of an order under s. 117.08 (1) (c), Stats., by a person aggrieved by the order or failure to make an order.
- (8) "School board" means the school board or board of education in charge of the schools of a school district.
- (9) "School district affected" has the meaning given in s. 115.01 (17), Stats.
- (10) "State superintendent" includes the deputy state superintendent acting in accordance with s. 15.04 (2), Stats., or any officer or employe of the department to whom a lawful function has been delegated by the state superintendent pursuant to s. 15.375 (2), Stats.

**History:** Cr. Register, January, 1985, No. 349, eff. 2-1-85.

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**PI 2.03 State superintendent responsibilities.** Upon receipt of a request for mediation or the filing of a notice of appeal, the state superintendent shall:

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

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

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

History: Cr. Register, January, 1985, No. 349, eff. 2-1-85.

**PI 2.04 Mediator appointment criteria.** A mediator shall:

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

(a) School organization;

(b) School law;

(c) School finance;

(d) Curriculum and instruction;

(e) Conflict resolution; and

(f) Problem-solving.

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

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

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

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

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

History: Cr. Register, January, 1985, No. 349, eff. 2-1-85.

**PI 2.05 Submittal of materials.** Within 10 working days after notification of a request for mediation or a notice of an appeal has been received, the school board of the school district from which the property is proposed to be detached shall submit to the department:

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

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

(3) A copy of notice of the hearing.

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

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

History: Cr. Register, January, 1985, No. 349, eff. 2-1-85.

**PI 2.06 Mediator responsibilities.** (1) The mediator shall:

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

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

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

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

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

(a) Make written findings of fact;

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

(c) Send, via registered mail, the written findings and recommendations to the aggrieved party and to the school boards of the school districts affected.

History: Cr. Register, January, 1985, No. 349, eff. 2-1-85.

**PI 2.07 Action on mediator's recommendations.** The school boards of the school districts affected shall meet jointly and shall act on the mediator's recommendations within 30 days of receipt of the recommendations by affirming, modifying or reversing the resolution adopted under s. 117.08 (1) (c), Stats. Upon request of one or both of the school boards of the school districts affected and with the consent of the aggrieved party, or by request of the aggrieved party, the mediator shall be present to explain and clarify the written findings and recommendations.

History: Cr. Register, January, 1985, No. 349, eff. 2-1-85.

**PI 2.08 School district boundary appeal board.** (1) In making appointments to the school district boundary appeal board, the state superintendent shall:

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

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

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

3. Area "C" - CESAs 5, 6 and 7

4. Area "D" - CESAs 1, 2 and 3

(b) Request the name of one board of education member from each CESA board of control for consideration for appointment to the board.

(c) Appoint one regular member and one alternate member from each area.

(2) Candidates shall be appointed for a 2 year term and may be nominated and appointed to succeed themselves. Board membership is contingent upon continued service as a school board member.

(3) The state superintendent shall notify the CESA boards of control in the affected area of the impending or actual vacancy and request nominations of school board members for appointment. The candidate for appointment shall not be from a CESA which already has a regular or an alternate member serving on the school district boundary appeal board. If a regular member is unable to complete his or her term, the alternate member shall be considered for appointment to the regular member's term.

(4) The board shall be convened as necessary by the state superintendent.

History: Cr. Register, January, 1985, No. 349, eff. 2-1-85.