



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1995 ASSEMBLY BILL 400**

January 11, 1996 – Offered by COMMITTEE ON EDUCATION.

1 **AN ACT** *to renumber* 121.07 (6) (e) and 121.07 (7) (e); *to renumber and amend*
2 117.30 (1), 121.90 (2), 121.905 (3) (a) and 121.905 (3) (b); *to amend* 67.12 (12)
3 (e) 2., 117.05 (1m), 117.05 (2) (a), 117.05 (4) (a) (intro.), 117.05 (5) (a), 117.05 (8),
4 117.05 (9) (title), 117.05 (9) (a) (intro.), 117.05 (9) (b), 117.05 (10), 117.14 (1) (b),
5 117.17 (1) (a), 117.20 (1), 117.22 (2) (a) 1., 121.84 (1) (b) and 121.905 (4); and *to*
6 **create** 67.05 (6a) (bg), 67.05 (7) (j), 67.12 (12) (e) 2r., 67.12 (12) (h), 117.05 (4)
7 (d), 117.05 (9) (a) 1. and 2., 117.105, 117.17 (1) (bm), 117.22 (2) (bm), 117.25 (4),
8 117.30 (1) (b), 121.07 (6) (e) 2., 121.07 (7) (e) 2., 121.78 (2) (bm), 121.78 (2) (br),
9 121.90 (2) (b), 121.905 (3) (a) 2., 121.905 (3) (b) 2., 121.91 (2m) (e), 121.91 (4) (c)
10 3. and 121.91 (4) (f) of the statutes; **relating to:** procedures to create a school
11 district out of the territory of one or more existing school districts and
12 information provided to persons filing a petition for a referendum on the
13 detachment of large territory from one school district and its attachment to
14 another school district.

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

1 **SECTION 1.** 67.05 (6a) (bg) of the statutes is created to read:

2 67.05 **(6a)** (bg) For a school district from which territory is detached to create
3 a new school district under s. 117.105, the amounts specified and calculated under
4 par. (b) shall be increased, for the construction of a building or an addition to a
5 building only, by the amount determined as follows:

6 1. Determine the number of pupils in each grade level who attended school in
7 the previous school year in a building that was then owned by the school district and
8 has been allocated to another school district by the reorganization and who resided
9 in the previous school year in territory that was not transferred to the other school
10 district. The number shall be the average of such pupils enrolled on the 3rd Friday
11 of September and the 2nd Friday of January.

12 2. The department of industry, labor and human relations shall determine for
13 each grade level in which pupils attended school in a building described in subd. 1.,
14 the average cost per square foot for, and the average number of square feet per pupil
15 included in, 2 recently constructed school buildings that were designed to serve
16 pupils of that grade level, as selected by that department.

17 3. For each grade level, multiply the number determined under subd. 1. by the
18 product of the 2 numbers determined under subd. 2., and total the results.

19 **SECTION 2.** 67.05 (7) (j) of the statutes is created to read:

20 67.05 **(7)** (j) An initial resolution adopted by the school board of a school district
21 created by a reorganization under s. 117.105, or adopted by the school board of a
22 school district from which territory is detached to create a school district under s.
23 117.105, for the purpose of financing any assets or liabilities apportioned to the
24 school district or assets apportioned to another school district under s. 117.105 (1m)
25 or (2m), is not subject to a referendum.

1 **SECTION 3.** 67.12 (12) (e) 2. of the statutes is amended to read:

2 67.12 (12) (e) 2. Unless the purpose and amount of the borrowing have been
3 approved by the electors under s. 67.05 (6a) or deemed approved by the electors under
4 s. 67.05 (7) (d) 3., the purpose is to refund any outstanding municipal obligation or
5 would not be subject to a referendum as a bond issue under s. 67.05 (7) (cc), (h) or (i),
6 or subd. 2g. or par. (f) or (h) applies, the school district clerk shall, within 10 days after
7 a school board adopts a resolution under subd. 1. to issue a promissory note in excess
8 of \$5,000, publish notice of such adoption as a class 1 notice, under ch. 985.
9 Alternatively, the notice may be posted as provided under s. 10.05. The notice need
10 not set forth the full contents of the resolution, but shall state the maximum amount
11 proposed to be borrowed, the purpose thereof, that the resolution was adopted under
12 this subsection, and the place where, and the hours during which, the resolution may
13 be inspected. If, within 15 days after publication or posting, a petition conforming
14 to the requirements of s. 8.40 is filed with the school district clerk for a referendum
15 on the resolution signed by at least 7,500 electors of the district or at least 20% of the
16 number of district electors voting for governor at the last general election, as
17 determined under s. 115.01 (13), whichever is the lesser, then the resolution shall not
18 be effective unless adopted by a majority of the district electors voting at the
19 referendum. The referendum shall be called in the manner provided under s. 67.05
20 (6a), except that the question which appears on the ballot shall be "Shall (name
21 of district) borrow the sum of \$.... for (state purpose) by issuing its general obligation
22 promissory note (or notes) under section 67.12 (12) of the Wisconsin Statutes?"

23 **SECTION 4.** 67.12 (12) (e) 2r. of the statutes is created to read:

24 67.12 (12) (e) 2r. For a school district from which territory is detached to create
25 a new school district under s. 117.105, the amounts specified and calculated under

1 subd. 2g. shall be increased, for the construction of a building or an addition to a
2 building only, by the amount determined as follows:

3 a. Determine the number of pupils in each grade level who attended school in
4 the previous school year in a building that was then owned by the school district and
5 has been allocated to another school district by the reorganization and who resided
6 in the previous school year in territory that was not transferred to the other school
7 district. The number shall be the average of such pupils enrolled on the 3rd Friday
8 of September and the 2nd Friday of January.

9 b. The department of industry, labor and human relations shall determine, for
10 each grade level in which pupils attended school in a building described in subd. 2r.
11 a., the average cost per square foot for, and the average number of square feet per
12 pupil included in, 2 recently constructed school buildings that were designed to serve
13 pupils of that grade level, as selected by that department.

14 c. For each grade level, multiply the number determined under subd. 2r. a. by
15 the product of the 2 numbers determined under subd. 2r. b., and total the results.

16 **SECTION 5.** 67.12 (12) (h) of the statutes is created to read:

17 67.12 (12) (h) Paragraph (e) 2. does not apply to borrowing by the school board
18 of a school district created by a reorganization under s. 117.105, or by the school
19 board from which territory is detached to create a school district under s. 117.105,
20 for the purpose of financing any assets or liabilities apportioned to the school district
21 or assets apportioned to another school district under s. 117.105 (1m) or (2m).

22 **SECTION 6.** 117.05 (1m) of the statutes, as affected by 1995 Wisconsin Act 27,
23 is amended to read:

1 117.05 (1m) BOARD AND APPEAL PANEL MEETINGS. The secretary shall set the time
2 and place for meetings of the board under ss. 117.10, 117.105 (2m), 117.12 (5) and
3 117.132 and for meetings of appeal panels under ss. 117.12 (4) and 117.13.

4 **SECTION 7.** 117.05 (2) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
5 is amended to read:

6 117.05 (2) (a) *Board*. The secretary shall appoint 7 members of the board to
7 perform any review under ss. 117.10, 117.105 (2m), 117.12 (5) and 117.132. The 7
8 members shall include the secretary or his or her designee on the board, 2 board
9 members from school districts with small enrollments, 2 board members from school
10 districts with medium enrollments and 2 board members from school districts with
11 large enrollments. Any action of the board under this chapter requires the
12 affirmative vote of at least 4 of the 7 members appointed under this paragraph.

13 **SECTION 8.** 117.05 (4) (a) (intro.) of the statutes is amended to read:

14 117.05 (4) (a) *Pending proceedings*. (intro.) A reorganization proceeding is
15 pending from the date that a petition is filed under s. 117.105 (1) (a), 117.11 (2) or
16 117.12 (2) or a resolution is adopted under s. 117.08 (1), 117.09 (1), 117.10 (1), 117.105
17 (1) (b), 117.13 (2) or 117.132 (2) until the date on which the latest of any of the
18 following occurs:

19 **SECTION 9.** 117.05 (4) (d) of the statutes is created to read:

20 117.05 (4) (d) *Four-year limitation on consideration of creation of a school*
21 *district*. 1. Except as provided in subd. 2., no petition may be filed or resolution
22 adopted for the creation of a new school district under s. 117.105 (1) (a) or (b) before
23 the 5th July 1 following the filing of a petition under s. 117.105 (1) (a) or the adoption
24 of a resolution under s. 117.105 (1) (b) for any reorganization that includes any of the
25 same territory.

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

5 **SECTION 10.** 117.05 (5) (a) of the statutes is amended to read:

6 117.05 (5) (a) *Territory in district.* All territory within this state shall be
7 included in a school district operating elementary school grades and a school district
8 operating high school grades or in a school district operating both elementary and
9 high school grades. No territory may be detached from a school district unless by the
10 same order it is attached to another school district or included in a new school district
11 created by the order. No territory may be detached from a school district that
12 operates high school grades unless by the same order it is attached to or included in
13 another school district that operates high school grades.

14 **SECTION 11.** 117.05 (8) of the statutes is amended to read:

15 117.05 (8) INFORMATION ON REORGANIZATION PROCEDURES. The department shall
16 prepare a written description of the procedures for school district reorganizations
17 under ss. 117.08 to 117.132 and distribute copies to school district clerks. A school
18 district clerk shall give a copy of the description to any person, upon request, and to
19 any person filing a petition with the clerk under s. 117.08 (3) (a) 2., 117.09 (3) (a) 2.,
20 117.105 (1) (a), 117.11 (2) or (4) (a) 2. or 117.12 (2), at the time the petition is filed.

21 **SECTION 12.** 117.05 (9) (title) of the statutes is amended to read:

22 117.05 (9) (title) APPEAL BOARD AND APPEAL PANEL FEES.

23 **SECTION 13.** 117.05 (9) (a) (intro.) of the statutes is amended to read:

1 117.05 (9) (a) (intro.) The department may charge the following persons a fee
2 sufficient to reimburse the department for the costs of the board under ss. 117.10,
3 117.105 and 117.132:

4 **SECTION 14.** 117.05 (9) (a) 1. and 2. of the statutes are created to read:

5 117.105 (9) (a) 1. The school boards of the affected school districts under s.
6 117.105 if they fail to reach agreement under s. 117.105 (1m) (b).

7 2. A person who files a petition requesting review by the board under s. 117.105
8 (2m).

9 **SECTION 15.** 117.05 (9) (b) of the statutes is amended to read:

10 117.05 (9) (b) The clerk of the school district ordering the dissolution or
11 requesting review shall pay the fee under par. (a) 3. or 4. to the department. The clerk
12 of each affected school district shall pay the fee under par. (a) 1. to the department.
13 The department shall allocate the fee under par. (a) 1. among the school districts
14 from which territory is being detached to create a new school district if there is more
15 than one such school district. The secretary of the board shall forward the fee fees
16 collected under par. (a) 1. and 5. to the department.

17 **SECTION 16.** 117.05 (10) of the statutes, as affected by 1995 Wisconsin Act 27,
18 is amended to read:

19 117.05 (10) SECRETARY TO ADVISE. The secretary shall advise and consult with
20 school boards regarding school district organization and reorganization. If, in the
21 secretary's opinion, one or more school districts should be created, altered,
22 consolidated or dissolved, he or she may make recommendations to the school boards
23 of the affected school districts.

24 **SECTION 17.** 117.105 of the statutes is created to read:

117.105 Creation of a school district. (1) INITIATION OF PROCEDURES.

Procedures to create a school district from the territory of one or more existing school districts may be initiated by any of the following methods:

(a) Before July 1 of any year, a written petition requesting the creation of a school district may be filed with the clerk of the school district that has the highest equalized valuation of the affected school districts. The petition shall be signed by at least 20% of the total number of electors residing in the affected school districts and by at least 5% of the number of electors residing in each affected school district. The school district clerk with whom the petition is filed shall immediately send a certified notice of the petition to the school board of each affected school district and to the secretary of the board. The petition shall include the approximate boundaries of the proposed school district.

(b) Before July 1 of any year, the school board of each school district from which territory will be detached to create the proposed school district may adopt a resolution stating that the school board will consider the creation of the school district. The resolution shall include the approximate boundaries of the proposed school district. The school district clerk of each school board adopting a resolution under this paragraph 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.

(1m) HEARING; BOUNDARIES; ASSETS AND LIABILITIES. (a) Upon receipt of a petition or notice under sub. (1) (a), or upon the adoption of a resolution and the receipt of copies of resolutions adopted by the school board of each of the other affected school districts under sub. (1) (b), the school board shall hold a public hearing on the proposed reorganization.

1 (b) Before the November 1 following the receipt of a petition or notice under sub.
2 (1) (a) or the adoption of resolutions under sub. (1) (b), the school boards of the
3 affected school districts may agree on the precise boundaries of the proposed school
4 district and the apportionment of the assets and liabilities between the affected
5 school districts and the proposed school district according to the criteria under s.
6 66.03 (2c). The school boards may establish an alternative method to govern the
7 assignment of assets and liabilities as provided in s. 66.03 (2c) (b). In determining
8 the precise boundaries, the school boards may not detach territory from any
9 additional school districts. The clerk of the school district that has the highest
10 equalized valuation of the affected school districts shall notify the board of their
11 agreement or their failure to reach agreement.

12 (c) If the school boards of the affected school districts fail to agree on the precise
13 boundaries or on the apportionment of assets and liabilities by November 1 under
14 par. (b), the board shall issue an order doing so by the following March 1. In
15 determining the precise boundaries of the proposed school district, the board may not
16 detach territory from any additional school districts.

17 **(2) SCHOOL BOARD ACTION.** Before the February 1 following the determination
18 of the precise boundaries of the proposed school district and the apportionment of
19 assets and liabilities under sub. (1m) (b), or before the May 1 following an order
20 issued by the board under sub. (1m) (c), the school board of each affected school
21 district shall adopt a resolution ordering or denying the creation of the school district.
22 The resolution shall state the school board's rationale for ordering or denying the
23 reorganization and include an evaluation of each of the factors specified in s. 117.15.
24 The school district clerk of each school board adopting a resolution under this
25 subsection, either ordering or denying the reorganization, shall, within 5 days after

1 the adoption of the resolution, send a certified copy of the resolution to the school
2 boards of each of the other affected school districts and file a certified copy of the
3 resolution as provided in s. 117.17 (2).

4 **(2m)** BOARD REVIEW. (a) The board shall review a proposed reorganization
5 under this section if any of the following occurs:

6 1. The school board of each affected school district issues an order under sub.
7 (2) granting the proposed reorganization, and a petition for board review of the
8 proposed reorganization, signed by at least 10% of the number of electors residing
9 in the territory of the affected school districts that is not within the proposed school
10 district, is filed with the secretary of the board. The petition shall be filed by March
11 1 following the school board action under sub. (2), or by June 1 following the school
12 board action under sub. (2) if the board issued an order under sub. (1m) (c).

13 2. The school board of any of the affected school districts issues an order under
14 sub. (2) denying the proposed reorganization, and a petition for board review of the
15 proposed reorganization, signed by at least 10% of the number of electors residing
16 in each affected school district, is filed with the secretary of the board. The petition
17 shall be filed by March 1 following the school board action under sub. (2), or by June
18 1 following the school board action under sub. (2) if the board issued an order under
19 sub. (1m) (c).

20 (b) Upon receipt of a petition for review under par. (a), the secretary of the board
21 shall immediately notify the school board of each affected school district and the
22 board shall hold a public hearing on the proposed reorganization. After the hearing
23 and after consulting with the school boards of the affected school districts, but before
24 July 1, the board may modify the boundaries of the proposed school district and the
25 apportionment of assets and liabilities between the affected school districts and the

1 proposed school district unless the board determined the boundaries and
2 apportionment under sub. (1m) (c). The board may not modify the boundaries by
3 detaching territory from any additional school districts.

4 (bm) If the board modifies the boundaries or the apportionment of assets and
5 liabilities under par. (b), it shall immediately notify the school board of each affected
6 school district, and before August 15, the school board of each affected school district
7 may proceed under sub. (2) to issue an order either granting or denying the proposed
8 reorganization, as modified by the board. The board shall then proceed under par.
9 (c) without the filing of a new petition under par. (a) but may not issue an order under
10 par. (c) before August 21.

11 (c) By October 1 following receipt of a petition for review under par. (a), the
12 board shall issue an order either granting or denying the proposed reorganization.
13 The order shall state the board's rationale and include an evaluation of each of the
14 factors specified in s. 117.15. The board may overturn the decision of the school
15 boards only if it finds that the school boards' conclusions regarding the factors
16 specified in s. 117.15 are not supported by the facts or that the school boards did not
17 properly apply these factors.

18 **(3) REFERENDUM.** (a) A referendum shall be held under par. (b) if any of the
19 following occurs:

20 1. The school boards of all of the affected school districts grant the proposed
21 reorganization and there is no petition filed for board review.

22 2. The school boards of all of the affected school districts grant the proposed
23 reorganization, a petition for board review is filed and the board grants the proposed
24 reorganization.

1 3. The school board of one or more of the affected school districts denies the
2 proposed reorganization, a petition for board review is filed and the board grants the
3 proposed reorganization.

4 (b) If a referendum is required under par. (a), the board shall immediately
5 notify the school boards of each of the affected school districts and the clerk of each
6 city, village or town, any part of which is contained within an affected school district.
7 The referendum shall be held in the territory of the school district proposed to be
8 created by the reorganization.

9 **(4) ORDER OF REORGANIZATION IF APPROVED AT REFERENDUM.** If a majority of the
10 votes cast in the territory of the school district proposed to be created by the
11 reorganization is in favor of the creation of the proposed school district, at the time
12 of canvassing the returns the school boards of the affected school districts shall make
13 and file an order of school district reorganization under s. 117.17 (2). The
14 reorganization shall take effect on the following July 1 unless the school board of the
15 newly created school district adopts and files a resolution, as provided in s. 117.17
16 (2), stating that the reorganization shall take effect on the 2nd July 1 following the
17 order of reorganization.

18 **SECTION 18.** 117.14 (1) (b) of the statutes is amended to read:

19 117.14 **(1)** (b) If the order is issued under ss. ~~117.11~~ 117.105 to 117.132, the
20 appeal shall be filed with the circuit court of any county in which any of the territory
21 proposed to be detached from one school district and attached to, or included in,
22 another school district is located or with the circuit court of any county in which any
23 territory of the school district to which the territory is proposed to be attached, or the
24 school district that is proposed to be created, is located.

25 **SECTION 19.** 117.17 (1) (a) of the statutes is amended to read:

1 117.17 (1) (a) Every order of school district reorganization under s. 117.08 or,
2 117.09 or 117.105 that creates a new school district shall state the school districts
3 which are dissolved or from which territory is detached to create the new school
4 district, name the new school district, state the type of school district and the grades
5 to be taught by the new school district pursuant to s. 115.01 (2), (3) and (5), designate
6 the number of school board members under s. 120.01 or 120.41, designate the terms
7 of initial members of the school board under s. 120.02 (3) (a), designate the method
8 of election of school board members under s. 120.06 or 120.42, direct the election of
9 school board members under s. 120.06 or 120.42, insofar as applicable, designate the
10 date of the first election of school board members, as provided under s. 117.22 (2) (b),
11 and fix the time and place for the first annual meeting of the new school district, if
12 one is to be held. The secretary of the board shall give notice of the first annual
13 meeting, if one is to be held, under s. 120.08 (1) (c), and shall designate a person to
14 act as temporary chairperson of the annual meeting until a chairperson is elected.

15 **SECTION 20.** 117.17 (1) (bm) of the statutes is created to read:

16 117.17 (1) (bm) Every order of school district reorganization under s. 117.105
17 shall describe the territory of the school districts from which territory is detached to
18 create the new school district, state the school district created by the order and
19 describe the territory of the school district created by the order.

20 **SECTION 21.** 117.20 (1) of the statutes is amended to read:

21 117.20 (1) If a referendum is required under ss. 117.08 to 117.11, it shall be held
22 on the Tuesday after the first Monday in November following receipt of the petition
23 or adoption of the resolution under s. 117.08 (3) (a), 117.09 (3) (a), 117.10 (3) (a) or
24 117.11 (4) (a). If a referendum is required under s. 117.105, it shall be held on the

1 Tuesday after the first Monday in the 2nd November following receipt of the petition
2 or adoption of the resolution under s. 117.105 (1).

3 **SECTION 22.** 117.22 (2) (a) 1. of the statutes is amended to read:

4 117.22 (2) (a) 1. The clerk of the affected school district that has the highest
5 equalized valuation, if an order of reorganization is issued under s. 117.08 or 117.105.

6 **SECTION 23.** 117.22 (2) (bm) of the statutes is created to read:

7 117.22 (2) (bm) If an order of reorganization is issued under s. 117.105, the first
8 election of school board members shall be held at the spring election following the
9 referendum under s. 117.105 (3).

10 **SECTION 24.** 117.25 (4) of the statutes is created to read:

11 117.25 (4) CREATIONS. When a school district is created under s. 117.105, all of
12 the following apply:

13 (a) Any employe of a school district from which territory is detached by the
14 reorganization who is laid off as a result of the reorganization has priority over other
15 persons for 3 years after the effective date of the reorganization for new positions and
16 vacant positions for which he or she is qualified in the school district that is created
17 by the reorganization.

18 (b) Any person who wishes to exercise his or her priority under par. (a) shall
19 notify the school district that is created by the reorganization, in writing, that he or
20 she wishes to be considered for any new position or vacant position and shall include
21 in the notice the address to be used by the school district to notify the person of such
22 positions.

23 **SECTION 25.** 117.30 (1) of the statutes is renumbered 117.30 (1) (a) and
24 amended to read:

1 117.30 (1) (a) If Except as provided under par. (b), if a school district for 2 or
2 more successive years has failed to operate ~~a school as required by law~~ sufficient
3 classes at each grade level to provide all pupils who reside in the school district an
4 opportunity to attend class at the appropriate grade level, the board shall attach the
5 territory of the school district to one or more school districts that do ~~operate schools~~
6 so. Within 60 days of the date on which a school district becomes subject to this
7 section, the department shall so notify the school district clerk and the clerk of each
8 municipality in which part of the school district lies. Prior to August 30 of the year
9 in which the school district becomes subject to this section, the board shall issue an
10 order of school district reorganization attaching the school district to one or more
11 operating school districts. Orders issued under this section take effect upon being
12 filed as provided in s. 117.17 (2). The school board of each district to which any
13 territory is attached under this section shall levy and collect a special tax against the
14 property in the territory so attached for such amount as is payable for tuition and
15 transportation, at the time of the attachment, by the school district in which the
16 attached territory was located prior thereto, in the proportion that the equalized
17 valuation of the attached territory bears to the total equalized valuation of the school
18 district in which such territory was located prior to such attachment.

19 **SECTION 26.** 117.30 (1) (b) of the statutes is created to read:

20 117.30 (1) (b) Before the end of the first school year beginning after the effective
21 date of a reorganization under s. 117.105, the school board of the school district
22 created by the reorganization may request the department to extend the 2-year time
23 period under par. (a) by one year. The department may grant the extension, and may
24 renew the extension for additional one-year periods, if the department determines
25 that the school board has adequate plans and is making adequate progress toward

1 operating sufficient classes at each grade level to provide all pupils who reside in the
2 school district an opportunity to attend class at the appropriate grade level.

3 **SECTION 27.** 121.07 (6) (e) of the statutes, as affected by 1995 Wisconsin Act 27,
4 is renumbered 121.07 (6) (e) 1.

5 **SECTION 28.** 121.07 (6) (e) 2. of the statutes is created to read:

6 121.07 (6) (e) 2. For a school district from which territory was detached to
7 create a school district under s. 117.105, in each of the 4 school years beginning on
8 the July 1 following the effective date of the reorganization under s. 117.105, the
9 amounts under par. (b) and (d) shall be multiplied by 1.1 and rounded to the next
10 lower dollar.

11 **SECTION 29.** 121.07 (7) (e) of the statutes, as affected by 1995 Wisconsin Act 27,
12 is renumbered 121.07 (7) (e) 1.

13 **SECTION 30.** 121.07 (7) (e) 2. of the statutes is created to read:

14 121.07 (7) (e) 2. For a school district from which territory was detached to
15 create a school district under s. 117.105, in each of the 4 school years beginning on
16 the July 1 following the effective date of the reorganization under s. 117.105, the
17 amounts under pars. (a) to (bm) shall be multiplied by 1.1 and rounded to the next
18 lower dollar.

19 **SECTION 31.** 121.78 (2) (bm) of the statutes is created to read:

20 121.78 (2) (bm) The school board of a school district from which territory was
21 detached to create a school district under s. 117.105 and the school board of the school
22 district created under s. 117.105 shall permit a pupil who resides in the territory that
23 was detached to continue to attend school in the school district from which the
24 territory was detached until the school district created by the reorganization begins

1 offering instruction at the pupil's grade level. The school board of the school district
2 created by the reorganization shall pay tuition for the pupil.

3 **SECTION 32.** 121.78 (2) (br) of the statutes is created to read:

4 121.78 (2) (br) 121.78 (2) (br) The school board of a school district from which
5 territory was detached to create a school district under s. 117.105 and the school
6 board of the school district created under s. 117.105 shall permit a pupil who resides
7 in the territory that was detached and has gained 12th grade status in the school
8 district from which the territory was detached to continue to attend school in the
9 school district from which the territory was detached. The school board of the school
10 district created by the reorganization shall pay tuition for the pupil.

11 **SECTION 33.** 121.84 (1) (b) of the statutes is amended to read:

12 121.84 (1) (b) Upon request of a pupil's parent or guardian, a school board of
13 a district operating high school grades shall permit a pupil who has gained 12th
14 grade status in a high school under its jurisdiction and is a resident of the school
15 district at the time of gaining such status to complete 12th grade at the high school
16 without payment of tuition, even though the pupil is no longer a resident of the school
17 district. This paragraph does not apply to a pupil to whom s. 121.78 (2) (br) applies.

18 **SECTION 34.** 121.90 (2) of the statutes, as affected by 1995 Wisconsin Act 27,
19 is renumbered 121.90 (2) (intro.) and amended to read:

20 121.90 (2) (intro.) "State aid" means aid under ss. 121.08, 121.09, 121.10 and
21 121.105 and subch. VI, as calculated for the current school year on October 15 under
22 s. 121.15 (4), except that "state aid" excludes any all of the following:

23 (a) Any additional aid that a school district receives as a result of ss. 121.07 (6)
24 (e) 1. and (7) (e) 1. and 121.105 (3) for school district consolidations that are effective
25 on or after July 1, 1995, as determined by the department.

1 **SECTION 35.** 121.90 (2) (b) of the statutes is created to read:

2 121.90 (2) (b) Any additional aid that a school district receives as a result of s.
3 121.07 (6) (e) 2. and (7) (e) 2. for school district reorganizations under s. 117.105, as
4 determined by the department.

5 **SECTION 36.** 121.905 (3) (a) of the statutes, as created by 1995 Wisconsin Act
6 27, is renumbered 121.905 (3) (a) 1. and amended to read:

7 121.905 (3) (a) 1. ~~Calculate~~ Except as provided under subd. 2., calculate the
8 sum of the amount of aid received under ss. 121.08, 121.10 and 121.105 and subch.
9 VI in the previous school year and property taxes levied for the previous school year,
10 excluding funds described under s. 121.91 (4) (c), and the costs of the county
11 handicapped children's education board program, as defined in s. 121.135 (2) (a) 2.,
12 for pupils who were school district residents and solely enrolled in a special education
13 program provided by a county handicapped children's education board in the
14 previous school year.

15 **SECTION 37.** 121.905 (3) (a) 2. of the statutes is created to read:

16 121.905 (3) (a) 2. For a school district created under s. 117.105, for the school
17 year beginning with the effective date of the reorganization, perform the following
18 calculations:

19 a. Calculate the sum under subd. 1. for each of the school districts from which
20 territory was detached to create the new school district.

21 b. For each of those school districts, divide the result in subd. 2. a. by the
22 number of pupils enrolled in that school district in the previous school year.

23 c. For each of those school districts, multiply the result in subd. 2. b. by the
24 number of pupils enrolled in that school district in the previous school year who
25 resided in territory that was detached to create the new school district.

1 d. Calculate the sum of the amounts determined under subd. 2. c.

2 **SECTION 38.** 121.905 (3) (b) of the statutes, as created by 1995 Wisconsin Act
3 27, is renumbered 121.905 (3) (b) 1. and amended to read:

4 121.905 (3) (b) 1. ~~Divide~~ Except as provided under subd. 2., divide the result
5 in par. (a) 1. by the sum of the average of the number of pupils in the 3 previous school
6 years and the number of pupils who were school district residents and solely enrolled
7 in a special education program provided by a county handicapped children's
8 education board program in the previous school year.

9 **SECTION 39.** 121.905 (3) (b) 2. of the statutes is created to read:

10 121.905 (3) (b) 2. For a school district created under s. 117.105, for the school
11 year beginning with the effective date of the reorganization, divide the result in par.
12 (a) 2. by the number of pupils who in the previous school year were enrolled in a
13 school district from which territory was detached to create the new school district
14 and who resided in the detached territory; for the school year beginning on the first
15 July 1 following the effective date of the reorganization, divide the result in par. (a)
16 2. by the number of pupils in the previous school year; and for the school year
17 beginning on the 2nd July 1 following the effective date of the reorganization, divide
18 the result in par. (a) 2. by the average of the number of pupils in the 2 previous school
19 years.

20 **SECTION 40.** 121.905 (4) of the statutes, as created by 1995 Wisconsin Act 27,
21 is amended to read:

22 121.905 (4) A school district that is exempt from the revenue limits under ~~this~~
23 ~~section~~ sub. (2) may not increase its base revenue per member to an amount that is
24 greater than its revenue ceiling unless that school district follows the procedures
25 prescribed in s. 121.91 (3).

1 **SECTION 41.** 121.91 (2m) (e) of the statutes is created to read:

2 121.91 **(2m)** (e) 1. Notwithstanding pars. (c) and (d), if a school district is
3 created under s. 117.105, its revenue limit under this section for the school year
4 beginning with the effective date of the reorganization shall be determined as follows
5 except as provided under subs. (3) and (4):

6 a. Divide the result under s. 121.905 (3) (a) 2. by the total number of pupils who
7 in the previous school year were enrolled in a school district from which territory was
8 detached to create the new school district and who resided in the detached territory.

9 b. Add \$206 to the result under subd. 1. a.

10 c. Multiply the result under subd. 1. b. by the number of pupils who in the
11 previous school year were enrolled in a school district from which territory was
12 detached to create the new school district and who resided in the detached territory,
13 or by the number of pupils enrolled in the new school district in the current school
14 year, whichever is greater.

15 2. If a school district is created under s. 117.105, the following adjustments to
16 the calculations under pars. (c) and (d) apply for the 2 school years beginning on the
17 July 1 following the effective date of the reorganization:

18 a. For the school year beginning on the first July 1 following the effective date
19 of the reorganization the number of pupils in the previous school year shall be used
20 under pars. (c) 1. and (d) 1. instead of the average of the number of pupils in the 3
21 previous school years, and for the school year beginning on the 2nd July 1 following
22 the effective date of the reorganization the average of the number of pupils in the 2
23 previous school years shall be used under pars. (c) 1. and (d) 1. instead of the average
24 of the number of pupils in the 3 previous school years.

