

Detachment and Attachment of Small Territory Initiated by Owner

Application - Wis. Stats. 117.12(1)

This section applies to the owner or elector-initiated petition to detach a small territory. A territory is defined as small if both:

- the assessed valuation of the territory proposed to be transferred, divided by its assessment ratio, is less than seven percent of the equalized valuation of the school district from which it is proposed to be detached, and
- less than seven percent of the enrollment of the school district from which the territory is proposed to be detached resides in the territory proposed to be transferred (use the most recent third Friday in September or second Friday in January count).

Petition - Wis. Stats. 117.12(2)

A small territory, owner-initiated petition may be filed by either:

- a majority of the electors residing in the territory proposed to be detached, or
- the owners of 50 percent or more of the territory proposed to be detached, as measured by the territory's assessed valuation divided by its assessment ratio.

Petitions for the detachment and attachment of any small territory must be filed before February 1 with the clerk of the school district to which the territory is currently attached. The petition must include a description of the parcel or territory proposed for detachment. This description must be sufficiently accurate to determine its location in the school district in which it is located, as certified by the clerk of each town, village, or city within which all or part of the parcel or territory is located.

The petition must also state the number of pupils residing in the territory who were enrolled in the district to which the territory is currently attached, as certified by the district clerk (use the most recent third Friday in September or second Friday in January count). The petition should be filed personally or mailed directly to the clerk of the school district to which the territory is currently attached. The school district clerk must receive the petition before February 1 in order to be considered for that year.

Click on the following link to view or print a [small territory transfer petition](#)

School Board Action - Wis. Stats. 117.12(3)

During the month of February, each affected school board must give the petitioners an opportunity to meet with the board to present reasons for the proposed reorganization before adopting a resolution either granting or denying the detachment. Each affected school board must vote on the proposed reorganization.

If all school boards agree to the detachment and attachment of the territory, the process ends and the reorganization will become effective July 1 of that year. If any school board denies the proposed reorganization, an appeal may be made to the School District Boundary Appeal Board by the electors or owners described above. 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.

Appeals of a School Board's Order of Denial - Wis. Stats. 117.12(4) and (5)

A majority of the elector(s) residing in the territory or the owner(s) of 50 percent or more of the territory may appeal the school board's order denying detachment of a small territory. The appeal shall be filed with the Secretary of the School District Boundary Appeal Board before the March 15 following the denial. Appeals received after March 14 will be rejected as not timely.

Click on the following link to view or print a model appeal application for a hearing before the School District Boundary Appeal Panel.

Appeal Panel

In most cases, appeals of the denial of the detachment and attachment of small territories are heard by a three-member Appeal Panel appointed by the State Superintendent. The panel members are also members of the School District Boundary Appeal Board (SDBAB). The panel must include one person from a district with small enrollment, one from a district with medium enrollment and one from a district with large enrollment. The Appeal Panel, after hearing the details of the petition, may affirm, deny or modify the school board's denial of the reorganization of the territory designated on the petition. The appeal order shall be issued before the June 15 following the filing of the appeal; any order of detachment is effective July 1.

School District Boundary Appeal Board

The law also provides that an appeal shall be heard by a seven-member School District Boundary Appeal Board, rather than an Appeal Panel, if any of the following apply:

- More than one appeal to detach small territory from a single district was filed by the March 15 date and either:
 - The total assessed valuation of the territory proposed to be detached under the appeals, divided by the assessment ratio, is seven percent or more of the equalized valuation of the original school district; or
 - The number of pupils enrolled in the school district who reside in the territory proposed to be detached is seven percent or more of that school district's enrollment;

OR

- The total territory detached over the previous two years, including the appeal under review, constitutes two percent or more of either the equalized value or enrollment of the school district from which detachment is proposed.

For all appeals, the School District Boundary Appeal Panel or Board shall evaluate each appeal with the statutory criteria listed in Wis. Stats. 117.15 and issue an order either affirming, denying, or modifying the school board's denial of any or all of the proposed reorganizations. The School District Boundary Appeal Board's order shall be issued by the June 15 following the filing of the appeal; any reorganization that is granted is effective July 1.

Related Issues - S.117.25(2), Wis. Stats.

When territory is detached from one school district and attached to another school district the following apply:

- Assets and liabilities are assigned to the school districts under s. 66.0235, Wis. Stats., on the effective date of the reorganization. The process may include assets and liabilities being assigned proportionally to the affected school districts based on the ratio of the equalized valuation of the reorganized territory to the equalized valuation of all taxable property in the detaching school district (s. 66.0235(2c)(a), Wis. Stats.).
- Wis. Stats. 66.0235(2c)(b) provides for an alternate procedure to be used wherein the affected school boards adopt identical resolutions stating the agreed-upon division of assets and liabilities. The resolution must pass in each affected school board by a three-fourths vote in favor of the resolution.
- Districts holding state trust fund loans should refer to s. 66.0235(10), Wis. Stats., for the procedure to transfer this debt.
- Any employee of the school district from which territory is detached who is laid off as a result of the reorganization has priority over other persons, except employees of the school district to which the territory is attached and former employees of that school district who were laid off from that school district, for three (3) years after the effective date of the reorganization for new positions and vacant positions for which he or she is qualified in the school district to which the territory is attached (s. 117.25 (2)(b)(1), Wis. Stats.). Any person who wishes to exercise this priority shall notify the school district to which the territory is attached, in writing, that he or she wishes to be considered for any new position or vacant position and shall include in the notice the address to be used by the school district to notify the person of such positions (s. 117.25 (2)(b)(2), Wis. Stats.).

Appeal to Circuit Court - Wis. Stats. 117.14

Any person aggrieved by an order of the School District Boundary Appeal Board or Appeal Panel may appeal the order to a circuit court within thirty (30) days after copies of the order are filed with the secretary of the board under s. 117.17(2), Wis. Stats. To begin the appeal, the aggrieved person must serve written notice, specifically stating the grounds for the appeal, upon the Secretary of the School District Boundary Appeal Board and file the notice with the clerk of the circuit court of any county in which any of the territory proposed to be detached is located or with the clerk of 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.

What the Statutes Say with Regard to Notification

- A certified copy of the petition must be sent to the school board of the school district to which the territory is proposed to be attached and to DPI (Wis. Stats. 117.12(2)).
- The school district clerk of a district adopting a resolution must, within five days after the adoption of the resolution, send a certified copy of the resolution to the school board of the other affected district and to DPI (Wis. Stats. 117.12(3)).