

# School District Boundary Appeal Board Orientation - School District Dissolution Palmyra-Eagle Area School District

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# Presentation Overview

- SDBAB Configuration
- School District Dissolution/Laws
- SDBAB Review Process
- Evaluation Criteria
- Public Hearing Process
- SDBAB Member Responsibilities
- Review Materials Packet
- DPI Contacts



# Participants

- SDBAB Members
  - Tom Weber; Sun Prairie
  - Joanne Wiederholt; Fennimore;
  - Steve Pate; Portage Community School District
  - Katie Maloney; Green Bay Area School District
  - Cliff Gerbers; Gillett
  - Amy Riddle-Swanson; Menomonie
  - Dave Carlson; State Superintendent Designee

# SDBAB Configuration



- 12 members appointed by the State Superintendent
- One sitting school board member nominated from each CESA district
- 4 large size, 4 medium size, 4 small size school districts

# SDBAB Configuration



- Members have 2-year staggered terms
- May be re-appointed at end of term
- Three-member panel hears most appeals of small territory transfers
- Seven-member board reviews orders of dissolution, district creation, annexation, dispute resolution
- Oath of office on file with Secretary of State

# School District Dissolution

- The 7-member board is made up of
  - the state superintendent or his/her designee
  - six elected school board members who currently serve on the State Superintendent's School District Boundary Appeal Board.
  - Two members each from small, medium, and large sized districts



# School District Dissolution

- Law describing dissolution is s.117.10 of state statutes
- Process is initiated by the school board
- # 1 - Resolution to consider dissolution – adopted by school board - at any time
- #2 – Dissolution order - the following July, school board may order the district dissolved.
- Advisory referendum – by school board order OR requested by citizen petition





# School District Dissolution

- After the district order the final decision rests with the 7-member School District Boundary Appeal Board (SDBAB)
- If advisory referendum - it is held the first Tuesday after the first Monday in November
- Deadline for SDBAB decision to affirm or deny the dissolution order is **January 15**.
- If the order to dissolve is approved by the SDBAB the dissolution becomes effective the next **July 1**.

# School District Dissolution

- If the SDBAB affirms the dissolution it must:
  - assign the school district's territory, assets, and liabilities to one or more other school districts
  - determine employment status for PEASD School District employees (under s.117.25, Wisconsin statutes)

# School District Dissolution

- SDBAB decision may be appealed:
  - by any aggrieved person
  - to Circuit Court
  - within 30 days after copies of the SDBAB order are filed. (Wis. Stats. 117.14(1) and 117.17(2))

# Palmyra-Eagle Timeline

- Chronology

- April 2, 2019 - Funding referendum failed
- April 8, 2019 – order to consider dissolution was adopted.
- July 1, 2019 – order to dissolve was adopted.
- September 10, 2019 – citizen petition for advisory referendum
- November 5, 2019 - Advisory referendum

# SDBAB Timeline

- October 2019 - SDBAB members appointed
- November 7 - SDBAB Orientation/Public Hearing – Palmyra
- November 14 – Public Hearing – Eagle
- November 21 – Public Hearing – Palmyra
- December 5 – Public hearing/SDBAB Work Session
  - December 12 – Date held for SDBAB Work Session
  - December 19 – Date held for SDBAB Work Session
  - January 6 - Date held for SDBAB Work Session
  - January 9 - Date held for SDBAB Work Session
  - January 10 - Date held for SDBAB Work Session
- **January 15** - Deadline for a decision by the SDBAB to either affirm or deny the dissolution

# Board Review Process

- The SDBAB will hear from members of the public as well as representatives from other school districts that may be affected by a dissolution of the Palmyra-Eagle Area School District (PEASD)
- Ask questions of individual speakers, being mindful of number waiting to speak and scheduled hearing end times
- Determine if visits are needed to surrounding districts/schools

# Board Review Process

- Following the public hearings and when the SDBAB has no more questions, work sessions/deliberations begin.
- During this part of the process, no one is allowed to make further statements to the board unless asked to do so by the board members.
- SDBAB may request attendance of district representatives/parents/public at meetings

# Board Review Process

- The SDBAB discusses the order and makes a decision in open session.
- In accordance with **Wisconsin State Statute 117.15**, the board considers and weighs specific criteria **as they affect the welfare of all of the children in all the school districts.**

# Evaluation Criteria



- The geographical and topographical characteristics of the affected school districts, including the estimated travel time to and from school for pupils in the school districts.
  - “Communities of interest” such as where a resident conducts business
  - Proximity to school, daycare, workplace or responsible relatives

# Evaluation Criteria



- The educational needs of all of the children residing in the affected school districts, the educational programs currently offered by each affected school district and the ability and commitment of each school district to meet those needs and continue to offer those educational programs.
  - Course offerings
  - Charter schools

# Evaluation Criteria



- If territory is proposed to be detached from one school district and attached to an adjoining school district or proposed to be included in a new school district under s. 117.105, whether the proposed detachment will have any adverse effect on the program currently offered by the school district from which the territory is proposed to be detached, including both curricular and extracurricular aspects of that program.

# Evaluation Criteria



- The testimony of and written statements filed by the residents of the affected school districts.
  - Individuals will be asked to come to the front to speak to the board.
  - Written statements may also be submitted at the hearings.
  - A web site will be made available for comments

# Evaluation Criteria



- The estimated fiscal effect of the proposed reorganization on the affected school districts, including the effect of the apportionment of assets and liabilities.
  - Based on % of equalized value

# Evaluation Criteria



- Whether the proposed reorganization will make any part of a school district's territory noncontiguous.
  - “Regular” boundaries without islands may be preferred, but are not required

# Evaluation Criteria



- The socioeconomic level and racial composition of the pupils who reside or will reside in territory proposed to be detached from one school district and attached to an adjoining school district, in territory proposed to be included in a new school district under s. 117.105 or in school districts proposed to be consolidated or in a school district proposed to be dissolved; the proportion of the pupils who reside in such territory who are children at risk, as defined under s. 118.153 (1) (a); and the effect that the pupils described in this paragraph will have on the present and future socioeconomic level and racial composition of the affected school districts and on the proportion of the affected school districts' enrollments that will be children at risk.

# Evaluation Criteria



- The results of any referendum held under s. 117.10.

# Evaluation Criteria



- Other appropriate factors **may** also be considered.
- School District of Waukesha vs. SDBAB (1996, Small Territory Reorganization Court Case)
  - SDBAB is required to consider all factors enumerated in sec. 117.15, Wis. Stats., the agency may, in its discretion, consider information from other sources as well

# Evaluation Criteria



- Law requires every SDBAB order include a statement of the reasons for the order
  - Identify specific criteria
  - Consensus views related to specific evaluation criteria
  - Identify rationale when discussing criteria
  - Need to be clear on reasons for decisions

# SDBAB Hearing Format

- Call to Order
- Introduction of members, secretary and introduction of others (if any)
- Identify SDBAB members present

# SDBAB Hearing Format

- Speakers will fill out a form to speak or submit written statements and will be individually called to the podium.
- Speakers may be limited to reasonable time frames and will be asked to not repeat identical information already presented.
- Written testimony may be submitted:
  - In person at a hearing
  - To DPI web site - <https://dpi.wi.gov/sms/palmyra-eagle-dissolution>
  - By Mail
  - SDBAB to consider

# Board Member Responsibilities

- Protect the confidentiality of any records or information related to individual students.
- Assume all communications are public record subject to disclosure, oral, written or other means.
- Avoid any discussion of the merits of the dissolution order outside of the publicly noticed hearings/meetings
  - Email chain – walking quorum

# Board Member Responsibilities

- As with school boards, if one-half of the members are present, it is presumed to be for the purpose of exercising the boards responsibilities.
  - excluding social or chance gatherings
- Avoid any situation that could potentially subject the board to an allegation of a violation of the open meetings law.

# Resource Materials

- Law – s.117.10, s.117.14, 117.17, 117.25
- Maps
- 2-Page Overview
- Tentative schedule
- PEASD Reorganization Summary/Highlights
- Financial Comparison
- Student Demographics
- Schools and Staffing

# DPI Contacts

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