

STATE OF WISCONSIN
DEPARTMENT OF PUBLIC INSTRUCTION
SCHOOL DISTRICT BOUNDARY APPEAL BOARD

Review of an Order of Dissolution Filed by the School District of Florence

ORDER
SDBAB 2006-09

NATURE OF THE REVIEW

This matter is before the School District Boundary Appeal Board (hereinafter referred to as Appeal Board) under sec. 117.10, Wis. Stats., pursuant to an order of dissolution filed by the School District of Florence, Wisconsin, with the Secretary of the School District Boundary Appeal Board on July 20, 2005.

PROCEDURAL HISTORY

On June 29, 2005, the school board of the School District of Florence voted to consider the dissolution of the School District of Florence per s. 117.10(1), Wis. Stats. On July 11, 2005, the school board of the School District of Florence voted to dissolve the School District of Florence. Public hearings were held in Florence, Wisconsin, on August 24, 2005, September 13, 2005, and October 18, 2005. The Appeal Panel toured the School District of Florence on August 24, 2005, the School District of Niagara on October 18, 2005, and the School District of Goodman-Armstrong Creek on October 19, 2005. On November 8, 2005, two referenda were on the ballot. The first was advisory and supported keeping the School District of Florence open. A second question was approved by the electors to move forward with a five-year, non-recurring plan to exceed revenue limits beginning with the 2005-06 school year. On November 15, 2005, the Appeal Board toured the School District of Beecher-Dunbar-Pembine and then met in Florence, Wisconsin, for discussion and possible action on the dissolution order.

The Appeal Board, consisting of the following members representing the various sized districts, was present at the meeting on November 15, 2005:

| | | |
|------------------|---------------------------------|--|
| Patricia Silver | Richland School Board | Small school district |
| Walter Wetzell | Neillsville School Board | Small school district |
| Evelyn Pertzsch | Onalaska School Board | Medium school district |
| Therese Travia | South Milwaukee School Board | Medium school district |
| Dennis Kavanaugh | Oshkosh Area School Board | Large school district |
| Mary Thurmaier | Stevens Point Area School Board | Large school district |
| Tony Evers | Deputy State Superintendent | State Superintendent Elizabeth Burmester's designee |

Robert A. Soldner served as non-voting chair of the Appeal Board. Elizabeth Kane served as recording secretary.

The Appeal Board heard presentations of relevant information concerning how Order No. 2006-09 would impact the educational welfare of the children enrolled in the School District of Florence and in the surrounding school districts. It also reviewed the written record prepared for the Appeal Board review.

DECISION AND ORDER

The Appeal Board has considered all information presented in the dissolution order and has applied the required legal standards for school district reorganization, including the criteria under sec. 117.15, Wis. Stats. By a vote of 7-0 of its members, the Appeal Board has reversed Order No. 2006-09 of the school board of the School District of Florence and, therefore, has denied the dissolution of the School District of Florence.

The Appeal Board's reasons for Order No. 2006-09 are as follows:

Criteria 1:

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.

Bus travel for many students would be increased and would in all likelihood cause bus contracting costs to increase in neighboring school districts if the School District of Florence were to dissolve. It would not be geographically possible to shorten bus routes for students. The longer bus rides would be especially difficult for younger children. Winter road conditions and longer bus routes were considered student safety factors. It would also

be difficult for parents in the School District of Florence to maintain strong parental involvement in their children's school activities if the district were to dissolve.

Criteria 2:

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.

The educational programs and achievements noted for the School District of Florence and the surrounding school districts were similar; test scores were good in all of the affected districts. There could be positive and/or negative impacts to the affected districts as they are all facing or could eventually face some of the same difficulties currently noted by the School District of Florence. Adding students to the surrounding school districts could have an adverse effect on their current educational programs, possibly resulting in particular courses no longer being available. It would be hard to replace curriculum that may have to be cut. Larger class sizes could negatively change the classroom learning environment. Local control regarding the educational needs of Florence students would be gone if the district were to be dissolved. There was concern as to whether a reading program currently offered at the School District of Florence could be maintained.

Criteria 3:

If territory is proposed to be detached from one school district and attached to an adjoining school district, 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.

The surrounding affected school districts may not be able to successfully handle the debt that would be transferred to their districts. The added expense may drive the canceling of some educational programs in the surrounding districts. There was concern voiced regarding the acceptance of Florence students in other communities, and again, Florence

parent involvement would be more difficult. There are many unknown factors as to what may happen in the next five years, making it hard to determine how a plan may affect surrounding school district class sizes, opportunities for extra curricular activities and staff assignments.

Criteria 4:

The testimony of and written statements filed by the residents of the affected school districts.

The Appeal Board heard from community members, members of the School District of Florence Board of Education as well as teaching and administrative staff members and students, and the superintendents of the surrounding school districts of Niagara, Beecher-Dunbar-Pembine, Goodman-Armstrong Creek, Laona, and Crandon. Tours of the facilities of Florence, Niagara, Goodman-Armstrong Creek, and Beecher-Dunbar-Pembine were also conducted. The Appeal Board complimented the districts on the high-quality condition of the facilities toured.

The majority of testimony supported maintaining the School District of Florence. The Florence community appeared to be divided in their opinion regarding the management of the school district and the Appeal Board expressed hope that over time, the community would work together to resolve their conflicts. The students who spoke were specific in their wish to see the School District of Florence remain open if the current curriculum offerings would be retained to meet their educational needs. Testimony regarding teacher contracts and negotiation factors were also considered. Prior to the November 8, 2005 election, the Florence district had experienced a number of failed referendums for additional revenue for district operations.

In addition to individual testimony, the Appeal Board received and considered numerous documents over the duration of the hearings held in Florence from members of the same groups that testified. Statistical information was also provided, as requested by the Appeal Board, from the Department of Public Instruction.

Criteria 5:

The estimated fiscal effect of the proposed reorganization on the affected school districts, including the effect of the apportionment of assets and liabilities.

Following their discussion regarding the successful referendum held on November 8, 2005 to increase revenue for school district operations in Florence over the next five years, the Appeal Board noted their hope that the School District of Florence would be able to hold to the five-year plan if the district were to remain open. On the other hand, they also expressed concern as to whether the surrounding school districts would be able to afford the added debt and additional students without it negatively affecting those school districts if the Florence district were to dissolve. In particular, the Appeal Board discussed the fact that the retirement liability is a current concern in Florence which would continue to be a concern in the future, either to Florence or the surrounding districts, regardless of the Appeal Board's decision on the matter. It was determined that the fiscal effects of the apportionment of assets and liabilities could be monumental and would impact current mill rates. In any case, whether or not the School District of Florence were to dissolve, the mill rate for Florence residents would most likely increase. If the School District of Florence were to remain intact, that increase would be to a lesser degree.

Criteria 6:

Whether the proposed reorganization will make any part of a school district's territory noncontiguous.

All of the affected school districts border the School District of Florence.

Criteria 7:

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 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 sec. 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.

All of the affected school districts were similar in population.

Criteria 8:

The results of any referendum held under s. 117.10.

The Appeal Board discussed and considered two referenda that were held on November 8, 2005. The non-binding, advisory referendum asked the Florence community whether the School District of Florence should dissolve. Eighty-three percent of the voters opposed the dissolution. The second referendum asked the voters to support a five-year, non-recurring referendum to exceed revenue limits; fifty-three percent of the voters supported the Florence School Board plan. It was determined that if the Florence district remains open, the residents, as well as the school staffs, would have to give the five-year plan a chance. The successful passing of the referendums demonstrated support from the community to move forward.

Criteria 9:

Other appropriate factors.

It would take the building of working relationships with the county and the community to address issues of economic development. It was noted that a school district is needed to promote growth in the area and, as stated by a member of the Appeal Board, "The students will be the leaders and will lead the district to a better place. The citizens (of

Florence) need to forget the past and work together to secure the future of the School District of Florence.”

Again it was noted that dissolution of the School District of Florence would not lower property taxes for Florence residents. Whether or not the School District of Florence were to dissolve, the mill rate for Florence residents would most likely increase.

The five-year plan does not guarantee a change in the funding formula will occur during that time; therefore, the members of the Appeal Board encouraged school board members and others to continue dialog and contact their elected state officials regarding the current funding formula.

THEREFORE, IT IS ORDERED THAT Order No. 2006-09 of the school board of the School District of Florence is hereby denied by Order of the School District Boundary Appeal Board.

Dated December 16, 2005.

A handwritten signature in black ink, appearing to read "Robert A. Soldner". The signature is written in a cursive, flowing style.

Robert A. Soldner
School District Boundary Appeal Board

Order filed with the Secretary, School District Boundary Appeal Board on December 16, 2005.

Robert A. Soldner, Secretary

RIGHT TO APPEAL TO CIRCUIT COURT

Any person aggrieved by this order may appeal the order to a circuit court by filing an appeal within 30 days after copies of the order are filed with the secretary of the board under sec. 117.17(2), Wis. Stats., with the circuit court of any county in which any of the territory proposed to be detached from one school district and attached to another school district is located or with 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.

See sec. 117.14, Wis. Stats.