

Public Notice of Open Meetings

School District Boundary Appeal Board Hearing

- Time** 11:30 a.m. to 1:30 p.m.
- Date** Tuesday, May 25, 2021
- Location** The hearing will be by videoconference on Microsoft Teams
+1 608-620-9781, Conference ID: 840 879 097#
- Purpose** School District Boundary Appeal No. 2021 - 10

West Allis-West Milwaukee, New Berlin

The School District Boundary Appeal Panel will meet to hear testimony and take action on the proposed reorganization of territory, as provided under Wis. Stat. sec. 117.12(4).

This meeting will take place by videoconference. Information about how to access the meeting will be posted on the DPI website at <https://dpi.wi.gov/sms/reorganization/small-territory-owner>.

Any person requiring other special accommodations because of a disability should contact DPI in advance of the hearing date.

Further Information Janice Zmrazek, Secretary
School District Boundary Appeal Board
(608) 266-2803, janice.zmrazek@dpi.wi.gov

Example form provided by DPI

PETITION TO ALTER SCHOOL DISTRICT BOUNDARIES

Small Territory Transfer - see section 117.12. Wisconsin Statutes

RECEIVED
FEB 01 2021
BY: [Signature]

The petitioner must complete Section 1, then take the form to the municipal clerk to complete Section 2, and then submit the petition to the school district where the property is located. See <https://dpi.wi.gov/sms/reorganization-small-territory> for more information. The petition must be submitted to the school district **BEFORE FEBRUARY 1.**

SECTION 1 - TO BE COMPLETED BY THE PERSON SUBMITTING THIS PETITION

(please print or type)

Petitioner Name(s) Tarin and Autumn Misko
 Address (street, city, zip) 12855 W. North Lane New Berlin, WI 53151
 Phone Number 262-424-6756 E-mail tjmisko@hotmail.com
 Legal Description of Territory Proposed for Detachment INCLUDING PARCEL NUMBERS: 12855 W North Ln Lot 71 Weather Creek Estates Add'n No. 2 Being A Subdivision of Outlot 6 Weather Creek Estates Add'n No. 1 Being PT SE.25 & SW.25 SE.25 SEC 13 T6N R20E. Doc #3854279 09/08/2011
 (If more space is needed to describe the property, attach additional pages)

I/we, the undersigned, representing 50% of the owners or a majority of electors owning or residing on the above described territory, file this petition to detach the above described territory FROM the West Allis/West Milwaukee School District and to attach it TO the New Berlin School District.

(Use page 2 for additional signatures if there are multiple petitioners)		(For each signature check one)		
SIGNATURE(S)	DATE	Property Owner	Elector	Both Owner and Elector
1.	01/24/21			X
2.	01/24/21			X

SECTION 2 - TO BE COMPLETED BY THE CLERK OF THE MUNICIPALITY IN WHICH THE TERRITORY IS LOCATED - (please print or type)

The legal description of the territory proposed for detachment is sufficient to identify its location and value. (If no, return the form to the petitioner.)		<input checked="" type="radio"/> YES	<input type="radio"/> NO
School District where territory is located	<u>West Allis/West Milwaukee</u>	Value of Property	<u>\$330,400.00</u>
Municipality where territory is located	<u>New Berlin - City</u>	Year Value was Determined	<u>2020</u>
County where territory is located	<u>Waukesha County</u>	Assessment Ratio	<u>.9221/1040900</u>

I, the undersigned, certify that the property description in Section 1 is sufficient to determine its location and value and that the information entered above in Section 2 is correct.

SIGNATURE OF MUNICIPAL CLERK Date: 1-27-21
 Name of Clerk (please print) Georgia Stanford
 Mailing Address 3805 S. Casper Dr. New Berlin WI 53151
 Phone Number 262-797-2446 E-mail Address gstanford@newberlin.org

SECTION 3 - TO BE COMPLETED BY THE CLERK OF THE SCHOOL DISTRICT IN WHICH THE TERRITORY IS LOCATED - (please print or type)

District receiving petition West Allis - West Milwaukee Date received 1-28-21
 Number of pupils residing in the territory described in Section 1 who were reported as of the most recent 3rd Friday in September or 2nd Friday in January (see s.121.05 (1) (a), Wisconsin statutes, for categories of students to include). 2
 Name of School District Clerk (please print) Gary Schultz Phone 414-604-3005
SIGNATURE OF SCHOOL DISTRICT CLERK

After completing Section 3 the clerk of the detaching school district must send a certified copy (a document with original signatures or a photocopy accompanied by a Certificate of True Copy) of this petition to the school board of the school district to which the property is proposed to be attached and also to :

Secretary, School District Boundary Appeal Board
 Department of Public Instruction
 PO Box 7841
 Madison, WI 53707-7841

SCHOOL BOARD RESOLUTION ON PETITION TO ALTER SCHOOL DISTRICT BOUNDARIES

WHEREAS, Torin and Autumn Misko ("Petitioners") filed a Petition to Alter School District Boundaries (the "Petition"), pursuant to s. 117.12, Wis. Stats., requesting reorganization by seeking an order to detach approximately 0.25 acres of land at 12855 W. North Lane, New Berlin, from the School District of West Allis-West Milwaukee, et al. and attaching the property into the New Berlin School District;

WHEREAS, the Petition was received by the School District of West Allis-West Milwaukee on January 28, 2021;

WHEREAS, the Petitioners had an opportunity to meet with the School Board for the School District of West Allis-West Milwaukee to present their reasons for the proposed reorganization on February 15, 2021;

WHEREAS, the School Board for the School District of West Allis-West Milwaukee met at a duly noticed public meeting on February 22, 2021, and considered the Petition and criteria for school reorganizations as they affect the educational welfare of all the children residing in the affected school districts pursuant to s. 117.15, Wis. Stats.

NOW, THEREFORE, BE IT RESOLVED that an order be issued and filed DENYING the Petition to Alter School District Boundaries and proposed reorganization.

Introduced by: Emons

Seconded by: Leigh

Vote: Yes 6 No - Recused 1

Dated this day of February 22, 2021

Gary Schatz Clerk

Alta [Signature] School District

21-10

SCHOOL BOARD
RESOLUTION AUTHORIZING ISSUANCE OF AN ORDER

S.117.13, Wisconsin statutes, detachment and attachment of small territory initiated by school boards.

WHEREAS, a meeting of the school board of the School District of New Berlin was held on February 22, 2021,
and

WHEREAS, the School District of New Berlin has proposed to detach the following-described property:
12855 W. North Ln, Lot 71 Weather Creek Estates Add'n No. 2 Being a subdivision of Outlot 6 Weather Creek
Estates Add'n. No. 1 Being PT SE.25 & SW. 25 SE.25 SEC 13 T6N R20E. Doc #3854279 09/08/2011

owned by Torin and Autumn Misko,
from the West Allis West Milwaukee School District and **attach said property to the**
School District of New Berlin, and

WHEREAS, the description of the property has been certified as accurate by Georgia Stanford,
Municipal clerk of the City of New Berlin, and

WHEREAS the value of the property as of the most recent assessment was \$330,400.00, and

WHEREAS the number of pupils residing on the territory as of the last count date was 2, and

WHEREAS, the above-identified property owners were properly noticed, by a communication dated
February 17, 2021, and the item appeared on the school board agenda for the meeting dated
February 22, 2021,

NOW, THEREFORE, BE IT RESOLVED that an order be issued and filed approving the
detachment/attachment.

Introduced by: Jeffrey Kurth

Seconded by: Mitchell Helmer

Vote: Yes 5 No 2

Dated this 23rd day of February, 2021.



Jeffrey Kurth, Board Clerk
School District of New Berlin

117.15

117.15 Criteria for school district reorganizations. In making any decision under ss. 117.08 to 117.132, a school board, the board and an appeal panel shall consider the following factors as they affect the educational welfare of all of the children residing in all of the affected school districts, and may consider other appropriate factors:

- (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.
- (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.
- (2m) 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.
- (3) The testimony of and written statements filed by the residents of the affected school districts.
- (4) The estimated fiscal effect of the proposed reorganization on the affected school districts, including the effect of the apportionment of assets and liabilities.
- (5) Whether the proposed reorganization will make any part of a school district's territory noncontiguous.
- (6) 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.
- (7) The results of any referendum held under s. 117.10.

History: 1989 a. 114, 287; 1997 a. 286.

On review of a decision under this section, the only issues to be considered are whether the reorganization authority acted within its jurisdiction and whether the determination was arbitrary and capricious. While an authority is bound to consider all the factors enumerated in this section, it may consider information from other sources, including matters within its knowledge and expertise. *School District of Waukesha v. School District Boundary Appeal Board*, 201 Wis. 2d 109, 548 N.W.2d 122 (Ct. App. 1996), 95-0905.

SUBCHAPTER II
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

115.28 General duties. The state superintendent shall:

(1) **GENERAL SUPERVISION.** Ascertain the condition of the public schools, stimulate interest in education and spread as widely as possible a knowledge of the means and methods which may be employed to improve the schools.

(2) **SECTARIANISM.** Exclude all sectarian books and instruction from the public schools.

(3) **SUPERVISION OF SCHOOLS.** Supervise and inspect the public schools and day schools for children with disabilities, advise the principals and local authorities thereof and give assistance in organizing such schools.

(3m) **SUPERVISION OF COOPERATIVE EDUCATIONAL SERVICE AGENCIES; RULES.** (a) Supervise and audit the receipts and expenditures of the cooperative educational service agencies, conduct program review of the agencies, supervise boundary reorganization where necessary, advise the administrators of the agencies and provide assistance in organizing the agencies throughout the state.

(b) Promulgate rules establishing procedures for the reorganization of cooperative educational service agencies and boundary appeals.

(4) **PUBLIC INFORMATION.** By reports, bulletins, circulars, correspondence and public addresses, give the public information upon the different methods of school organization and management and the subject of education generally.

(5) **APPEALS.** Examine and determine all appeals which by law are made to the state superintendent and prescribe rules of practice in respect thereto, not inconsistent with law.

(6) **ANNUAL CONVENTIONS.** Annually, hold conventions of school district administrators, supervisors and agency coordinators.

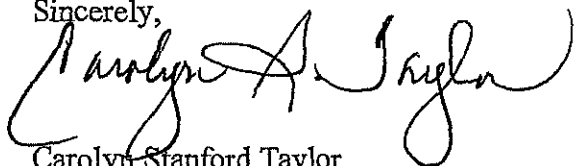
March 8, 2019

School District Boundary Appeal Board
125 South Webster Street
Madison, WI 53703

Pursuant to PI 2.05(4), Wis. Admin. Code, I hereby appoint Janice Zmrzek secretary of the School District Boundary Appeal Board. In this capacity, Ms. Zmrzek will serve as chair of the School District Boundary Appeal Board Panel.

Tricia Collins and Mike Bormett are also authorized to chair School District Boundary Appeal Board hearings.

Sincerely,



Carolyn Stanford Taylor
State Superintendent

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117.12 Detachment and attachment of small territory initiated by owner.

- (1) **APPLICATION.** This section applies to the detachment of territory from one school district and its attachment to an adjoining school district if all of the following apply:

 - (a) The assessed value of the territory proposed to be detached from one school district and attached to an adjoining school district, divided by the assessment ratio of the taxation district, is less than 7 percent of the equalized valuation of the school district from which it is proposed to be detached.
 - (b) Less than 7 percent of the enrollment of the school district from which the territory is proposed to be detached resides in the territory proposed to be detached from that school district.
- (2) **PETITION.** A majority of the electors residing in the territory described under sub. (1) or owners of 50 percent or more of that territory may file a written petition with the clerk of the school district in which the territory is located requesting the detachment of the territory from that school district and its attachment to an adjoining school district. The petition shall include a description of the territory sufficiently accurate to determine its location in the school district in which it is located, as certified by the clerk of each city, town or village within which all or part of the territory is located, and the number of pupils residing in that territory who, on the most recent of the preceding 3rd Friday of September or 2nd Friday of January, were enrolled in the school district from which the territory is proposed to be detached, as certified by the clerk of that school district. Upon receipt of the petition, the school district clerk shall send a certified copy of the petition to the school board of the school district to which the territory is proposed to be attached and to the secretary of the board.
- (3) **SCHOOL BOARD ACTION.** In the first February beginning after receipt of a petition under sub. (2), the school boards of the affected school districts may order the territory detached from the school district in which it is located and attached to the adjoining school district by the adoption, by each of those school boards, of a resolution ordering the reorganization. Before adopting a resolution under this subsection that grants or denies the reorganization, each school board shall give the electors and owners who signed the petition under sub. (2) an opportunity to meet with the school board to present their reasons for the proposed reorganization. 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. The school district clerk of each school board adopting a resolution under this subsection that orders or denies a reorganization shall, within 5 days after the adoption of the resolution, send a certified copy of the resolution to the school board of the other affected school district and file a certified copy of the resolution as provided under s. 117.17 (2). If the school board of each affected school district adopts a resolution ordering the detachment and attachment, the reorganization shall take effect on the following July 1.
- (4) **APPEAL TO PANEL.** If the detachment and attachment of territory is denied by either school board under sub. (3), a majority of the electors residing in the territory or the owners of 50 percent or more of the territory may appeal the denial to an appeal panel by filing notice of appeal with the secretary of the board before the March 15 following the denial. The secretary of the board shall send a copy of the notice of appeal to the school board of each affected school district. Except as provided under sub. (5), the appeal panel shall issue an order either affirming the school board's denial of the proposed reorganization or ordering all or any part of the territory described in the petition under sub. (2) detached from the school district in which it is located and attached to the adjoining school district. The order shall be issued before the June 15 following the filing of the notice of appeal. The order shall be in writing, shall include a statement of reasons for the order and shall be filed as provided under s. 117.17 (2). If the appeal panel orders territory detached from one school district and attached to an adjoining school district, the reorganization shall take effect on the following July 1.
- (5) **BOARD REVIEW.**

 - (a) If more than one appeal to detach territory from a single school district is filed under sub. (4) before March 15 and any of the following applies, the board shall review all of those appeals:
 1. The total assessed valuation of the territory proposed to be detached under the appeals, divided by the assessment ratio of the taxation district, is equal to or greater than 7 percent of the equalized valuation of the school district from which the territory is proposed to be detached.
 2. The total number of pupils residing in the territory proposed to be detached under the appeals who, on the most recent of the preceding 3rd Friday of September or 2nd Friday of January, were enrolled in the school district from which the territory is proposed to be detached is equal to or greater than 7 percent of that school district's enrollment.
 - (am) In addition to reviewing appeals described under par. (a), the board shall review an appeal if any of the following applies:

1. The assessed valuation of the territory proposed to be detached under the appeal, divided by the assessment ratio of the taxation district, when added to the total assessed valuation of all territory detached from that school district in the 2 years preceding the date on which the petition was filed under sub. (2), divided by the appropriate assessment ratios, is equal to or greater than 2 percent of the school district's equalized valuation.
 2. The number of pupils residing in the territory proposed to be detached under the appeal who are included in the enrollment of the school district from which the territory is proposed to be detached, when added to the number of pupils who resided in territory detached from that school district, and were included in previous enrollments of that school district, in the 2 years preceding the date on which the petition was filed under sub. (2), constitute 2 percent or more of the school district's enrollment.
- (b) The secretary of the board shall notify the school board of each affected school district and each owner or elector who signed the notice of appeal under sub. (4) that the appeal or appeals will be reviewed by the board under this subsection rather than by an appeal panel under sub. (4). The board shall issue an order either affirming the school boards' denial of all or any of the proposed reorganizations under par. (a) or the proposed reorganization under par. (am) or ordering all or any part of the territory described in all or any of the petitions under sub. (2) or included in the appeal filed under par. (am) detached from the school district in which it is located and attached to an adjoining school district. In addition to the criteria under s. 117.15, in making its decision the board also shall consider the effect that the proposed detachments under par. (a), taken as a whole, will have on the school district from which the territory is proposed to be detached, or the cumulative effect on that school district of the proposed detachment under par. (am). The board's order shall be issued before the June 15 following the filing of the notice of appeal. The order shall be in writing, shall include a statement of reasons for the order and shall be filed as provided under s. 117.17 (2). If the board orders territory detached from one school district and attached to an adjoining school district, the reorganization shall take effect on the following July 1.

History: 1989 a. 114, 287.

Sub. (1) allows the detachment of "island" parcels from school districts that adjoin. A detached parcel need not adjoin the school district to which it is attached. *Stockbridge School Dist. v. DPI*, 202 Wis. 2d 214, 550 N.W.2d 96 (1996), 94-1867.

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