

**McFarland School District – Q & A on the Boundary Attachment / Detachment Process
Last Updated – 5/22/14**

If you have a question not answered here, send it to Scott.Brown@mcfarland.k12.wi.us. You can click on the question to link to the page with the answer.

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General Questions

What is this about?

Over the past few months, residents of a neighborhood adjacent to but not a part of the McFarland School District have been engaging in a process to prepare a Petition to Alter School Boundaries. Specifically, they are taking actions to develop a petition to attach/detach a small territory. This falls under State Statute 117, School District Reorganization. "Reorganization" means the consolidation of two or more school districts, the dissolution of a school district, **the detachment of territory from one school district and its attachment to an adjoining school district**, or the creation of a school district. (The words in **bold** describe the type of reorganization applicable to this situation.)

What is a Petition to Alter School Boundaries (Small Territory)?

A small territory has less than 7% of the district value and less than 7% of the enrollment. Typically a small territory detachment petition comes from a single property owner and relates to a single parcel of territory such as a residence or farm. Developers who own subdivisions or groups of individuals in a neighborhood might also petition for detachment from their current school district and attachment to a neighboring district.

What is the process in a Small Territory Petition?

The small territory detachment process initiated by residents or property owners is in section 117.12 of the Wisconsin statutes. A person or group of people submitting a petition for detachment must include an accurate description of the property. The law requires the municipal clerk to certify the accuracy of the description. If the petitioner uses the model petition provided on the DPI website the clerk will also be asked to provide information regarding the current property value. The petition is then filed with the school district where the property is currently attached. That district must forward a copy to the other district and the DPI.

The petition can be submitted anytime. However, since the only time during the year that a district can act on the petition is during February, the petition must get to the district by January 31 if the petitioner wants the requested detachment to be effective for the next school year. The law requires that the board provide the petitioner an opportunity to meet with the board to discuss reasons for the request. Generally school boards set up public hearings so that the community is also notified of the opportunity to speak for or against the proposed detachment. If a school board fails to take action on a petition it is considered to be a denial.

What if both school boards approve the Small Territory Petition?

If both school boards agree to the detachment/attachment of the property in the petition the SDBAB secretary will forward the resolutions or orders issued by the districts to the appropriate county and municipal clerks along with a cover page identifying the documents as an Order of School District Reorganization - notifying them of the need to modify their records.

The law provides that the orders be sent from the DPI within 5 days of the day they are received from the districts.

Anyone who might oppose the reorganization may appeal the order to circuit court within 30 days of the DPI mailing.

The effective date for a small territory detachment/attachment is July 1.

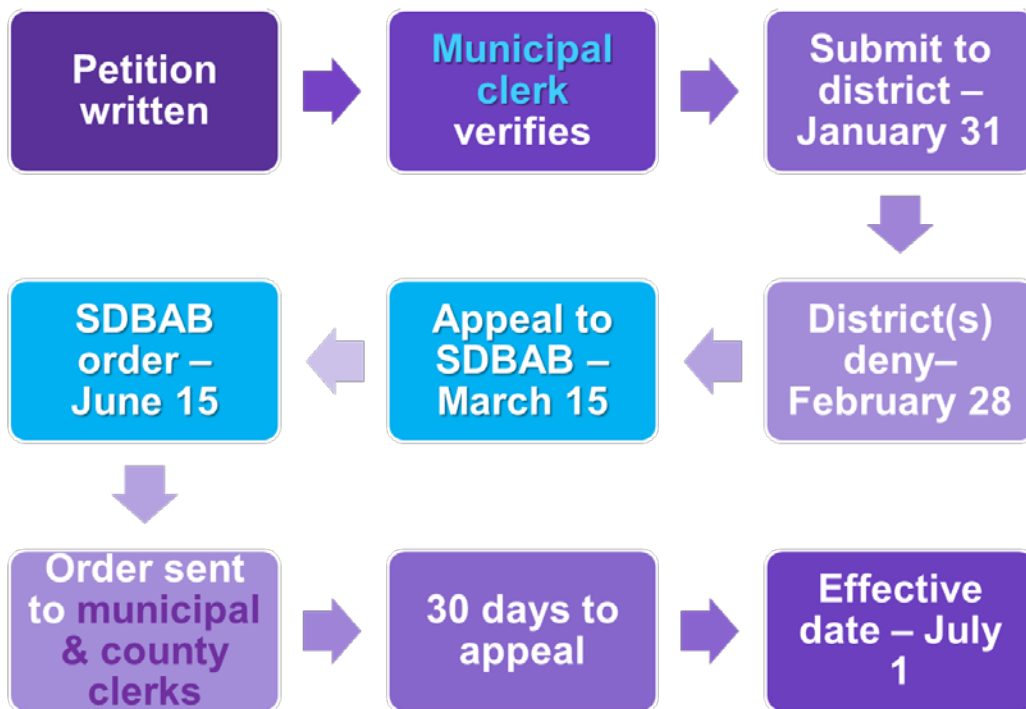
This graphic shows the steps in the process if both school boards agree to the reorganization of the property:



What if one or both of the school boards deny the Small Territory Petition?

In recent history it has been more common for the district where the property is located to deny the detachment than to approve it. If the request to detach is denied the petitioner has the option to appeal the denial to a three-member panel of the School District Boundary Appeal Board (SDBAB). The SDBAB secretary organizes a public hearing where the petitioner and representatives of both districts are invited to present testimony. The SDBAB panel evaluates the request and may either affirm the district denial or overturn the denial, and by so doing, grant the detachment request. The panel might also grant part of the request.

This graphic shows the steps in the process if one or both school boards deny the reorganization of the property:



Specific Questions from the Board, Staff and Community

Has McFarland School Board already approved this?

No. At the board meeting on February 17, 2014, the board responded to a petition to alter school boundaries request in accordance with state law. The board voted 5-0 to table this request and wait to hear of the Madison Metropolitan School District’s Board vote on the matter. If MMSD denied the petition, administration was instructed not to bring the matter back for McFarland’s School Board for further consideration. The MMSD Board denied the petition, leading to no action of the McFarland School Board. **The result of this non-action was a de-facto denial by the McFarland School Board.**

Petitioners are now working on a revised petition for some future date, and until and only if that petition is submitted, can board action can be taken.

Do current (McFarland) residents have any say in this?

Yes. Current residents, in addition to speaking with their elected School Board members, would have opportunity to provide input within the petition process. First in the process, a petition for detachment/attachment from the property owners or electors must meet the criteria and timelines found in the link above. Second, assuming that the criteria were met, McFarland residents can share their thoughts about the petition when it is considered by the McFarland School Board at an open meeting. Third, should there be an appeal of either of the two school boards' decision to deny the petition; McFarland residents may attend the appeal hearing.

Has the district conducted an impact study concerning this matter?

No, we would work on such a study when and if we receive a petition, since the petition would contain specifics on the scope of territory proposed. Then, school district administration and working legal counsel would prepare an impact study for the board, petitioners, and the community - prior to any vote.

How many students currently open enroll from the territory that appears to be the focus of the individuals working on the petition?

While we don't know any specifics on the size of the territory, we have shared that the area being discussed has up to 130 students currently open enrolling to McFarland, depending on where petitioned boundaries are drawn.

Where can I get more information about those working on the petition?

This is the website that has been sent to administration by several community members:

<http://mcfarlandredistrict.wordpress.com/>

Board Summary Notes and Comments to Date

To date, the board has only been involved in this matter in two ways:

First, at the board meeting on February 17, 2014 the board responded to a petition to alter school boundaries request in accordance with state law.

Second, as the petitioners have worked on a revised appeal for some future date, board members have been contacted individually by citizens and have replied, as an independent board member to those contacts. There has been no discussion, as a part of any board agenda item, nor as a part of public comments since the February 17th board meeting.