



School District Reorganization Presentation

March 2, 2026

Join Hustisford School District in welcoming our presenters:

- Michel D. Clark, Managing Director, Public Finance Banker, Baird
- Bob Butler, Associate Executive Director and Staff Counsel, Wisconsin Association of School Boards

Order of presentation:

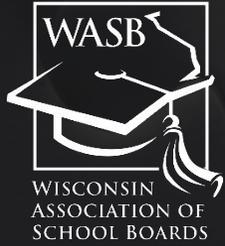
- Welcome - Todd Bugnacki, Interim Hustisford Superintendent
- Status of Hustisford School District - Michel Clark
- School District Reorganization Options - Bob Butler
- Q&A
- Thank you!

Hustisford School District

Current Financial Status



- Growing deficit budgets beginning in 2020-21 through 2025-26
- Negative fund balance
- Series of failed referendum questions-Has non-operating referendum scheduled for April 7, 2026
- Declining enrollment and net open enrollment out district
- No referendum approved debt
- Current debt-\$1 million non-referendum operational borrowing (STFL)
- Board of Education approved resolution to borrow-up to \$4 million non-referendum operational debt
- Going forward: District unlikely to stay in its current form



Wisconsin School District Consolidation & Dissolution

Robert Butler, WASB Associate Executive Director & Staff Counsel

Overview

Background

**Consolidation
Procedural
Process**

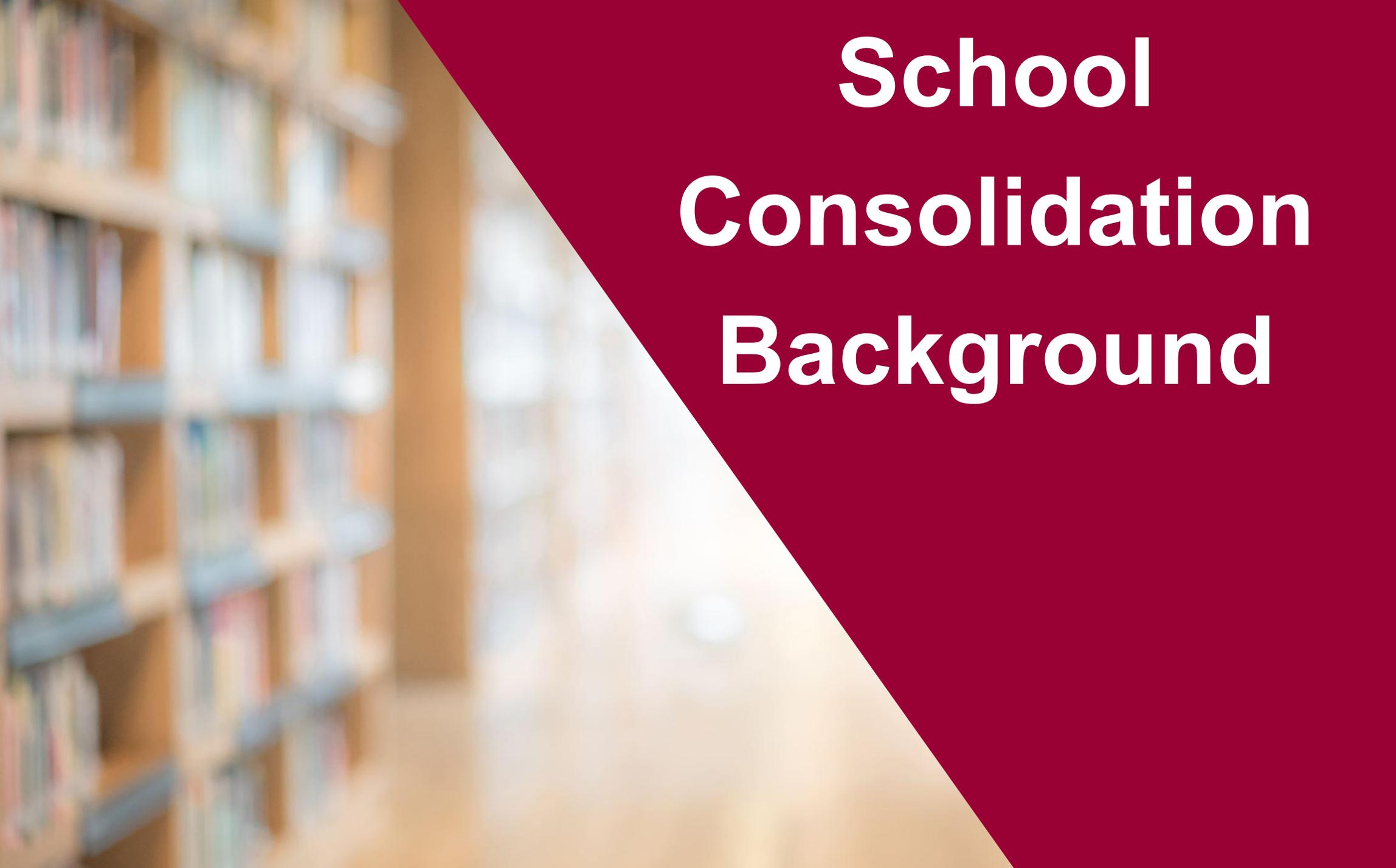
**Assets &
Liabilities**

**Finance &
Operations**

**Other Legal
Implications**

**Whole Grade
Sharing**

Dissolution



School Consolidation Background

School Consolidation Background

- **Authority:** Wisconsin statutory provisions allow for the reorganization of a school district by the consolidation of two or more school districts and for dissolution by a school district.
- **Exception:** The process is available for any school district except Milwaukee Public Schools.

Please see [Wis. Stat. 117.08](#)



A photograph of a person's hand pointing at a document on a desk. The desk is cluttered with papers, a rolled-up document, and a keyboard. A large red diagonal overlay covers the right side of the image, containing the text 'School Consolidation - Procedure' in white.

School Consolidation - Procedure

Initiation of Consolidation

- **Initiation of Consolidation:** School district consolidation may be initiated by the adoption of resolutions by two or more school boards stating that they will consider consolidating their school districts.
- **Notification of Resolutions:** The school district clerk of each school board adopting a resolution under this subsection shall send a certified copy of the resolution to the school boards of each of the other affected school districts and to the secretary of the School District Boundary Appeal Board.

Please see [Wis. Stat. 117.08](#)



Resolution Ordering Consolidation

School Board Action:

- **Resolution Ordering Consolidation:** In the first July beginning after the adoption of resolutions by 2 or more school boards under sub. (1), the school boards of the affected school districts may order the school districts consolidated by the adoption, by each of those school boards, of a resolution ordering the consolidation.
- **Failure of a school board to adopt a resolution:** either ordering or denying the consolidation before August 1 constitutes a denial of the consolidation by that school board.

Please see [Wis. Stat. 117.08](#)



Resolution Ordering Consolidation

School Board Action:

- **Order Contains the following General Items:**
 - Statement that the Districts want to consolidate;
 - The name of the new school district;
 - The type of school district, e.g. K-12 Common School District;
 - The grades in the newly created school district;

Please see [Wis. Stat. 117.17\(1\)](#)



Resolution Ordering Consolidation

School Board Action:

- **Order Contains the following General Items (cont.):**
 - The Election Plan for the election of new school board members along with the date of the first election of school board members;
 - The number of school board members;
 - The time and date of the first annual meeting;
 - Designation of a person to act as temporary chairperson of the annual meeting until a chairperson is elected; and
 - The effective date of the consolidation.



Appeal of Consolidation

Appeal of Consolidation Order:

- (1) Any person aggrieved by the denial of a consolidation under s. [117.08 \(2\)](#) ... may, within 30 days after copies of the order are filed with the secretary of the board under s. [117.17 \(2\)](#), appeal the order to a circuit court as follows:
 - [117.14\(1\)\(a\)](#) (a) If the order is issued under ss. [117.08](#), [117.09](#) or [117.10](#), the appeal shall be filed with the circuit court of any county in which any territory of any affected school district is located.

Please see [Wis. Stat. 117.14](#)



Notification of Consolidation Order

School Board Action:

- The school district clerk of each school board adopting a resolution under this subsection, either ordering or denying a consolidation, shall, within 5 days after the adoption of the resolution, send a certified copy of the resolution to the school boards of each of the other affected school districts and file a certified copy of the resolution as provided under s. [117.17 \(2\)](#).

Please see [Wisconsin Statute 117.08](#)



School Consolidation Effective Date

School Board Action:

- If the school board of each affected school district adopts a resolution ordering the consolidation, the consolidation **shall take effect on the following July 1, unless a referendum under sub. [\(3\)](#) is required.**

Please see [Wis. Stat. 117.08](#)



Referendum

Referendum

- If the school board of each affected school district adopts a resolution ordering a consolidation under sub. [\(2\)](#), a referendum on the consolidation shall be held under par. [\(b\)](#) if one of the following occurs:
 - Initiated by one of the School Boards: [117.08\(3\)\(a\)1](#). At the time of adopting the resolution under sub. [\(2\)](#), the school board of any affected school district directs the holding of a referendum.

Please see [Wis. Stat. 117.08](#)



Referendum

- If the school board of each affected school district adopts a resolution ordering a consolidation under sub. [\(2\)](#), a referendum on the consolidation shall be held under par. [\(b\)](#) if one of the following occurs:
 - **Initiated by a Petition:** [117.08\(3\)\(a\)2](#). Before the 2nd Tuesday of September following the adoption of the resolutions under sub. [\(2\)](#), a petition conforming to the requirements of s. [8.40](#) requesting a referendum, signed by at least 10% of the electors who reside in any affected school district, is filed with the clerk of the school district that has the highest equalized valuation of the affected school districts. The validity of the petition shall be governed by the rules promulgated under s. [8.40 \(3\)](#).

Please see [Wis. Stat. 117.08](#)



Referendum

- The referendum shall be held in the affected school districts as provided under s. [117.20](#).
- **November Referendum:** Except as provided in par. (b), if a referendum is required under ss. 117.08 to 117.11, it shall be held on the Tuesday after the first Monday in November following receipt of the petition or adoption of the resolution under s. 117.08 (3) (a), 117.09 (3) (a), 117.10 (3) (a) or 117.11 (4) (a).
- **Votes shall be counted separately for each affected school district.**

Please see [Wis. Stat. 117.08](#) and [Wis. Stat. 117.20](#)



Referendum

- The referendum shall be held in the affected school districts as provided under s. [117.20](#).
- **Alternative Referendum Dates depending upon Order filing date:** If the alternative timeline under s. [117.08 \(5\) \(a\)](#) is used and a referendum is required, it shall be held on the first Tuesday in April following receipt of the petition or adoption of the resolution under s. [117.08 \(3\) \(a\)](#).
- [117.20\(1\)\(b\)2](#). 2. If the alternative timeline under s. [117.08 \(5\) \(b\)](#) is used and a referendum is required, it shall be held on the 2nd Tuesday in September following receipt of the petition or adoption of the resolution under s. [117.08 \(3\) \(a\)](#).
- **Votes shall be counted separately for each affected school district.**

Please see [Wis. Stat. 117.08](#) and [Wis. Stat. 117.20](#)



Referendum

- (b) **If a referendum is directed or a petition requesting a referendum is filed under par. (a)**, the school district clerk of the school board adopting the resolution or the school district clerk receiving the petition shall immediately notify the school boards of each of the other affected school districts, the secretary of the board and the clerk of each city, village or town, any part of which is contained within an affected school district.
- The referendum shall be held in the affected school districts as provided under s. [117.20](#).
- **Votes shall be counted separately for each affected school district.**

Please see [Wis. Stat. 117.08](#) and [Wis. Stat. 117.20](#)



Referendum

Referendum Results:

- **If a majority of the votes cast in each affected school district is in favor of consolidation**, the school districts shall be consolidated on the following July 1.
- At the time of canvassing the returns, the school boards of the affected school districts shall make and file an order of school district reorganization under s. [117.17 \(2\)](#).

Please see [Wis. Stat. 117.08](#)



Procedure – Alternative Timelines

Alternative Timelines:

- If each school board adopting a resolution under sub. [\(1\)](#) specifies in its resolution that the alternative timeline under this paragraph applies, the dates specified in subs. [\(2\)](#), [\(3\) \(a\) 2.](#), and [\(4\)](#) are changed as follows:
 - 1. The resolutions ordering or denying a consolidation under sub. [\(2\)](#) shall be adopted in the first December beginning after the adoption of resolutions by 2 or more school boards under sub. [\(1\)](#).
 - Failure of a school board to adopt a resolution either ordering or denying the consolidation before January 1 constitutes a denial of the consolidation by that school board.

Please see [Wis. Stat. 117.08](#)



Procedure – Alternative Timelines

Alternative Timelines:

- If each school board adopting a resolution under sub. [117.08\(1\)](#) specifies in its resolution that the alternative timeline under this paragraph applies, the dates specified in subs. [\(2\)](#), [\(3\) \(a\) 2.](#), and [\(4\)](#) are changed as follows:
 - 2. The petition requesting a referendum under sub. [\(3\) \(a\) 2.](#) shall be filed before the 2nd Tuesday of February following the adoption of the resolutions under sub. [\(2\)](#).
 - 3. If a majority of the votes cast in each affected school district is in favor of consolidation, the school districts shall be consolidated on the 2nd following July 1.

Please see [Wis. Stat. 117.08](#)



Procedure – Alternative Timelines

Alternative Timelines:

- If each school board adopting a resolution under sub. [\(1\)](#) specifies in its resolution that the alternative timeline under this paragraph applies, the dates specified in subs. [\(2\)](#) and [\(3\) \(a\) 2.](#) are changed as follows:
 - 1. The resolutions ordering or denying a consolidation under sub. [\(2\)](#) shall be adopted in the first May beginning after the adoption of resolutions by 2 or more school boards under sub. [\(1\)](#).
 - Failure of a school board to adopt a resolution either ordering or denying the consolidation before June 1 constitutes a denial of the consolidation by that school board.

Please see [Wis. Stat. 117.08](#)



Procedure – Alternative Timelines

Alternative Timelines:

- If each school board adopting a resolution under sub. [\(1\)](#) specifies in its resolution that the alternative timeline under this paragraph applies, the dates specified in subs. [\(2\)](#) and [\(3\) \(a\) 2.](#) are changed as follows:
 - 2. The petition requesting a referendum under sub. [\(3\) \(a\) 2.](#) shall be filed before the 2nd Tuesday of July following the adoption of resolutions under sub. [\(2\)](#).

Please see [Wis. Stat. 117.08](#)



Consolidation of Union High & Elementary

Initiation of Procedures

- The school board of a union high school district and the school boards of any of the school districts operating only elementary grades whose territory is included in the union high school district may adopt resolutions stating that they will consider consolidating the union high school district and all of the elementary school districts whose territory is included in the union high school district to create a common or unified school district operating both elementary and high school grades.
- The school district clerk of each school board adopting a resolution under this subsection shall send a certified copy of the resolution to the school boards of each of the other affected school districts and to the secretary of the board.

Please see [Wis. Stat. 117.09](#)



Consolidation of Union High & Elementary

School Board Action:

- **(2)** In the first July beginning after the adoption of resolutions under sub. [\(1\)](#), the school board of the union high school district and the school boards of one or more of the elementary school districts that adopted resolutions under sub. [\(1\)](#) and that have, in their combined territory, at least 55 percent of the equalized valuation of the union high school district, may order the union high school district and all of the elementary school districts whose territory is included in the union high school district consolidated to create a common or unified school district operating both elementary and high school grades by the adoption of a resolution ordering the consolidation by each school board.

Please see [Wis.Stat.117.09](#)



Consolidation of Union High & Elementary

School Board Action:

- **(2)(b)** Failure of a school board to adopt a resolution under par. [\(a\)](#) before August 1, either ordering or denying the consolidation, constitutes a denial of the consolidation by that school board. The school district clerk of each school board that adopts a resolution ordering or denying a consolidation under par. [\(a\)](#) shall, within 5 days after the adoption of the resolution, send a certified copy of the resolution to the school boards of the other affected school districts and file a certified copy of the resolution as provided under s. [117.17 \(2\)](#). If a consolidation is ordered under par. [\(a\)](#), the consolidation shall take effect on the following July 1, unless a referendum is required under sub. [\(3\)](#).

Please see [Wis. Stat. 117.09](#)



Consolidation of Union High & Elementary

Referendum:

- (3)(a) If a consolidation is ordered under sub. [\(2\) \(a\)](#), a referendum on the consolidation shall be held under par. [\(b\)](#) if one of the following occurs:
 - 1. Before the 2nd Tuesday of September following the adoption of the resolution ordering consolidation under sub. [\(2\) \(a\)](#), the school board of any affected school district directs the holding of a referendum.
 - 2. Before the 2nd Tuesday of September following the adoption of the resolutions under sub. [\(2\) \(a\)](#), a petition conforming to the requirements of s. [8.40](#) requesting a referendum, signed by at least 10 percent of the electors who reside in any affected school district, is filed with the clerk of the union high school district. The validity of the petition shall be governed by the rules promulgated under s. [8.40 \(3\)](#).

Please see [Wis. Stat. 117.09](#)



Consolidation of Union High & Elementary

Referendum:

- (3)(b) If a referendum is directed or a petition requesting a referendum is filed under par. (a), the school district clerk of the school board adopting the resolution or the school district clerk receiving the petition shall immediately notify the school boards of each of the other affected school districts, the secretary of the board and the clerk of each city, village or town, any part of which is contained within an affected school district.
- The referendum shall be held in the union high school district as provided under s. 117.20. Votes shall be counted separately for the union high school district and each affected elementary school district.

Please see [Wis. Stat. 117.09](#)



Consolidation of Union High & Elementary

Referendum Results:

- (4) If a majority of the votes cast in the union high school district and in a majority of the affected elementary school districts is in favor of consolidation, the union high school district and all of the affected elementary school districts shall be consolidated on the following July 1.
- At the time of canvassing the returns, the school boards of the affected school districts shall make and file an order of school district reorganization under s. [117.17 \(2\)](#).

Please see [Wis. Stat. 117.09](#)



School Boards in New Districts

Joint Interim School Board

- a) If school districts are consolidated under s. [117.08](#) or [117.09](#), the school boards of the consolidating school districts shall constitute the joint interim school board of the new school district.

Please see [Wis. Stat. 117.22](#)



School Boards in New Districts

Joint Interim School Board

- The joint interim school board under par. [\(a\)](#) constitutes the school board of the new school district beginning on the following date:
 - [117.22\(1\)\(b\)1.](#) 1. If no referendum is required, on the 2nd Tuesday of September following the adoption of the resolution under s. [117.08 \(2\)](#) or [117.09 \(2\)](#); except that if the alternative timeline under s. [117.08 \(5\) \(a\)](#) is used, on the 2nd Tuesday of February following the adoption of the resolution under s. [117.08 \(2\)](#); and if the alternative timeline under s. [117.08 \(5\) \(b\)](#) is used, on the 2nd Tuesday of July following the adoption of the resolution under s. [117.08 \(2\)](#).

Please see [Wis. Stat. 117.22](#)



School Boards in New Districts

Joint Interim School Board

- The joint interim school board under par. [\(a\)](#) constitutes the school board of the new school district beginning on the following date:
 - [117.22\(1\)\(b\)2m.](#) 2m. If a referendum is required under s. [117.08 \(3\)](#) or [117.09 \(3\)](#), on the 31st day following the date the order of reorganization is filed under s. [117.08 \(4\)](#) or [117.09 \(4\)](#).

Please see [Wis. Stat. 117.22](#)

School Boards in New Districts

Joint Interim School Board

- (c) The joint interim school board shall constitute the school board of the new school district until a school board is elected and qualified under sub. [\(2\)](#).
 - The joint interim school board shall have all the powers and duties of a school board elected for the school district.
 - Any action by the joint interim school board requires an affirmative vote of a majority of a quorum of the joint interim board.

Please see [Wis. Stat. 117.22](#)



School Boards in New Districts

School Board Elections for the New Board

- An order of school district reorganization issued under s. [117.08](#) or [117.09](#) shall designate the date of the first election of school board members, which shall be not later than 4 months after the effective date of the order, except as provided under par. [\(cm\)](#).

Please see [Wis. Stat. 117.22](#)

School Consolidation - Assets and Liabilities



Assets & Liabilities

Transfer of assets, liabilities and employees; agreements between consolidating school districts:

- On the effective date of a consolidation of school districts under s. 117.08 or 117.09, all of the following apply:
 - **(a) The school districts that were consolidated cease to exist.**
 - **Title to all property and the assets of the school districts under par. (a) become vested in the new consolidated school district.**
 - **Claims, obligations and contracts of the school districts under par. (a) become claims, obligations and contracts of the new consolidated school district.**

Please see [Wis. Stat. 117.25](#)



Assets & Liabilities

Transfer of assets, liabilities and employees; agreements between consolidating school districts:

- On the effective date of a consolidation of school districts under s. 117.08 or 117.09, all of the following apply:
 - **1. Employees of the school districts under par. (a) become employees of the new consolidated school district.**
 - **2. The new consolidated school district assumes the rights and obligations of the school districts under par. (a), under the provisions of any collective bargaining agreement that applies to these employees.**

Please see [Wis. Stat. 117.25](#)



Assets & Liabilities

Transfer of assets, liabilities and employees; agreements between consolidating school districts:

- On the effective date of a consolidation of school districts under s. 117.08 or 117.09, all of the following apply:
 - **3. The collective bargaining agreement remains in effect until the expiration date of the agreement or until a new collective bargaining agreement between the school district and representatives of these employees is effective, whichever occurs first.**

Please see [Wis. Stat. 117.25](#)

Assets & Liabilities

Transfer of assets, liabilities and employees; agreements between consolidating school districts:

- **Consolidations; Agreements to Continue Programs or Facilities.**
 - [117.25\(1m\)\(a\)](#)(a) A written agreement between the school boards of 2 or more school districts that are considering consolidating under s. [117.08](#) or [117.09](#) to continue operating a program or facility at a specific location for a specified period after consolidation, **not to exceed 5 years**, shall be binding upon the joint interim school board of the new school district under s. [117.22](#) and any subsequently elected school board of the new school district.
 - The school district clerk of the school district with the largest equalized valuation shall file a copy of the agreement with the state superintendent.

Please see [Wis. Stat. 117.25](#)



Assets & Liabilities

Transfer of assets, liabilities and employees; agreements between consolidating school districts:

- **Consolidations; Agreements to Continue Programs or Facilities.**
 - [117.25\(1m\)\(b\)](#) (b) Ten or more electors of the new school district may jointly petition the circuit court of the county in which any portion of the new school district is located to enforce an agreement under par. [\(a\)](#).

Please see [Wis. Stat. 117.25](#)



School Consolidation - Finance and Operations

Consolidation Aid

State Aid: DPI shall pay to a school district created by a consolidation under this section that takes effect on or after July 1, 2019, the following amounts:

- **(a)** In the school year in which the consolidation takes effect and in each of the subsequent 4 school years, \$150 multiplied by the number of pupils enrolled, as defined in s. [115.437 \(1\)](#), in the school district in that school year.
- **(b)** In the 5th school year following the school year in which the consolidation takes effect, 50 percent of the amount the school district received under par. [\(a\)](#) in the 4th year following the school year in which the consolidation takes effect.
- **(c)** In the 6th school year following the school year in which the consolidation takes effect, 25 percent of the amount the school district received under par. [\(a\)](#) in the 4th year following the school year in which the consolidation takes effect.

Please see [Wis. Stats. 117.08\(6\)](#)



Consolidation Aid

Consolidation of Union High & Elementary - State Aid:

- (6) From the appropriation under s. [20.255 \(2\) \(br\)](#), the department shall pay to a school district created by a consolidation under this section that takes effect on or after July 1, 2019, the following amounts:
 - [117.09\(6\)\(a\)](#)(a) In the school year in which the consolidation takes effect and in each of the subsequent 4 school years, \$150 multiplied by the number of pupils enrolled, as defined in s. [115.437 \(1\)](#), in the school district in that school year.
 - (b) In the 5th school year following the school year in which the consolidation takes effect, 50 percent of the amount the school district received under par. [\(a\)](#) in the 4th year following the school year in which the consolidation takes effect.
 - (c) In the 6th school year following the school year in which the consolidation takes effect, 25 percent of the amount the school district received under par. [\(a\)](#) in the 4th year following the school year in which the consolidation takes effect.

Consolidation Aid

- The 2019 Budget Act specifies that a district's current three-year rolling average pupil count under revenue limits would be used to calculate the aid payment, as for per pupil aid under current law.
- **SECTION 1480p.**
- Additionally, the budget specifies that in the school year in which a school district consolidation takes place and each of the subsequent four school years, the consolidated district would receive sparsity aid equal to not less than 50% of the aggregate amount of sparsity aid received by the consolidating school districts in the school year prior to the year in which the consolidation takes effect.

Consolidation Aid

- The Budget Act retained current law specifying that in the first five years after the consolidation takes effect, the consolidated school district's state general school aids could not be less than the total aggregate state general school aids received by the consolidating school districts in the school year prior to the consolidation, with additional aid payments made from the general equalization aids appropriation.



School Consolidation - Other Legal Considerations

Consolidation – Other Legal Considerations

- **Policies, Procedures and Student Handbooks in the New School District**
- **Public Records Retention and Pupil Records**
- **Pupil Issues, e.g. Open Enrollment, Transportation, Special Education Services, Title IX access to programs and facilities**
- **Employee Handbook in the New School District**

Consolidation – Other Legal Considerations

- **Individual Teacher Contracts**

- One year contracts, renewal timelines set forth in [Wis. Stat. 118.22](#)

- **Individual Administrator Contracts**

- One to two year contracts, renewal timelines set forth in [Wis. Stat. 118.24](#)

- **Support staff letter of assignments/Contracts**

Consolidation – Other Legal Considerations

- **Collective Bargaining Agreement(s) [CBA]**
- **Intergovernmental Agreements**
- **Vendor Contracts**



School Consolidation - Whole Grade Sharing

Whole Grade Sharing Options

Other Legal Implications - Whole Grade Sharing

- The school boards of 2 or more school districts may enter into a whole grade sharing agreement that provides for all or a substantial portion of the pupils enrolled in one or more grades, including 4-year-old and 5-year-old kindergarten and prekindergarten classes, in any of the school districts to attend school in one or more of the other school districts for all or a substantial portion of a school day.

**118.50, 121.105(4);
see also 115.28(61), 117.05(5)(a), 117.30(1)(d)**



Whole Grade Sharing Options

Other Legal Implications - Whole Grade Sharing

- The 2015-2017 Budget Act established detailed procedures, deadlines, and other restrictions and requirements applicable to whole grade sharing agreements.
- The 2015-2017 Budget Act established a special adjustment to state aid for school districts participating in a whole grade sharing agreement. The special adjustment applies to the first 6 school years following the school year in which the agreement first takes effect. The amount of the adjustment declines in the 5th and 6th year.

**118.50, 121.105(4);
see also 115.28(61), 117.05(5)(a), 117.30(1)(d)**



Whole Grade Sharing Options

- State law requires that a WGS agreement include the following components:
 - 1) Provide for all or a substantial portion of the pupils in one or more grades in any of the school districts to attend school in one or more of the other school districts for all or a substantial portion of a school day.

**118.50, 121.105(4);
see also 115.28(61), 117.05(5)(a), 117.30(1)(d)**



Whole Grade Sharing Options

- State law requires that a WGS agreement include the following components:
- 2) Specify all of the following:
 - a) The term of the agreement and date by which each school board must notify the other school boards of its intent to renew the agreement.
 - b) The grade levels affected by the agreement.
 - c) The annual per pupil amount a resident school district pays the nonresident school district (see also “Special Education” below).
 - d) The school board that will award graduation diplomas.
 - e) The school board that is required to maintain pupil records.
 - f) The school board that provides transportation required per IEPs for student with disabilities.
 - g) The school board responsible for transporting pupils (without an IEP) during the school term:

**118.50, 121.105(4);
see also 115.28(61), 117.05(5)(a), 117.30(1)(d)**



Whole Grade Sharing Options

- State law requires that a WGS agreement include the following components:
 - *School Year*: Must be provided by the resident district unless negotiated in the agreement.
 - *Summer School*: The school board responsible for transporting pupils during summer school if transportation is provided. If school district provides transportation for resident pupils to attend summer school, transportation must also be provided to pupils who attend summer classes in the district under a WGS agreement.
 - h) The attendance areas within the school district if a school board enters into a WGS agreement that designates more than one school district for the attendance of its pupils.
 - i) Agreements must be signed no later than February 15 in order to be effective for the ensuing school year.

**118.50, 121.105(4);
see also 115.28(61), 117.05(5)(a), 117.30(1)(d)**



Whole Grade Sharing Options

- A school board interested in entering into, extending or renewing a WGS agreement must do the following:
 - a) Adopt a resolution stating its intention to enter into, extend, or renew an agreement at least 60 days prior to entering into the WGS agreement [note: February 15th deadline for entering into an agreement; e.g., approve a resolution no later than 12/17 to enter into a WGS agreement that would be effective for the following school year].
 - b) Publish notice of the adoption of the resolution within 10 days of adoption, via a class 1 notice under ch. 985, Wis. Stats., in a newspaper published in the school district or post a notice of the adoption of the resolution as provided in s. 10.05, Wis. Stats.

**118.50, 121.105(4);
see also 115.28(61), 117.05(5)(a), 117.30(1)(d)**



Whole Grade Sharing Options

- A school board interested in entering into, extending or renewing a WGS agreement must do the following:
 - c) Request a feasibility study of the WGS agreement if a petition signed by at least 20 percent of the electors residing in the school district is filed with the school board within 30 days after publication or posting requesting the study. Upon receipt of the petition, the school board must contract with an organization approved by DPI to conduct the feasibility study.
 - d) Hold a public hearing at least 30 days prior to entering into, extending or renewing a WGS agreement. Two or more school boards that will be parties to the agreement may hold a joint public hearing in one of the school districts.
 - e) Enter into (or extend or renew) a WGS agreement by February 15th prior to the beginning of the school year in which the WGS agreement will be in effect.
 - f) Provide a certified copy of the WGS agreement to DPI within 10 days of completing an agreement.

**118.50, 121.105(4);
see also 115.28(61), 117.05(5)(a), 117.30(1)(d)**



Whole Grade Sharing Options

- 4) **Open Enrollment:** A pupil's open enrollment status is held in abeyance when attending a school under a WGS agreement if the pupil was already open enrolled into the nonresident district.
- 5) **Pupils with Disabilities:**
 - The resident district payment amount for a pupil, for whom an individualized education program is in effect and who is attending a school under a WGS agreement, is \$12,000 in FY17 and will be increased, beginning in FY18, per the current law open enrollment indexing adjustment. Payment is prorated for pupils attending less than full school year.
 - The district the pupil with a disability is attending can submit eligible special education costs to DPI for reimbursement under state special education categorical aid programs.
- 6) **Counting Pupils:** Pupils will continue to be counted by their *district of residence* for state general/equalization aid and revenue limit purposes, regardless of which district hosts a particular grade(s).

**118.50, 121.105(4);
see also 115.28(61), 117.05(5)(a), 117.30(1)(d)**



Whole Grade Sharing Options

- **7) State Aid:** School districts participating in a WGS agreement will be held harmless from reductions in state equalization aid resulting from the decision to enter into a WGS agreement. These districts will be eligible for aid in an amount that is no less than the amounts to which the individual districts were eligible in the school year prior to the school year in which the agreement takes effect, for the first five years of the WGS agreement. The hold harmless aid for WGS districts will continue into the sixth and seventh years of the agreement, in an amount equal to 66 percent and 33 percent (respectively) of the hold harmless aid received by the districts (if any) in the fifth year of the agreement. This provision applies only to new agreements.

**118.50, 121.105(4);
see also 115.28(61), 117.05(5)(a), 117.30(1)(d)**



Whole Grade Sharing Options

- Additional Resources:
- [DPI Information on Whole Grade Sharing](#)
- [Wisconsin Legislative Council Staff Brief - Study Committee on Shared School District Services](#)
- [Wisconsin Administrative Code Whole Grade Sharing PI 33](#)

see also 115.28(61), 117.05(5)(a), 117.30(1)(d), 118.50, 121.105(4);



School Dissolution



Initiation of Dissolution

- **Initiation of Dissolution:** School district dissolution may be initiated by the adoption of a resolution by two or more school boards stating that they will consider dissolving their school district.
- **Notification of Resolutions:** The school district clerk of a school board adopting a resolution under this subsection shall send a certified copy of the resolution to the secretary of the School District Boundary Appeal Board.

Please see [Wis. Stat. 117.10](#)



Resolution Ordering Dissolution

School Board Action:

- **Resolution Ordering Dissolution:** In the first July beginning after the adoption of a resolution under sub. (1), the school board may order the school district dissolved by adopting a resolution ordering the dissolution.
- **Failure of a school board to adopt a resolution:** either ordering or denying the dissolution before August 1 constitutes a denial of the dissolution by the school board.

Please see [Wis. Stat. 117.10](#)



Advisory Referendum

Advisory Referendum:

- If the school board adopts a resolution under sub. [\(2\)](#) ordering a dissolution, an advisory referendum on the dissolution shall be held if one of the following occurs:
 - 1. At the time of adopting the resolution under sub. [\(2\)](#), the school board directs the holding of an advisory referendum on the dissolution.
 - 2. Before the 2nd Tuesday of September following the adoption of the resolution under sub. [\(2\)](#), a petition conforming to the requirements of s. [8.40](#) requesting an advisory referendum, signed by at least 10 percent of the electors who reside in the affected school district, is filed with the school district clerk. The validity of the petition shall be governed by the rules promulgated under s. [8.40 \(3\)](#).

Please see [Wis. Stat. 117.10](#)



Notification of Advisory Referendum

Advisory Referendum:

- **(b)** If an advisory referendum is directed or a petition requesting an advisory referendum is filed, the school district clerk shall immediately notify the secretary of the board and the clerk of each city, village, or town, any part of which is contained within the school district. The advisory referendum shall be held in the school district as provided under s. [117.20](#).

Please see [Wis. Stat. 117.10](#) and [Wis. Stat. 117.20](#)



Resolution Ordering Dissolution

Board Review:

- After the 2nd Tuesday of September following the adoption of the resolution under sub. [\(2\)](#), if no advisory referendum is required, or after the advisory referendum, if one is held, the board shall review the dissolution and, before the following January 15, issue an order either affirming or denying the school board's dissolution order.

Please see [Wis. Stat. 117.10](#)

Resolution Ordering Dissolution

Board Review:

- The order shall be in writing, shall include a statement of the reasons for the order, and shall be filed as provided under s. [117.17 \(2\)](#).
- If the board affirms the school board's dissolution order, the board shall also issue an order assigning the school district's assets and liabilities under s. [66.0235 \(2c\) \(a\) 1.](#), and the school district's territory, to one or more other school districts, and providing for the employees of the dissolved school district under s. [117.25 \(3\)](#).
- If the board affirms the school board's dissolution order, the school district shall be dissolved on the following July 1.

Please see [Wis. Stat. 117.10](#)



Effect of Recent Construction on Dissolution

Effect of New Building Construction:

- A school district may not be dissolved under this section if it has constructed a new school building within the 3 years immediately preceding the adoption of a resolution under sub. [\(2\)](#) and, on the date the resolution is adopted, the school district has outstanding debt for the building.
- This subsection does not apply if the school district to which the building is assigned under sub. [\(4\)](#) agrees to accept both the school building and the outstanding debt for the school building or, prior to the effective date of the dissolution, the building is sold and the debt is paid.

Please see [Wis. Stat. 117.10](#)



Additional Resources

- [Chapter 117 Wisconsin Statutes School District Reorganization](#)
- [Department of Public Instruction School District Consolidation/Reorganization](#)
- [Legislative Fiscal Bureau - Informational Paper 2021-32 School District Reorganization.pdf](#)
- [Department of Public Instruction Dissolution of a School District](#)

Presenter Information

Bob Butler has been a WASB staff counsel since 1990. He is also, along with attorney Barry Forbes, the Association's co-associate executive director. Bob directly represents more than 40 school districts in Wisconsin on employment, human resources and school law matters. Bob also provides membership services, including general legal information, to all school districts that are members of WASB.

He graduated from the University of Wisconsin Law School and received his undergraduate degree in industrial and labor relations from Cornell University.

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