

**CONFIDENTIAL ATTORNEY-
CLIENT COMMUNICATION**

MEMORANDUM

TO: Dr. Demond Means, Superintendent, Wauwatosa School District

FROM: Brian J. Waterman
Aleah M. Loll

DATE: August 21, 2024

SUBJECT: **School District Reorganization Initiated by the School Board**

I. Introduction

The Wauwatosa School District (“District”) is interested in exploring the possibility of detaching territory from Milwaukee Public Schools (MPS), and attaching it to the District, in a process known as reorganization. The following describes the legal authority and procedures that generally govern reorganization and specific provisions of the law that apply to school districts in a first class city, such as MPS.

II. Legal Authority

School district reorganizations are generally governed by Chapter 117 of the Wisconsin Statutes. Reorganization under Chapter 117 can occur in four ways: consolidation of two or more districts; the dissolution of a district; the detachment of territory from one district and its attachment to an adjoining district; or the creation of a district. However, by its express terms, Chapter 117 is not applicable to first class city school districts. Wis. Stats. § 117.01.

MPS, as Wisconsin’s only first class city school district, is required to operate under the laws and procedures set forth in Chapter 119 of the Wisconsin Statutes. Chapter 119 does not contain a process or mechanism for reorganization of first class city school districts.

III. Establishing MPS’s Boundaries

MPS is divided into eight school board districts. The process for drawing the boundary for each school board district (i.e., election district) is set forth in Wis. Stats. § 119.06(2) as follows:

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Within 120 days after the date on which a city becomes a 1st class city, the mayor, the city treasurer, the city comptroller, the city attorney and the president of the common council of that city, acting as a commission for the city, shall meet and appoint a board of one at-large member and 8 members from election districts numbered and designated by the common council. The election districts shall be substantially equal in population and the boundaries of the election districts shall be drawn so as to reflect a balanced representation of citizens of all areas within the city. The person appointed to represent an election district shall reside within the boundaries of the election district as determined by the common council under this subsection. (emphasis added).

The boundaries of all eight school board districts conform to the City of Milwaukee's municipal boundaries. The power to manage municipal boundaries rests with the City's Common Council, which may, at times, redistrict its municipal boundaries. Wis. Stats. § 62.11(5). In such cases, MPS is required to redistrict its eight school board districts to conform to new municipal boundaries.

Since MPS's boundaries must conform to the City of Milwaukee's municipal boundaries, the only way to reorganize territory belonging to MPS is to either change the City's municipal boundaries or change applicable state law through the legislative process (e.g., apply Chapter 117 to MPS or develop similar reorganization procedures under Chapter 119).

IV. Conclusion

As a first class city school district in the State of Wisconsin, MPS is not subject to the general school district reorganization provisions under Chapter 117 of the Wisconsin Statutes. Additionally, Chapter 119, which governs first class city school districts, does not contain a process or mechanism for allowing reorganization of such school districts, and instead provides that their boundaries conform to the first class city's municipal boundaries.

Currently, there is not a process or mechanism under state law for the District to initiate the detachment of territory from MPS. Reorganization of this nature would only be possible if the legislature changed the applicable law, or the Milwaukee Common Council changed the City's municipal boundaries such that territory that presently belongs to MPS would no longer be within its municipal boundaries.

After your review of the information contained herein, please contact us with any questions.