

# School Law Update

July 27, 2015

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## 2015 Wisconsin Act 55 Makes Significant Change Relevant To Annual Meetings

Common school districts and union high school districts are required to hold an annual meeting, and many districts are now preparing for this meeting. The annual meeting is an important meeting of the electors in these districts. The electors in such districts have special powers reserved to them at the annual meeting, which are enumerated under Wis. Stat. s. 120.10. A special meeting of the electors can also be called in certain circumstances, and such meetings have the powers of the annual meeting. Powers not granted to the electors in the Wisconsin statutes are generally reserved for school boards.

Under prior law, one power reserved to electors under Wis. Stat. s. 120.10(12) was the power to authorize the sale of school district property that was no longer needed by the district. Thus, if a common or union high school district intended to sell certain school district property, including real estate or personal (moveable) property, the law required elector approval for the sale of the property. The determination that property was no longer needed by the school district and that it could be sold was typically made by affirmative vote of the electors at the annual meeting or a special meeting.

2015 Wisconsin Act 55 made a significant change in the law, effectively amending Wis. Stat. s. 120.10(12) and renumbering it as Wis. Stat. s. 120.13(19m). As a result of this change, effective July 14, 2015, the sale of school district property no longer needed by the district now does not require elector approval. Under the amended law, the school board of a common or union high school district now has the power to sell school district property that is no longer needed by the school district without elector authorization. In turn, common and union high school districts do not need to place sales of school property on the agenda for the annual meeting, and the sale of such school district property can be handled solely by the board.

It is important for districts to note, however, that Act 55 did not change the law related to acquisition of real estate by a common or union high school district. Section 120.10(5m) of the Wisconsin Statutes still provides that electors may authorize the school board to acquire, by purchase or condemnation, real estate and structures and facilities appurtenant to such real estate necessary for school district purposes. Thus, acquisition of real estate still generally requires elector approval at an annual or special meeting, although there are some exceptions (such as when approval is granted through a referendum election). It is important to remember that, even though elector approval authorizes a transaction, the school board is not required to complete it. The board still retains the authority to decide whether to complete a transaction and to determine the terms of a transaction.

We will continue to keep you informed of important changes in the law and their impact on your district.

For more information about this topic, please contact Rick Verstegen, the author of this article, or any of the Boardman & Clark, LLP School Law Practice Group attorneys listed below.

## B&C News & Events

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### **American Association for Access, Equity & Diversity Summer Professional Development and Training Institute**

August 3 - August 8, 2015

*The AAAED Summer Professional Development and Training Institute will be taking place in Madison from August 3 – August 8. Learn the essentials about EEO Law, complaint processing and the latest information about developing and implementing an Affirmative Action Program including all of the latest regulatory changes. Bob Gregg of Boardman & Clark LLP will be one of the presenters, and Boardman & Clark LLP is a sponsor and will be hosting the event. For more information and to register, visit the website.*

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Michael J. Julka | (608) 286-7236  
James K. Ruhly | (608) 283-1738  
Steven C. Zach | (608) 283-1736  
JoAnn M. Hart | (608) 286-7162  
Douglas E. Witte | (608) 283-7529  
Richard F. Verstegen | (608) 286-7233  
William L. Fahey | (608) 286-7234

David E. Rohrer | (608) 286-7249  
Frank C. Sutherland | (608) 286-7243  
Jennifer S. Mirus | (608) 283-1799  
David P. Weller | (608) 286-7235  
M. Tess O'Brien-Heinzen | (608) 283-1798  
Rhonda R. Hazen | (608) 283-1724  
Todd J. Hepler | (608) 286-7160

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