

To: All Legislators

From: Senator Marklein and Representative Novak

Date: August 27, 2019

Re: Co-sponsorship of LRB 2448/1 and LRB 4086/1, relating to: a contract between a school board and a parent or guardian to transport a pupil to and from school

Deadline: Tuesday, September 10, 2019

--This bill is introduced on behalf of a former school board member in the 17th Senate District and the 51st Assembly District--

A family sends their three children to the local private school instead of enrolling them in the public school system. Under current law, with limited exceptions, public school districts are required to provide transportation to private school students who reside within its district boundaries. School districts may provide transportation through a variety of methods including by providing busing or contracting with a common carrier, another school board, or the parent or guardian.

If the school district decides to contract with the parent or guardian, generally, the parents are compensated an amount that is agreed upon between the parents and the school district. However, when the parent and the school district cannot agree on an amount, the Department of Public Instruction (DPI) will determine the payment amount. Under its administrative code, DPI determines the amount to be paid on a case-by-case basis. DPI can decide to provide either a per-student payment or a per-household payment. In the case of a school district in southwest Wisconsin, DPI determined that the school district must provide a per-student payment to the parents. This decision is counterintuitive and costs the school district more money than it should because the family drives all three students to and from school at the same time. It is common sense that the payment should be on a per-household basis and take into account the fact that the family makes one trip each way, not three.

For this reason, LRB 2448 requires DPI to determine a per-household payment from the school district to the parents for transportation costs rather than a per-student payment. To cosponsor LRB 2448/1 and LRB 4086/1, please contact Peter in Sen. Marklein's office (6-0703) or Rep. Novak's office (6-7502). Cosponsors will automatically be signed onto both bills.

Analysis by the Legislative Reference Bureau

This bill requires that, if a school board contracts with a parent or guardian to transport a pupil to and from school, the contract must compensate the parent or guardian a total amount for all pupils residing in the household who attend the same school, rather than a per pupil amount.

Under current law, a school board is generally required to provide transportation to a public or private school pupil residing in the school district two miles or more from the pupil's school. Currently, a school board may meet its transportation obligation using a variety of methods, including by contract with the parent or guardian of the public or private school pupil. Current law also provides that, if the cost of transporting a private school pupil is more than 1.5 times a school district's average cost per pupil for bus transportation in the previous year (average cost), and the school district contracts with

the pupil's parent or guardian to transport the pupil, the contract must provide for an annual payment for each pupil of not less than the greater of the following amounts (minimum contract amount): 1) \$5 multiplied by the distance in miles between the pupil's residence and the pupil's private school; and 2) the school district's average cost. Current law also provides that, if the school district is Milwaukee Public Schools, the board of school directors of MPS may pay the minimum contract amount for all pupils who reside in the same household and attend the same private school, rather than paying the minimum contract amount for each pupil in the household.

The bill provides that, for a contract between a school board and a parent or guardian to transport a pupil, the amount of compensation must be a single amount for all pupils residing in the household who attend the same school, rather than a per pupil amount. That requirement applies to transportation contracts for both public and private school pupils, and the requirement applies to the minimum contract amount applicable to the transportation of a private school pupil that costs more than 1.5 times a school district's average cost.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.