



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Assembly Bill 165

**Assembly Substitute
Amendment 1**

Memo published: January 10, 2008

Contact: Joyce L. Kiel, Senior Staff Attorney (266-3137)

Under *current law*, a school board that operates high school grades must, subject to certain exceptions, provide transportation to and from school for private school pupils if all of the following apply: the pupil resides in the school district; the pupil resides at least two miles from the private school; the pupil resides in the private school's attendance area; and the private school is situated within the school district or not more than five miles beyond the school district's boundaries. Under current law, this requirement applies to pupils in kindergarten to grade 12 and includes pupils in four-year-old kindergarten at a private school.

Assembly Substitute Amendment 1 to 2007 Assembly Bill 165 provides that if a school board does not operate a four-year-old kindergarten program, the school board is not required to provide transportation to pupils who attend a four-year-old kindergarten program at a private school.

However, the substitute amendment grandfathers in situations in which a school board that does not operate a four-year-old kindergarten program is providing transportation when required under s. 121.54 (2) (b), Stats., for four-year-old kindergarten pupils to private schools on the effective date of the bill. In such situations, the school board must continue to do so. The substitute amendment provides, however, that if all of the private schools to and from which the school board provides transportation to pupils cease to offer a four-year-old kindergarten program, the school board's obligation to provide transportation of four-year-old kindergarten pupils to private schools under this grandfather provision terminates.

Under the substitute amendment, these provisions first apply to the transportation of pupils in the school year that begins following the effective date of the bill.

Legislative History

2007 Assembly Bill 165 was introduced by Representative Friske and others; cosponsored by Senator Lehman and others. Assembly Substitute Amendment 1 to the bill was introduced by Representative Friske. The Assembly Committee on Education Reform recommended adoption of Assembly Substitute Amendment 1 on a vote of Ayes, 5; Noes, 3. The committee then recommended passage of the bill, as amended, on a vote of Ayes, 8; Noes, 0.

JLK:ksm