

➤ Hearing Records ... HR

**\*\* 09hr\_ab0809\_AC-Ed\_pt01**

WISCONSIN STATE  
LEGISLATURE ...  
PUBLIC HEARING  
COMMITTEE RECORDS

**2009-10**

(session year)

**Assembly**

(Assembly, Senate or Joint)

**Committee on  
Education**

**(AC-Ed)**

(FORM UPDATED: 07/02/2010)

**COMMITTEE NOTICES ...**

➤ Committee Reports ... CR  
\*\*

➤ Executive Sessions ... ES  
\*\*

➤ Public Hearings ... PH  
\*\*

➤ Record of Comm. Proceedings ... RCP  
\*\*

**INFORMATION COLLECTED BY  
COMMITTEE FOR AND AGAINST  
PROPOSAL ...**

➤ Appointments ... Appt  
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Name:

➤ Clearinghouse Rules ... CRule  
\*\*

➤ Hearing Records ... HR (bills and resolutions)  
\*\*

➤ Miscellaneous ... Misc  
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( )

AB 809

PH 3/9/10

AB 201, AB 557, AB 622, AB 805, AB 806, AB 807, AB 808, AB 809

AB 708 & SB 250

Companion bills?







# School Administrators Alliance

*Representing the Interests of Wisconsin School Children*

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**TO:** Assembly Committee on Education  
**FROM:** John Forester, Director of Government Relations  
**DATE:** March 9, 2010  
**RE:** Assembly Bill 809 – Transport of Private School Students

The School Administrators Alliance (SAA) strongly supports Assembly Bill 809, relating to the transportation of private school students. Simply put, this bill is an efficiency measure that would allow school districts to reduce school transportation costs and redirect the savings to instructional programming and student services. At the same time, under AB 809, school districts would continue to fulfill their obligations to provide transportation for private school students.

Current law, with some exceptions, requires school districts to provide transportation for students attending private schools even on those days that the public schools are not in session – clearly an inefficient use of taxpayer resources. Many private schools begin their school year prior to the September 1 public school start date, forcing public schools to transport private school students prior to the beginning of the public school year. AB 809 would change current law so that public school districts are required to transport private school students only during the school term of the school district.

Also under current law, a school board, under certain circumstances may fulfill its obligation to transport a private school pupil by contracting with the pupil's parent or guardian. The contract must provide for an annual payment **for each pupil** of at least \$5 times the number of miles between the pupil's residence and the private school, or the district's average cost per pupil for bus transportation, whichever is greater.

A provision adopted in the 2009-11 budget provides that in the Milwaukee Public Schools (MPS), if two or more pupils reside in the same household and attend the same private school, the contract may, at the discretion of the school board, provide for a **total annual payment for all of the pupils instead of for each of the pupils**. AB 809 extends this "one trip, one payment" provision to all school districts.

We urge your support of AB 809. If you should have any questions regarding the SAA's support for AB 809, please call me at (608) 242-1370.

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**An Alliance of:**

Association of Wisconsin  
School Administrators

Wisconsin Association of  
School District Administrators

Wisconsin Association of  
School Business Officials

Wisconsin Council for  
Administrators of Special Services





## WISCONSIN CATHOLIC CONFERENCE

### **TESTIMONY IN OPPOSITION TO ASSEMBLY BILL 809: TRANSPORTATION SERVICES FOR PRIVATE SCHOOL PUPILS**

Presented by Kim Wadas, Associate Director

March 9, 2010

My name is Kim Wadas and I am the Associate Director for Education and Health Care at the Wisconsin Catholic Conference. On behalf of Wisconsin's Catholic bishops, I strongly urge you not to support Assembly Bill 809.

This proposal would jeopardize safe transportation for school children across the state and unduly target Catholic school families and others who attend religious and independent schools.

Under Assembly Bill 809, school districts are only required to provide transportation services to nonpublic school pupils during the public school district's term. The bill also allows school districts to fund transportation contracts for families with several children attending a religious or independent school as if the family had only one child attending. Finally, AB 809 extends the deadline by which nonpublic school authorities must provide information regarding pupils in need of transportation services from May 15 to July 15.

School districts in Wisconsin are required to provide transportation services to all students, both public and nonpublic. However, the attendance area for private schools does not always mirror that of public school districts. Many Catholic schools work with multiple school districts to arrange transportation services for their pupils. Limiting transportation services to a public school district's term would compel these private schools to meet the start and end dates of several different district terms at once, severely limiting the ability of a private school to determine its own calendar. In addition to logistical concerns, Wisconsin courts have recognized that as a matter of equal protection school districts cannot force private schools to comply with a district's calendar as a condition for receiving transportation services.

Current law also permits a school district to offer a parent transportation contract in lieu of busing services if the cost of busing a nonpublic student is 1.5 times the district's average cost per pupil. Under AB 809, school districts would be allowed to withdraw busing services for families who have two or more children attending the same nonpublic school building and offer them a single transportation contract in its place. The family would receive a contract amount equal to the average cost of busing one child in the district, or \$5 a mile, whichever is greater.

Larger families with less flexible work schedules, those who live in small towns and rural areas far from school, low-income families that do not own a vehicle, or families that pay per child for transit services would face a special burden. Without transportation services provided by the district, such families must look for alternative transportation options, such as paying for mass transit services from third party providers. Bus passes and other transit services are often sold

based on a per person rate. A family stipend would not meet the cost of these per student charges. Families would have to find transportation for four children on a budget for one.

These families, who may have already lost transportation services in lieu of parent contract payments, would suffer the additional hardship of seeing that contact amount diminish per child simply because they have a large family. The increased transportation costs could force these families to remove their children from private schools.

School districts receive state aid for transportation costs based on the number of pupils within the district. By allowing them to offer contracts on a per family basis, the provision fosters the unequal treatment of individual students and provides an incentive to districts to deny families traditional transportation services. This raises not only issues of safety and fairness, but is also unsound on environmental grounds.

Most children who attend Catholic schools and other nonpublic schools live on the same bus routes as public school children. Using buses on these routes reduces fuel consumption. Consider the case of one school bus transporting the children of five Catholic school families on the same bus route as used for public school students. Under the contract approach, five separate cars will have to make two round trips a day to transport the same 10 children. With fuel prices heading back to \$3 a gallon and government leaders urging us to find ways to reduce the use of gasoline, this idea is as bad for the environment as it is for families.

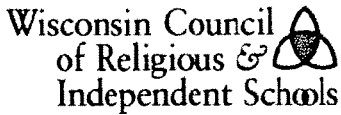
Families who send their children to religious and independent schools support their communities in a variety of ways and should not be limited in their choice of schools due to concerns over safe transportation. Rather than retreat from our state's commitment to safe transportation for all schoolchildren, we should elevate the importance of safe transportation by providing schools with the resources necessary to ensure that all kids have access to a safe learning environment.

For all these reasons, I urge you not to advance Assembly Bill 809.

Thank you.







TO: Assembly Education Committee  
FROM: Matt Kussow, Ex Dir  
RE: AB 809  
DATE: March 9, 2010

- Archdiocese of Milwaukee
- Association of Christian Schools International
- Christian Schools International
- Diocese of Green Bay
- Diocese of La Crosse
- Diocese of Madison
- Diocese of Superior
- Lutheran Church Missouri Synod North Wisconsin District
- Lutheran Church Missouri Synod South Wisconsin District
- Wisconsin Association of Independent Schools
- Wisconsin Conference of Seventh Day Adventists
- Wisconsin Evangelical Lutheran Synod – Northern District
- Wisconsin Evangelical Lutheran Synod – Western District
- Wisconsin Evangelical Lutheran Synod – Southeastern District

**Contact WCRIS**

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WCRIS is a non-profit association representing over 800 Catholic, Lutheran, Christian, Seventh Day Adventists and independent schools across Wisconsin. The association is currently opposed to the majority of the provisions contained in AB 809.

WCRIS appreciates the efforts on behalf of Rep. Dexter to work with our members on the provisions in this bill. Regarding the changes proposed to the May 15 reporting deadline, her efforts target a problem private schools have recently experienced with the interpretation of this section of the statutes. The May 15 requirement was implemented several decades ago to provide school districts with an estimate of the number of private school students eligible for bussing services in the next term. As the DPI website clearly indicates, it was not meant to exclude students who enroll or transfer to a private school after the prescribed date.

This school term, the Milwaukee Public School District has denied services to private school students who enrolled after May 15. Despite a constitutional requirement to provide similar services to all WI students, MPS has reserved this treatment for private school students only.

WCRIS is asking the authors of AB 809 to amend the current language to stipulate that any date required for the report does not exclude transfer students who enroll in a private school.

AB 809 also eliminates the requirement for school districts to provide bussing services to private schools before and after their school terms. While we understand the additional costs of this provision, the attendance areas of private schools do not always match up with school district boundaries, and in fact, often overlap several different districts. Although our schools strive to accommodate, differing start dates and times create an extremely complicated transportation network. Furthermore, the elimination of this requirement creates an expensive, inefficient, and sometimes unsafe environment for our students.

And finally, regarding the provisions relating to parent contracts, WCRIS believes this change unfairly targets our larger families and will encourage public school districts to over-utilize the parent-contract option. In many cases, this is already an extremely vulnerable student population due to the cost of multiple tuitions. Slashing their transportation stipends will ultimately force some families to forego the private school of their choice. For families forced to rely on public transit, there is clearly an added cost for multiple riders. In most cases, transportation benefits are the only taxpayer funded service private schools receive. WCRIS supports safe, reliable and equitable services for all Wisconsin students.

Thank you for your consideration of our concerns with AB 809.

**Private School: Enrollment Statistics**

Archdiocese of Milwaukee

Association of Christian  
Schools International

Christian Schools International

Diocese of Green Bay

Diocese of La Crosse

Diocese of Madison

Diocese of Superior

Lutheran Church Missouri  
Synod North Wisconsin District

Lutheran Church Missouri  
Synod South Wisconsin District

Wisconsin Association of  
Independent Schools

Wisconsin Conference of  
Seventh Day Adventists

Wisconsin Evangelical Lutheran  
Synod – Northern District

Wisconsin Evangelical Lutheran  
Synod – Western District

Wisconsin Evangelical Lutheran  
Synod – Southeastern District

Number of students attending a religious or independent school in WI:

<b>2009-10:</b>	<b>126,812</b>
<b>2008-09:</b>	<b>130,800</b>
<b>2007-08:</b>	<b>133,606</b>
<b>2006-07:</b>	<b>133,419</b>
<b>2005-06:</b>	<b>135,033</b>

Average “per pupil” spending in WI public schools (most current info):

<b>2009-10:</b>	<b>N/A</b>
<b>2008-09:</b>	<b>N/A</b>
<b>2007-08:</b>	<b>\$11,894</b>
<b>2006-07:</b>	<b>\$11,413</b>
<b>2005-06:</b>	<b>\$10,989</b>

Total cost to the state to educate every student currently enrolled in a religious or independent school in the public school system:

**\$1,508,301,928**

*(2009-10 enrollment numbers multiplied by the most recent per/pupil cost data)*

2009-10 state fiscal impact: **\$47,433,272**

(An estimated 3,988, K-12 students transferred from a religious or independent school to a public school at the beginning of the 2009-10 school term.)

*(Calculation based on 2007-08 per pupil spending data.)*

Contact WCRIS

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www.wcris.org



**Testimony from Representative Kristen Dexter  
March 9, 2010**

Committee on Education  
In support of AB 809

Chairwoman Pope-Roberts, Committee members, thank you for convening today to hold this hearing on Assembly Bill 809 relating to the transportation of private school pupils.

This bill affects the transportation of private school students and the relationship between private and public schools in three different ways. I will walk through and highlight all three.

**First: Notification of Private School Pupils that Need Transport**

Currently private schools have to notify public schools of the number of children that will need transportation each year. The statutes say these names must be to the public school district by May 15th each year. This is a difficult expectation due to the early nature of the date. Most schools have not recessed for the summer, families have not moved and final enrollment choices are still being made.

Therefore, this bill moves the notification date to July 15th, giving private schools a little more breathing room in the notification process while giving the public schools a more accurate count of the private students they can expect to transport. The school board may also extend the notification deadline.

**Second: Start Date for Transport of Private School Students**

Current law, with some exceptions, requires school districts to provide transportation for students attending private schools even on those days that the public schools are not in session. This lack of communication between districts causes an inefficient use of taxpayer resources. Many private schools begin their school year prior to the September 1 public school start date, forcing public schools to transport private school students prior to the beginning of the public school year.

This bill changes current law so that public school districts are not required to transport private school students prior to the September 1 public school start date.

**Third: Parent Contract for Private Pupil Transportation**

Parents who's children attend private school may enter into a contract with their school district to transport their own children to the private school. The family is reimbursed from the district an amount for each child transported. (The school district would otherwise be obligated to provide bussing for that family.) This bill will provide that, for purposes of such parent contracts, if two or more pupils reside in the same household and attend the same private school, then a contract



with the parent or guardian of the pupils will provide one reimbursement amount per family - not one per pupil as currently mandated.

This legislation has been introduced many times and was most recently in the 2009-2011 Budget, but the law only passed for Milwaukee Public Schools. This bill would extend this to the rest of the state.

I would like to thank Matt Kussow from the Wisconsin Council of Religious and Independent Schools and John Forester of the School Administrators Alliance for their help on this legislation. Thank you again for convening this hearing. I hope that we can work together to pass Assembly Bill 809.





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*everychild.onevoice.®*

March 9, 2010

Thank you for holding this hearing today so that for the third year in a row, we can come to the Capitol and tell the Assembly Committee on Education just how desperately schools need a better funding system.

I appreciate that you have tried to do something to help schools, but your efforts could be called mis-directed. This is not meant as an insult, but it is a fact. For example:

- AB-805 provides more money for consolidation studies, even though the money allocated for consolidation studies is not getting used.
- AB-806 speeds up the schedule for schools to consolidate. Only one set of districts in the state has consolidated recently and people from there readily admit that it is a short-term solution. Consolidation is very distasteful.
- AB-807 might be useful. Maybe. Is there ever money left over in the DPI transportation fund to give out more money?
- AB-808 might be helpful. However, it starts us down the slippery slope. If 18 students is acceptable for a small class, why not 21. It's only 3 more kids.
- AB-809 will be helpful for MPS, but there are not many private schools in rural areas.

You as a committee have heard over and over the cries of parents, teachers, administrators, even students whose education is suffering because of missing courses, supplies, and opportunities. These students don't even know many of the things that their education is lacking until they become adults who did not have the life-skills classes in high school.

You know what needs to be done. You know, and many of you have said, that the school funding system is broken. Revenue caps are choking our children's education. When revenue caps were imposed, Wisconsin was 9<sup>th</sup> in the nation for per pupil spending, now we are 19<sup>th</sup>.

We need more money in the system. A one percent increase in the sales tax for education funding has been proposed and has much support. So why hasn't that been introduced?

You are the people who have the power to change this system and rescue the next generation of students from a mediocre education. We are pleading with you to be courageous and do the right thing. Or give the office up to someone who will.

Jill Gaskell  
Wisconsin PTA  
State Legislative Chair