

2011 DRAFTING REQUEST

Bill

Received: 02/09/2012

Received By: pgrant

Wanted: As time permits

Companion to LRB:

For: Peggy Krusick (608) 266-1733

By/Representing: herself

May Contact:

Drafter: tkuczens

Subject: Education - choice schools
Education - charter schools
Education - school boards
Transportation - other

Addl. Drafters: agary

Extra Copies:

Submit via email: YES

Requester's email: Rep.Krusick@legis.wisconsin.gov

Carbon copy (CC:) to: tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

School choice, pupil transportation, school bus insurance, DPI corrective action

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 02/17/2012	mduchek 02/21/2012		_____			S&L
	agary 02/17/2012			_____			
	tkuczens 02/17/2012			_____			
/P1			jmurphy 02/22/2012	_____	lparisi 02/22/2012		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	tkuczens 02/22/2012	mduchek 02/22/2012	jmurphy 02/22/2012	_____	sbasford 02/22/2012	mbarman 02/23/2012	S&L

FE Sent For:

at intro
3/16

<END>

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1?	tkuczens	<i>TK</i> 2/21/12	<i>pm</i> 2/21	<i>Kuc 3</i> 2/22			
FE Sent For:		<i>1PI</i>					

<END>

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Rep. Krusick

2/9/12

Per Peter Groat:

Pull pupil transportation & school bus insurance provisions
from LRB - ~~2988~~ 2988/P2 into a separate draft.



State of Wisconsin
2011 - 2012 LEGISLATURE

4066/p1



LRB-2988/P2

ARG/PKK:med:rs

ARG/TKK:med

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

TKK

2/17/12

Regen

1 AN ACT *to renumber* 343.12 (9); *to amend* 115.28 (7) (b), 118.19 (1), 118.60 (6m)
 2 (b) 3. d., 118.60 (7) (am) 1., 118.60 (10) (d), 119.23 (6m) (b) 3. d., 119.23 (7) (am)
 3 1., 119.23 (10) (d), 121.53 (4), 121.53 (6), 121.555 (1) (b), 340.01 (56) (a) 1., 341.03
 4 (title), 341.03 (1) and 343.12 (4) (b); *to repeal and recreate* 119.23 (7) (f); and
 5 *to create* 20.255 (2) (fx), 115.28 (27), 118.60 (6m) (e) to (g), 118.60 (7) (b) 9. to
 6 14., 118.60 (7m), 118.60 (10) (a) 9. and 10., 118.60 (10) (am) 4., 119.16 (15),
 7 119.23 (6m) (e) to (g), 119.23 (7) (b) 9. to 14., 119.23 (7m), 119.23 (10) (a) 9. and
 8 10., 119.23 (10) (am) 4., 121.555 (2m), 343.12 (1m) and 343.12 (9) (bm) of the
 9 statutes; **relating to:** the parental choice programs; **a school assessment guide;**
 10 the operation of, and insurance requirements related to, school buses and
 11 alternative methods of pupil transportation; **making an appropriation;** and
 12 providing a penalty.

Analysis by the Legislative Reference Bureau

This bill makes a number of changes in the laws governing the parental choice programs (PCP), under which a pupil who resides in the city of Milwaukee or in

on all standardized examinations administered to the pupils, categorized by grade and subject and indicating the percentile rank of each score. The school must also keep paper copies of the scores in a binder at the school's front desk.

The bill requires each private school to provide the Internet address of the Wisconsin Information Network for Successful Schools in the school newsletter at least twice each school term.

The bill requires each PCP annually to evaluate the effectiveness of each teacher on the basis of pupil scores on specified examinations.

Under current law, each private school participating in a PCP must provide to DPI (and, upon request, to any pupil who attends or who is applying to attend the private school) pupil scores on certain standardized examinations for each of the previous five school years. The bill requires that the scores be categorized by subject area, grade, sex, race, disability, and economic status. In addition, the bill directs DPI to post the scores on its Internet site.

Pupil records

The bill requires a private school participating in a PCP to maintain records for each pupil attending the school under the PCP while the pupil attends the school and for at least five years thereafter. The bill requires the private school to provide a copy of the records to the pupil or the pupil's parent or guardian upon request and, if the school closes, to transfer the records to MPS or the eligible school district. The bill also requires the private school to issue a high school diploma or certificate to each pupil attending the school under the PCP who satisfies all of the requirements necessary for high school graduation.

School assessment guide

The bill directs DPI to develop a guide for parents to use in assessing public and private schools, including charter schools. The guide must include information on how to evaluate the academic performance of pupils enrolled in a school, a school's academic opportunities, a school's expenditures per pupil, the education and experience levels of teachers, and the opportunities for parental involvement in a school and classroom. DPI must post the guide on its Internet site and make copies available to schools upon request.

Cost report

The bill requires MPS to report annually to the legislature the costs it incurred in the previous school year in connection with the PCP, including transportation costs and costs of providing special education to pupils attending private schools under the PCP.

Transportation of pupils and insurance coverage

Under current law, every school board must require that a certificate of insurance is filed with the school board and the Department of Transportation (DOT) showing that an insurance policy has been procured and is in effect which covers the owner and operator of a school bus and the school board or the school board must procure an insurance policy and file the certificate with DOT. DOT may not issue registration plates for a school bus unless the certificate is on file with DOT. This insurance policy may not be canceled or terminated prior to its expiration unless

notice of cancellation or termination is filed by the insurer with DOT and the school board at least ten days prior to the date of cancellation or termination. DOT must then revoke the registration of any school bus on which the policy has been canceled or terminated.

the Department of Public Instruction (DPI)

Under the bill, the same requirements that apply to a school board also apply to the governing body of a charter school and the governing body of a private school. The bill requires that the insurance policy procured by a school board, the governing body of a charter school, or the operator of a private school be in effect for the entire school year. With respect to a charter school or private school, the bill requires an insurer to provide ten days' notice to DPI if it cancels or terminates an insurance policy covering a school bus prior to the policy's expiration. The bill requires an insurer who provides this insurance coverage to a school participating in a PCP to notify DPI of any change made to the policy. The bill also requires a private school participating in a PCP to immediately notify DPI that the school has received a notice of cancellation or termination from the insurer.

private

Under current law, a school board or the governing body of a private school may provide pupil transportation services by alternative methods. These alternative methods consist of a motor vehicle transporting nine or fewer passengers in addition to the operator, and a motor vehicle transporting ten or more passengers in addition to the operator when the secretary of transportation determines, at the request of the school board or governing body, that an emergency exists because no regular transportation is available. Current law requires, with certain exceptions, that motor vehicles used for alternative pupil transportation comply with the insurance requirements applicable to school buses.

The bill requires that a school board and the governing body of a private school file with DOT a certificate of insurance showing that the insurance policy applicable to a motor vehicle used as an alternative method of pupil transportation is in effect for the entire school year. The bill also requires an insurer to provide ten days' notice to DOT and the school board or governing body of a private school prior to the cancellation or termination of an insurance policy covering a motor vehicle used as an alternative method of pupil transportation. The bill requires an insurer who provides this insurance coverage to a school participating in a PCP to notify DPI of any change made to the policy. The bill also requires a private school participating in a PCP to immediately notify DPI that the school has received a notice of cancellation or termination from the insurer.

Exclusion of private schools from a PCP

Under current law, DPI may bar a private school from participating in a PCP if DPI determines that the private school has violated certain prohibitions. For example, a private school that fails to submit an independent financial audit of the school that has been conducted by a certified public accountant may be barred from participating in a PCP. The bill creates the following additional grounds for DPI to bar a school from participating in a PCP.

1. Failure to comply with the disclosure requirements established in the bill.
2. Failure to comply with the teacher licensure requirements established in the bill.

Also under current law, a pupil who resides within the city of Milwaukee or in certain school districts (currently, only the Racine Unified School District) may attend a private school participating in a parental choice program (PCP) at state expense.

under certain conditions

6 3. Failure to develop policies on truancy, excused and unexcused absences, bullying, pupil engagement in learning and emotional development, and promoting parental involvement and volunteerism, as required in the bill.

4. Failure to maintain, provide copies of, and issue pupil records as required in the bill.

5. Failure to procure and maintain insurance as required by DPI and under the bill.

if the private school fails

Fraudulent representations

6 Current law prohibits a person, with the intent to sell a product or service to the public or induce the public to enter into a contract, from making any assertion or statement that is untrue, deceptive, or misleading in its advertising or other representations made to the public. The bill authorizes DPI to prohibit a private school from participating in a PCP in the following school year if the private school has violated this prohibition.

School buses

Under current law, a person may not operate a school bus without a school bus endorsement issued by DOT. A person may obtain a school bus endorsement to the person's regular motor vehicle operator's license if the person is to operate a school bus that is not a commercial motor vehicle (CMV) or to the person's commercial driver license (CDL) if the person is to operate a school bus that is a CMV.

Also under current law, an employer may not knowingly allow an employee to operate a CMV during any period of withdrawal of the employee's operating privileges or when the employee does not possess a valid CDL with any required endorsement. The employer also may not knowingly allow an employee to operate a CMV in violation of any law. A person who holds a CDL must report to his or her employer any conviction for a traffic violation within 30 days of the conviction and any withdrawal of operating privileges by the end of the day after the withdrawal. DOT maintains an employer notification program to permit an employer to register the name of a CDL-holding employee and be notified by DOT whenever a conviction or withdrawal of operating privileges is recorded on the employee's operating record.

Under the bill, an employer that employs any person as an operator of a school bus is responsible for determining that each such person is qualified to operate a school bus. This employer is also responsible for assuring that only employees so qualified operate the employer's school buses. If the employer employs any person holding a CDL to operate a school bus, the employer must participate in DOT's employer notification program. An employer that violates any of these requirements must forfeit not less than \$20 nor more than \$400.

Under current law, the definition of "school bus" includes a motor vehicle which carries ten or more passengers in addition to the driver or is painted in accordance with specifications established by statute and which is used for the purpose of transporting pupils to or from an elementary or high school supported by public taxation, a private school that meets criteria established by DPI, or, under certain conditions, a technical college. The bill changes the definition of "school bus" to explicitly include a motor vehicle that satisfies the above conditions and that is used for the purpose of transporting pupils to or from a charter school.

Also under current law, if a motor vehicle providing pupil transportation gets into an accident, the accident must be reported to the school board within ten days after its occurrence.

Under the bill, the accident must, if applicable, be reported to the governing body of a charter school or the governing body of a private school.

Under current law, a person may not operate or knowingly permit the operation of a motor vehicle if the registration for that vehicle is suspended, revoked, or canceled. A person who violates this prohibition may be required to forfeit not more than \$200 if the vehicle involved in the violation is an automobile or weighs 10,000 pounds or less and may be required to forfeit not more than \$500 if the vehicle involved is any other vehicle.

The bill specifically prohibits a person from operating or knowingly permitting the operation of a school bus, or motor vehicle used as an alternative method of pupil transportation, required to be covered by liability insurance unless such valid insurance is current on the school bus. A person who violates this prohibition may be required to forfeit not more than \$500.

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

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

6
1 SECTION 1. 20.255 (2) (fx) of the statutes is created to read:

2 20.255 (2) (fx) *Parental choice programs; pupil assessments.* A sum sufficient
3 to pay the costs of acquiring, administering, and scoring the examinations required
4 under ss. 118.30 (1s) and (1t), 118.60 (7) (b) 1., and 119.23 (7) (b) 1.

5 SECTION 2. 115.28 (7) (b) of the statutes is amended to read:

6 115.28 (7) (b) Subject to the same rules and laws concerning qualifications of
7 applicants and granting and revocation of licenses or certificates under par. (a), the
8 state superintendent shall grant certificates and licenses to teachers in private
9 schools and tribal schools, except that teaching experience requirements for such
10 certificates and licenses may be fulfilled by teaching experience in public, private,
11 or tribal schools. An applicant is not eligible for a license or certificate unless the
12 state superintendent finds that the private school or tribal school in which the

1 Association; ACT tests; and the Scholastic Math Inventory and Scholastic Reading
2 Inventory assessment, developed by Scholastic, Inc.

3 **SECTION 9.** ~~118.60 (7m)~~ of the statutes is created to read:

4 118.60 **(7m)** Annually, the department shall request from each private school
5 participating in the program under this section the following information about the
6 pupils attending the private school, which the private school may provide:

7 (a) The percentage of pupils who are minority pupils and the percentage of
8 pupils who are nonminority pupils.

9 (b) The percentage of pupils who identify themselves as religious.

10 **SECTION 10.** 118.60 (10) (a) 9. and 10. of the statutes are created to read:

11 118.60 **(10)** (a) 9. Failed to procure and maintain in effect the insurance
12 required under s. 121.53 (4) or 121.555 (2) (a).

13 10. Failed to procure and maintain in effect the insurance required by the
14 department by rule.

15 **SECTION 11.** ~~118.60 (10) (am) 4. of the statutes is created to read.~~

16 118.60 **(10)** (am) 4. The private school has violated s. 100.18 (1).

17 **SECTION 12.** 118.60 (10) (d) of the statutes, as created by 2011 Wisconsin Act
18 32, is amended to read:

19 118.60 **(10)** (d) The state superintendent may withhold payment from a private
20 school under subs. (4) and (4m) if the private school violates this section or s. 118.125
21 (4).

22 **SECTION 13.** ~~119.16 (15) of the statutes is created to read:~~

23 ~~119.16 (15) MILWAUKEE PARENTAL CHOICE PROGRAM; REPORT. Annually the board~~
24 ~~shall report to the legislature, in the manner provided under s. 13.172 (2), all of the~~
25 ~~costs it incurred in the previous school year in connection with the Milwaukee~~

1 (e) 1.; the Measures of Academic Progress, developed by the Northwest Evaluation
2 Association; the ACT tests; and the Scholastic Math Inventory and Scholastic
3 Inventory assessments, developed by Scholastic, Inc.

4 **SECTION 18.** 119.23 (7) (f) of the statutes is repealed and recreated to read:

5 119.23 (7) (f) A private school that is not accredited under sub. (2) (a) 7. shall
6 apply for accreditation by December 31 of the school year in which it enters or
7 reenters the program under this section.

8 **SECTION 19.** 119.23 (7m) of the statutes is created to read:

9 119.23 (7m) Annually, the department shall request from each private school
10 participating in the program under this section the following information about the
11 pupils attending the private school, which the private school may provide:

12 (a) The percentage of pupils who are minority pupils and the percentage of
13 pupils who are nonminority pupils.

14 (b) The percentage of pupils who identify themselves as religious.

15 **SECTION 20.** 119.23 (10) (a) 9. and 10. of the statutes are created to read:

16 119.23 (10) (a) 9. Failed to procure and maintain in effect the insurance
17 required under s. 121.53 (4) or 121.555 (2) (a).

18 10. Failed to procure and maintain in effect the insurance required by the
19 department by rule.

20 **SECTION 21.** 119.23 (10) (am) 4. of the statutes is created to read:

21 119.23 (10) (am) 4. The private school has violated s. 100.18 (1).

22 **SECTION 22.** 119.23 (10) (d) of the statutes, as affected by 2011 Wisconsin Act

23 32, is amended to read:

1 119.23 (10) (d) The state superintendent may withhold payment from a private
2 school under subs. (4) and (4m) if the private school violates this section or s. 118.125
3 (4).

4 SECTION 23. 121.53 (4) of the statutes is amended to read:

5 121.53 (4) Every school board, every governing body of a private school that
6 transports pupils or contracts for the transportation of pupils, and every governing
7 body of a charter school that transports pupils or contracts for the transportation of
8 pupils shall require that there be filed with it and with the department of
9 transportation a certificate of insurance showing that an insurance policy has been
10 procured and is in effect for the entire school year which covers the owner and
11 operator of the school bus and the school board governing body of the private school
12 or charter school, or shall procure an insurance policy and file such certificate with
13 the department of transportation. Unless such certificate is on file with the
14 department of transportation, no registration plates for a school bus may be issued
15 by the department of transportation. No such policy may be terminated prior to its
16 expiration or canceled for any reason, unless a notice thereof is filed with the
17 department of transportation and with the school board or governing body of the
18 private school or charter school by the insurer at least 10 days prior to the date of
19 termination or cancellation. No such policy which covers a private school
20 participating in the program under s. 118.60 or 119.23 may be terminated prior to
21 its expiration or canceled for any reason, unless a notice thereof is also filed with the
22 department of public instruction by the insurer at least 10 days prior to the date of
23 termination or cancellation. An insurer that issues an insurance policy under this
24 section that covers a private school participating in the program under s. 118.60 or
25 119.23 shall notify the department of public instruction of any change made to the

1 policy. A private school participating in the program under s. 118.60 or 119.23 shall
2 immediately notify the department of public instruction that the school has received
3 a notice of termination or cancellation from the insurer. The department of
4 transportation shall revoke the registration of a school bus on which the policy has
5 been terminated or canceled, effective on the date of termination or cancellation.

6 **SECTION 24.** 121.53 (6) of the statutes is amended to read:

7 121.53 (6) Within 10 days after its occurrence, every accident involving a motor
8 vehicle while providing transportation under this subchapter shall be reported to the
9 appropriate school board or governing body of a private school or charter school.

10 **SECTION 25.** 121.555 (1) (b) of the statutes is amended to read:

11 121.555 (1) (b) A motor vehicle transporting 10 or more passengers in addition
12 to the operator and used temporarily to provide transportation for purposes specified
13 under s. 340.01 (56) (a) when the school board or the governing body of the private
14 school requests the secretary of transportation to determine that an emergency
15 exists because no regular transportation is available. The secretary of
16 transportation shall approve or deny the request in writing. Any authorization
17 granted under this paragraph shall specify the purpose and need for the emergency
18 transportation service.

19 **SECTION 26.** 121.555 (2m) of the statutes is created to read:

20 121.555 (2m) Every school board and every governing body of a private school
21 that provides pupil transportation services under this section shall require that
22 there be filed with it and with the department of transportation a certificate of
23 insurance showing that the insurance policy required under sub. (2) has been
24 procured and is in effect for the entire school year which covers the owner and
25 operator of the motor vehicle and the school board or governing body of the private

1 school, or shall procure an insurance policy and file such certificate with the
2 department of transportation. No such policy may be terminated prior to its
3 expiration or canceled for any reason, unless a notice thereof is filed with the
4 department of transportation and the school board or the governing body of the
5 private school by the insurer at least 10 days prior to the date of termination or
6 cancellation. No such policy which covers a private school participating in the
7 program under s. 118.60 or 119.23 may be terminated prior to its expiration or
8 canceled for any reason, unless a notice thereof is also filed with the department of
9 public instruction by the insurer at least 10 days prior to the date of termination or
10 cancellation. An insurer that issues an insurance policy under this section that
11 covers a private school participating in the program under s. 118.60 or 119.23 shall
12 notify the department of public instruction of any change made to the policy. A
13 private school participating in the program under s. 118.60 or 119.23 shall
14 immediately notify the department of public instruction that the school has received
15 a notice of termination or cancellation from the insurer.

16 **SECTION 27.** 340.01 (56) (a) 1. of the statutes is amended to read:

17 340.01 **(56)** (a) 1. Pupils to or from a public school as defined in s. 115.01 (1) or,
18 a private school as defined in s. 115.001 (3r), a charter school as defined in s. 115.001
19 (1), or pupils to or from a technical college when required under s. 118.15 (1).

20 **SECTION 28.** 341.03 (title) of the statutes is amended to read:

21 **341.03 (title) Operating vehicle after suspension, revocation, or**
22 **cancellation of registration or without required insurance.**

23 **SECTION 29.** 341.03 (1) of the statutes is amended to read:

24 341.03 **(1) PROHIBITION.** No person may operate or knowingly permit the
25 operation of a motor vehicle if the registration for that vehicle is suspended, revoked,

1 or canceled under s. 285.30 (6) (d) or 342.255, ch. 344 or this chapter, ~~or if the~~
2 registration for that vehicle is suspended, canceled, or revoked under the law of
3 another jurisdiction, or, if required under s. 121.53 or 121.555 (2) (a), valid insurance
4 is not current on the vehicle.

5 **SECTION 30.** 343.12 (1m) of the statutes is created to read:

6 343.12 (1m) (a) An employer that employs any person as an operator of a school
7 bus is responsible for determining that each such person is qualified under this
8 section to operate a school bus and for assuring that only employees so qualified
9 operate the employer's school buses.

10 (b) If an employer employs any person holding a commercial driver license to
11 operate a school bus, the employer shall participate in the employer notification
12 program under s. 343.247.

13 **SECTION 31.** 343.12 (4) (b) of the statutes is amended to read:

14 343.12 (4) (b) The department shall, by rule, establish standards for the
15 employment by an employer of a person under par. (a) as an operator of a school bus
16 in this state. The rules may require the person to meet the qualifications contained
17 in sub. (2), (2m), or (3) and any rules of the department applicable to residents, except
18 that the rules shall require the person to meet the qualifications contained in sub.
19 (2) (dm) and (em). The rules shall also require the employer to perform the actions
20 specified in s. 121.555 (3) (a) 1. and 3. An employer of a person under par. (a) is subject
21 to the requirement under sub. (1m).

22 **SECTION 32.** 343.12 (9) of the statutes is renumbered 343.12 (9) (a).

23 **SECTION 33.** 343.12 (9) (bm) of the statutes is created to read:

24 343.12 (9) (bm) Any employer that violates sub. (1m) shall forfeit not less than
25 \$20 nor more than \$400.

1 participating in the program under section 119.23 of the statutes and to pupils who
2 apply to attend, and to pupils who attend, a private school under section 119.23 of
3 the statutes in the 2012-13 school year.

4 (3) The treatment of sections 115.28 (7) (b), 118.60 (7) (b) 9., and 119.23 (7) (b)
5 9. of the statutes first applies to a private school participating in the program under
6 section 118.60 or 119.23 of the statutes in the 2013-14 school year.

7 (4) The treatment of section 118.19 (1) of the statutes first applies to a person
8 seeking to teach in a private school participating in the program under section 118.60
9 or 119.23 of the statutes in the 2013-14 school year.

10 **SECTION 36. Effective date.** This act takes effect on the day after publication,

11 except as follows:

12 (1) The treatment of sections 118.60 (10) (a) 9., 119.23 (10) (a) 9., 121.53 (4) and
13 (6), 121.555 (2m), 340.01 (56) (a) 1., 341.03 (title) and (1), and 343.12 (1m) and (4) (b)
14 of the statutes, the renumbering of section 343.12 (9) of the statutes, and the creation
15 of section 343.12 (9) (bm) of the statutes take effect on the first day of the 7th month
16 beginning after publication.

17 (END)

Fix component

g (1)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-4066/P1
ARG&TKK:med:jm
[Signature]

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*2/22/12
Today (no changes)*

Reger

1 **AN ACT** to renumber 343.12 (9); to amend 121.53 (4), 121.53 (6), 121.555 (1) (b),
2 340.01 (56) (a) 1., 341.03 (title), 341.03 (1) and 343.12 (4) (b); and to create
3 118.60 (10) (a) 9. and 10., 119.23 (10) (a) 9. and 10., 121.555 (2m), 343.12 (1m)
4 and 343.12 (9) (bm) of the statutes; relating to: the parental choice programs;
5 the operation of, and insurance requirements related to, school buses and
6 alternative methods of pupil transportation; and providing a penalty.

Analysis by the Legislative Reference Bureau

Transportation of pupils and insurance coverage

Under current law, every school board must require that a certificate of insurance is filed with the school board and the Department of Transportation (DOT) showing that an insurance policy has been procured and is in effect which covers the owner and operator of a school bus and the school board or the school board must procure an insurance policy and file the certificate with DOT. DOT may not issue registration plates for a school bus unless the certificate is on file with DOT. This insurance policy may not be canceled or terminated prior to its expiration unless notice of cancellation or termination is filed by the insurer with DOT and the school board at least ten days prior to the date of cancellation or termination. DOT must then revoke the registration of any school bus on which the policy has been canceled or terminated.

Also under current law, a pupil who resides within the city of Milwaukee or in certain school districts (currently, only the Racine Unified School District) may,

under certain conditions, attend a private school participating in a parental choice program (PCP) at state expense.

Under the bill, the same requirements that apply to a school board also apply to the governing body of a charter school and the governing body of a private school. The bill requires that the insurance policy procured by a school board, the governing body of a charter school, or the operator of a private school be in effect for the entire school year. With respect to a charter school or private school, the bill requires an insurer to provide ten days' notice to the Department of Public Instruction (DPI) if it cancels or terminates an insurance policy covering a school bus prior to the policy's expiration. The bill requires an insurer who provides this insurance coverage to a private school participating in a PCP to notify DPI of any change made to the policy. The bill also requires a private school participating in a PCP to immediately notify DPI that the school has received a notice of cancellation or termination from the insurer.

Under current law, a school board or the governing body of a private school may provide pupil transportation services by alternative methods. These alternative methods consist of a motor vehicle transporting nine or fewer passengers in addition to the operator, and a motor vehicle transporting ten or more passengers in addition to the operator when the secretary of transportation determines, at the request of the school board or governing body, that an emergency exists because no regular transportation is available. Current law requires, with certain exceptions, that motor vehicles used for alternative pupil transportation comply with the insurance requirements applicable to school buses.

The bill requires that a school board and the governing body of a private school file with DOT a certificate of insurance showing that the insurance policy applicable to a motor vehicle used as an alternative method of pupil transportation is in effect for the entire school year. The bill also requires an insurer to provide ten days' notice to DOT and the school board or governing body of a private school prior to the cancellation or termination of an insurance policy covering a motor vehicle used as an alternative method of pupil transportation. The bill requires an insurer who provides this insurance coverage to a school participating in a PCP to notify DPI of any change made to the policy. The bill also requires a private school participating in a PCP to immediately notify DPI that the school has received a notice of cancellation or termination from the insurer.

Exclusion of private schools from a PCP

Under current law, DPI may bar a private school from participating in a PCP if DPI determines that the private school has violated certain prohibitions. For example, a private school that fails to submit an independent financial audit of the school that has been conducted by a certified public accountant may be barred from participating in a PCP. The bill permits DPI to bar a school from participating in a PCP if the private school fails to procure and maintain insurance as required by DPI and under the bill.

School buses

Under current law, a person may not operate a school bus without a school bus endorsement issued by DOT. A person may obtain a school bus endorsement to the

person's regular motor vehicle operator's license if the person is to operate a school bus that is not a commercial motor vehicle (CMV) or to the person's commercial driver license (CDL) if the person is to operate a school bus that is a CMV.

Also under current law, an employer may not knowingly allow an employee to operate a CMV during any period of withdrawal of the employee's operating privileges or when the employee does not possess a valid CDL with any required endorsement. The employer also may not knowingly allow an employee to operate a CMV in violation of any law. A person who holds a CDL must report to his or her employer any conviction for a traffic violation within 30 days of the conviction and any withdrawal of operating privileges by the end of the day after the withdrawal. DOT maintains an employer notification program to permit an employer to register the name of a CDL-holding employee and be notified by DOT whenever a conviction or withdrawal of operating privileges is recorded on the employee's operating record.

Under the bill, an employer that employs any person as an operator of a school bus is responsible for determining that each such person is qualified to operate a school bus. This employer is also responsible for assuring that only employees so qualified operate the employer's school buses. If the employer employs any person holding a CDL to operate a school bus, the employer must participate in DOT's employer notification program. An employer that violates any of these requirements must forfeit not less than \$20 nor more than \$400.

Under current law, the definition of "school bus" includes a motor vehicle which carries ten or more passengers in addition to the driver or is painted in accordance with specifications established by statute and which is used for the purpose of transporting pupils to or from an elementary or high school supported by public taxation, a private school that meets criteria established by DPI, or, under certain conditions, a technical college. The bill changes the definition of "school bus" to explicitly include a motor vehicle that satisfies the above conditions and that is used for the purpose of transporting pupils to or from a charter school.

Also under current law, if a motor vehicle providing pupil transportation gets into an accident, the accident must be reported to the school board within ten days after its occurrence.

Under the bill, the accident must, if applicable, be reported to the governing body of a charter school or the governing body of a private school.

Under current law, a person may not operate or knowingly permit the operation of a motor vehicle if the registration for that vehicle is suspended, revoked, or canceled. A person who violates this prohibition may be required to forfeit not more than \$200 if the vehicle involved in the violation is an automobile or weighs 10,000 pounds or less and may be required to forfeit not more than \$500 if the vehicle involved is any other vehicle.

The bill specifically prohibits a person from operating or knowingly permitting the operation of a school bus, or motor vehicle used as an alternative method of pupil transportation, required to be covered by liability insurance unless such valid insurance is current on the school bus. A person who violates this prohibition may be required to forfeit not more than \$500.

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

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 118.60 (10) (a) 9. and 10. of the statutes are created to read:

2 118.60 (10) (a) 9. Failed to procure and maintain in effect the insurance
3 required under s. 121.53 (4) or 121.555 (2) (a).

4 10. Failed to procure and maintain in effect the insurance required by the
5 department by rule.

6 **SECTION 2.** 119.23 (10) (a) 9. and 10. of the statutes are created to read:

7 119.23 (10) (a) 9. Failed to procure and maintain in effect the insurance
8 required under s. 121.53 (4) or 121.555 (2) (a).

9 10. Failed to procure and maintain in effect the insurance required by the
10 department by rule.

11 **SECTION 3.** 121.53 (4) of the statutes is amended to read:

12 121.53 (4) Every school board, every governing body of a private school that
13 transports pupils or contracts for the transportation of pupils, and every governing
14 body of a charter school that transports pupils or contracts for the transportation of
15 pupils shall require that there be filed with it and with the department of
16 transportation a certificate of insurance showing that an insurance policy has been
17 procured and is in effect for the entire school year which covers the owner and
18 operator of the school bus and the school board governing body of the private school
19 or charter school, or shall procure an insurance policy and file such certificate with
20 the department of transportation. Unless such certificate is on file with the
21 department of transportation, no registration plates for a school bus may be issued

1 by the department of transportation. No such policy may be terminated prior to its
2 expiration or canceled for any reason, unless a notice thereof is filed with the
3 department of transportation and with the school board or governing body of the
4 private school or charter school by the insurer at least 10 days prior to the date of
5 termination or cancellation. No such policy which covers a private school
6 participating in the program under s. 118.60 or 119.23 may be terminated prior to
7 its expiration or canceled for any reason, unless a notice thereof is also filed with the
8 department of public instruction by the insurer at least 10 days prior to the date of
9 termination or cancellation. An insurer that issues an insurance policy under this
10 section that covers a private school participating in the program under s. 118.60 or
11 119.23 shall notify the department of public instruction of any change made to the
12 policy. A private school participating in the program under s. 118.60 or 119.23 shall
13 immediately notify the department of public instruction that the school has received
14 a notice of termination or cancellation from the insurer. The department of
15 transportation shall revoke the registration of a school bus on which the policy has
16 been terminated or canceled, effective on the date of termination or cancellation.

17 **SECTION 4.** 121.53 (6) of the statutes is amended to read:

18 121.53 (6) Within 10 days after its occurrence, every accident involving a motor
19 vehicle while providing transportation under this subchapter shall be reported to the
20 appropriate school board or governing body of a private school or charter school.

21 **SECTION 5.** 121.555 (1) (b) of the statutes is amended to read:

22 121.555 (1) (b) A motor vehicle transporting 10 or more passengers in addition
23 to the operator and used temporarily to provide transportation for purposes specified
24 under s. 340.01 (56) (a) when the school board or the governing body of the private
25 school requests the secretary of transportation to determine that an emergency

1 exists because no regular transportation is available. The secretary of
2 transportation shall approve or deny the request in writing. Any authorization
3 granted under this paragraph shall specify the purpose and need for the emergency
4 transportation service.

5 **SECTION 6.** 121.555 (2m) of the statutes is created to read:

6 121.555 (2m) Every school board and every governing body of a private school
7 that provides pupil transportation services under this section shall require that
8 there be filed with it and with the department of transportation a certificate of
9 insurance showing that the insurance policy required under sub. (2) has been
10 procured and is in effect for the entire school year which covers the owner and
11 operator of the motor vehicle and the school board or governing body of the private
12 school, or shall procure an insurance policy and file such certificate with the
13 department of transportation. No such policy may be terminated prior to its
14 expiration or canceled for any reason, unless a notice thereof is filed with the
15 department of transportation and the school board or the governing body of the
16 private school by the insurer at least 10 days prior to the date of termination or
17 cancellation. No such policy which covers a private school participating in the
18 program under s. 118.60 or 119.23 may be terminated prior to its expiration or
19 canceled for any reason, unless a notice thereof is also filed with the department of
20 public instruction by the insurer at least 10 days prior to the date of termination or
21 cancellation. An insurer that issues an insurance policy under this section that
22 covers a private school participating in the program under s. 118.60 or 119.23 shall
23 notify the department of public instruction of any change made to the policy. A
24 private school participating in the program under s. 118.60 or 119.23 shall

1 immediately notify the department of public instruction that the school has received
2 a notice of termination or cancellation from the insurer.

3 **SECTION 7.** 340.01 (56) (a) 1. of the statutes is amended to read:

4 340.01 (56) (a) 1. Pupils to or from a public school as defined in s. 115.01 (1) ~~or,~~
5 a private school as defined in s. 115.001 (3r), a charter school as defined in s. 115.001
6 (1), or pupils to or from a technical college when required under s. 118.15 (1).

7 **SECTION 8.** 341.03 (title) of the statutes is amended to read:

8 **341.03 (title) Operating vehicle after suspension, revocation, or**
9 **cancellation of registration or without required insurance.**

10 **SECTION 9.** 341.03 (1) of the statutes is amended to read:

11 341.03 (1) PROHIBITION. No person may operate or knowingly permit the
12 operation of a motor vehicle if the registration for that vehicle is suspended, revoked,
13 or canceled under s. 285.30 (6) (d) or 342.255, ch. 344 or this chapter, ~~or if the~~
14 registration for that vehicle is suspended, canceled, or revoked under the law of
15 another jurisdiction, or, if required under s. 121.53 or 121.555 (2) (a), valid insurance
16 is not current on the vehicle.

17 **SECTION 10.** 343.12 (1m) of the statutes is created to read:

18 343.12 (1m) (a) An employer that employs any person as an operator of a school
19 bus is responsible for determining that each such person is qualified under this
20 section to operate a school bus and for assuring that only employees so qualified
21 operate the employer's school buses.

22 (b) If an employer employs any person holding a commercial driver license to
23 operate a school bus, the employer shall participate in the employer notification
24 program under s. 343.247.

25 **SECTION 11.** 343.12 (4) (b) of the statutes is amended to read:

Basford, Sarah

From: Rep.Krusick
Sent: Wednesday, February 22, 2012 5:28 PM
To: LRB.Legal
Subject: LRB 11-4066/1 Topic: School choice, pupil transportation, school bus insurance, DPI corrective action

Dear Legislative Reference Bureau,

Thank you very much!

Please Jacket LRB 11-4066/1 for the ASSEMBLY.

Peggy