

No. 277, A.]

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CHAPTER 500.

AN ACT to repeal 40.34 (1a) and (2), 40.344 (1), (2), (3), (4), (5), (6), (8), (9) and (10), 40.475; to renumber 40.34 (1m), (5a), (6) and (7) to be 40.34 (2), (6), (7) and (12) respectively, 40.344 (7) to be 40.34 (8); to amend 20.25 (2), 40.34 (3) and (4) and 40.34 (8), as renumbered; to repeal and recreate 40.34 (1); and to create 40.34 (9), (10) and (11) and 41.57 (4) of the statutes, relating to the transportation of public elementary and public high school students and making an appropriation.

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

SECTION 1. 20.25 (2) of the statutes is amended to read:

20.25 (2) *On July 1, 1949, \$2,000,000 and, annually, beginning July 1, * * * 1950 * * * \$3,500,000 for transportation of public school pupils as provided in section 40.34, of which \$75,000 shall be apportioned upon the approval of the state superintendent among public school districts which are found to be unable to provide the transportation required by section 40.34 on the sum produced by a 2 mill tax levy on their equalized valuations and the normal transportation aids.*

SECTION 2. 40.34 (1) of the statutes is repealed and recreated to read:

40.34 (1) SCHOOL TRANSPORTATION. The school boards of all school districts operating public elementary schools or public high schools of any type shall provide transportation to and from school for all pupils residing in the district and over 2 miles from the nearest public school they may attend. In districts operating public high schools, the board may also provide transportation for nonresident high school pupils residing over 2 miles from the schoolhouse within areas served from the school by bus routes approved by the county school committee and the state superintendent. If the district operating the public high school does not provide transportation for nonresident high school pupils, it shall be the duty of the municipality in which the nonresident pupils reside to arrange for such transportation and such municipality shall make claim to the county clerk for the cost of transportation so provided in the manner specified in section 40.34 (10). The annual or a special school meeting of any school district operating a public elementary school or a public high school of any type, or if no such meeting is held, then the school board of any such district may authorize the transportation of all or any part of the students of such school district, including nonresident high school students, provided that if such transportation is furnished to less than all of the students there shall be reasonable uniformity in the minimum distance that students will be transported. The board of any public elementary school district which has suspended school shall provide transportation to and from school for all children residing more than 2 miles from the nearest district school which they may attend, or more than 2 miles from

the school of any other district which in the opinion of the state department of public instruction it is more feasible for them to attend, and such transportation shall be provided until the district has been attached to another district by order of the proper authority. Transportation may be provided by the school board or in the case of non-resident high school students by the municipal board by any of the following methods:

- (a) By contract with a common carrier;
- (b) By contract with the parent or guardian of the children to be transported or with other parties;
- (c) By joint contract with another public school district;
- (d) By joint contract between 2 or more public school districts and a third party who is either an individual or a common carrier;
- (e) By the purchase and operation of a district-owned vehicle approved by the commissioner of the motor vehicle department and operated by a competent driver employed by the school board in the name of the district;
- (f) By contract with a taxi company;
- (g) When transportation is furnished under contract with parents, the compensation shall be at the rate of not less than 20 cents per day for each child transported. When the district board and the parents cannot agree upon the amount of compensation, the case shall be appealed to the state superintendent who shall determine the amount of compensation to be designated in the contract.

SECTION 3. 40.34 (1a) and (2) of the statutes are repealed.

SECTION 4. 40.34 (1m) of the statutes is renumbered to be 40.34 (2).

SECTION 5. 40.34 (3) and (4) of the statutes are amended to read:

40.34 (3) The board, when authorized or required to provide transportation, shall have power to purchase busses, or otherwise provide means of transporting school pupils to and from school in accordance with the provisions of this section or sections 40.04 (5a), 40.55 and 65.90. The commissioner of the motor vehicle department shall adopt and enforce rules and regulations to cover the design, construction, inspection and operation of all vehicles used for the transportation of school children, and such rules and regulations shall by reference be made a part of any contract for transportation of school children. All drivers or operators of school busses shall be under written contract with the school district for which such drivers or operators transport pupils. The form of contract shall be prescribed by the state superintendent of public instruction and shall provide that any party to such contract shall be at all times subject to any rules the commissioner of the motor vehicle department and the school board may adopt for the protection of the children or to govern the conduct of the person in charge of the conveyance. All transportation vehicles purchased or contracted for shall meet the specifications prescribed by the commissioner of the motor vehicle department. *School district boards and persons independently engaged in transportation of public school pupils shall discontinue any school bus route being operated by them and discontinue the use of any vehicle used by them upon receipt of an order signed by the state superintendent ordering such discontinuance.*

(4) If, in the judgment of the school board providing the transportation and the parent or guardian, it is to the advantage of the district and also to the advantage of the child to provide board and lodging in lieu of transportation for all or part of the time for children of the district *for whom transportation must be provided or for whom it has been authorized under the provisions of subsection (1), * * * the board * * ** shall enter into a written contract under which such children shall be properly boarded and lodged * * *, and the board shall pay for such board and lodging from the general fund not to exceed * * * \$5 per week, *except that in the case of nonresident high school pupils the cost shall be paid by the portion of the county lying outside of high school districts in the same manner as is provided for the payment of nonresident high school tuition.* This provision * * * shall also apply to physically disabled children * * *. The district shall be reimbursed by the state at the rate of * * * \$2.50 per week of 5 days for each child so boarded and lodged. It shall also be the privilege of the parent or guardian to select the home in which the child be boarded and lodged. If the parent or guardian prefers to transport his child or children he shall be compensated and the district reimbursed as provided by subsection (1) of this section. The board may, if in its judgment it is to the interest of the district, in lieu of furnishing transportation or board and lodging, pay the tuition of such children in a school in another district which such children can conveniently attend without transportation.

SECTION 6. 40.34 (5a), (6) and (7) of the statutes are renumbered to be 40.34 (6), (7) and (12), respectively.

SECTION 7. 40.344 (1), (2), (3), (4), (5), (6), (8), (9) and (10) of the statutes are repealed.

SECTION 8. 40.344 (7) of the statutes is renumbered to be 40.34 (8) and amended to read:

40.34 (8) *SUSPENDED DISTRICTS: SCHOOL ACTIVITIES.* (a) When the transportation routes established under this section pass through suspended common school districts, contracts may be entered into with the boards of the suspended districts for the transportation of the elementary pupils who reside in the suspended districts.

(b) The school board of any school district, or the county board of any county * * * in the case of county agricultural schools may utilize the vehicles owned or under written contract for the transportation of school children and teachers to and from all *extra-curricular* school activities in which the schools under their jurisdiction may participate.

SECTION 9. 40.34 (9), (10) and (11) of the statutes are created to read:

40.34 (9) *SCHOOL BUS ROUTES.* The location and extent of all school bus routes shall be determined by the school board of the district operating such routes, but no route shall be put into operation until a certificate of approval shall be obtained from both the county school committee and the state superintendent and no state aids shall be granted any district which operates routes not so approved. Routes shall be established in such manner that transportation will be provided all students residing 2 miles or more from the nearest public school they are eligible to attend in the case of students residing in the district and in the case of nonresident high school students living 2 miles or more from the school and in the area served by the approved bus route of that school, except for those students for whom board and lodging is provided.

(10) *PAYMENT OF TRANSPORTATION COSTS.* The cost of furnishing transportation to public school children as provided in this section, except in the case of nonresident high school students, shall be paid by the district in which they reside, and no part of such cost shall be charged to the children, their parents or guardians. The cost of transporting nonresident public high school students, or the cost of board and lodging for such students furnished in lieu of transportation, shall be borne by those municipalities, or portions thereof, within the county which lie outside of districts operating high schools. Claims for the transportation of nonresident public high school students, or for their board and lodging in lieu of transportation, shall be made to the county clerk and a tax levied for the payment of the same in the manner provided in section 40.47 (5) and (6) for the payment of nonresident high school tuition. Claims for the transportation of nonresident high school students shall not exceed \$26 per year per pupil except that a greater amount may be allowed when a certificate of approval of the same shall have been filed with the county clerk by the county school committee. The claim per pupil shall be reduced, pro rata, if such transportation is furnished for less than a full school year because of nonenrollment.

(11) *STATE AIDS FOR TRANSPORTATION.* School districts which furnish transportation to and from a public school as provided in this section shall be entitled to receive state aid on account of such transportation at the rate of \$24 per school year per child transported to and from school whose residence is at least 2 miles and not more than 5 miles by the nearest traveled route from the public school attended, and \$36 per school year per child transported to and from school whose residence is more than 5 miles by the nearest traveled route from the public school attended. Such aids shall be reduced, pro rata, in the case of children transported for less than a full school year because of nonenrollment. Transportation aid to any district shall not exceed the actual cost of transportation. No state aid of any kind shall be provided to any district which charges any part of the cost of the transportation furnished under the provisions of this section against the pupils transported, their parents or guardians, nor shall state aid of any kind be provided to any district which fails to transport all of the pupils attending the district's school and whose transportation is required under the provision of this section.

SECTION 10. 40.475 of the statutes is repealed.

SECTION 11. 41.57 (4) of the statutes is created to read:

41.57 (4) Any county agricultural school board which may be authorized by the county board of supervisors to maintain and operate school busses for the transportation of any or all full-time students to and from such institutions or may be authorized to contract for the transportation of any or all such students by any of the means provided in section 40.34 of the statutes shall be eligible to receive transportation aids provided in sections 20.25 (2) and 40.34 (11) of the statutes for all such full-time students transported to and from such school provided that the full cost of transportation is borne by the county and that no fares are collected from the students, their parents or guardians.

Approved July 19, 1949.