

1999 ASSEMBLY BILL 129

February 16, 1999 – Introduced by Representatives J. LEHMAN, URBAN, F. LASEE, ALBERS, BOCK, SERATTI, MEYERHOFER and GROTHMAN, cosponsored by Senator FITZGERALD. Referred to Committee on Education Reform.

1 **AN ACT** *to renumber and amend* 120.12 (23); *to amend* 121.54 (7) (a) (intro.)
2 and 121.54 (7) (a) 2.; and *to create* 120.12 (23) (b) of the statutes; **relating to:**
3 requiring school boards to permit home-based private educational program
4 pupils to participate in extracurricular activities.

Analysis by the Legislative Reference Bureau

This bill requires a school board to permit a pupil enrolled in a home-based private educational program to participate fully in any extracurricular or recreational school program or activity if the pupil is enrolled in the home-based private educational program at the beginning of the school term, the pupil resides in the attendance area served by the school sponsoring the extracurricular or recreational school program or activity, and the school board determines that there is sufficient space in the program or activity.

Current law permits a school board to transport pupils of public and private schools and their parents or guardians to extracurricular activities and permits the school board to charge the persons transported or the private school, if appropriate, for the cost of providing the transportation. This bill permits a school board to transport pupils enrolled in a home-based private educational program and their parents or guardians to an extracurricular activity and permits the school board to charge the persons transported for the cost of providing the transportation.

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For further information see the *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.** 120.12 (23) of the statutes is renumbered 120.12 (23) (a) and
2 amended to read:

3 120.12 **(23)** (a) Annually, adopt a policy on access to extracurricular and
4 recreational school programs and activities that encourages full participation by all
5 elementary grade pupils in these programs and activities. This ~~subsection~~
6 paragraph does not apply to the school board of a union high school district.

7 **SECTION 2.** 120.12 (23) (b) of the statutes is created to read:

8 120.12 **(23)** (b) Permit a pupil enrolled in a home-based private educational
9 program to participate fully in any extracurricular or recreational school program
10 or activity if all of the following are true:

11 1. The pupil is enrolled in the home-based private educational program at the
12 beginning of the school term.

13 2. The pupil resides in the attendance area, as defined in s. 121.845 (1), served
14 by the school sponsoring the extracurricular or recreational school program or
15 activity.

16 3. The school board determines that there is sufficient space in the
17 extracurricular or recreational school program or activity.

18 **SECTION 3.** 121.54 (7) (a) (intro.) of the statutes is amended to read:

19 121.54 **(7)** (a) (intro.) A school board may provide transportation for pupils
20 attending public or private schools or enrolled in home-based private educational
21 programs, their parents or guardians, authorized chaperones, school officers, faculty

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1 and employes and school doctors, dentists and nurses in connection with any
2 extracurricular activity of the public or private school, such as a school athletic
3 contest, school game, after school practice, late activity, school outing or school field
4 trip or any other similar trip when:

5 **SECTION 4.** 121.54 (7) (a) 2. of the statutes is amended to read:

6 121.54 (7) (a) 2. A school operated by the school district or the private school
7 has an actual interest in the safety and welfare of the children transported to the
8 activity; This subdivision does not apply to the transportation of pupils enrolled in
9 a home-based private educational program.

10 **SECTION 5. Initial applicability.**

11 (1) This act first applies to the participation of pupils in extracurricular or
12 recreational school programs and to the transportation of those pupils in the school
13 year beginning after the effective date of this subsection.

14 (END)