

**2009 DRAFTING REQUEST**

**Bill**

Received: **02/15/2010**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Kristen Dexter (608) 266-9172**

By/Representing: **Ilsa Peterson**

This file may be shown to any legislator: **NO**

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Education - school boards**

Extra Copies: **TKK**

Submit via email: **YES**

Requester's email: **Rep.Dexter@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Transportation of private school pupils

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**Instructions:**

See attached

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**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>
/?	pgrant 02/15/2010	bkraft 02/15/2010		_____			S&L
/1			rschluet 02/16/2010	_____	lparisi 02/16/2010	sbasford 03/01/2010	

FE Sent For: "/1" @ intro, 3/4/10

<END>

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/?	pgrant	/1 bjk 2/15					
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FE Sent For:

<END>

**Grant, Peter**

**From:** Peterson, Ilsa  
**Sent:** Friday, February 12, 2010 4:12 PM  
**To:** Grant, Peter  
**Subject:** RE: Question on LRBs

Peter-

Ok. Final draft.

Kristen would like -3866 and -3867 combined into one bill. ~~Please make both a continuing appropriation (even though that point will be void if -3865 isn't passed).~~ Please also include in that bill a change to s. 121.54 (2) (b) 4. Please move the date from May 15<sup>th</sup> to July 15<sup>th</sup>.

I know that you are swamped right now, but if there is anyway that we can have this final draft by Tuesday that would be great.

Thank you for all your help and patients with this!!  
 Ilsa

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**From:** Grant, Peter  
**Sent:** Wednesday, January 27, 2010 11:32 AM  
**To:** Peterson, Ilsa  
**Subject:** RE: Question on LRBs

Hi Ilsa -

The money that's spent under the provisions amended in -3866 and -3867 is spent by the school districts. Then the state, through the appropriation that we're talking about, reimburses the school districts for a portion of the money that they spent. This is a "categorical" aid, meaning that it is paid on the basis of a percentage of costs or, in this case, so much per mile transported. The balance of the money spent by the school districts to transport pupils is counted in their shared costs, which is used to determine their general, or equalization, aid. I hope this answers your first question.

Note that a "continuing" appropriation does not solve the problem if there is no way to distribute the money. In other words, the amount that the school districts receive from the state is determined by a formula: so much per mile transported. If there is a balance in the appropriation after the aid is paid, right now it lapses to the general fund. A continuing appropriation would keep the money in the appropriation, but in the succeeding fiscal year the amount the districts would receive would again be determined by the formula of so much per mile transported. Again, if there is a balance after the payments are made, it does not get distributed. LRB-3865 solves the problem by distributing the balance.

Regarding s. 121.54 (2) (b) 1., I checked on the history. It was enacted by the 1967-68 legislature as part of a lengthy Legislative Council bill that made numerous changes to the laws relating to public schools.

It is not clear whether a school district must transport private school pupils who are not included in the May 15th list. The statutes require the school district to transport certain private school pupils, but the statutes also require private schools, by May 15th, to provide to the school district the list of pupils who are eligible to be transported. If you like, we can amend the provision to change the date or to clarify that the duty to transport applies to pupils who are *not* included on the list, or both.

Let me know how you'd like to proceed or whether you have additional questions.

Peter

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**From:** Peterson, Ilsa  
**Sent:** Tuesday, January 26, 2010 8:09 PM  
**To:** Grant, Peter

02/15/2010

**Subject:** RE: Question on LRBs

Peter-

Thank you for this information.

Rep Dexter would like to have LRB-3866/1 and LRB-3867/1 redrafted to make them continuing appropriations. As we talked about this, one question did arise. The money that is spent under LRB-3866/1 and LRB-3867/1 is from the school district correct? So if there were savings wouldn't they automatically stay in the school district? Or do they need to return that money to the state at the end? Thank you!

Kristen would also like to look into Statute 121.54 (2) sub4 relating to a date that private schools have to notify public schools of the number of riders they have. Apparently there are public school districts in WI that have interpreted this statute to require private schools report the number of pupils they have to transport by May 15<sup>th</sup>, no exceptions. If there are more students added after May 15<sup>th</sup>, the public school doesn't reimburse for them. I am wounding if you could offer some history on this statute. Kristen would like to change this so that private schools have more time to notify about the number of students that they are going to need transported. I have a couple ideas about language, but I would prefer your expert opinion!

Depending on your opinion/advice I think we will want to add a change to the 121.54 Statute to the Transportation bills. We can wait on the redrafts of LRB-3866/1 and LRB-3867/1 until you have a chance to look at 121.54.

This information seems a little jumbled so if you have questions feel free to call or e-mail.

Thank you so much!

Ilsa

**Ilsa Peterson**

Office of Representative Kristen Dexter  
68th Assembly District  
Phone: (608) 266-9172  
Toll Free: (888) 534-0068

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**From:** Grant, Peter  
**Sent:** Thursday, December 10, 2009 9:05 AM  
**To:** Peterson, Ilsa  
**Subject:** RE: Question on LRBs

Hi Ilsa. In LRB-3865/1, there would be no savings, because the bill says that if there's a balance in the appropriation after all the approved claims are paid, DPI must distribute that balance to those school districts entitled to state transportation aid.

In LRB-3866/1 and LRB-3867/1, there could be a savings to the state. The money in the appropriation that is not used would lapse to the general fund at the end of the fiscal year. (This assumes that LRB-3865 is not enacted; as I mentioned above, if that bill is enacted, the balance would be distributed to school districts.) In -3866 and -3867, I could amend the appropriation so that it is a continuing appropriation. In a continuing appropriation, any balance at the end of the fiscal year is "continued" into the next year, and does not lapse to the general fund. Let me know if you'd like me to redraft those two drafts to do that.

Peter

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**From:** Peterson, Ilsa  
**Sent:** Wednesday, December 09, 2009 11:30 AM  
**To:** Grant, Peter

02/15/2010

**Subject:** Question on LRBs

Hello-

I have a question about these drafts, LRB 3865/1, LRB 3866/1, and LRB 3867/1. If any of them result in savings to the state, where does that money go? It is Representative Dexter's hope that the savings would stay in the School Transportation Funding, but I'm not sure that's the case.

If there is a savings, and the bills don't direct the money to stay in the categorical aid, would it be possible to redraft them so that the money does say there? If this is a better question for a LFB memo, please let me know and I can forward it on.

Thank you so much!

Ilisa

**Ilisa Peterson**

Office of Representative Kristen Dexter

68th Assembly District

Phone: (608) 266-9172

Toll Free: (888) 534-0068

02/15/2010



A:1

**2009 BILL**

1 **AN ACT to amend 121.55 (3) (b) of the statutes; relating to:** transportation of  
2 pupils to private schools.

***Analysis by the Legislative Reference Bureau***

Under current law, ~~a school board is required to transport pupils to private school under certain conditions.~~ If the estimated cost of transporting a pupil to a private school is more than 1.5 times the school district's average cost per pupil for bus transportation, the school board may fulfill its obligation to transport the pupil by contracting with the pupil's parent or guardian. Except as provided below, 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 school district's average cost per pupil for bus transportation, whichever is greater.

In a first class city school district (currently, only the Milwaukee Public Schools), 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 of the amount described above for all of the pupils instead of for each of the pupils. This bill extends this provision to all school districts.

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:***



A:2

annually by May 15

¶ Currently, each private school must notify each school board of the names, grade levels, and locations of all pupils eligible to be transported by the school board during the succeeding school term. This bill changes the notification date to July 15.

~~¶ Finally, this bill changes the appropriation that funds pupil transportation costs from an annual appropriation to a continuing appropriation. Any balance remaining in a continuing appropriation at the end of a fiscal year "continues" into the succeeding fiscal year and does not revert to the fund from which it was appropriated.~~



2-7:1

Section #. 121.54 (2) (b) 4. of the statutes is amended to read:

July

121.54 (2) (b) 4. No later than ~~May~~ <sup>July</sup> 15 in each year, each private school shall notify each school board of the names, grade levels and locations of all pupils, if any, eligible to have transportation provided by such school board under this paragraph and planning to attend such private school during the forthcoming school term. The school board may extend the notification deadline.

**Cross Reference:** See also s. PI 35.06, Wis. adm. code.

**History:** 1971 c. 162; 1973 c. 89, 107, 333; 1975 c. 60, 392, 421; 1977 c. 227, 252, 418; 1981 c. 20 s. 2202 (51) (e); 1983 a. 27, 175; 1985 a. 29 s. 3202 (43); 1985 a. 218, 225, 240; 1993 a. 399, 492; 1995 a. 27 s. 9145 (1); 1995 a. 439; 1997 a. 27, 113, 164; 1999 a. 9, 117; 1999 a. 150 s. 672; 2001 a. 57; 2005 a. 68, 224.



2-7:2

**BILL**

1           **SECTION 1.** 121.55 (3) (b) of the statutes, as created by 2009 Wisconsin Act 28,  
2 is amended to read:

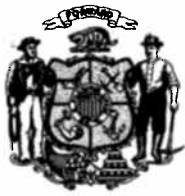
3           121.55 (3) (b) Except as provided in par. (c), if 2 or more pupils reside in the  
4 same household and attend the same private school, the contract under par. (a) may,  
5 at the discretion of the school board of the school district operating under ch. 119,  
6 provide for a total annual payment for all such pupils of not less than \$5 times the  
7 distance in miles between the pupils' residence and the private school they attend,  
8 or the school district's average cost per pupil for bus transportation in the previous  
9 year exclusive of transportation for kindergarten pupils during the noon hour and  
10 for pupils with disabilities, whichever is greater.

11           **SECTION 2. Initial applicability.**

12           (1) ~~This act~~ first applies to contracts entered into under section 121.55 (3) of the  
13 statutes, as affected by this act, on the effective date of this subsection.

14           The treatment of section 121.55<sub>Δ</sub>(3)<sub>Δ</sub>(b) of the statutes

end of insert 2-7



State of Wisconsin  
2009 - 2010 LEGISLATURE

In 2/15 11:25 AM

Tuesday  
2/16

LRB-3866/1

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LRB - 4326 /  
PG:bjk:jld:

2009 BILL

SA  
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Inserts

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1 AN ACT to amend 121.54 (2) (b) 1. of the statutes; relating to: transportation  
2 of private school pupils.

**Analysis by the Legislative Reference Bureau**

Current law, with some exceptions, requires a school district to provide transportation to and from school for a pupil attending a private school that is located at least two miles from the pupil's residence.

This bill requires a school district to provide transportation for private school pupils only during the school term of the school district. A school term is the time beginning on the first school day and ending on the last school day that the schools of a school district are in operation for the attendance of pupils in a school year, excluding summer classes.

A →

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:**

3 SECTION 1. 121.54 (2) (b) 1. of the statutes is amended to read:  
4 121.54 (2) (b) 1. Except as provided in sub. (1) or otherwise provided in this  
5 subsection, the school board of each district operating high school grades shall

**BILL**

1 provide transportation during the school term to and from the school a pupil attends  
 2 for each pupil residing in the school district who attends any elementary grade,  
 3 including kindergarten, or high school grade at a private school located 2 miles or  
 4 more from the pupil's residence, if such private school is a school within whose  
 5 attendance area the pupil resides and is situated within the school district or not  
 6 more than 5 miles beyond the boundaries of the school district measured along the  
 7 usually traveled route.

2-7  
 Please change component action: # NS: effdate E

SECTION 2. Effective date. (S) (B)

(1) This act takes effect on July 1, 2010 the day after publication, ~~effective~~

except as follows:

# (a) The treatment of section 121054 (2)(b) of the statutes takes effect on July 1, 2010  
 # → (End)

**Duerst, Christina**

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**From:** Peterson, Ilsa

**Sent:** Monday, March 01, 2010 12:00 PM

**To:** LRB.Legal

**Subject:** Draft Review: LRB 09-4326/1 Topic: Transportation of private school pupils

Please Jacket LRB 09-4326/1 for the ASSEMBLY.