

Chapter PI 7

PUPIL TRANSPORTATION

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Note: See ch. Trans 110 for rules relating to driver licensing of school bus operators.

Subchapter I — Unusual Hazards

PI 7.01 Transportation in areas of unusual hazards.

(1) PURPOSE AND SCOPE. Under s. 121.54 (9), Stats., school boards are responsible for developing a plan which will provide the proper safeguards for pupils who must face unusual hazards in walking to and from school. In accordance with the requirements of s. 121.54 (9) (c), Stats., the definitions of “unusual hazards” and “area of unusual hazards” in this chapter shall be used in the identification of such conditions and in the planning and implementation of measures to safeguard against them.

(2) DEFINITION. An unusual hazard is an existing condition which constitutes more than ordinary hazard and which seriously jeopardizes the safety of pupils in their travel to and from school. It is recognized that all traffic situations through which pupils must travel present some degree of hazard. That degree of hazard often depends on the age of the pupils concerned. When such hazards reach a degree of danger which is unacceptable to the community in which they exist, the school board, with its combined judgment reflecting the safety interests of the community, may identify such hazards as unusual for the purpose of proposing a plan to remove or diminish them.

(3) AREA OF UNUSUAL HAZARD. An area of unusual hazards includes any area in which any unusual hazard has been defined in accordance with sub. (2).

History: Emerg. cr. eff. 8-12-76; cr. Register, January, 1977, No. 253, eff. 2-1-77; renum. from PI 7.02 and am. (3), Register, June, 1984, No. 342, eff. 7-1-84.

Subchapter II — Parent Contracts for Pupil Transportation

PI 7.02 Purpose and scope. **(1)** This subchapter establishes procedures for school districts to follow in offering parent contracts for transportation to ensure greater consistency among school districts in applying the law under s. 121.55 (1) (b) and (3), Stats. This subchapter applies only to contracts to transport a pupil to and from school for the purpose of attending curricular programs or activities. This subchapter does not apply to transportation provided to a pupil for school-sponsored events, co-curricular activities, or extra-curricular activities.

History: CR 03-006: cr. Register October 2003 No. 574, eff. 11-1-03.

PI 7.03 Definitions.

(1) “Department” means the Wisconsin department of public instruction.

(2) “School board” has the meaning defined in s. 115.001 (7), Stats.

(3) “School district” has the meaning defined in s. 115.01 (3), Stats.

History: CR 03-006: cr. Register October 2003 No. 574, eff. 11-1-03.

PI 7.04 Parent contracts for transportation of pupils to public or private schools. **(1)** Under s. 121.55 (1) (b), Stats., school boards may provide transportation to a pupil,

regardless of whether the pupil attends a public or private school, by contracting with that pupil’s parent or guardian to provide the transportation. If the parent or guardian rejects a contract offered under this section, the school board is still obligated to provide transportation for the pupil using one of the options under s. 121.55 (1) (a) or (c) to (e), Stats.

(2) Except as provided in s. PI 7.05, the amount of compensation provided in the contract under sub. (1) shall be for any amount mutually agreed upon by the school board and the parent or guardian of the pupil to be transported.

(3) If the school board and the parent or guardian cannot agree on the amount of compensation, the department shall determine the amount of compensation under s. PI 7.06 (2). Until that determination is made by the department, the school board shall provide transportation for the pupil using one of the options under s. 121.55 (1) (a) or (c) to (e), Stats.

History: CR 03-006: cr. Register October 2003 No. 574, eff. 11-1-03.

PI 7.05 Parent contracts for transportation of pupils to private schools.

(1) If s. 121.55 (3), Stats., applies, a school board may fulfill its obligation to transport a pupil to a private school under s. 121.54 (2) (b) 1., Stats., by offering to contract with that pupil’s parent or guardian to provide the transportation. Section 121.55 (3), Stats., applies if the estimated cost of transporting the private school pupil is more than 1.5 times the school district’s average cost per pupil for bus transportation in the previous school year as specified under sub. (2) and the school board has notified the parent or guardian as specified under sub. (3).

(2) In order to determine whether a contract can be offered under this section, the school board shall make a good faith estimate of the cost of transporting the private school pupil for the upcoming school year using a cost-effective means of providing safe and timely transportation using one of the methods described under s. 121.55 (1) (a) or (c) to (e), Stats. If the estimated cost of transporting the private school pupil is more than 1.5 times the school district’s average cost per pupil for bus transportation in the previous school year, exclusive of transportation for kindergarten pupils during the noon hour and for pupils with disabilities who receive special transportation, the school board may offer a contract under this section. The school board shall utilize the worksheet prescribed by the department in the appendix to this chapter in calculating the school district’s average cost per pupil for bus transportation in the previous school year. The school board shall maintain a copy of the worksheet prescribed by the department in the appendix to this chapter and a written record of the estimated cost to transport the pupil which indicates the date the estimate was made and the assumptions used in calculating the estimate. The worksheet shall be maintained for 7 years following the school year in which the contract would apply. The written estimate shall be maintained for whatever term specified in the school board’s policy for pupil record retention under s. 118.125 (3), Stats.

Note: In the case of a dispute, the department will look to the school district to have preserved all the written records necessary to demonstrate how it properly applied the statutes and arrived at its estimate.

(3) The school board shall notify the parent or guardian of the private school pupil of its intention to offer a contract under this section at least 30 days before the commencement of the school term of the public school district. The notice shall be in writing, shall include a statement that the contract is being offered under s. 121.55 (3), Stats., shall specify the amount of compensation to be provided under the parent contract, shall include a statement that if a properly offered contract is rejected, the school board is not obligated to provide transportation, and shall include all of the written documentation required under sub. (2).

(4) The contract shall provide for an annual payment for each pupil of not less than \$5 times the distance in miles between the pupil's residence and the private school he or she attends, or the school district's average cost per pupil for bus transportation in the previous school year, exclusive of transportation for kindergarten pupils during the noon hour and for pupils with disabilities who receive special transportation, whichever is greater. The school board shall utilize the worksheet prescribed by the department in the appendix to this chapter in calculating the school district's average cost per pupil for bus transportation in the previous school year. The payment may not exceed the actual cost of providing the transportation.

(5) If the parent or guardian rejects a properly offered contract under this section, the school board is not obligated to provide transportation for the pupil.

History: CR 03-006: cr. Register October 2003 No. 574, eff. 11-1-03.

PI 7.06 Parent contract disputes. (1) If the school board and the parent or guardian cannot agree upon the amount of compensation under s. PI 7.04 or 7.05, the department shall determine the amount of compensation to be designated in the contract as specified under sub. (2) or (3). If the department is asked to determine the amount of compensation, the department's determination shall be final, subject to judicial review pursuant to ch. 227, Stats.

(2) The department shall determine the amount of compensation for a contract under s. PI 7.04 upon the request of both parties. The department shall determine the amount of compensation on a case-by-case basis based on criteria that may include the following:

(a) The estimated cost, as determined by the parent or guardian, to provide the transportation.

(b) The ability of the parent to provide the transportation.

(c) Other information deemed appropriate by the department.

(3) The department shall determine the amount of compensation for a contract under s. PI 7.05 upon the request of either party. The department shall determine the amount of compensation by reviewing the school board's estimated cost to transport the private school pupil and the school district's average cost per pupil for bus transportation in the previous school year determined under s. PI 7.05 (2).

Note: Any requests made to the department under this chapter should be sent to the School Management Services Team at the Department of Public Instruction, P.O. Box 7841, Madison, WI 53707-7841.

History: CR 03-006: cr. Register October 2003 No. 574, eff. 11-1-03.