

Assembly Bill 692

Date published:  
July 12, 1967

**CHAPTER 68, LAWS OF 1967**

AN ACT to renumber 40.52, to amend 40.52 (1) (intro.), as renumbered, 40.53 (1), (4) (a) (intro.) and (5) (c), 40.55 and 40.56 (3); to repeal and recreate 40.53 (8); and to create 40.52 (2), 40.54 (3) and 40.61 (4) of the statutes, relating to securing the safety and welfare of school children by providing for the transportation and increasing appropriations.

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

SECTION 1. PURPOSE. The intent of this act is to provide for the safety and welfare of children by providing for their transportation to and from public and private schools.

SECTION 2. 40.52 of the statutes is renumbered 40.52 (1) and 40.52 (1) (intro.), as renumbered, is amended to read:

40.52 DEFINITIONS. (1) In ss. 40.53 to ~~40.58~~ 40.57, "school bus" means a motor vehicle which transports children to or from a public school or which transports school groups engaged in extracurricular activities to or from points designated by ~~such~~ any public school, even though such vehicle also transports children or school groups to or from private schools ~~or colleges or other institutions~~ or points designated by them, but does not include:

SECTION 3. 40.52 (2) of the statutes is created to read:

40.52 (2) In ss. 40.53 to 40.57 "private school" means any parochial or private elementary or high school in this state offering any academic grades comparable to those described in s. 40.01 (2), including kindergarten.

SECTION 4. 40.53 (1), (4) (a) (intro.) and (5) (c) of the statutes are amended to read:

40.53 (1) TRANSPORTATION OF PUPILS. (a) Except as provided in s. 40.55, the school board of all school districts shall provide transportation ~~only~~ to and from the public school which they are entitled to attend, for all pupils, attending public ~~and non public schools, school and~~ residing in the district, on regular routes approved for the public school bus and 2 miles or more from the nearest public ~~such~~ school they may attend within said district. Such school boards may provide transportation for teachers to and from public school subject to the same controls and limitations as are provided by this section for the transportation of pupils. ~~In districts operating high schools, the board may also provide transportation for nonresident public high school pupils residing 2 miles or more from the school within areas served by the school by bus routes approved by the county school committee and the state superintendent. If the district operating the high school does not provide transportation for nonresident high school pupils, the municipality in which the nonresident pupils reside shall 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 s. 40.56 (2).~~

(b) 1. *Except as provided in s. 40.55, beginning with the 1967-68 school term the school board of each school district shall provide transportation to and from the school he attends for each pupil residing in the school district who attends any elementary grade including kindergarten or high school grade, comparable to any grade offered by such school district, at a private school located 2 miles or more from his residence, if such private school is the nearest available private school which the pupil may reasonably choose to attend and is situated within the school district. The school board may elect to provide transportation during the 1967-68 school term for pupils to a private school situated no more than 5 miles beyond the boundaries of the school district if a private contractor has transported public and private pupils on the same bus during the 1966-67 school year.*

2. *Except as provided in s. 40.55, beginning with the 1968-69 school term the school board of each district shall provide transportation to and from the school he attends for each pupil residing in the school district who attends any elementary grade including kindergarten or high school grade, comparable to any grade offered by such school district, at a private school located 2 miles or more from his residence, if such private school is the nearest available private school which the pupil may reasonably choose to attend and is situated within the school district or not more than 5 miles beyond the boundaries of the school district measured along the usually traveled route.*

3. *No later than 15 days after the effective date of this amendment and no later than May 15 in 1968 and in each year thereafter, each private school*

*shall notify each such school board of the names, grade levels and locations of all pupils, if any, eligible to have transportation provided by such school board under subd. 1 and planning to attend such private school during the forthcoming school term. The school board may extend the notification deadline.*

(c) The annual or special school meeting of any school district, 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 pupils ~~of~~ *residing in* such school district to and from the public school within the district which they are entitled to attend *or the nearest available private school within or without the district which they may reasonably choose to attend*, but if such transportation is furnished to less than all of the pupils there shall be reasonable uniformity in the minimum distance that pupils *attending public and private schools* will be transported. ~~The board of any public elementary school district which has suspended school shall provide transportation to and from school for all elementary pupils residing therein, and 2 miles or more from the nearest district school which they may attend, or 2 miles or more from any other district school which in the opinion of the state department of public instruction it is more feasible for them to attend.~~

(d) *Any school district organized under ch. 38 or ss. 40.80 to 40.827 may postpone compliance with par. (b) and the uniformity provisions of par. (c) up to January 1, 1968.*

(4) (a) (intro.) Any school district or other governmental agency authorized to operate or contract for the operation of a school bus may provide transportation for pupils *attending public schools only*; their parents or guardians; members of the faculty and school doctors, dentists and nurses; in connection with any extracurricular school activity, such as a school athletic contest, school game, school outing or school field or any other similar school trip when:

(5) (c) By contract with another public school district ~~or~~ *a co-operative educational service agency or the proper officials of any private school or private school association*;

SECTION 5. 40.53 (8) of the statutes is repealed and recreated to read:

40.53 (8) SCHOOL BUS ROUTES. The school board of each school district shall make and be responsible for all necessary provisions for the transportation of pupils, including establishment, administration and scheduling of school bus routes. Upon the request of any school board, the state superintendent shall provide advice and counsel on problems of school transportation. Any private school shall, upon the request of the public school officials, supply all necessary information and reports. The transportation of public and private school pupils shall be effectively co-ordinated to insure the safety and welfare of the pupils. Upon receipt of a signed order from the state superintendent, the school board shall discontinue any route specified by him.

SECTION 6. 40.54 (3) of the statutes is created to read:

40.54 (3) This section shall not apply to pupils who attend private schools.

SECTION 7. 40.55 of the statutes is amended to read:

40.55 Sections 40.53, 40.54 and 40.56 do not apply *with respect* to pupils who reside in cities, except that where a city determines to furnish transportation for such pupils:

(1) The same state aid shall be allowed as is provided by s. 40.56; and

(2) *Beginning January 1, 1968, there shall be reasonable uniformity in the transportation furnished pupils who reside in cities as between pupils attending public and private schools.*

SECTION 8. 40.56 (3) of the statutes is amended to read:

40.56 (3) School districts and municipalities which furnish transportation to and from a public school as provided in s. 40.53 are entitled to shall receive state aid on account of such transportation at the rate of \$24 per school year per pupil so 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 which they are entitled to attend and \$36 per school year per pupil so transported to and from school whose residence is more than 5 miles by the nearest traveled route and not more than 8 miles from the public school attended they attend and \$48 per school year per pupil so transported whose residence is more than 8 miles from the school they attend. Such aids shall be reduced, proportionately, in the case of pupils transported for less than a full school year because of nonenrollment. Transportation aid to any district shall not exceed the actual cost of transportation to the district or municipality. No state aid of any kind shall be provided to any district which after July 1, 1949, charges any part of the cost of the transportation furnished under s. 40.53 against the pupils transported, their parents or guardians, nor shall any state aid of any kind be provided to any district which wilfully or negligently fails to transport all of the pupils attending the district's school and whose transportation is required under s. 40.53. Such aids shall not be contingent upon the pupils attending public school.

SECTION 9. 40.61 (4) of the statutes is created to read:

40.61 (4) Private schools shall comply with this section to the same extent as public school districts.

SECTION 10. (1) Wherever the term "public school pupils" appears in section 40.53 (7) (a), (b) and (c) of the statutes, the term "pupils" is substituted.

(2) Wherever the term "public school bus" appears in section 40.53 (7) (d) of the statutes, the term "school bus" is substituted.

SECTION 11. (1) (a) The appropriation in section 20.650 (2) (bm) of the statutes, as affected by the laws of 1967, is increased by \$4,000,000 for the 1967-69 biennium to meet the increased cost of providing transportation for pupils under this act.

(b) In recognition that the state aid under section 40.56 (3) of the statutes is not paid until after the end of the school term, additional state aid shall be provided under this paragraph from the appropriation under par. (a) to each school district which provides transportation to private school pupils, on the following basis:

1. Such additional state aid shall be paid on a one-time basis on or about November 1, 1967.

2. The amount of such additional state aid shall equal \$24, \$36 or \$48, based on the mileage criteria set forth in section 40.56 (3) of the statutes, for each private school pupil being transported as of the 3rd Friday of September 1967, whose residence is at least 2 miles from the school he attends; except that the total amount paid under this paragraph shall not exceed \$1,000,000 and such aid shall be prorated if necessary.

(2) The appropriation in section 20.650 (2) (a) of the statutes, as affected by the laws of 1967, is increased by \$42,930 for the 1967-68 fiscal year and by \$56,990 for the 1968-69 fiscal year to meet the additional cost of administering the school transportation program as the result of this act.

SECTION 12. In order that the legislature may study further needs for transportation of private school pupils on the basis of current and specific information, before January 1, 1968, the school board of any school district operating a high school in this state shall submit to the state superintendent

of public instruction such information as he requires including, but not limited to, a report containing:

1. Plans for implementing the provisions of this act, and
2. Statistics showing the total number of private school pupils eligible to be transported under this act; the number of private school pupils actually transported in 1967; the number of pupils not transported because they attend a school outside the district, and
3. A proposal for transporting private school pupils in the fall of 1968 to the school they attend outside the district including an estimate of cost. The joint public welfare committees are charged with the responsibility of sifting these reports and making such proposals as they deem advisable.

Approved June 30, 1967.