



## Bussing Basics: Know your rights

Our students are fortunate when compared to many other states to receive transportation services from the public school districts. The combined effort is a costly endeavor and takes a delicate combination of communication, scheduling, and of course, government regulation, to coordinate each year. The following is a brief summary of the rules and statutes which define this service, followed by a Q&A section of common questions.

***“Nothing in this constitution shall prohibit the legislature from providing for the safety and welfare of children by providing for the transportation of children to and from any parochial or private school or institution of learning.” (Art. I, Sec. 23)***

### Who is eligible?

The Wisconsin State Constitution provides the basic, legal structure for the bussing services our students receive via taxpayer revenues. State statutes establish perimeters for public school districts to meet their constitutional obligation by defining eligibility for bussing services. In ss.121.54(2)(b), each private school student who meets the following four criteria is eligible for public bussing services:

- (1) The student must reside within the public school district’s boundaries;
- (2) The private school is located within the boundaries of the public school district, or not more than 5 miles away along a normally traveled route;
- (3) The student resides at least two miles away from the private school - if a similar policy exists for public school students; and
- (4) The pupil resides within the private school’s approved attendance area.

The (4) criteria has been an area of concern in the past. To ensure compliance, carefully complete the following three requirements:

First, private schools are required to submit a detailed map of their attendance area to each public school district within their boundaries by **April 1** of each year. This map is used by the public schools to determine bussing obligations for individual students so it is important to be accurate. The public school is authorized to use the last map on file if you fail to provide an updated version. Though not required, it is most helpful if you can submit your school calendar for the upcoming term at the same time.

Second, in order to meet the (4) requirement, your attendance area cannot overlap with the attendance area from a school of the same denomination. An exception to this rule is provided for single-gender schools. It is important for schools of the same denomination to decide on attendance areas prior to submitting their maps to the public school district.

And third, by **May 15** of each year, you are required to submit a list of “probable” names and addresses to the public school district who may ride the bus next school year. This requirement is meant for budget and planning purposes and is not meant to exclude additional riders at a later date.

## **Young riders?**

Eligible students include those attending full or half-day 4K programs. State statute 121.54(2)(b) includes the term “kindergarten”, which is defined as 4 year-old and 5 year-old students. Young students are eligible for bussing services, including midday services, regardless of what type of program is being offered at the public school. However, as always, we encourage you to try and accommodate schedules as much as possible for cost effective reasons.

## **Who establishes bus routes?**

The public school districts are statutorily obligated under ss. 121.56 to establish the bus routes: *“The transportation of public and private school pupils shall be effectively coordinated **to insure the safety and welfare of the pupils.**”*

This includes determination of pick-up and drop-off times and locations. In the past, public schools have asked for concessions which would cause a significant loss of classroom time at the beginning and end of the school day. The term “welfare of the pupils” in the above statute offers our students some protection from this situation. In general, the Department of Public Instruction tries to limit such times to a 20 minute range on each end of the class day.

## **Is bussing available when public students are not in school?**

Bussing services must be provided on each day the private school is in session, regardless of the public school calendar. Again, we encourage constant communication on such issues and encourage you to make minor accommodations which improve the efficiency of the public system.

## **What's a parent contract?**

State statute 121.55(3) does provide public school districts with an alternative method for meeting their constitutional obligation. Should the per student cost of bussing private school pupils exceed 150% of the cost for the public school students in that district, the public school board may offer a mandatory parent contract in exchange for bussing services to the parents' of private school students.

Under such a scenario, the public school district could offer a compensatory contract to private school parents, reimbursing them the per pupil cost they configured for a public school student, or an amount equal to \$5/mile covering the distance to and from the student's residence and the private school, whichever is greater.

The public school district must verify the excessive cost of providing bussing to private school students and provide at least a 30 day notification of the contract prior to the start of the school term. Parent contracts cannot be offered after the start of the school year.

## **Q & A**

### **1. Is there an appeal process?**

Yes, in general, and WCRIS is happy to assist you with this matter. Depending on your issue, there is a political, legal or administrative process for your appeal.

### **2. Does the public school district have to accommodate my schedule?**

The public school district must provide services on the days you provided them on your school schedule, regardless of whether the public school is in session or not. They do NOT have to accommodate your daily starting and ending times. Work with them closely to adjust daily schedules and be accommodating. If you cannot come to an agreement and feel your students are losing too much classroom time, DPI handles any appeal. Contact WCRIS for assistance with this process.

### **3. One family lives right at the 2 mile mark, how do you determine the exact distance?**

If the 2 mile criteria ( number (3) above) applies, the distance can be measured by Mapquest.com or similar on-line programs. Appeals can be made to DPI but make sure you have done your research well. Two miles means 2.00 miles, including new road construction. It is helpful if the family has received bussing services in the past but DPI will not automatically grandfather return households.

**4. How do I interpret the 5 mile requirement (number (2) above)?**

It is important to get an accurate map of the public school district for this requirement. Your school needs to be located in the district, or within a 5 mile range of the nearest point along normally traveled routes. Mapquest.com provides a suitable measurement. It may be prudent to measure it with your car to get an exact measurement.

**5. I'm in a "cooperative agreement" with the public school for administration of our area's 4K program. Does this exclude me from services?**

No. The same rules apply. The public busses will not provide services to daycare kids also attending your facility but the standard criteria apply to all 4 and 5 year old students.

**6. Are "parent contracts" paid per student or only one per family? What happens if the parents refuse the contract?**

Parent contracts are paid on a per student basis. If the contract is refused, the public school district has met its constitutional obligation and is not required to provide additional resources.

**7. I missed the 4/1 deadline to submit my map. Can I send it in late?**

Not likely. The public school district needs to begin planning right away and is probably already using the last map on file.

**8. A mid-term closing by another school suddenly changed my attendance area. How do I proceed?**

Contact the public school districts affected by this decision and try and coordinate bussing services as soon as possible. You may be required to wait until the following term to update your attendance area map.

**9. Does the public school district have to send a bus?**

No, though it is the most common. Other approved vehicles include a 9 or 10 person van or a taxi service.