



WISCONSIN INSTITUTE
FOR LAW & LIBERTY

WILL Alerts MPS to Potential Lawsuit Over Failure to Provide Transportation for St. Joan Antida High School Students

November 16, 2016 – Milwaukee, WI – The Wisconsin Institute for Law & Liberty (WILL) has put the Milwaukee Public School District (“MPS”) and Superintendent Darienne Driver on notice that they will be sued unless MPS meets its statutory obligation to provide transportation to children at St. Joan Antida High School (“SJA”), a private school in the Milwaukee Parental Choice Program. The letter can be found [here](#).

According to CJ Szafir, WILL’s Vice President for Policy, “Because MPS has violated state law in denying transportation to children at St. Joan Antida High School, they must reimburse St. Joan Antida for its costs to provide substitute transportation and must immediately change their transportation policies. If they do not do this, we will take these claims to court.”

St. Joan Antida, an independent religious all-girl high school, educates 143 children, including 97% who participate in a free or reduced lunch program. SJA enrolls students from more than 40 feeder schools throughout the city, with more than 90% of its student body being students of color. St. Joan Antida is a successful high school in a City that needs more good high schools. St. Joan Antida was the first all-girl high school in Wisconsin to offer the prestigious International Baccalaureate (“IB”) Diploma Programme. Last year, more than 43% of SJA graduating seniors who took IB exams scored high enough to earn college credit. Nine out of ten SJA graduates go on to pursue a 2- or 4- year college degree.

Under state law, children who attend private schools and meet certain criteria must be transported to their school by the local public school district. In creating their transportation policies, school districts must treat children who attend private and public schools equally.

MPS provides transportation to MPS students who attend an MPS city-wide high school and live more than 2 miles from the school. MPS has a variety of city-wide high schools that provide transportation including, for example, Rufus King High School and Golda Meir, a school located just a mile from St. Joan Antida High School. As an independent religious school, St. Joan Antida High School is a city-wide school and has 70 children who live more than 2 miles from the school. But, despite St. Joan’s requests, MPS refuses to transport these students.

MPS is violating a state law requiring school districts to treat students in public and private schools with reasonable uniformity well as the Equal Protection guarantees of the Wisconsin and U.S. Constitutions.

There are 70 children at St. Joan Antida High School who are entitled to free transportation from MPS. Because MPS is not performing its responsibilities, SJA is providing transportation to these

students. The notice of claim states that MPS must reimburse St. Joan Antida High School for the cost of doing so.

“We’re only asking Superintendent Driver to treat our children equally as to those who attend MPS. Our student body is very similar to that of MPS in ethnic make-up and financial need. Students at our school should not be discriminated against and denied transportation just because their families choose the private school option for their daughter,” said Paul Gessner, Head of School at St. Joan Antida High School.

By filing a formal notice of claim, WILL has followed the law in putting MPS on notice that unless they change their transportation policies, WILL intends to file a lawsuit in 120 days.

For media inquiries for our client, please contact Susie Falk at 414-232-2562.