

No. 12, S.]

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CHAPTER 336

AN ACT to repeal 40.21 (6) and 66.17; to amend 40.34 (1) (introductory paragraph) and (g), (3), (4), (6), (9) and (10) and 40.343; and to create 40.34 (13) and 40.345 (9) of the statutes, relating to transportation of elementary, high school and vocational school pupils and transportation liability insurance.

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

SECTION 1. 40.21 (6) of the statutes is repealed.

SECTION 2. 40.34 (1) (introductory paragraph), (g), (3), (4), (6), (9) and (10) of the statutes are amended to read:

40.34 (1) (introductory paragraph) The school boards of all school districts operating public elementary schools or public high schools of any type shall provide transportation to and from school for all pupils residing in the district and * * * 2 miles or more from the nearest public school they may attend. The school boards of all school districts operating public elementary schools or public high schools of any classification may provide transportation for teachers to and from school subject to the same controls and limitations as provided by this section for the transportation of public school children. In districts operating public high schools, the board may also provide transportation for nonresident high school pupils residing * * * 2 miles or more from the schoolhouse within areas served * * * by the school by bus routes approved by the county school committee and the state superintendent. If the district operating the public high school does not provide transportation for nonresident high school pupils, it shall be the duty of the municipality in which the nonresident pupils reside to 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. 40.34 (10). The annual or special school meeting of any school district operating a public elementary school or a public high school of any type, 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 students of such school district, * * * provided that if such transportation is furnished to less than all of the students there shall be reasonable uniformity in the minimum distance that students 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* children residing * * * therein, and 2 miles or more from the nearest district school which they may attend, or * * * 2 miles or more from the school of any other district which in the opinion of the state department of public instruction it is more feasible for them to attend, and such transportation shall be provided until the district has been attached to another district by order of the proper authority. Transportation may be provided by the school board or in the case of nonresident high school students by the municipal board by any of the following *applicable* methods:

(g) When transportation is furnished under contract with parents, the compensation shall be at the rate of not less than 20 cents per day *nor more than the actual cost* for each child transported *by a public carrier*. When the *municipal or district board and the parents cannot agree upon the amount of compensation, the case shall be appealed to the*

state superintendent who shall determine the amount of compensation to be designated in the contract.

(3) The board, when authorized or required to provide transportation, shall have power to purchase busses, or otherwise provide means of transporting school pupils to and from school in accordance with the provisions of this section or ss. 40.04 (5a), 40.55 and 65.90. The commissioner of the motor vehicle department shall adopt and enforce rules and regulations to cover the design, construction, inspection and operation of all vehicles used for the transportation of school children, and such rules and regulations shall by reference be made a part of any contract for transportation of school children. All drivers or operators of school busses shall be under written contract with the school district for which such drivers or operators transport pupils. The form of contract shall be prescribed by the state superintendent of public instruction and shall provide that any party to such contract shall be at all times subject to any rules the commissioner of the motor vehicle department and *the department of public instruction may jointly adopt*. The school board may adopt *rules and regulations* for the protection of the children or to govern the conduct of the person in charge of the conveyance. All transportation vehicles purchased or contracted for shall meet the specifications prescribed by the commissioner of the motor vehicle department. School district boards, *municipal boards* and persons independently engaged in transportation of public school pupils shall discontinue any school bus route being operated by them and discontinue the use of any vehicle used by them upon receipt of an order signed by the state superintendent ordering such discontinuance. *Members of the state department of public instruction and of the motor vehicle department are authorized to ride any public school bus at any time for the purpose of inspection.*

(4) If, in the judgment of the school board or * * * *the municipal board as the case may be* providing the transportation and the parent or guardian, it is to the advantage of the district or *of the municipality* and also to the advantage of the child to provide board and lodging in lieu of transportation for all or part of the time for children of the district *or municipality* for whom transportation must be provided or for whom it has been authorized under the provisions of sub. (1), the board or municipality shall enter into a written contract under which such children shall be properly boarded and lodged, and the board or municipality shall pay for such board and lodging from the general fund * * *. This provision shall also apply to physically disabled children. The district *or the municipality* shall be reimbursed by the state at the rate of *not more than \$6 but not to exceed 60 per cent of the* * * * cost * * * per week of 5 days for each child so boarded and lodged. In the case of handicapped children the aids herein provided for are to be supplemented from the aids provided for by s. 41.03 in an amount which, when added to the aids herein provided, will not be in excess of the cost of such board and lodging. It shall also be the privilege of the parent or guardian to select the home in which the child be boarded and lodged. The board and lodging costs paid under the provisions of this section and s. 41.03 (1) (a) shall not be classified as public relief. The board may, if in its judgment it is to the interest of the district, in lieu of furnishing transportation *to the school in the districts of residence of pupils* or board and lodging, pay the tuition of such children in a school in another district * * * *and in the event that the distance from the pupil's home to such school is 2 miles or more, provide transportation* and the state superintendent may grant permission for a handicapped child to be transported to a school in another district if he resides on an established bus route and if this results in equal or better educational opportunities for the child and an acceptable form of transportation is provided.

(6) Whenever in the judgment of the board it is to the interest of the district in lieu of transportation to rent a house for the family of children required to be transported, it may enter into a written lease for such house and pay as rental therefor not more than the amount which would have to be paid for transportation * * *.

(9) The location and extent of all school bus routes *for the transportation of high school pupils* shall be determined by the school board of the district *or the municipal board* operating such routes, but no route shall be put into operation until a certificate of approval shall be obtained from both the county school committee and the state superintendent and no state aids shall be granted any district *or municipality* which operates routes not so approved. *In case of disagreements on approval of bus routes the decision of the state superintendent shall control.* Routes shall be established in such manner that transportation will be provided all students residing 2 miles or more from the nearest public school they are eligible to attend in the case of students residing in the district and in the case of nonresident high school students living 2 miles or more from the school and in the area served by the approved bus route of that school, except for those students for whom board and lodging is provided.

(10) The cost of furnishing transportation to public school children as provided in

this section, except in the case of nonresident high school pupils, shall * * * be paid by the district in which they reside, and no part of such cost shall be charged to the children, their parents or guardians. The cost of transporting nonresident public high school pupils, or the cost of board and lodging for such pupils furnished in lieu of transportation, shall be borne by those municipalities, or portions thereof, within the county which lie outside of districts operating high schools. Claims for transportation provided nonresident public high school pupils, or for board and lodging provided in lieu of transportation, * * * shall be made to the county clerk and a tax levied for the payment of the same in the manner provided in s. 40.47 (5) and (6) for the payment of nonresident high school tuition. Claims *in excess of state aids* for the transportation provided nonresident high school pupils * * * shall not exceed * * * \$36 per year per pupil except that a greater amount may be allowed when a certificate of approval of the same shall have been filed with the county clerk by the county school committee. The claim per pupil shall be reduced, pro rata, if such transportation is furnished for less than a full school year because of nonenrollment. *Claims, in excess of state aids, for board and lodging provided nonresident public high school pupils in lieu of transportation shall not be more than \$1 but not to exceed 40 per cent of the cost per week of 5 days for each child so boarded and lodged.*

SECTION 3. 40.34 (13) of the statutes is created to read:

40.34 (13) TRANSPORTATION ACCIDENT REPORT. All accidents involving school transportation operated under the authority of school district or municipal boards under the provisions of this section shall be reported by the boards of said districts or municipalities to the state superintendent of public instruction within 10 days after their occurrence on forms provided by that office upon request. Such reports shall not be prejudicial to the individuals of boards rendering same.

SECTION 4. 40.343 of the statutes is amended to read:

40.343 The governing body of any school district operating high schools or the municipality providing high school transportation may provide or contract for transportation *or for board and lodging* for nonresident full-time pupils attending schools of vocational and adult education who are * * * *not high school graduates, are less than 20 years of age and attend such schools full time*, and such district or municipality shall be eligible for transportation *or board and lodging* aids under the same conditions as a district or municipality transporting pupils to high schools. Claims for transportation *or for board and lodging* of such nonresident pupils attending schools of vocational and adult education shall be submitted to the * * * *municipal* clerk in the same manner as claims for * * * *tuition* of nonresident * * * *vocational and adult education* school pupils as provided in s. 41.19. *Such claims shall be allowed and paid as other claims are allowed and paid.* This section shall not apply to cases where the distance * * * *between a pupil's home and the vocational school along the usually traveled public highway is over 15 miles, except that this limitation shall not apply to cases in which the student resides on an approved bus route or to cases for which board and lodging are provided.*

SECTION 5. 40.345 (9) of the statutes is created to read:

40.345 (9) This section shall not apply to vehicles operated by common carriers certificated under ch. 194, where such vehicles are used under contract pursuant to the provisions of s. 40.34 or s. 40.343, provided such common carrier has complied with the provisions of s. 194.41 or 194.42.

SECTION 6. 66.17 of the statutes is repealed.

Approved June 25, 1953.
