



Romaine Robert Quinn

STATE SENATOR • 25TH SENATE DISTRICT

From: Senator Romaine Robert Quinn
To: Assembly Committee on Local Government
Re: Testimony on Assembly Bill 233
Relating to: allowing a school board member to serve as a volunteer school bus driver

Date: June 6, 2023

Chairman Novak and member of the committee,

Thank you for allowing me to submit testimony on Assembly Bill 233, which allows a school board member to serve as a volunteer school bus driver.

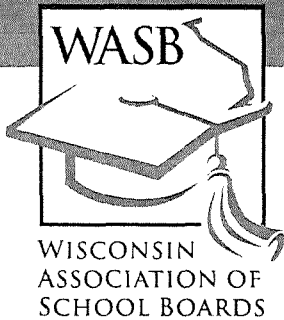
Districts around the state are facing a real challenge in finding enough bus drivers to get kids to school. This bill looks to help fix this problem by allowing individuals who are already engaged in school activities to serve in an additional way.

The common law doctrine of incompatibility doesn't allow a person to hold multiple public positions when their duties might conflict, however there are a couple of exceptions in statute specifically for school board members. Currently they are allowed to be volunteer coaches and extracurricular activity supervisors. Our bill adds an exception to allow school board members to serve as volunteer school bus drivers.

The same requirements would be in place that drivers employed or contracted by the district have to follow: the individual must have a school bus endorsement from the Department of Transportation, hold a valid commercial driver's license, pass a criminal background check, and meet physical and medical standards.

Does this solve the whole issue of bus driver shortages? No, but it provides an additional tool for districts to turn to if they need.

Again, thank you for holding a hearing on AB 233, I hope to have your support for this bill.



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JOHN H. ASHLEY, EXECUTIVE DIRECTOR

TO: Members, Assembly Committee on Local Government
FROM: Dan Rossmiller, WASB Government Relations Director
DATE: June 6, 2023
RE: SUPPORT FOR ASSEMBLY BILL 232, relating to: allowing a school board member to serve as a volunteer school bus driver.

The Wisconsin Association of School Boards (WASB) is a voluntary membership association representing all 421 of Wisconsin's public school boards.

The WASB supports Assembly Bill 233, which was drafted and introduced in response to requests from school boards that have been facing increasing challenges in recruiting and retaining an adequate supply of school bus drivers.

Under current law, unless specifically allowed by a statute, the common law doctrine of incompatibility (or incompatible offices) prohibits a person from holding two or more public positions when the duties of each position might conflict, or when one position might be seen as superior to the other. The basic notion underlying the doctrine of incompatibility of offices is that one may not supervise oneself or serve as one's own boss without creating an inherent conflict of interest.

Assembly Bill 233 is patterned after legislation enacted in 2015, which created a statutory exception to the common law doctrine of incompatibility of offices that allows a school board member to serve as a volunteer coach or extracurricular activity supervisor. The WASB supported that 2015 bill as well. Assembly Bill 233 creates a similar statutory exception that allows a school board member to serve as a volunteer school bus driver.

Under the bill, a sitting school board member could serve as a volunteer school bus driver within the same school district, provided the school board member: 1) holds a valid commercial driver license (CDL), 2) has received a school bus endorsement from the Department of Transportation that authorizes the school board member to operate a school bus, 3) does not receive compensation for serving as a volunteer school bus driver, and 4) agrees to abstain from voting on any issue that comes before the school board that substantially and directly concerns school bus drivers. This latter provision aims to prevent any conflicts of interest or favoritism that might arise out of the school board members' volunteer service as a bus driver.

The WASB supports Assembly Bill 233 as good public policy that addresses a need faced by many school districts in the current labor market.

We encourage your support for Assembly Bill 233.



From: Representative Mike Bare
To: Assembly Committee on Local Government
Re: Testimony on Assembly Bill 233
Relating to: allowing a school board member to serve as a volunteer school bus driver
Date: June 6th, 2023

Chairman Novak and members of the Assembly Committee on Local Government,

Thank you for the opportunity to testify on Assembly Bill 233, I'd like to thank Senators Quinn and Hesselbein as well as Representatives Johnson and Kitchens for joining me in introducing this important legislation.

Shortly after I was sworn in as a member of the Wisconsin State Assembly, I received a request from a constituent who serves as the President of the New Glarus School Board asking me to draft legislation that would allow school board members to drive school busses on a volunteer basis. Currently, school board members can serve as a volunteer coach for the basketball team, but they can't legally drive the basketball team to a game even if they have the proper certifications. In a time when many of our school districts are struggling to find enough drivers to get students safely to and from school, I am glad to have been able to co-author bi-partisan legislation to help increase the pool of drivers for our school districts.

I encourage members of the Assembly Local Government Committee to consider supporting this important bi-partisan legislation.

Sincerely,

State Representative Mike Bare

80th Assembly District



School District of New Glarus

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TESTIMONY OF WILLIAM L. OEMICHEN
SB 210
Wisconsin Senate Education Committee
April 25, 2023

Good Morning Committee Chair Jagler and Committee Members:

I am President of the New Glarus School Board and am testifying on behalf of the New Glarus School Board in support of SB 210. The New Glarus School District supports this legislation because Wisconsin school districts face a significant shortage of school bus drivers. This shortage includes both during the day, and during the afternoon and evenings when we transport students to and from extra-curricular events.

SB 210 would amend Wis. Stat. Section 120.20(1) to allow school board members to volunteer to drive school buses provided they meet the following requirements: (1) the school board member would be required to have a school bus endorsement from the Department of Transportation, (2) to hold a valid commercial driver's license, (3) to abstain on school bus transportation issues before the school board, and (4) to serve as a volunteer with no compensation. The school board member could, however, be reimbursed for the cost of any required licenses or training.

A New Glarus School Board member drove a bus for the school district on a volunteer basis prior to being elected to the School Board in April of 2022. Our legal counsel advised us following the 2022 Spring Election that the board that the newly elected school board member was required by state law to quit driving a school bus. The school board member, and potentially other members of our school board, would like to volunteer as school bus drivers, particularly in times of high need. This is consistent with our desire to serve our community.

We are aware of school board members in other districts who are driving school buses as volunteers. These school board members are serving their communities in good faith and out of a sense of civic commitment. Yet, incredibly, their civic commitment violates state law. We believe this needs to be changed.

Thank you Senator Quinn and co-authors for sponsoring SB 210 and thank you Committee Chair Jagler and Senate Education Committee Members for your consideration.



WISCONSIN SCHOOL BUS ASSOCIATION

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Wisconsin School Bus Association
SUPPORT OF AB233
June 6, 2023

Members of the Committee, Wisconsin School Bus Association (WSBA) represents more than 200 members including commercial operators, school districts, and suppliers to the school bus industry. WSBA is providing this letter in support of AB233.

The Association's objective is to promote and encourage safety in school bus transportation in Wisconsin. As you may know, since the return from the COVID-19 pandemic, some schools had to cancel or change bus routes due to the lack of school bus drivers. Drivers left for other jobs that were available when schools were shut down and many did not return. A strong economy and low unemployment are also factors that have contributed to the driver shortage. Nationally and in Wisconsin, 54 percent of bus contractors are working with a 6 to 15 percent shortage of drivers.

Unnecessary obstacles that prevent qualified individuals from obtaining a commercial drivers license and endorsement to drive a school bus should be removed and this legislation assists in doing so. WSBA believes that allowing school board members the opportunity to become a school bus driver would increase the pool of potential drivers. The net benefit of this change would likely result in additional school bus driver candidates that would go a long way to alleviating the current shortage of school bus drivers that roughly 50% of Wisconsin's school children rely on to transport them to school.

WSBA thanks Representative Johnson for his leadership with this bill and all co-sponsors for supporting initiatives to increase the school bus driver pool.

Cherie A. Hime
Executive Director