



Pupil Transportation: Public Schools

Prepared by: Rachel E. Snyder, Staff Attorney

This issue brief provides a general overview of a public school board's responsibility to provide pupil transportation to and from public schools.

REQUIRED TRANSPORTATION

In general, a school board must provide transportation to and from public schools for all pupils who reside two miles or more from the nearest public school that they are entitled to attend.¹

City Option

There is one exception to the general requirement, commonly called the “city option,” under which a school board is not required to transport pupils who reside in a school district that contains all or part of a city unless the school they attend is located outside the city but within the boundaries of the school district. However, the exception does not apply, meaning that transportation must be provided, for pupils who reside in a school district that contains all or part of a first, second, or third class city with a population exceeding 40,000, unless transportation is available through a common carrier.²

Areas of Unusual Hazards

A school board may be required to transport pupils who reside less than two miles from the nearest public school they are entitled to attend if unusually hazardous walking conditions exist. An unusual hazard is an existing condition that seriously jeopardizes the safety of pupils in their travel to and from school. If a school board determines that unusual hazards exist, then it must develop a plan of transportation, if necessary, to provide proper safeguards for pupils. The proposed plan must be reviewed by both the county sheriff and the Department of Public Instruction (DPI). In general, if both agree that unusual hazards that cannot be corrected by local government exist, and the plan includes proper safeguards, then the school board must put the plan into effect.³

Pupils With Disabilities

A school board must provide transportation for a pupil with a disability if the pupil's individualized education program (IEP) requires transportation.⁴

PERMITTED TRANSPORTATION

A school board may provide transportation for pupils who are not otherwise entitled to it. Transportation may be provided for all or some of the pupils who reside in a school district, but if provided for fewer than all pupils, then there must be reasonable uniformity in the minimum distance that pupils are transported. Alternatively, a school board may contract with a parent or guardian for transportation, upon request. A school board may charge a fee, but may not receive state aid, for the cost of providing such optional transportation.⁵

State law explicitly permits school boards to provide transportation in specific circumstances, including those discussed below.

Child Care, Extracurricular Activities, and Summer School

A school board may transport pupils who are entitled to transportation to and from before or after school child care programs, family child care homes, or child care providers.

A school board may provide and charge a fee for transportation to and from extracurricular activities when certain conditions are met, including that the transportation is authorized and provided via certain types of vehicles under the immediate supervision of a competent adult.

A school board may also provide transportation for resident pupils to and from summer school. If transportation is provided for fewer than all resident pupils, then there must be reasonable uniformity in the minimum distance that pupils are transported.⁶

Transportation for Open Enrollment

Under the full-time open enrollment program, a pupil may attend a public school located outside his or her resident school district. The pupil's parent is responsible for transporting the pupil to and from school, except that the nonresident school district must provide transportation if required by the pupil's IEP.

A school board **may** provide transportation for open enrollment pupils. However, the school board of a nonresident school district may not provide transportation for a pupil to or from a location within the resident school district unless the resident school district approves.⁷

TRANSPORTATION METHODS

School boards may provide transportation by any of the following methods:

- By contract with a common carrier, a taxi company, or other parties.
- By contract with the parent or guardian of the pupil to be transported.
- By contract with another school board, cooperative educational service agency (CESA) board of control, or the proper officials of any private school or private school association.
- By contract between two or more school boards and an individual or common carrier.
- By the purpose and operation of a motor vehicle.

Alternatively, a school board may provide transportation by the following methods if certain conditions, including insurance, inspection, and operator requirements, are met:

- By motor vehicle transporting nine or fewer passengers in addition to the operator.
- By motor vehicle transporting 10 or more passengers, in addition to the operator under certain emergency circumstances.

If a school board provides **required** transportation by contract with a parent or guardian, the parent or guardian must be compensated as agreed. If the school board and the parent or guardian cannot agree on an amount, then DPI will determine the amount to be included in the transportation contract.⁸

BUS ROUTES

School boards are generally responsible for “all necessary provisions for the transportation of pupils,” including the establishment, administration, and scheduling of school bus routes.⁹

¹ s. 121.54 (2), Stats.

² s. 121.54 (1), Stats.

³ s. 121.54 (9), Stats; s. PI 7.01, Wis. Adm. Code.

⁴ s. 121.54 (3), Stats.

⁵ ss. 121.54 (2) (c) and 121.545 (1), Stats.

⁶ s. 121.54 (2) (am), (4), and (7), Stats.

⁷ ss. 118.51 (14) and 121.54 (10), Stats.

⁸ ss. 121.55 (1) and 121.555 (1), Stats; ch. PI 7, Wis. Adm. Code.

⁹ s. 121.56, Stats.