



# PUBLIC SCHOOL OPEN ENROLLMENT INFORMATIONAL BULLETIN

Bulletin 14-08 (formerly 06-02)

February 2014

## Statutes Concerning Open Enrollment Transportation

Following are the statutes concerning transportation for open enrolled pupils:

**Wis. Stats. § 118.51 (4) (a)** By February 1, 1998, each school board shall adopt a resolution specifying all of the following:

6. Whether it will provide transportation under s. 121.54 (10) for some or all of the pupils who reside in the school district and attend school in a nonresident school district under this section or for some or all of the pupils who reside in other school districts and attend its schools under this section, and the means, under s. 121.55, by which it will provide such transportation.

(b) If the school board revised its criteria or policies under par. (a), it shall do so by resolution.

*What this means:* Each school board is required to adopt policies concerning open enrollment transportation. These policies must include:

- Whether the school board (as a resident school board) will provide transportation under Wis. Stats. § 121.54 (10) to pupils who have transferred out of the district under open enrollment. If the board will provide transportation, the policy must specify whether it will transport some or all of the pupils transferring out. The policy should also specify whether the board will permit nonresident districts to enter into the resident district for the purpose of picking up and dropping off open enrolled pupils
- Whether the school board (as a nonresident school board) will provide transportation to pupils who have transferred into the district under open enrollment. If the board will provide transportation, the policy must specify whether it will transport some or all of the pupils transferring in. The policy should also specify whether the board will pick up pupils within the boundaries of the pupil's resident district, and if so, whether the board will pick up some or all of such pupils.
- How the board will provide the transportation (i.e. school bus or other vehicle, parent contract, or contract with a third party).
- Any transportation provided is subject to the provisions of Wis. Stats. § 121.54 (10).
- School boards may amend their policies.

**Wis. Stats. § 118.51 (14) (a) Responsibility.** 1. Except as provided in subd. 2., the parent of a pupil attending public school in a nonresident school district under this section is responsible for transporting the pupil to and from school in the nonresident school district attended by the pupil.

*What this means:* Parents are responsible for open enrollment transportation. No school district is required to transport open enrolled pupils, whether from home to school, or even within the boundaries

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*of the nonresident district. This includes pupils with disabilities, except that any transportation required in the individualized education program (IEP) for a child with a disability must be provided.*

**Wis. Stats. § 118.51 (14) (a) 2.** If the pupil is a child with a disability and transportation of the pupil is required in the individualized education program developed for the child under s. 115.787 (2) or is required under s. 121.54 (3), the nonresident school district shall provide such transportation for the child.

***What this means:** Pupils with disabilities must be provided transportation if it is required in their IEPs. The nonresident school district is required to provide the transportation. The restriction concerning the nonresident school district crossing into the resident district does not apply to IEP-required transportation.*

*Note: The nonresident school board may charge the resident school board for IEP-required transportation if the nonresident school board incurs any actual, additional, pupil-specific cost to provide transportation to the pupil.*

**Wis. Stats. § 118.51 (14) (b) Low-income assistance.** The parent of a pupil who is eligible for a free or reduced-price lunch under 42 USC 1758 (b) and who will be attending public school in a nonresident school district under this section may apply to the department, on the form prepared under sub. (15)(a), for the reimbursement of costs incurred by the parents for the transportation of the pupil to and from the pupil's residence and the school that the pupil will be attending. The department shall determine the reimbursement amount and shall pay the amount from the appropriation under s. 20.255(2)(cy). The reimbursement amount may not exceed the actual transportation costs incurred by the parent or 3 times the statewide average per pupil transportation costs, whichever is less. If the appropriation under s. 20.255(2)(cy) in any one year is insufficient to pay the full amount of the approved claims under this paragraph, payments shall be prorated among the parents entitled thereto....

***What this means:** Low-income parents may receive reimbursement for their open enrollment transportation costs. "Low-income" means the pupil is eligible for free or reduced-price meals under the federal school lunch program. The parent initially applies directly on the open enrollment application form. The DPI is required to calculate the amount of the reimbursement, which is the lesser of 3 times the state average per pupil transportation cost or the parent's actual cost. The reimbursement is paid by the DPI from a state appropriation. If the appropriation is not sufficient to pay all claims, payment to the parents will be prorated.*

*Note: The parents initially apply for reimbursement on the open enrollment application form. In order to receive payment, they must then submit a claim at the end of the school year. Information about filing a claim is on the open enrollment [transportation](#) webpage. The claim form will be on the web site each year on June 1.*

**Wis. Stats. § 121.54 (10) ATTENDANCE IN NONRESIDENT SCHOOL DISTRICT.** Subject to s. 118.51 (14) (a) 2., a school board may elect to provide transportation, including transportation to and from summer classes, for nonresident pupils who are attending public school in the school district under s. 118.51 or 121.84 (4), or its resident pupils who are attending public school in another school district under s. 118.51 or 121.84 (4), or both, except that a school board may not provide transportation under this subsection for a nonresident pupil to or from a location within the boundaries of the school district in which the pupil resides unless the school board of that school district approves.

***What this means:** Even though the open enrollment statute makes parents responsible for transportation of open enrolled pupils, this section permits school boards to provide transportation to either resident or nonresident open enrolled pupils, or both. A nonresident district may not pick up a pupil within the pupil's resident district, unless the pupil's resident district agrees. Additional year tuition waiver pupils may also be transported under this section.*

**Wis. Stats. § 121.545 Additional transportation.** (1) The parent or guardian of a pupil who attends a public or private school and who is not required to be transported under s. 121.54 may contract with the school board of the district for transportation under this subsection. The school board of the district may provide transportation under this subsection to a pupil not required to be transported under s. 121.54, if requested to do so by the parent or guardian of the pupil and if the parent or guardian agrees to pay to the school board a fee sufficient to reimburse the board for the costs incurred in providing such transportation. State aid shall not be provided for transportation under this subsection.

*What this means:* Neither the open enrollment statute or Wis. Stats. § 121.54 (10) requires school boards to provide transportation to open enrolled pupils. If transportation is provided under s. 121.54 (10), the school district may not charge the parent for any portion of the transportation provided or it will forfeit state aid. However, if the district provides transportation under this section, it may charge the parents for the transportation. The district may not claim state aid for transportation provided under this subsection.

**Wis. Stats. § 121.58 (2) STATE AID FOR TRANSPORTATION.** (a) ...[T]he nonresident school district that a pupil attends under s. 118.51 or 121.84(4) which elects to provide transportation under s. 121.54(10), shall be paid state aid for such transportation...No state aid of any kind may be paid to a school district which charges the pupil transported or his or parent or guardian any part of the cost of transportation provided under 121.54...(10)....

*What this means:* A nonresident district may be paid transportation aid for transportation provided to open enrolled pupils or additional year tuition waiver pupils. However, the nonresident district may not be paid state aid of any kind if it charges the pupil or the pupil's parents for transportation provided under Wis. Stats. § 121.54 (10). If a resident school district provides transportation to open enrolled pupils, it is not eligible for state transportation aid.

**Wis. Stats. § 121.84 (4) (b) [Additional Year Tuition Waivers]**

(b) If a pupil attends school in a school district outside the pupil's school district of residence under par. (a), s. 118.51 (12), (14), (16) and (17) apply to the pupil as if the pupils were attending school in a nonresident school district under s. 118.51...

*What this means:* If a pupil is attending a nonresident school district under an additional year waiver, the transportation provisions, including IEP-required transportation and reimbursement for low-income parents, are exactly the same as those which apply to open enrollment.

**Wis. Stats. § 121.84 (5)** The transportation requirement in s. 121.54 (2) shall not apply to transportation beyond the school district boundaries for pupils under this section.

*What this means:* Neither the resident nor the nonresident district is required to provide transportation to pupils attending a nonresident district under a current year or additional year tuition waiver.

*Note:* However, transportation must be provided for pupils with disabilities whose IEP requires transportation. For current year waivers, the district of attendance provides the transportation and pays for it. For additional year tuition waivers, transportation provisions are identical to open enrollment.

**Additional information is available on the open enrollment [transportation](#) webpage.**