

Wisconsin Institute for Law & Liberty: Sues MPS for its discriminatory transportation policies

Posted on Wednesday, Mar 22, 2017

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MPS illegally denies busing to children at St. Joan Antida High School, a private MPCP school

March 22, 2017 - Milwaukee, WI - State law requires local school districts to provide transportation to all qualifying children in their district - even if they attend private schools. This makes sense given that parents of private school children pay property taxes to their local school district and the vital public interest in ensuring all children in Milwaukee are transported to and from school in a safe manner.

But Milwaukee Public School District (MPS) refuses to follow state law and has been denying children their busing rights. On behalf of St. Joan Antida High School (SJA), the Wisconsin Institute for Law & Liberty (WILL) [has sued MPS and asked a federal court to rule that MPS is unlawfully discriminating against students who attend private religious schools.](#)

St. Joan Antida High School is an independent private, religious all-girl high school in Milwaukee. By all accounts, it is a successful school. SJA educates 143 students with about 87% of those students participating in the free or reduced lunch program and more than 90% being minority. The school offers the prestigious International Baccalaureate Diploma Programme and more than 43% of its 2016 graduating seniors who took IB exams scored high enough to earn college credit. More than 90% of SJA graduates go on to pursue a two- or four- year degree.

State law requires school districts like MPS to treat all children who attend private and public schools equally for transportation. Because MPS transports public school students to city-wide high schools, the law requires that it do the same for private school students with a city-wide attendance area.

MPS is violating this law. They provide transportation to children who attend city-wide MPS schools, i.e. Rufus King High School and Golda Meir. But the district refuses to extend this right to those who attend St. Joan's. This is so even after attorneys at [WILL reached out to MPS Superintendent Darienne Driver](#) in November, hoping to avoid litigation.

"MPS is required by law to provide transportation to 70 children at St. Joan Antida High School," says WILL attorney CJ Szafor. "We are going to court to ensure that these children have their rights protected. It is a shame that it has come to this point but Superintendent Driver and MPS have been playing fast and loose with the transportation laws for years."

Paul T. Gessner Head of School for St. Joan Antida High School, says, "Safe and reliable student transportation is a top priority for St. Joan Antida High School families and the leadership team of the school. State law requires that Milwaukee Public Schools (MPS) provide transportation as a basic need for families living within the district. Without transportation, our families do not have the option to send their children to the school of their choice."

Gessner goes on to say, "It is our intent to achieve a fair resolution to this issue, utilizing the court system, so that our students and their families receive the same transportation benefits as those attending public city-wide high schools."

The lawsuit, filed in U.S. Eastern District of Wisconsin, accuses MPS of violating state law requiring school districts to treat all students in public and private schools with reasonable uniformity, as well as the Equal Protection guarantees of the Wisconsin Constitution. The lawsuit is filed by WILL attorneys Rick Esenberg, Brian McGrath, CJ Szafor, and Libby Sobic and can be found [here](#).

For media inquiries for our client, please contact Susie Falk at [414-232-2562](tel:414-232-2562). For questions on the lawsuit, please contact WILL.