

707 Transportation of Students

I. Purpose

The purpose of this policy is to provide for the transportation of students consistent with the requirements of the law.

II. Definitions

Disabled student: includes every child who has a hearing impairment, visual disability, speech or language impairment, physical handicap, other health impairment, mental handicap, emotional/behavioral disorder, specific learning disability, autism, traumatic brain injury, multiple disabilities, or deaf/blind disability and needs special instruction and services, as determined by the standards of the Minnesota Department of Education. (Minnesota Statute §125A.02.)

Home: is the legal residence of the child. In the discretion of the school district, home also may be defined as a licensed daycare facility, a respite care facility, the residence of a relative or the residence of a person chosen by the student's parent or guardian as the home of a student for part or all of the day, if requested by the student's parent or guardian, if the facility or residence is within the attendance area of the school the student attends. (Minnesota Statute §123B.92, subd. 1(b)(1).)

Homeless Student: includes a student, including a migratory student, who lacks a fixed, regular, and adequate nighttime residence and includes: students who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; are awaiting foster care placement; have a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodation for human beings; are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings, and migratory children who qualify as homeless because they are living in any of the preceding listed circumstances. (42 U.S.C § 11434a)

Nonpublic school: means any school, church, or religious organization, or home school wherein a resident of Minnesota may legally fulfill the compulsory instruction requirements of Minnesota Statutes §120A.22, which is located within the state, and which meets the requirements of Title VI of the Civil Rights Act of 1964, (42 U.S.C. § 2000a.) (Minnesota Statute §123B.41, subd. 9.)

Nonresident student: is a student who attends school in the school district and resides in another district, defined as the "nonresident district." In those instances when the divorced parents share joint physical custody of a student and the divorced parents reside in different school districts, the student shall be a resident of the school district designated by the student's parents. When parental rights have been terminated by court order, the legal residence of a student placed in a residential or foster facility for care and treatment is the district in which the student resides. (Minnesota Statute §123B.88, subd. 6; Minnesota Statute §125A.51; Minnesota Statute § 127A.47, subd. 3.)

Pupil support services: are health, counseling and guidance services provided by the public school in the same district where the nonpublic school is located. (Minnesota Statute § 123B.41, subd. 4.)

Shared time basis: is a program where students attend public school for part of the regular school day and who otherwise fulfill the requirements of Minnesota Policy Statutes § 120A.22 attendance at a nonpublic school. (Minnesota Statute § 126C.01, subd. 8.)

Student: means any student or child attending or required to attend any school as provided in Minnesota law and who is a resident or child of a resident of Minnesota. (Minnesota Statute § 123B.41, subd. 11.)

Resident student: is a student who resides and attends public school in the district in which the school is located.

III. Transportation of Resident Students

A. If a charter school elects to provide transportation for pupils, the transportation must be provided by the charter school within the district in which the charter school is located. (Minnesota Statute § 124E.15)

B. A child care residence must be eligible for transportation for grade level of child. Transportation must be on a permanent basis with one A.M. address pick up and one P.M. address drop off all days of the week within the home school attendance area. The child care arrangements must be made three (3) working days in advance of transportation.

IV. Transportation of Nonresident Students

A. For pupils who reside outside the district in which the charter school is located, the charter school is not required to provide or pay for transportation between the pupil's residence and the border of the district in which the charter school is located. A parent may be reimbursed by the charter school for costs of transportation from the pupil's residence to the border of the district in which the charter school is located if the pupil is from a family whose income is at or below the poverty level, as determined by the federal government. The reimbursement may not exceed the pupil's actual cost of transportation or 15 cents per mile traveled, whichever is less. Reimbursement may not be paid for more than 250 miles per week. (Minnesota Statute § 124E.15)

B. If requested by the parent of a nonresident student, the school district shall provide transportation to a nonresident student within its borders. The school district may provide transportation to a nonresident student outside its borders only with the approval of the resident district. (Minnesota Statute § 124D.04, subd. 7; Minnesota. Statute § 123B.92, subd. 3; Minnesota. Statute § 123B.88, subd. 6.)

C. If the school district decides to transport a nonresident student within the student's resident district, the school district will notify the student's resident district of its decision, in writing, prior to providing transportation. (Minnesota Statute § 123B.88, subd. 6.)

D. When divorced parents reside in different school districts and share physical custody of a student, the parents shall be responsible for the transportation of the student to the border of the school district during those times when the student is residing with the parent in the nonresident school district. (Minnesota Statute § 127A.47, subd. 3(b).)

E. The school district may provide bus stops at various locations on the border of the district in which the school is located which nonresident district students may access. It is the responsibility of the nonresident student's family to transport to the pre-established bus stop in order to access the transportation services within the district.

V. Transportation of Resident Special Education/Disabled Student and Students With Temporary Disabilities

A. For purposes of providing special education, charter schools are deemed a school district under Minnesota Statute 124E.03 Subd 3, and therefore must comply with Minnesota statutes relating to the provision of a free appropriate public education (FAPE), including related services. (Minnesota Statute 125A.08 (a) (1).)

Transportation is deemed a "related service" as defined by Federal Regulation in 34 C.F.R 300.34 (c) (16) if an individual education plan (IEP) determines specialized transportation is necessary for a student to receive FAPE.

B. Transportation shall be provided for special education students according to their Individual Education Plan (IEP). The resident Special Education students will ride on regular routes unless their IEP specifies a need for Special Transportation.

VI. Transportation/Operations

The scheduling of routes, establishment of the location of bus stops, manner and method of transportation, control and discipline of school children and any other matter relating thereto shall be within the sole discretion, control and management of the school board. (Minnesota Statute § 123B.88, subd. 1.)

VII. Fees

The school district may charge fees for transportation of students to and from school when authorized by law. If the school district charges fees for transportation of students to and from school, guidelines shall be established for that transportation to ensure that no student is denied transportation solely because of inability to pay. (Minnesota Statute § 123B.36, subd.1(11).)

Legal References:

Minnesota Statute § 120A.22 (Compulsory Instruction)
Minnesota Statute §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minnesota Statute § 121A.59 (Bus Transportation Is a Privilege Not a Right)
Minnesota Statute § 123B.36 (Authorized Fees)
Minnesota Statute § 123B.41 (Educational Aids for Nonpublic School Children; Definitions)
Minnesota Statute § 123B.44 (Provision of Pupil Support Services)
Minnesota Statute § 123B.88 (Independent School Districts, Transportation)
Minnesota Statute § 123B.92 (Transportation Aid Entitlement)
Minnesota Statute § 124D.03 (Enrollment Options Program) Minnesota Statute § 124D.04 (Enrollment Options Programs in Border States)
Minnesota Statute § Ch. 124E.03 (Applicable Law Pupils with a Disability)
Minnesota Statute § Ch. 124E.15 (Transportation)
Minnesota Statute § Ch. 125A (Children With a Disability)
Minnesota Statute § 125A.02 (Children With a Disability, Defined)
Minnesota Statute § 125A.09 (Procedures for Decisions)
Minnesota Statute § 125A.12 (Attendance in Another District)
Minnesota Statute § 125A.15 (Placement in Another District; Responsibility)
Minnesota Statute § 125A.51 (Placement of Children Without Disabilities; Education and Transportation)
Minnesota Statute § 125A.65 (Attendance at Academies for the Deaf and Blind)
Minnesota Statute § 126C.01 (General Education Revenue - Definitions)
Minnesota Statute § 127A.47 (Payments to Resident and Nonresident Districts)
Minnesota R. 3520.3300 (Transportation of Handicapped Students)
20 U.S.C. § 1415 (Individuals With Disabilities Act)
29 U.S.C. § 794 (Rehabilitation Act)
42 U.S.C. § 2000a (Prohibition Against Discrimination or Segregation in Places of Public Accommodation)
42 U.S.C. § 12132 (Americans With Disabilities Act)

Cross References:

MSBA Service Manual Chapter 10, Transportation
MSBA/MASA Model Policy 708 (Transportation of Nonpublic Students)
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)
MSBA/MASA Model Policy 710 (Extracurricular Transportation)