

TRANSPORTATION OF PUBLIC SCHOOL STUDENTS

I PURPOSE

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

II GENERAL STATEMENT OF POLICY

- A. It is the policy of the school district to provide for the transportation of students in a manner that will protect their health, welfare and safety.
- B. The school district recognizes that transportation is an essential part of the school district services to students and parents but further recognizes that transportation by school bus is a privilege and not a right for an eligible student.

III DEFINITIONS

- A. “Disabled student” includes every child identified under federal and state special education law as having a hearing impairment, blindness, 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 who needs special education and related services, as determined by the rules of the Commissioner of Education. A licensed physician, an advanced practice nurse, or a licensed psychologist is qualified to make a diagnosis and determination of attention deficit disorder or attention deficit hyperactivity disorder for purposes of identifying a child with a disability. In addition, every child under age three, and at the school district’s discretion from age three to seven, who needs special instruction and services, as determined by the rules of the Commissioner, because the child has a substantial delay or has an identifiable physical or mental condition known to hinder normal development is a child with a disability. A child with a short-term or temporary physical or emotional illness or disability, as determined by the rules of the Commissioner, is not a child with a disability. (Minn. Stat. § 125A.02)
- B. “Home” is the legal residence of the child. In the discretion of the school district, “home” may also be defined as a licensed day care 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. Unless otherwise specifically provided by law, a homeless student is a resident of the school district if enrolled in the school district. (Minn. Stat. §123B.92, subd. 1(b)(1).) Minn. Stat. § 127A.47, Subd. 2)
- C. “Homeless student” means 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 a regular sleeping accommodation for human beings; are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings. (42 U.S.C. § 11434a)
- D. “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 Minn. 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. (Minn. Stat. §123B.41, subd. 9.)
- E. “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 or legally separated 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 a court order while the student is residing in the school district, a student shall continue to be a resident student even though 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. (Minn. Stat. § 123B.88, Subd. 6; Minn. Stat. § 125A.51; Minn. Stat. § 127A.47, Subd. 3)

- F. “Pupil support services” are health, counseling and guidance services provided by the public school in the same district where the nonpublic school is located. (Minn. Stat. §123B§ 123B.41, subd. 4)
- G. “School of origin,” for purposes of determining the residence of a homeless student, is the school that the student attended when permanently housed or the school in which the student was last enrolled. (42 U.S.C. § 11432(g)(3)(G))
- H. “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 Minn. Stat. §120A.22 by attendance at a nonpublic school. (Minn. Stat. §126C§ 126C.01, subd. 8)
- I. “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. (Minn. Stat. § 123B.41, subd. 11)

IV ELIGIBILITY

- A. Upon the request of a parent or guardian, the school district shall provide transportation to and from school, at the expense of the school district for all resident students who reside two miles or more from the school, except for those students whose transportation privileges have been revoked or, in the case has been voluntarily surrendered by the student’s parent or guardian. (Minn. Stat. § 123B.88, subd. 1.)
- B. The school district may, in its discretion, also provide transportation to any student to and from school, at the expense of the school district, outlined within the guidelines for Walkers and Hazardous Crossings.
- C. In the discretion of the school district, transportation along regular school bus routes may also be provided, where space is available, to any person where such use of a bus does not interfere with the transportation of students. The cost of providing such transportation must be paid by those individuals using these services or some third-party payor. Bus transportation also may be provided along school bus routes when space is available for participants in early childhood family education programs and school readiness programs if these services do not result in an increase in the school district’s expenditures for transportation. (Minn. Stat. § 123B.88, Subd. 10, 11, 12, and 13)
Guidelines for Walkers

Distances for walkers according to grade level:

- K-5 .5 miles
- 6-12 1 mile

Hazardous Crossings Guidelines

The following guidelines are based on functional classifications of streets as determined by the County and the City of New Prague. The guidelines include the types of areas the district would consider to be hazardous for elementary and secondary school students, and the service the district would provide in each area. Definitions for the types of areas, as identified by Scott County, are as follows:

1. **Principle Arterial Streets:** Designed to emphasize mobility over land access. Includes: all interstate freeways and roads that connect the metro centers to regional business concentrations that only connect with other interstate freeways, other principle arterials and select minor arterials and collectors. Examples: None in our geographic boundaries.
2. **Minor Arterial Streets:** Designed to emphasize mobility over land access. Includes roads that connect the urban service area to cities and town inside and outside the region; interconnect rural growth centers in the region to one another as well as to similar places just outside the region; connect to principle arterials, other minor arterials and collectors, with connection to some local streets. Examples: Hwy. 19, Hwy. 21, Cty. Rd. 37, Columbus Ave. N.
3. **Collector Streets:** Designed to emphasize mobility over land access, but because of their locations are expected to carry less traffic than arterial roads. Includes roads that provide access from neighborhoods to the arterial system. Examples: Central Ave. N., Lexington Ave. N., 5th St. S.W.

Type of Area: Railroad Tracks

Applies to: Students in Kindergarten to Grade 12 who have to cross a railroad track on the way to and from school.

District Service: Busing

Type of Area: Principle Arterial Streets

Applies to: Students in Kindergarten - Grade 12 who have to cross a principle arterial street on their way to and from school.

District Service: Busing

*The district may choose to use crossing guards to eliminate hazardous routes to school, in which case the distance for walkers will apply.

Type of Area: Minor Arterial Streets

Applies to: Students in Kindergarten - Grade 5 who have to cross a minor arterial street on their way to and from school.

District Service: Busing

Students in Grades 6-12 who have to cross a minor arterial street on their way to and from school.

District Service: No busing

*The district may choose to use crossing guards to eliminate hazardous routes to school, in which case the distance for walkers will apply.

Busing for students Grades 6-12 who have to cross a minor arterial street that meets at least four of the following five criteria:

1. Street width greater than 40 feet at point of crossing
2. No sidewalks or walkways on either side of the street
3. Posted speed limit is 35 miles per hour or greater at point of crossing
4. No stoplights (semaphores)
5. Average daily traffic volume greater than 5,000 vehicles

If adult crossing guard is present for students in grades 6-12, students will have to cross a minor arterial street at the location of the crossing guard. Above criteria does not apply.

District Service: Busing for students in Grades 6-12 who meet criteria

*The district may choose to use crossing guards to eliminate hazardous routes to school, in which case the distance for walkers will apply.

Type of Area: Collector Streets

Applies to: Students in Kindergarten – Grade 5 who have to cross a collector street on the way to and from school that meets at least three of the five criteria listed below.

District Service: Busing

Students in Grades 6-12 who have to cross a collector street on the way to and from school that meets at least four of the following five criteria:

1. Street width greater than 50 feet at point of crossing
2. No sidewalks or walkways on either side of the street
3. Posted speed limit is 35 miles per hour or greater at point of crossing
4. No stoplights (semaphores)
5. Average daily traffic volume greater than 5,000* vehicles

District Service: Busing

*The district may choose to use crossing guards to eliminate hazardous routes to school, in which case the distance for walkers will apply.

IV. ELIGIBILITY

- A. Upon the request of a parent or guardian, the school district shall provide transportation to and from school, at the expense of the school district, for all resident students who reside two miles or more from the school, except for those students whose transportation privileges have been revoked or have been voluntarily surrendered by the student’s parent or guardian. (Minn. Stat. § 123B.88, Subd. 1)

- B. The school district may, in its discretion, also provide transportation to any student to and from school, at the expense of the school district, for any other purpose deemed appropriate by the school board.
- C. In the discretion of the school district, transportation along regular school bus routes may also be provided, where space is available, to any person where such use of a bus does not interfere with the transportation of students. The cost of providing such transportation must be paid by those individuals using these services or some third-party payor. Bus transportation also may be provided along school bus routes when space is available for participants in early childhood family education programs and school readiness programs if these services do not result in an increase in the school district's expenditures for transportation. (Minn. Stat. § 123B.88, Subd. 10, 11, 12, and 13)

V. TRANSPORTATION OF NONRESIDENT STUDENTS

- A. 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. (Minn. Stat. § 124D.04, subd. 7; Minn. Stat. § 123B.92, subd. 3; Minn. Stat. § 123B.88, subd. 6.)
- B. 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. (Minn. Stat. § 123B.88, subd. 6.)
- C. When divorced or legally separated 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. (Minn. Stat. § 127A.47, subd. 3(b))
- D. The school district may provide transportation to allow a student who attends a high-need English language learner program and who resides within the transportation attendance area of the program to continue in the program until the student completes the highest grade level offered by the program. (Minn. Stat. § 123B.92, Subd. 3(b))

VI TRANSPORTATION OF RESIDENT STUDENTS TO NONDISTRICT SCHOOLS

- A In general, the school district shall not provide transportation between a resident student's home and the border of a nonresident district where the student attends school under the Enrollment Options Program. A parent may be reimbursed by the nonresident district for the costs of transportation from the pupil's residence to the border of the nonresident district if the student 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. (Minn. Stat. § 124D.03, subd. 8)
- B **REIMBURSEMENT OF RESIDENT STUDENTS WHO ATTEND PRIVATE SCHOOLS OUTSIDE OF RESIDENT DISTRICT.** Resident students shall be eligible for transportation reimbursement at a rate of 15 cents per mile or a maximum payment of \$300.00 whichever is less. Mileage will be computed from resident's home address to the nearest district boundary. Reimbursement will be paid roundtrip for each day the student attends the private school. An attendance report must be submitted to the Transportation Department before payment is made. This payment will be paid only if a "like" school is not available within the district boundaries. Reimbursement may not be paid for more than 250 miles per week.
- C Resident students shall be eligible for transportation to and from a nonresident school district at the expense of the school district, if in the discretion of the school district, inadequate room, distance to school, unfavorable road conditions, or other facts or conditions make attendance in the resident student's own district unreasonably difficult or impracticable. The school district, in its discretion, may also provide for transportation of resident students to schools in other districts for grades and departments not maintained in the district, including high school, for the whole or a part of the year

or for resident students who attend school in a building rented or leased by the school district in an adjacent district. (Minn. Stat. § 123B.88, subds. 1 and 4.)

- D. In general, the school district is not responsible for transportation for any resident student attending school in an adjoining state under a reciprocity agreement but may provide such transportation services at its discretion. (Minn. Stat. § 124D.041)

VII SPECIAL EDUCATION/DISABLED STUDENTS/STUDENTS WITH TEMPORARY DISABILITIES

- A. Upon a request of a parent or guardian, a resident disabled student who is not yet enrolled in kindergarten, who requires special education services in a location other than the student's home, shall be provided transportation to and from the student's home at the expense of the school district and shall not be subject to any distance requirement. (Minn. Stat. § 123B.88, Subd. 1)
- B. Resident disabled students whose handicapped conditions are such that the student cannot be safely transported on the regular school bus and/or school bus route and/or when the student is transported on a special route for the purpose of attending an approved special education program shall be entitled to special transportation at the expense of the school district or the day training and habilitation program attended by the student. The school district shall determine the type of vehicle used to transport disabled students on the basis of the handicapping condition and applicable laws. This provision shall not be applicable to parents who transport their own child under a contract with the school district. (Minn. Stat. § 123B.88, Subd. 19; Minn. Rules Part 7470.1600)
- C. Resident disabled students who are boarded and lodged at Minnesota state academies for Resident disabled students who are boarded and lodged at Minnesota state academies for educational purposes, but who also are enrolled in a public school within the school district, shall be provided transportation, by the school district to and from said board and lodging facilities, at the expense of the school district. (Minn. Stat. § 125A.65)
- D. If a resident disabled student attends a public school located in a contiguous school district and the school district of attendance does not provide special instruction and services, the school district shall provide necessary transportation for the student between the school district boundary and the educational facility where special instruction and services are provided within the school district. The school district may provide necessary transportation of the student between its boundary and the school attended in the contiguous district, but shall not pay the cost of transportation provided outside the school district boundary. (Minn. Stat. § 125A.12)
- E. When a disabled student or a student with a short-term or temporary disability is temporarily placed for care and treatment in a day program located in another school district and the student continues to live within the school district during the care and treatment, the school district shall provide the transportation, at the expense of the school district, to that student. The school district may establish reasonable restrictions on transportation, except if a Minnesota court or agency orders the child placed at a day care and treatment program and the school district receives a copy of the order, then the school district must provide transportation to and from the program unless the court or agency orders otherwise. Transportation shall only be provided by the school district during regular operating hours of the school district. (Minn. Stat. § 125A.15(b); Minn. Stat. § 125A.51(d))
 - 1. Before the placement of a pupil for care and treatment, the district of residence must be notified and provided an opportunity to participate in the placement decision. (*See* Minn. Stat. § 125A.51(c). It is reasonable for the school district to refuse or delay transportation to a care and treatment program if school district administration have been denied the opportunity to participate in the placement decision.
 - 2. The school district will transport a student determined to need placement in day treatment program to the therapeutic day program offered collaboratively by Carver and/or Scott County and a cooperative of which the school district is a member district to the extent placement is deemed appropriate by school district and therapeutic program staff and an opening exists.
 - a. Only if placement in this program is not possible will the school district transport to the next closest day treatment program as approved by the district's director of special education.

- E. When a nonresident disabled student or a student with a short-term or temporary disability is temporarily placed in a residential program within the school district, including correctional facilities operated on a fee-for-service basis and state institutions, for care and treatment, the school district shall provide the necessary transportation at the expense of the school district. Where a joint powers entity enters into a contract with a privately owned and operated residential facility for the provision of education programs for special education students, the joint powers entity shall provide the necessary transportation. (Minn. Stat. § 125A.1515© and (cd); Minn. Stat. § 125A.51(e))
- G. Each driver and aide assigned to a vehicle transporting students with a disability will be provided with appropriate training for the students in their care, will assist students with their safe ingress and egress from the bus, will ensure the proper use of protective safety devices, and will be provided with access to emergency health care information as required by law. (Minn. Rules Part 7470.1700)
- H. Any parent of a disabled student who believes that the transportation services provided for that child are not in compliance with the applicable law may utilize the alternative dispute resolution and due process procedures provided for in Minn. Stat. Ch. 125A. (Minn. Rules Part 7470.1600, Subd. 2)

VIII. HOMELESS STUDENTS

- A. Homeless students shall be provided with transportation services comparable to other students in the school district. (42 U.S.C. § 11432(e)(3)(C)(i)(III)(cc) and (g)(4)(A))
- B. Upon request by the student’s parent, guardian, or homeless education liaison, the school district shall provide transportation for a homeless student as follows:
 - 1. A resident student who becomes homeless and is residing in a public or private shelter location or has other non-shelter living arrangements within the school district shall be provided transportation to and from the student’s school of origin and the shelter or other non-shelter location if the shelter or non-shelter location is two or more miles from the school of origin and the student’s transportation privileges have not been revoked. (42 U.S.C. § 11432(g)(1)(J)(iii)(I))
 - 2. A resident student who becomes homeless and is residing in a public or private shelter location or has other non-shelter living arrangements outside of the school district shall be provided transportation to and from the student’s school of origin and the shelter or other non-shelter location if the shelter or non-shelter location is two or more miles from the school of origin and the student’s transportation privileges have not been revoked, unless the school district and the school district in which the student is temporarily placed agree that the school district in which the student is temporarily placed shall provide transportation. (Minn. Stat. § 125A.51(f); 42 U.S.C. § 11432(g)(1)(J)(iii)(II))
 - 3. If a nonresident student is homeless and is residing in a public or private homeless shelter or has other non-shelter living arrangements within the school district, the school district may provide transportation services between the shelter or non-shelter location and the student’s school of origin outside of the school district upon agreement with the school district in which the school of origin is located. (Minn. Stat. § 125A.51(f))

IX. AVAILABILITY OF SERVICES

- A. Transportation shall be provided on all regularly scheduled school days or make-up days.
- B. Transportation will not be provided during the summer school break.
- C. Transportation may be provided for summer instructional programs for students with a disability or in conjunction with a learning year program. Transportation between home and school may also be provided, in the discretion of the school district, on staff development days. (Minn. Stat. § 123B.88, subd. 21)

X. MANNER OF TRANSPORTATION

The scheduling of routes, establishment of the location of bus stops, manner and method of transportation, control and discipline of school children the determination of fees and any other matter relating thereto shall be within the sole discretion, control and management of the school board. The school district may, in its discretion, provide room and board, in lieu of transportation, to a student who

may be more economically and conveniently provided for by that means. (Minn. Stat. § 123B.88, subd.

A. Transportation Route Guidelines

1. No Student in Grades K-5 shall be picked up before 6:30 AM
2. Special Routes created for the needs of K-5 student may also include older siblings up to 8th Grade when there is space available. The available space shall be granted with preference to the youngest siblings.
3. Student time on the bus shall be no more than 65 minutes under normal driving conditions.
4. Student wait time at any school shall no exceed 5 minutes

X RESTRICTIONS

Transportation by the school district is a privilege and not a right for an eligible student. A student's eligibility to ride a school bus may be revoked for a violation of school bus safety or conduct policies, or violation of any other law governing student conduct on a school bus pursuant to the school district's discipline policy. Revocation of a student's bus riding privilege is not an exclusion, expulsion, or suspension under the Pupil Fair Dismissal Act. Revocation procedures for a student who is an individual with a disability under 20 U.S.C. § 1415 (Individuals with Disabilities Act), 29 U.S.C. § 794 (the Rehabilitation Act), and 42 U.S.C. § 12132, (Americans with Disabilities Act) are governed by these provisions. (Minn. Stat. § 121A.59)

XI FEES

- A** In its discretion, the school district may charge fees for transportation of students to and from extra curricular activities conducted at locations other than school, where attendance is optional. (Minn. Stat. § 123B.36, subd. 1(10).)
- B** 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. (Minn. Stat. § 123B.36, subd. 1(11).)
- C** The school district may charge reasonable fees for transportation of students to and from post-secondary institutions for students enrolled under the post-secondary enrollment options program. Families who qualify for mileage reimbursement may use their state mileage reimbursement to pay this fee. (Minn. Stat. § 123B.36, subd. 1(13).)
- D** Where, in its discretion, the school district provides transportation to and from an instructional community-based employment station that is part of an approved occupational experience vocational program, the school district may require the payment of reasonable fees for transportation from students who receive remuneration for their participation in these programs. (Minn. Stat. § 123B.36, subd. 3.)

Legal References:

- Minn. Stat. § 120A.22 (Compulsory Instruction)
- Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
- Minn. Stat. § 121A.59 (Bus Transportation is a Privilege Not a Right)
- Minn. Stat. § 123B.36 (Authorized Fees)
- Minn. Stat. § 123B.41 (Educational Aids for Nonpublic School Children; Definitions)
- Minn. Stat. § 123B.44 (Provision of Pupil Support Services)
- Minn. Stat. § 123B.88 (Independent School Districts, Transportation)
- Minn. Stat. § 123B.92 (Transportation Aid Entitlement)
- Minn. Stat. § 124D.03 (Enrollment Options Program)
- Minn. Stat. § 124D.04 (Enrollment Options Programs in Border States)
- Minn. Stat. § 124D.041 (Reciprocity with Adjoining States)
- Minn. Stat. Ch. 125A (Children With a Disability)
- Minn. Stat. § 125A.02 (Children With a Disability, Defined)
- Minn. Stat. § 125A.12 (Attendance in Another District)
- Minn. Stat. § 125A.15 (Placement in Another District; Responsibility)
- Minn. Stat. § 125A.51 (Placement of Children Without Disabilities; Education and Transportation)

Minn. Stat. § 125A.515 (Placement of Students; Approval of Education Program)
Minn. Stat. § 125A.65 (Attendance at Academies for the Deaf and Blind)
Minn. Stat. § 126C.01 (General Education Revenue - Definitions)
Minn. Stat. § 127A.47 (Payments to Resident and Nonresident Districts)
Minn. Rules Part 7470.1600 (Transporting Pupils with Disability)
Minn. Rules Part 7470.1700 (Drivers and Aides for Pupils with Disabilities)
20 U.S.C. § 1415 (Individuals with Disabilities Education Improvement Act of 2004)
29 U.S.C. § 794 (Rehabilitation Act of 1973, § 504)
42 U.S.C. § 2000d (Prohibition Against Exclusion from Participation in, Denial of Benefits of, and Discrimination under Federally Assisted Programs on Ground of Race, Color, or National Origin)
42 U.S.C. § 11431, *et seq.* (McKinney-Vento Homeless Assistance Act of 2001)
42 U.S.C. § 12132, *et seq.* (Americans With Disabilities Act)
Cross References: MSBA/MASA Model Policy 708 (Transportation of Nonpublic School Students)
MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)
MSBA/MASA Model Policy 710 (Extracurricular Transportation)
MSBA Service Manual, Chapter 2, Transportation

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