

Policy 707 – 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. The policy of the school district is 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” also may be defined as a licensed day care facility, school 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, or an afterschool program for children operated by a political subdivision of the state, if the facility, residence, or program 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 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. (Minn. Stat. §123B.41, subd. 9)
- E. “Nonresident student” is a student who attends school in the Northfield school district and resides in another district, defined as the “nonresident district.” In those instances when the divorced or legally separated parents or parents residing separately share joint physical custody of a student and the 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. (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.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 Minnesota Statutes § 120A.22 by attendance at a nonpublic school. (Minn. Stat. § 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 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. Walk Areas and Bus Stops
 - 1.) Walking Areas. Distance is the primary criteria used to establish walking areas. The walking areas are determined by measuring the distance, in the most direct route, from the home of the student to the nearest property line of the school of attendance. Current walk boundaries established by Northfield School District 659 are approximately 1 mile

for students in grades 6 through 12, and approximately .75 mile for students in kindergarten through grade 5.

- 2.) The Northfield School District has established discretionary areas of service for students who reside less than two miles from school, but in addition to the walk areas described above.
- 3) Bus Stops.
 - a. Bus stops and routes may change each year based upon the student population. Students may have to walk varying distances to the bus stop depending on the route structure and time schedule. Individual stops at homes would add considerable time to a bus route.
 - b. Visibility from the home to the bus stop is not part of the criteria for establishing bus stops. If a parent/guardian is concerned about watching their child at the bus stop they need to walk with them to the stop.
 - c. School buses will not travel down cul-de-sacs, except special vehicles designed to pick up students with disabilities.
 - d. Bus turnarounds must meet minimum visibility and road standards for rural routes. Transportation services will be provided insofar as possible as follows:
 - On a public road, of at least two lanes with a minimum 24' wide top surface, maintained by the state, county, city, or township and is one-half mile long to a main traveled road.
 - There is a suitable place to turnaround, meeting safety and visibility standards.
 - All turnarounds must be sufficiently wide, plowed of snow and otherwise maintained to allow for safe turn around of a bus.

D. Transportation of any person

Districts may use district-owned or contractor-operated school buses to provide transportation along regular school bus routes on a space available basis for any person. Such use of a bus must not interfere with the transportation of pupils to and from school or other authorized transportation of pupils. In all cases, the total additional cost of providing these services, as determined by sound accounting procedures, must be paid by charges made against those using these services or some third-party payor. In no case shall the additional cost of this transportation be paid by the district. The provisions of section 65B.47, subdivision 4, shall be applicable to any person being transported pursuant to this subdivision. (Minn. Stat. § 123B.88, subd. 10)

E. Bus Ridership.

Based upon their home address, students are assigned to a specific bus stop and bus route. Students must ride to and from the school on the bus(es) to which they have been assigned.

Exceptions to this rule are as follows:

- If parents will be out of town for one week or longer, and children will be staying at a different location, please contact the bus company to change the listed bus stop. The new bus stop must be on an existing route, as buses will not be rerouted for temporary addresses.
- In case of a serious family emergency, such as a death or unexpected hospitalization of a family member, please contact the principal's office at your child's school as early in the day as possible if alternate arrangements are necessary. Calls to the office near the end of the school day can result in missed messages and confusion.

1.) After-School Activities

- Transportation is not provided on regular route buses for non-school activities, such as work, music or dance lessons, scouts, church activities, etc.
- Students may be allowed to ride an alternate bus for after-school activities sponsored by the Northfield School District if space is available on an existing bus route. Advance registration for the activity is required and the school or community education activity coordinator must contact the bus company at least one month in advance to determine if space is available. The school district staff in charge of the activity shall forward a list of the students involved to the bus company, and to the office of each school which the students normally attend, at least one week in advance of the activity session.
- Parents are responsible for transporting their child(ren) home after these activities. Parents may be required to provide identification to the school staff member in charge of the group when picking up their child(ren) from the event.

2.) Busing to/from Daycare. A student's daycare location may be regarded as their home residence for the purpose of transportation. The daycare must be located in the same attendance area as the student's home. Student pick-ups for afternoon kindergarten are available only in the city of Northfield. Rural kindergarten students are picked up on regular morning bus routes.

- Student pick ups: Students may ride from home or daycare in the morning as long as an existing stop is used and the change does not overload the bus or adversely affect the bus schedule for other students. Parents should contact the bus operator to request an alternate pick up location.
- Student drop offs: Students will be assigned to one take-home bus route and one drop off location only, near either the home *or* the daycare. Students will not be allowed to alternate between drop off locations. Although this policy is not always convenient for parents, it is the safest for students.
- Bus registration forms should be turned in before the end of the previous school year so that the bus routes may be established as accurately as possible. If daycare arrangements change over the summer, the school and transportation operator should be notified as soon as possible.

3.) Address Changes or New Students. Please allow up to 5 days for changes to be implemented due to adding new students whose transportation requires additional bus stops, route changes, and/or additional vehicles.

4.) Family Residence Changes within the District. Students whose family moves to a different elementary attendance area in mid-year will not be required to transfer to the other school during that school year. However, bus transportation may not be available. Routes will not be added or changed to accommodate for this type of situation.

5.) Shared Custody. When divorced parents reside in different school attendance areas within the district and share physical custody of a student, transportation may be available to/from the residence that is located in a school attendance area different from the school where the student is enrolled. Parents must contact the transportation operator to

determine whether space is available. Parents shall also provide a regular schedule to the school office and bus operator, regarding where the student needs to be transported on specific days or weeks. It is the responsibility of the parent to ensure that their child knows where he or she needs to go after school each day.

- 6.) Field Trips. Transportation is provided for curricular field trip activities during the school day. The school official organizing the field trip must obtain a price quote for transportation prior to the trip from the bus contractor. A Bus Request Form provided by the building secretary must be completed and faxed or mailed to the bus contractor to book the trip. The school official should call the bus contractor a couple of days in advance of the trip to confirm the bus and verify that the information is correct. Field trip buses must be scheduled to return students to school at least ten minutes before the end of the school day if the students are expected to ride afternoon route buses that day.

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 at the same level of service that is provided to resident students. (Minn. Stat. § 124D.04, Subd. 7; Minn. Stat. § 123B.92, Subd. 3) The same level of service means using the closest current and existing pick-up/drop-off point assigned by the School District within the geographical boundary of Northfield School District. The stop must be at a location that allows for a safe transfer between the school bus and parents' vehicle, as determined by the bus company safety director.
- 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 or parents residing separately reside in different school districts and share physical custody of a student, the parents shall be responsible for the transportation of the student to an appropriate stop in 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. 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)

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. 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. Rules Part 7470.1600)
- C. 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))

- F. 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.15(c) and (d); 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 Minnesota Statutes 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

Transportation will be provided on all regularly scheduled school days or make-up days. Transportation will not be provided during the summer school break. 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. 1)

XI. 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)

XII. FEES

- A. At 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 to ensure that no student is denied transportation solely because of inability to pay. The school district also may waive fees for transportation if the student's parent is serving in, or within the past year has served in, active military service as defined in Minn. Stat. §190.05. (Minn. Stat. § 123B.36, Subds. 1(11) and 6)
- 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)

XIII. APPEAL PROCESS

An appeal to this policy may be directed first to the Director of Student Services, second to the Director of Business Affairs, and finally the Superintendent of Schools, whose decision will be final.

Policy 707 – Transportation of Public School Students

Adopted: 1/12/09

Revised: 10.11.10 and 4.2011

School Board

INDEPENDENT SCHOOL DISTRICT 659

Northfield, Minnesota

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. § Ch. 125A (Children With a Disability)
- Minn. Stat. § 125A.02 (Children With a Disability, Defined)
- Minn. Stat. § 125A.09 (Procedures for Decisions)
- 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. Stat. § 190.05 (Definitions)
- Minn. Rules 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. § 2000a (Prohibition Against Discrimination or Segregation in Places of Public Accommodation)
- 42 U.S.C. § 11431, *et seq.* (McKinney-Vento Homeless Assistance Act of 2001)
- 42 U.S.C. § 12132 (Americans With Disabilities Act)

Cross References:

- MSBA Service Manual Chapter 2, Transportation
- Policy 708 (Transportation of Nonpublic School Students)
- MSBA/MASA Model Policy 709 (Student Transportation Safety Policy)
- Policy 710 (Extracurricular Transportation)
- Policy JCA (Student Transfers Between Elementary Buildings)