



## 606 TRANSPORTATION OF CHARTER SCHOOL STUDENTS

### I. PURPOSE

The purpose of this policy is to define transportation for students enrolled at Spero Academy based on the State Statute indicating that 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.

The state must pay transportation aid to the charter school according to section 124D.11, subdivision 2.

### II. DEFINITIONS

- A. "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. 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 standards of the Minnesota Department of Education 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. (Minnesota Statute §25A.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, 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 123B92, subd. 1(b)(1).)
- C. "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.)

- D. “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.)
- E. “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.)
- F. “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 attendance at a nonpublic school. (Minnesota Statute § 126C.01, subd. 8.)
- G. “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.)
- H. "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 Stat 124D.10, subdivision 16).

### **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. (124E.15, paras (b) to (d))

- 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 STUDENTS AND STUDENTS WITH TEMPORARY DISABILITIES**

- A. For purposes of providing special education, charter schools are deemed a school district under Minnesota Statute 124D.10 Subd 12, 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. The Special Services Coordinator shall review and recommend approval/disapproval of all requests for special transportation. The form "Request For Special Education Transportation" shall then be forwarded to the Transportation Coordinator for approval and implementation. Transportation will commence five working days from receipt of the form or on the requested start date, whichever is later.

- C. Temporary transportation service for non-special education students may be provided. The Transportation Services Coordinator will request a doctor's statement, at parents' expense, to confirm or deny temporary transportation service. Failure to provide such a statement within ten (10) days of the request may cause service to be terminated. Transportation also may be provided for other students who are in need of transportation due to medical and/or emotional needs who are not normally eligible for special education services. The School Director and the Transportation Services Coordinator will make the determination of which students are eligible for this transportation service.

## **VI. AVAILABILITY OF SERVICES**

Transportation shall only be provided on regularly scheduled school days or make-up days. Transportation will not be provided during the summer or winter break.

## **VII. 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.)

## **V. 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. (Minnesota. Statute § 121A.59.)

## **VIII. 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. (Minnesota. Statute § 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. (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 § 124E.15 (Transportation)*
- Minnesota Statute § Ch. 125A (Special Education and Special Education Programs)*
- Minnesota Statute § 125A.02 (Children With a Disability, Defined)*
- 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)*
- 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)*
- INDEPENDENT SCHOOL DISTRICT 271 Bloomington, MN*