

POLICY 707 TRANSPORTATION OF MTCS STUDENTS

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

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

III. DEFINITIONS

- A. “Child with a disability” includes every child identified under federal and state special education law as deaf or hard of hearing , blind or visually impaired, deafblind, or having a speech or language impairment, a physical impairments, other health disability, developmental cognitive disability, an emotional or behavioral disorder, specific learning disability, autism spectrum disorder, , traumatic brain injury, or severe multiple impairments, and who needs special education and related services, as determined by the rules of the Commissioner of the Minnesota Department of Education (“Commissioner”). A licensed physician, an advanced practice nurse, a physician assistant, 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.
- B. “Home” is the legal residence of the child. In the discretion of MTCS, “home” or “residence” 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.

- 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, and migratory children who qualify as homeless because they are living in any of the preceding listed circumstances.
- D. “MTCS Transportation Boundaries” shall be defined to include all areas within the residence and attendance boundaries for Special School District No. 1, Minneapolis Public Schools (“MPS”). A student who attends MTCS and resides within the MTCS Transportation Boundaries is considered a “resident student” for purposes of this policy. Unless otherwise specifically provided by law, a homeless student enrolled in MTCS shall be considered a resident student of MTCS.
- E. “Nonresident student” is a student who attends MTCS and resides outside of the MTCS Transportation Boundaries, which shall be defined as the “nonresident area.” In those instances when the divorced or legally separated parents or parents residing separately share joint physical custody of a student and one parent resides in the nonresident area, the student shall be a resident of the area designated by the student’s parents.
- F. “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.
- G. “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 section 120A.22 by attendance at a nonpublic school.
- H. “Student” means any student or child enrolled in MTCS.

IV. ELIGIBILITY

- A. Upon the request of a parent or guardian, MTCS shall provide and pay for transportation to and from school within the MTCS Transportation Boundaries as follows.
 - 1. **Grades K-10.** MTCS will ensure commercially licensed and bonded school bus transportation for students in Grades K-10 who reside two miles or more from their school, except for those students whose transportation

privileges have been revoked or have been voluntarily surrendered by the student's parent or guardian.

2. **Grades 11-12.** MTCS will provide Metro Transit Go-To Student Passes for students in Grades 11-12. Students in 10th Grade at an onsite location who would like to use Metro Transit for transportation can contact the MTCS Transportation Coordinator at 612.235.5792 or at the MTCS main office.
- B. The distance from the pupil's residence to their school will be determined using the most direct, safe walking route on public roadways. Measurement will begin at the property line of the pupil's residence and end at the closest bus stop within MTCS Transportation Boundaries, or the property line of the school, whichever is applicable.
 - C. MTCS will provide a form that parents or guardians must fill out prior to enrollment or the beginning of the school year in order to indicate their student's selected transportation option.
 - D. MTCS may, in its discretion, also provide transportation to any student to and from school, at the expense of MTCS, for any other purpose deemed appropriate by the School Board.
 - E. MTCS may ask the parent(s) or guardian(s) of a student to surrender their student's bus riding privileges in order to provide a more efficient transportation service. MTCS will obtain written documentation showing such surrender, and shall allow adequate opportunity for anyone who surrenders these privileges to reverse the decision.

V. PUPILS WHO RESIDE OUTSIDE MTCS TRANSPORTATION BOUNDARIES

- A. MTCS may provide for transportation of students who reside outside of the MTCS Transportation Boundaries, at the School Board's discretion.
- B. If requested by the parent or guardian, MTCS may provide transportation or reimburse the parent or guardian for the costs of transportation from the pupil's residence to the border of the MTCS Transportation Boundaries 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. The appropriate reimbursement or distance travelled will be determined as outlined above.
- C. When divorced or legally separated parents or parents residing separately reside in different school boundaries and share physical custody of a student, the parents shall be responsible for the transportation of the student to a designated MTCS bus stop during those times when the student is residing with the parent outside of MTCS transportation boundaries.

VI. STUDENTS WITH A DISABILITY

- A. Resident students with a disability whose disabling 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 MTCS. MTCS shall determine the type of vehicle used to transport students with a disability on the basis of the disabling condition and applicable laws. This provision shall not be applicable to parents who transport their own child under a contract with MTCS.
- B. 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.
- C. Any parent of a student with a disability 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.

VII. SPECIAL EDUCATION STUDENTS/STUDENTS WITH A DISABILITY/STUDENTS WITH TEMPORARY DISABILITIES

- A. Upon a request of a parents or guardian the board must provide necessary transportation, consistent with Minnesota Statutes section 123B.92, subdivision 1(b)(4), for a resident child with a disability not yet enrolled in kindergarten for the provision of special instruction and services. Special instruction and services for a child with a disability not yet enrolled in kindergarten include an individualized education program (IEP) team placement in an early childhood program when that placement is necessary to address the child's level of functioning and needs.
- B. Resident students with a disability whose disabling 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 students with a disability on the basis of the disabling condition and applicable laws. This provision shall not be applicable to parents who transport their own child under a contract with the school district.
- C. Resident students with a disability 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.
- D. If a resident student with a disability 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.

- E. When a student with a disability 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.
- F. When a nonresident student with a disability 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.
- 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.
- H. Any parents of a student with a disability 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 chapter 125A.

VIII. HOMELESS STUDENTS

- A. Homeless students shall be provided with transportation services comparable to other MTCS students.
- B. Upon request by the student's parent, guardian, or homeless education liaison, MTCS shall provide transportation for a homeless student as follows:
 - 1. A pupil enrolled at MTCS who becomes homeless and is residing in a public

or private shelter location or has other non-shelter living arrangements within MTCS Transportation Boundaries shall be provided transportation to and from the MTCS school and the shelter or other non-shelter location on the same basis as transportation services are provided to other students.

2. A pupil enrolled at MTCS who becomes homeless and is residing in a public or private shelter location or has other non-shelter living arrangements outside of the MTCS Transportation Boundaries shall be provided transportation to and from the MTCS location and the shelter or other non-shelter location on the same basis as transportation services are provided to other students, unless MTCS 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.
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 MTCS Transportation Boundaries, MTCS may provide transportation services between the shelter or non-shelter location and the student's school of origin outside of MTCS Transportation Boundaries upon agreement with the school district in which the school of origin is located.

IX. STUDENTS IN FOSTER CARE RESIDING OUTSIDE OF MTCS TRANSPORTATION BOUNDARIES

If a student is enrolled at MTCS, placed in foster care outside of MTCS transportation boundaries, and the local human services agency determines it to be in the student's best interest to remain enrolled at MTCS, MTCS will collaborate with the county in which the student resides to ensure that transportation is provided promptly. If there are any additional costs incurred in providing transportation to maintain the student at MTCS, the county will either reimburse the district for the additional costs, MTCS will pay the additional costs, or the county and MTCS will create an alternative arrangement to split costs. MTCS will ensure transportation is provided while any disputes regarding additional costs are resolved. If a student is eligible for transportation under this section, the Foster Care Transportation Liaison will convene a meeting to establish an individualized transportation plan for the student. The liaison will attempt to include the county welfare agency and others who may be involved in education decision-making for the student, such as the student's caseworker, foster parent or caregiver, or court-appointed guardian.

XI. AVAILABILITY OF SERVICES

Transportation shall 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 MTCS, on staff development days.

X. MANNER OF TRANSPORTATION

- A. 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.

- B. MTCS will provide the parent(s) or guardian(s) with information about transportation when a pupil enrolls. MTCS and/or its transportation provider will maintain safe and convenient bus stops that are a reasonable distance from each student's home.
- C. MTCS will communicate all route maps, information regarding each student's stop, and pick-up times to parent(s) or guardian(s) prior to the beginning of each school year.

XI. RESTRICTIONS

Transportation by MTCS 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 MTCS'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 United States Code section 1415 (Individuals with Disabilities Act), 29 United States Code section 794 (the Rehabilitation Act), and 42 United States Code section 12132, (Americans with Disabilities Act) are governed by these provisions.

XII. FEES

- A. In its discretion, MTCS may charge fees for transportation of students to and from extracurricular activities conducted at locations other than school, where attendance is optional.
- B. MTCS may charge fees for transportation of students to and from school when otherwise authorized by law. If MTCS 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. MTCS 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 Minnesota Statutes section 190.05.
- C. MTCS 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.
- D. Where, in its discretion, MTCS provides transportation to and from an instructional community-based employment station that is part of an approved occupational experience vocational program, MTCS may require the payment of reasonable fees for transportation from students who receive remuneration for their participation in these programs.

Legal References:

Minn. Stat. § 120A.22 (Compulsory Instruction)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.59 (Bus Transportation a Privilege Not a Right)
Minn. Stat. § 123B.36 (Authorized Fees)
Minn. Stat. § 123B.41 (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 (Options for Enrolling in Adjoining States)
Minn. Stat. § 124D.041 (Reciprocity with Adjoining States)
Minn. Stat. § 124D.08 (School Board's Approval to Enroll in Nonresident District; Exceptions)
Minn. Stat. Ch. 125A (Special Education and Special Programs)
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 (Definitions)
Minn. Stat. § 127A.47 (Payments to Resident and Nonresident Districts)
Minn. Stat. § 190.05 (Definitions)
Minn. Rules Part 7470.1600 (Transporting Pupils with Disability)
Minn. Rules Part 7470.1700 (Drivers and Aides for Pupils with Disability)
20 U.S.C. § 1415 (Individuals with Disabilities Education Act)
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: