

# MINNETONKA PUBLIC SCHOOLS

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## POLICY 707: TRANSPORTATION OF PUBLIC SCHOOL STUDENTS

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### 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

The Minnetonka School District recognizes that transportation is an essential part of the District's services to students and parents. It is the policy of the District to provide for the transportation of students in a manner which will protect their health, welfare and safety.

### III. REGULATIONS

- A. Transportation by the 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 District's discipline policy. When a student's bus riding privileges are revoked the parent or guardian is responsible for the student's transportation to school. 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 USC § 1415 (Individuals with Disabilities Act), 29 USC § 794 (the Rehabilitation Act), and 42 USC § 12132, (Americans with Disabilities Act) are governed by these provisions. (Minn. Stat. § 121A.59)
- B. Requests to modify the District's transportation policies or procedures will be very carefully evaluated by taking into consideration student needs, the financial impact of the request, and the impact on existing district transportation procedures and practices.
- C. District responsibility for students begins when the child boards the bus for the start of the school day and ends when the child leaves the bus at the end of the school day.
  1. It is the legal obligation of parents/guardians to assume the supervision of students when walking either to or from the bus stop and home, at the bus stop, and to and from school and home.

2. If a student, either eligible or ineligible for District transportation service, elects to walk to school, the District does not assume responsibility for the safety of the student when walking to and from school.

#### **IV. RESIDENT ELIGIBILITY**

- A. **Two or More Miles from School:** The District shall provide transportation to and from the school in which they are enrolled, at the expense of the 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. **Less Than Two Miles from School:** Students who live less than two miles from the school in which they are enrolled are not eligible for free transportation under State law and will be required to pay a transportation fee set annually by the School Board.

Eligibility is determined by measuring the distance using the most direct route between the student's residence and the respective school of enrollment. Distances are electronically calculated with the assistance of the current bus routing software that incorporates detailed mapping capabilities. If the measurement is appealed, the District will re-measure the distance from the driveway of the school to the driveway of the student's residence using a global positioning system (GPS).

- C. **"Fee for Service" Criteria and Rate Structure:** Students who live less than two miles from the school to which they are assigned are required to pay a transportation fee set annually by the School Board.

Exceptions:

1. Bus service at the entire expense of the District will be provided to special education students who require transportation as part of their Individual Education Plan (IEP), regardless of where they live. Special education students riding a designated special education bus will be transported at no charge. Note: All students, including special education students, riding a regular school bus and residing less than two miles from school will be required to pay a fee for bus service.
2. If a middle school student resides within the Middle School West (MMW) attendance area and is more than two miles from MMW, and has accepted the District's offer to attend Middle School East (MME), a transportation fee will not be assessed even if the student's residence is within two miles of MME.
3. Under the Optional Pupil Transfer (OPT), a pupil may be assigned by the Superintendent from the regularly assigned school to another school under the Optional Pupil Transfer (OPT) to achieve better class attendance.

- a. The Superintendent will identify for possible reassignment, pupils who are located near adjacent borders or within areas which minimize transportation costs and/or disruption of multiple neighborhoods.
  - b. The District will provide transportation for OPT students.
- D. Adjustment for Ability to Pay: The bus fee will be waived for students who are eligible for free or reduced price meals. If not eligible for free or reduced price meals, the District will consider an application to waive or reduce the transportation fee on a case-by-case basis. Special consideration will be given to students whose family is experiencing severe financial hardship (for example, unusually high medical expenses.)
- E. Other Policy Considerations:
  - 1. Non-Public Students: All students, both public and non-public, residing less than two miles of their school will be required to pay the transportation fee.
  - 2. Bus Pass Required: A bus pass will be issued to each student paying for bus service and to each student residing two or more miles from school. A pass will be required to ride the bus.
  - 3. Prorated Fees: Purchase of a bus pass requires that space be reserved for that student. Therefore, the fee will cover a full year's service and will not be prorated should the student elect not to ride every day or to ride only part days. If the student moves from the District prior to the start of the final quarter or a student begins service after the start of the first quarter of the year, a prorated refund or charge will be provided. There will be no reduced fee if the student starts before the beginning of second quarter and no refund if the student withdraws after the start of the final quarter.
  - 4. Ready Start Kindergarten: Eligibility for free transportation will be determined based on the distance from the child's residence and the school in which the Ready Start program is located. If the distance is two miles or more free bus service will be provided. If the distance is less than two miles the parents will be required to pay fee to ride the bus.
- F. Parent Option Program: The Parent Option Program is an option which allows any parent or guardian to request that a student attend school at a District school other than that student's regularly assigned school.
  - 1. The parent/guardian has the responsibility for the transportation of a POP student.
  - 2. Students attending a District school under POP may use existing District transportation services on a space available basis. The District will not alter existing bus routes to travel into another attendance area to pick up a student enrolled under POP.

3. A fee will be assessed if the student's residence is less than two miles from the school the student is enrolled in under the POP program.

G. Kindergarten Transportation:

1. Kindergartners riding regular elementary school buses in the morning and afternoon will use the same bus stops as the first grade through fifth grade students.
2. Kindergartners riding mid-day buses either to or from school will be picked up/dropped off in front of their houses whenever possible. In the event that road configurations, time constraints or other factors make ~~this~~ that impossible, the District will designate another nearby, safe location as the official bus stop.

**V. TRANSPORTATION SCHEDULING PROVISIONS**

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. (Minn. Stat. § 123B.88, Subd. 1)

- A. Delivery to School—Under normal circumstances, students should be delivered to their schools five to fifteen minutes prior to the start of school. Shuttle buses running ~~runs~~ between schools may create an exception to this rule.
- B. After School Delivery Runs—Under normal circumstances, buses shall depart from the school within ten minutes of school dismissal.
- C. Shuttle Runs—Shuttle routes may be utilized to transport students from one school attendance area to another attendance area in order to expedite routes.
- D. Bus Stops—Whenever possible, bus stops will be located at a corner or intersection Bus stops will be located to maximize bus route safety and efficiency.
  1. Standard maximum walking distances for students to bus stop are as follows:

Grades K-5:	.4 Mile
Grades 6-12:	.6 Mile

Shorter walking distances may be afforded to students where possible, but the distances noted here may be used.

2. Location of bus stops shall take into consideration visibility of the bus stop from oncoming traffic, traffic flow, impact of seasonal variations, traffic conditions, construction activities, and ensuring the bus can safely navigate the street without a back-up maneuver.

- E. School Bus Capacity—Buses must adhere to the seating capacity limitations indicated on the vehicles.
- F. Length of Ride—Regular bus runs shall not exceed the following maximum riding times:
  - 1. Senior High School—45 minutes
  - 2. Middle Schools—35 minutes
  - 3. Elementary Schools—25 minutes
  - 4. Nonpublic Schools—45 minutes
  - 5. Special Education within District—50 minutes
  - 6. Special Education outside District—70 minutes

## **VI. NON-PUBLIC SCHOOLS TRANSPORTATION**

### **A. Within School District**

- 1. Equal Treatment—Students attending nonpublic schools shall receive equal, but not necessarily identical, transportation services as provided to public school students.
- 2. School Hours—The nonpublic school is responsible for coordinating its calendar and starting and dismissal times with those of the District. The District shall determine the times that students will be transported to non-public schools and the dates of such transportation. Non-public schools will be expected to conform with these decisions.
- 3. Bus Routes—When separate routes for public and non-public students are used, nonpublic school routes shall operate within the same parameters as the District’s public school routes.

### **B. Outside the District**

- 1. District residents whose child/children attend a state certified nonpublic school outside the District are eligible for limited transportation or reimbursement for transportation expenses.
- 2. The Superintendent will determine whether the District will provide the student with transportation services or financial reimbursement for other transportation services.
- 3. Option to Reimburse—When the District elects to reimburse the student for transportation costs, it is responsible only for costs incurred in transporting the student from his/her residence to the District boundary.

## **VII. VIDEOTAPING ON SCHOOL BUS**

### **A. Placement**

1. Each and every school bus owned, leased, contracted, and/or operated by the District shall be equipped with a fully-enclosed box for placement and operation of a video camera and conspicuously placed signs notifying riders that their conversations or actions may be recorded on tape.
2. A video camera will not necessarily be installed in every school bus owned, leased, contracted, and/or operated by the District, but cameras may be rotated from bus-to bus without prior notice to students.
3. Video cameras will be placed on a particular school bus, to the extent possible, where the District has concerns about possible inappropriate behavior.

### **B. Use of Videotape**

1. A videotape of the actions of student passengers may be used by the District as evidence in any disciplinary action brought against a student, arising out of the student's conduct on the bus.
2. A videotape will be released to the public only in conformance with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and the Family Educational Rights and Privacy Act, 20 USC §1232g, and the rules and/or regulations promulgated there under.
3. Videotapes will be viewed by District personnel on a random basis and/or when discipline problems on the bus have been brought to the attention of the School District.
4. A videotape will be retained by the District for a period of two (2) weeks, or until the conclusion of disciplinary proceedings in which the videotape is used for evidence.

## **VIII. TRANSPORTATION OF NONRESIDENT STUDENTS**

- A. If it is determined to be within the best interests of the District to transport nonresident students from within the student's resident district such transportation shall be provided to a nonresident student at the same level of service that is provided to resident students. The District shall determine when the decision is made to transport nonresident students the appropriate fee for the service.
- B. If the District decides to transport a nonresident student within the student's resident district, the 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 the nearest bus stop within the Minnetonka 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))

**IX. TRANSPORTATION OF RESIDENT STUDENTS TO NON-DISTRICT SCHOOLS**

In general, the Minnetonka Public 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. (Minn. Stat. § 124D.03, Subd. 8)

**X. SPECIAL EDUCATION/DISABLED STUDENTS/STUDENTS WITH TEMPORARY DISABILITIES**

- A. 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 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 District. The 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 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 District, shall be provided transportation, by the District to and from said board and lodging facilities, at the expense of the District. (Minn. Stat. § 125A.65)
- D. 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 Minnetonka School District during the care and treatment, the Minnetonka School District shall provide the transportation, at the expense of the Minnetonka School District, to that student. (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. §125 A. 51( c ). It is reasonable for the school district to refuse or delay transportation to a care and treatment program if the school

district administration has been denied the opportunity to participate in the placement decision.

2. Consistent with the authority granted by Minnesota law, the purpose of this policy is to establish reasonable restrictions on the transportation of students who are temporarily placed for care and treatment in a day program and who continue to live within the boundaries of Minnetonka School District (“District”) during the care and treatment. In adopting this policy, the School Board has given consideration to various social, political, economic, and educational factors.

Reasonable Transportation Restrictions:

- a. Closer Facility: The district may refuse to transport a student to a care and treatment facility if another care and treatment facility is at least ten miles closer to the student’s home and is sufficient to meet the needs of the student. The following exception applies: The District will provide transportation to the next closest facility that is covered by the student’s insurer and has an opening if:
    - i) The student’s parent or legal guardian submits written documentation to the District showing that the insurer has formally denied coverage for a requested placement at the closest facility or
    - ii) The student’s parent or legal guardian submits written documentation to the District office showing that the closest facility has denied a requested placement.
  - b. Ten Mile Radius: The District may refuse to transport a student to or from a care and treatment facility that is located more than ten (10) miles outside the District’s geographic boundaries.
  - c. Regular Operating Hours: The District may refuse to transport a student to or from a care and treatment facility outside the District’s regular operating hours.
  - d. Non School Days: The District is not responsible for and may not provide transportation when its schools are not in session, although transportation may be provided for special education students who receive extended school year services.
  - e. The district may limit the number of trips to 2, in a given day, and will be based on the timing and location of the education services provided while the child is placed at care and treatment.
- 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 Minnetonka School

District, including correctional facilities operated on a fee-for-service basis and state institutions, for care and treatment, the District shall provide the necessary transportation at the expense of the 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))

- F. 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)
- G. Special transportation is provided within the student's enrollment area for that school or special program. If the student residing outside of the school district is accepted through open enrollment, the district may provide special transportation from the district's boundary area in accordance with the Minnesota 8<sup>th</sup> Circuit Court Ruling [*Student*] v. *Eveleth-Gilbert Public Schools* re: Transportation of OE Special Education students (Minn. Stat. § 124D.03, subd. 8).

#### **XI. DISTRICT 288 SECONDARY VOCATIONAL PROGRAM TRANSPORTATION**

The District will provide and pay for shuttle service between Minnetonka High School and Southwest Metro Career and Technical Program locations for students enrolled in the District #288 Secondary Vocational Program.

#### **XII. WORK EMPLOYMENT/COOPERATIVE EDUCATION PROGRAM (WE/CEP)**

No transportation will be provided for pupils enrolled in WE/CEP, unless the program provides transportation funding.

#### **XIII. HOMELESS STUDENTS**

- A. Homeless students shall be provided with transportation services comparable to other students in the District. (42 USC § 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 District shall provide transportation for a homeless student as follows:
  - 1. A resident student who becomes homeless and is residing in a shelter location or has other non-shelter living arrangements within the District shall be provided transportation to and from the student's school of origin and the shelter if the shelter is two or more miles from the school of origin and the student's transportation privileges have not been revoked. (42 USC § 11432(g)(1)(J)(iii)(I))

2. A resident student who becomes homeless and is residing in a shelter location or has other non-shelter living arrangements outside of the Minnetonka School District shall be provided transportation to and from the student's school of origin and the shelter if the shelter location is two or more miles from the school of origin and the student's transportation privileges have not been revoked, unless the 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 USC § 11432(g)(1)(J)(iii)(II))

#### **XIV. AVAILABILITY OF SERVICES**

##### **A. When Provided**

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, at the discretion of the District, on staff development days or other non-school days. (Minn. Stat. § 123B.88, Subd. 21)

##### **B. Field Trip Transportation**

The District will provide free transportation services for field trips when the field trips are an integral part of a required course of study.

##### **C. Interscholastic/Co-curricular/Community Service Activity Transportation**

There is a broad variety of transportation needs associated with interscholastic/cocurricular activities/Community Education sponsored activities. Not all activities or programs have District-provided transportation. At the start of the program's activities, participants will be informed of the scope of District-provided transportation services.

##### **D. Transportation of Students by Staff**

Transportation of students by staff shall occur only when all criteria mandated by the state have been met, including licensing, and vehicle inspection.

#### **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 Minnetonka Public 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.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)  
20 USC § 1415 (Individuals with Disabilities Education Improvement Act of 2004)  
29 USC § 794 (Rehabilitation Act of 1973, § 504)  
42 USC § 2000a (Prohibition Against Discrimination or Segregation in Places of Public Accommodation)  
42 USC § 11431, et seq. (McKinney-Vento Homeless Assistance Act of 2001) 42 USC § 12132  
(Americans With Disabilities Act)

Cross References:

Policy 506: Student Discipline and Code of Conduct  
Policy 535: Students: Assignment to Schools  
Policy 709: Student Transportation Safety  
Policy 722: Public Data and Data Subject Requests

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