

INDEPENDENT SCHOOL DISTRICT 283

SECTION/FILE: 707

DATE OF ADOPTION 12/28/81

REVISED: 11/23/92; 02/25/19; 04/28/2026

TITLE: Transportation of Public School Students

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. It is the policy of ~~St. Louis Park Public Schools the school district~~ provides for the transportation of students in a manner which will protect their health, welfare and safety.
- B. ~~St. Louis Park Public SchoolsThe 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”~~ A child with a disability includes every child who has 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 and needs special instruction and services, as determined by the standards of the Department of Education. In addition, every child under age three, and at ~~St. Louis Park Public Schools’ the school district’s~~ discretion from age three to seven, who needs special instruction and services, as determined by the standards of the 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. (Minn. Stat. § 125A.02)
- B. “Home” is the legal residence of the child. In the discretion of ~~St. Louis Park Public Schoolsthe 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, 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 ~~St. Louis Park Public Schools the school district~~ if enrolled in ~~St. Louis Park Public Schools the school district~~. (Minn. Stat. § 123B.92, Subd. 1(b)(1); Minn. Stat. § 127A.47, Subd. 2)
- C. ~~“Homeless student~~ Student experiencing homelessness and qualifies under the McKinney Vento Act” 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. Stat. §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 **St. Louis Park Public Schools** ~~the 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 **St. Louis Park Public Schools** ~~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 for a student experiencing homelessness under the McKinney Vento Act definition~~, 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.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, **St. Louis Park Public Schools** ~~the school district~~ shall provide transportation to and from school, at the expense of **St. Louis Park Public Schools** ~~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. **St. Louis Park Public Schools** ~~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. ~~At the~~ discretion of **St. Louis Park Public Schools** ~~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. This includes part-time secondary students, early childhood family education participants and area learning center students. The cost of providing such transportation must be paid by those individuals using these services or some third-party payor, with the exception of early childhood family education participants and area-learning center students if the provision of such transportation services can be provided without an increase in **St. Louis Park Public Schools’** ~~the school district’s~~ expenditures. (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, ~~St. Louis Park Public Schools 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)
- B. If ~~St. Louis Park Public Schools the school-district~~ decides to transport a nonresident student within the student's resident district, ~~St. Louis Park Public Schools 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 the border of ~~St. Louis Park Public Schools 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))

VI. TRANSPORTATION OF RESIDENT STUDENTS TO NONDISTRICT SCHOOLS

- A. In general, ~~St. Louis Park Public Schools 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 ~~St. Louis Park Public Schools the school-district~~, if in the discretion of ~~St. Louis Park Public Schools 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. ~~St. Louis Park Public Schools 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 ~~St. Louis Park Public Schools 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 ~~St. Louis Park Public Schools 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 ~~St. Louis Park Public Schools the school-district~~. ~~St. Louis Park Public Schools 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 **St. Louis Park Public Schools** ~~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 **St. Louis Park Public Schools** ~~the school district~~, shall be provided transportation, by **St. Louis Park Public Schools** ~~the school district~~ to and from said board and lodging facilities, at the expense of **St. Louis Park Public Schools** ~~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, **St. Louis Park Public Schools** ~~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 **St. Louis Park Public Schools** ~~the school district~~. **St. Louis Park Public Schools** ~~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 **St. Louis Park Public Schools** ~~the school district~~ boundary. (Minn. Stat. § 125A.12)
- E. When a ~~disabled student~~ **child 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 **St. Louis Park Public Schools** ~~the school district~~ during the care and treatment, **St. Louis Park Public Schools** ~~the school district~~ shall provide the transportation, at the expense of **St. Louis Park Public Schools** ~~the school district~~, to that student. Transportation shall only be provided by **St. Louis Park Public Schools** ~~the school district~~ during regular operating hours. (Minn. Stat. § 125A.15(b); Minn. Stat. § 125A.51(d))
- F. When a nonresident ~~disabled student~~ **student with a disability** or a student with a short-term or temporary disability is temporarily placed in a residential program within **St. Louis Park Public Schools** ~~the school district~~, including correctional facilities operated on a fee-for-service basis and state institutions, for care and treatment, **St. Louis Park Public Schools** ~~the school district~~ shall provide the necessary transportation at the expense of **St. Louis Park Public Schools** ~~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. Any parent of a ~~disabled student~~ **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. (Minn. Rules Part 7470.1600, Subd. 2)

VIII. HOMELESS STUDENTS

- A. **Homeless** Students experiencing homelessness under the McKinney Vento Act definition students shall be provided with transportation services comparable to other students in **St. Louis Park Public Schools** ~~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, **St. Louis Park Public Schools** ~~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 **St. Louis**

- ~~Park Public Schools the school district~~ shall be provided transportation to and from the student's school of origin and the shelter or other non-shelter location on the same basis as transportation services are provided to other students in ~~St. Louis Park Public Schools the school district~~. (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 ~~St. Louis Park Public Schools the school district~~ shall be provided transportation to and from the student's school of origin and the shelter or other non-shelter location on the same basis as transportation services are provided to other students in ~~St. Louis Park Public Schools the school district~~, unless ~~St. Louis Park Public Schools 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 ~~St. Louis Park Public Schools the school district~~, ~~St. Louis Park Public Schools the school district~~ may provide transportation services between the shelter or non-shelter location and the student's school of origin outside of ~~St. Louis Park Public Schools 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 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 in~~ the discretion of ~~St. Louis Park Public Schools 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. ~~St. Louis Park Public Schools 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 ~~St. Louis Park Public Schools 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 ~~St. Louis Park Public Schools 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. In its discretion, ~~St. Louis Park Public Schools the school district~~ may charge fees for

transportation of students to and from extracurricular activities conducted at locations other than school, where attendance is optional. (Minn. Stat. § 123B.36, Subd. 1(10))

- B. ~~St. Louis Park Public Schools The school district~~ may charge fees for transportation of students to and from school when authorized by law. If ~~St. Louis Park Public Schools 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. ~~St. Louis Park Public Schools 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, ~~St. Louis Park Public Schools the school district~~ provides transportation to and from an instructional community-based employment station that is part of an approved occupational experience vocational program, ~~St. Louis Park Public Schools 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. CARE AND TREATMENT TRANSPORTATION

- A. **PURPOSE:** Consistent with the authority granted by Minnesota law, the purpose of this administrative guidance 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 St. Louis Park Public Schools (“district”) during care and treatment.
- B. **APPLICATION**
 - 1. This administrative guidance applies to regular education and special education students who:
 - a. Are legal residents of the district
 - b. Are temporarily placed for care and treatment in a day program by a person or entity other than the district, a Minnesota court, or a Minnesota government agency
 - c. Continue to live in the district during the care and treatment
- C. **DEFINITIONS**
 - 1. For purposes of this administrative guidance, the following definitions apply:
 - a. **Care and Treatment:** Students who are placed in any of the following facilities are considered to be placed in “care and treatment:”
 - i. Chemical dependency and other substance abuse treatment centers
 - ii. Shelter care facilities
 - iii. Hospitals
 - iv. Day treatment centers
 - v. Correctional facilities
 - vi. Residential treatment centers
 - vii. Mental health program facilities
 - b. Such facilities must be licensed by the Minnesota Department of Human Services or the Minnesota Department of Corrections.
 - c. **Sufficient to Meet the Needs of the Student:** This phrase means that the care and treatment facility provides treatment or services that are consistent with the established professional standard of care applicable to the individual needs of the student. In the event a student, parent, or legal

guardian contends that a facility is not sufficient to meet the needs of the student, the student, parent, or legal guardian must provide a signed statement from a qualified physician explaining why the facility is not sufficient to meet the needs of the student.

- d. Temporarily Placed for Care and Treatment: A student is “temporarily” placed for care and treatment if the placement is for less than sixty-five (65) consecutive school days or three (3) months, whichever is longer, in either a school year or a calendar year.

D. REASONABLE TRANSPORTATION RESTRICTIONS

1. 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.
 - a. 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 the requested placement.
2. Hennepin County: The District will restrict transportation for a student to or from the care and treatment facility closest to St. Louis Park Public Schools and within Hennepin County, and not to exceed up to fifteen (15) miles outside the district’s geographic boundaries.
3. Regular Operating Hours: The District will not transport a student to or from a care and treatment facility outside the district’s regular operating hours. The district is not responsible for and may not provide transportation when its schools are not in session.
4. Temporary Placement: The District may refuse to transport a student to or from a care and treatment facility for more than sixty-five (65) school days or three consecutive months, whichever is longer, in either a school year or a calendar year.

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.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 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/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