



## Transportation of Nonpublic and Charter School Students 2020-21

August 6, 2020

Statute requires the public school district to provide equal to and from transportation services for nonpublic school students in the district as it does for public school students. See Appendix A for Minnesota Statutes, section 123B.86.

### Definition of Instructional Models

The learning model implemented by each public school district will be determined according to parameters outlined in the [Safe Learning Plan for the 2020-21 School Year](#). Learning models will fall under one of these categories, or a combination of two:

1. In-person – all students in the school and grade are offered the opportunity to attend the school site in person.
2. Distance – all students in the school and grade are provided instruction through distance learning.
3. Hybrid – a combination of both in-person and distance instruction for all students in the school and grade.

Public school families must have the option of full-time distance learning if they are not comfortable with the in-person or hybrid models.

### Nonpublic Transportation

Districts are required to transport nonpublic school students within the district on days that the district is providing in-person instruction (whether fully in-person or a hybrid) and is transporting public school students to and from school. The routes and times are scheduled at the district's discretion. The public school transportation must provide the same level of safety for nonpublic schools students who are transported as public school students, e.g., social distancing, masks, bus cleaning, distance limits between home and school, etc.

- When a district is providing in-person or hybrid instruction for some or all grade levels, the district is responsible for transporting nonpublic school students of the same grade levels.
- When a district is providing in-person or hybrid instruction to some grade levels and distance learning to other grade levels, the district is responsible for transporting nonpublic school students of the same grade levels as public school students receiving hybrid instruction. The district may choose to continue to transport all nonpublic school grade levels, but is not required to provide transportation to nonpublic school students whose public school peers are receiving distance learning.

- When a district is providing in-person or hybrid instruction to schools of all grade levels but one or more schools is providing distance learning only, the district must provide to and from transportation to nonpublic school students within the district.
- When a district is not in session or is in a fully distance learning mode for all schools, the public school district is not responsible for transporting nonpublic school students to and from the nonpublic school.
- The public school district is responsible to transport meals to nonpublic school students only if the nonpublic school has an agreement with the public school system for meals.
- The public school district is not responsible to transport coursework between the nonpublic school and the nonpublic school students' homes if the nonpublic school is also in a distance learning mode.

## **Contracted Transportation Services**

The nonpublic school and the local school district can agree that the nonpublic school work with a contract bus company for service. The agreement can be that the public school will pay the agreed-upon contract and claim the expense on UFARS.

## **Uniform Financial Accounting and Reporting Standards (UFARS)**

The cost of providing nonpublic school to and from transportation is coded to UFARS FIN 720.

## **Charter School Transportation**

Minnesota Statutes Section 124E.15 allows charter schools to decide whether they will provide their own transportation of students. If a charter school does not elect to provide transportation and notifies the local district by March 1 of the preceding school year, the district in which the school is located must provide transportation for a pupil residing in the same district in which the charter school is located. The district in which the charter school is located may provide transportation to residents of other districts enrolled in the charter school. If the district provides the transportation, the scheduling of routes, manner and method of transportation, control and discipline of the pupils, and any other matter relating to the transportation of pupils is within the sole discretion, control, and management of the district. The state pays the designated transportation portion of the charter school's basic revenue to the district for transporting charter school students.

If a charter school has an agreement with the school district to provide transportation, it must continue to provide transportation to the charter school regardless of what learning model (distance, in-person, or hybrid) that district or charter school are operating. A district must not refuse to transport charter school students because it is operating a distance learning or hybrid model and the charter school is not.

Charter schools that are currently receiving district transportation may choose to instead provide their own transportation.

Charter schools that have elected to have the district transport can change their decision before the school year starts by following these steps:

4. School Board letter of approval of the change from district to charter school providing
5. Re-submit a new MARSS 62 report.
6. District letter of approval stating willingness to change, should be from Transportation director or someone with authority.

Charter schools that provide their own transportation may do it in a number of ways. They may:

- Contract with the district in which they are located.
- Contract with another school district.
- Contract with privately-owned school bus companies.
- Contract with the parents of the students.
- Purchase bus passes from a public transit agency.
- Purchase school buses.

## Appendix A

### 123B.86 EQUAL TREATMENT.

#### Subdivision 1. General provisions.

A district shall provide equal transportation within the district for all school children to any school when transportation is deemed necessary by the school board because of distance or traffic condition in like manner and form as provided in sections [123B.88](#) and [123B.92](#), when applicable.

#### Subd. 2. Nonpublic school students.

(a) The board of any local district must provide school bus transportation to the district boundary for school children residing in the district at least the same distance from a nonpublic school actually attended in another district as public school pupils are transported in the transporting district. Such transportation must be provided whether or not there is another nonpublic school within the transporting district, if the transportation is to schools maintaining grades or departments not maintained in the district or if the attendance of such children at school can more safely, economically, or conveniently be provided for by such means.

(b) The school board of any local district may provide school bus transportation to a nonpublic school in another district for school children residing in the district and attending that school, whether or not there is another nonpublic school within the transporting district, if the transportation is to schools maintaining grades or departments not maintained in the district or if the attendance of such children at school can more safely, economically, or conveniently be provided for by such means. If the board transports children to a nonpublic school located in another district, the nonpublic school must pay the cost of such transportation provided outside the district boundaries.

#### Subd. 3. Board control.

When transportation is provided, the scheduling of routes, 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 board.

#### Subd. 4. Rules.

The commissioner of education may amend rules relating to equal transportation.