

## Transportation of Public School Enrollment Options Students

Minnesota Statutes, section 123B.92 subdivision 3, provides that “A district that enrolls nonresident pupils in programs under sections 124D.03, 124D.06, 124D.07, 124D.08, 123A.05 to 123A.08, and 124D.68, must provide authorized transportation to the pupil within the attendance area for the school that the pupil attends. The resident district need not provide or pay for transportation between the pupil’s residence and the district’s border.”

The programs listed in this statute include:

- Minnesota Statutes, section 124D.03, Enrollment Options /Open Enrollment
- Minnesota Statutes, section 124D.06, Grandfather Clause/40 Acre Law/Previous Enrollment
- Minnesota Statutes, section 124D.07, Commissioner Approved Exceptions
- Minnesota Statutes, section 124D.08, Nonresident Student Attendance Agreement; Enrollment Choice for 11th and 12th Grade Students
- Minnesota Statutes, section 123A.05 – 123A.08, Area Learning Center
- Minnesota Statutes, section 124D.68, Graduation Incentives Program

Please be aware that all of these programs refer to public school pupils having a choice as to the **public school district or program** that they wish to attend.

### Pupil’s Resident District

Once a public school pupil has decided to participate in one of the Enrollment Options Programs, the pupil’s resident district is relieved of **all** transportation responsibilities. In addition, the pupil’s resident district cannot be billed for any transportation services from the pupil’s new (enrolling) district. These provisions apply to all public school enrollment options pupils regardless of whether the pupils have any disabilities.

### Pupil’s Enrolling District

The enrolling district is required to provide transportation within the attendance area of the school that the pupil attends. If a school district has only one elementary or secondary school, then the attendance area and the school district boundary would be the same.

If a school district has more than one elementary or secondary school, then a school district may develop attendance areas for the schools. The district would only provide free transportation within the attendance area of the school that the pupil attends. If an open enrollment pupil chooses to attend a school on the far side of the enrolling district, the enrollment options pupil would be required to travel across part of the enrolling district in order to arrive at the attendance area boundary of the school that the pupil is attending.

If a school district has a written board policy on the maximum distance a resident pupil can travel to a bus stop, then the policy will apply to enrollment options pupils as well. The distance would be measured from the attendance area boundary to the bus stop location. If a school board does not have a policy on this matter, then an enrollment options pupil may be required to travel up to two miles to a bus stop in the attendance area. Two miles is the distance a pupil without disabilities must live from school before a district must provide transportation. Because the state has determined that more than two miles is too far for a pupil to walk to school, it would seem to contradict the intent of the law to require a pupil to travel more than two miles to a bus stop.

## **Enrolling District Traveling into the Enrollment Options Pupil's Resident District**

Minnesota Statutes, section 123B.88, subdivision 6, provides that the enrolling district (referred to as the nonresident district in this subdivision) **may** transport the enrollment options pupil within the pupil's resident district. This section also provides that "If a nonresident district decides to transport a nonresident pupil within the pupil's resident district, the nonresident district must notify the pupil's resident district of its decision, in writing, prior to providing transportation."

The department recommends that the written notification be given on an annual basis even though the section does not specifically provide how often the notice must be given. The enrolling district is not required to travel into another district to transport enrollment options pupils and may change this level of transportation service offered from year-to-year. The resident district should be notified annually of the enrolling district's transportation plans for the upcoming school year.

In addition, even though this provision provides that a district "may" transport a pupil within the pupil's resident district, there may be instances when a district would be "required" to transport an enrollment options pupil within the pupil's resident district. If the enrollment options pupil has a disability and the pupil requires special transportation to get to and from school, then the enrolling district would be required to transport the pupil from the pupil's home to the education site. This interpretation is based on case law.

## **Low-Income Pupil Participating in an Open Enrollment Program**

If an open enrollment pupil is from a family with an income at or below the federal poverty levels, then the family will qualify for reimbursement from the pupil's home to the district/attendance area border. The family must make application to the enrolling district. The reimbursement is limited to actual cost or 15 cents per mile - whichever is less. In addition, mileage reimbursement cannot exceed 250 miles per week.

Please be aware that the program for low-income families is only available to public school pupils enrolling in your district under the open enrollment program and the charter school program - Minnesota Statutes, section 124D.03 and Minnesota Statutes, section 124D.10. If a pupil is enrolled in your district under any of the other enrollment options programs, then they cannot participate in this reimbursement program.

Districts can access the forms for this program from the [Transportation Reporting website](#) under the Mileage Reimbursement tab look for the Open Enrollment and Charter School Enrollment Programs. There is a summary of the program, three forms and instructions.

## ***Summary***

Districts are reminded that this only applies to public school pupils participating in an enrollment options programs. These provisions do not apply to pupils attending nonpublic schools in other school districts. Refer to Minnesota Statutes, section 123B.86 for more information on a school district's responsibility to transport nonpublic school pupils.