

## Transportation of Charter School Students

Minnesota Statutes, section 124E.15, gives charter schools the authority to either provide their own transportation services, or to use the transportation services of the districts in which they are located. There are many transportation issues that charter schools must consider. Below are some of the most important.

### Selecting a Site

Before signing a lease for a site, the charter school officials should visit with city/county public works staff about whether the site they have selected has a suitable area for a school bus loading and unloading zone. Issues to discuss with the staff include:

- Are school buses allowed to stop on the streets around the site, or must they load and unload in a parking area?
- Will street loading/unloading interfere with rush-hour traffic? If so, what times will be impacted?
- Will businesses or residents in the area ask the city to limit the times and places where buses can load and unload?
- Will the loading and unloading block access to alleys or other private drives?
- Will signs need to be installed to alert motorists and others that there is a bus loading/unloading area on the street?
- Is there an area for buses to stack up – waiting to either load or unload?

Visiting with city/county officials while the site is being considered may help charter schools avoid any issues that may arise after a lease is signed. Charter school staff should also ask the transportation staff of the district to review the site to determine if there are other safety concerns that need to be addressed.

### District-Provided Transportation

Charter schools must notify the districts in which they are located of their transportation choice by March 1 for existing charter schools, and July 1 for charter schools in their first year. Many districts develop bid specifications for their routes for the upcoming school year around March 1. If the districts know they must provide transportation for charter schools, the additional routes can be included in their route bid specification.

The districts determine which days they will provide transportation services and the times buses will arrive in the morning and leave in the afternoon. The charter schools relinquish control over these matters in exchange for to-and-from school transportation services. These are the same rights districts have with nonpublic schools within their districts. Charter schools will have to provide their own transportation if they wish to be in session on the days the districts are not providing transportation services.

The districts are required to transport all resident students attending charter schools within their boundaries, provided the charter school students live an eligible distance from the charter schools. The law provides that districts may transport nonresident students attending charter schools within their boundaries, but they are not required to provide the service.

Charter schools must pay for non-authorized transportation services. Non-authorized transportation services include activity trips and field trips. Districts are not required by law to provide this level of service and there is no funding available from the state.

If charter schools choose district-provided transportation, the districts will receive the transportation portion of the charter school's general education basic revenue. The transportation portion is 4.66 percent of the basic revenue amount or \$288.36 (for 2017-18). In other words, the general education basic revenue amount for a charter school using district-provided transportation would be \$6,188.00 ( $\$6,188 \times 4.66 \text{ percent} = \$288.36$ ) ( $\$6,188 - \$288.36 = \$5,899.64$ ).

Even though a charter school decides to use district-provided transportation services, they are still responsible for entering the appropriate Minnesota Automated Reporting Student System (MARSS) transportation code on the student file and must provide school bus safety training for their students. Students in kindergarten through third grade must receive school bus safety training twice a year. This is because younger students are more likely to be injured or killed in school bus accidents.

Charter schools should also obtain a copy of the school district's transportation policy. The policy will contain information on which behaviors are unacceptable on a school bus. Riding a school bus is a privilege and not a right. Students may lose their bus-riding privileges for an entire school year if they fail to follow the rules. Charter schools should also review with the districts what steps will be followed if there is an emergency – such as an accident or breakdown.

## **Charter School-Provided Transportation**

Minnesota Statutes, section 123B.88, subdivision 1, provides that students living two miles or more from a charter school must be offered transportation services. It is a local decision whether to transport students who live less than two miles from school. Minnesota Statutes, section 124E.03, subdivision 2(i), requires charter schools to comply with all pupil transportation requirements and prohibits a charter school from requiring parents to surrender their student's transportation rights.

If the student is eligible for transportation, the charter school must provide it to and from school if requested by the parent or guardian. Charter schools may ask the parents of the students to surrender their children's bus-riding privileges in order to provide a more efficient transportation service (for example, if a high school student drives himself to school each day and does not use the bus service).

If the parents agree, the schools would not be required to provide transportation services. Charter schools need written documentation from the parents showing that they have surrendered their children's bus-riding privileges. The policy must be flexible enough to allow parents to change their minds.

Surrendering transportation privileges may not be used to eliminate the transportation obligation of the charter school. When a charter school does not provide transportation, it discriminates against families who cannot provide their own transportation. This is a violation of the school's requirement to be a public school and part of the state's public education system. A charter school cannot put pressure on parents to surrender the children's bus-riding privileges.

When a charter school provides their own transportation, they are required to provide transportation within the district in which the charter school is located. Students that live outside the district in which the charter school is located would need to present themselves at a border bus stop in order to get a free ride to school. The charter school is not required, but may go outside the district boundaries, to provide transportation. The student's resident district need not provide or pay for transportation between the pupil's residence and the district's border.

Charter schools may charge a fee for to-and-from school transportation services if the student lives less than two miles from school (Minn. Stat. § 123B.36, subd. 1(11)). Students cannot be denied access to the transportation services if they are unable to pay the fee. Qualification for free or reduced-price meals may be used to determine eligibility for a free or reduced-price ride for students who live less than two miles from school. There is no authority in law for districts to charge a fee for transportation when the students live more than two miles from school.

If a charter school elects to provide transportation outside the district in which the charter school is located, they may charge a fee for only the miles from the student's home or bus stop to the district boundary. Income levels to determine fees would apply.

## Transportation Policy

Charter schools should adopt a policy to identify which students are eligible for transportation based on distance and grade level. There is nothing in state law or rule that dictates how a charter school must measure the distance between a student's home and the school. Each local school board should adopt a policy on where the measurement will start and end. Some suggestions for measuring distance include:

Measure the walking distance on public roadways or walkways using the most direct, safe route. Do not use the route taken by the bus unless it is the most direct, safe route.

Begin measurement at:

- Centerline of street – aligned with normal walkway to the student's house; or,
- Centerline of street – aligned with driveway to house; or,
- Property line of lot.

End measurement at:

- Centerline of street in front of school entrance that the child would use if the child walked to and from school; or,
- Centerline of street in front of assigned central entrance to the school; or,

- School bus loading and unloading area at the school; or,
- Property line of school.

A charter school may transport children who would encounter an extraordinary traffic, drug or crime hazard if they walked. The charter school would determine what conditions would be considered hazardous (Minn. Stat. § 123B.92, subd. 1(2)).

## Other Important Points About Transportation

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.

Charter schools that contract for school bus service with a district or a privately-owned company should put the terms of the contract in writing. This will protect the charter schools from any disputes that may arise about the amount to be paid or the level of services that is expected from the district or company.

Some charter schools may decide to contract with the parents. Parents are exempt from having vehicles that comply with school bus regulations when they transport their own children. However, if parents are being reimbursed for their travel and they transport children other than their own, they would have to have their vehicles inspected by the Minnesota State Patrol. The State Patrol will be looking for such equipment as a fire extinguisher, first aid kit, body fluids clean up kit and warning triangles. In addition, the driver would be required to comply with Type III driver requirements, which include safety training, driver's license check, physical examinations and background checks. The driver may be subjected to drug and alcohol testing depending on the charter school's policy.

Purchasing passes from a public transit agency may also be used. This is only recommended for secondary school-aged students, due to safety concerns with younger children using public transit alone.

Charter schools may purchase school buses; however, charter schools should consider:

- Storage. Is there a garage or locked yard available for storage? Will the buses be parked on the street? Is street parking permissible in the area?
- Maintenance. Where will the oil be changed, the brakes repaired, etc.?
- Driver Training. Who will provide training for the school bus drivers?
- Federally Mandated Drug Testing. Who will do the drug testing? Any individual with a Commercial Driver's License (CDL) must be tested for drugs. Any driver of a vehicle that seats 15 or more persons must have a CDL.
- Liability Insurance. Liability insurance rates have increased significantly in recent years. Be sure to factor insurance costs into the budget.

- **Cost of a Bus.** The average cost of a new bus is \$70,000. Charter schools should contact school districts to see if there are good, used buses available at a much lower cost.

There may be occasions when charter schools will use vans to transport students instead of school buses. Only vans with a manufacturer's rated seating capacity of 10 persons or less can be used to transport students. Larger vans have weaker sidewalls and can roll over easily. Therefore, the larger vans cannot be used to transport students in Minnesota. Even though van drivers are not legally required to undergo the federally mandated drug testing, most districts require any individual transporting students to participate in the drug-testing program.

Before a vehicle can be used to transport students, it must be inspected by the Minnesota State Patrol. Vehicles that fail the inspection cannot be used until all defects have been repaired.

When charter schools provide their own transportation, they will collect the entire general education basic revenue amount of \$6,811. This amount includes transportation.

Charter schools may receive additional funding if they transport students with disabilities on special bus routes. In order to qualify for this funding, the students with disabilities must have transportation listed as a related service on the Individualized Education Program (IEP). For FY 2018, special education transportation is paid at 100 percent, less a proration factor. There is no statewide adjustment factor.

Charter schools providing their own transportation will be required to complete the year-end pupil transportation report showing the number of buses used to transport students and the annual mileage. Transportation expenditures will be reported on the Uniform Financial Accounting and Reporting Standards (UFARS) data submission. The number of students transported will be reported on the MARSS data submission.

## **Mileage Reimbursement Program**

Students from low-income families attending a charter school under Minnesota Statutes, section 124E.15(d), may qualify for some mileage reimbursement.

This program is also available to districts or charter schools that choose to provide out-of-district transportation on a fee basis. The district or charter school can be reimbursed only for the transportation costs of those students who qualify as members of low-income families. Districts and charter schools are eligible for 15 cents per mile per eligible student.

The income levels for the school year can be found on the second page of the Monthly Transportation Reimbursement Request.

[View copies of transportation forms and instructions.](#)

## **Questions**

If you have any questions about the transportation program, email [Pupil Transportation](mailto:pupiltransportation.mde@state.mn.us) (pupiltransportation.mde@state.mn.us).