

Minnesota Homeless Transportation Frequently Asked Questions

Focus on Legislation Change Effective July 1, 2019

Changes made to [Minnesota Statutes, section 120A.20, subdivision 2](#) during the 2019 legislative session may impact responsibility for providing transportation for students experiencing homelessness with an individual education plan (IEP) who are placed in an intermediate school district, special education cooperative, service cooperative, or education district.

Definitions

The following definitions are important in establishing understanding of the FAQs that follow:

Student

For the purposes of this document, the student is a student with a disability currently being served under the Individuals with Disabilities Act (IDEA) through an IEP, who is also experiencing homelessness.

Initial serving district

Minn. Stat. § 120A.20 subd. 2 (d) uses the term serving district at the time of the pupil's enrollment in the program. For the purposes of this document, the district that places a student in an intermediate school district, special education cooperative, service cooperative or education district at the time of the pupil's enrollment is referred to as the initial serving district. There can only be one initial serving district at any given time. The initial serving district may or may not be the district in which the student's parent or guardian resides which would be referred to as the resident district.

District of enrollment

M.S. 120A.20 subd. 2 (d) uses the terms intermediate school district, special education cooperative, service cooperative, or education district that authorizes the program a pupil is enrolled. These are referred to as the district of enrollment in this document. The district of enrollment reports the student in MARSS and serves the student on behalf of the initial serving district. A district of enrollment has authorized the program into which the student has been placed and provides the education program.

Current serving district

The current serving district, for the purposes of this document, is the district where the student currently resides.

2019 Legislative Change Summary

[Minnesota Statutes, section 120A.20, subdivision 2](#) was amended with the addition of (d):

(d) For a homeless pupil with an individualized education program enrolled in a program authorized by an intermediate school district, special education cooperative, service cooperative, or education district, the serving district at the time of the pupil's enrollment in the program remains responsible for transporting that pupil for the remainder of the school year, unless the initial serving district and the current serving district mutually agree that the current serving district is responsible for transporting the homeless pupil. (Full citation at end of document)

The 2019 amendment makes the district that placed a student with an individual education plan (IEP) in a program offered by an intermediate school district, special education cooperative, service cooperative or education district responsible for transporting that student for the remainder of the school year. Additionally, the amendment allows the initial serving district and the current serving district to mutually agree that the current serving district will assume responsibility for transporting the student for the remainder of the school year.

Questions and Answers

Question 1: Does the law apply only to students who are experiencing homelessness when placed or does it include students who began experiencing homelessness after placement in the district of enrollment?

Answer: It is the responsibility of the initial serving district to transport the student regardless of the student's housing status at the time of placement. Additionally, the amendment allows the initial serving district and the current serving district to mutually agree that the current serving district is responsible for transporting the student.

Question 2: If a student with an IEP attends a district of enrollment, is the initial serving district responsible to transport for the rest of the school year no matter where the parent and/or student reside?

Answer: Yes. The initial serving district is responsible for transportation until the end of the school year. However, if the initial serving district and the current serving district come to an agreement, the current serving district can take responsibility for transportation. If it's determined that it is in the student's best interest to continue his or her education in the school of origin, then the initial serving district must provide or arrange for transportation to and from the school of origin.

Question 3: How do we determine the initial serving district that is responsible for transportation?

Answer: The initial serving district is the independent or special school district that placed the student in the district of enrollment.

Question 4: Who is responsible for transportation the following school year if the student is still identified as homeless?

Answer: The amendment clearly applies to the remainder of the current school year that a student becomes homeless. After the first year, Minn. Stat. 120A.20, subd. 2(b) and (c) applies. It is strongly recommended that initial serving district and current serving district work together with district of enrollment to develop and evaluate timelines in order to mutually establish responsibility for transportation.

Question 5: What happens when the student finds permanent housing and is no longer experiencing homelessness?

Answer: For the remainder of the current school year, the initial serving district remains responsible for providing transportation. If future years, the serving district would be responsible for providing transportation based on the agreement with the enrolling district.

Question 6: Should transportation and fiscal obligations determine services and appropriate placement?

Answer: No. Placement decisions may not be made based on transportation or financial obligations, but instead are made by a group of persons, including the parents, and other persons knowledgeable about the student in conformity with least restrictive environment provisions. 34 C.F.R. § 300.116. In order to provide FAPE for students with disabilities, the student's IEP team will determine service and appropriate placement. 34 C.F.R. Part 300. Transportation must be in place as soon as possible and services must begin accordingly.

Question 7: Does the legislation change apply to area learning centers (ALC) located within an independent or special school district?

Answer: No. The legislation change applies to intermediate school districts, special education cooperatives, service cooperatives, and education districts only.

Question 8: Is the information regarding the initial servicing district reported through MARSS to MDE?

Answer: Currently MDE does not collect initial serving district information in the statewide edit system. MDE plans to collect this in the future through the [Ed-Fi collection system](#). MDE is transitioning to a new way of collecting student data. The system uses Ed-Fi technology. Several student data collections will move to Ed-Fi effective FY 2020. All districts will transition from MARSS A and B files to Ed-Fi in the next few years.

Further Information

If you have further questions about pupil transportation requirements and aid entitlements contact, pupiltransportation.mde@state.mn.us. If you have questions on McKinney-Vento and homelessness, contact MDE.HomelessEd@state.mn.us or call 651-582-8302. For special education compliance questions, please contact 651-582-8689.

Minnesota Statutes, Section 120A.20, Subd. 2. Education, residence, and transportation of homeless.

(a) Notwithstanding subdivision 1, a district must not deny free admission to a homeless pupil solely because the district cannot determine that the pupil is a resident of the district.

(b) The school district of residence for a homeless pupil shall be the school district in which the parent or legal guardian resides, unless: (1) parental rights have been terminated by court order; (2) the parent or guardian is not living within the state; or (3) the parent or guardian having legal custody of the child is an inmate of a Minnesota correctional facility or is a resident of a halfway house under the supervision of the commissioner of corrections. If any of clauses (1) to (3) apply, the school district of residence shall be the school district in which the pupil resided when the qualifying event occurred. If no other district of residence can be established, the school district of residence shall be the school district in which the pupil currently resides. If there is a dispute between school districts regarding residency, the district of residence is the district designated by the commissioner of education.

(c) Except as provided in paragraph (d), the serving district is responsible for transporting a homeless pupil to and from the pupil's district of residence. The district may transport from a permanent home in another district but only through the end of the academic school year. When a pupil is enrolled in a charter school, the district or school that provides transportation for other pupils enrolled in the charter school is responsible for providing transportation. When a homeless pupil with or without an individualized education program attends a public school other than an independent or special school district or charter school, the district of residence is responsible for transportation.

(d) For a homeless pupil with an individualized education program enrolled in a program authorized by an intermediate school district, special education cooperative, service cooperative, or education district, the serving district at the time of the pupil's enrollment in the program remains responsible for transporting that pupil for the remainder of the school year, unless the initial serving district and the current serving district mutually agree that the current serving district is responsible for transporting the homeless pupil.