

Adopted: 4/26/2014

Revised: 3/20/2025

**ROCHESTER BEACON ACADEMY
POLICY No. 707
TRANSPORTATION OF CHARTER SCHOOL STUDENTS**

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. The policy of Rochester Beacon Academy ("RBA") is to provide for the transportation of students in a manner which will protect their health, welfare, and safety.
- B. RBA recognizes that transportation is an essential part of the charter school 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. "Child with a disability" includes every child identified under federal and state special education law as deaf or hard of hearing, blind or visually impaired, deafblind, or having a speech or language impairment, a physical impairment, other health disability, developmental cognitive disability, an emotional or behavioral disorder, specific learning disability, autism spectrum disorder, traumatic brain injury, or severe multiple impairments, and who needs special education and related services, as determined by the rules of the Commissioner of the Minnesota Department of Education ("Commissioner"). A licensed physician, an advanced practice nurse, a physician assistant, or a licensed psychologist is qualified to make a diagnosis and determination of attention deficit disorder or attention deficit hyperactivity disorder for purposes of identifying a child with a disability. A child with a short-term or temporary physical or emotional illness or disability, as determined by the rules of the Commissioner, is not a child with a disability.
- B. "Home" is the legal residence of the child. In the discretion of the charter school, "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, or an afterschool program for children operated by a political subdivision of the state, if the facility, residence, or program is within the attendance area of the school the student attends. Unless otherwise specifically provided by law, a homeless student is a resident of the charter school if enrolled in the charter school.
- C. "Homeless student" 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, and migratory children who qualify as homeless because they are living in any of the preceding listed circumstances.

- D. "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.

IV. ELIGIBILITY

- A. Upon the request of a parent or guardian, RBA shall provide transportation to and from school, at the expense of the charter school, for all resident students who reside within the city limits of Rochester, except for those students whose transportation privileges have been revoked or have been voluntarily surrendered by the student's parent or guardian.
- B. For pupils who reside outside the district in which the charter school is located, RBA is not required to provide or pay for transportation between the pupil's residence and the district in which the charter school is located. 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 (Minnesota Statutes, section 124D.03, subdivision 8).

V. SPECIAL EDUCATION STUDENTS/STUDENTS WITH A DISABILITY/ STUDENTS WITH TEMPORARY DISABILITIES

- A. When a student 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 charter school and the student continues to live within the charter school during the care and treatment, the charter school shall provide the transportation, at the expense of the charter school, to that student. The charter school may establish reasonable restrictions on transportation, except if a Minnesota court or agency orders the child placed at a day care and treatment program and the charter school receives a copy of the order, then the charter school must provide transportation to and from the program unless the court or agency orders otherwise. Transportation shall only be provided by the charter school during regular operating hours of the charter school.
- B. Resident students with a disability who are boarded and lodged at Minnesota state academies for educational purposes, but who also are enrolled in a public school within the charter school, shall be provided transportation, by the charter school to and from said board and lodging facilities, at the expense of the charter school.
- C. Each driver and aide assigned to a vehicle transporting students with a disability will be provided with appropriate training for the students in their care, will assist students with their safe ingress and egress from the bus, will ensure the proper use of protective safety devices, and will be provided with access to emergency health care information as required by law.
- D. Any parent of a 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 Minnesota Statutes, chapter 125A.

VI. HOMELESS STUDENTS

- A. Homeless students shall be provided with transportation services comparable to other students in the school.

- B. Upon request by the student's parent, guardian, or homeless education liaison, RBA 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 the charter school 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 the charter school.
 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 the charter school 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 the charter school, unless the charter school and the charter school in which the student is temporarily placed agree that the charter school in which the student is temporarily placed shall provide transportation.
 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 the charter school, the charter school may provide transportation services between the shelter or non-shelter location and the student's school of origin outside of the charter school upon agreement with the charter school in which the school of origin is located.

VII. AVAILABILITY OF SERVICES

Transportation shall be provided on all regularly scheduled school days or make-up days. Transportation may be provided for summer instructional programs for students with a disability or in conjunction with a learning year program.

VIII. 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, and any other matter relating thereto shall be within the sole discretion, control, and management of the school board and the transportation provider.

IX. RESTRICTIONS AND TRAINING

The charter school shall provide students enrolled in grades 6 through 10 with age-appropriate school bus safety training. Any student who fails to demonstrate competency may be denied transportation unless the failure is due to disability. Upon completion of training the students shall be able to demonstrate the knowledge and understanding of the following concepts:

1. transportation by school bus is a privilege, not a right;
2. charter school policies for student conduct and school bus safety;
3. appropriate conduct while on the bus;
4. the danger zones surrounding a school bus;
5. procedures for safely boarding and leaving a school bus;
6. procedures for safe vehicle lane crossing; and
7. school bus evacuation and other emergency procedures.

Transportation by the charter school 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 the charter school's discipline policy and subject to provision of Federal and State Statutes.

RBA will make reasonable accommodations in training for students known to speak English as a second language and students with disabilities.

X. FEES

The charter school may charge fees for transportation of students to and from school when authorized by law. If the charter school 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.

XI. CONDUCT ON SCHOOL BUS AND CONSEQUENCES FOR MISBEHAVIOR

A. Riding the school bus is a privilege, not a right. The charter school's general student behavior rules are in effect for all students on school buses, including nonpublic and charter school students.

B. Consequences for school bus/bus stop misconduct will be imposed by the charter school. In addition, all school bus/bus stop misconduct will be reported to the charter school's administration team. Serious misconduct may be reported to local law enforcement.

C. School Bus and Bus Stop Rules:

1. The bus driver is the responsible authority on the bus.
2. Students will board and leave the buses only at specifically designated stops.
3. Students will remain at a safe distance from the bus when buses are arriving or departing from their stop.
4. Pick-up times are established. Be outside at your scheduled time.
5. Only authorized students may ride the buses. Students will remain seated at all times. Drivers and administrators may make specific seat assignments.
6. Keep your arms, legs, and belongings to yourself.
7. Respect the property of others while riding the bus.
8. Students will not use profane or indecent language.
9. No fighting, harassment, intimidation, or horseplay.
10. Students will not engage in noisy or boisterous conduct, which might distract the driver.
11. No eating, drinking, or use of alcohol, tobacco, or drugs.
12. Do not bring any weapons or dangerous objects on the school bus.
13. Do not damage the bus.

D. Consequences

Consequences for school bus/bus stop misconduct will apply to all regular and late routes. Decisions regarding a student's ability to ride the bus in connection with co curricular and extracurricular events (for example, field trips or competitions) will be in the sole discretion of the charter school. Parents or guardians will be notified of any suspension of bus privileges.

1st offense – warning

2nd offense – 5 school-day suspension from riding the bus

3rd offense – 10 school-day suspension from riding the bus

4th offense – 20 school-day suspension from riding the bus/meeting with parent

5th offense – suspended from riding the bus for the remainder of the school year

[Note: When any student goes 60 transportation days without a report, the student's consequences may start over at the first offense].

Records of school bus/bus stop misconduct will be forwarded to the individual school building and will be retained in the same manner as other student discipline records. Reports of student misbehavior on a school bus or in a bus-loading or unloading area that are reasonably believed to cause an immediate and substantial danger to the student or surrounding persons or property shall be provided by the charter school to local law enforcement and the Department of Public Safety in accordance with state and federal law.

E. Vandalism/Bus Damage

Students damaging school buses will be responsible for the damages. Failure to pay such damages (or make arrangements to pay) within 2 weeks may result in the loss of bus privileges until damages are paid.

F. Notice

School bus and bus stop rules and consequences for violations of these rules will be reviewed with students annually and copies of these rules will be made available to students. School bus rules are to be posted on each school bus.

G. Criminal Conduct

In cases involving criminal conduct (for example, assault, weapons, drug possession, or vandalism), the appropriate charter school personnel and local law enforcement officials will be informed.

XII. PARENT AND GUARDIAN INVOLVEMENT

A. Parent and Guardian Notification

The charter school bus and bus stop rules will be provided to each family. Parents and guardians are asked to review the rules with their children.

B. Parents/Guardians Responsibilities for Transportation Safety

Parents/Guardians are responsible to:

1. Become familiar with charter school rules, policies, regulations, and the principles of school bus safety, and thoroughly review them with their children;
2. Support safe riding and walking practices, and recognize that students are responsible for their actions;

3. Communicate safety concerns to their school administrators; and
4. Have their children properly dressed for the weather.

XIII. SCHOOL EMERGENCY PROCEDURES

- A. If possible, school bus drivers or their supervisors shall call "911" or the local emergency phone number in the event of a serious emergency.
- B. School bus drivers shall meet the emergency training requirements contained in Unit III "Crash & Emergency Preparedness" of the Minnesota Department of Public Safety Model School Bus Driver Training Manual. This includes procedures in the event of a crash (accident).

[NOTE: The Model School Bus Driver Training Manual is available online through the Minnesota Department of Public Safety State Patrol web page.]

- C. School bus drivers and bus assistants for special education students requiring special transportation service because of their handicapping condition shall be trained in basic first aid procedures, shall within one (1) month after the effective date of assignment participate in a program of in-service training on the proper methods for dealing with the specific needs and problems of students with disabilities, assist students with disabilities on and off the bus when necessary for their safe ingress and egress from the bus; and ensure that protective safety devices are in use and fastened properly.
- D. Emergency Health Information shall be maintained on the school bus for students requiring special transportation service because of their handicapping condition. The information shall state:
 1. the student's name and address;
 2. the nature of the student's disabilities;
 3. emergency health care information; and
 4. the names and telephone numbers of the student's physician, parents, guardians, or custodians, and some person other than the student's parents or custodians who can be contacted in case of an emergency.

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.84 (Policy)
 Minn. Stat. § 123B.88 (Independent School Districts; Transportation)
 Minn. Stat. § 123B.92 (Transportation Aid Entitlement)
 Minn. Stat. § 124D.03 (Enrollment Options Program)
 Minn. Stat. § 124E.03 (Applicable Law)
 Minn. Stat. § 124E.15 (Transportation)
 Minn. Stat. § 124E.23 (Transportation Revenue)
 Minn. Stat. Ch. 125A (Special Education and Special Programs))
 Minn. Stat. § 125A.02 (Children with a Disability Defined)
 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. § 127A.47 (Payments to Resident and Nonresident

Districts)
Minn. Stat. § 190.05 (Definitions)
Minn. Rules Part 7470.1600 (Transporting Pupils with Disability)
Minn. Rules Part 7470.1700 (Drivers and Aides for Pupils with Disability)
20 U.S.C. § 1415 (Individuals with Disabilities Education Act)
29 U.S.C. § 794 (Rehabilitation Act of 1973, § 504)
42 U.S.C. § 2000d (Prohibition against Exclusion from Participation in, Denial of Benefits of, and Discrimination under Federally Assisted Programs on Ground of Race, Color, or National Origin)
42 U.S.C. § 11431 *et seq.* (McKinney-Vento Homeless Assistance Act of 2001)
42 U.S.C. § 12132 *et seq.* (Americans with Disabilities Act)