

Wabasha-Kellogg Public Schools Policy

730 TRANSPORTATION OF STUDENTS WITH DISABILITIES

I. PURPOSE

A district must develop and implement a comprehensive, written policy governing student transportation safety, including transportation of nonpublic school students and students attending charter schools located within the district's boundaries.

II. GENERAL STATEMENT OF POLICY

A. Free Transportation

Minnesota Statutes, sections 125A.03 to 125A.24, requires School Districts to provide special education and services for a school age resident with a disability. Accordingly, free transportation services must be provided to any child with a disability who requires special transportation services because of the child's disabling conditions or special program needs.

Minnesota Rules, Parts 7470.1600 and 7470.1700 apply to transportation of a child with a disability, as defined in Minnesota Statutes, section 125A.02, when the disabling conditions of the child are such that the child cannot be safely transported on the regular school bus route or when the child is transported on a special route for the purpose of attending an approved special education program. Parts 7470.1600 and 7470.1700 are not applicable to parents who transport their own child under contract with a School District or nonpublic school. (Minn. R. 7470.1600, subp. 1.)

B. Appeal Process

Any parent of a child with a disability who believes that the transportation services provided for that child are not in compliance with Minnesota Rules, Parts 7470.1600 and 7470.1700 may utilize the due process procedures provided for in Minnesota Statutes, sections 125A.03 to 125A.24. (Minn. R. 7470.1600, subp. 2.)

C. Length of Time in Transit

The length of time a student with a disability is transported must be appropriate to the physical, mental, and emotional well-being of the child. In general, a student with a disability should not spend more time in transit than a student without a disability except as may be required because of the unique location of the student's educational program. (Minn. R. 7470.1600, subp. 3.)

D. Type of Vehicle

The School District shall determine the type of vehicle used to transport students with a disability on the basis of the disabling conditions of those students. These vehicles must comply with Minnesota Statutes, section 169.4504. (Minn. R. 7470.1600, subp. 4.)

E. Determination of Additional Assistance

Vehicles used to transport students with a disability must be equipped with a two-way communications system or have a responsible aide, or both, to provide necessary assistance and supervision that cannot safely be provided by the driver. A School District may determine that an aide is required. The determination of whether an aide is required must reflect the needs of the students and be based on such factors as disabilities of students transported, distance traveled, density of population, terrain, and any other factors which may affect the safety of the student passengers. Exceptions to this subpart may be made upon mutual agreement between the parents and the School District. (Minn. R. 7470.1600, subp. 5)

F. Special Equipment [See 11.07 for Wheelchair Securement Devices]

Specially adapted seats, support, and/or protective devices must be provided for all students who require such devices to insure their safe transportation. These devices must be selected by the School District in consultation with the student's parents and on the basis of the specific needs of the individual student with a disability. (Minn. R. 7470.1600, subp. 6.)

G. Nonacademic Services Include Transportation

Each public agency must take steps, including the provision of supplementary aids and services determined appropriate and necessary by the child's IEP Team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities. (34 C.F.R. § 300.107(a).)

Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the public agency, referrals to agencies that provide assistance to individuals with disabilities and employment of students, including both employment by the public agency and assistance in making outside employment available. (34 C.F.R. § 300.107(b).)

H. School Transportation Safety Director

Each board shall designate a school transportation safety director to oversee and implement student transportation safety policies. The director shall have day-to-

day responsibility for student transportation safety within the district, including transportation of nonpublic school children when provided by the district. (Minn. Stat. § 123B.91, Subd. 2)

III. SCHOOL DISTRICT BUS SAFETY TRAINING

A. Drivers and Aides for Students with Disabilities Drivers Generally

Each driver of a vehicle for students with a disability shall be carefully selected to assure the driver can perform the requirements of the job. Drivers must be assigned to each route on a regular basis whenever possible. (Minn. R. 7470.1700, subp. 1.)

B. Information Necessary

Each driver and aide assigned to a vehicle transporting students with a disability shall have available to them the following information in hard copy or immediately accessible through a two-way communication system:

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. (Minn. R. 7470.1700, subp. 2.)

C. Training

Each driver and aide assigned to a vehicle transporting students with a disability must:

1. be instructed in basic first aid and procedures for the students under their care;
2. within one 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;
3. assist students with disabilities on and off the bus when necessary for their safe ingress and egress from the bus; and
4. ensure that protective safety devices, as required in part 7470.1600, subpart 6, are in use and fastened properly. (Minn. R. 7470.1700, subp. 3.)

IV. GENERAL CONSIDERATIONS

A. Disabled Person Transport to Day Training and Habilitation Program.

The board must contract with any licensed day training and habilitation program attended by a resident disabled person who fulfills the eligibility requirements of Minnesota Statutes, section 256B.092, to transport the resident disabled person to the program in return for payment by the program of the cost of the transportation, if transportation by the board is in the best interest of the disabled person and is not unreasonably burdensome to the district and if a less expensive, reasonable, alternative means of transporting the disabled person does not exist. If the board and the program are unable to agree to a contract, either the board or the program may appeal to the commissioner to resolve the conflict. All decisions of the commissioner shall be final and binding upon the board and the program. (Minn. Stat. § 123B.88, Subd. 19.)

B. Transportation of Students Receiving Instruction in Nonresident District

The board may provide for the instruction of any resident student in another district when inadequate room, distance to school, unfavorable road conditions, or other facts or conditions make attendance in the student's own district unreasonably difficult or impractical, in which case such district shall pay to the district so attended the tuition agreed upon or charged, pursuant to Minnesota Statutes, section 123A.488, subdivision 2, and may provide transportation; provided, that such student shall continue to be a student of the district of residence for the payment of apportionment and other state aids. (Minn. Stat. § 123B.88, Subd. 4.)

When a district provides instruction and services in a day program outside the district of residence, the district of residence is responsible for providing transportation. When a district provides instruction and services requiring board and lodging or placement in a residential program outside the district of residence, the nonresident district in which the child is placed is responsible for providing transportation. Transportation costs shall be paid by the district responsible for providing transportation and the state shall pay transportation aid to that district. (Minn. Stat. § 125A.11, Subd. 2.)

For the purposes of this subdivision, a "nonresident student" is a student who resides in one district, defined as the "resident district" and attends school in another district, defined as the "nonresident district."

If requested, a nonresident district shall transport a nonresident student within its borders and may transport a nonresident student within the student's resident district. If a nonresident district decides to transport a nonresident student within the student's resident district, the nonresident district must notify the student's resident district of its decision, in writing, prior to providing transportation. (Minn. Stat. § 123B.88, Subd. 6.)

C. Transportation of Students Who Attend in Another District

No resident of a district who is eligible for special instruction and services pursuant to this section may be denied provision of this instruction and service because of attending a public school in another district pursuant to Minnesota Statutes, section 123B.88, subdivision 5, if the attendance is not subject to Minnesota Statutes, section 124D.08 . If the student attends a public school located in a contiguous district and the district of attendance does not provide special instruction and services, the district of residence must provide necessary transportation for the student between the boundary of the district of residence and the educational facility where special instruction and services are provided within the district of residence. The district of residence may provide necessary transportation for the student between its boundary and the school attended in the contiguous district, but must not pay the cost of transportation provided outside the boundary of the district of residence. (Minn. Stat. § 125A.12.)

D. Transportation to and from a Neutral Site for Private School Students

If necessary for the child to benefit from or participate in the services provided under this part, a parentally-placed private school child with a disability must be provided transportation —

1. From the child's school or the child's home to a site other than the private school; and
2. From the service site to the private school, or to the child's home, depending on the timing of the services.

LEAs are not required to provide transportation from the child's home to the private school. (34 C.F.R. § 300.139(b)(1).)

E. Special Instruction; Nonpublic Schools

No resident of a district who is eligible for special instruction and services under this section may be denied instruction and service on a shared time basis consistent with Minnesota Statutes, section 126C.19, subdivision 4, because of attending a nonpublic school defined in section 123B.41, subdivision 9. If a resident student with a disability attends a nonpublic school located within the district of residence, the district must provide necessary transportation for that student within the district between the nonpublic school and the educational facility where special instruction and services are provided on a shared time basis. If a resident student with a disability attends a nonpublic school located in another district and if no agreement exists under section 126C.19 subdivision 1 or 2, for providing special instruction and services on a shared time basis to that student by the district of attendance and where the special instruction and services are provided within the district of residence, the district of residence must provide necessary transportation for that student between the boundary of the district of residence and the educational facility. The district of residence may provide necessary transportation for that student between its boundary and the nonpublic

school attended, but the nonpublic school must pay the cost of transportation provided outside the district boundary.

Parties serving students on a shared time basis have access to the due process hearing system described under the United States Code, title 20, and the complaint system under the Code of Federal Regulations, title 34, section 300.660-662. In the event it is determined under these systems that the nonpublic school or staff impeded the public School District's provision of a free appropriate education, the commissioner may withhold public funds available to the nonpublic school proportionally applicable to that student under section 123B.42. (Minn. Stat. § 125A.18.)

F. Transportation of Students in Open Enrollment Options

If requested by the parent of a student, the nonresident district shall provide transportation within the district.

The resident district is not required to provide or pay for transportation between the student's residence and the border of the nonresident district. A parent may be reimbursed by the nonresident district for the costs of transportation from the student'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 student'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.

At the time a nonresident district notifies a parent or guardian that an application has been accepted under subdivision 4 or 5, the nonresident district must provide the parent or guardian with the following information regarding the transportation of nonresident students under Minnesota Statutes, section 123B.88, subdivision 6. (Minn. Stat. § 124D.03, Subd. 8.)

G. Area Learning Center Students

Districts may provide between-building bus transportation along school bus routes when space is available, for students attending programs at an area learning center. The transportation is permitted between schools if it does not increase the district's expenditures for transportation. The cost of these services shall be considered part of the authorized cost for the purpose of Minnesota Statutes, section 123B.92. (Minn. Stat. § 123B.88, Subd. 13.)

H. Charter School Transportation

1. A charter school after its first fiscal year of operation by March 1 of each fiscal year and a charter school by July 1 of its first fiscal year of operation must notify the district in which the school is located and the Department

of Education if it will provide its own transportation or use the transportation services of the district in which it is located for the fiscal year

2. If a charter school elects to provide transportation for students, the transportation must be provided by the charter school within the district in which the charter school is located. The state must pay transportation aid to the charter school according to Minnesota Statutes, section 124D.11, subdivision 2.

For students who reside outside the district in which the charter school is located, the charter school is not required to provide or pay for transportation between the student's residence and the border of the district in which the charter school is located. A parent may be reimbursed by the charter school for costs of transportation from the student's residence to the border of the district in which the charter school is located 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 student'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.

At the time a student enrolls in a charter school, the charter school must provide the parent or guardian with information regarding the transportation.

3. If a charter school does not elect to provide transportation, transportation for students enrolled at the school must be provided by the district in which the school is located, according to sections 123B.88, subdivision 6, and 124D.03, subdivision 8, for a student residing in the same district in which the charter school is located. Transportation may be provided by the district in which the school is located, according to sections 123B.88, subdivision 6, and 124D.03, subdivision 8, for a student residing in a different district. If the district provides the transportation, the scheduling of routes, manner and method of transportation, control and discipline of the students, and any other matter relating to the transportation of students under this paragraph shall be within the sole discretion, control, and management of the district. (Minn. Stat. § 124D.10, Subd. 16)

I. PROVIDING TRANSPORTATION FOR PRE-KINDERGARTEN EARLY CHILDHOOD SPECIAL EDUCATION STUDENTS

The board may provide for the transportation of students to and from school and for any other purpose. The board may also provide for the transportation of students to schools in other districts for grades and departments not maintained in the district, including high school, at the expense of the district, when funds are available therefore and if agreeable

to the district to which it is proposed to transport the students, for the whole or a part of the school year, as it may deem advisable, and subject to its rules. In any district, the board must arrange for the attendance of all students living two miles or more from the school, except students whose transportation privileges have been voluntarily surrendered under subdivision 2, or whose privileges have been revoked under Minnesota Statutes, section 123B.91, subdivision 1, clause (6), or 123B.90, subdivision 2. The district may provide for the transportation of or the boarding and rooming of the students who may be more economically and conveniently provided for by that means. Arrangements for attendance may include a requirement that parents or guardians request transportation before it is provided. The board must provide transportation to and from the home of a child with a disability not yet enrolled in kindergarten when special instruction and services under sections 125A.03 to 125A.24, 125A.26 to 125A.48, and 125A.65 are provided in a location other than in the child's home. When transportation is provided, scheduling of routes, establishment of the location of bus stops, manner and method of transportation, control and discipline of school children, the determination of fees, and any other matter relating thereto must be within the sole discretion, control, and management of the board. The district may provide for the transportation of students or expend a reasonable amount for room and board of students whose attendance at school can more economically and conveniently be provided for by that means or who attend school in a building rented or leased by a district within the confines of an adjacent district. (Minn. Stat. § 123B.88, Subd. 1.)

A. Custodial Parent Transportation

The board may provide transportation for a student who is a custodial parent and that student's child between the student's home and a child care provider and between the provider and the school. The board must establish criteria for transportation it provides according to this subdivision. (Minn. Stat. § 123B.88, Subd. 20.)

B. Student Transport on Staff Development Days

A district may provide bus transportation between home and school for students on days devoted to parent-teacher conferences, teacher's workshops, or other staff development opportunities. If approved by the commissioner as part of a program of educational improvement, the cost of providing this transportation, as determined by generally accepted accounting principles, must be considered part of the authorized cost for regular transportation for the purposes of Minnesota Statutes, section 123B.92. The commissioner shall approve inclusion of these costs in the regular transportation category only if the total number of instructional hours in the school year divided by the total number of days for which transportation is provided equals or exceeds the number of instructional hours per day prescribed in the rules of the Department of Education. (Minn. Stat. § 123B.88, Subd. 21.)

C. Placement of Children without Disabilities; Education and Transportation

The responsibility for providing instruction and transportation for a student without a disability who has a short-term or temporary physical or emotional illness or disability, as determined by the standards of the commissioner, and who is temporarily placed for care and treatment for that illness or disability, must be determined as provided in this section.

1. The School District of residence of the student is the district in which the student's parent or guardian resides. If there is a dispute between School Districts regarding residency, the district of residence is the district designated by the commissioner.
2. When parental rights have been terminated by court order, the legal residence of a child placed in a residential or foster facility for care and treatment is the district in which the child resides.
3. Before the placement of a student for care and treatment, the district of residence must be notified and provided an opportunity to participate in the placement decision. When an immediate emergency placement is necessary and time does not permit resident district participation in the placement decision, the district in which the student is temporarily placed, if different from the district of residence, must notify the district of residence of the emergency placement within 15 days of the placement.
4. When a student without a disability is temporarily placed for care and treatment in a day program and the student continues to live within the district of residence during the care and treatment, the district of residence must provide instruction and necessary transportation to and from the care and treatment program for the student. The resident district 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 resident district receives a copy of the order, then the resident district must provide transportation to and from the program unless the court or agency orders otherwise. Transportation shall only be provided by the resident district during regular operating hours of the resident district. The resident district may provide the instruction at a school within the district of residence, at the student's residence, or in the case of a placement outside of the resident district, in the district in which the day treatment program is located by paying tuition to that district. The district of placement may contract with a facility to provide instruction by teachers licensed by the state Board of Teaching.
5. When a student without a disability is temporarily placed in a residential program for care and treatment, the district in which the student is placed must provide instruction for the student and necessary transportation while the student is receiving instruction, and in the case of a placement outside

of the district of residence, the nonresident district must bill the district of residence for the actual cost of providing the instruction for the regular school year and for summer school, excluding transportation costs.

6. Notwithstanding paragraph (e), if the student is homeless and placed in a public or private homeless shelter, then the district that enrolls the student under Minnesota Statutes, section 127A.47, subdivision 2, shall provide the transportation, unless the district that enrolls the student and the district in which the student is temporarily placed agree that the district in which the student is temporarily placed shall provide transportation. When a student without a disability is temporarily placed in a residential program outside the district of residence, the administrator of the court placing the student must send timely written notice of the placement to the district of residence. The district of placement may contract with a residential facility to provide instruction by teachers licensed by the state Board of Teaching. For purposes of this section, the state correctional facilities operated on a fee-for-service basis are considered to be residential programs for care and treatment.
7. The district of residence must include the student in its residence count of student units and pay tuition as provided in section 123A.488 to the district providing the instruction. Transportation costs must be paid by the district providing the transportation and the state must pay transportation aid to that district. For purposes of computing state transportation aid, students governed by this subdivision must be included in the disabled transportation category if the students cannot be transported on a regular school bus route without special accommodations. (Minn. Stat. § 125A.51.)

V. SPECIFIC SITUATIONS OF TRANSPORTATION OF STUDENTS WITH DISABILITIES

A. Minnesota State Academies — Responsibility for Services

Responsibility for special instruction and services for a blind/visually impaired or deaf/hard of hearing child attending the Minnesota State Academy for the Deaf or the Minnesota State Academy for the Blind must be determined in Minnesota Statutes, sections 2 to 10. (Minn. Stat. § 125A.65, Subd. 1.)

The legal residence of the child is the district in which the child's parent or guardian resides. (Minn. Stat. § 125A.65, Subd. 2.)

When it is determined pursuant to section 125A.69, subdivision 1 or 2, that the child is entitled to attend either school, the board of the Minnesota State Academies must provide the appropriate educational program for the child. For fiscal year 2006, the board of the Minnesota State Academies must make a tuition

charge to the child's district of residence for the cost of providing the program. The amount of tuition charged must not exceed the sum of (1) the general education revenue formula allowance times the student unit weighting factor pursuant to section 126C.05 for that child, for the amount of time the child is in the program, plus (2), if the child was enrolled at the Minnesota State Academies on October 1 of the previous fiscal year, the compensatory education revenue attributable to that child under section 126C.10, subdivision 3. The district of the child's residence must pay the tuition and may claim general education aid for the child. Tuition received by the board of the Minnesota State Academies, except for tuition for compensatory education revenue under this paragraph and tuition received under subdivision 4, must be deposited in the state treasury as provided in subdivision 8. For fiscal year 2007 and later, the district of the child's residence shall claim general education revenue for the child, except as provided in this paragraph. Notwithstanding section 127A.47, subdivision 1, an amount equal to the general education revenue formula allowance times the student unit weighting factor pursuant to section 126C.05 for that child for the amount of time the child is in the program, as adjusted according to subdivision 8, paragraph (d), must be paid to the Minnesota State Academies. Notwithstanding section 126C.15, subdivision 2, paragraph (d), the compensatory education revenue under section 126C.10, subdivision 3, attributable to children enrolled at the Minnesota State Academies on October 1 of the previous fiscal year must be paid to the Minnesota State Academies. General education aid paid to the Minnesota State Academies under this paragraph must be credited to their general operation account. Other general education aid attributable to the child must be paid to the district of the child's residence. (Minn. Stat. § 125A.65, Subd. 3.)

When it is determined that the child can benefit from public school enrollment but that the child should also remain in attendance at the applicable school, the district where the institution is located must provide an appropriate educational program for the child and must make a tuition charge to the board of the Minnesota State Academies for the actual cost of providing the program, less any amount of aid received pursuant to section 125A.75. The board of the Minnesota State Academies must pay the tuition and other program costs including the unreimbursed transportation costs. Aids for children with a disability must be paid to the district providing the special instruction and services. Special transportation must be provided by the district providing the educational program and the state must reimburse that district within the limits provided by law. (Minn. Stat. § 125A.65, Subd. 5.)

B. Students Placed in Another District for Care and Treatment

1. Pay Program Placement Outside of District

When a district provides instruction and services in a day program outside the district of residence, the district of residence is responsible for providing transportation. When a district provides instruction and services

requiring board and lodging or placement in a residential program outside the district of residence, the nonresident district in which the child is placed is responsible for providing transportation. Transportation costs shall be paid by the district responsible for providing transportation and the state shall pay transportation aid to that district. (Minn. Stat. § 125A.11, Subd. 2.)

When a child is temporarily placed for care and treatment in a day program located in another district and the child continues to live within the district of residence during the care and treatment, the district of residence is responsible for providing transportation to and from the care and treatment facility and an appropriate educational program for the child. The resident district 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 resident district receives a copy of the order, then the resident district must provide transportation to and from the program unless the court or agency orders otherwise. Transportation shall only be provided by the resident district during regular operating hours of the resident district. The resident district may provide the educational program at a school within the district of residence, at the child's residence, or in the district in which the day treatment center is located by paying tuition to that district. (Minn. Stat. § 125A.15(c).)

2. Residential Program Placement

When a child is temporarily placed in a residential program for care and treatment, the nonresident district in which the child is placed is responsible for providing an appropriate educational program for the child and necessary transportation while the child is attending the educational program; and must bill the district of the child's residence for the actual cost of providing the program, as outlined in Minnesota Statutes, section 125A.11. except as provided in paragraph (e). However, the board, lodging, and treatment costs incurred in behalf of a child with a disability placed outside of the School District of residence by the commissioner of human services or the commissioner of corrections or their agents, for reasons other than providing for the child's special educational needs must not become the responsibility of either the district providing the instruction or the district of the child's residence. For the purposes of this section, the state correctional facilities operated on a fee-for-service basis are considered to be residential programs for care and treatment. (Minn. Stat. § 125A.15(d).)

3. Privately Owned and Operated Residential Facility

A privately owned and operated residential facility may enter into a

contract to obtain appropriate educational programs for special education children and services with a joint powers entity. The entity with which the private facility contracts for special education services shall be the district responsible for providing students placed in that facility an appropriate educational program in place of the district in which the facility is located. If a privately owned and operated residential facility does not enter into a contract under this paragraph, then paragraph (d) applies. (Minn. Stat. § 125A.15(e))

4. Providing District

The district of residence shall pay tuition and other program costs, not including transportation costs, to the district providing the instruction and services. The district of residence may claim general education aid for the child as provided by law. Transportation costs must be paid by the district responsible for providing the transportation and the state must pay transportation aid to that district. (Minn. Stat. § 125A.15 (f).)

5. Board and Lodging for Nonresident Students with Disabilities

When a district provides instruction and services in a day program outside the district of residence, the district of residence is responsible for providing transportation. When a district provides instruction and services requiring board and lodging or placement in a residential program outside the district of residence, the nonresident district in which the child is placed is responsible for providing transportation. Transportation costs shall be paid by the district responsible for providing transportation and the state shall pay transportation aid to that district. (Minn. Stat. § 125A.11, Subd. 2.)

C. Attendance in Another State

If high school students from a district within this state are being transported to a school in another state, the board of the district from which the students are being transported may provide free transportation and tuition for any or all of its elementary students to such school in another state and be entitled to state aid as provided by law. (Minn. Stat. § 123B.88, Subd. 7.)

The state must pay each district the actual cost incurred in providing instruction and services for a child whose district of residence has been determined by Minnesota Statutes, section 125A.17 or 125A.51, paragraph (b), and who is temporarily placed in a state institution, a licensed residential facility, or foster facility for care and treatment. The regular education program at the facility must be an approved program according to section 125A.515.

Upon following the procedure specified by the commissioner, the district may bill

the state the actual cost incurred in providing the services including transportation costs and a proportionate amount of capital expenditures and debt service, minus the amount of the basic revenue, as defined in section 126C.10, subdivision 2, of the district for the child and the special education aid, transportation aid, and any other aid earned on behalf of the child. The limit in subdivision 2 applies to aid paid pursuant to this subdivision.

To the extent possible, the commissioner shall obtain reimbursement from another state for the cost of serving any child whose parent or guardian resides in that state. The commissioner may contract with the appropriate authorities of other states to effect reimbursement. All money received from other states must be paid to the state treasury and placed in the general fund. (Minn. Stat. § 125A.75, Subd. 3.)

VI. PAYMENTS OF AND AID FOR TRANSPORTATION

The state must pay each district the actual cost incurred in providing instruction and services for a child whose district of residence has been determined by Minnesota Statutes, section 125A.17 or 125A.51, paragraph (b), and who is temporarily placed in a state institution, a licensed residential facility, or foster facility for care and treatment. The regular education program at the facility must be an approved program according to section 125A.515.

Upon following the procedure specified by the commissioner, the district may bill the state the actual cost incurred in providing the services including transportation costs and a proportionate amount of capital expenditures and debt service, minus the amount of the basic revenue, as defined in section 126C.10, subdivision 2, of the district for the child and the special education aid, transportation aid, and any other aid earned on behalf of the child. The limit in subdivision 2 applies to aid paid pursuant to this subdivision.

To the extent possible, the commissioner shall obtain reimbursement from another state for the cost of serving any child whose parent or guardian resides in that state. The commissioner may contract with the appropriate authorities of other states to effect reimbursement. All money received from other states must be paid to the state treasury and placed in the general fund. (Minn. Stat. § 125A.75, Subd. 3.)

A. District Transportation Aid Agreements

Notwithstanding the provisions of Minnesota Statutes, section 125A.11, 125A.14, and 125A.15, when a child receives special instruction and services in a day program outside the resident district, the resident district and the nonresident district where the child is placed may enter into an agreement providing for the nonresident district to pay the cost of any particular transportation categories specified in section 123B.92, Subd. 1, and claim transportation aid for those categories. In this case, the nonresident district may not obtain any payment from the resident district for the categories covered by the agreement. (Minn. Stat. §

125A.20.)

B. Summer Programs

A district may provide extended school year services for children with a disability living within the district and nonresident children temporarily placed in the district pursuant to Minnesota Statutes, section 125A.15 or 125A.16. Prior to March 31 or 30 days after the child with a disability is placed in the district, whichever is later, the providing district shall give notice to the district of residence of any nonresident children temporarily placed in the district pursuant to section 125A.15 or 125A.16, of its intention to provide these programs. Notwithstanding any contrary provisions in sections 125A.15 and 125A.16, the district providing the special instruction and services must apply for special education aid for the extended school year services. The unreimbursed actual cost of providing the program for nonresident children with a disability, including the cost of board and lodging, may be billed to the district of the child's residence and must be paid by the resident district. Transportation costs must be paid by the district responsible for providing transportation pursuant to section 125A.15 or 125A.16 and transportation aid must be paid to that district. (Minn. Stat. § 125A.14.)

C. Uniform Billing System for the Education Costs of Out-of-Home Placed Students

The commissioner, in cooperation with the commissioners of human services and corrections and with input from appropriate billing system users, shall develop and implement a uniform billing system for School Districts and other agencies, including private providers, who provide the educational services for students who are placed out of the home. The uniform billing system must:

1. allow for the proper and timely billing to districts by service providers with a minimum amount of district administration;
2. allow districts to bill the state for certain types of special education and regular education services as provided by law;
3. provide flexibility for the types of services that are provided for children placed out of the home, including day treatment services;
4. allow the commissioner to track the type, cost, and quality of services provided for children placed out of the home;
5. conform existing special education and proposed regular education billing procedures;
6. provide a uniform reporting standard of per diem rates;
7. determine allowable expenses and maximum reimbursement rates for the state reimbursement of care and treatment services, and
8. provide a process for the district to appeal to the commissioner tuition bills submitted to districts and to the state. (Minn. Stat. § 125A.80.)

D. Cooperatives, Education Districts, and Intermediate Districts

For purposes of this section, a special education cooperative, service cooperative, education district, or an intermediate district must allocate its approved expenditures for special education programs among participating districts. Special education aid for services provided by a cooperative, service cooperative, education district, or intermediate district must be paid to the participating School Districts. (Minn. Stat § 125A.75, Subd. 7.)

E. Travel Aid for Personnel Providing Home-based Services to Young Children

The state must pay each district one-half of the sum actually expended by the district for necessary travel of essential personnel providing home-based services to children with a disability under ages five and their families. (Minn. Stat. § 125A.75, Subd. 1.)

F. Aid Payment to District Providing Services

The aids provided for children with a disability must be paid to the district providing the special instruction and services. General education aid must be paid to the district of the student's residence. The total amount of aid paid may not exceed the amount expended for children with a disability in the year for which the aid is paid. (Minn. Stat. § 125A.75, Subd. 2.)

VII. WHEELCHAIR SECUREMENT DEVICE DEFINITION

“Wheelchair securement device” or “securement device” means an apparatus installed in a transit vehicle or other motor vehicle for the purpose of securing an occupied wheelchair into a location in the vehicle and preventing movement of that wheelchair while the vehicle is in motion. (Minn. Stat. § 299A.11, Subd. 5.)

A. General Requirements

Except as provided in Minnesota Statutes, section, subdivision 4, any vehicle used by an operator to provide transportation service shall be equipped with wheelchair securement devices which are approved by the commissioner of public safety as meeting the specifications of subdivisions 1 and 2. A wheelchair securement device shall prevent any forward, backward, or lateral movement of an occupied wheelchair when the device is engaged and the vehicle is in motion, accelerating or braking, and shall attach to the frame of the wheelchair without damaging it. Wheelchair securement devices installed in any vehicle shall be maintained in working order. (Minn. Stat. § 299A.12, Subd.1.)

A school bus used to transport students in wheelchairs must be equipped with fastening devices that will hold the wheelchairs securely in a fixed position. (Minn. R. 7470. 1600, subp. 7.)

B. Strength Requirements

The strength requirements for securing the part of a wheelchair that is forward in the vehicle shall be one-half of those required for the rear. Where the wheelchair securement device and the seatbelt are combined in a common system, those parts which provide the combined restraining force shall have a combined strength of both according to the strength requirements of each as adopted by the commissioner of public safety. (Minn. Stat. § 299A.12, Subd. 2.)

C. Maximum Number of Persons Transported

A vehicle used to provide transportation service shall carry only as many persons seated in wheelchairs as the number of securement devices approved by the commissioner of public safety as meeting the specifications of subdivisions 1 and 2 with which the vehicle is equipped, and each occupied wheelchair shall be secured by such a securement device before the vehicle is set in motion. (Minn. Stat. § 299A.12, Subd. 3).

D. Transit Vehicle; Rules

A transit vehicle used to provide transportation services may be equipped with wheelchair securement devices that may be engaged and released by the user or the user's assistant. The commissioner of public safety shall adopt rules as necessary to set standards for the operation, strength, and use of these wheelchair securement devices. (Minn. Stat. § 299A.12, Subd. 4.)

Legal Reference: 123A.488 (Transportation to Day Training)
123B.42 (Non Public Schools)
123B.88 (Transportation to Day Training)
123B.90 (Bus Safety Training)
123B.91 (Bus Safety Training)
123B.92 (Area Learning Centers)
124D.10 (Charter School Transportation)
125A.03 (Required Special Education Services)
125A.11 (Placement Outside of Resident District)
125A.12 (Pupil Served by Another District)
125A.14 (Placement Outside of Resident District)
125A.15 (Placement Outside of Resident District)
125A.17 (Legal Residence with a Child with a Disability Placed in a Foster Facility)
125A.24 (Parent Advisory Councils)
125A.5 (Alternative Delivery of Specialized Instructional Services)
125A.51 (Placement of Children without Disabilities; Education and Transportation)
125A.515 (Placement of Students; Approval of Education Program)
125A.69 (Admission Standards)

125A.75 (Special Education Programs)
126C.05 (Definition of Public Unit)
126C.10 (General Education Revenue)
127A.47 (Payments to Resident and Non-Resident Districts)
299A.12 (Wheelchair Securement Device)
MN Rule 7470.1600 (Length of Travel Time)
MN Rule 7470.1700 (Appeal Process)
34 CFR 300.107 (Non Academic Service including Transportation)
34 CFR 300.139 (Transportation to and from Neutral Site for Private Student)

Cross Reference: Wabasha-Kellogg Policy 707 (Transportation of Public School Students)
Wabasha-Kellogg Policy 708 (Transportation of Non Public School Students)
Wabasha-Kellogg Policy 709 (Student Transportation Safety)