



**A Reference Guide to Transporting  
Students with Disabilities  
and Special Transportation  
for Selected Students in Minnesota**

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## INTRODUCTION

The Reference Guide to Transporting Students with Disabilities and Special Transportation for Selected Students in Minnesota was specifically designed for school district administrators of transportation and special education. Its primary purpose is to assist them in arranging for and providing special transportation for students with disabilities and for those students that require special transportation because of special situations. The guide has four parts:

- Questions and answers often asked about a school district's responsibility for special transportation.
- Situations where education or transportation variables sometimes obscure a clear understanding of school district responsibilities for providing the education programs or special transportation.
- Funding of special education transportation and special transportation.
- A glossary of terms, titles and acronyms are located at the back of the guide. Also a simplified flow chart and a grid to assist in MARSS coding is provided.

Although considerable care was given to making this reference guide as accurate as possible, this document does not constitute legal advice. School districts should seek legal counsel as necessary.

The Reference Guide is designed so that in the future, when laws, rules or regulations change, selected pages in the guide will be updated.

Suggestions or comments about the content and format of the reference guide are appreciated. Please contact the Department of Education, School Finance at 651-582-8779 with any comments.

# I. QUESTIONS AND ANSWERS

This chapter provides answers to questions regarding:

- Transporting homeless students who require special transportation.
- Transporting students who do not have an IEP or do have an IEP which does not require special transportation accommodations who attend care and treatment programs.
- Transporting students with disabilities who require special transportation in their IEP.
- Transporting infants, toddlers and young children with disabilities who are in an early intervention or early childhood special education program and require special transportation as required by their IEP.
- Transporting high school students with disabilities who are in a secondary transition program and require special education transportation.

## Questions Most Often Asked

### Transporting Homeless Students

#### 1. **Homeless Student Defined.** *How are homeless children and youth defined?*

The McKinney-Vento Act describes homeless children as individuals who lack a fixed, regular, and adequate nighttime residence which includes:

- Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are abandoned in hospitals; or are awaiting foster care placement.
- Children and youths who 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.
- Children and youths who are living in cars, parks, public spaces, abandoned buildings substandard housing, bus or train stations, or similar settings.
- Migratory children who qualify as homeless for these purposes.

#### 2. **Responsibility to Transport Homeless Students.** *Who is responsible to transport homeless students?*

The district that enrolls the homeless student will be responsible for the transportation even when the student is living at a location outside the district where the school of attendance is located. This is true regardless of whether the student is living in a shelter or nonshelter location. Minnesota Statutes, section 127A.47, subd. 2, Payments to Resident and Nonresident District provides that “For all school purposes, unless otherwise specifically provided by law, a homeless pupil is a resident of the school district that enrolls the pupil.”

Transportation must be provided until the student is no longer homeless. However, districts may continue to transport formerly homeless students until the end of the school year in order not to force the student to change schools during the school year.

#### 3. **Method of Transportation of a Homeless Student.** *How should the district provide transportation to homeless students that require special service?*

Transportation could be provided by:

- Rerouting regular or special transportation to include stops at or near shelters, motels and other places where students live,
- Using existing routes such as those set up to serve special education programs, desegregation programs or nonpublic schools,
- Contracting with the parent or guardian of the child,
- Using public transportation,
- Taxi service,
- Contracting with other districts, or
- Collaborating with other public agencies.

Note: Transportation must be consistent with student transportation laws for vehicle standards and driver qualifications.

4. **Homeless and Disabled Student.** *If the parents /guardians and their disabled child are homeless, must a school district consider the parents' preference of where their child's program is located?*

When the IEP team meets to determine the student's program, the team must consider the parental preference for the location of the program. If special education transportation is required because of the student's disability, it must be noted in the IEP. In this situation, use Finance Dimension 723 and MARSS Transportation Category 03-Disabled. If the student needs special transportation because they are homeless and does not need special education transportation, use Finance Dimension 728 and MARSS Transportation Category 06- Special.

5. **Enrollment Responsibility.** *Must a school district enroll a student who has a disability and is homeless?*

Minnesota Statutes, section 120A.20 states, "A school district must not deny free admission to a homeless person of school age solely because the school district cannot determine that the person is a resident of the school district." This requirement applies regardless whether or not the student has a disability.

Homeless preschool children with disabilities must also be admitted to an appropriate preschool program as specified in their IEP/IFSP/IIP and necessary transportation must be provided.

6. **Timing of Providing Transportation.** *After a homeless student enrolls in school, how long does the school district have before it must begin providing transportation for the student?*

Transportation must be provided within a reasonable amount of time as it would for any other student moving into the district.

## Care and Treatment Programs

1. **Care and Treatment Facility.** *What is considered a care and treatment facility?*

The temporary or long-term placement of a student by the courts, human services, school district, parent or legal guardian into a chemical dependency or other substance abuse treatment center, shelter care facility, hospital, day treatment center, correctional facility, residential treatment

center, or mental health program. The facility must be licensed by the Department of Human Services and/or the Department of Corrections with an onsite education program.

2. **Who Can Place.** *Who can place a student in a care and treatment program?*

School districts, courts, human services, parents, and licensed medical practitioners may place a student in a care and treatment program.

3. **Court-Ordered Placement with Parental Rights Terminated.** *What if the student is court-ordered to attend a care and treatment program and the parental rights are terminated?*

According to Minnesota Statutes, section 125A.51, when the parental rights have been terminated by a court order and the student has been placed in a residential or foster facility for care and treatment, the resident district is considered the district in which the facility is located.

4. **Time of Treatment Center Sessions.** *What if the treatment program is in session after school hours?*

The district is only responsible for transportation during regular operating hours of the district. This does not include the time when buses are running for a late day activity or nonauthorized transportation.

5. **School District's Responsibility.** *Is a school district obligated to provide transportation when someone other than the district places a student or nonpublic student in a care and treatment program?*

Regardless of who places the student in the program, a school district would be responsible for transportation services. See #2 above.

6. **Evening, Summer and Weekend Care and Treatment.** *Are school districts responsible to provide transportation to evening, summer or weekend care and treatment programs?*

School districts are only obligated to provide transportation during the regular operation hours of the district. The regular operation hours are defined as the time the buses start their routes in the morning until the time the buses are parked after the last route of the day for regular transportation. For summer programs, including area learning centers, extended school year, and special education summer programs districts would be responsible to transport students to care and treatment programs if they have buses operating during the summer education programs. Further, the district would only be responsible to provide transportation for those students that are participating in the summer education program because they are at below grade level to a care and treatment program. If the care and treatment program is identified in the student's IEP, then the district would be responsible for transportation to the care and treatment program even if the student is not participating in the summer school program but only during summer operating hours. Minn. Stat. § 125A.15.

7. **Reasonable Restrictions.** *Can a district establish reasonable restrictions on transportation to a care and treatment program?*

The district would have to establish a policy on what constitutes reasonable restrictions so that it is uniformly applied. If the placement is not considered reasonable consistent with the district's policy, the resident district would not be responsible for transportation to and from the day treatment.

However, if the placement is made by a Minnesota court or agency and the resident district receives a copy of the order the resident district is responsible for and from transportation. The resident district does not have to begin transportation until a copy of the order is received by the resident district.

**8. Open Enrolled Students Who Attend Care and Treatment Programs.** *Who is responsible for transportation when an open enrolled student attends a care and treatment program?*

When a student is open enrolled to another district or is enrolled in a charter school and is then placed for day treatment the open enrollment record or charter school enrollment is considered to be on hold during the placement. The student's resident district would be responsible for instruction and transportation. The student has the right to return to the open enrolled district or charter school once the treatment is completed. Minnesota Statutes sections 125A.15 and 125A.51.

## **Transporting Special Education Students**

**1. Transportation on IEP.** *Should special transportation always be specified on the IEP or 504 Accommodation Plan?*

Transportation is usually not addressed on the IEP unless special transportation is required because of the student's disability. Appropriate transportation accommodations and adaptations must be specified and written into the IEP.

**2. Special Education Student that Becomes Temporary Disabled.** *What happens when a special education student who does not have special transportation in his IEP becomes temporary disabled?*

The student has an IEP that requires the district or charter school to assure that the student receives a Free Appropriate Public Education (FAPE). Though the condition would be temporary – e.g. surgery, the district is still required to provide FAPE and in order to do this the student should receive any special education related service to assure that the district is providing FAPE, including special transportation. The IEP can be reviewed and revised to make the necessary adjustments to assure that FAPE is continued by including special transportation as a related service with the appropriate discussion to justify this service. The IEP can even indicate that it is a temporary situation to last no longer than X weeks, and should be reviewed after that time period to determine if the student needs to continue that special education related service. In this case it is special education transportation so the MARSS record will have to reflect the time that special education transportation is provided by having the record reflect transportation category 03 until such time as it is no longer required. Having a 504 plan for a student with an IEP may not be appropriate as the student needs to have any accommodations or adaptations, it can be discussed in the IEP.

**3. Transportation staff at planning meetings.** *Should a transportation representative be invited to an IEP or 504 Accommodation Plan meeting?*

A transportation representative may be invited to an IEP or 504 Accommodation Plan meeting. If transportation services are urgent or unusual, a transportation representative with decision-making authority should be invited in order to provide information about transportation options and to be made aware of any need for special equipment or special training of bus personnel before transportation services begin. Services cannot be denied in the interim. Also, the meeting can reconvene if transportation issues arise.

4. **Helping students to the bus.** *Who is responsible for getting students from their home to the school bus?*

It is the parents' responsibility to have their child meet the school bus at the street, curb or driveway, unless that responsibility has been modified and agreed to through the Section 504 or IEP process.

The district is not required to have the bus driver or bus assistant enter the student's residence (e.g., house, apartment building). School district policy must be consistent with special transportation accommodations or adaptations identified in a student's IEP or 504 Accommodation Plan.

5. **Helping students on or off the bus.** *How much assistance should a school bus driver or bus assistant provide to a student who is boarding or leaving the bus?*

These decisions are made on an individual basis and specified in a student's IEP or 504 Accommodation Plan. School districts may also have policies and procedures which deal with this subject. Minnesota Rules 7470.1700, Subp. 3. C. requires that "Each driver and aide assigned to a vehicle transporting pupils must... assist pupils with disabilities on and off the bus when necessary for their safe ingress and egress from the bus..."

6. **Length of time on the bus.** *What is maximum length of time that student with a disability can ride on a school bus?*

Minnesota Rules 7470.1600, Subp. 3. provides that "The length of time a child with a disability is transported shall be appropriate to the physical, mental and emotional well-being of the child. In general, a child with a disability should not spend more time in transit than a child without a disability except as may be required because of the unique location of the child's education program."

7. **Length of school day.** *Can the instructional day of a student with a disability be shortened or lengthened to accommodate existing transportation schedules?*

The transportation schedule cannot be used as a reason to shorten or lengthen the student's school day. The length of the instructional day for students with disabilities must be the same as the length for all other students of their age in the district. In cases where a student's IEP or 504 Accommodation Plan requires either a shortened or lengthened school day, transportation must be provided at the times specified.

8. **Drop-off time: No one home.** *When special transportation is being provided, what should a school bus driver do if a responsible person is not home to receive the student after school?*

If there is no school board policy or procedure in place, the driver should check the student's emergency health card to see if the student may be left alone or if there is an alternate destination listed on the emergency health card. Out of concern for the student's safety and the district's liability, the school district should have a policy or procedure addressing further action to be taken by the bus driver. The district transportation office should be notified of any instances where this occurs, to be able to follow up and prevent future problems.

9. **Resident district closed; program district open.** *When the resident district schools are closed, must the resident district transport students to programs that are in session in other school districts?*

It depends on why the resident district schools are closed. If resident district schools are closed because of a non-emergency condition (e.g., teacher conferences, district holiday of choice), the resident district must transport students attending other districts whenever the programs in the other districts are in session. However, if resident district schools are closed because of emergency conditions (e.g., severe weather, icy roads), the resident district does not have to transport students to programs in other districts even though the schools or the programs in the other districts are open.

**10. Field trip fee.** *Can a student with a disability be charged a student fee to participate in a field trip with classmates?*

The student with a disability would pay the same student fee as all other students, even if it costs more to transport that student.

If the student's IEP indicates the necessity of the field trip for instructional purposes, the expenses related to the trip including the expense of having an aide on the bus would be eligible to be reported under Finance Dimension 723 Disabled. If the field trip is other than instruction, i.e. trip to Valley Fair, then the expense would not be eligible to be reported in Finance Dimension 723 and should be reported under Finance Dimension 733 Nonauthorized.

**11. Age limit for transportation.** *At what age is a student no longer eligible for transportation services from the school district?*

The 2006 legislative session clarified the maximum age criteria for students without an IEP by adding a paragraph to Minnesota Statutes, section 120A.20, subd. 1. For student with an IEP, maximum age is described in Minnesota Statutes, section 125A.03. Refer below for a summary of each provision. However, once students have graduated or completed the requirements of their IEP, they are no longer eligible to generate state aid; hence transportation would no longer be required. Students who have participated in a learning year program must be graduated and withdrawn as soon as they have earned the credits necessary for their diploma or complete the requirements of their IEP.

No IEP – Students without an IEP and who are age 20 at the time of enrollment in a public school or program during a given school year are eligible to enroll in school and generate state aid through graduation or the remainder of the school year, whichever occurs first. Students who are age 20 at the time of enrollment during a given school year, who then turn 21 and subsequently withdraw or transfer schools, must re-enroll in any public school or program within 21 calendar days to remain eligible to generate state aid through the remainder of the school year or graduation, whichever occurs first.

Students who are age 20 may enroll in a State Approved Alternative Program's (SAAP) or other state-approved learning year program's summer term and generate state aid. However, if they turn 21 prior to the start of the core school year, they are ineligible to generate state aid during the core school year.

Students enrolled in a charter school or district in which the student's school year starts prior to September 1 in a given year and who are age 20 at the time of enrollment, but turn 21 prior to September 1, are eligible to generate state aid for that school year only between their enrollment date and August 31.

With IEP – Students with an IEP and who are age 20 as of June 30 are eligible to enroll in school and generate state aid through the following fiscal year, until the student graduates or the requirements of the IEP are met, whichever occurs first. Students with an IEP who turn 21 on or after July 1 are eligible to enroll in school and generate state aid through the remainder of the fiscal year, graduation or until the requirements of the IEP are met, whichever occurs first.

**12. Revocation of bus privileges.** *Can students with disabilities have their bus riding privileges revoked?*

Yes, except for certain conditions. Under state law, transportation to school is not a right, but a privilege which may be revoked for violations of school bus rules (Minn. Stat. § 121A.59). This provision of state law applies to all students, but there are some conditions that limit a revocation of this privilege.

Transportation as a related service. If transportation is listed as a related service on a student's IEP or 504 Accommodation Plan, the district must provide alternative transportation if school bus privileges are revoked. A related service may not be taken away without due process, which means a team meeting and parent consent.

Behavior must not be a manifestation of a disability. If a student's IEP or 504 team determines the student's behavior is a manifestation of a disability, the district could be unfairly discriminatory to revoke all transportation options if it meant the student could not attend school for more than 10 cumulative school days.

Disciplinary action on the bus. Disciplinary action by the bus driver or bus assistant must comply with all provisions of a Behavior Intervention Plan (BIP) on a student's IEP or 504 Accommodation Plan, if there are any such provisions. Except for an emergency situation, the bus driver or assistant may not improvise their own disciplinary procedures, if those procedures would conflict with an IEP or 504 Accommodation Plan.

**13. Day care.** *Must a school district provide special transportation between a child's day care provider and the child's special education program?*

School districts may transport students with disabilities to and from day care just as it does for students without disabilities. Exceptions from district policy must be made by the student's IEP or 504 team.

**14. Respite care.** *Who is responsible for transportation when a student is temporarily placed in respite care?*

Respite care is not the same as care and treatment or foster care, and should not be confused with this placement. Minnesota Statutes, section 123B.92, Subd. 1(b)(1) provides that a school district may designate a respite care facility as the home of the pupil for all or part of the day. If the facility is located within the district where the student currently resides, the resident district is responsible for transportation.

When respite care is located outside the resident district, the law is silent about which district is responsible for transportation back to the current program in the resident district. Technically, the district in which the student is currently living must provide the student with an education program (see Minn. Stat. § 120A.20). However, because respite care is usually for a relatively brief period of

time (often only a week or two), it is reasonable to consider transporting the student back to the resident district and the education program which is already in place.

This method is far less disruptive to the student's education than an alternative. The districts involved should work out an agreement regarding transportation that will ensure the student can access an appropriate education program. Some districts have interagency agreements with social services that identify who will provide and pay for transportation when there are out-of-district placements for respite care.

15. **Parent choice of school within district.** *If a school allows parents or students to choose a school outside their regular attendance area, but within the district, with the condition that parents / guardians must arrange transportation to and from the school of choice, does the district have to provide transportation to the school of choice for students with disabilities?*

The district is only required to transport those students who, because of the severity of their disabilities, require special transportation (as specified in the student's IEP or 504 Accommodation Plan) in order to take advantage of this option. It is suggested that the school board have a policy that clarifies when transportation services will be provided in an intra-district choice situation.

16. **Home school.** *Must a school district transport a child who is home schooled, but has a disability that requires special education services at a site located somewhere other than the child's home?*

Home schools are nonpublic schools. Therefore, the school district's responsibility for transportation is the same as it is for other nonpublic special education students. According to Minnesota Statutes, section 123B.86, Equal Treatment, districts are required to provide transportation within the district for resident students attending nonpublic schools.

17. **Requiring parents to transport.** *When students with disabilities require special transportation, is the school district obligated to provide it, or can the school district require parents to provide the transportation?*

Transporting students with disabilities who require special transportation is the responsibility of the school district. A district may not require parents to transport. However, transportation by the parents through a contractual agreement is one alternative that can be explored. In some instances, parents may be willing or even prefer to transport their child themselves. If, however, the school district offers reasonable transportation and the parent's decline the offer, the district is not obligated to reimburse the parents for transportation.

18. **Use of parent's personal vehicle.** *What issues need to be considered when a student with a disability is transported in the family's own vehicle?*

If the parents agree to transport their child, the district should treat the transportation agreement as it would any other contractual agreement, i.e., reimbursement and other considerations as determined through negotiation and district policy. Such a contractual agreement, however, does not eliminate the district's responsibility to ensure safe transportation for the students. It may be prudent on the part of the district to check the driving record of all drivers who might transport the student in the family vehicle. Also, the district should require that the owner of the vehicle carry adequate and current insurance on the vehicle and its occupants and submit proof of insurance to the school district for the period transported.

19. **Driver's license endorsement.** *When transporting a student with a disability in a car, station wagon or van (i.e., Type III school bus), are teachers or any other staff person, including contracted drivers, required to have a school bus endorsement on their license?*

Neither state law nor federal regulations require drivers of cars, station wagons or vans (Type III school bus) to have a school bus endorsement on their license, so long as the manufacturer's rated seating capacity is ten or fewer persons, including the driver. However, a school district is required to include in its transportation policies the qualifications of individuals who drive Type III school buses. A district may require that the license of anyone who transports students must include a school bus endorsement, regardless of the size of the vehicle driven. Drivers of district vehicles must have their license checked annually.

20. **Driver training – general.** *What training is required for all school bus drivers?*

Minnesota Statutes, section 171.321, subd. 4 provides that drivers of school bus Types A, B, C and D (see Glossary for description) must receive training and be evaluated annually to determine if they can demonstrate competency in the following six areas:

- a. Safely operate the type of school bus the driver will be driving
- b. Understand student behavior, including issues relating to students with disabilities
- c. Ensure orderly conduct of students on the bus and handle incidents of misconduct appropriately
- d. Know and understand relevant laws, rules of the road and local school bus safety policies
- e. Handle emergency situations
- f. Safely load and unload students

The local school board determines the level of training for drivers of Type III school buses. Training requirements must be part of the district's transportation policy.

21. **Driver training – special.** *What additional training is required for a bus driver who transports students with disabilities on a special transportation route?*

One of the competencies required of drivers by Minnesota Statute is an understanding of student behavior, including issues relating to students with disabilities. In addition, Minnesota Rules 7470.1700, subp. 3, requires that each driver:

- a. Be instructed in basic first aid procedures for the pupils under their care
- b. 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 pupils with disabilities.
- c. Assist pupils with disabilities on and off the bus when necessary for their safe ingress and egress from the bus.
- d. Ensure that protective safety devices, as required in Minnesota Rule 7470.1600, Subp. 6, are in use and fastened properly.

Furthermore, it is recommended that a driver of any route that includes students with disabilities receive appropriate training as noted in the Department of Public Safety Minnesota Rule 7470.17.

22. **Bus assistants.** Is a bus assistant (aide) required when transporting students with disabilities?

The decision is made on an individual basis by the student's IEP or 504 team. Severity of the student's disability, distance traveled, density of population, terrain and any other factors may be considered. The need to assist or control the behavior of a student, or number of students, may also indicate the need for a bus assistant.

23. **Bus assistant training.** *What training is required of a bus assistant?*

The training requirements in Minnesota Rules 7470.1700, Subp. 3, apply to both drivers and assistants. See question 20.

24. **Student training.** *What training is required for students with disabilities who are transported on school buses?*

Minnesota Statutes, section 123B.90 provides that all students in grades kindergarten through ten who are transported on school buses must receive both classroom and on-the-bus training. Students must receive training regarding the following concepts:

- a. Transportation by school bus is a privilege and not a right
- b. District policies for student conduct and school bus safety
- c. Appropriate conduct while on the school bus
- d. The danger zones surrounding a school bus
- e. Procedures for safely boarding and leaving a school bus
- f. Procedures for safe street or road crossing
- g. School bus evacuation and other emergency procedures

Reasonable accommodations must be made in training students with disabilities or those students known to speak English as a second language. It is recommended that all training efforts, waivers, accommodations or exceptions be specified on the student's IEP or 504 Accommodation Plan.

25. **Responsibility when contracting.** *If a district contracts for transportation services with a private contractor or individual, is the district still responsible for student safety and appropriate service within state law or rule?*

A district cannot "contract away" its responsibility for student safety and appropriate service. Additionally, the district must ensure the contractor meets all legal requirements for student transportation.

26. **Selecting type of vehicle.** *Who determines the type of vehicle that is to be used to transport a student with a disability?*

Minnesota Rules 7470.1600, Subp. 4, provides that, "The school district shall determine the type of vehicle used to transport pupils with a disability on the basis of the disabling conditions of those pupils."

27. **Selecting special bus equipment.** *Who determines what special equipment will be used on the bus to transport a student with a disability?*

Minnesota Rules 7470.1600, Subp. 6, provides that specially adapted seats, supports and/or protective devices must be selected by the school district in consultation with the pupil's parents and on the basis of the specific needs of the individual pupil with a disability.

28. **Purchase vehicle with federal funds.** *Can federal special education funds be used to purchase a school bus?*

Yes, but the vehicle must be used for special education students exclusively and the school district must get prior approval from the Minnesota Department of Education, Special Education Funding and Data Unit, Division of Program Finance.

29. **Modify vehicle with federal funds.** *Can federal special education funds be used to modify school buses?*

Only school buses currently in use can be modified using federal funds. Modification of existing buses is limited to items that will accommodate the needs of students with disabilities, e.g., two-way radio, installation of a lift, rearrangement of seats, the addition of a particular safety features) that is needed because of a student's particular disability.

30. **Vehicle inspection.** *Must all vehicles used to transport students with disabilities be inspected by the State Patrol?*

Minnesota Statutes, section 169.451 requires that all vehicles used to transport students, whether district-owned or contractor-owned, be inspected annually. Parents transporting their own children in the family vehicle, or teachers or administrators transporting a sick student home from school (emergency nonscheduled transportation) are not required to have their vehicles inspected by the State Patrol.

31. **Age limit of school buses.** *Is there an age limit beyond which a school bus can no longer be used to transport students?*

Types A, B, C and D school buses manufactured before April 1, 1977, cannot be used to transport students in the state of Minnesota. However, if manufactured after April 1, 1977, they can be used provided they pass the annual school bus inspection (see Minnesota Statutes, section 169.4502, Subd. 2).

Type III school buses (cars, station wagons and vans) more than twelve years old cannot be used to transport students. The date of manufacture is used to determine the age of the vehicle (see Minn. Stat. §169.454, Subd. 2).

32. **Wheelchair orientation.** *What are the requirements for a forward-facing or side-facing wheelchair orientation on a school bus?*

Types A, B, C and D school buses manufactured after January 1, 1995, must have wheelchair securement devices in a forward-facing orientation. Types A, B, C and D school buses manufactured before January 1, 1995, may have either forward- or side-facing wheelchair orientation. Type III school buses, no matter when they were manufactured, may have either forward- or side-facing wheelchair securement devices (see Minnesota Statutes, section 169.4504).

33. **Wheelchair tie-downs.** *Are there requirements for how a wheelchair is tied down to the bus?*

Whether side-facing or forward-facing, all wheelchairs must be securely fastened in a fixed position to prevent movement. This securement system must utilize a four-point tie-down design. In addition, each wheelchair location must have an occupant restraint system. This system must be attached to the bus body either directly or in combination with the wheelchair securement system (see Minn. Stat. §169.4504, Subd. 3-4).

34. **Emergency health card.** *Are emergency health cards required in vehicles used to transport students with disabilities?*

Minnesota Rules 7470.1700, Subp. 2, provides that drivers or assistants transporting students with disabilities on special school bus routes shall have a typewritten card in the vehicle that includes the following information:

- a. The pupil's name and address
- b. The nature of the pupil's disabilities
- c. Emergency health care information
- d. The names and telephone numbers of the pupil's physician, parents, guardians, or custodians and some person other than the pupil's parents or custodians who can be contacted in case of an emergency

It is also recommended that the emergency health card include information on an alternate site where the student can be dropped off if nobody is at home. It is further recommended that an emergency card be on all buses where there is a student with a potential emergency health need.

35. **Two-way radios.** *Are all vehicles required to have a two-way communication system when transporting a student with a disability?*

General requirement for all buses, Minnesota Statutes, section 169.4503, Subd. 6, requires that Types A, B, C and D school buses manufactured after July 1, 1995, be equipped with a two-way communication system. The decision on whether to equip Type A, B, C, D and Type III school buses manufactured before July 1, 1995, rests with the school district.

Additional standards for specially equipped school buses, Minnesota Statutes, section 169.4504, Subd. 2, requires that, "All vehicles used to transport disabled students shall be equipped with a two-way communication system."

36. **Public transportation.** *Can public transportation be used to fulfill a district's obligation to provide necessary transportation?*

Public transportation may be an appropriate option when the IEP or 504 team agree that it meets the student's needs.

## Transporting Children in Early Childhood Programs

1. **Age of eligibility for transportation.** *At what age are children with disabilities eligible to receive transportation services?*

Children with disabilities are eligible for transportation services from birth or whenever transportation services are required by their IFSP, IEP or 504 Accommodation Plan. Note: Most infants and toddlers who qualify for special education services are usually served in their home by special education staff.

2. **Carrying a child on or off the bus.** *How much assistance should a bus driver or bus assistant give infants or toddlers to get them on or off the bus?*

These decisions are made on an individual basis and specified in the child's IEP or 504 Accommodation Plan. Minnesota Rule 7470.1700, Subp. 3.C., requires that, "Each driver and aid assigned to a vehicle transporting pupils must... assist pupils with disabilities on and off the bus when necessary for their safe ingress and egress from the bus..."

3. **Transporting parent and child to early childhood program.** *May a school district transport the parent of a child who attends an early childhood program on the same school bus with the child, so the parent can participate in the child's education program?*

Minnesota Statutes, section 123B.88, Subd. 12, provides that the school districts may provide transportation along all routes when space is available for participants in early childhood family education programs and learning readiness programs if these services do not result in an increase in the district's expenditures for transportation. The costs allocated to these services, as determined by generally accepted accounting principles, shall be considered as part of the authorized cost for regular transportation for the purposes of this section. Transportation may occur between the school and the home or day care location.

4. **Selecting a car seat.** *When an infant or very young child rides a school bus, how is the use of a car seat determined?*

By state law and Federal Motor Vehicle Safety Standards (FMVSS) most school buses are not required to be equipped with a seat belt system. The student's IEP team, which would include a representative from the school's transportation department, would determine if a child with disabilities needs to be placed in a restraint system.

## Transporting to Transition Programs

1. **Transportation during the day.** *If a student's IEP specifies a program in another district and the program requires during-the-day transportation to an off-school site (e.g., for transitional activities specified on the student's IEP), which school district is responsible for the during-the-day transportation?*

The resident district is responsible for transportation and can provide the service itself, or by contract with the serving district (see Minn. Stat. §125A.11 and Minn. Stat. §125A.20).

2. **Vehicle options for during-the-day transportation.** *What type of vehicles can be used to transport a student with a disability to the transition program's community site during the day?*

The school district may use the traditional yellow school bus (Types A, B, C and D), automobile, van, or station wagon having a maximum capacity of ten persons including the driver (Type III), public transportation or a family vehicle.

3. **Transportation outside school hours.** *Is a school district required to transport a student with a disability to and from a transition program community site outside of school hours?*

If an IEP or 504 Accommodation Plan includes goals, which require transportation beyond the normal school day, that becomes that student's school day and the district must transport. However, the district is not responsible for transportation inconsistent with the program plan. If a student chooses to extend their time at a program site (e.g., work site), then the student becomes responsible for their own transportation on those occasions.

4. **Sharing the cost of transportation.** *Can the cost of transporting a student with a disability to an off-school site (e.g., work site or postsecondary program) be shared between the school district and the off-campus agency?*

Transportation costs can be shared through a cooperative agreement between the school district and the other agency.

## II. WHO MUST TRANSPORT STUDENTS WHEN IEP/IFSP/IIIP DOES NOT IDENTIFY SPECIAL EDUCATION TRANSPORTATION OR STUDENT DOES NOT HAVE AN IEP/IFSP/IIIP

This section provides examples of situations that occur when providing special transportation for students that require special accommodations because of their special situations. They may be students with IEP/IFSP/IIIP but do not require special education transportation.

The special transportation students consist of three groups of students, they are:

1. Homeless
  2. Students attending Care and Treatment Programs
  3. Students that have 504 Accommodation Plans that require special transportation or adaptations.
- If any of these students have special education transportation as an accommodation in their IEP/IFSP/IIIP, use special education transportation descriptions, as special education transportation supersedes over special transportation.
  - References to Minnesota Statute or Minnesota Rule on which the transportation requirements are based.
  - Descriptions of which school district provides the student's education program and which district provides transportation to the education program.
  - Descriptions of which school district reports the student for pupil accounting and which district generates state aid (i.e., general education revenue and/or special education aid and/or transportation aid.)

### Situation 1 – Homeless student's IEP does not identify special education transportation or the student does not have an IEP.

A student who is considered homeless is transported by the district in which (s)he is enrolled.

*(Minn. Stat. § 127A.47 subd. 2)*

RESONSIBILITIES
ENROLLING DISTRICT
<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>1. Provides the education program.</li> <li>2. Generates general education revenue (GER)</li> <li>3. Reports on MARSS using 06 Special Transportation and indicate Homeless Flag = "Y"</li> </ol>
<p><i>Special Transportation</i></p> <ol style="list-style-type: none"> <li>1. Provides necessary transportation to and from school, and between school buildings for instructional purposes.</li> <li>2. Claims transportation aid by reporting expense in UFARS Code 728.</li> </ol>

**Situation 2 – Nondisabled student is placed in a care and treatment program in the resident district - IEP does not identify special education transportation or the student does not have an IEP.**

A nondisabled student or a student with an IEP that does not require special education transportation or accommodations who is placed in a care and treatment program shall be transported by the resident district.

*[Minn. Stat. § 125A.51 subd. (d)]*

<b>RESPONSIBILITIES</b>	
<b>RESIDENT DISTRICT</b>	
<i>Education Program</i>	
<ol style="list-style-type: none"> <li>1. Provides the education program.</li> <li>2. Generates GER.</li> <li>3. Reports on MARSS 06 Special Transportation using SAC 27 or 28.</li> </ol>	
<i>Special Transportation</i>	
<ol style="list-style-type: none"> <li>1. Provides necessary transportation to and from school and between school buildings for instructional purposes.</li> <li>2. Claims transportation aid by reporting expense in UFARS Code 728.</li> </ol>	

**Situation 3 – Nondisabled student is placed in a care and treatment program in a nonresident district - IEP does not identify special education transportation or the student does not have an IEP.**

A nondisabled student or a student with an IEP that does not require special education transportation or accommodations who is placed in a care and treatment program in a nonresident district shall be transported by the resident district.

*[Minn. Stat. § 125A.51 subd. (e)]*

<b>RESPONSIBILITIES</b>	
<b>RESIDENT DISTRICT</b>	<b>NONRESIDENT DISTRICT</b>
<i>Education Program</i>	<i>Education Program</i>
<ol style="list-style-type: none"> <li>1. Assures an appropriate education program is provided through an agreement with the serving or providing district.</li> <li>2. Generates GER.</li> <li>3. Reports on MARSS 06 Special Transportation using SAC 27 or 28.</li> </ol>	<ol style="list-style-type: none"> <li>1. May or may not provide the education program.</li> <li>2. May or may not bill resident district for cost of providing the instruction depending on mutual agreement.</li> </ol>
<i>Special Transportation</i>	<i>Special Transportation</i>
<ol style="list-style-type: none"> <li>1. Provides necessary transportation to and from school and between school buildings for instructional purposes.</li> <li>2. Claims transportation aid by reporting expense in UFARS Code 728.</li> </ol>	<ol style="list-style-type: none"> <li>1. Not responsible for transportation.</li> </ol>

**Situation 4 – An open enrolled student or charter school student attends a care and treatment program.**

A student resides in district (A), enrolls in a second district (B) under any options program (e.g., open enrollment; education options – formerly high school graduation incentives; parent-initiated agreement between school boards), but then student is then placed in a treatment program

*[Minn. Stat. § 125A.51 subd. (d)]*

RESPONSIBILITIES	
RESIDENT DISTRICT (A)	EDUCATIONAL OPTIONS DISTRICT (B)
<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>1. Provides the education program. Or assures an appropriate education program is provided through an agreement with the serving or providing district</li> <li>2. Generates GER.</li> <li>3. Reports on MARSS 06 Special Transportation using SAC 27 or 28</li> </ol>	<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>1. Put enrollment record on hold while the student is in treatment. The student has the right to return to the open enrolled district or charter school once the treatment is completed.</li> </ol>
<p><i>Special Transportation</i></p> <ol style="list-style-type: none"> <li>1. Provides necessary transportation to and from school and between school buildings for instructional purposes.</li> <li>2. Claims transportation aid by reporting expense in UFARS Code 728.</li> </ol>	<p><i>Special Transportation</i></p> <ol style="list-style-type: none"> <li>1. Not responsible for transportation.</li> </ol>

**Situation 5 – Nondisabled nonpublic student placed in a care and treatment program in the resident district - IEP does not identify special education transportation or the student does not have an IEP.**

A nondisabled nonpublic student or a student with an IEP that does not require special education transportation or accommodations who is placed in a care and treatment program in a resident district shall be transported by the resident district.

*(Minn. Stat. § 123B.86)*

RESPONSIBILITIES	
RESIDENT DISTRICT	NONPUBLIC SCHOOL
<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>1. Not responsible for providing the education program.</li> </ol>	<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>1. Refer to the Minnesota Compulsory Instruction Law for program/instruction responsibility; Minnesota Statutes, section 120A.22</li> </ol>
<p><i>Special Transportation</i></p> <ol style="list-style-type: none"> <li>1. Provides necessary transportation to and from school and to and from the care and treatment facility.</li> <li>2. Claims transportation aid by reporting expense in UFARS Code 728.</li> </ol>	<p><i>Special Transportation</i></p> <ol style="list-style-type: none"> <li>1. Not applicable</li> </ol>

**Situation 6 – Nondisabled, nonpublic student placed in a care and treatment program in a nonresident district - IEP does not identify special education transportation or the student does not have an IEP.**

A nondisabled nonpublic student who is placed in a care and treatment program in a nonresident district shall be transported by the resident district.

*(Minn. Stat. § 123B.86)*

RESPONSIBILITIES	
RESIDENT DISTRICT	NONPUBLIC SCHOOL
<p><i>Education Program</i></p> <p>1. Not responsible for providing the education program.</p>	<p><i>Education Program</i></p> <p>1. Refer to the Minnesota Compulsory Instruction Law for program/instruction responsibility; Minnesota Statutes, section 120A.22</p>
<p><i>Special Transportation</i></p> <p>1. Provides necessary transportation to and from school and care and treatment facility.</p> <p>2. Claims transportation aid by reporting expense in UFARS Code 728 and MARSS Transportation Category 06-Special.</p>	<p><i>Special Transportation</i></p> <p>1. Not responsible for transportation.</p>

**Situation 7 – Resident student with a 504 Accommodation Plan requiring special transportation in the resident district.**

A student who has a 504 Accommodations Plan shall be transported by the resident district.

RESPONSIBILITIES
RESIDENT DISTRICT
<p><i>Education Program</i></p> <p>1. Provides the education program.</p> <p>2. Generates GER.</p> <p>3. Reports on MARSS 06 Special Transportation using Primary Disability 54.</p>
<p><i>Special Transportation</i></p> <p>1. Provides necessary transportation to and from school and between school buildings for instructional purposes.</p> <p>2. Claims transportation aid by reporting expense in UFARS Code 728.</p>

**Situation 8 – Resident student with a 504 Accommodation Plan that requires an accommodation open enrolls to another district.**

A student who has a 504 Accommodations Plan requiring special transportation shall be transported by the district which enrolls the student.

<b>RESPONSIBILITIES</b>	
<b>RESIDENT DISTRICT</b>	<b>ENROLLING DISTRICT</b>
<p>Education Program</p> <p>1. Not responsible for providing the education program.</p>	<p>Education Program</p> <p>1. Provides the education program.</p> <p>2. Generates GER.</p> <p>3. Reports on MARSS 06 Special Transportation using Primary Disability 54</p> <p>4. May not bill resident district for any accommodations or adaptations of education program.</p>
<p>Special Transportation</p> <p>1. Not responsible for providing transportation.</p>	<p>Special Transportation</p> <p>1. Provides necessary transportation to and from school and between school buildings for instructional purposes.</p> <p>2. Claims transportation aid by reporting expense in UFARS Code 728.</p>

### III. WHO MUST TRANSPORT WHEN STUDENT’S IEP/IFSP/IIIP IDENTIFIES SPECIAL EDUCATION TRANSPORTATION

This chapter provides examples of situations that occur when providing special education transportation for students with disabilities that require special accommodations or adaptations as specified on their IEP/ IFSP/IIIP.

- References to Minnesota Statute or Minnesota Rule on which the transportation requirements are based.
- Descriptions of which school district provides the student’s education program and which district provides transportation to the education program.
- Descriptions of which school district reports the student for pupil accounting and which district generates state aid (i.e., general education revenue and/or special education aid and/or transportation aid).

#### **Situation 1 – Education program in resident district for students with an IEP/IFSP/IIIP that identifies special education transportation due to required accommodations or adaptations.**

A student resides in the resident district. The resident district is responsible for a special education program.

*(Minn. Stat. § 125A.03)*

<b>RESPONSIBILITIES</b>
<b>RESIDENT DISTRICT</b>
<i>Education Program</i> 1. Provides the education program. 2. Generates general education revenue. 3. Reports on MARSS using SAC 00.
<i>Special Transportation</i> 1. Provides necessary transportation to and from school and between school buildings for instructional purposes. 2. Claims transportation aid by reporting expense in UFARS Code 723.

#### **Situation 2 – Resident district places student in nonresident district for students with an IEP/IFSP/IIIP that identifies special education due to required accommodations or adaptations.**

A student resides in the resident district. The resident district places the student in an education program in a serving district during the regular school year, or extended year.

*(Minn. Stat. § 125A.11; 125A.14; 125A.15)*

RESPONSIBILITIES	
RESIDENT DISTRICT	SERVING DISTRICT
<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>1. Assures an appropriate education program is provided through an agreement with the serving district.</li> <li>2. Responsible for excess cost of special education program.</li> <li>3. Generates general education revenue.</li> </ol>	<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>1. Provides the education program.</li> <li>2. Serving district receives excess cost of providing special education program through the special education tuition billing process.</li> <li>3. Reports on MARSS using SAC 19 for regular school year. Use SAC 46 for extended school year.</li> </ol>
<p><i>Special Transportation</i></p> <ol style="list-style-type: none"> <li>1. Provides transportation from home to the education site in the serving district, and home again.</li> <li>2. Provides during-the-day transportation or contracts with the serving district.</li> <li>3. Claims transportation aid by reporting expense in UFARS Code 723.</li> </ol>	<p><i>Special Transportation</i></p> <ol style="list-style-type: none"> <li>1. Not responsible for transportation. Exception: By mutual agreement, the providing district can: 1) claim the pupil as one of its own for transportation purposes; 2) provide the transportation; 3) claim the transportation aid; and 4) any unreimbursed transportation costs are billed back to the resident district through the special education tuition billing process.</li> </ol>

**Situation 3 – Residential facility in nonresident district for students with an IEP/IFSP/IIIP that identifies special education transportation due to required accommodations or adaptations.**

A resident district places the student in a residential facility located in a nonresident district. The serving district provides the education program.

[Minn. Stat. § 125A.11; 123B.92, subd.1 (b) (4) (vi); 34 CFR 104.33 (c) (2)]

RESPONSIBILITIES	
RESIDENT DISTRICT	SERVING DISTRICT
<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>1. Assures an appropriate education program is provided through an agreement with the serving district.</li> <li>2. Responsible for excess cost of the special education program.</li> <li>3. Generates general education revenue.</li> </ol>	<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>1. Provides the education program.</li> <li>2. Bills resident district for excess cost of special education program through the special education tuition billing process</li> <li>3. Reports on MARSS using SAC 10, 19 or 27.</li> </ol>
<p><i>Special Transportation</i></p> <ol style="list-style-type: none"> <li>1. Provides transportation to and from the resident facility, because it is an educational placement. Pays for board and lodging costs.</li> <li>2. Claims transportation aid for board and lodging costs, and for transportation to and from residential facility. Reports expense in UFARS Code 723.</li> </ol>	<p><i>Special Transportation</i></p> <ol style="list-style-type: none"> <li>1. Transports to and from residential facility within the district, and during the school day.</li> <li>2. Claims transportation aid for to and from during-the-day transportation. Reports expense in UFARS Code 723.</li> <li>3. Any unreimbursed transportation costs are billed back to the resident district through the special education tuition billing process.</li> </ol>

**Situation 4 – Day treatment in resident district for students with an IEP/IFSP/IIIP that identifies special education transportation due to required accommodations or adaptations.**

The courts, human services, parents or school district place a student in a day treatment program within the resident district.

*(Minn. Stat. § 125A.05; 125A.51)*

<b>RESPONSIBILITIES</b>
<b>RESIDENT DISTRICT</b>
<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>1. Assures an appropriate education program either by providing the program itself or through an agreement with another agency.</li> <li>2. Generates general education revenue.</li> <li>3. Reports on MARSS using SAC 27.</li> </ol>
<p><i>Special Transportation</i></p> <ol style="list-style-type: none"> <li>1. Provides transportation to and from the day treatment program.</li> <li>2. Claims transportation aid by reporting expense in UFARS Code 723 if the treatment program is written into the student’s IEP or if the student needs special education transportation because of his/her disability.</li> <li>3. If the student does not have an IEP, or the IEP does not include the treatment program or special transportation because of a disability, code the expense of transporting the student to the day treatment in UFARS Code 728.</li> </ol>

**Situation 5 – Day treatment in serving district; education program in resident district for students with an IEP/IFSP/IIIP that identifies special education transportation due to required accommodations or adaptations.**

The courts, human services, parents or school district place a student in a day treatment program in a nonresident district. During the time of the placement, the student is transported to and from the day treatment program. The student is also transported between day treatment and the education program in the resident district.

*(Minn. Stat. § 125A.15; 125A.51)*

<b>RESPONSIBILITIES</b>
<b>RESIDENT DISTRICT</b>
<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>1. Provides the education program.</li> <li>2. Generates general education revenue.</li> <li>3. Reports on MARSS using SAC 27.</li> </ol>
<p><i>Special Transportation</i></p> <ol style="list-style-type: none"> <li>1. Provides all transportation, including to and from the day treatment program.</li> <li>2. Claims transportation aid by reporting expense in UFARS Code 723 if the treatment program is written into the student’s IEP or if the student needs special education transportation because of his/her disability.</li> <li>3. If the IEP does not include the treatment program or special education transportation because of a disability, code the expense of transporting the student to the day treatment in UFARS Code 728.</li> </ol>

**Situation 6 – Day treatment and education program are in nonresident district for students with an IEP/IFSP/IIIP that identifies special education transportation due to required accommodations or adaptations.**

The courts, human services, parents or school district place a student in a day treatment program in a second district. The serving district agrees to provide the education program.

*(Minn. Stat. § 125A.15; 125A.52)*

<b>RESPONSIBILITIES</b>	
<b>RESIDENT DISTRICT</b>	<b>SERVING DISTRICT</b>
<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>1. Assures an appropriate education program is provided through an agreement with the providing district.</li> <li>2. Responsible for excess cost of the special education program.</li> <li>3. Generates general education revenue.</li> </ol>	<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>1. Provides the education program.</li> <li>2. Bills resident district for excess cost of the special education program through the special education tuition billing process.</li> <li>3. Reports on MARSS using 27.</li> </ol>
<p><i>Special Transportation</i></p> <ol style="list-style-type: none"> <li>1. Provides transportation to and from home and education site or day treatment program in the providing district.</li> <li>2. Provides during-the-day transportation or contracts with the providing district.</li> <li>3. Claims transportation aid by reporting expense in UFARS Code 723 if the treatment program is written into the student’s IEP or if the student needs special transportation because of his/her disability.</li> <li>4. If the IEP does not include the treatment program or special transportation because of a disability, code the expense of transporting the student to the day treatment in UFARS Code 728.</li> </ol>	<p><i>Special Transportation</i></p> <ol style="list-style-type: none"> <li>1. Not responsible for transportation. Exception: By mutual agreement, the providing district can: 1) claim the pupil as one of its own for transportation purposes; 2) provide the transportation; 3) claim the transportation aid; and 4) Any unreimbursed transportation costs are billed back to the resident district through the special education tuition billing process.</li> </ol>

**Situation 7 – Care and treatment or residential placement in resident district for students with an IEP/IFSP/IIIP that identifies special education transportation due to required accommodations or adaptations.**

The courts, human services or parents place a student in a temporary residence (e.g., foster home, group home, residential facility) within the resident district for care and treatment. The resident district provides a special education program at the residential facility or in any of its schools.

*(Minn. Stat. § 125A.15)*

<b>RESPONSIBILITIES</b>
<b>RESIDENT DISTRICT</b>
<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>1. Provides the education program.</li> <li>2. Generates general education revenue.</li> <li>3. Reports on MARSS using SAC 27.</li> </ol>
<p><i>Special Transportation</i></p> <ol style="list-style-type: none"> <li>1. Provides transportation to and from the residence or residential facility designated by the courts, human service or parents. Also provides during-the-day transportation, if needed.</li> <li>2. Claims transportation aid by reporting expense in UFARS Code 723 if the treatment program is written into the student’s IEP or if the student needs special education transportation because of his/her disability.</li> <li>3. If the IEP does not include the treatment program or special transportation because of a disability, code the expense of transporting the student to the day treatment in UFARS Code 728.</li> </ol>

**Situation 8 – Residential care and treatment in nonresident district for students with an IEP/IFSP/IIP that identifies special education transportation due to required accommodations or adaptations.**

The courts, human services or parents place a student for care and treatment (e.g., foster home, group home or residential facility) in a nonresident district.

*(Minn. Stat. § 125A.15, subd 6; 125A.51)*

<b>RESPONSIBILITIES</b>	
<b>RESIDENT DISTRICT</b>	<b>SERVING DISTRICT</b>
<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>1. Assures an appropriate education program is provided through an agreement with the providing district.</li> <li>2. Responsible for excess cost of the special education program.</li> <li>3. Generates general education revenue.</li> </ol>	<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>1. Provides the education program.</li> <li>2. Bills resident district for excess cost of program through the special education tuition billing process</li> <li>3. Reports on MARSS using SAC 27.</li> </ol>

<b>RESPONSIBILITIES</b>	
<p><i>Special Transportation</i></p> <ol style="list-style-type: none"> <li>1. Responsible for excess transportation costs.</li> <li>2. Not responsible for board and lodging costs because the district did not initiate the placement.</li> </ol>	<p><i>Special Transportation</i></p> <ol style="list-style-type: none"> <li>1. Not responsible for board and lodging costs.</li> <li>2. Must provide to-and-from and during-the-day transportation.</li> <li>3. Claims transportation aid for to-and-from and during-the-day transportation by reporting expense in UFARS Code 723 if the treatment program is written into the student's IEP or if the student needs special education transportation because of his/her disability.</li> <li>4. If the IEP does not include the treatment program or special education transportation because of a disability, code the expense of transporting the student to the day treatment in UFARS Code 728.</li> <li>5. Any unreimbursed transportation costs are billed back to the resident district through the special education tuition billing process.</li> </ol>

**Situation 9 - Residential care and treatment in a nonresident district; education in third district for students with an IEP/IFSP/IIP that identifies special education transportation due to required accommodations or adaptations.**

The courts, human services or parents place a student for care and treatment in another district (B). While in treatment, the student continues to live in district (B) where the treatment facility is located, but is placed by district (B) into a third district (C) that will provide the student's educational program.

*(Minn. Stat. § 125A.15; 125A.51)*

<b>RESPONSIBILITIES</b>		
<b>RESIDENT DISTRICT (A)</b>	<b>TRANSPORTING DISTRICT (B)</b>	<b>SERVING DISTRICT (C)</b>
<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>1. Assures an appropriate education program is provided through an agreement with the providing district.</li> <li>2. Responsible for excess cost of special education program, but not for board and lodging, or for care and treatment costs unless written into the student's IEP.</li> <li>3. Generates general education revenue.</li> </ol>	<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>1. Arranges an appropriate education program through an agreement with the serving district.</li> </ol>	<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>1. Provides the education program.</li> <li>2. Bills resident district for excess cost of the special education program through the special education tuition billing process.</li> <li>3. Reports on MARSS using SAC 27.</li> <li>4. Reports transporting district on MARSS.</li> </ol>

<p><i>Special Transportation</i></p> <ol style="list-style-type: none"> <li>1. Responsible for excess transportation costs.</li> <li>2. Not responsible for board and lodging costs because the district did not initiate the placement.</li> </ol>	<p><i>Special Transportation</i></p> <ol style="list-style-type: none"> <li>1. Transports to and from student’s temporary residence and the providing district’s education program.</li> <li>2. Must provide to-and-from and during-the-day transportation.</li> <li>3. Claims transportation aid for to-and-from and during-the-day transportation by reporting expense in UFARS Code 723.</li> <li>4. May bill excess transportation costs to resident district through the tuition billing process.</li> </ol>	<p><i>Special Transportation</i></p> <ol style="list-style-type: none"> <li>1. Not responsible for transportation. Exception: By mutual agreement, the providing district can; 1) claim the student as one of its own for transportation purposes; 2) provide the transportation; 3) claim the transportation aid, and; 4) Any unreimbursed transportation costs are billed back to the resident district through the special education tuition billing process.</li> </ol>
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**Situation 10 – Educational options district provides special program for students with an IEP/IFSP/IIP that identifies special education transportation due to required accommodations or adaptations.**

A student enrolls in another district under any of the parent choice option programs (e.g., open enrollment; education options – formerly high school graduation incentive; parent initiated agreement between school boards).

*(Minn. Stat. § 124D.03, Enrollment Options; 124D.06; 124D.08, Parent Initiated Transfers, etc.; 123B.92, subd. 3, Transportation Aid Entitlement; and 124D.68, Education Options)*

<b>RESPONSIBILITIES</b>	
<b>RESIDENT DISTRICT</b>	<b>PROVIDING OPTIONS DISTRICT</b>
<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>1. Not responsible for providing the education program.</li> <li>2. Responsible for excess cost of the special education program for students with an IEP</li> </ol>	<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>1. Provides the education program.</li> <li>2. Generates general education revenue.</li> <li>3. Bills resident district for excess cost of program for students with an IEP through the special education tuition billing process.</li> <li>4. Reports on MARSS using SAC 01, 03, 04, 11, 12 or 13.</li> </ol>

<b>RESPONSIBILITIES</b>	
<p><i>Special Transportation</i></p> <p>1. Responsible for excess transportation costs only if special education transportation is written into the IEP.</p>	<p><i>Special Transportation</i></p> <p>1. Transports within attendance area of school, if requested by parent.</p> <p>2. Transports to and from home and school if a student requires special education transportation (based on case law and state policy).</p> <p>3. Claims aid for transportation within its borders by reporting expense in UFARS Code 723.</p> <p>4. Any unreimbursed transportation costs are billed back to the resident district through the special education tuition billing process.</p>

**Situation 11 – Educational options district makes placement in third district for students with an IEP/IFSP/IIIP that identifies special education transportation due to required accommodations or adaptations.**

A student resides in district (A), enrolls in a second district (B) under any options program (e.g., open enrollment; education options – formerly high school graduation incentives; parent-initiated agreement between school boards), but then district (B) then places the student full-time in a third district (C) or cooperative program for special education.

*(Minn. Stat. § 124D.03, Enrollment Options; 124D.06; 124D.08, Parent Initiated Transfers, etc.; 123B.92, subd. 3, Transportation Aid Entitlement; and 124D.68, Education Options)*

<b>RESPONSIBILITIES</b>		
<b>RESIDENT DISTRICT (A)</b>	<b>EDUCATIONAL OPTIONS DISTRICT (B)</b>	<b>SERVING DISTRICT (C)</b>
<p><i>Education Program</i></p> <p>1. Not responsible for providing the education program.</p> <p>2a. Responsible for paying the excess cost of the special education program to the serving independent or special school district; or</p>	<p><i>Education Program</i></p> <p>1. Arranges an appropriate education program through an agreement with the serving district (C). ----- (2a. related) -----</p>	<p><i>Education Program</i></p> <p>1. Provides the education program.</p> <p>2a. If an independent or special school district: generates general education revenue and special education aid, and bills resident district (A) for excess cost of program. Reports on MARSS using SAC 01, 03, 04, 11, 12, 13, 19 or 27; or</p>

<b>RESPONSIBILITIES</b>		
<p>2b. Responsible for paying the excess cost of the education program to the providing cooperative host district, or to a cooperative that generates general education revenue; or</p> <p>2c. Generates general education revenue and pays excess cost of the education program to the providing cooperative.</p>	<p style="text-align: center;">----- (2b. related) -----</p> <p style="text-align: center;">----- (2c. related) -----</p>	<p>2b. If a district hosting a cooperative, or a cooperative that generates general education revenue and special education aid, and bills resident district (A) for excess cost of program. Reports on MARSS using SAC 01, 03, 04, 11, 12, 13, 19 or 27; or</p> <p>2c. If a cooperative that is not eligible to generate general education revenue: bills resident district (A) for excess cost (i.e., full cost less special education aid) of the education program. Reports on MARSS using SAC 19 or 27.</p>
<p><i>Special Transportation</i></p> <p>1. Responsible for excess transportation costs if special transportation is identified in the student's IEP.</p>	<p><i>Special Transportation</i></p> <p>1a. Provides transportation from its border with district (A) to the education site in district (C).</p> <p>1b. If student requires special transportation to get to and from school, then district (B) must transport to and from home and the education site in district (C). Based on case law and state policy.</p> <p>2. Provides during-the-day transportation or contracts with the providing district.</p> <p>3. Claims transportation aid only for portion of trip within district (B) and (C) by reporting expense in UFARS Code 723 if special transportation is identified in the student's IEP.</p>	<p><i>Special Transportation</i></p> <p>1. Not responsible for transportation. Exception: By mutual agreement, the providing district can; 1) claim the student as one of its own for transportation purposes; 2) provide the transportation; 3) claim the transportation aid, and; 4) Any unreimbursed transportation costs are billed back to the resident district through the special education tuition billing process.</p>

**Situation 12 – Enrollment in charter school in resident district for students with an IEP/IFSP/IIIP that identifies special education transportation due to required or accommodations or adaptations.**

A student enrolls in a charter school located within the student’s resident district.

*(Minn. Stat. § 124D.10, subd. 16, Charter Schools – Transportation)*

RESPONSIBILITIES	
RESIDENT DISTRICT	CHARTER SCHOOL
<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>Not responsible for providing the education program.</li> <li>Responsible for paying the excess costs of the special education program.</li> </ol>	<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>Provides the education program.</li> <li>Generates general education revenue and special education aid.</li> <li>Reports on MARSS using SAC 08.</li> </ol>
<p><i>Special Transportation</i></p> <p>The charter school can choose to transport its students or have transportation provided by the district in which the charter school is located.</p> <ol style="list-style-type: none"> <li>If the charter school decides to have the resident district transport, then the resident district:               <ol style="list-style-type: none"> <li>Should be part of the student IEP team if special transportation accommodations or adaptations are required.</li> <li>Must transport to and from home and charter school.</li> <li>Must transport during the day to the student’s special education program.</li> <li>Claims transportation aid in UFARS Code 723 if special transportation is identified in the student’s IEP.</li> </ol> </li> <li>If charter school transports, then resident district is not responsible for transportation.</li> </ol>	<p><i>Special Transportation</i></p> <p>The charter school can choose to transport its students or have transportation provided by the district in which the charter school is located.</p> <ol style="list-style-type: none"> <li>If the charter school decides to provides its own transportation, then the charter school:               <ol style="list-style-type: none"> <li>Must transport to and from home and charter school.</li> <li>Must transport during the day to the student’s special education program.</li> <li>Claims transportation aid in UFARS Code 723 if special transportation is identified in the student’s IEP.</li> </ol> </li> <li>If resident district transports, then charter school is not responsible for transportation.</li> <li>Any unreimbursed transportation costs are billed back to the resident district through the special education tuition billing process.</li> </ol>

NOTE: Minnesota Statutes, section 124D.10, subd. 16a states, “By March 1 of each year or July 1 for first year, a charter school shall notify the district in which the school is located... if it will provide transportation for pupils enrolled at the school for the fiscal year.”

**Situation 13 – Enrollment in charter school in nonresident district for students with an IEP/IFSP/IIIP that identifies special education transportation due to required accommodations or adaptations the resident district provides the special education.**

A student is enrolled by the parent into a charter school (B) located in another district (C). The student requires special education. District (C) agrees to provide the special education program.

(Minn. Stat. § 124D.10, subd. 16, Charter Schools – Transportation)

<b>RESPONSIBILITIES</b>		
<b>RESIDENT DISTRICT (A)</b>	<b>CHARTER SCHOOL (B)</b>	<b>DISTRICT IN WHICH CHARTER SCHOOL IS LOCATED (C)</b>
<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>Not responsible for providing the education program.</li> <li>Responsible for paying the excess cost of the special education program to the charter school.</li> </ol>	<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>Assures appropriate special education services through an agreement with the providing district.</li> <li>Generates general education revenue.</li> <li>Responsible for the excess cost of the special education services provided by the providing district (C).</li> <li>Reports on MARSS using SAC 08.</li> </ol>	<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>Provides the special education services.</li> <li>Generates special education aid.</li> </ol>
<p><i>Special Transportation</i></p> <ol style="list-style-type: none"> <li>Responsible for excess transportation costs if special education transportation is identified in the student’s IEP.</li> </ol>	<p><i>Special Transportation</i></p> <p>If special transportation is required for a nonresident student:</p> <ol style="list-style-type: none"> <li>Transports to and from home in district (A) and the charter school.</li> <li>Transports during the day to the student’s special education program.</li> <li>Claims aid for transportation if it chooses to provide transportation. Reports expense on UFARS Code 723. Any unreimbursed transportation costs are billed back to the resident district through the special education tuition billing process.</li> </ol>	<p><i>Special Transportation</i></p> <ol style="list-style-type: none"> <li>Upon request of the charter school, district (C) must provide transportation within its borders to its resident students only.</li> <li>The school district in which the charter school is located may, but is not required to, transport nonresident students attending a charter school within the district.</li> </ol>

**Situation 14 – Enrollment in charter school in nonresident district for students with an IEP/IFSP/IIP that identifies special education transportation due to required accommodations or adaptations the charter school provides the special education.**

A student is enrolled by the parent into a charter school (B) located in another district (C). The student requires special education.

(Minn. Stat. § 124D.10, subd. 16, Charter Schools – Transportation)

<b>RESPONSIBILITIES</b>		
<b>RESIDENT DISTRICT (A)</b>	<b>CHARTER SCHOOL (B)</b>	<b>DISTRICT IN WHICH CHARTER SCHOOL IS LOCATED (C)</b>
<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>1. Not responsible for providing the education program.</li> <li>2. Responsible for paying the excess cost of the special education program to the charter school.</li> </ol>	<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>1. Assures appropriate special education services.</li> <li>2. Generates general education revenue.</li> <li>3. Reports on MARSS using SAC 08.</li> </ol>	<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>1. Not responsible for the special education services.</li> </ol>
<p><i>Special Transportation</i></p> <ol style="list-style-type: none"> <li>1. Responsible for excess transportation costs if special education transportation is identified in the student's IEP.</li> </ol>	<p><i>Special Transportation</i></p> <p>If special transportation is required for a nonresident student:</p> <ol style="list-style-type: none"> <li>1. Transports to and from home in district (A) and the charter school.</li> <li>2. Transports during the day to the student's special education program.</li> <li>3. Claims aid for transportation if it chooses to provide transportation. Reports expense on UFARS Code 723. Any unreimbursed transportation costs are billed back to the resident district through the special education tuition billing process.</li> </ol>	<p><i>Special Transportation</i></p> <ol style="list-style-type: none"> <li>1. Not responsible for transportation.</li> </ol>

NOTE: Minnesota Statutes section 124D.10, Subd. 16a states, "By March 1 of each year or July 1 for first year, a charter school shall notify the district in which the school is located... if it will provide transportation for pupils enrolled at the school for the fiscal year."

**Situation 15 – Placement in charter school by resident district for students with an IEP/IFSP/IIIP that identifies special education transportation due to required accommodations or adaptations.**

A student is placed by the resident district in a charter school. The charter school provides the regular and special education programs at the charter school site.

*(Minn. Stat. § 124D.10, subd. 16, Charter Schools – Transportation)*

RESPONSIBILITIES	
RESIDENT DISTRICT	CHARTER SCHOOL
<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>1. Assures an appropriate education program is provided through an agreement with the charter school.</li> <li>2. Responsible for excess cost of the special education program.</li> <li>3. Generates general education revenue.</li> </ol>	<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>1. Provides the special education program.</li> <li>2. Generates special education aid.</li> <li>3. Bills resident district for excess cost of program through the special education tuition billing process.</li> <li>4. Reports on MARSS using SAC 19.</li> </ol>
<p><i>Special Transportation</i></p> <ol style="list-style-type: none"> <li>1. Transports to and from the charter school.</li> <li>2. Claims transportation aid by reporting expense in UFARS Code 723 if special education transportation is identified in the student's IEP.</li> </ol>	<p><i>Special Transportation</i></p> <ol style="list-style-type: none"> <li>1. Not applicable.</li> </ol>

NOTE: When a resident district makes the placement, it is responsible for education and transportation regardless of whether the charter school is located within its borders or in another district.

### Situation 16 – Minnesota Academies

A student is placed in either the Minnesota Academy for the Deaf or the Minnesota Academy for the Blind.

(Minn. Stat. § 125A.65; 125A.70, subd. 5)

RESPONSIBILITIES	
RESIDENT DISTRICT	ACADEMIES
<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>1. Generates general education revenue. A negative alternative attendance adjustment is made to basic general education revenue per resident pupil unit attending the academies.</li> </ol>	<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>1. Provides the education program.</li> <li>2. Reports on MARSS using SAC 19.</li> </ol>
<p><i>Special Transportation</i></p> <ol style="list-style-type: none"> <li>1. Responsible for providing transportation to and from the state academy.</li> <li>2. Not responsible for board and lodging.</li> <li>3. Claims transportation aid between home and the academy by reporting expense in UFARS Code 723 if special transportation is identified in the student's IEP.</li> </ol>	<p><i>Special Transportation</i></p> <ol style="list-style-type: none"> <li>1. Cannot bill back any transportation costs to the resident district.</li> <li>2. Provides board and lodging at no cost to the resident district.</li> </ol>

### Situation 17 – Nonpublic school in resident district with an IEP/IFSP/IIP that identifies special education transportation due to required accommodations or adaptations.

A student attends a nonpublic school within the resident district, but only requires special transportation to and from the nonpublic school.

(Minn. Stat. § 123B.86)

RESPONSIBILITIES	
RESIDENT DISTRICT	NONPUBLIC SCHOOL
<p><i>Education Program</i></p> <p>1. Not responsible for providing the education program.</p>	<p><i>Education Program</i></p> <p>1. Refer to the Minnesota Compulsory Instruction Law for program/instructional responsibility; Minnesota Statutes, section 120A.22.</p>
<p><i>Special Transportation</i></p> <p>1. Responsible for transportation to and from home.</p> <p>2. Claims transportation aid by reporting expense in UFARS Code 723 if special education transportation is identified in the student's IEP.</p>	<p><i>Special Transportation</i></p> <p>1. Not applicable.</p>

NOTE: The Minnesota Equal Treatment Law (see Minnesota Statutes, section 123B.84-123B.87) provides that when a public school district provides to-and-from school or during-the-day transportation services for public school students, it must also provide the same level of service for resident nonpublic school students.

**Situation 18 – Nonpublic school in resident district; shared time program by resident district with an IEP/IFSP/IIP that identifies special education transportation due to required accommodations or adaptations.**

A student attends a nonpublic school within the resident district. The student receives instructional shared time services from the resident district, and requires special education transportation.

*(Minn. Stat. §125A.18, subd. 9; 123B.86; and 126C.02, subd. 8)*

RESPONSIBILITIES	
RESIDENT DISTRICT	NONPUBLIC SCHOOL
<p><i>Education Program</i></p> <p>1. Responsible for providing “shared time” program. At the discretion of the school district, special instruction, as defined by the IEP, may be provided at the public school or nonpublic school or a neutral site.</p> <p>2. Claims shared time foundation aid for special education services and any additional public school services. Extracurricular and Title I are not eligible. Reports on MARSS using SAC 16.</p> <p>3. Claims special education aid.</p>	<p><i>Education Program</i></p> <p>1. Refer to the Minnesota Compulsory Instruction Law for program/instructional responsibility; Minnesota Statutes, section 120A.22.</p>
<p><i>Special Transportation</i></p> <p>1. Responsible for to-and-from school transportation.</p> <p>2. Claims transportation aid for transporting to and from school by reporting expense in UFARS Code 723 if special education transportation is identified in the student's IEP.</p>	<p><i>Special Transportation</i></p> <p>1. Not applicable.</p>

RESPONSIBILITIES	
RESIDENT DISTRICT	NONPUBLIC SCHOOL
<p><i>Shared Time Program for Students with Disabilities</i></p> <ol style="list-style-type: none"> <li>1. Responsible for during-the-day transportation between nonpublic school and public school.</li> <li>2. Claims transportation aid for between school buildings by reporting expenses in UFARS Code 723 if the shared time program is identified in the student's IEP.</li> </ol>	<p><i>Share Time Program for Students with Disabilities</i></p> <ol style="list-style-type: none"> <li>1. Not applicable.</li> </ol>

NOTE: The Minnesota Equal Treatment Law (see Minnesota Statutes, section 123B.84-123B.87) provides that when a public school district provides to-and-from school or during-the-day transportation services for public school students, it must also provide the same level of service for resident nonpublic school students. The above situation assumes that there is not an appropriate nonpublic school within the district. If such a situation exists, the district is not obligated to provide transportation to the nonpublic school outside the district.

**Situation 19 – Out of district, Nonpublic School Student with an IEP/IFSP/IIIP that identifies special education transportation due to required accommodations or adaptations.**

A student attends a nonpublic school outside the resident district. The student does not require a special education program; but does require special transportation to and from the nonpublic school.

(Minn. Stat. § 123B.86)

RESPONSIBILITIES	
RESIDENT DISTRICT	NONPUBLIC SCHOOL
<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>1. Not responsible for providing the education program.</li> </ol>	<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>1. Refer to the Minnesota Compulsory Instruction Law for program/instructional responsibility; Minnesota Statutes, section 120A.22.</li> </ol>
<p><i>Special Transportation</i></p> <ol style="list-style-type: none"> <li>1. Responsible for transportation to and from the border. However, if the student requires special education transportation, district may provide it to and from the nonpublic school.</li> <li>2. Claims transportation aid for in-district transportation by reporting expense in UFARS Code 723.</li> <li>3. May not claim aid for out-of-district cost, but must bill nonpublic school for out-of-district cost.</li> </ol>	<p><i>Special Transportation</i></p> <ol style="list-style-type: none"> <li>1. Pays cost of transportation from outside resident district border to nonpublic school.</li> </ol>

NOTE: The Minnesota Equal Treatment Law (see Minnesota Statutes, section 123B.84-123B.87) provides that when a public school district provides to-and-from school or during-the-day transportation services for public school students, it must also provide the same level of service for resident nonpublic

school students. The above situation assumes that there is not an appropriate nonpublic school within the district. If such a situation exists, the district is not obligated to provide transportation to the nonpublic school outside the district.

**Situation 20 – Out of district nonpublic school; special program in resident district. Student with an IEP/IFSP/IIP that identifies special education transportation due to required accommodations or adaptations.**

A student attends a nonpublic school outside the resident district. The resident district transports the student back to the resident district where it provides the student’s special education program. This usually occurs at the beginning or the end of the school day.

*(Minn. Stat. § 125A.18)*

<b>RESPONSIBILITIES</b>	
<b>RESIDENT DISTRICT</b>	<b>NONPUBLIC SCHOOL</b>
<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>1. Responsible for providing the special education program under shared-time.</li> <li>2. Claims shared time general education revenue. Reports on MARSS using SAC 16.</li> <li>3. Claims special education aid.</li> </ol>	<p><i>Education Program</i></p> <ol style="list-style-type: none"> <li>1. Refer to the Minnesota Compulsory Instruction Law for program/ instructional responsibility; Minnesota Statutes, section 120A.22.</li> </ol>
<p><i>Special Transportation</i></p> <p>To and from shared time program for students with disabilities.</p> <ol style="list-style-type: none"> <li>1. Responsible only for transportation to and/or from its border to the program site (within its borders).</li> <li>2. May also provide transportation to and from the nonpublic school if a student requires special education transportation, but must bill nonpublic school for out-of-district cost and may not claim transportation aid for out-of-district costs.</li> <li>3. Claims transportation aid on trip within resident district by reporting expense in UFARS Code 723.</li> </ol>	<p><i>Special Transportation</i></p> <p>To and from shared time program for students with disabilities.</p> <ol style="list-style-type: none"> <li>1. Pays the cost of transportation from outside resident district border to nonpublic school.</li> </ol>

NOTE: The Minnesota Equal Treatment Law (see Minnesota Statutes, section 123B.84-123B.87) provides that when a public school district provides to-and-from school or during-the-day transportation services for public school students, it must also provide the same level of service for resident nonpublic school students. The above situation assumes that there is not an appropriate nonpublic school within the district. If such a situation exists, the district is not obligated to provide transportation to the nonpublic school outside the district.

**Situation 21 – Out of district nonpublic school; special program in another district. Student with an IEP/IFSP/IIP that identifies special education transportation due to required accommodations or adaptations.**

A student attends a nonpublic school in another district (B). The resident district (A) and the serving district (B) have agreed that district (B) will provide the special education program.

*(Minn. Stat. § 126c.19, subd.1 and 2)*

<b>RESPONSIBILITIES</b>	
<b>RESIDENT DISTRICT (A)</b>	<b>SERVING DISTRICT (B)</b>
<p><i>Education Program</i></p> <p>1. Resident and serving districts agree to one of the following options:</p> <p style="padding-left: 20px;">a. Resident district generates shared time general education revenue aid and reimburses the serving district for special education program costs.</p> <p>OR</p> <p style="padding-left: 20px;">b. Resident district agrees to allow the serving district to generate the shared time general education revenue aid and is only responsible for paying excess program costs to the serving district.</p>	<p><i>Education Program</i></p> <p>1. Responsible for assuring an appropriate education program through an agreement with the serving district.</p> <p>2. Upon agreement, the serving district responds by doing one of the following:</p> <p style="padding-left: 20px;">a. If option (a) at left is selected, the resident district pays the excess costs of the special education program to the serving district through the tuition billing process.</p> <p style="padding-left: 20px;">b. If option (b) at left is selected, the serving district generates shared time foundation aid and the resident district pays for excess special education program costs through the tuition billing system.</p> <p>3. Reports on MARSS using SAC 16 if a resident district is to generate shared time general education revenue aid or SAC 17 if providing district is to generate shared-time general education revenue aid.</p>
<p><i>Special Transportation To and From Nonpublic School</i></p> <p>1. Responsible for transportation to and from the border. However, if the student requires special education transportation, district may provide it to and from the nonpublic school.</p> <p>2. Claims transportation aid for in-district transportation by reporting expense in UFARS Code 723.</p> <p>3. Must bill nonpublic school for out-of-district cost and may not claim aid for out-of-district cost.</p>	<p><i>Special Transportation To and From Nonpublic School</i></p> <p>1. Not Applicable.</p>
<p><i>Shared-Time Program for Students with Disabilities</i></p> <p>1. Not applicable.</p>	<p><i>Shared-Time Program for Students with Disabilities</i></p> <p>1. Agrees with district (A) to claim the aid for the student for during-the-day transportation.</p>

NOTE: The Minnesota Equal Treatment Law (see Minnesota Statutes, section 123B.84-123B.87) provides that when a public school district provides to-and-from school or during-the-day transportation services for public school students, it must also provide the same level of service for resident nonpublic school students. The above situation assumes that there is not an appropriate nonpublic school with in the district. If such a situation exists the district is not obligated to provide transportation to the nonpublic school outside the district.

## IV. TRANSPORTATION FUNDING AND REPORTING

This chapter provides:

- Description of how state forms are used to report the number and cost of students transported.
- Tables that describe transportation finance dimensions and their funding sources.
- Explanation of how special education and special transportation are funded.
- Methods by which student eligibility is determined for to-and-from school transportation.
- Standard transportation expenditures allocation methods.

### Transportation Reporting Forms

The number of public students transported is reported through the Minnesota Automated Reporting Student System, MARSS. The number of nonpublic students and the number of miles, hours or routes traveled are reported to the Minnesota Department of Education at year-end on the Pupil Transportation Annual Report.

The school district transportation expenditure data used to calculate transportation funding are obtained from the Uniform Financial Accounting and Reporting Standards (UFARS) Data Release. Districts reporting students and/or miles in any category on the Pupil Transportation Annual Report must report a cost in the corresponding finance dimension on the UFARS Data Release. The student/cost information, after being edited, is transferred into the state aid payment system for calculation of transportation aids.

Each finance dimension describes a type of transportation service. The services are funded by different sources. The transportation finance dimensions and their funding sources are listed.

## Transportation Finance Dimensions and Their Funding Sources\*

Finance Dimension	Category	Funding Source*
711	Learning Year Summer	General Education
713	Open Enrollment-Outside District	None
714	Interdistrict Desegregation	Integration Formula
315	Intradistrict Desegregation	Integration Aid and Levy
716	Noon Kindergarten	General Education
717	Late Activity– Public	General Education
718	Pupil Transportation Safety	General Education
719	Hazards – Walkers	General Education
720	Regular/Excess	General Education Charter Transportation Nonpublic Transportation
721	Summer School Regular	None
723	Special Education	Special Education Formula
725	Between School Buildings– Public	General Education
726	Nonpublic Nonregular	Nonpublic Nonregular Transportation
728	Special Transportation	Special Education Formula
733	Nonauthorized	None
737	Ineligible/Nonresident	None
739	Postsecondary/Open Enrollment Mileage Reimbursement for Low- Income Families	Special Appropriation

See Minnesota Statutes, section 123B.36 and 123B.37 for authorized and prohibited fees.

Refer to the UFARS Manual on the MDE website to obtain descriptions of each finance dimension.  
(<http://education.state.mn.us/MDE/SchSup/SchFin/FinMgmt/UFARS/index.html>).

\* Funding may be partial depending on the formula and/or aid adjustments.

### Special Education and Special Transportation Funding

The funding for transportation costs for special education students is included in the special education formula.

Expenditures reported in Fin 723 and Fin 728 are funded in the current year, Due to the statewide cap on special education aid, these costs will be funded at approximately 88-89 percent in the regular special education formula. A portion of the remaining costs are funded for most districts through the special education excess cost formula, which will bring the overall reimbursement up to about 95percent.

In addition to the regular special education funding, special education excess revenue (state aid) exists so districts can generate extra revenue in any year in which special education costs increase greatly from the base year. For a school district with no special education transportation costs in the base year, the transportation portion of the special education revenue equals the district's actual current-year cost for special education transportation.

Minnesota Statute, section 125A.76 covers the special education formula and Minnesota Statutes, section 125A.79 covers the special education excess revenue (state aid). The transportation funding formula is subject to review and possible change on an annual basis.

Districts will find their special education funding amounts on the department's web page (<http://education.state.mn.us/MDEAnalytics/Data.jsp>) – select Minnesota Funding Reports (MFR) in the list. Select your district and Special Education Category, then select the latest Special Education Revenue report.

## **Student and Expenditure Reporting**

A student with a disability who is transported to and from school will either be reported in the Regular Category MARSS Regular 01 (Finance Dimension 720) or the Disabled Category MARSS Disabled 03 (Finance Dimension 723), depending on the type of service the student receives. A student experiencing a Special situation (Homeless, Care and Treatment or 504 Plan), will either be reported in Regular Category MARSS 01 (Finance Dimension 720) or Special Transportation Category MARSS 06 (Finance Dimension 728). A student cannot be reported in both categories even though the student may be transported on both regular and special routes each day. If a student can be coded with more than one transportation code, the highest cost code should be used. The ranking of transportation services from most expensive to least expensive are: 03 – Disabled, 04 – Desegregation; 06 – Special Transportation, 01 – Regular, 02 – Excess, 05 – Ineligible and 00 – Walker or Transportation Field Does Not Apply To This Student.

Please reference the MARSS Transportation Manual on the MDE website for further information on MARSS Transportation Data Elements (<http://education.state.mn.us/MDE/SchSup/SchFin/MARSSStuAcc/index.html>).

*Eligibility criteria for the To-and-From school portion of each category:*

### **MARSS 01-Regular Category (Finance Dimension 720)**

A student without a disability or with a disability (including an early childhood student) who rode the regular bus route to and from school and did not receive any further transportation or special accommodation (e.g., management aide) must be reported in the regular category. In addition, a regular category student must meet the following criteria:

- The student was a resident and attended a school within the resident district; the student was a resident, but attended a school in another district because of tuition or pairing agreement that existed between the resident and nonresident districts; or the student is a nonresident, but attended the district under an enrollment options program.
- An elementary student (grades K through 6) must live one mile or more from the school.
- A secondary student (grades 7 through 12) must live two miles or more from the school.

### **MARSS 03-Disabled Category (Finance Dimension 723)**

A student with a disability (including an early childhood student) must be reported in this category if the student meets any of the following criteria and special transportation accommodations are identified in the student's IEP:

- Transportation of students with disabilities to and from school when the students cannot be transported on a regular route.

- Transportation of students with disabilities between home or a respite care facility and school.
- Transportation of students with disabilities between buildings during the day, including centers such as developmental achievement centers, hospitals and treatment centers where special instruction or services required by Minnesota Statutes, sections 125A.03 to 125A.24, 125A.26 to 125A.48 and 125A.65 are provided.
- Board and lodging of students with disabilities in a district maintaining special classes.
- Transportation to and from board and lodging facilities when the student is provided board and lodging for educational purposes.
- Transportation of students with disabilities from a nonpublic school to a public school or neutral site when the nonpublic school student is enrolled in an education program on a shared-time basis.
- Transportation to and from summer school programs for students with disabilities.

### **MARSS 06-Special Transportation Category (Finance Dimension 728)**

At times school districts provide special transportation for selected non-disabled students. The special transportation students consist of three groups of students. They are:

- 1) Homeless
- 2) Students attending Care and Treatment Programs
- 3) Students that have 504 Accommodation Plans that require special transportation

If any of these students has special transportation as an accommodation in their IEP/IFSP/IIIP, use Disabled Transportation descriptions, as Disabled Transportation prevails over Special Transportation.

#### ***Homeless Students***

The McKinney-Vento Homeless Assistance Act (federal law) ensures educational rights and protections for children and youth experiencing homelessness. School districts must provide students experiencing homelessness, including unaccompanied youth, with transportation to and from their school of origin if requested by the parent, guardian, or homeless education liaison.

Effective with the 2005-06 school year, district that enrolls the homeless student will be responsible for the transportation even when the student is living at a location outside the district where the school of origin is located. This is true regardless of whether the student is living in a shelter or nonshelter location. Minnesota Statutes, section 127A.47, subd. 2, Payments to Resident and Nonresident District provides that “For all school purposes, unless otherwise specifically provided by law, a homeless pupil is a resident of the school district that enrolls the pupil.”

Minnesota Statutes, section 125A.51(f) provides that when a nondisabled homeless student is in a shelter the district that enrolls the student is responsible for transportation. However, if the district that enrolls the student and the district in which the student is temporarily placed agree, the district where the student is temporarily placed may provide the transportation.

#### ***Care and Treatment Programs for Students Without Disabilities***

Minnesota Statutes, section 125A.51, provides that districts may report students without disabilities in the Special Transportation Category when these students are transported to care and treatment facilities. These students must have a short-term or temporary physical or emotional illness or disability and must be placed temporarily for care and treatment for that illness or disability. They have a SAC of

27 or 28 without an IEP, IFSP or IIP and require special transportation or accommodations. Or the students have a SAC 27 or 28 and have an IEP, IFSP or IIP and no special transportation or accommodations written in the students' IEP, IFSP or IIP.

When a student without a disability is temporarily placed in a residential program for care and treatment outside the resident district, the district in which the pupil is placed may provide instruction. The nonresident district must bill the district of residence for the actual costs of providing the instruction excluding the cost for transportation.

### ***504 Accommodation Plans and Temporary Physical Disabilities***

A 504 Accommodation Plan is written for students with physical or mental impairments that limit one or more life activities. All accommodations, modifications or services must be provided to the student to ensure an education in the least restrictive environment. The plan should be reviewed annually. Student with a 504 Accommodation Plan may or may not have an IEP/IFSP/IIP.

A school district may provide special transportation for a student who has a temporary physical disability (e.g., a broken leg). Normally, this student is transported to school on a regular bus route or walks to school. Because of the broken leg, the student now needs special transportation. The district should write a 504 Accommodation Plan for the student and use MARSS Transportation Category - 06 Special and Primary Disability 54 in order to claim expenditures under Finance Dimension 728 Special Transportation.

## **Summary of Student Transportation Reporting**

Minnesota Statutes 123B.92, Subdivision 5 defines how school districts report transportation expenditures. The law was enacted to ensure that the limited amount of special education dollars go to serving the needs of the special needs students and to more fairly distribute that limited revenue between district-owned and contractor-owned operations. The 2011 legislation amended the law to provide a more consistent method to measure transportation provided by the districts. Cost allocation by hours and routes has been eliminated. It also provided an exemption to the allocation if actual costs are known. The following is a summary of the law.

### ***Salary and Fringe Benefit Limitations***

A school district may include only the salaries and fringe benefits of district employees as authorized transportation expenditures if:

- 1) An employee is designated as the district transportation director,
- 2) An employee is providing direct support to the transportation director, or
- 3) An employee is providing direct transportation services such as a bus driver or bus aide.

Salary and fringe benefits of district employees whose primary duties are other than transportation can no longer be included in a district's transportation expenditures. They include:

- 1) Central office administration (business managers, human resource employees, bookkeepers, etc.)
- 2) Building administrators (principals, assistant principals, principal secretaries, etc.)
- 3) Teachers,

- 4) Social Workers,
- 5) School Nurses, and
- 6) Instructional Aides.

A district may include a portion of the superintendent's, business manager's or other district employee's salary and fringe benefits if the individual has been designated as the district's transportation director. If audited, a district must show either a contract or position description where the individual's transportation duties are outlined. Districts that have transportation directors will not be able to designate any other employee as the transportation director.

The salaries and fringe benefits of district employees who work part-time in transportation (providing direct services to the transportation director) and part-time in other areas may only be included in transportation if there is written documentation such as timesheets or time studies. Examples of these employees could be:

1. An administrative assistant who works half-day in the central office and half-day working for the transportation director.
2. A custodian who drives school bus, and
3. An instructional aide who also works as a bus aide.

### ***Standard Transportation Expenditures Allocation***

Whether a school district operates its own buses or contracts for bus service, it must allocate the transportation expenses on a standard basis. Districts that receive separate bills for different categories of transportation service from their contractors must add the bills together and reallocate the expenditures on a cost per mile.

Some expenditures will not be included in the mandated allocation method. They include:

1. **Capital outlay.** The purchase of buses, equipment, etc., must be coded directly to Finance Dimension 733, 302 or 000.
2. **Leased buses.** If the leased buses are used exclusively for one category of transportation service, then the lease expense must be coded directly to that category. However, if the leased vehicles are used for every category of transportation service, the lease expense must be allocated among all the categories.
3. **Student board and lodging.** If the student has a disability, the board and lodging cost must be coded directly to Finance Dimension 723, Disabled. If the students attend a regular education programs, the board and lodging cost must be coded directly to Finance Dimension 720, Regular.
4. **Crossing guards.** The salaries and fringe benefits paid to crossing guards must be coded directly to Finance Dimension 719, Traffic Hazards – Walkers. There may be other acceptable finance dimensions as well. For example, instead of busing students between school buildings during the school day because the schools are very close, a district may hire a crossing guard to assist the students. The salaries and fringe benefits of this employee would be charged directly to Finance Dimension 725, Between Schools – Public, or Finance Dimension 726, Nonpublic Nonregular, depending on the students that were being assisted.

5. **Aides on buses.** The salaries and fringe benefits paid to aides would be charged directly to the appropriate code. In most cases, aides are hired to assist students with disabilities. In this situation, the salaries and fringe benefits would be coded to directly to Finance Dimension 723, Disabled. If the aides ride regular bus routes only, the salaries and fringe benefits would be coded to Finance Dimension 720, Regular.
6. **Individual contractors.** If a contractor only provides one type of service, then the expenses for the contractor must be charged directly to the appropriate code. For example, a district may contract with a parent to transport a child to a nonpublic school in another school district. (The district is only responsible for reimbursement to the district boundary). Because this is an individual contract, the cost must be coded directly to the proper code (Finance Dimension 720, Regular, in this instance).

School districts may either charge bus drivers' salaries and fringe benefits directly to the proper transportation category, or they may allocate bus drivers' salaries and fringe benefits to the proper category. Either method is acceptable.

As stated earlier, school districts may allocate the transportation expenditures among categories on a cost per mile basis. If further allocation is needed because students from more than one category ride on the same buses, districts must further allocate the expenditures on a cost per student or cost per mile.

The amount allocated to each category must be recorded in Object Dimension 365, Transportation Chargebacks. Districts will be required to report the cost per mile rate they used in determining the chargeback amounts.

Districts will be required to keep documentation of the number of miles in each of the categories. In the Financial Accounting for Student Transportation Services handbook, log sheets are available. Districts must be prepared to submit the log sheets.

#### ***Exemption from the Standard Cost Allocation Method***

The law provides an exemption from the standard cost allocation method for authorized and nonauthorized transportation categories for districts that contract for transportation services when the listed criteria are met:

1. The district bids its contracts separately for authorized and nonauthorized transportation categories and for special transportation separate from transportation from regular and excess transportation.
2. Receives bids or quotes from more than one vendor for these transportation categories.
3. The district's cost-per-mile does not vary more than ten percent among categories, excluding salaries and fringe benefits of bus aides.

If the costs reported by the district for contractor-owned operations vary by more than ten percent among categories, the Minnesota Department of Education (MDE) shall require the district to reallocate its transportation costs, excluding salaries and fringe benefits of bus aides, among all categories.

## **Questions**

If you have questions about transportation expenditure reporting requirements, contact Kelly Wosika at 651-582-8855 or at [kelly.wosika@state.mn.us](mailto:kelly.wosika@state.mn.us). View the handbook on the MDE's web page (<http://education.state.mn.us/MDE/SchSup/SchFin/Trans/Res/index.html>). The handbook is titled "Financial Accounting for Student Transportation Services."

## V. GLOSSARY

**Accommodation Plan:** A plan describing the accommodations made for an individual with a disability who requires the accommodations in order to access school programs. See Section 504.

**Care and Treatment:** The temporary or long-term placement of a student by the courts, human services, school district, parent or legal guardian into a chemical dependency or other substance abuse treatment center, shelter care facility, hospital, day treatment center, correctional facility, residential treatment center, or mental health program. The program must be approved by the Department of Human Services (DHS) as a Children's Therapeutic Services and Supports (CTSS) certified day treatment program. Students who are placed by their IEP in a special education program in another school, district or joint powers district and the program is not CTSS certified are not considered to be in a day treatment program.

Students are considered to be in a day treatment program if they are not living in the facility

**Change in Placement (or Program):** An action that significantly modifies one or more of the education-related conditions specified in an IEP.

**Day Treatment:** A treatment program that operates for part or all of the day and where the student does not stay overnight at the program site. See Care and Treatment.

**Disabled Transportation:** Transportation provided to student, who because of their disability, require special accommodations, that is a vehicle with a lift, transportation assistant or special route or schedule. See Regular Transportation, Special Transportation, Special Education Transportation and Transportation To-and -From.

**Education Choice Programs:** Legislation that provides options to student for enrollment in various education programs, other than those assigned by the Options Program, Open Enrollment, Continued Enrollment for Juniors and Seniors, Graduation Incentives, state Board-Approved Exceptions, and parent-initiated agreements between school boards.

**Enrollment Options:** See Education Choice Programs

**Excess Cost:** General: the portion of a cost that remains after all applicable revenues have been subtracted from the total costs of an item. Billing Excess costs ( as defined by the Uniform Tuition Billing Invoice procedures): The cost that remains after all applicable state revenues (e.g., GER, Special Education aid) have been subtracted from the total costs of the education program: the portion that can be billed by the program providing district to the resident school district. (Note: Transportation costs are not included in excess program costs.)

**General Education Revenue (GER):** General Education revenue is the predominant and state guaranteed financial support for Minnesota school districts. It is based on the membership of all students irrespective of special characteristics or needs. It is a combination of local levies and /or state-paid funds, the relative proportion of each depending upon a district's taxable property wealth. General education revenue currently consists of six components: basic revenue, compensatory education revenue, training and experience revenue, secondary sparsity revenue, elementary sparsity revenue, transportation revenue, and supplemental revenue.

**GER:** See General Education Revenue.

**Homeless Student:** A student who lacks a fixed, regular, and adequate nighttime residence which includes has no permanent place of residence.

**IDEA:** See Individuals with Disabilities Education Act.

**IEP:** See Individual Education Program.

**IFSP:** See Individual Family Services Plan.

**Individual Education Program (IEP):** A written program plan developed by a team of individuals, to meet the unique educational needs of a student with a disability. The program plan includes a description of special education and related services (e.g. transportation) that will be provided to the student.

**Individual Family Services Plan (IFSP):** A written plan for providing early intervention services to a child (required for ages Birth to 3) and the child’s family through interagency agreements. Procedural and program requirements for the IEP also apply to the educational components of the Individual Family Services Plan.

**Individual with Disabilities Education Act (IDEA):** Federal legislation that protects the educational rights of children and youth with disabilities.

**M.R. :** Abbreviation for Minnesota Rule.

**M.S.:** Abbreviation for Minnesota Statute.

**MARSS:** See Minnesota Automated Reporting Student System

**Minnesota Automated Reporting Student System:** Electronic system by which school districts report individual student information, that in turn allows the state to generate a count of student for calculating state and federal aid to school districts.

**Open Enrollment:** See Education Choice Programs.

**Providing District:** See Serving District.

**Pupil Unit:** A pupil unit is a modified student count. It is also called Weighted Average Daily Membership (WADM). For state funding purposes, each student is counted for the portion of the year during which they are enrolled in a school. This figure is then weighted, based on the student’s grade level, resulting in pupil units for that student. Pupil units are used for determining many levy limitations.

**Regular Transportation:** Transportation provided by the local school district for students who do not require special transportation to get from home to school and from school to home. See Transportation “To and From,” also see Special Transportation.

**Resident District:** For a student with a disability, the district of residence is the district in which the child’s parent or legal guardian resides, or the district designated by the commissioner if neither parent nor legal guardian is living within the state.

**Respite Care:** A temporary short-term placement of a student with a disability for purposes of supervision, assistance and care in order to provide temporary relief (respite) for the primary care-giver. Respite care is most often provided in the home of respite care provider. It could also be provided in a facility approved by the state such as a hospital, nursing home or community residential facility.

**Revocation of Bus Privileges:** A student's school bus riding privilege is taken away for a period of time in accordance with the district's discipline policy. This is not the same as suspension from school. See Suspension.

**SAC :** See State Aid Category.

**Section 504:** Section 504 of the Rehabilitation Act of 1973 protects individuals with disabilities from discrimination based on disability.

**Serving District:** For purposes of this document, the serving school district is the district that provides special education services to a child with a disability or selected student, but is not the school district in which the child's parent or guardian resides. See Resident District.

**Shared Time Service:** Instructional services provide to nonpublic school student by the public school.

**Shared Time Student:** A nonpublic school student or home-school student who receives part-time instructional services from the public school.

**Special Transportation:** Transportation provided to students who, because of their special situation, require special accommodations such as a special route or schedule. See Regular Transportation, Disabled Transportation, Special Education Transportation and Transportation To-and -From.

**Special Education Transportation:** Transportation provided to students that is required because of the student's disability. Special education accommodations may include a special route or schedule. The accommodations and adaptations must be specified and written into the IEP. See Regular Transportation, Disabled Transportation and Transportation To-and -From.

**State Aid Category (SAC):** A data item entry code in MARSS that indicates the statute or program by which a student is enrolled in a district, and thereby the student's eligibility, or ineligibility, to generate state aid.

**Suspension:** A student's in-school education program is taken away for a period of time in accordance with the district's discipline policy. It is not the same as revocation of bus privileges. See Revocation.

**Transition Program:** A program for students with disabilities that, by grade 9 or age 14, promotes movement from school to post-school activities, e.g. post-secondary education, vocational training, integrated, employment, continuing and adult education, adult services, independent living and community participation.

**Transporting District:** The school district that provides the transportation "To-and-From" school.

**Transportation "To-And-From":** School district provided transportation from home (or day care) to school at the beginning of the school day, and from school to home (or day care) at the end of the school day.

**Transportation “During The Day”:** School district provided transportation that usually occurs between program and/or building sites, but always during the school instructional day (as opposed to “To And From” transportation).

**Tuition Billing:** The process by which a school district bills another school district for the educational services provided a non-resident student on an IEP. See Excess cost.

**Type ‘A’ School Bus:** A short body van-type vehicle weighing 14,500 pounds or less, and designed for carrying more than 10 persons. See chart page 57.

**Type ‘B’ School Bus:** A moderately short body van-type vehicle weighing 10,000 pounds or more, and designed for carrying more than ten persons. See chart page 57.

**Type ‘C’ School Bus:** A long-body vehicle weighing 21,500 pounds or more, and designed for carrying more than 10 persons. The engine protrudes beyond the front of the windshield. See chart page 57.

**Type ‘D’ School Bus:** A long-body vehicle weighing 10,000 pounds or more, and designed for carrying more than 10 persons. The engine is behind the windshield which results in a flat or almost flat front on the bus. See chart page 57.

**Type ‘III’ School Bus:** A passenger car, station wagon, van or bus weighing 10,000 pounds or less, and having a maximum seating capacity for 10 persons, including the driver, A type III school bus cannot be outwardly equipped and identified as a school bus. See chart page 57.

## VI. DESCRIPTIONS OF SCHOOL BUSES

	<p><b>TYPE A:</b> A “type A school bus” is a conversion or body constructed upon a van-type or cutaway front section vehicle with a left-side driver’s door. This definition includes two classifications: type A-I, with a gross vehicle weight rating (GVWR) less than or equal to 14,500 pounds; and type A-II, with a GVWR greater than 21,500 pounds.</p>
	<p><b>TYPE B:</b> A “type B school bus” is a conversion or body constructed and installed upon a van or front-section vehicle chassis, or stripped chassis, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. Part of the engine is beneath or behind the windshield and beside the driver’s seat. The entrance door is behind the front wheels.</p>
	<p><b>TYPE C:</b> A “type C school bus” is a body installed upon a flat back cowl chassis with a gross vehicle weight rating of more than 21,500 pounds, designed for carrying more than ten persons. All of the engine is in front of the windshield and the entrance door is behind the front wheels. A type C school bus has a maximum length of 45 feet.</p>
	<p><b>TYPE D:</b> A “type D school bus” is a body installed upon a chassis, with the engine mounted in the front, midship or rear, with a gross vehicle weight rating of more than 10,000, designed for carrying more than ten persons. The engine may be behind the windshield and beside the driver’s seat; it may be at the rear of the bus, behind the rear wheels, or midship between the front and rear axles. The entrance door is ahead of the front wheels. A type D school bus has a maximum length of 45 feet.</p>
	<p><b>TYPE III:</b> Type III school buses are restricted to passenger cars, station wagons, vans, and buses having a maximum manufacturer’s rated seating capacity of ten or fewer people, including the driver, and a gross vehicle weight rating of 10,000 pounds or less. A “type III school bus” must not be outwardly equipped and identified as a type A, B, C, or D school bus. A van or bus converted to a seating capacity of ten or fewer and placed in service on or after August 1, 1999, must have been originally manufactured to comply with the passenger safety standards. See Minn. Stat. 169.454 for age and equipment requirements.</p>

## VII. SPECIAL EDUCATION TRANSPORTATION CHART

MARSS Transportation Category 03 and 06

UFARS FIN 723 and 728

The purpose of this chart is to provide guidance as to when to use MARSS Transport Category 03 and 06 as well as the UFARS Finance Dimension 723 and 728. For questions, contact Kelly Wosika at 651-582-8855 or e-mail [kelly.wosika@state.mn.us](mailto:kelly.wosika@state.mn.us).

Definitions	UFARS FIN 723 MARSS Transport - 03	UFARS FIN 728 MARSS Transport -06	General Transportation all Students Receive
Students with IEPs "TO AND FROM SCHOOL"	The student's IEP requires adaptation or accommodations in order to participate in his/her special education program. The IEP must state accommodations or adaptations (paraprofessional or nurse practitioner, lift bus, special vehicle, special routings etc.) that are necessary for the student to attend his special education classes. Use MARSS Transportation Category 03	The student requires transportation to a care and treatment program but does not need any special accommodation or adaptation in order to participate in the care and treatment program. Also if a special route or accommodations are needed to transport a homeless student that does not need special accommodations because of a disability. Use MARSS Transportation Category 06	Student who ride typical busses without any accommodations or adaptations. Student IEP does not indicate any special needs for transportation.
Students without IEPs "TO AND FROM SCHOOL"	Not eligible for FIN 723 – Special Education Transportation	Students who are homeless, or required to participate in a care and treatment program who cannot participate in usual school district transportation would be eligible for FIN 728. Use MARSS Transportation Category 06	Student who ride typical busses without any accommodations or adaptations. Student IEP does not indicate any special needs for transportation.
Students with IEPs "BETWEEN BUILDINGS"	Student has a special need for transportation to a job site, specialty program such as transition, related service. If the student's IEP so indicates the necessity of the service or program. Student participating in a special education field trip for instruction would be eligible, also. Should not use MARSS Transportation 03 (not to and from transportation)	If a student requires care and treatment services that are not part of the student's IEP, then the student would have transportation services provided through FIN 728. Should not use MARSS Transportation 06 (not to and from transportation)	Students going on a field trip on the same bus with students without IEPs in the school sponsored activities. Also, a special education field trip or other than instruction such as to Valley Fair would not be eligible to be reported in UFARS code 723 or UFARS code 728.
Shared Time Students with IEPs SAC 16 and 17	If the student is transported to the special education service, the expenditure would be eligible for FIN 723. Should not use MARSS Transportation 03 (not to and from transportation)	If the staff is transported to the site where the student is located to deliver the special education or related service, the expenditure is eligible for FIN 728. Should not use MARSS Transportation 06 (not to and from transportation)	Not applicable.

## VIII. MARSS STUDENT TRANSPORTATION CODE FLOWCHART

