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RICHFIELD PUBLIC SCHOOLS
STUDENT TRANSPORTATION SERVICES

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. It is the policy of the school district to provide for the transportation of students in a manner which will protect their health, welfare and safety.
- B. The school district recognizes that transportation is an essential part of the school district services to students and parents but further recognizes that transportation by school bus is a privilege and not a right for an eligible student.

III. DEFINITIONS

- A. "Student with a disability" includes every child who has a hearing impairment, visual disability, speech or language impairment, physical handicap, other health impairment, mental handicap, emotional/behavioral disorder, specific learning disability, autism, traumatic brain injury, multiple disabilities, or deaf/blind disability and needs special instruction and services, as determined by the standards of the Department of Education. In addition, every child under age three, and at the school district's discretion from age three to seven, who needs special instruction and services, as determined by the standards of the Department of Education, because the child has a substantial delay or has an identifiable physical or mental condition known to hinder normal development is a child with a disability. (Minn. Stat. § 125A.02)
- B. "Home" is the legal residence of the child. In the discretion of the school district, "home" also may be defined as a licensed day care facility, a respite care facility, the residence of a relative, or the residence of a person chosen by the student's parent or guardian as the home of a student for part or all of the day, if requested by the student's parent or guardian, or an afterschool program for children operated by a political subdivision of the state if the facility, program, or residence is within the attendance area of the school the student attends. Unless otherwise specifically provided by law, a homeless student is a resident of the school district if enrolled in the school district. (Minn. Stat. § 123B.92, Subd. 1(b)(1); Minn. Stat. § 127A.47, Subd. 2)

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- C. “Homeless student” means a student, including a migratory student, who lacks a fixed, regular, and adequate nighttime residence and includes: students who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; are awaiting foster care placement; have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings, and migratory children who qualify as homeless because they are living in any of the preceding listed circumstance. (42 U.S.C. § 11434a)
- D. “Nonpublic school” means any school, church, or religious organization, or home school wherein a resident of Minnesota may legally fulfill the compulsory instruction requirements of Minn. Stat. §120A.22, which is located within the state, and which meets the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000a). (Minn. Stat. §123B.41, Subd. 9)
- E. “Nonresident student” is a student who attends school in the school district and resides in another district, defined as the “nonresident district.” In those instances when the divorced or legally separated parents or parents residing separately share joint physical custody of a student and the parents reside in different school districts, the student shall be a resident of the school district designated by the student’s parents. When parental rights have been terminated by court order, the legal residence of a student placed in a residential or foster facility for care and treatment is the district in which the student resides. (Minn. Stat. § 123B.88, Subd. 6; Minn. Stat. § 125A.51; Minn. Stat. § 127A.47, Subd. 3)
- F. “Pupil support services” are health, counseling and guidance services provided by the public school in the same district where the nonpublic school is located. (Minn. Stat. § 123B.41, Subd. 4)
- G. “School of origin,” for purposes of determining the residence of a homeless student, is the school that the student attended when permanently housed or the school in which the student was last enrolled. (42 U.S.C. § 11432(g)(3)(G))
- H. “Shared time basis” is a program where students attend public school for part of the regular school day and who otherwise fulfill the requirements of Minn. Stat. § 120A.22 by attendance at a nonpublic school. (Minn. Stat. § 126C.01, Subd. 8)

1 I. "Student" means any student or child attending or required to
2 attend any school as provided in Minnesota law and who is a
3 resident or child of a resident of Minnesota. (Minn. Stat. §
4 123B.41, Subd. 11)
5

6 **IV. ELIGIBILITY**
7

8 A. Upon the request of a parent or guardian, the school district shall
9 provide transportation to and from school, at the expense of the
10 school district, for all resident students who reside two miles or
11 more from the school.
12

13 1. Transportation will be provided within the designated
14 attendance areas for each school:
15

16 a. The attendance area for Richfield STEM School,
17 Richfield Dual Language School, Richfield Middle
18 School and Richfield High School is the entire school
19 district.
20

21 b. The Centennial Elementary School attendance area
22 extends from the east side of Nicollet Avenue to the
23 eastern border of the district, and the Sheridan Hills
24 Elementary attendance area extends from the west
25 side of Nicollet Avenue to the western border of the
26 district. Provided, however, that the area east of
27 Nicollet Avenue, south of 77th Street and north of
28 Highway 494 will be designated as a flexible
29 attendance area based on enrollment, demographics
30 and other factors as determined by administration.
31

32 2. Transportation services will not be provided to students
33 whose transportation privileges have been revoked or have
34 been voluntarily surrendered by the student's parent or
35 guardian. (Minn.Stat. § 123B.88, Subd. 1)
36

37 B. The school district may, in its discretion, also provide transportation
38 to any student to and from school, at the expense of the school
39 district, for any other purpose deemed appropriate by the school
40 board.
41

42 1. The school district shall be responsible for transporting to
43 and from school resident public and nonpublic elementary
44 school students (grades PreK-5) residing one mile or more
45 from school and resident students (grades 6-12) residing two
46 miles or more from school.
47

48 2. The Superintendent shall be responsible for identifying
49 hazardous walking boundaries for students. Students
50 residing in the attendance area who have to cross the

- 1 streets listed below in order to walk to their schools shall
- 2 also be transported.
- 3
- 4 CENTENNIAL ELEMENTARY SCHOOL
- 5 12th Avenue
- 6 Diagonal Blvd.
- 7 76th Street
- 8
- 9 SHERIDAN HILLS ELEMENTARY SCHOOL
- 10 Penn & Xerxes Avenues
- 11 Highway 62
- 12 66th Street
- 13
- 14 R-STEM & RDLS
- 15 66th Street
- 16 73rd Street to Diagonal Blvd.
- 17 Bloomington Avenue
- 18 Portland Avenue
- 19
- 20 RICHFIELD MIDDLE SCHOOL
- 21 Nicollet Avenue
- 22

23 C. At the discretion of the school district, transportation along regular
24 school bus routes may also be provided, where space is available,
25 to any person where such use of a bus does not interfere with the
26 transportation of students. This includes part-time secondary
27 students, early childhood family education participants and area
28 learning center students. The cost of providing such transportation
29 must be paid by those individuals using these services or some
30 third-party payer, with the exception of early childhood family
31 education participants and area-learning center students if the
32 provision of such transportation services can be provided without
33 an increase in the school district's expenditures. (Minn. Stat. §
34 123B.88, Subd. 10, 11, 12, and 13)

35
36 **V. TRANSPORTATION OF NONRESIDENT STUDENTS**

- 37
- 38 A. If requested by the parent of a nonresident student, the school
- 39 district shall provide transportation to a nonresident student within
- 40 its borders at the same level of service that is provided to resident
- 41 students. The school district may provide transportation to a
- 42 nonresident student outside its borders only after written notice to
- 43 the resident district. (Minn. Stat. § 124D.04, Subd. 7; Minn. Stat. §
44 123B.92, Subd. 3; Minn. Stat. § 123B.88, Subd. 6)
- 45
- 46 B. If the school district decides to transport a nonresident student
- 47 within the student's resident district, the school district will notify the
- 48 student's resident district of its decision, in writing, prior to providing
- 49 transportation. (Minn. Stat. § 123B.88, Subd. 6)
- 50

- 1 C. When divorced or legally separated parents or parents residing
2 separately reside in different school districts and share physical
3 custody of a student, the parents shall be responsible for the
4 transportation of the student to the border of the school district
5 during those times when the student is residing with the parent in
6 the nonresident school district. (Minn. Stat. § 127A.47, Subd. 3(b))
7

8 **VI. TRANSPORTATION OF RESIDENT STUDENTS TO NONDISTRICT**
9 **SCHOOLS**

- 10
11 A. In general, the school district shall not provide transportation
12 between a resident student's home and the border of a nonresident
13 district where the student attends school under the Enrollment
14 Options Program. A parent may be reimbursed by the nonresident
15 district for the costs of transportation from the pupil's residence to
16 the border of the nonresident district if the student is from a family
17 whose income is at or below the poverty level, as determined by
18 the federal government. The reimbursement may not exceed the
19 pupil's actual cost of transportation or 15 cents per mile traveled,
20 whichever is less. Reimbursement may not be paid for more than
21 250 miles per week. (Minn. Stat. § 124D.03, Subd. 8)
22

- 23 B. Resident students shall be eligible for transportation to and from a
24 nonresident school district at the expense of the school district, if in
25 the discretion of the school district, inadequate room, distance to
26 school, unfavorable road conditions, or other facts or conditions
27 make attendance in the resident student's own district
28 unreasonably difficult or impracticable. The school district, in its
29 discretion, may also provide for transportation of resident students
30 to schools in other districts for grades and departments not
31 maintained in the district, including high school, for the whole or a
32 part of the year or for resident students who attend school in a
33 building rented or leased by the school district in an adjacent
34 district. (Minn. Stat. § 123B.88, Subds. 1 and 4)
35

- 36 C. In general, the school district is not responsible for transportation
37 for any resident student attending school in an adjoining state
38 under a reciprocity agreement but may provide such transportation
39 services at its discretion. (Minn. Stat. § 124D.041)
40

41 **VII. SPECIAL EDUCATION STUDENTS/STUDENTS WITH**
42 **DISABILITIES/STUDENTS WITH TEMPORARY DISABILITIES**

- 43
44 A. Upon a request of a parent or guardian, a resident student with a
45 disability who is not yet enrolled in kindergarten, who requires
46 special education services in a location other than the student's
47 home, shall be provided transportation consistent with Minn. Stat. §
48 123B.92, Subd. 1(b)(4) . Special instruction and services for a child
49 with a disability not yet enrolled in kindergarten include an
50 individualized education program (IEP) team placement in an early

- 1 childhood program when that placement is necessary to address
2 the child's level of functioning and needs. (Minn. Stat. § 123B.88,
3 Subd. 1)
4
- 5 B. Resident students with disabilities whose handicapped conditions
6 are such that the student cannot be safely transported on the
7 regular school bus and/or school bus route and/or when the
8 student is transported on a special route for the purpose of
9 attending an approved special education program shall be entitled
10 to special transportation at the expense of the school district. The
11 school district shall determine the type of vehicle used to transport
12 students with disabilities on the basis of the handicapping condition
13 and applicable laws. This provision shall not be applicable to
14 parents who transport their own child under a contract with the
15 school district. (Minn. Rules Part 7470.1600)
16
- 17 C. Resident students with disabilities who are boarded and lodged at
18 Minnesota state academies for educational purposes, but who also
19 are enrolled in a public school within the school district, shall be
20 provided transportation, by the school district to and from said
21 board and lodging facilities, at the expense of the school district.
22 (Minn. Stat. § 125A.65)
23
- 24 D. If a resident student with a disability attends a public school located
25 in a contiguous school district and the school district of attendance
26 does not provide special instruction and services, the school district
27 shall provide necessary transportation for the student between the
28 school district boundary and the educational facility where special
29 instruction and services are provided within the school district. The
30 school district may provide necessary transportation of the student
31 between its boundary and the school attended in the contiguous
32 district, but shall not pay the cost of transportation provided outside
33 the school district boundary. (Minn. Stat. § 125A.12)
34
- 35 E. When a student with a disability or a student with a short-term or
36 temporary disability is temporarily placed for care and treatment in
37 a day program located in another school district and the student
38 continues to live within the school district during the care and
39 treatment, the school district shall provide the transportation, at the
40 expense of the school district, to that student. The school district
41 may establish reasonable restrictions on transportation, except if a
42 Minnesota court or agency orders the child placed at a day care
43 and treatment program and the school district receives a copy of
44 the order, then the school district must provide transportation to
45 and from the program unless the court or agency orders otherwise.
46 Transportation shall only be provided by the school district during
47 regular operating hours. (Minn. Stat. § 125A.15(b); Minn. Stat. §
48 125A.51(d))
49

- 1 F. When a nonresident student with a disability or a student with a
2 short-term or temporary disability is temporarily placed in a
3 residential program within the school district, including correctional
4 facilities operated on a fee-for-service basis and state institutions,
5 for care and treatment, the school district shall provide the
6 necessary transportation at the expense of the school district.
7 Where a joint powers entity enters into a contract with a privately
8 owned and operated residential facility for the provision of
9 education programs for special education students, the joint
10 powers entity shall provide the necessary transportation. (Minn.
11 Stat. § 125A.15(c) and (d); Minn. Stat. § 125A.51(e))
12
- 13 G. Each driver and aide assigned to a vehicle transporting students
14 with a disability will be provided with appropriate training for the
15 students in their care, will assist students with their safe ingress
16 and egress from the bus, will ensure the proper use of protective
17 safety devices, and will be provided with access to emergency
18 health care information as required by law. (Minn. Rules Part
19 7470.1700)
20
- 21 H. Any parent of a student with a disability who believes that the
22 transportation services provided for that child are not in compliance
23 with the applicable law may utilize the alternative dispute resolution
24 and due process procedures provided for in Minn. Stat. Ch. 125A.
25 (Minn. Rules Part 7470.1600, Subd. 2)
26

27 **VIII. HOMELESS STUDENTS**

- 28
- 29 A. Homeless students shall be provided with transportation services
30 comparable to other students in the school district. (42 U.S.C. §
31 11432(e)(3)(C)(i)(III)(cc) and (g)(4)(A))
32
- 33 B. Upon request by the student's parent, guardian, or homeless
34 education liaison, the school district shall provide transportation for
35 a homeless student as follows:
36
- 37 1. A resident student who becomes homeless and is residing in
38 a public or private shelter location or has other non-shelter
39 living arrangements within the school district shall be
40 provided transportation to and from the student's school of
41 origin and the shelter or other non-shelter location on the
42 same basis as transportation services are provided to other
43 students in the school district. (42 U.S.C. §
44 11432(g)(1)(J)(iii)(I))
45
- 46 2. A resident student who becomes homeless and is residing in
47 a public or private shelter location or has other non-shelter
48 living arrangements outside of the school district shall be
49 provided transportation to and from the student's school of
50 origin and the shelter or other non-shelter location on the

- 1 same basis as transportation services are provided to other
2 students in the school district, unless the school district and
3 the school district in which the student is temporarily placed
4 agree that the school district in which the student is
5 temporarily placed shall provide transportation. (Minn. Stat.
6 § 125A.51(f); 42 U.S.C. § 11432(g)(1)(J)(iii)(II))
7
- 8 3. If a nonresident student is homeless and is residing in a
9 public or private homeless shelter or has other non-shelter
10 living arrangements within the school district, the school
11 district may provide transportation services between the
12 shelter or non-shelter location and the student's school of
13 origin outside of the school district upon agreement with the
14 school district in which the school of origin is located. (Minn.
15 Stat. § 125A.51(f))
16
- 17 4. A homeless nonresident student enrolled under Minn. Stat. §
18 124D.08, Subd. 2a, must be provided transportation from
19 the student's district of residence to and from the school of
20 enrollment. (Minn. Stat. § 123B.92, Subd. 3(c)).
21

22 **IX. AVAILABILITY OF SERVICES**

23
24 Transportation shall be provided on all regularly scheduled school days or
25 make-up days. Transportation will not be provided during the summer
26 school break. Transportation may be provided for summer instructional
27 programs for students with a disability or in conjunction with a learning
28 year program. Transportation between home and school may also be
29 provided, in the discretion of the school district, on staff development
30 days. (Minn. Stat. § 123B.88, Subd. 21)
31

32 **X. MANNER OF TRANSPORTATION**

33
34 The scheduling of routes, establishment of the location of bus stops,
35 manner and method of transportation, control and discipline of school
36 children, the determination of fees, and any other matter relating thereto
37 shall be within the sole discretion, control and management of the School
38 Board. The school district may, in its discretion, provide room and board,
39 in lieu of transportation, to a student who may be more economically and
40 conveniently provided for by that means. (Minn. Stat. § 123B.88, Subd. 1)
41

42 **XI. RESTRICTIONS**

43
44 Transportation by the school district is a privilege and not a right for an
45 eligible student. A student's eligibility to ride a school bus may be revoked
46 for a violation of school bus safety or conduct policies, or violation of any
47 other law governing student conduct on a school bus pursuant to the
48 school district's discipline policy. Revocation of a student's bus riding
49 privilege is not an exclusion, expulsion, or suspension under the Pupil Fair
50 Dismissal Act. Revocation procedures for a student who is an individual

1 with a disability under 20 U.S.C. § 1415 (Individuals with Disabilities Act),
2 29 U.S.C. § 794 (the Rehabilitation Act), and 42 U.S.C. § 12132,
3 (Americans with Disabilities Act) are governed by these provisions. (Minn.
4 Stat. § 121A.59)

5
6 **XII. FEES**

7
8 A. At its discretion, the school district may charge fees for
9 transportation of students to and from extra curricular activities
10 conducted at locations other than school, where attendance is
11 optional. (Minn. Stat. § 123B.36, Subd. 1(10). This is present in
12 the district's offering of Co-curricular And Athletic Transportation
13 (Policy #744) and in Field Trip Fees And Transportation (Policy
14 #653).

15
16 B. The school district may charge fees for transportation of students to
17 and from school when authorized by law. If the school district
18 charges fees for transportation of students to and from school,
19 guidelines shall be established for that transportation to ensure that
20 no student is denied transportation solely because of inability to
21 pay. (Minn. Stat. § 123B.36, Subd. 1(11). This is present in the
22 district's offering of Pay-To-Ride Service (Policy #743). The school
23 district also may waive fees for transportation if the student's parent
24 is serving in, or within the past year has served in, active military
25 service as defined in Minn. Stat. § 190.05.

26
27 C. The school district may charge reasonable fees for transportation
28 of students to and from post-secondary institutions for students
29 enrolled under the post-secondary enrollment options program.
30 Families who qualify for mileage reimbursement may use their state
31 mileage reimbursement to pay this fee (Minn. Stat. § 123B.36,
32 Subd. 1(13).

33
34 D. Where, in its discretion, the school district provides transportation
35 to and from an instructional community-based employment station
36 that is part of an approved occupational experience vocational
37 program, the school district may require the payment of reasonable
38 fees for transportation from students who receive remuneration for
39 their participation in these programs. (Minn. Stat. § 123B.36, Subd.
40 3)

41
42
43 **Legal References:**

44 Minn. Stat. § 120A.22 (Compulsory Instruction)

45 Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)

46 Minn. Stat. § 121A.59 (Bus Transportation is a Privilege Not a Right)

47 Minn. Stat. § 123B.36 (Authorized Fees)

48 Minn. Stat. § 123B.41 (Educational Aids for Nonpublic School Children;
49 Definitions)

50 Minn. Stat. § 123B.44 (Provision of Pupil Support Services)

- 1 Minn. Stat. § 123B.88 (Independent School Districts, Transportation)
- 2 Minn. Stat. § 123B.92 (Transportation Aid Entitlement)
- 3 Minn. Stat. § 124D.03 (Enrollment Options Program)
- 4 Minn. Stat. § 124D.04 (Enrollment Options Programs in Border States)
- 5 Minn. Stat. § 124D.041 (Reciprocity with Adjoining States)
- 6 Minn. Stat. § 124D.08 (School Board's Approval to Enroll in Nonresident District)
- 7 Minn. Stat. Ch. 125A (Children With a Disability)
- 8 Minn. Stat. § 125A.02 (Children With a Disability, Defined)
- 9 Minn. Stat. § 125A.12 (Attendance in Another District)
- 10 Minn. Stat. § 125A.15 (Placement in Another District; Responsibility)
- 11 Minn. Stat. § 125A.51 (Placement of Children Without Disabilities; Education and
- 12 Transportation)
- 13 Minn. Stat. § 125A.515 (Placement of Students; Approval of Education Program)
- 14 Minn. Stat. § 125A.65 (Attendance at Academies for the Deaf and Blind)
- 15 Minn. Stat. § 126C.01 (General Education Revenue - Definitions)
- 16 Minn. Stat. § 127A.47 (Payments to Resident and Nonresident Districts)
- 17 Minn. Rules Part 7470.1600 (Transporting Pupils with Disability)
- 18 20 U.S.C. § 1415 (Individuals with Disabilities Education Improvement Act of
- 19 2004)
- 20 29 U.S.C. § 794 (Rehabilitation Act of 1973, § 504)
- 21 42 U.S.C. § 2000d (Prohibition Against Exclusion from Participation in, Denial of
- 22 Benefits of, and Discrimination under Federally Assisted Programs on Ground of
- 23 Race, Color, or National Origin)
- 24 42 U.S.C. § 11431, *et seq.* (McKinney-Vento Homeless Assistance Act of 2001)
- 25 42 U.S.C. § 12132 (Americans With Disabilities Act)

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Cross References:

- Board Policy 653 (Field Trips)
- Board Policy 541 (Student Behavior)
- Board Policy 744 (Co-curricular and Athletic Transportation)
- Board Policy 743 (Pay-To-Ride Service)

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