

708 TRANSPORTATION OF NONPUBLIC SCHOOL STUDENTS

I. PURPOSE

The purpose of this policy is to address transportation rights of nonpublic school students and to provide equality of treatment in transporting such students pursuant to law.

II. GENERAL STATEMENT OF POLICY

It is the policy of the school district to recognize the rights of nonpublic school students and to provide equal transportation to those students as required by law.

III. ELIGIBILITY

- A. A resident student who attends a nonpublic school located within the district shall be eligible for transportation to and from the nonpublic school. Chisago Lakes School District will provide transportation for all resident pupils who live more than one mile from their respective schools to and from school within the school district boundaries. Students will be transported to school if they live in a hazardous area less than one mile from their respective schools as declared by the school board. All other students will walk. Routes and pickup time will be arranged for and provided to the residents by the Transportation Director. Distance guidelines for determining pickup points shall be one-quarter mile for all students in grades K-12. Distance guidelines for determining discharge points will be one-half mile for all students in grades 6-12 and one-quarter mile for students in grades K-5. All distances are based on public roads only.
- B. The times of the nonpublic school must coincide with the regular routes in the school district. The school district will not incur additional transportation costs by providing separate bus routes for nonpublic schools located within the school district.
- C. A resident student who attends a nonpublic school located in another district shall be eligible for transportation to the closest district boundary. The parent will be responsible for transporting the resident student to the nonpublic school. The school district will pay the parent for one round trip from the student's home to the school district boundary and back to the student's home for each day the student attends the nonpublic school. The mileage rate will be the district approved mileage rate. The parent must annually complete a "Transportation Reimbursement Request Form": that is subject to approval by the Board of Education.

IV. SPECIAL EDUCATION/DISABLED STUDENTS

- A. If a resident student with a disability attends a nonpublic school located within the district of the student's residence, the school district shall provide necessary transportation for the student within the district between the nonpublic school and the educational facility where special instruction and services are provided on a shared time basis. If a resident pupil with a disability attends a nonpublic school located in a district contiguous to the school district of residence and if no agreement exists for the provision of special instruction and services on a shared time basis to that student by the district of

attendance, the district of residence may provide necessary transportation for that student between the boundary of the district of residence and the educational facility where the special instruction and services are provided within the district of residence. The district of residence may provide necessary transportation for that pupil between its boundary and the nonpublic school attended, but the nonpublic school shall pay the cost of transportation provided outside the district. Districts may make agreements for who provides transportation.

- B. Disabled students whose handicapping conditions are such that the student cannot be safely transported on the regular school bus or school bus route shall be entitled to special transportation at the expense of the school district. The school district shall determine the type of vehicle used to transport disabled students on the basis of the handicapping condition. This section shall not be applicable to parents who transport their own child under a contract with the school district. (Minn. R. 3520.3300, subd. 1)
- C. Any parent of a disabled student who believes that the transportation services provided for that child are not in compliance with the applicable law may utilize the due process procedures provided for in Minn. Stat. § 125A.09, Subd. 6. (Minn. R. 3520.3300, subd. 2)

V. APPLICATION OF GENERAL POLICY

The provisions of the school district's policy on transportation of public school students *{Policy 707}* shall apply to the transportation of nonpublic school students except as specifically provided herein.

Legal References: Minn. Stat. Ch. 123B.44 (Provision of Pupil Support Services)
Minn. Stat. § 123B.84 (Policy)
Minn. Stat. § 123B.86 (Equal Treatment)
Minn. Stat. § 123B.88 (Independent School Districts, Transportation)
Minn. Stat. § 123B.92 (Transportation Aid Entitlement)
Minn. Stat. § 125A (Children With a Disability)
Minn. R. 3520.3300 (Transportation of Handicapped Students)
Americans United, Inc. as Protestants and Other Am. United for separation of Church and State, et al. v. Independent Sch. Dist. No. 622, et al., 288 Minn. 1996, 179 N.W. 2d 146 (Minn. 1970).
Eldridge v. Independent Sch. Dist. No. 625, 422 N.W. 2d 319 (Minn. App. 1988).
Healy v. Independent Sch. Dist. No. 625, 962 F.2d 1304 (8th Cir. 1992)

Cross References: Chisago Lakes Policy 707 (Transportation of Public School Students)
Chisago Lakes Policy 709 (Student Transportation Safety Policy)
MSBA Service Manual, Chapter 2, Transportation