

**TO:** Transportation Department  
**FROM:** Jim Greeley – Assistant Director of Transportation  
**SUBJECT:** **Care and Treatment Reasonable Transportation Guidelines**  
**DATE:** Wednesday, October 9, 2024

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*The purpose of this protocol is to outline transportation guidelines for students receiving transportation to Care and Treatment Facilities.*

Consistent with the authority granted by Minnesota law, the purpose of this protocol is to establish reasonable limitations on the transportation of students who are temporarily placed for care and treatment in a day program and who continue to live within the boundaries of Osseo Area School District No. 279.

When a pupil without a disability is temporarily placed for care and treatment in a day program and the pupil continues to live within the district of residence during the care and treatment, **the district of residence must provide instruction and necessary transportation to and from the care and treatment program for the pupil.** The resident district may establish reasonable restrictions on transportation, except if a Minnesota court or agency orders the child placed at a day care and treatment program and the resident district receives a copy of the order, then the resident district must provide transportation to and from the program unless the court or agency orders otherwise.

### Reasonable Transportation Guidelines

- Closer Facility: The District may decline to provide transportation to a care and treatment facility if another facility is at least ten miles closer to the student’s home and is able to meet the student’s needs.
  - Exception: The District will transport the student to the next closest facility that is covered by the student’s insurer and has availability if one of the following conditions is met:
    - 1) The student’s parent or legal guardian submits written documentation to the District office showing that the insurer has formally denied coverage for a requested placement at the closest facility; or
    - 2) The student’s parent or legal guardian submits written documentation to the District office showing that the closest facility has denied a requested placement.
- Ten Mile Radius: Transportation will only be provided to care and treatment facilities that are located within ten (10) miles of the District’s geographic boundaries.
- Regular Operating Hours: The District will provide transportation to a student to or from a care and treatment facility within the District’s regular operating hours. The District is not responsible for and may not provide transportation when schools are not in session, although transportation may be provided for special education students who receive extended school year services.
- Temporary Placement: The District will transport a student to or from a care and treatment facility for a maximum of sixty-five (65) school days or three consecutive months, whichever is longer, in either a school year or a calendar year.

This protocol applies to regular education and special education students who: (1) are legal residents of the District; (2) are temporarily placed for care and treatment in a day program by a person or entity other than the District, a Minnesota court, or a Minnesota governmental agency; and (3) continue to live in the District during the care and treatment.

Students that are receiving special education services, their IEP (Individualized Education Plan) will be amended to reflect any necessary transportation accommodations. Once the IEP is updated, transportation will be provided accordingly to meet the specific needs of the student.

Definitions applicable to this protocol:

- **Care and Treatment:** Students who are placed in any of the following facilities are considered to be placed for “care and treatment”: (1) chemical dependency and other substance abuse treatment centers; (2) shelter care facilities; (3) hospitals; (4) day treatment centers; (5) correctional facilities; (6) residential treatment centers; and (7) mental health program facilities. Such facilities must be licensed by the Minnesota Department of Human Services or the Minnesota Department of Corrections.
- **Sufficient to Meet the Needs of the Student:** The phrase “sufficient to meet the needs of the student” means that the care and treatment facility provides treatment or services that are consistent with the established professional standard of care applicable to the individual needs of the student. In the event a student, parent, or legal guardian contends that a facility is not sufficient to meet the needs of the student, the student, parent, or legal guardian must provide a signed statement from a qualified physician explaining why the facility is not sufficient to meet the needs of the student.
- **Temporarily Placed for Care and Treatment:** A student is “temporarily” placed for care and treatment if the placement is for less than sixty-five (65) consecutive school days or three (3) months, whichever is longer, in either a school year or a calendar year.

Statutory References:

[Minn. Stat. § 125A.15](#)

[Minn. Stat. § 125A.51](#)

Other References:

[MDE Q&A: Care and Treatment Placements and Transportation](#)