



## **Pupil Transportation "Vehicle"**

Provided by the Transportation Section within the Program Finance Division

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## 1. Minnesota School Safety Conference

The Minnesota Department of Public Safety and Education, School Safety Center is having its 3<sup>rd</sup> annual Minnesota School Safety Conference. It is scheduled for February 24-25, 2010, at the Radisson Hotel and Conference Center, Plymouth, Minnesota. K-12 educators, school administrators, student support services personnel, emergency managers, law enforcement professionals, community emergency responders and others concerned with school safety should attend this two day conference. Registration can be completed on the Minnesota Association of School Administrator's Website at <http://www.mnasa.org/masa/site/default.asp>.

## 2. School Bus Safety Poster Contest

The entry forms for the annual Minnesota School Bus Safety Poster contest are available. Questions about the contest should be directed to Cindy McKay, Spring Lake Park Schools Transportation at 763-785-5512 or e-mail [cmckay@isd16.org](mailto:cmckay@isd16.org).

## 3. Winter Hazard Awareness Information

The State of Minnesota offers a Website link, through the combined efforts of several state agencies, that provides simple safety tips for winter weather-related situations. There are lesson plans, Internet resources and direct links to weather warnings, road conditions and more. Please visit [http://www.winterweather.state.mn.us/WHAH\\_Home.asp](http://www.winterweather.state.mn.us/WHAH_Home.asp) for Winter Hazard Awareness materials.

## 4. Cleaner Air, Healthier Kids, Project Green Fleet

Nearly 2,000 school buses in Minnesota will be retrofitted with pollution control equipment by the end of 2009. The goal is to retrofit every eligible school bus in Minnesota and we need your help!

### **Project Green Fleet is *EASY* and *FREE***

Funding is in place to cover the cost of purchasing and installing two pieces of pollution control equipment for school buses in Minnesota. Here is how it works:

- Project Green Fleet collects information about your school buses
- Equipment vendors review the information and determine which buses are eligible
- Equipment orders are placed for eligible buses and an installation schedule is developed to meet the needs of the school district or fleet

The only ongoing maintenance and cost includes the periodic replacement of a filter, estimated at \$50 to \$100 per bus per year. Not all buses are eligible for the piece of

equipment requiring filter replacement and installing this piece of equipment is optional. The second piece of equipment requires no ongoing maintenance or cost.

School districts and school bus fleets participating in Project Green Fleet reduce emissions by 30-50 percent. This not only improves the quality of our air, but also reduces driver and student exposure to particulate matter and other harmful pollutants found in diesel exhaust.

Get started by contacting Emily Franklin at 612-334-3388x114 or e-mail [efranklin@mn-ei.org](mailto:efranklin@mn-ei.org).

## **5. Independent School District and Transportation of Any Person**

Minnesota Statutes, Section 123B.88, Subdivision 10, provides that “Districts may use district owned or contractor operated school buses to provide transportation along regular school bus routes on a space available basis for any person. Such use of a bus must not interfere with the transportation of pupils to and from school or other authorized transportation of pupils. In all cases, the total additional costs of providing these services, as determined by sound accounting procedures, must be paid by charges made against those using these services or some third-party payor. In no case shall the additional cost of this transportation be paid by the district.”

If a district does choose to provide transportation for persons other than pupils, it should be aware of all the surrounding issues with this practice.

If the other person is riding the bus with school children, the district should do a background check on the person. Also the district must consider capacity limitations and timing restraints so that the transportation of the other person does not interfere with the transportation of pupils.

The provision of section 65B.47 subdivision 4 applies to any person being transported on a district-owned or contract-operated school bus. The basic premise of the law is that in case of injury to the driver or other occupant of a motor vehicle while the vehicle is being used in the business of transporting persons or property, the liability to the injured person is either with that person or with the other occupant of an involved motor vehicle(s).

When the vehicle is equipped, a properly adjusted and fastened seat belt, including both the shoulder and lap belt, shall be worn by the driver and passengers. Further, Minnesota Statutes, Section 169.685, Subdivision 5, requires every motor vehicle operator to use a child passenger restraint system (infant seat or booster seat) when transporting a child who is both under the age of eight and shorter than four feet nine inches in a motor vehicle equipped with factory-installed seat belts according to the manufacturer's instructions. If the person is a child being transported in a Type A, Type III or a school bus with factory-installed seat belts, a child passenger restraint system meeting federal motor vehicle safety standards is required by law.

A school district may rent a bus owned by the district excluding a motor-coach to any person for a lawful purpose. Bus rental must not interfere with the transportation of pupils by the districts. A lessee may use and operate the vehicle without payment of a motor vehicle tax. If district insurance coverage is not available to the lessee, the lessee shall acquire insurance at the lessee's expense protecting the district against claims for injuries and damages from the use and operation of the bus.

Lastly, if there is an available contractor for hire within 12 miles of the office of the school district, the district may not operate or lease a district-owned bus for co-curricular and extracurricular activities to transport nonpupils, for example, transporting parents to a school sporting event.

This document provides a brief overview of the statutes governing the transporting of other persons by school districts. Basically, districts may provide the transportation; however, many districts do not because of the added stipulations that exist.

## **6. Student Safety Training**

Minnesota Statutes, § 123B.90, states that school districts must provide school bus safety training for public school students in kindergarten through tenth grade. The age-appropriate training must take place in both the classroom and on the school bus.

Students in grades kindergarten through six, enrolled during the first or second week of school, must receive school bus safety training by the end of the third week. Students in grades seven through ten must receive school bus safety training or school bus safety instructional material by the end of the sixth week of school if they have not received training while in grades kindergarten through sixth. All students who enroll in school after the second week of school must receive training within four weeks if they have not received training at their previous school.

Districts must provide students in kindergarten through grade three with school bus safety training twice a year. Accident statistics show that students in these grades are more likely to be killed or injured in a school bus accident. It is important that the younger students be reminded about the safety rules.

Students taking driver's training instructional classes must receive training in the laws and proper procedures when operating a motor vehicle in the vicinity of a school bus.

The school bus safety training must cover the following concepts:

- 1) transportation by school bus is a privilege and not a right;
- 2) district policies for student conduct and school bus safety;
- 3) appropriate conduct while on the school bus;
- 4) the danger zones surrounding a school bus;
- 5) procedures for safely boarding and leaving a school bus;
- 6) procedures for safe vehicle lane crossing; and
- 7) school bus evacuation and other emergency procedures.

School districts may provide kindergarten students with safety training before the first day of school. This may be done during kindergarten roundup or through a safety bulletin directed to parents and guardians. Also, a school district must make reasonable accommodations for school bus safety training for students known to speak English as a second language and students with disabilities.

Each nonpublic school located within a district must provide nonpublic school students enrolled in grades kindergarten through ten who are transported by school bus at public expense with school bus safety training. Upon request, the principal or other chief administrator of the nonpublic school must certify to the public school transportation safety director of the district in which the nonpublic school is located that all of the school's students transported by school bus at public expense have received training.

Each school district is required to have a written transportation policy. As part of the school district's written transportation policy, a school district must develop rules governing student conduct on a school bus and in school bus loading and unloading areas. If a student does not follow the rules, then the student could lose his or her bus riding privileges. Remember, in Minnesota, riding a school bus is a privilege and not a right. Parents would be required to transport their child if this happens. If the student has a disability, consideration must be given to the type of disability and whether the disability contributed to the student's misbehavior.

Although there isn't any specified method or form that a school district must use to document a student's school bus safety training, it is recommended that records be kept about the training. This documentation may reduce a district's liability if there is an accident involving the student and the district can prove that the student received school bus safety training.

Upon request, the district's school transportation safety director must certify to the Superintendent of Schools that all students transported by school bus within the district have received school bus safety training.

Both Minnesota Association for Pupil Transportation (MAPT) and the Minnesota School Bus Operators Association (MSBOA) have school bus safety materials to be used for training. For MAPT, visit <http://mnapt.org/> . Click on products and Services. For MSBOA, visit <http://www.msboa.com/> . Click on products.

## 7. Transportation Reporting Deadlines

School districts year-end pupil transportation data are collected from different sources. The number of nonpublic students transported to and from school, school bus ownership and annual mileage are collected on the Pupil Transportation Annual Report. The number of public school students transported to and from school is collected on the Minnesota Automated Reporting Student System (MARSS). Expenditure and revenue data are collected on the Uniform Financial Accounting and Reporting Standards (UFARS) data submissions. All three sources (Annual Report, MARSS, and UFARS) have different reporting due dates.

**Pupil Transportation Annual Report.** The Report ED-01652 is sent to districts around early-June. The report is due to MDE August 15<sup>th</sup>.

**MARSS.** Final End-of-Year (EOY) student data is due the end of October. Only selected manual changes will be allowed until the end of December. Districts MARSS personnel who want to avoid making a lot of corrections to individual student's transportation records should have all of the transportation coded correctly by the EOY deadline.

**UFARS.** Minnesota Statutes 123B.77 provides that districts must submit unaudited financial data by September 15 for the preceding fiscal year. By November 30, districts must submit audited financial data for the preceding fiscal year.

It is very important that districts comply with these reporting deadlines. MDE Program Finance Division needs final fiscal year data in order to make timely final payments and for preparing reports for legislators and state administrators. Further, Minnesota Statutes 127A.49 subdivision 1 provides, in part, that no adjustment to any aid payments resulting from omissions in district reports shall be made for any school year after December 20<sup>th</sup> of the next school year unless otherwise specifically provided by law. Failure to meet the December 30 date may cause aid payment to be withheld or delayed.

If you have any questions on completing the pupil transportation annual report, reporting the transportation code for students on MARSS, or reporting transportation expenditures, contact Kelly Wosika at 651-582-8855 or at [kelly.wosika@state.mn.us](mailto:kelly.wosika@state.mn.us).

## 8. Record Retention Schedule

The General Records Retention Schedule for Minnesota School Districts is available in PDF at <http://www.region1.k12.mn.us/main/Portals/0/SMARTFIN/docs/DistrictGeneralRecordsRetention.pdf> on the Region 1 (a regional computer service provider) Website at <http://www.region1.k12.mn.us/main/>. Approved in 2000 by the Minnesota Records Disposition Panel, this schedule is a revision and update of a general records retention schedule for Minnesota school districts last issued in 1985.

School districts are required to maintain certain records on their transportation programs. Following is a table on transportation records retention developed by the Minnesota Department of Administration.

<b>TITLE</b>	<b>EXAMPLE AND DESCRIPTION</b>	<b>RETENTION PERIOD</b>	<b>ARCHIVAL</b>	<b>DATA PRACTICES CLASSIFICATION STATUTE</b>
Claims for Transportation Aid		3 Years	No	Public
Contractor Correspondence/ Reporting		3 Years after completing contract	No	Public
Contracts with Independent Contractors		6 Years after completing contract	No	Public
Equipment Maintenance Records		Life of equipment	No	Public
Minnesota Department of Education Reports	Annual Reports and Student Ridership Categories	3 Years	No	Public
Pupils Transported for Aid Entitlement	Lists Containing Names of Students	3 Years M.S. 127A.41	No	Private M.S. 13.32
Transportation Annual Report		6 Years	No	Public
Transportation Mileage Records		3 Years	No	Public
Transportation Reimbursements		6 Years	No	Public
Video Tapes	Transportation Tapes	Until Relooped	No	Private/Public M.S. 13.32, M.S. 13.43
Leases/Agreements		3 Years after Expiration	No	Public
Sealed Bids	Successful and Unsuccessful	6 Years after Award	No	Public
Quotes	Successful and Unsuccessful M.S. 471.345	1 Year after Receipt	No	Public