



**Transportation Issues Study Committee
The 166th Meeting
June 24, 2009**

Next Meeting: July 22, 2009 9:30 a.m.-11:30 a.m.

CC- 1 & 2, Minnesota Department of Education (MDE) Roseville, MN 55113

Present:

Keith Paulson, Anoka-Hennepin Schools
Shelly Jonas, Minnesota School Bus Operators Association (MSBOA)
Kelly Wosika, MDE Program Finance/Transportation
Jan Vanderwall, Roseville Schools
Lieutenant Ed Carroll, Minnesota Department of Public Safety (DPS)
Dave Peterson, St. Paul Schools
Lori Jonason, Minnetonka Schools
Gary Botzek, Minnesota School Bus Operators Association (MSBOA)
Dave Tripp, Hopkins Schools

Summary: The summary of the April Transportation Issues meeting was approved.

Special Education Transportation Committee: Lori Jonason announced that Kala Henkensiefken, Transportation Coordinator Brainerd Schools, will be the new chairperson and Kristin Johnson, Transportation Coordinator Eden Prairie Schools, will be the new co-chair of the Special Education Transportation Committee. Meetings will start again in the fall.

There was a discussion about Assistant Commissioner Morgan Brown's memo on special education transportation of nonresident students attending charter schools. In his memo, Assistant Commissioner Brown clarified that the charter school is responsible for special education transportation of students that live outside the district in which the charter school is located. This is true whether the charter school chooses to have the district provide transportation or the charter school provides its own transportation.

Minnesota Department of Education: There was a discussion on the recent changes in the Care and Treatment Law and MDE's response to the changes. The group discussed situations in which a district other than the resident district would place a student in a care and treatment program. Under this change the placing district must notify and give the resident district an opportunity to participate in the placement decision. When a district other than the resident

district places a student in care and treatment the resident district is still fiscally responsible for education costs even though they did not participate in the placement.

It was suggested that school districts develop a policy outlining reasonable restrictions on transportation provided for students that are placed in day treatment programs. If the placement is not considered reasonable and consistent with district policy, the resident district would not be responsible for transportation to and from the day treatment. When the placement is made by a Minnesota court or agency and the district receives a copy of the order, the resident district must provide the transportation.

Kelly referred to a letter that was received from the Minnesota Department of Human Services that explains the Fostering Connections to Success and Increasing Adoptions Act of 2008. The act requires that county social services agencies assure that the placement of a child in foster care takes into account the appropriateness of the current education setting, as well as the proximity to the school in which a child is enrolled at the time of placement. This includes providing reasonable travel for a child to remain in their school. Districts would support this act since a reasonable and efficient approach is an important issue surrounding transportation of students placed in foster homes.

Kelly explained the property tax recognition adjustment that was proposed by Governor Pawlenty. The adjustment requires school districts to recognize a portion of their property tax receipts early and creates a one-time savings through a corresponding deferral in state aid payments. Districts would experience a lag in funding and may experience slow cash flows requiring them to borrow funds.

Office of Student Transportation Safety: Lieutenant Ed Carroll said that two more sergeants will start with the Office of Student Transportation Safety on July 8, 2009.

Ed expressed his concerns regarding the new legislation requiring booster seats to be used in all vehicles transporting children who are both under the age of eight and shorter than four feet nine inches tall. There is no exemption for school buses under this new bill. This new requirement raised many questions regarding what is required by districts and contractors in order to be compliant. Ed will be meeting with the commissioners of DPS and other legislative knowledgeable people to get a better legal interpretation of the act.

The group felt that further legislation to clarify and make exceptions regarding student transportation is needed.

Legislative: Gary Botzek provided information on legislative issues.

The bill on modification to Type III driver qualifications was signed by the governor. As a result of the bill, employees of school districts whose the sole employment purpose is not driving, are exempt from the physical exam and the district's drug and alcohol testing policy.

It was noted that the Type III model alcohol testing policy still needs to be revisited since the statute references a work place policy rather than the Department of Transportation policy.

The post-crash inspection requirements now mirror the federal inspection requirements regarding when DPS needs to be informed of a school bus crash. Gary reminded the group to call DPS and let them know about any school bus accidents that have any of the requirements listed in the statute. Doing so may help protect districts from potential legal issues down the road.

Legislative work needs to be done to clarify the vehicle weights and driver requirements of multi- purpose vehicles. Currently persons without a school bus endorsement can drive multi-purpose vehicles.

The Minnesota Miracle Two is still in the works and may include student transportation as a categorical funding source. The bill will probably be introduced in the next budgeting session.

Miscellaneous: George Holt, MDE Program Finance explained that special education students that need special education transportation as a related service should have documentation in the evaluation section of their Individual Education Plan (IEP). The documentation should include the reason why special education transportation is needed. Some examples of special education transportation include a student that is wheel-chair bound and needs a special lift or ramp to access the bus, a student that has emotional needs and requires a para to ride along on the bus, and a student that is a danger to themselves or others and needs to ride a special route. "At a parent's request" is not a valid reason to write special education transportation into a student's IEP.

Currently internal auditors that audit special education transportation are warning districts to have better documentation on the reasons why a student needs special education transportation. In the future an auditor may disallow special education transportation expenditures if it is discovered the student does not have valid documentation of the related service.

Future Meetings: Future meeting dates are:

July 22, 2009	Education Conference Ctr A., Rooms 1 & 2, 9:30 a.m.-11:30 a.m.
September 23, 2009	Education Conference Ctr A., Rooms 1 & 2, 9:30 a.m.-11:30 a.m.

Adjourn: 11:15 a.m.