



## **Pupil Transportation “Vehicle”**

Provided by the Transportation Section within the Program Finance Division

August 2007

Volume 21 Issue 1

*In this issue:*

1. Unfunded Reserve Accounts Eliminated .....	2
2. Changes to the Open Enrollment and Charter School Mileage Reimbursement Program.....	2
3. Parents Transporting Students Other Than Their Own Children.....	3
4. State Statutes Regarding Seat Belt and Cell Phone Use .....	3
5. Loose Objects on School Buses .....	4
6. Cost Allocation Worksheets .....	4
7. Buses Purchased with Federal Funds.....	4
8. Nonpublic Student Transportation.....	6
9. Student Safety Training .....	7

Pupil Transportation  
Division of Program Finance  
1500 Highway 36 W  
Roseville, MN 55113  
Room I-11

Phone: 651-582-8855

Fax: 651-582-8803

<http://education.state.mn.us>

## 1. Unfunded Reserve Accounts Eliminated

2007 Legislation has eliminated Balance Sheet accounts 412, Reserved for Bus Purchases and 433 Student Transportation Safety effective July 1, 2007.

Balance Sheet Account 412 Reserved for Bus Purchases had been used with Finance Dimension 733 to record bus purchases. These reserved funds must now be transferred to Balance Sheet 424 Operating Capital. Use Finance Dimension 302 Operating Capital with Balance Sheet 424 to record the purchase of school buses and equipment. Or a district may use Balance Sheet 422 Unreserved/Undesignated with Finance Dimension 000 or Finance Dimension 733 to record purchases of buses or equipment.

Balance Sheet Code 433, Reserved for Student Transportation and Safety which related to Program Code 750 Transportation Safety will be closed. Balances in this fund will be transferred to Balance Sheet Code 422 Unreserved/Undesignated. Program Code 750 Transportation Safety will also be eliminated. Finance Dimension 718 will remain in existence but now must be used with Program Code 760 Pupil Transportation when reporting expenditures related to student transportation and safety. Finance Dimension 718 includes, but is not limited to, safety programs coordination, purchase and distribution of safety training materials, training of school bus drivers and aides, safety recognition programs and school bus safety public information activities. State funding for this activity ended with F.Y. 99.

## 2. Changes to the Open Enrollment and Charter School Mileage Reimbursement Program

The Open enrollment and charter school mileage reimbursement program is available to districts or charter schools that provide out of district transportation on a fee basis. If requested by the parents or guardians, school districts must reimburse low-income families for certain transportation costs under the open enrollment and charter school enrollment options programs. This program only reimburses low-income families who are attending a school district or charter school located in a district other than the district in which they live and only for the mileage from their home to the district or attendance area border. The district or charter school can be reimbursed for only the transportation costs of those students who qualify as members of low-income families. This program is **only** available for students enrolled in a district under the Open Enrollment Program, Minn. Stat. §124D.03, or in a Charter School under Minn. Stat. § 124D.10.

The forms and income levels have been updated for the 07-08 school year. The forms can be obtained by going to Minnesota Department of Education's Website <http://education.state.mn.us> and go to > Accountability Programs > Program Finance > Transportation > Transportation forms. There are three forms, the application, the monthly reimbursement report and monthly reimbursement request.

### **3. Parents Transporting Students Other Than Their Own Children**

Districts should be aware that when parents transport their own children, the vehicle does not have to comply with school bus regulations. However, if parents transport children other than their own under the direction of the district or charter school, they are subject to state safety regulations for both driver and vehicles. The driver must have a valid driver's license and insurance. Also they are required to have their vehicles inspected by the State Patrol. The State Patrol will be looking for equipment such as a fire extinguisher, first aid kit, body fluids clean up kit, warning triangles and other specifications described in Minn. Stat. § 169.454 Type III Vehicle Standards.

In addition, federal and state requirements regulate vehicles that carry 11 or more persons (including the driver) that are used to transport students to or from school or on school-related events. These vehicles must conform to federal and state requirements on design and construction for school buses. The Minnesota State Patrol must also inspect any of these vehicle used to transport students.

School districts and charter schools should take steps to ensure that no parents transport students other than their own in vehicles that do not comply with federal and state regulations. In addition to the civil penalties, districts or charter schools may be assigned a greater level of liability if a lawsuit results from a parent transporting students in an "illegal" vehicle.

### **4. State Statutes Regarding Seat Belt and Cell Phone Use**

Legislation amended Minnesota State Statute 169.01 by adding a subdivision prohibiting school bus drivers from communicating over or operating a cellular phone for personal reasons whether hand-held or hands free while the vehicle is in motion. The law is effective July 1, 2007. A cellular phone means a cellular, analog, wireless or digital telephone capable of sending or receiving telephone or text messages without an access line for service.

Minnesota Statute 169.447 subdivision 2 was amended to read that school buses and Head Start buses must be equipped with driver seat belts and seat belt assemblies of the type described in section 169.685, subdivision 3. School bus drivers and Head Start bus drivers must use these seat belts.

## **5. Loose Objects on School Buses**

According to the Minnesota Department of Public Safety, you may not operate a school bus with unsecured objects in the passenger area. During vehicle inspection, points will be deducted for loose objects, which may result in the vehicle failing inspection. All objects must be secured, including garbage baskets, safety kits, safety triangles, etc. If the situation arises involving the use of car seats for a group of students going to one school but then need to be removed for the next group of students, the driver may operate with the car seats stored in the back. However the car seats must be secured; bungee cords have been suggested as a method of securing loose objects.

## **6. Cost Allocation Worksheets**

School districts are reminded that legislation requires school districts to allocate student transportation expenditures among categories on a cost per mile, cost per hour or cost per route/run. A district may only choose **one** of the methods during a year. If further allocation is needed because students from more than one category ride on the same buses, districts must further allocate the expenditures on a cost per student or cost per mile.

Districts must submit their worksheets showing how they arrived at the costs reported in each category. Fiscal year 06-07 worksheets are due on 9/15/07. If there are substantial changes to the costs after 9/15/07, districts should resubmit the worksheets. Please send your district's worksheets to MDE Program Finance – Transportation, 1500 HWY 36 W, Roseville, MN 55113.

## **7. Buses Purchased with Federal Funds**

Federal special education Part B, section 611 and 619 funds may be used to pay for the lease or purchase expense of vehicles used solely to transport students with disabilities for the provision of special education and related services above and beyond those of the general education population. These vehicles should be included in the special education bus inventory. However, vehicles purchased with federal funds are not eligible for bus depreciation per Minn. Stat. § 123B.92, subd. (1) (a) (ii) and (iii) as the costs have already been covered 100%.

The Special Education School Bus Transaction Forms, both Regular and Type III have been modified so that districts must indicate whether or not the vehicle was purchased with federal special education funds. The district's Special Education Bus Inventory Reports will show the selected indicator. The buses purchased with federal special education funds will not be included in bus depreciation calculation in determining state program aid.

The rental or purchase of vehicles with federal special education funds requires prior approval from the supervisor of the Division of Program Finance, Special Education

Funding and Data Team. Requests for approval should come from the director of special education and the superintendent and should specifically identify:

- the vehicle;
- the vehicle identification number (VIN)
- the vendor selling the vehicle;
- the purchase price of the vehicle; and,
- all of the purposes and functions of the vehicle if purchased by the school district.

Vehicles purchased from Operating Capital Funds or the General Fund that are used “primarily” for the transportation of pupils with disabilities are eligible for the depreciation aid that is calculated according to Minn. Stat. § 123.92, subd. (1) (a) (ii) and (iii). Buses on the Regular Special Education Bus Inventory will be depreciated at 12 ½ percent per year over 8 years. Buses on the Type III Special Education bus Inventory will be depreciated at 20 percent per year over 5 years. The department will calculate the amount of depreciation aid and add the amount to the cost reported in UFARS Finance Dimension 723 before calculating special education funding.

Vehicles purchased for regular to-and-from transportation of nondisabled students should be included in the Regular Bus Inventory. There are two forms, one for Regular (yellow school buses) and one for Type III school buses.

Do not complete a transaction form for vehicles that the district is leasing. The Certificate of Title of the vehicle must be in the name of the lease company during the lease period. Having title to a vehicle denotes ownership.

Bus transaction forms are available at the MDE Website. From the home page <http://education.state.mn.us> go to Accountability Programs > Program Finance > Transportation > Transportation Forms. There are four forms; Regular Bus, Type III - Regular, Special Ed – Regular and Special Ed Type III.

If you have questions about the purchase of vehicles with federal funds, contact Michelle Jones at 651-582-8577 or at [michelle.jones@state.mn.us](mailto:michelle.jones@state.mn.us) . If you have questions about bus transactions forms or bus inventories, contact Kelly Wosika at 651-582-8855 or at [kelly.wosika@state.mn.us](mailto:kelly.wosika@state.mn.us)

## 8. Nonpublic Student Transportation

Minnesota Statutes, sections 123B.84 through 123B.87, require public school districts to provide transportation within the district for resident students attending nonpublic schools. These sections provide in part that “it is in the public interest to provide equality of treatment in transporting school children of the state who are required to attend elementary and secondary schools pursuant to chapter 120A, so that the health, welfare and safety of such children, while using the public highways of the state, shall be protected.” These laws are known as the “Equal Treatment Laws” or the “Fair Busing Bill.”

The basic premise of this law is that school districts must provide the same level of service for nonpublic school students that they do for public school students. If it is a district’s policy to transport all public elementary students who live one mile or more from their public school, then the school district must transport all nonpublic elementary students who live one mile or more from their nonpublic school.

If there is not an appropriate nonpublic school within the district (i.e., proper religious or other affiliation, grade levels, etc.), the public school district is responsible for transporting the nonpublic school students to the school district border. School districts may do this by transporting the students on district-owned buses, contractor-owned buses, or contracting with the parents for the trip from the home to the border. A district cannot force parents to accept a contract. If the parents cannot or will not provide the service, the district must find another way to transport the students. When transporting students to the border, the district may have to drive beyond the border or stop short of the border in order to find a safe transfer point. That may mean finding a place for the students to wait indoors or having the bus meet another vehicle. Students should never be left at the boundary without a safe place to wait. The district where the nonpublic school is located is not required to transport nonresident students attending nonpublic schools within its district.

If parents are transporting their own children, they **may** be entitled to mileage reimbursement from their resident district. It is very important that the parents contact their resident district before the school year starts (in July) to check on this matter. A formal contract between the district and the parents should be formed before reimbursement is made. A public school district has the right to determine the method of transportation. If a parent contacts the district after the school year has started or after the school year is over, the district would not have been given the opportunity to examine the safest and most economical way to transport the children. The district may deny any claims from parents because of the lateness of their request.

Also, parents would not be entitled to any mileage reimbursement if the district is offering transportation but the parents choose to transport their own children, if they choose to send their children to a nonpublic school outside the assigned attendance area, or if they choose to send their children to a nonpublic school in another district when there is an appropriate nonpublic school within the district.

Department of Education internal auditors will be auditing nonpublic student transportation as they audit districts. They will be looking at eligibility of students and allowable expenditures.

## **9. 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 (i.e., evacuation drills).

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.

For further information on student safety training please contact Bob Fischer, MDE Program Finance at 651-528-8776 or [bob.w.fischer@state.mn.us](mailto:bob.w.fischer@state.mn.us) .