



## **Pupil Transportation "Vehicle"**

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## 1. School Bus Safety Training for Students

Each district must provide public school students enrolled in kindergarten through tenth grade with age-appropriate school bus safety training. The following concepts must be covered:

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 street or road crossing; and
7. school bus evacuation.

Students in kindergarten through sixth grade enrolled during the first or second week of school must receive school bus safety training by the end of the third week of school. Students in kindergarten through third grade must receive school bus safety training twice each school year.

Students in seventh through tenth grade only need to receive school bus safety training (or safety instructional material) if they did not receive the training while enrolled in kindergarten through sixth grade. If these students require the training (for example, recently moved to Minnesota), the training must occur by the end of the sixth week.

Students taking driver's training instruction classes must receive training in the laws and proper procedures when operating a motor vehicle in the vicinity of a school bus as required by section 169.446, subdivisions 2 and 3.

Students enrolled in kindergarten through grade 10 who enrolled in a school after the second week of school and are transported by a school bus and have not received training in their previous school district shall undergo school bus safety training or receive bus safety instructional materials within four weeks of the first day of attendance.

Upon request of the superintendent of schools or director of charter schools, the school transportation safety director must certify to the superintendent or director that all students transported by school bus have received the school bus safety training according to this section.

Both the 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.

## **2. Type III Driver Requirements**

The 2008 Legislative Session improved school bus safety in Minnesota. These changes expanded the definition of a school bus driver to include Type III vehicles and prohibited the use of a cell phone for personal use while operating a vehicle. In addition, the act strengthened the requirements of the Type III drivers requiring them to complete safety training, a physical examination, background checks and drug and alcohol testing. When there is an expectation of the school district employee to operate a Type III school bus for the purpose of school transportation, the driver is subject to all of the provisions contained in the new Type III requirements.

## **3. School Bus Definitions, and Construction and Design Standards**

Minn. Stat. §169.01, Subd. 6, defines a school bus as “a motor vehicle used to transport pupils to or from a school defined in section 120A.22, or to or from school-related activities, by the school or a school district, or by someone under an agreement with the school or school district.”

In Minnesota, there are five different types of school buses: Types A, B, C, D, and III. Types A through D are different sizes of “yellow” school buses. Type III school buses are “restricted to passenger cars, station wagons, vans and buses having a maximum manufacturer’s rated seating capacity of ten people, including the driver, and a gross vehicle weight rating of 10,000 pounds or less.”

### DESCRIPTIONS OF SCHOOL BUSES

	<p><b>TYPE A:</b> A “type A school bus” is a conversion or body constructed upon a van-type or cutaway front section vehicle with a left-side driver’s door, designed for carrying more than ten persons. This definition includes two classifications: type A-I, with a gross vehicle weight rating (GVWR) over 10,000 pounds; and type A-II, with a GVWR of 10,000 pounds or less.</p>
	<p><b>TYPE B:</b> A “type B school bus” is a conversion or body constructed and installed upon a van or front-section vehicle chassis, or stripped chassis, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. Part of the engine is beneath or behind the windshield and beside the driver’s seat. The entrance door is behind the front wheels.</p>
	<p><b>TYPE C:</b> A “type C school bus” is a body installed upon a flat back cowl chassis with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. All of the engine is in front of the windshield and the entrance door is behind the front wheels. A type C school bus has a maximum length of 45 feet.</p>
	<p><b>TYPE D:</b> A “type D school bus” is a body installed upon a chassis, with the engine mounted in the front, midship or rear, with a gross vehicle weight rating of more than 10,000, designed for carrying more than ten persons. The engine may be behind the windshield and beside the driver’s seat; it may be at the rear of the bus, behind the rear wheels, or midship between the front and rear axles. The entrance door is ahead of the front wheels. A type D school bus has a maximum length of 45 feet.</p>
	<p><b>TYPE III:</b> Type III school buses and type III Head Start buses are restricted to passenger cars, station wagons, vans, and buses having a maximum manufacturer’s rated seating capacity of ten or fewer people, including the driver, and a gross vehicle weight rating of 10,000 pounds or less. A “type III school bus” and “type III Head Start bus” must not be outwardly equipped and identified as a type A, B, C or D school bus or type A, B, C, or D Head Start bus. A van or bus converted to a seating capacity of ten or fewer and placed in service on or after August 1, 1999, must have been originally manufactured to comply with the passenger safety standards.</p>

## 4. EpiPens

EpiPen is a registered trademark for the most commonly used auto injector of epinephrine (a.k.a. adrenaline), used in medicine to treat severe allergic reactions.

EpiPens are prescribed by a physician and specific to a child. They are not 'generic' meds that the bus driver should carry to give to somebody in trouble. Some ambulances have started to carry them. But even the emergency medical technicians need a doctor's order to use it.

School nurses are the ones to determine when a child has a severe allergy and is carrying their own EpiPen on a regular basis. The family is supposed to have a backup one in the health office for the child in case the child's is lost, forgotten or damaged (all 3 happen frequently). The school nurse then determines who needs to be trained to administer the EpiPen - including bus drivers - if a child has a very severe allergy. The school nurse trains, documents and periodically checks in with the people trained.

Most of the time when a child has a severe allergy attack while on the bus, the driver contacts 911 for assistance. Sometimes bus drivers are trained, but it is part of a bigger plan for a child with severe allergies and is determined on a case-by-case basis.

## 5. Charter School Transportation

When a charter school chooses to have the district in which they are located provide transportation, the district is required to provide to-and-from transportation for all resident students attending charter schools within their boundaries provided the charter school students live an eligible distance from the charter schools. The law provides that districts may transport nonresident students attending charter schools within their boundaries, but they are not required to provide the service.

If charter schools elected to have the district in which they are located provide the transportation or if the charter school provides their own transportation, the charter school would be responsible for nonauthorized transportation services. Nonauthorized transportation services include trips for extracurricular activities and curricular activities that are part of a learning situation (i.e. field trips, tours, concerts, plays, orientations and completions, shuttle buses, lunch buses, nondisabled preschool pupils, community education summer recreation, staff travel and federally funded migrant summer school). Districts and charter schools are not required by law to provide this level of service and there is no funding available from the state.

When a charter school provides their own nonauthorized transportation service, they are responsible for adhering to all of the federal and state laws and rules regarding student transportation. This includes all of the laws pertaining to school buses, licensing of drivers, school bus driver training, student safety training and other general issues.

## 6. Transportation Director List Serv

The Minnesota Department of Education Pupil Transportation Unit has implemented a Transportation Director E-mail list serv. The list serv will provide information to Minnesota school districts regarding pupil transportation. The e-mail messages will include topics such as state pupil transportation reporting, legislative and MDE policies regarding pupil transportation and the "Vehicle Newsletter".

A contact person's email from each district was selected because at one time that person was indicated as the pupil transportation contact. If you would like to be included in the Transportation Director List Serv, please send an e-mail to [kelly.wosika@state.mn.us](mailto:kelly.wosika@state.mn.us) indicating you would like to receive e-mail news regarding pupil transportation. If you think someone at your district should be included on the Transportation Directors list serve, have that person send an email to [kelly.wosika@state.mn.us](mailto:kelly.wosika@state.mn.us).

## 6. Open Enrollment and Transportation Responsibility

Minnesota Statutes § 123B.92. subd. 3, provides that "A district that enrolls nonresident pupils in programs under sections 124D.03, 124D.06, 124D.08, 123A.05 to 123A.08, and 124D.68, must provide authorized transportation to the pupil within the attendance area for the school that the pupil attends at the same level of service that is provided to resident pupils with the attendance area. The resident district need not provide or pay for transportation between the pupil's residence and the district's border."

The programs listed in this statute include:

- Minn. Stat. § 124D.03, Enrollment Options /Open Enrollment
- Minn. Stat. § 124D.06, Grandfather Clause/40 Acre Law/Previous Enrollment
- Minn. Stat. § 124D.08, Nonresident Student Attendance Agreement; Enrollment Choice
  - for 11<sup>th</sup> and 12<sup>th</sup> Grade Students
- Minn. Stat. § 123A.05 – 123A.08, Area Learning Center
- Minn. Stat. § 124D.68, Graduation Incentives Program

Please be aware that all of these programs refer to public school pupils having a choice as to the public school district or program that they wish to attend.

Once a public school pupil has decided to participate in one of the Enrollment Options Programs, the pupil's resident district is relieved of **all** transportation responsibilities. In addition, the pupil's resident district cannot be billed for any transportation services from the pupil's new (enrolling) district. These provisions apply to all public school enrollment options pupils regardless of whether the pupils have any disabilities.

The enrolling district is required to provide transportation within the attendance area of the school that the pupil attends. If a school district has only one elementary or secondary school, then the attendance area and the school district boundary would be the same.

If a school district has more than one elementary or secondary school, then a school district may develop attendance areas for the schools. The district would only provide free transportation within the attendance area of the school that the pupil attends. If an open enrollment pupil chooses to attend a school on the far side of the enrolling district, the enrollment options pupil would be required to travel across part of the enrolling district in order to arrive at the attendance area boundary of the school that the pupil is attending.

If a school district has a written board policy on the maximum distance a resident pupil can travel to a bus stop, then the policy will apply to enrollment options pupils as well. The distance would be measured from the attendance area boundary to the bus stop location. If a school board does not have a policy on this matter, then an enrollment options pupil may be required to present themselves at an existing bus stop in the attendance area regardless of the distance from the border. Two miles is the distance a pupil without disabilities must live from school before a district must provide transportation. Because the state has determined that more than two miles is too far for a pupil to walk to school, it would seem to contradict the intent of the law to require a pupil to travel more than two miles to a bus stop.

Minnesota Statutes § 123B.88, subd. 6, provides that the enrolling district (referred to as the nonresident district in this subdivision) may transport the enrollment options pupil within the pupil's resident district. This section also provides that "If a nonresident district decides to transport a nonresident pupil within the pupil's resident district, the nonresident district must notify the pupil's resident district of its decision, in writing, prior to providing transportation."

The department recommends that the written notification be given on an annual basis even though the section does not specifically provide how often the notice must be given. The enrolling district is not required to travel into another district to transport enrollment options pupils and may change this level of transportation service offered from year-to-year. The resident district should be notified annually of the enrolling district's transportation plans for the upcoming school year.

In addition, even though this provision provides that a district "may" transport a pupil within the pupil's resident district, there may be instances when a district would be "required" to transport an enrollment options pupil within the pupil's resident district. If

the enrollment options pupil has a disability and the pupil requires special transportation to get to and from school, then the enrolling district would be required to transport the pupil from the pupil's home to the education site. This interpretation is based on case law.

If an open enrollment pupil is from a family with an income at or below the federal poverty levels, then the family will qualify for reimbursement from the pupil's home to the district/attendance area border. The family must make application to the enrolling district. The reimbursement is limited to actual cost or 15 cents per mile - whichever is less. In addition, mileage reimbursement cannot exceed 250 miles per week.

Please be aware that the program for low-income families is only available to public school pupils enrolling in your district under the open enrollment program and the charter school program - Minnesota Statutes § 124D.03 and Minnesota Statutes § 124D.10. If a pupil is enrolled in your district under any of the other enrollment options programs, then they cannot participate in this reimbursement program.

Districts can now access the forms for this program from our Website – <http://education.state.mn.us> > School Support > Forms. Scroll down until you see Open Enrollment Charter School Mileage Reimbursement Forms. There are three forms and instructions.

Districts are reminded that this only applies to public school pupils participating in an enrollment options programs. **These provisions do not apply to pupils attending nonpublic schools in other school districts. Refer to Minnesota Statutes § 123B.86 for more information on a school district's responsibility to transport nonpublic school pupils.**

## **7. Elimination of Finance Dimension 715**

Effective fiscal year 2009, Finance Dimension 715, Integration/Desegregation Transportation will be eliminated. Finance Dimension 715 was used to record expenditures for the transporting of pupils under their own **intra-district** integration plan. The pupils attended a school or program located outside the pupil's normal attendance area, but within the boundaries of the school district. The transportation expenditures must now be reported in Program Code 760, Student Transportation, Finance Dimension 315, Integration Aid and Levy. This will streamline all revenue and expenditures that relate to a district's integration plan into one finance dimension for better reporting.

A district will still need to report the miles, hours or routes that occurred for intra-district desegregation on the paper Annual Transportation Report (ED-01652). However, the code will now be Fin Code 315.

Finance Dimension 714, Transportation to Multi-District Integration/Desegregation Programs will still exist for recording expenditures for the transportation of pupils to and

from approved **multi-district** integration/desegregation schools or programs. The pupils could be transported to and from school or between schools to attend a program or event.

Students that are transported to approved intra-district or multi-district desegregation integration school or program on a daily basis must be coded as 04-Desegregation Transportation Category in their MARSS enrollment record.

## **8. School Bus Crashes**

According to the Minnesota Department of Public Safety's 2007 annual report on crash facts, there were 680 school bus crashes in which a school bus was directly involved, a few involved more than one school bus. In all there were 693 school buses in crashes. This is a 9% increase from last year.

For 48% of the school drivers, officer reports showed there was "no clear contributing factor." The two contributing factors cited most often were driver inattention or distraction (21%) and failure to yield right of way (16%). The third most frequently cited contributing factor was illegal or improper speed (8%).

In 2007, there was seven fatal school bus crashes resulting in eight deaths. Six of the fatalities were in other vehicles. Two of the fatalities were pedestrians. One of the pedestrians was a 5-year-old that fell off the curb and was struck by the bus.

Generally speaking, school bus travel is very safe. The school bus is a large and heavy vehicle that provides good protection for its occupants. However since the buses can carry many passengers, serious crashes could possibility cause many injuries.

## **9. Transportation Reporting**

Often times a district other than the serving district provides transportation for students. In these cases it is important for the districts to work together in determining the student's correct Transporting District and Transportation Category in MARSS and related transportation expenditures in UFARS. The student's transporting district, category and related expenditures need to be determined to assure proper expenditure reporting and to minimize the edits on the year end Transportation Data Verification Report.

The MDE Transportation Section sends out reports to help districts in determining the correct transporting district and category. They are sent out in July and again in October. The first report is titled "Transporting" District, Resident Students Reported by Other School Districts and Selected Non-Resident Student Attending the District. It does not include resident students attending the resident district and enrollment options students (State Aid Categories 01, 04, 11, 12 or 13). The other report that is sent is the "Transporting" District for Nonresident Students with Transportation Code 03. This report is intended to aid districts in the tuition billing process.

Please review the reports and determine if the student(s) should be included or excluded on the report and that the correct code is being used. The “Transporting “ District should pay particular attention to the MARSS Codes 01– Regular, 03– Disabled, 06– Special Transportation and 04– Desegregation.

Contact the appropriate MARSS Coordinators to make any changes in the record. It is important that the serving district work with the student’s resident district to determine the proper MARSS Transportation Code to assign to the student.

If the transporting district is not transporting the student(s), continue to code as 00-Walker or Transportation Field Does Not Apply. The transporting district, resident district and enrolling district do not have to be the same.

## **10. Differences Between Special Education Transportation and Special Transportation**

There are differences between Special Education Transportation and Special Transportation. Special Education Transportation is required when adaptations or accommodations are identified by the student’s IEP/IFSP/IIIP. The expenditure is eligible for inclusion in Finance Dimension 723. The student must be coded 03-Disabled in MARSS. Special Transportation is required transportation as an accommodation or adaptation of a 504 plan, or transportation to a care and treatment facility or for students who are experiencing homelessness. This expenditure is eligible for inclusion in UFARS Finance Dimension 728. The student that is provided Special Transportation must be coded 06-Special in MARSS.

If Special Education Transportation is identified in the student’s IEP/IFSP/IIIP and the student becomes homeless, attends a care and treatment facility, or has a 504 Accommodation Plan, use MARSS code 03-Disabled. Special Education Transportation supersedes Special Transportation.

Expenditures reported in both Finance Dimension 723 and 728 flow the same way through the Special Education Aid Entitlement. However, only the cost of providing Special Education Transportation to nonresident special education students is included in the Tuition Billing process while the cost of Special Transportation is not.