

A bill for an act
relating to education finance; authorizing school districts to bill nonpublic
schools and charter schools for any unreimbursed pupil transportation costs;
amending Minnesota Statutes 2008, section 123B.92, subdivision 9; Minnesota
Statutes 2009 Supplement, section 124D.10, subdivision 16.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 123B.92, subdivision 9, is amended to read:

Subd. 9. **Nonpublic pupil transportation aid.** (a) A district's nonpublic pupil
transportation aid ~~for the 1996-1997 and later school years~~ for transportation services for
nonpublic school pupils according to sections 123B.88, 123B.84 to 123B.86, and this
section, equals the sum of the amounts computed in paragraphs (b) and (c). This aid does
not limit the obligation to transport pupils under sections 123B.84 to 123B.87.

(b) For regular and excess transportation according to subdivision 1, paragraph (b),
clauses (1) and (2), an amount equal to the product of:

(1) the district's actual expenditure per pupil transported in the regular and excess
transportation categories during the second preceding school year; times

(2) the number of nonpublic school pupils residing in the district who receive regular
or excess transportation service or reimbursement for the current school year; times

(3) the ratio of the formula allowance pursuant to section 126C.10, subdivision 2, for
the current school year to the formula allowance pursuant to section 126C.10, subdivision
2, for the second preceding school year.

(c) For nonpublic nonregular transportation according to subdivision 1, paragraph
(b), clause (5), an amount equal to the product of:

(1) the district's actual expenditure for nonpublic nonregular transportation during
the second preceding school year; times

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(2) the ratio of the formula allowance pursuant to section 126C.10, subdivision 2, for the current school year to the formula allowance pursuant to section 126C.10, subdivision 2, for the second preceding school year.

~~(d) Notwithstanding the amount of the formula allowance for fiscal year 2004 in section 126C.10, subdivision 2, the commissioner shall use the amount of the formula allowance for the current year minus \$415 in determining the nonpublic pupil transportation revenue in paragraphs (b) and (c) for fiscal year 2004. A school district annually may bill a nonpublic school in an amount not to exceed the difference between the district's actual costs of transporting nonpublic students under this section and the amount of nonpublic aid received under this section for those transportation services.~~

(e) Notwithstanding sections 123B.84 to 123B.86, a school district is not required to provide pupil transportation services to a nonpublic school student whose nonpublic school has an unpaid bill for pupil transportation services under paragraph (d).

EFFECTIVE DATE. This section is effective for transportation services provided on or after July 1, 2010, and later.

Sec. 2. Minnesota Statutes 2009 Supplement, section 124D.10, subdivision 16, is amended to read:

Subd. 16. **Transportation.** (a) A charter school after its first fiscal year of operation by March 1 of each fiscal year and a charter school by July 1 of its first fiscal year of operation must notify the district in which the school is located and the Department of Education if it will provide its own transportation or use the transportation services of the district in which it is located for the fiscal year.

(b) If a charter school elects to provide transportation for pupils, the transportation must be provided by the charter school within the district in which the charter school is located. The state must pay transportation aid to the charter school according to section 124D.11, subdivision 2.

For pupils who reside outside the district in which the charter school is located, the charter school is not required to provide or pay for transportation between the pupil's residence and the border of the district in which the charter school is located. A parent may be reimbursed by the charter school for costs of transportation from the pupil's residence to the border of the district in which the charter school is located if the pupil is from a family whose income is at or below the poverty level, as determined by the federal government. The reimbursement may not exceed the pupil's actual cost of transportation or 15 cents per mile traveled, whichever is less. Reimbursement may not be paid for more than 250 miles per week.

At the time a pupil enrolls in a charter school, the charter school must provide the parent or guardian with information regarding the transportation.

(c) If a charter school does not elect to provide transportation, transportation for pupils enrolled at the school must be provided by the district in which the school is located, according to sections 123B.88, subdivision 6, and 124D.03, subdivision 8, for a pupil residing in the same district in which the charter school is located. Transportation may be provided by the district in which the school is located, according to sections 123B.88, subdivision 6, and 124D.03, subdivision 8, for a pupil residing in a different district. If the district provides the transportation, the scheduling of routes, manner and method of transportation, control and discipline of the pupils, and any other matter relating to the transportation of pupils under this paragraph shall be within the sole discretion, control, and management of the district. The school district providing pupil transportation services under this paragraph annually may bill the charter school in an amount not to exceed the difference between the district's actual costs of transporting charter school pupils under this paragraph and the amount of aid for transportation services received under sections 124D.11, and 127A.47, subdivision 8, for those transportation services.

(d) A school district is not required to provide pupil transportation services to a charter school student who attends a charter school that has an unpaid bill for pupil transportation services under paragraph (c).

EFFECTIVE DATE. This section is effective for transportation services provided on or after July 1, 2010.