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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 2744

02/20/2018 Authored by Garofalo
The bill was read for the first time and referred to the Committee on Education Innovation Policy

1.1 A bill for an act
1.2 relating to education; setting the minimum required pupil transportation distance
1.3 for all students; amending Minnesota Statutes 2016, sections 123B.36, subdivision
1.4 1; 123B.37, subdivision 1; 123B.88, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2016, section 123B.36, subdivision 1, is amended to read:

1.7 Subdivision 1. **School boards may require fees.** (a) For purposes of this subdivision,
1.8 "home school" means a home school as defined in sections 120A.22 and 120A.24 with five
1.9 or fewer students receiving instruction.

1.10 (b) A school board is authorized to require payment of fees in the following areas:

1.11 (1) in any program where the resultant product, in excess of minimum requirements and
1.12 at the pupil's option, becomes the personal property of the pupil;

1.13 (2) admission fees or charges for extracurricular activities, where attendance is optional
1.14 and where the admission fees or charges a student must pay to attend or participate in an
1.15 extracurricular activity is the same for all students, regardless of whether the student is
1.16 enrolled in a public or a home school;

1.17 (3) a security deposit for the return of materials, supplies, or equipment;

1.18 (4) personal physical education and athletic equipment and apparel, although any pupil
1.19 may personally provide it if it meets reasonable requirements and standards relating to health
1.20 and safety established by the board;

1.21 (5) items of personal use or products that a student has an option to purchase such as
1.22 student publications, class rings, annuals, and graduation announcements;

2.1 (6) fees specifically permitted by any other statute, including but not limited to section
 2.2 171.05, subdivision 2; provided (i) driver education fees do not exceed the actual cost to
 2.3 the school and school district of providing driver education, and (ii) the driver education
 2.4 courses are open to enrollment to persons between the ages of 15 and 18 who reside or
 2.5 attend school in the school district;

2.6 (7) field trips considered supplementary to a district educational program;

2.7 (8) any authorized voluntary student health and accident benefit plan;

2.8 (9) for the use of musical instruments owned or rented by the district, a reasonable rental
 2.9 fee not to exceed either the rental cost to the district or the annual depreciation plus the
 2.10 actual annual maintenance cost for each instrument;

2.11 (10) transportation of pupils to and from extracurricular activities conducted at locations
 2.12 other than school, where attendance is optional;

2.13 (11) transportation to and from school of pupils living within ~~two miles~~ the minimum
 2.14 required pupil transportation distance from school and all other transportation services not
 2.15 required by law. If a district charges fees for transportation of pupils, it must establish
 2.16 guidelines for that transportation to ensure that no pupil is denied transportation solely
 2.17 because of inability to pay;

2.18 (12) motorcycle classroom education courses conducted outside of regular school hours;
 2.19 provided the charge must not exceed the actual cost of these courses to the school district;

2.20 (13) transportation to and from postsecondary institutions for pupils enrolled under the
 2.21 postsecondary enrollment options program under section 123B.88, subdivision 22. Fees
 2.22 collected for this service must be reasonable and must be used to reduce the cost of operating
 2.23 the route. Families who qualify for mileage reimbursement under section 124D.09,
 2.24 subdivision 22, may use their state mileage reimbursement to pay this fee. If no fee is
 2.25 charged, districts must allocate costs based on the number of pupils riding the route.

2.26 **EFFECTIVE DATE.** This section is effective July 1, 2018.

2.27 Sec. 2. Minnesota Statutes 2016, section 123B.37, subdivision 1, is amended to read:

2.28 Subdivision 1. **Boards shall not charge certain fees.** (a) A board is not authorized to
 2.29 charge fees in the following areas:

2.30 (1) textbooks, workbooks, art materials, laboratory supplies, towels;

2.31 (2) supplies necessary for participation in any instructional course except as authorized
 2.32 in sections 123B.36 and 123B.38;

3.1 (3) field trips that are required as a part of a basic education program or course;

3.2 (4) graduation caps, gowns, any specific form of dress necessary for any educational
3.3 program, and diplomas;

3.4 (5) instructional costs for necessary school personnel employed in any course or
3.5 educational program required for graduation;

3.6 (6) library books required to be utilized for any educational course or program;

3.7 (7) admission fees, dues, or fees for any activity the pupil is required to attend;

3.8 (8) any admission or examination cost for any required educational course or program;

3.9 (9) locker rentals;

3.10 (10) transportation to and from school of pupils living ~~two miles or more~~ than the
3.11 minimum required pupil transportation distance from the school.

3.12 (b) Notwithstanding paragraph (a), clauses (1) and (6), a board may charge fees for
3.13 textbooks, workbooks, and library books, lost or destroyed by students. The board must
3.14 annually notify parents or guardians and students about its policy to charge a fee under this
3.15 paragraph.

3.16 **EFFECTIVE DATE.** This section is effective July 1, 2018.

3.17 Sec. 3. Minnesota Statutes 2016, section 123B.88, subdivision 1, is amended to read:

3.18 Subdivision 1. **Providing transportation.** (a) For purposes of this subdivision, "minimum
3.19 required pupil transportation distance" means one mile for pupils in secondary school and
3.20 the lesser of five blocks or one-half mile for pupils in elementary school.

3.21 (b) The board may provide for the transportation of pupils to and from school and for
3.22 any other purpose. The board may also provide for the transportation of pupils to schools
3.23 in other districts for grades and departments not maintained in the district, including high
3.24 school, at the expense of the district, when funds are available therefor and if agreeable to
3.25 the district to which it is proposed to transport the pupils, for the whole or a part of the
3.26 school year, as it may deem advisable, and subject to its rules.

3.27 (c) In any district, the board must arrange for the attendance of all pupils living ~~two~~
3.28 ~~miles or more~~ than the minimum required pupil transportation distance from the school,
3.29 except pupils whose transportation privileges have been voluntarily surrendered under
3.30 subdivision 2, or whose privileges have been revoked under section 123B.91, subdivision
3.31 1, clause ~~(6)~~ (5), or 123B.90, subdivision 2. The district may provide for the transportation

4.1 of or the boarding and rooming of the pupils who may be more economically and
4.2 conveniently provided for by that means. Arrangements for attendance may include a
4.3 requirement that parents or guardians request transportation before it is provided.

4.4 (d) The board must provide necessary transportation consistent with section 123B.92,
4.5 subdivision 1, paragraph (b), clause (4), for a child with a disability not yet enrolled in
4.6 kindergarten for the provision of special instruction and services under sections 125A.03
4.7 to 125A.24, 125A.26 to 125A.48, and 125A.65. Special instruction and services for a child
4.8 with a disability not yet enrolled in kindergarten include an individualized education program
4.9 team placement in an early childhood program when that placement is necessary to address
4.10 the child's level of functioning and needs.

4.11 (e) When transportation is provided, scheduling of routes, establishment of the location
4.12 of bus stops, manner and method of transportation, control and discipline of school children,
4.13 the determination of fees, and any other matter relating thereto must be within the sole
4.14 discretion, control, and management of the board. The district may provide for the
4.15 transportation of pupils or expend a reasonable amount for room and board of pupils whose
4.16 attendance at school can more economically and conveniently be provided for by that means
4.17 or who attend school in a building rented or leased by a district within the confines of an
4.18 adjacent district.

4.19 **EFFECTIVE DATE.** This section is effective July 1, 2018.