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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 681

02/04/2019 Authored by Tabke, Edelson, Albright, Davnie, Bernardy and others
The bill was read for the first time and referred to the Committee on Education Policy
02/21/2019 Adoption of Report: Re-referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to education finance; providing for transportation of pregnant and parenting
1.3 pupils to qualified programs; allowing reimbursement; appropriating money;
1.4 amending Minnesota Statutes 2018, sections 123B.92, subdivision 1; 126C.10,
1.5 subdivision 18a.

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

1.7 Section 1. Minnesota Statutes 2018, section 123B.92, subdivision 1, is amended to read:

1.8 Subdivision 1. Definitions. For purposes of this section and section 125A.76, the terms
1.9 defined in this subdivision have the meanings given to them.

1.10 (a) "Actual expenditure per pupil transported in the regular and excess transportation
1.11 categories" means the quotient obtained by dividing:

1.12 (1) the sum of:

1.13 (i) all expenditures for transportation in the regular category, as defined in paragraph
1.14 (b), clause (1), and the excess category, as defined in paragraph (b), clause (2), plus

1.15 (ii) an amount equal to one year's depreciation on the district's school bus fleet and
1.16 mobile units computed on a straight line basis at the rate of 15 percent per year for districts
1.17 operating a program under section 124D.128 for grades 1 to 12 for all students in the district
1.18 and 12-1/2 percent per year for other districts of the cost of the fleet, plus

1.19 (iii) an amount equal to one year's depreciation on the district's type III vehicles, as
1.20 defined in section 169.011, subdivision 71, which must be used a majority of the time for
1.21 pupil transportation purposes, computed on a straight line basis at the rate of 20 percent per
1.22 year of the cost of the type three school buses by:

2.1 (2) the number of pupils eligible for transportation in the regular category, as defined
2.2 in paragraph (b), clause (1), and the excess category, as defined in paragraph (b), clause
2.3 (2).

2.4 (b) "Transportation category" means a category of transportation service provided to
2.5 pupils as follows:

2.6 (1) Regular transportation is:

2.7 (i) transportation to and from school during the regular school year for resident elementary
2.8 pupils residing one mile or more from the public or nonpublic school they attend, and
2.9 resident secondary pupils residing two miles or more from the public or nonpublic school
2.10 they attend, excluding desegregation transportation and noon kindergarten transportation;
2.11 but with respect to transportation of pupils to and from nonpublic schools, only to the extent
2.12 permitted by sections 123B.84 to 123B.87;

2.13 (ii) transportation of resident pupils to and from language immersion programs;

2.14 (iii) transportation of a pupil who is a custodial parent and that pupil's child between the
2.15 pupil's home and the child care provider and between the provider and the school, if the
2.16 home and provider are within the attendance area of the school;

2.17 (iv) transportation to and from or board and lodging in another district, of resident pupils
2.18 of a district without a secondary school; ~~and~~

2.19 (v) transportation to and from school during the regular school year required under
2.20 subdivision 3 for nonresident elementary pupils when the distance from the attendance area
2.21 border to the public school is one mile or more, and for nonresident secondary pupils when
2.22 the distance from the attendance area border to the public school is two miles or more,
2.23 excluding desegregation transportation and noon kindergarten transportation; and

2.24 (vi) transportation of pregnant or parenting pupils to and from a program that was
2.25 established on or before January 1, 2018, that provides:

2.26 (A) academic instruction;

2.27 (B) at least four hours per week of parenting instruction; and

2.28 (C) high-quality child care on site during the education day with the capacity to serve
2.29 all children of enrolled pupils.

2.30 For the purposes of this paragraph, a district may designate a licensed day care facility,
2.31 school day care facility, respite care facility, the residence of a relative, or the residence of
2.32 a person or other location chosen by the pupil's parent or guardian, or an after-school program

3.1 for children operated by a political subdivision of the state, as the home of a pupil for part
3.2 or all of the day, if requested by the pupil's parent or guardian, and if that facility, residence,
3.3 or program is within the attendance area of the school the pupil attends.

3.4 (2) Excess transportation is:

3.5 (i) transportation to and from school during the regular school year for resident secondary
3.6 pupils residing at least one mile but less than two miles from the public or nonpublic school
3.7 they attend, and transportation to and from school for resident pupils residing less than one
3.8 mile from school who are transported because of full-service school zones, extraordinary
3.9 traffic, drug, or crime hazards; and

3.10 (ii) transportation to and from school during the regular school year required under
3.11 subdivision 3 for nonresident secondary pupils when the distance from the attendance area
3.12 border to the school is at least one mile but less than two miles from the public school they
3.13 attend, and for nonresident pupils when the distance from the attendance area border to the
3.14 school is less than one mile from the school and who are transported because of full-service
3.15 school zones, extraordinary traffic, drug, or crime hazards.

3.16 (3) Desegregation transportation is transportation within and outside of the district during
3.17 the regular school year of pupils to and from schools located outside their normal attendance
3.18 areas under a plan for desegregation mandated by the commissioner or under court order.

3.19 (4) "Transportation services for pupils with disabilities" is:

3.20 (i) transportation of pupils with disabilities who cannot be transported on a regular school
3.21 bus between home or a respite care facility and school;

3.22 (ii) necessary transportation of pupils with disabilities from home or from school to
3.23 other buildings, including centers such as developmental achievement centers, hospitals,
3.24 and treatment centers where special instruction or services required by sections 125A.03 to
3.25 125A.24, 125A.26 to 125A.48, and 125A.65 are provided, within or outside the district
3.26 where services are provided;

3.27 (iii) necessary transportation for resident pupils with disabilities required by sections
3.28 125A.12, and 125A.26 to 125A.48;

3.29 (iv) board and lodging for pupils with disabilities in a district maintaining special classes;

3.30 (v) transportation from one educational facility to another within the district for resident
3.31 pupils enrolled on a shared-time basis in educational programs, and necessary transportation
3.32 required by sections 125A.18, and 125A.26 to 125A.48, for resident pupils with disabilities
3.33 who are provided special instruction and services on a shared-time basis or if resident pupils

4.1 are not transported, the costs of necessary travel between public and private schools or
4.2 neutral instructional sites by essential personnel employed by the district's program for
4.3 children with a disability;

4.4 (vi) transportation for resident pupils with disabilities to and from board and lodging
4.5 facilities when the pupil is boarded and lodged for educational purposes;

4.6 (vii) transportation of pupils for a curricular field trip activity on a school bus equipped
4.7 with a power lift when the power lift is required by a student's disability or section 504 plan;
4.8 and

4.9 (viii) services described in clauses (i) to (vii), when provided for pupils with disabilities
4.10 in conjunction with a summer instructional program that relates to the pupil's individualized
4.11 education program or in conjunction with a learning year program established under section
4.12 124D.128.

4.13 For purposes of computing special education initial aid under section 125A.76, the cost
4.14 of providing transportation for children with disabilities includes (A) the additional cost of
4.15 transporting a student in a shelter care facility as defined in section 260C.007, subdivision
4.16 30, a homeless student in another district to the school of origin, or a formerly homeless
4.17 student from a permanent home in another district to the school of origin but only through
4.18 the end of the academic year; and (B) depreciation on district-owned school buses purchased
4.19 after July 1, 2005, and used primarily for transportation of pupils with disabilities, calculated
4.20 according to paragraph (a), clauses (ii) and (iii). Depreciation costs included in the disabled
4.21 transportation category must be excluded in calculating the actual expenditure per pupil
4.22 transported in the regular and excess transportation categories according to paragraph (a).
4.23 For purposes of subitem (A), a school district may transport a child who does not have a
4.24 school of origin to the same school attended by that child's sibling, if the siblings are homeless
4.25 or in a shelter care facility.

4.26 (5) "Nonpublic nonregular transportation" is:

4.27 (i) transportation from one educational facility to another within the district for resident
4.28 pupils enrolled on a shared-time basis in educational programs, excluding transportation
4.29 for nonpublic pupils with disabilities under clause (4);

4.30 (ii) transportation within district boundaries between a nonpublic school and a public
4.31 school or a neutral site for nonpublic school pupils who are provided pupil support services
4.32 pursuant to section 123B.44; and

5.1 (iii) late transportation home from school or between schools within a district for
 5.2 nonpublic school pupils involved in after-school activities.

5.3 (c) "Mobile unit" means a vehicle or trailer designed to provide facilities for educational
 5.4 programs and services, including diagnostic testing, guidance and counseling services, and
 5.5 health services. A mobile unit located off nonpublic school premises is a neutral site as
 5.6 defined in section 123B.41, subdivision 13.

5.7 **EFFECTIVE DATE.** This section is effective July 1, 2019.

5.8 Sec. 2. Minnesota Statutes 2018, section 126C.10, subdivision 18a, is amended to read:

5.9 Subd. 18a. **Pupil transportation adjustment.** (a) An independent, common, or special
 5.10 school district's transportation sparsity revenue under subdivision 18 is increased by the
 5.11 greater of zero or 18.2 percent of the difference between:

5.12 (1) the lesser of the district's total cost for regular and excess pupil transportation under
 5.13 section 123B.92, subdivision 1, paragraph (b), including depreciation, for the previous fiscal
 5.14 year or 105 percent of the district's total cost for the second previous fiscal year; and

5.15 (2) the sum of:

5.16 (i) 4.66 percent of the district's basic revenue for the previous fiscal year;

5.17 (ii) transportation sparsity revenue under subdivision 18 for the previous fiscal year;

5.18 ~~and~~

5.19 (iii) the district's charter school transportation adjustment for the previous fiscal year;

5.20 and

5.21 (iv) the district's reimbursement for transportation provided under section 123B.92,
 5.22 subdivision 1, paragraph (b), clause (1), item (vi).

5.23 (b) A charter school's pupil transportation adjustment equals the school district per pupil
 5.24 adjustment under paragraph (a).

5.25 **EFFECTIVE DATE.** This section is effective July 1, 2019.

5.26 Sec. 3. **APPROPRIATIONS.**

5.27 Subdivision 1. Commissioner of education. The sums indicated in this section are
 5.28 appropriated from the general fund to the commissioner of education for the specified
 5.29 purposes.

6.1 Subd. 2. Pregnant and parenting pupil transportation reimbursement. (a) To
 6.2 reimburse districts for transporting pregnant or parenting pupils under Minnesota Statutes,
 6.3 section 123B.92, subdivision 1, paragraph (b), clause (1), item (vi):

6.4 \$ 2020

6.5 \$ 2021

6.6 (b) To receive reimbursement, districts must apply using the form and manner of
 6.7 application prescribed by the commissioner. If the appropriation is insufficient, the
 6.8 commissioner must prorate the amount paid to districts seeking reimbursement.

6.9 (c) Any balance in the first year does not cancel but is available in the second year.

6.10 (d) The base for fiscal year 2022 is