

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 1942

(SENATE AUTHORS: DUCKWORTH)

DATE	D-PG	OFFICIAL STATUS
03/10/2021	803	Introduction and first reading Referred to Education Finance and Policy See First Special Session 2021, HF2

1.1 A bill for an act

1.2 relating to education finance; modifying transportation funding for nonpublic

1.3 school students; appropriating money; amending Minnesota Statutes 2020, sections

1.4 123B.86; 123B.92, subdivision 9; Laws 2020, chapter 116, article 3, section 6,

1.5 subdivision 4.

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

1.7 Section 1. Minnesota Statutes 2020, section 123B.86, is amended to read:

1.8 **123B.86 EQUAL TREATMENT.**

1.9 Subdivision 1. **General provisions.** (a) A district shall provide equal transportation

1.10 within the district for all school children to any school when transportation is deemed

1.11 necessary by the school board because of distance or traffic condition in like manner and

1.12 form as provided in sections 123B.88 and 123B.92, when applicable.

1.13 (b) Equal transportation must be provided on any instructional day identified on the

1.14 school calendar adopted by the school board, except for instructional days canceled due to

1.15 inclement weather or on a day designated by the district as an e-learning day under section

1.16 120A.414.

1.17 Subd. 2. **Nonpublic school students.** (a) The board of any local district must provide

1.18 school bus transportation to the district boundary for school children residing in the district

1.19 at least the same distance from a nonpublic school actually attended in another district as

1.20 public school pupils are transported in the transporting district. Such transportation must

1.21 be provided whether or not there is another nonpublic school within the transporting district,

1.22 if the transportation is to schools maintaining grades or departments not maintained in the

2.1 district or if the attendance of such children at school can more safely, economically, or
2.2 conveniently be provided for by such means.

2.3 (b) The school board of any local district may provide school bus transportation to a
2.4 nonpublic school in another district for school children residing in the district and attending
2.5 that school, whether or not there is another nonpublic school within the transporting district,
2.6 if the transportation is to schools maintaining grades or departments not maintained in the
2.7 district or if the attendance of such children at school can more safely, economically, or
2.8 conveniently be provided for by such means. If the board transports children to a nonpublic
2.9 school located in another district, the nonpublic school must pay the cost of such
2.10 transportation provided outside the district boundaries.

2.11 Subd. 3. **Board control.** (a) When transportation is provided, the scheduling of routes,
2.12 manner and method of transportation, control and discipline of school children and any
2.13 other matter relating thereto shall be within the sole discretion, control and management of
2.14 the board.

2.15 (b) A school board and a nonpublic school may mutually agree to a written plan for the
2.16 board to provide nonpublic pupil transportation to nonpublic school students.

2.17 (1) A school board that provides pupil transportation through its employees may transport
2.18 nonpublic school students according to the plan and retain the nonpublic pupil transportation
2.19 aid attributable to that plan. A nonpublic school may make a payment to the school district
2.20 to cover additional transportation services agreed to in the written plan for nonpublic pupil
2.21 transportation services not required under sections 123B.84 to 123B.87.

2.22 (2) A school board that contracts for pupil transportation services may enter into a
2.23 contractual arrangement with a school bus contractor according to the written plan adopted
2.24 by the school board and the nonpublic school to transport nonpublic school students and
2.25 retain the nonpublic pupil transportation aid attributable to that plan for purposes of paying
2.26 the school bus contractor. A nonpublic school may make a payment to the school district
2.27 to cover additional transportation services agreed to in the written plan for nonpublic pupil
2.28 transportation services included in the contract that are not required under sections 123B.84
2.29 to 123B.87.

2.30 (c) The school district must report the number of nonpublic school students transported
2.31 and the nonpublic pupil transportation expenditures incurred under paragraph (b) in the
2.32 form and manner specified by the commissioner.

2.33 Subd. 4. **Rules.** The commissioner of education may amend rules relating to equal
2.34 transportation.

3.1 Sec. 2. Minnesota Statutes 2020, section 123B.92, subdivision 9, is amended to read:

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

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

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

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

3.13 (3) the ratio of the formula allowance pursuant to section 126C.10, subdivision 2, for
3.14 the current school year to the formula allowance pursuant to section 126C.10, subdivision
3.15 2, for the second preceding school year.

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

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

3.20 (2) the ratio of the formula allowance pursuant to section 126C.10, subdivision 2, for
3.21 the current school year to the formula allowance pursuant to section 126C.10, subdivision
3.22 2, for the second preceding school year.

3.23 (d) Notwithstanding the amount of the formula allowance for fiscal years 2015 and 2016
3.24 in section 126C.10, subdivision 2, the commissioner shall use the amount of the formula
3.25 allowance for the current year minus \$414 in determining the nonpublic pupil transportation
3.26 revenue in paragraphs (b) and (c) for fiscal years 2015 and 2016.

3.27 (e) For fiscal years 2022 and 2023 only, a district's nonpublic pupil transportation aid
3.28 must be adjusted in accordance with Laws 2020, chapter 116, article 3, section 6, subdivision
3.29 4.

3.30 Sec. 3. Laws 2020, chapter 116, article 3, section 6, subdivision 4, is amended to read:

3.31 Subd. 4. **Nonpublic pupil transportation aid.** (a) Notwithstanding any law to the
3.32 contrary, the commissioner of education may adjust the fiscal year years 2020 and 2021

4.1 pupil transportation expenditures used to determine nonpublic pupil transportation aid for
4.2 fiscal ~~year~~ years 2022 and 2023.

4.3 (b) The adjustment for fiscal year 2022 may be based on any mechanism that allows for
4.4 the full amount of the state total fiscal year 2020 expenditure estimated in the February
4.5 2020 forecast to be equitably allocated among school districts.

4.6 (c) For fiscal year 2023 nonpublic pupil transportation aid, the district's base for its actual
4.7 expenditures equals the greatest of:

4.8 (1) the actual expenditure per pupil transported in the regular and excess transportation
4.9 categories during the second preceding school year;

4.10 (2) the actual expenditure per pupil transported in the regular and excess transportation
4.11 categories during fiscal year 2019; or

4.12 (3) the expenditure base determined by the commissioner under paragraph (b).

4.13 Sec. 4. **APPROPRIATION; NONPUBLIC PUPIL TRANSPORTATION AID.**

4.14 Subdivision 1. Department of Education. The sums indicated in this section are
4.15 appropriated from the general fund to the Department of Education in the fiscal years
4.16 designated.

4.17 Subd. 2. Nonpublic pupil transportation aid. For nonpublic pupil transportation aid
4.18 under Minnesota Statutes, section 123B.92, subdivision 9:

4.19 \$ 2022

4.20 \$ 2023

4.21 The 2022 appropriation includes \$1,964,000 for 2021 and \$..... for 2022.

4.22 The 2023 appropriation includes \$..... for 2022 and \$..... for 2023.