

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 952

(SENATE AUTHORS: GOGGIN)

DATE
02/07/2019

D-PG

Introduction and first reading
Referred to E-12 Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act

1.2 relating to education; modifying provisions on the transportation of nonresident

1.3 pupils within resident districts; modifying achievement and integration district

1.4 transfers; amending Minnesota Statutes 2018, sections 123B.88, subdivision 6;

1.5 124D.03, subdivisions 3, 4, 5, 8; 127A.47, by adding a subdivision.

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

1.7 Section 1. Minnesota Statutes 2018, section 123B.88, subdivision 6, is amended to read:

1.8 Subd. 6. **Nonresident pupil defined.** For the purposes of this subdivision, a "nonresident

1.9 pupil" is a pupil who resides in one district, defined as the "resident district" and attends

1.10 school in another district, defined as the "nonresident district."

1.11 If requested, a nonresident district ~~shall~~ must transport a nonresident pupil within its

1.12 borders ~~and~~. A nonresident district may transport provide transportation to and from school

1.13 to a nonresident pupil within the pupil's resident district if the resident district and nonresident

1.14 district have an agreement providing for the transportation of pupils in accordance with

1.15 section 124D.03, subdivision 8. If a nonresident district decides to transport a nonresident

1.16 pupil within the pupil's resident district, the nonresident district must notify the pupil's

1.17 resident district of its decision, in writing, prior to providing transportation. A nonresident

1.18 district that fails to comply with the requirements of section 124D.03, subdivision 8, is

1.19 subject to an aid adjustment in accordance with section 127A.47, subdivision 7a.

1.20 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

2.1 Sec. 2. Minnesota Statutes 2018, section 124D.03, subdivision 3, is amended to read:

2.2 Subd. 3. **Pupil application procedures.** (a) In order that a pupil may attend a school or
2.3 program in a nonresident district, the pupil's parent or guardian must submit an application
2.4 to the nonresident district. The pupil's application must identify a reason for enrolling in
2.5 the nonresident district. The parent or guardian of a pupil must submit a signed application
2.6 by January 15 for initial enrollment beginning the following school year, unless the transfer
2.7 is an achievement and integration district transfer in accordance with subdivision 4, or an
2.8 exception under subdivision 7 applies. The application must be on a form provided by the
2.9 Department of Education. A particular school or program may be requested by the parent.

2.10 (b) Once enrolled in a nonresident district, the pupil may remain enrolled and is not
2.11 required to submit annual or periodic applications. If the student moves to a new resident
2.12 district, the student retains the seat in the nonresident district, but must submit a new
2.13 enrollment options form to update the student's information. To return to the resident district
2.14 or to transfer to a different nonresident district, the parent or guardian of the pupil must
2.15 provide notice to the resident district or apply to a different nonresident district by January
2.16 15 for enrollment beginning the following school year.

2.17 Sec. 3. Minnesota Statutes 2018, section 124D.03, subdivision 4, is amended to read:

2.18 Subd. 4. **Achievement and integration district transfers.** (a) This subdivision applies
2.19 to a transfer into or out of a district that has an achievement and integration plan approved
2.20 by the commissioner of education under sections 124D.861 and 124D.862.

2.21 (b) A pupil residing in a school district that has an approved achievement and integration
2.22 plan may submit an application to transfer ~~may be submitted~~ at any time for enrollment
2.23 beginning at any time. A pupil residing in a school district that does not have an approved
2.24 achievement and integration plan may submit an application to transfer to a district that has
2.25 an approved achievement and integration plan in accordance with the procedures in
2.26 subdivision 3.

2.27 (c) A pupil enrolled in a nonresident district under an achievement and integration plan
2.28 approved by the commissioner of education is not required to make annual or periodic
2.29 application for enrollment but may remain enrolled in the same district. A pupil may transfer
2.30 to the resident district at any time.

2.31 (d) Subdivision 2 applies to a transfer into or out of a district with an achievement and
2.32 integration plan.

2.33 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

3.1 Sec. 4. Minnesota Statutes 2018, section 124D.03, subdivision 5, is amended to read:

3.2 Subd. 5. **Nonresident district procedures.** (a) A district ~~shall~~ must notify the parent or
3.3 guardian in writing by February 15 or within 90 days for applications submitted after January
3.4 15 in the case of achievement and integration district transfers whether the application has
3.5 been accepted or rejected. A district notification that a transfer application has been accepted
3.6 must include information regarding the transportation of nonresident pupils in accordance
3.7 with subdivision 8 and section 123B.88, subdivision 6. If an application is rejected, the
3.8 district must state in the notification the reason for rejection. The parent or guardian must
3.9 notify the nonresident district by March 1 or within 45 days whether the pupil intends to
3.10 enroll in the nonresident district.

3.11 (b) Notice of intent to enroll in the nonresident district obligates the pupil to attend the
3.12 nonresident district during the following school year, unless the boards of the resident and
3.13 the nonresident districts agree in writing to allow the pupil to transfer back to the resident
3.14 district. If the pupil's parents or guardians change residence to another district, the student
3.15 does not lose the seat in the nonresident district but the parent or guardian must complete
3.16 an updated enrollment options form. If a parent or guardian does not notify the nonresident
3.17 district by the January 15 deadline, if it applies, the pupil may not enroll in that nonresident
3.18 district during the following school year, unless the boards of the resident and nonresident
3.19 district agree otherwise.

3.20 (c) The nonresident district must notify the resident district by March 15 or 30 days later
3.21 of the pupil's intent to enroll in the nonresident district. Thereafter, a nonresident district
3.22 must notify the resident district monthly, in writing, of the resident district pupils enrolled
3.23 in the nonresident district under this section.

3.24 (d) The same procedures apply to a pupil who applies to transfer from one participating
3.25 nonresident district to another participating nonresident district.

3.26 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

3.27 Sec. 5. Minnesota Statutes 2018, section 124D.03, subdivision 8, is amended to read:

3.28 Subd. 8. **Transportation.** (a) If requested by the parent of a pupil, the nonresident district
3.29 ~~shall~~ must provide transportation within the nonresident district.

3.30 (b) The resident district is not required to provide or pay for transportation between the
3.31 pupil's residence and the border of the nonresident district. A parent may be reimbursed by
3.32 the nonresident district for the costs of transportation from the pupil's residence to the border
3.33 of the nonresident district if the pupil is from a family whose income is at or below the

4.1 poverty level, as determined by the federal government. The reimbursement may not exceed
 4.2 the pupil's actual cost of transportation or 15 cents per mile traveled, whichever is less.
 4.3 Reimbursement may not be paid for more than 250 miles per week.

4.4 (c) At the time a nonresident district notifies a parent or guardian that an application has
 4.5 been accepted under subdivision 4 or 5, the nonresident district must provide the parent or
 4.6 guardian with the following information regarding the transportation of nonresident pupils
 4.7 under this section and section 123B.88, subdivision 6.

4.8 (d) A nonresident district must not provide transportation to and from school to a pupil
 4.9 within the pupil's resident district unless the nonresident district and resident district agree
 4.10 in writing that the nonresident district may transport the pupil. An agreement providing for
 4.11 transportation of a pupil within the resident district by the nonresident district must:

4.12 (1) require the nonresident district to notify the resident district monthly, in writing, of
 4.13 the names of the pupils being transported and the route used to transport each student;

4.14 (2) have a term no longer than one school year; and

4.15 (3) be posted on each district's website.

4.16 The information in clause (1) of names and route is required for the written agreement but
 4.17 not for the website.

4.18 (e) Notwithstanding section 123B.88, subdivision 1, the resident district may determine
 4.19 the route, location, and number of bus stops the nonresident district makes within the resident
 4.20 district when transporting pupils under this subdivision. A nonresident district that provides
 4.21 transportation to and from school to a pupil within a resident district without a valid
 4.22 agreement, or in violation of an agreement under this subdivision, is subject to an aid
 4.23 adjustment in accordance with section 127A.47, subdivision 7a.

4.24 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

4.25 Sec. 6. Minnesota Statutes 2018, section 127A.47, is amended by adding a subdivision to
 4.26 read:

4.27 Subd. 7a. **Nonresident district pupil transportation.** The general education aid for a
 4.28 school district that provides transportation to and from school to a nonresident pupil under
 4.29 section 123B.88, subdivision 6, without first entering into, or that materially fails to comply
 4.30 with, an agreement for transportation within the resident district as required by section
 4.31 124D.03, subdivision 8, is reduced for each nonresident pupil by an amount equal to the
 4.32 sum of 4.66 percent of the general education basic formula allowance under section 126C.10,

- 5.1 subdivision 2, and the district's per pupil transportation sparsity allowance under section
- 5.2 126C.10, subdivision 18. The reduction in general aid applies only during the time that the
- 5.3 school district fails to enter into, or materially fails to comply with, an agreement required
- 5.4 by section 124D.03, subdivision 8.
- 5.5 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.