

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 761

02/04/2019 Authored by Erickson, Her, Hassan and Jurgens
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; assigning authority for pupil transportation for certain
1.3 homeless students; appropriating money; amending Minnesota Statutes 2018,
1.4 section 120A.20, subdivision 2.

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

1.6 Section 1. Minnesota Statutes 2018, section 120A.20, subdivision 2, is amended to read:

1.7 Subd. 2. Education, residence, and transportation of homeless. (a) Notwithstanding
1.8 subdivision 1, a district must not deny free admission to a homeless pupil solely because
1.9 the district cannot determine that the pupil is a resident of the district.

1.10 (b) The school district of residence for a homeless pupil shall be the school district in
1.11 which the parent or legal guardian resides, unless: (1) parental rights have been terminated
1.12 by court order; (2) the parent or guardian is not living within the state; or (3) the parent or
1.13 guardian having legal custody of the child is an inmate of a Minnesota correctional facility
1.14 or is a resident of a halfway house under the supervision of the commissioner of corrections.
1.15 If any of clauses (1) to (3) apply, the school district of residence shall be the school district
1.16 in which the pupil resided when the qualifying event occurred. If no other district of residence
1.17 can be established, the school district of residence shall be the school district in which the
1.18 pupil currently resides. If there is a dispute between school districts regarding residency,
1.19 the district of residence is the district designated by the commissioner of education.

1.20 (c) Except as provided in paragraph (d), the serving district is responsible for transporting
1.21 a homeless pupil to and from the pupil's district of residence. The district may transport
1.22 from a permanent home in another district but only through the end of the academic school
1.23 year. When a pupil is enrolled in a charter school, the district or school that provides

2.1 transportation for other pupils enrolled in the charter school is responsible for providing
2.2 transportation. When a homeless student with or without an individualized education program
2.3 attends a public school other than an independent or special school district or charter school,
2.4 the district of residence is responsible for transportation.

2.5 (d) For a homeless pupil with an individualized education plan enrolled in a program
2.6 authorized by an intermediate school district, special education cooperative, service
2.7 cooperative, or education district, the serving district at the time of the pupil's enrollment
2.8 in the program remains responsible for transporting that pupil for the remainder of the school
2.9 year, unless the initial serving district and the current serving district mutually agree that
2.10 the current serving district is responsible for transporting the homeless pupil.

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