
TRANSPORTING SCHOOL CHOICE STUDENTS

A Primer on States' Transportation Policies
Related to Private, Charter, and
Open Enrollment Students

Michael Q. McShane
Michael Shaw



ABOUT EDCHOICE

EdChoice is a nonprofit, nonpartisan organization dedicated to advancing full and unencumbered educational choice as the best pathway to successful lives and a stronger society. EdChoice believes that families, not bureaucrats, are best equipped to make K-12 schooling decisions for their children. The organization works at the state level to educate diverse audiences, train advocates and engage policymakers on the benefits of high-quality school choice programs. EdChoice is the intellectual legacy of Milton and Rose D. Friedman, who founded the organization in 1996 as the Friedman Foundation for Educational Choice.

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INTRODUCTION

The big yellow school bus is an iconic image of American education. It is a central feature in the stock images that accompany articles and reports about schools. It plays a role in our culture, with school bus scenes in movies ranging from *Forrest Gump* to *Billy Madison*. We even sing nursery rhymes to our children about how its wheels go ‘round and ‘round. It is not surprising that student transportation plays such a seminal role in our education system, given our vast geography and sprawling cities.

Busing played a large role in the civil rights movement and the effort to desegregate schools in the 1960s, 1970s, and 1980s. It was a controversial practice that is still a matter of debate 50 years after it first emerged in our nation’s cities.

School transportation is inextricably linked to school choice. Transportation, or the lack thereof, can be a huge barrier to families exercising choice. Simply because a state authorizes the creation of charter schools or grants vouchers to families looking to send their children to private schools doesn’t mean that those children will actually be able to attend those schools. They have to be able to get there safely, on time, and ideally after spending as little time on the bus as possible.

In a 2017 Brookings Institution study, Matthew Chingos and Kristin Blagg used school location data to estimate the number of potential schools of choice within reasonable commuting distance of American families.¹ They found that 83 percent of American families had two or more traditional public schools in their school district within five miles of their home. They found that 54 percent had two or more public schools across district lines; 46 percent had a charter school; and 82 percent had a private school within that same radius. There are lots of choices out there for families, but they are no good if children can’t get to them.

Figuring out transportation policy will be key to realizing the promise of school choice. It is much easier to efficiently transport students to neighborhood schools when districts draw attendance boundaries and catchment areas and then create bus routes within them. As children need to get across cities or counties to attend the school of their choice, efficiently moving them becomes much harder.

Policies vary from state to state, district to district, and school sector to school sector. Whether or not students are provided with transportation can vary based on their proximity to their school, their age, the type of school they attend, the existing public transportation infrastructure in the city in which they live, and other factors. Policy plays a role as well. In some locations, laws provide guarantees for students that they will have free transportation to the school of their choice. In others, students are on their own.

Research Questions

Almost every question in American education can be answered with the phrase “it depends.” Given the 14,000 school districts and patchwork of charter school and private school choice laws around the country, there is no one simple, straightforward way of describing transportation policy as it relates to school choice. But what can we describe? Can we come to a better understanding, at least when it comes to school choice, about what opportunities students do and do not have at the state or local level? Finding these answers is the goal of this primer.

To do so, we scoured the state statutes and regulations regarding pupil transportation and various kinds of school choice, including inter-district transfer programs, charter schooling, and private schooling. Which states allow for the support or subsidization of pupil transportation to schools of choice? To some schools and not others? Under what circumstances? These are some of the questions we set out to answer.

But before we get there, it is important to linger for a minute on the growing research on pupil transportation and school choice. Better understanding both the costs and the benefits will help lawmakers craft better policies going forward.

What We Know

More and more research is being conducted on the relationship between pupil transportation, school choice, and student outcomes. In 2009, Paul Teske, Jody Fitzpatrick, and Tracey O'Brien published *Drivers of Choice: Parents, Transportation, and School Choice* in which they surveyed 600 parents, split between Denver and Washington, D.C. They found 25 to 40 percent of parents said that transportation options affected their choice of school, and 80 percent of parents would be willing to travel farther to a higher-quality school if there were better transportation options available.² A 2018 EdChoice report on parents participating in the Florida Tax Credit Scholarship Program found transportation is among the top challenges families face when exercising private school choice, (particularly families with very low incomes) with only 6 percent of private school choice parents reporting their child rides a school bus or takes public transportation to their private school.³

In 2017, the Urban Institute convened the Student Transportation and Educational Access Working Group, which published a series of papers looking at student transportation in Denver, Detroit, New Orleans, New York City, and Washington, D.C. They summarize their key findings in this way:

- “All five cities provide transportation, but availability varies by school. Although each city offers yellow bus or public transit to students’ neighborhood schools, transportation to non-neighborhood and charter schools varies.
- “Most students do not live further than a 20-minute drive to their schools, but travel patterns vary across age and demographic groups. Older students travel farther to school

than younger students, and black students travel farther than white and Hispanic students.

- “Access to a car can significantly increase the number of schools available to a family. In nearly every grade, students have access to 10 or more schools within a 15-minute drive but typically have access to fewer than 10 schools when traveling for the same amount of time on public transit.
- “Students from low-income families typically do not travel farther to school than their comparatively advantaged peers.
- “Charter school students, on average, do not always travel farther than their peers in traditional public schools.”⁴

As part of that project Carolyn Sattin-Bajaj of Seton Hall University published “*It’s Hard to Separate Choice from Transportation*” *Perspectives on Student Transportation Policy from Three Choice-Rich School Districts*, an in-depth look at Detroit, New Orleans, and New York City. After interviewing both district and charter school leaders, she summarized their concerns and challenges. The district officials lamented the large geographic areas for which they were responsible and the high levels of student mobility that together make transportation complicated and expensive. Adding to the expense of pupil transportation—measured to be \$936 per pupil nationwide by the National Center for Education Statistics in 2014–15, which is up 73 percent since 1980⁵—is the specialized and often individualized, door-to-door transportation mandated by law for students with special needs. Administrators were also concerned with the limited public transportation options of which students can take advantage.⁶ Charter leaders were concerned with student safety, the logistical demands of figuring out bus routes, a lack of control with the drivers and bus companies themselves and the often difficult contracts that have to be negotiated with them, the time that students spend on the bus, and all of the associated costs.⁷

On a statewide level, EdChoice released a geospatial analysis in 2018 examining drive times for K–12 students to schools of choice in Indiana.⁸ Despite being a state rich with school choice policies, the authors identified more than 24,000 K–8 students (roughly 3 percent of the state’s elementary and middle school students) who had a 30-minute or more one-way drive from a charter, magnet, or voucher-participating private school. Indiana high school students were especially likely to live far from schools of choice. The authors found more than 45,000 high school-aged students (roughly 10% of the state’s total) are a 30-minute or longer one-way drive from charter, magnet, or voucher-participating high schools. The majority of those students resided in small towns and rural areas.⁹ Nationally, EdChoice’s survey work found parents in rural and small town communities were more likely than suburban and urban parents to say they have moved to be closer to a child’s school.¹⁰

EdChoice also found in a 2017 survey of parents that at least nine out of 10 Indiana students spend 30 minutes or less traveling to school one way, regardless of schooling sector.¹¹ In Florida, another choice-rich state with five private school choice programs, the vast majority of private school choice parents (80%) drive their students to school most days, according to a 2018 EdChoice survey.¹² A majority of Florida private school choice parents reported their child commutes 15 minutes or less one way to school, while less than 10 percent reported the school commute taking more than 30 minutes.

But even with all of the challenges, two papers produced by an Urban Institute working group offer evidence that the juice is worth the squeeze. Patrick Denice and Bethany Gross analyzed 3,100 student transportation patterns in Denver and found 1,000 “super travelers” who traveled particularly longer than the district average distances to attend their top-choice school. Those schools had “better academic outcomes, fewer disciplinary incidents, and more advanced courses and dual-language programs than schools closer to home.”¹³

Sarah Cordes and Amy Ellen Schwartz looked at students taking advantage of transportation options provided to them in New York City and found “those who use transportation attend significantly better schools than their peers attending nearby choice schools, with bus riders experiencing the largest gains in school quality.¹⁴ Further, transportation appears to play a particularly important role for black and Hispanic bus riders, who are 30 to 40 percentage points more likely to attend significantly better schools than their same-race peers who attend choice schools but do not use transportation.”¹⁵

As Bethany Gross summarized in a 2019 article in *Education Next*, “we found that students who choose to travel for school do get something for their effort.”¹⁶

METHODS

To understand the national landscape, we needed to understand state law and how it has been interpreted. To do so, we conducted a systematic search of all 50 state education statutes to identify the language related to pupil transportation. We utilized a legal research platform to conduct this review, narrowing searches within states’ education codes and cross-referencing with states’ separate transportation codes when referenced by student transportation laws.

Many states contain distinct pupil transportation sections within their education codes; we reviewed those in their entirety to discern how states identify, fund, and delineate responsibility for transporting charter, private, and open enrollment students.¹⁷ For those states without such specific sections, as well as those states whose pupil transportation sections were unclear as to choice students, we input choice search terms related to private schooling, charter schooling, and open-enrollment/inter-district transferring that fell within 15 words of transportation-related terms.¹⁸

We then looked at how the laws apply to three types of school choice: inter-district choice, charter schooling, and private schooling. For states where the statutes were unclear, we searched education regulations using the same search process we used for state statutes. Where appropriate, we also sought out state court cases that ruled on or clarified pupil transportation laws. These searches were conducted in the summer of 2019, and the statutes, regulations, cited are current as of the conclusion of spring 2019 legislative sessions.

Finding these statutes and regulations allows us to identify which states provide support for these three types of school choice. We identify a state as providing this support if the sector is on equal or close-to-equal footing with public school students regarding transportation rights or rights of families or schools to transportation funds. States would only meet this standard if statute, regulation, and/or case law explicitly provided for that sector's publicly provided transportation or funding on or near equal footing with public school students.

In some instances, this takes the form of state mandates. But it is difficult to standardize mandates across states, sectors, and, ultimately, education stakeholders such as students, schools, and school districts. Because of this, we coded transportation policies for charter, private, and inter-district transfer students so that they would be essentially equivalent compared to public school districts and students within a given state as opposed to being equivalent from one state or sector to the next. For instance, a state may provide for pupil transportation of both charter and private school students within district boundaries and thus be providing essentially equivalent transportation services as compared to the school district; however, transportation of resident students to charter and private schools outside one's school district would be considered exceptional transportation services when compared to resident public school districts unless the state also mandates district-provided transportation services for open enrollment students.¹⁹

It is worth noting that, generally, state laws do not mandate districts transport all public school students. Only after certain baseline factors are met, such as a student's minimum distance from his or her school or potentially hazardous pedestrian conditions, do a majority of states mandate district-provided pupil transportation. These baselines were also considered when comparing pupil transportation policies across sectors.

Omissions of choice schools within our search results were treated and interpreted as not allowing for those students' public transportation, as the education codes almost exclusively defined pupil transportation as related to public school students and school districts.

It is also important to delineate state-based pupil transportation laws and the responsibilities these laws impose on school districts from individual districts' transportation policies. This report takes a state-based approach to transportation policy, but individual districts may have more choice-friendly transportation offerings than imposed by a state. The pupil transportation landscape described below, though, hopefully offers a high-level view of which states allow for families to exercise educational choices via the same or similar pupil transportation mechanisms as those who choose their residentially assigned schools.

THE PUPIL TRANSPORTATION LANDSCAPE

The existing research literature tells us that allowing students to travel to schools outside of their immediate surroundings opens important opportunities for them. Given this context and information, how can we make it easier for children to get to the schools of their choice?

Transportation policy, like most things in education policy, differs from state to state and city to city.²⁰ While the national pupil transportation landscape can appear more tangled than a school district's overlapping bus routes, commonalities and patterns may be found among the states examined below.

Broadly speaking, states fund pupil transportation through their funding formulas by allocating aid to school districts that is restricted to providing transportation services. Depending on the state, school districts may supplement transportation costs from local funds. These per-pupil aid amounts typically differ between students with Individualized Education Plans (IEPs) and students without special needs, the former of which are guaranteed transportation to, from, and between schools as a "related service" per the Individuals with Disabilities Act (IDEA).²¹ But IEP status is not the only variable, as population density, distances traveled, and a host of other variables can affect the cost of providing transportation.

School districts then use funds to transport students or contract with private transportation companies which are often themselves subject to state regulation pertaining to school bus safety, background checks of drivers, and emissions standards. Interestingly, many states impose these or similar pupil transportation regulations on private and charter schools regardless of whether pupil transportation at these schools is funded by the state or district. The districts and pupil transportation companies (or in-house transportation departments) work together to create bus routes, although some state departments of education offer route-planning resources as well as mandate reporting requirements related to routes.²² In some urban and suburban areas, districts may also utilize existing public transportation options by either reimbursing families for fares or partnering with regional transportation agencies to provide eligible students with fare cards.²³

The district-transportation relationship cannot be overstated when it comes to pupil transportation: States impose the lion's share of the responsibility of pupil transportation on the district. Districts do not have a strong incentive to provide transportation to schools that they see as competition for students and resources. But states still play an important role in shaping pupil transportation policy. The amount states fund pupil transportation is crucial to the district role, but states may also determine which students are legally eligible for transportation services. This eligibility is also defined in terms of distance in statute, but many states also take a school sector approach to pupil transportation.

As we will note in the text in each section there are lots of states that put serious constraints and conditions on pupil transportation funding. Students might be allowed support to transfer to another school district, but not just any school district. Students might be allowed to ride the bus to their private school, but only if they are on an existing bus route. Or, students might be able to access funds, but only after traditional public schools have first crack at them. These practices, while ostensibly identifying a state as one that supports pupil transportation for that kind of school choice, in practice means that very few students are able to take advantage of it. The devil, as usual, is in the details.²⁴

Inter-District Choice

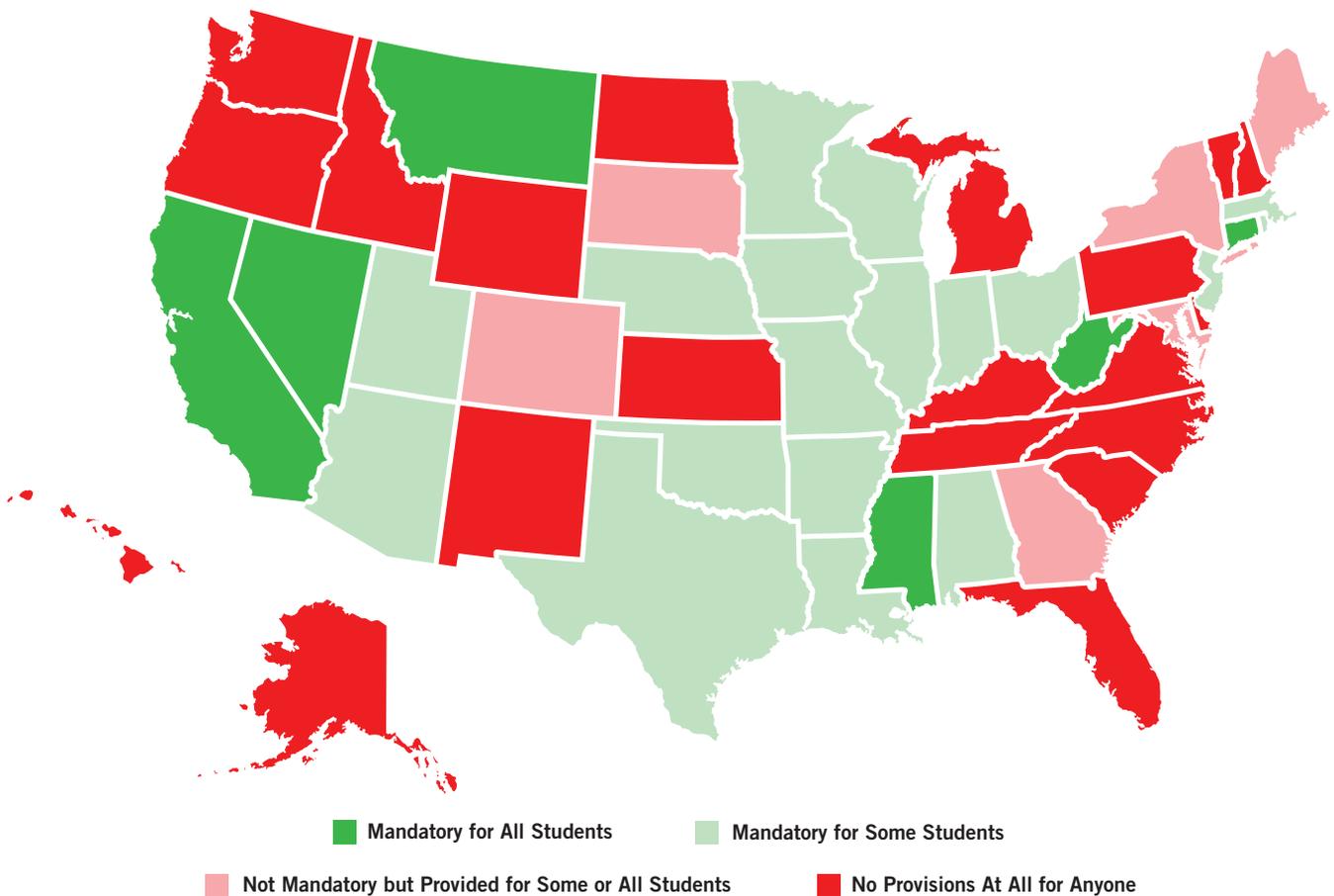
Allowing students to cross district lines has been a popular, if controversial, form of school choice policy for decades now. Inter-district choice has often been used as a tool for desegregation, as moving children from suburbs to urban centers and vice versa was the only way to make the math of integration work in cities that were heavily residentially segregated. But desegregation is not the only reason that a state might pursue a policy of inter-district choice. States like Indiana and

Arizona have instituted wide-sweeping inter-district choice programs, partially in response to the competition that private school choice and charter schools have placed on public schools. If the logic goes, there is going to be school choice, districts want to keep it within their sector. Other states have pursued inter-district choice without the threat of private school choice or vouchers.²⁵

Inter-district choice often requires traveling long distances. Because by definition inter-district choice requires moving from one district to another, children without parents who are able to transport them are less likely to be able to take advantage of the program. Some states have responded by providing transportation to students participating in inter-district choice programs.

Figure 1 shows the 30 states that have at least some legal provision allowing for the public funding of inter-district student transportation. Of those states, six mandate pupil transportation services for open enrollment students at a level equivalent or roughly equivalent standard to intra-district students. Conditionally-mandated open enrollment transportation policies include students zoned to "failing" public schools, students eligible for the federal free and reduced-price (FRL) lunch program, students with special needs, students zoned to unaccredited schools, and homeless students. One state (Massachusetts) also has an open enrollment pupil transportation policy related to its law addressing racial imbalances in public schools.

FIGURE 1 Inter-District Pupil Transportation Map



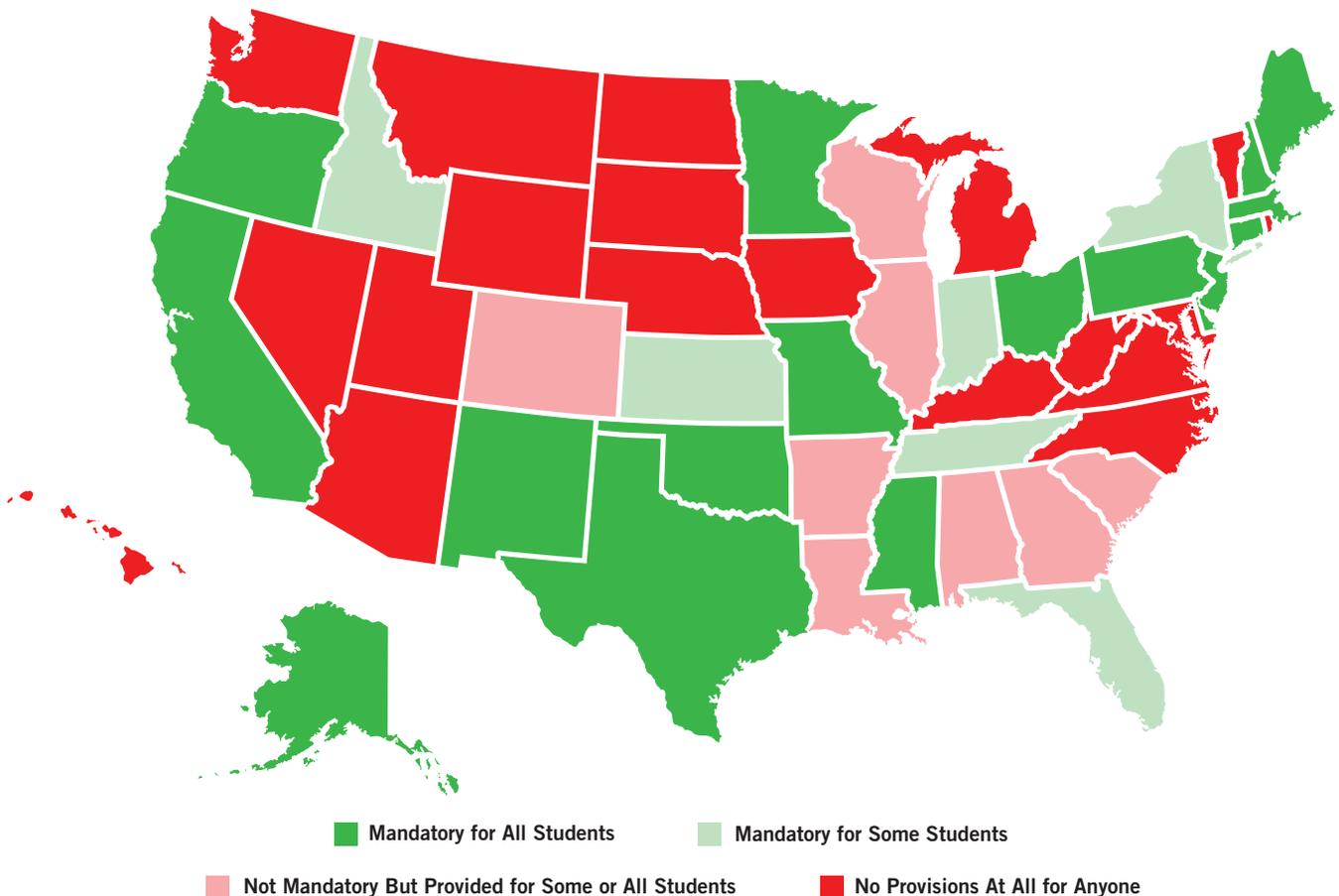
Exactly how these policies manifest themselves is complicated. In Alabama, for example, transportation is only provided if the student is leaving a failing traditional public school. In California, the receiving district is responsible for transportation. The same is true in Minnesota, but only up to the district’s boundaries. In Iowa, transportation is only provided for students with special needs. In West Virginia, county boards are in charge of determining transportation agreements for students wishing to utilize inter-district transfers. In Rhode Island, support is provided, but only within state-determined transportation zones. The full list of state provisions, including the relevant citations to state law are available in Appendix 1.

Charter Schools

Charter schools are a large and growing segment of the school choice landscape. According to the National Center for Education Statistics, more than 3 million students attend charter schools, up from just 400,000 in the year 2000.²⁶ Charter schools are independent public schools that draw from a broader catchment area than residentially assigned public schools. This often places a burden on students to be able to get to school.

States that approve charter schools often require founders to detail how the schools plan to address students’ transportation needs in their submission proposals. Illinois, for example, requires a description of the charter school as well as how it plans to address the transportation needs of low-income students.²⁷

FIGURE 2 Charter School Pupil Transportation Map



Aside from transportation proposal requirements placed on charter schools, school districts can also be mandated to transport charter school students. These mandates, though, are normally subject to various limitations, such as only necessitating transportation for students or schools within various district boundaries and limiting transportation to synchronous district busing routes.²⁸

In 31 states, transportation funding or services are made available for charter school students. Figure 2 shows those states. Of those 31 states, 17 mandate some form of transportation funding for charter school students at a level equivalent or roughly equivalent with public district school students. In addition to these charter student transportation policies, states also mandate pupil transportation services for charter school students zoned to “failing” public schools, FRL-eligible students, students with special needs, and homeless students.

As with inter-district choice, the manifestations of these policies vary. In California and Maine, for example, charter schools can receive the same student transportation allotment that traditional public schools receive, but only if they offer transportation services to students. In Indiana, districts are required to provide transportation for charter school students along existing bus routes. In states like Delaware, Massachusetts, and Tennessee, charter schools can work with districts for transportation (with the districts receiving the transportation funding) or can opt to go on their own and receive funding from the state to provide their own transportation services. The full list of state provisions, including the relevant citations to state law are available in Appendix 2.

Private Schools

According to the National Center for Education Statistics, 5.8 million children attended private schools in 2016.²⁹ Unlike other forms of school choice, private schooling is actually on the decline. In 1999, 6.0 million students attended private

schools.³⁰ Cost is obviously a factor, as all of the other school choice options we have discussed thus far are tuition-free to families. But transportation plays a role as well. It adds to the costs (in time, money, and effort to coordinate) that families already must bear to send their children to private schools.

Providing transportation to students who attend private schools has a long and controversial history. Two provisions contained in some state constitutions affect the ability of states and district to provide transportation to students attending private schools. As helpfully summarized in the Institute for Justice’s 2016 publication *School Choice and State Constitutions*, 29 states have “compelled support” clauses in their Constitutions, and 37 states have “Blaine” amendments.³¹ Compelled support clauses prohibit, as the name suggests, anyone in a state from being compelled to financially support a church or church ministry. They have their origin in colonial times, when people were compelled to attend or financially support a colony’s established church. Blaine Amendments, named after the 19th century politician James G. Blaine, bar public support of religious institutions. Blaine amendments date from a shameful time in American history when anti-Catholic bigotry and anti-immigrant Know-Nothingism worked to restrict the freedoms of those who did not conform to the era’s dominant Protestant ideology. At the time they were written, language barring public dollars from being appropriated to “sectarian” institutions (as it is usually formulated) really meant barring public dollars to Catholic institutions, as the publicly funded “common” schools were *de facto* Protestant schools.

The language in state compelled support clauses and Blaine Amendments vary, as does how various state courts have interpreted them over the years. Numerous different policies, from textbook loan programs to school voucher programs have run into challenges under these provisions. Student transportation policies have as well. Table 1, adapted from the legal analysis in *School Choice and State Constitutions*, breaks down the cases that have looked at private school pupil transportation over the years.

Of the 20 state cases that have tackled the issue, 13 have found that private school transportation was constitutional, and seven have found that it was not. When found to be constitutional, as in Minnesota’s 1970 *Americans United v. Independent School District* decision, the court held that support for private schools was incidental and could not be interpreted as either compelling support of a religious organization or directly supporting one. The true beneficiaries were families, not schools. The program was helping kids get to school, whether that school was religious or secular. Children only attended religious schools by the decision of their parents, not the program. Other states, like Illinois, ruled that the program was a health and safety program, and thus was constitutional, and New Jersey ruled that it was helping students comply with compulsory education laws.

Given the different wording of different state Blaine Amendments and compelled support clauses, there is no one answer across the country as to the constitutionality of state support of private school transportation. There is a strong argument that it should not be viewed as support of religious organizations, but that view is not universally shared.

This constitutional jurisprudence affects which states choose to provide support to these school choices.

So how many states actually provide transportation for private school students? By statute and/or regulatory code, 29 states have provisions to provide transportation for private school students. Of those states, seven mandate transportation services or funding at levels equivalent or roughly equivalent to those of public district school students. Populations of private school students also entitled

TABLE 1

Court Cases Litigating State-Supported Private School Transportation

State	State	Year	Constitutional? Y/N
AK	Matthews v. Quinn	1961	N
CT	Board of Education v. State Board of Education	1998	Y
DE	State ex rel v. Taubman	1934	N
HI	Spears v. Honda	1969	N
ID	Expeldi v. Engelking	1971	N
IL	Board of Education v. Bakalis	1973	Y
IN	AG Lexis 68	1967	Y
KU	Neal v. Fiscal Court, Jefferson County	1999	Y
MD	Board of Education v. Wheat	1999	Y
MA	Attorney General v. School Committee of Essex	1982	Y
MI	Alexander v. Bartlett	1968	Y
MN	Americans United v. Independent School District	1970	Y
MO	McVey v. Hawkins	1953	N
NJ	Everson v. Board of Education	1945	Y
NY	Board of Education v. Allen	1968	Y
OH	Honohan v. Holt	1968	Y
PA	Springfield School District v. Department of Education	1979	Y
SD	Opinion Attorney General S.D. 69	1992	N
WA	Mitchell v. Consolidated School District	1943	N
WV	Janasiewicz v. Board of Education	1982	Y

Source: Table adapted from Richard D. Komer and Olivia Grady (2016), *School Choice and State Constitutions: A Guide to Designing School Choice Programs*, revised March 2017, retrieved from Institute for Justice website: <https://ij.org/wp-content/uploads/2016/09/50-state-SC-report-2016-web.pdf>

TABLE 2**State Transportation Summary**

State	Inter-District	Charter School	Private School
AK	Alaska does not require public school districts to provide transportation to students transferring between districts.	Alaska requires districts to provide transportation to charter school students.	Alaska requires school districts to provide transportation to private school students that travel distances comparable to, and over routes the same as, the distances and routes over which the children attending public schools are transported.
AL	Alabama mandates inter-district transportation funding only for open enrollment students who are assigned to a “failing” district school.	Alabama charter schools receive earmarked foundation transportation funds if used for transportation; can contract with public or private services.	Alabama school districts can provide transportation for private school students at their own discretion.
AR	Arkansas mandates inter-district transportation funding only for open enrollment students who are assigned to a “failing” district school.	The state does not permit publicly funded transportation of charter school students unless they are zoned to a “failing” district school.	Arkansas does not allow for publicly funded transportation to private schools with the exception of students with special needs. Districts can transport students to private schools at their own discretion.
AZ	Arizona districts must have open enrollment transfer provisions, with income-eligible and special needs students receiving up to 20-mile one-way transportation.	Arizona does not require public school districts to provide transportation to charter school students.	Arizona does not require public school districts to provide transportation to private school students.
CA	In California it is the receiving district’s responsibility to provide transportation, with FRL-eligible students receiving additional assistance.	In California, charter transportation funding is in the funding formula.	California does not allow state dollars to be used to transport private school students.
CO	Students in some low-performing districts are granted “Transportation Tokens” to adjacent districts.	If a charter school's charter or contract includes provision of transportation services by the school district, the charter school and the school district shall collaborate in developing a transportation plan to use school district equipment to transport students enrolled in the charter school.	Colorado does not require districts to provide transportation to private school students.

TABLE 2**State Transportation Summary** *(continued)*

State	Inter-District	Charter School	Private School
CT	The state provides funding for transfers and the receiving districts can pay for transportation on a voluntary basis.	The local or regional board of education of the school district in which the charter school is located provides transportation services for students of the charter school who reside in the district.	Districts will provide the same kind of transportation services provided for its children attending public schools when a majority of the children attending the private school are residents of the state of Connecticut.
DE	Delaware does not require districts to provide transportation for inter-district transfer students.	The charter school may request to have the school district where the charter school is located transport students residing in that district, at fair cost, to and from the charter school on the same basis offered to other students or receive a portion of state transportation funding.	Private school students are entitled to transportation within the boundaries of their public school district.
FL	Florida does not require districts to provide transportation for inter-district transfer students.	Mandatory transportation funding through contiguous districts only.	Private school students may be transported on public school buses, and public school students may be transported on private school buses, where there is a mutual agreement between the local school board and the private school Hope and Tax Credit Scholarship programs provide transportation funding.
GA	Districts may contract for each other for inter-district transportation, but parents are otherwise responsible.	Charter schools can contract with local districts for transportation services.	Georgia does not provide transportation for private school students.
HI	Hawaii is only one school district, so there are no inter-district transfers.	Hawaii does not provide transportation for students attending any school outside of their attendance zone, including charter schools.	Hawaii does not provide transportation for private school students.

TABLE 2**State Transportation Summary** *(continued)*

State	Inter-District	Charter School	Private School
IA	Parents are responsible for transporting students to a designated bus stop in the receiving district. School districts with open enrollment agreements may make transportation arrangements. Open enrollment students meeting certain income guidelines receive transportation assistance from the sending district, including reimbursement.	Iowa does not provide transportation for charter school students.	Private school students are entitled to transportation services on the same basis as provided for public school pupils.
ID	Idaho does not provide transportation for students who transfer between districts.	The state department of education provides 60 percent of the estimated transportation cost for charter school students.	Private school students can pay to use public school buses.
IL	Illinois requires sending districts to provide transportation for students with special needs transferring between districts	Illinois allows charter school students to be transported along existing bus routes	Illinois allows private school students to be transported along existing bus routes
IN	Sending districts are required to pay transportation costs for students with IEPs, while inter-district transportation contracting is allowed for other students.	Districts must transport charter school students along existing bus lines.	Districts must transport private school students along existing bus lines.
KS	Kansas does not provide transportation for students who transfer between districts.	Districts must provide transportation for students who qualify for free meals under the national school lunch act and who live 2.5 miles or more from the school and can provide transportation for all students if they choose.	Districts must transport private school students along existing bus lines.
KY	Kentucky does not provide transportation for students who transfer between districts.	Kentucky does not have charter schools.	Kentucky does not require or provide transportation of private school students.

TABLE 2**State Transportation Summary** *(continued)*

State	Inter-District	Charter School	Private School
LA	The receiving district is responsible for transportation when a student transfers to a school closer to the student's residence than the student's assigned school. When a student transfers from a low-performing school, the sending district must provide transportation.	Charter schools can negotiate with local school boards to provide transportation services.	Louisiana does not require or provide transportation of private school students.
MA	The state of Massachusetts pays for inter-district transfers when transfers address "racial imbalances," as well as sometimes for FRL students.	School districts provide transportation to students in their district attending charter schools in their district.	Public school districts are not allowed to provide transportation to private school students.
MD	Maryland does not have a general open enrollment policy, although some students with special needs receive inter-district transportation services.	Maryland does not provide transportation for charter school students.	Private school transportation is authorized only in Calvert County.
ME	If the sending district does not have a school, it is responsible for the transportation costs. When school districts have policies allowing transfers between school districts, the policies must address transportation issues. In other cases, the parents are responsible for transportation costs.	Maine provides funding for charter pupil transportation, calculated in a similar manner to traditional public school transportation funding.	Maine does not require or provide transportation for private school students.
MI	Michigan does not provide support or require transportation services for students transferring between public school districts.	Michigan does not require or support transportation services for charter school students.	A school district is not required to transport or pay for the transportation of a resident pupil attending a nonpublic school unless the student attends the nearest state-approved private school.

TABLE 2**State Transportation Summary** *(continued)*

State	Inter-District	Charter School	Private School
MN	The receiving, or nonresident, school district must provide transportation within the district when requested by the parent, but is not responsible for transportation to and from the district's border.	If the charter school does not elect to provide transportation, the district in which the school is located must provide transportation for the charter school students.	A school district eligible to receive state aid for transportation must provide equal transportation within the district for all school children to any school when transportation is necessary because of distance or traffic conditions. Transportation may be provided under limited circumstances to out-of-district schools. Transportation is also authorized for private school students receiving pupil support services at public schools or neutral sites.
MO	The sending district is responsible for providing transportation for students attending another school if their assigned school is unaccredited. A desegregation program in the St. Louis area also provides funding for transfers specific to that program.	Charter schools are eligible for state transportation funding.	Private school students cannot be transported on public school buses.
MS	Transfer agreements between school districts must include a provision providing for transportation. In the absence of a provision, parents are responsible for transportation.	The state is required to disburse transportation funding to a charter school on the same basis and in the same manner as to districts.	Mississippi neither requires nor provides support for transportation of private school students.
MT	The attendance agreement between sending and receiving districts shall outline the financial obligations for transportation costs.	The only charter schools in Montana are district-created innovation schools, and thus do not have their own transportation policies.	Nonpublic school students may ride a public school bus if there is seating capacity available and the child secures a permit from the local school district. The school district may charge the child his or her proportionate share of the cost of operating the school bus.

TABLE 2**State Transportation Summary** *(continued)*

State	Inter-District	Charter School	Private School
NC	North Carolina does not have mandatory open enrollment policies.	North Carolina does not provide support for nor requires transportation of charter school students.	Students with special needs may be transported by public school buses to and from the nearest appropriate private school having a special education program approved by the State Board of Education if the child is publicly placed by the state or local school administrative unit.
ND	North Dakota does not require or provide support for inter-district transfer students.	North Dakota does not have charter schools.	Nonpublic school students may receive transportation to school on public school buses running on public school routes if authorized by the local school board and room is available.
NE	Students eligible for free lunch are eligible for free transportation or transportation reimbursement from the receiving district, as outlined in each district's transportation policies. For students with disabilities, transportation services are provided by the sending school district, which is reimbursed by the state.	Nebraska does not have charter schools.	Public school districts are required to provide transportation to nonprofit private school students along established bus routes.
NH	New Hampshire does not provide support nor requires districts to pay for the transportation of inter-district transfer students.	Students who reside in the school district in which the charter school is located must be provided transportation by the district on the same terms and conditions as provided for pupils attending other public schools within that district, with special needs students receiving additional transportation resources.	Pupils attending approved private schools, up to and including the 12 th grade, shall be entitled to the same transportation privileges within any town or district as are provided for pupils in public schools.
NJ	New Jersey school districts contract with each other for transportation services when students transfer between districts, with homeless students guaranteed transportation when transferring across district lines.	The students who reside in the school district in which the charter school is located must be provided transportation to the charter school on the same terms and conditions as transportation is provided to students attending the schools of the district.	Pupils attending nonprofit, nonpublic schools not more than 20 miles from their residence are entitled to transportation if the school district provides transportation for public school pupils.

TABLE 2**State Transportation Summary** *(continued)*

State	Inter-District	Charter School	Private School
NM	New Mexico does not provide support nor requires districts to pay for the transportation of inter-district transfer students.	A locally chartered charter school shall negotiate with a school district to provide transportation to students eligible for transportation and is eligible for state transportation funds.	New Mexico does not include private school students or schools in its transportation funding.
NV	Transportation costs must be paid by the sending district.	Nevada does not require nor provide support for the transportation of charter school students.	Nevada does not require nor provide support for the transportation of private school students.
NY	New York State appropriates out-of-district transportation funds, but they are not mandatory for districts to implement.	The state provides transportation services for homeless students attending charter schools.	Transportation from centralized pickup points at public schools may be provided to pupils attending nonpublic schools under certain circumstances.
OH	Districts must provide transportation for same-year transfer students and students with incarcerated parents.	The school district must provide transportation to resident students attending a charter school within the school district, unless the charter school and school district have an agreement requiring the charter school to provide transportation or the charter school accepts responsibility for transportation.	Districts have the option to distribute transportation funds to private school parents.
OK	Upon the request of a parent, receiving districts may provide transportation only within the receiving district's boundaries. However, districts may make agreements allowing the receiving district to transport students inside the boundaries of the sending district.	Oklahoma requires transportation services to be provided to charter school students.	Transportation to religious schools barred by state regulations and Oklahoma's Blaine Amendment.
OR	Oregon does not provide support nor requires districts to pay for the transportation of inter-district transfer students.	The charter school is responsible for providing transportation to students who reside within the school district and who attend the charter school, but the charter school may negotiate with a school district for transportation services.	All children attending private or parochial schools under the compulsory school attendance laws are entitled to transportation along or near the designated routes when the district provides transportation for public school students.

TABLE 2**State Transportation Summary** *(continued)*

State	Inter-District	Charter School	Private School
PA	Pennsylvania does not provide support nor requires districts to pay for the transportation of inter-district transfer students.	Students must be provided free transportation to the charter school by their school district of residence, with some exceptions such as distance; otherwise, Pennsylvania allocates transportation funds to charter schools.	Local school boards that provide transportation for public school students must provide identical transportation services for nonpublic school students enrolled in nonprofit schools within the district boundaries or outside the district boundaries at a distance not exceeding 10 miles by the nearest public highway.
RI	The state provides for transportation of students who attend a school located outside the city or town where they reside but only within defined transportation regions.	Rhode Island does not provide support nor requires districts to pay for the transportation of charter school students.	Districts must provide transportation for private school students within the district and within the region if no other similar school operates within the district.
SC	South Carolina does not provide support nor requires districts to pay for the transportation of inter-district transfer students unless students have multiple disabilities.	Districts can "designate" charters for state-based transportation funding, but are otherwise not eligible.	South Carolina does not provide support nor requires districts to pay for the transportation of private school students.
SD	The receiving district may enter into an agreement to provide transportation within the boundaries of a sending district at an approved pick-up location and may charge a reasonable fee.	South Dakota does not have charter schools.	South Dakota does not provide support nor requires districts to pay for the transportation of private school students.
TN	Tennessee does not provide support nor requires districts to pay for the transportation of inter-district transfer students.	A charter school may make transportation arrangements with the local education agency in which the school is located. If a charter school decides to provide its own transportation, it will receive all funds that would have been spent by the local district on transportation.	Tennessee does not provide support nor requires districts to pay for the transportation of private school students.
TX	For students transferring out of a low-performing school under the public education grant program, sending districts will provide transportation costs to and from the students' assigned schools.	An open-enrollment charter school must provide transportation to each student attending the school to the same extent a school district is required by law to provide transportation to its students.	Texas does not provide support nor does it require districts to pay for the transportation of private school students, but private school students can get half price public transportation fare when school is in session.

TABLE 2**State Transportation Summary** *(continued)*

State	Inter-District	Charter School	Private School
UT	The receiving district must provide transportation on an approved route within the district if space is available. Otherwise, parents are responsible for transportation.	Utah does not provide support nor does it require districts to pay for the transportation of charter school students.	Utah does not provide support nor does it require districts to pay for the transportation of private school students.
VA	Virginia does not provide support nor does it require districts to pay for the transportation of inter-district transfer students.	Virginia does not provide support nor does it require districts to pay for the transportation of charter school students.	Local school districts may, though are not required to, enter into agreements with private schools to provide students transportation to and from school.
VT	Vermont does not provide support nor does it require districts to pay for the transportation of inter-district transfer students.	Vermont does not have charter schools.	Transportation of private school students is at the district's discretion.
WA	Washington does not provide support nor does it require districts to pay for the transportation of inter-district transfer students.	Washington does not provide support nor does it require districts to pay for the transportation of charter school students.	Washington does not provide support nor does it require districts to pay for the transportation of private school students.
WI	Receiving districts must provide transportation for students with a disability. Low-income parents may apply to state for reimbursement.	If a charter school chooses to provide transportation, it is eligible for state transportation aid.	With some exceptions, school boards operating high schools must provide transportation for K–12 private school students if distance and attendance-zone requirements are met.
WV	Sending and receiving county boards must determine the method of transportation. Sending county boards are responsible for transportation if the county board has initiated the transfer plan.	West Virginia did not have charter schools when this research was conducted.	School boards may contract with private schools, transport private school students on buses, or provide reimbursements for transportation expenses.
WY	Wyoming does not provide support nor does it require districts to pay for the transportation of inter-district transfer students.	Wyoming does not provide support nor does it require districts to pay for the transportation of charter school students.	Wyoming does not provide support nor does it require districts to pay for the transportation of private school students.

Sources: Many descriptions for states' open enrollment and charter pupil transportation policies in this table were adapted from Education Commission of the States (2018), *50-State Comparison: Charter School Policies*, retrieved from Education Commission of the States website: <https://www.ecs.org/charter-school-policies>; Education Commission of the States (2018), *50-State Comparison: Open Enrollment Policies* (2018 update), retrieved from Education Commission of the States website: <https://www.ecs.org/charter-school-policies>. Pertinent state pupil transportation statutes and regulations by sector are listed in the Appendices.

CONCLUSION

States and districts across the country are looking to optimize their bus routes to save money and to minimize travel times for students. Bus companies are looking to make buses and bus journeys safer. Choice, both within the traditional public school system and outside of it, is growing. There are enough points of frustration to push for change.

Technology can help, but mindsets must change first. More and more children are opting out of their traditional, residentially assigned school, and forward-thinking states need to recognize that their pupil transportation systems are going to have to adapt to this new reality. This provides a great opportunity to improve racial and socio-economic integration, match students to learning environments that better meet their needs, and create a system that is more flexible, more pluralistic, and more personalized. We should support this, and those involved in pupil transportation should see the positive role that they can play in advancing these trends. Once we recognize the large role that pupil transportation can play, we can start to leverage it.

Private school choice programs have not, to date, been helpful in overcoming transportation barriers. Though for a time the Florida Tax Credit Scholarship Program provided pupil transportation funding, today only two education savings account (ESA) programs (in Mississippi and North Carolina) allow ESA dollars to be used for pupil transportation. Nevada's short-lived program allowed for up to \$750 to be used for transportation, but it went away with the dissolution of that program.

Policy Recommendations

We'd like to offer a set of policy recommendations based on our review of the literature on pupil transportation and school choice and our examination of the current legal landscape.

States should appropriate funding for charter schools to transport their students to their schools.

Charter school students need to be able to get to school just like every other child does. In many states, if charter schools want to provide transportation, they have to dig into the general funding that they receive from the state. They do not get dedicated pupil transportation funding. This should change. They should get the same transportation allotment as traditional public schools. Now, charter schools will have to be creative with this funding, as more than likely their students will have to travel greater distances and be more dispersed than residentially assigned traditional public school students, but that is a fair tradeoff for access to state transportation funding.

Private school choice programs should allow pupil transportation as an allowable use of ESA, tax-credit scholarship, or voucher dollars.

If schools or families want to partner with the local district to share these funds to help defray the costs of transporting students on existing buses, great. If they want to buy and operate their own buses or use some other form of transportation (like ridesharing), that is great too. They will know what the best way to transport their students is. This might mean increasing the amount of money available in the voucher, tax-credit scholarship, or education savings account to take into account that a portion will be used for transportation.

States should not artificially restrict pupil transportation methods.

According to the National Highway Traffic Safety Administration, school buses are “the most regulated vehicles on the road.”³³ While protecting students safety is the highest priority, human transportation is evolving. Ridesharing apps and, more distantly in the future, autonomous vehicles have and will continue to change how we move around. States should be careful when they regulate buses or place requirements on the types of vehicles that can transport students so that they do not inadvertently prevent innovation. There are many safe options to transfer pupils that are not big yellow school buses, and these options might solve problems that schools have.

Schools and districts should look to technological solutions to improve their transportation systems to drive down costs and allow more students to participate.

If cost is a barrier to providing transportation services for children to attend schools outside of the traditional school district, then driving down the cost of pupil transportation should be a top priority. Startups like Kansas City’s Transportant are working on technological solutions to gather better data on bus routes and optimize them in a variety of ways, but there is much work to be done.

Policymakers should look to improve the quality of the current pupil transportation system.

It is important that facilitating school choice does not come at the expense of an overburdened pupil transportation system. Existing systems can still have children on buses for long periods of time at high cost. Improving how buses are routed and how the web of school options can be navigated is a huge opportunity for technological solutions and those in the school choice movement should work to support such innovation.

School choice supporters neglect the role of pupil transportation at their peril. Provisions for student transportation should be incorporated in policies attempting to advance school choice. Leaving the means to get to a school of choice out of the equation risks creating choice in name only.

APPENDIX 1

Inter-District Choice Transportation Statutes by State

State	Inter-District Mandatory Transportation	Inter-District Conditional Transportation	Statute(s)Reg(s)
AK			AS § 14.09
AL		failing schools	Ala. Code § 16-6D-8(b)(8)
AR		failing schools	Ark. Code Ann. §§ 6-18-1904 and 6-21-812
AZ			Ariz. Rev. Stat. Ann. § 15-816.01
CA		FRL	Cal. Educ. Code §§ 48311 and 46600
CO		failing schools, adjacent (discretionary)	Colo. Rev. Stat. Ann. §§ 22-1-122 and 22-32-113
CT			Conn Gen. Stat. Ann. § 10-221e, § 10-266aa
DE			Del. Code Ann. tit. 14, § 409
FL			Fla. Stat. Ann. §§ 1002.31 and 1002.20
GA			Ga. Code Ann. § 20-2-293 & § 20-2-294; Ga. Comp. R. & Regs 160-5-4-.09
HI			
IA			Iowa Code Ann. § 282.18 Iowa Admin. Code r. 281-17.9
ID			Idaho Code Ann. § 33-1402
IL		special needs	105 ILCS 5/29-6 and 15/14-7.01
IN			IC 20-35-8-2
KS			Kan. Stat. Ann. § 72-8233
KY		special needs	KY OAG 69-140 and KRS § 157.280
LA			La. Rev. Stat. § 17:105.1; 28 La. Admin. Code Pt. XI, 2503
MA		FRL, racial imbalance	Mass. Gen. Laws Ann. 76 § 12B
MD		special needs	MD Code, Education, § 8-410
ME			Me. Rev. stat. Ann. § 20-A-5401, § 20-A-5203, § 20-5205
MI			Mich. Comp. Laws Ann. § 388.1705, § 388.1705c
MN			Minn. Stat. Ann. § 124D.03, § 124D.87
MO		unaccredited schools	Mo. Stat. Ann. § 162.1060, § 167.131
MS			Miss. Code Ann. § 37-15-31
MT			Mont. Code Ann. § 20-5-321, 20-10-121
NC			N.C. Gen. Stat. Ann. § 115C-240
ND			N.D. Cent. Code § 15.1-31-05
NE		FRL	Neb. Rev. Stat. § 79-238, § 79-241, § 79-611, 79-598, and 79-2110.01
NH			N.H. Rev. Stat. § 194-D:2
NJ		homeless	N.J. Stat. Ann. §§ 18A:36B-22, 18A:39-1, and 18A:7B-12.1; N.J. Admin. Code § 6A:12-8.1 and § 6A:12-9.1
NM			N.M. Admin. Code 6.42.2.10, 6.19.8.8, 6.43.2.15
NV			Nev. Rev. Stat. Ann. § 392.010, § 392.015
NY			NY EDUC § 3622-a
OH		same-year transfer, incarcerated parent	Ohio Rev. Code Ann. §§ 3313.97 and 3313.64, § 3313.98, 3313.981, 3327.05
OK			Okla. Stat. Ann. tit. 70, § 9-101, § 9-105
OR			O.R.S. § 327.006(2)a
PA			24 P.S. § 13-1361
RI		special needs	R.I. Gen. Laws Ann. § 16-21.1-1, 16-24-4
SC		multiple-handicapped children	SC ST §§ 59-156-190 and 59-33-50
SD			S.D. Code Ann. § 13-28-41.1, § 13-28-45
TN			Tenn. Code Ann. § 49-6-3104
TX		failing schools	Tex. Educ. Code § 29.201 through 29.203
UT			Utah Code Ann. § 53G-6-406 and Utah Admin. Code r. R277-437
VA			Va. Code Ann. § 22.1-7.1
VT			16 VSA §1222.
WA			West's RCWA 28A.160.010
WI		special needs, low-income	Wis.Stat. Ann. §§ 118.51; 115.82, 121.54
WV			WV St §§ 18-5-13(f) and 18-6-16, W. Va. Code R. 126-189-3
WY			W.S.1977 § 21-4-401

■ Mandatory for All Students
 ■ Mandatory for Some Students
■ Not Mandatory But Provided for Some or All Students
 ■ No Provisions At All for Anyone

APPENDIX 2

Charter School Transportation Statutes by State

State	Inter-District Mandatory Transportation	Charter Conditional Transportation	Statute(s)Reg(s)
AK			AS § 14.09(d); 4 Alaska Admin. Code § 27.057
AL		failing schools	Ala. Code § 16-6F-10(5)
AR		failing schools	Ark Code Ann. §§ 6-19-101 through 131
AZ			Ariz. Rev. Stat. Ann. § 15-185
CA		FRL	Cal.Educ.Code § 42238.02(h)1
CO		failing schools	C.R.S.A. § 22-30.5-112.5
CT			C.G.S.A. § 10-66ee
DE			14 Del.C. § 508
FL			F.S.A. § 1006.21(d)5; §§ 1002.33 and 1002.31
GA			Ga. Code Ann. § 20-2-2083(b)11
HI			Haw. Admin. Rules (HAR) § 8-27-4(g)
IA			I.C.A. § 256F
ID			I.C. §§ 33-1501 and 33-5208
IL			105 ILCS 5/29-4
IN			Ind. Code § 20-27-11-1
KS		free lunch	KS ST § 72-4210
KY			
LA			LSA-R.S. 17:3991(d)
MA			M.G.L.A. 71 § 89(cc)
MD			MD Code, Education, § 7-801
ME			20-A M.R.S.A. § 2413-A(2)a(3) and 20-A 2412
MI			
MN			Minn. Stat. §§ 124E.15 and 124E.23
MO			Mo. Ann. Stat. §§ 160.410, § 160.415 and 167.241.
MS			Miss. Code Ann. § 37-28-55
MT			
NC			N.C. Gen. Stat. Ann. § 115C-218.40
ND			
NE			
NH		special needs	N.H. Rev. Stat. Ann. §§ 194-B:2, 194-B:11
NJ			N.J. Stat. Ann. § § 18A:36A-13 and 6A:27-3.1
NM			N. M. S. A. 1978, § 22-8B-4(l) and 22-8B-8
NV			Nev. Rev. Stat. Ann. § 388A.246
NY		homeless	N.Y. Educ. Law §§ 2851, 2853 and 3209
OH			Ohio Rev. Code Ann. § § 3314.09, 3314.091 and 3327.02
OK			Okla. Stat. tit. 70, § 3-141
OR			Or. Rev. Stat. Ann. § 338.145
PA		special needs	24 Pa. Cons. Stat. Ann. §§ 17-1726-A and 25-2509.8
RI			R.I. Gen. Laws § 16-77.2-5
SC			S.C. Code Ann. § 59-40-50; S.C. Code Ann. § 59-40-60
SD			
TN			Tenn. Code Ann. § 49-13-107 and § 49-13-114
TX			Tex. Educ. Code Ann. § 12.109
UT			Utah Code Ann. § 53F-2-702
VA			Va. Code Ann. § 22.1-212.8
VT			
WA			WA ST § 28A.710.280
WI			Wis. Stat. Ann. §§ 118.40 and 121.58
WV			
WY			Wyo. Stat. Ann. § 21-3-307

■ Mandatory for All Students
 ■ Mandatory for Some Students
■ Not Mandatory But Provided for Some or All Students
 ■ No Provisions At All for Anyone

APPENDIX 3

Private School Transportation Statutes by State

State	Inter-District Mandatory Transportation	Private Conditional Transportation	Statute(s)/Reg(s)
AK			AS § 14.09.020
AL		failing schools	Ala. Code § 16-6D-8(b)(8)
AR		special needs	Ark. Admin. Code 005.18.14-14.08
AZ			AZ ST § 15-921
CA			Cal. Educ. Code Pt. 23.5 §§ 39808 and 1270.1
CO			
CT			C.G.S.A. §§ 10-281, 10-280c
DE			14 Del.C. § 2905
FL			Fla. Stat. Ann. § 316.6146
GA			Ga. Code Ann. § 20-2-1070
HI			Haw. Admin. Rules (HAR) § 8-27-4(g)
IA			I.C.A. §§ 285.1-3
ID			I.C. § 33-1501
IL			105 ILCS 5/29-4
IN			IC §20-27-11-1
KS			KS ST 72-6491, 72-8306
KY			KRS § 157.360(2)c
LA			LSA-R.S. 17:158(a)1
MA			M.G.L.A. 71 § 7A
MD		special needs	MD Code, Education, §§ 7-801 and 8-410
ME			20-A M.R.S.A. § 5401
MI		nearest private school	M.C.L.A. 380.1321(b)3
MN		special needs	Minn. Stat. Ann. §123B.86 and 125A.18
MO		dropout risks	McVey v. Hawkins, 258 S.W.2d 927 (1953), Mo. Rev. St 167.280
MS			Miss. Code Ann. § 37-41-3
MT			Mont. Code Ann. §20-10-123.
NC		special needs	N.C. Gen. Stat. §115c-242(1)
ND			N.D. Cent. Code § 15.1-30-15
NE			Neb.Rev.St. § 79-601
NH			N.H. Rev. Stat. Ann. §189:9.
NJ			N.J. Rev. Stat. §18A:39-1, 18A:39-1.8 and 18A:39-1.6
NM			22 NM St. Art. 16
NV			NRS 386.790.
NY			N.Y. Edn. Law §3635.1.a-c; 2-a.
OH			ORC §3327.01
OK			Board of Education, Ind. Sch. Dist. No. 52 v. Antone, 384 P.2d 911 (Okla. 1963).
OR		special needs	Or. Rev. Stat. §§332.415 and 339.134
PA			24 P.S. §§13-1361, 21-2114, 25-2509.3.
RI			RIGL §16-21-1
SC			S.C. Code §59-67-420
SD			S.D. Codified Laws §13-29-6
TN			TCA 49-6-2117
TX			Texas Transportation Code Annotated, Title 5, §131.103.
UT			Utah Code Titles 53e-g
VA			Va. Code § 22.1-176.1.
VT			16 VSA §1222.
WA			RCW 28A.320.080 and 28A.160.020
WI			Wis. Stats. §121.54
WV			WV Code §18-5-13(f)(1)(A).
WY			W.S.1977 § 21-13-320

■ Mandatory for All Students
 ■ Mandatory for Some Students
■ Not Mandatory But Provided for Some or All Students
 ■ No Provisions At All for Anyone

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17. Two resources were instrumental in providing a starting point as well as a verification backstop for this research. The U.S. Department of Education's Office of Non-Public Education collects and reports states' regulations pertaining to private schools, although there is a moderate degree of variation in how recently various states' regulations have been updated by the office. See: U.S. Department of Education, State Regulations of Private and Home Schools [Web page], last modified September 5, 2019, retrieved from <https://www2.ed.gov/about/inits/ed/non-public-education/regulation-map/index.html>

In addition, the Education Commission of the States released both charter school and open enrollment 50-state policy comparisons in 2018. These comparisons provided insightful analyses related to states' transportation policies within these schooling sectors. See Education Commission of the States (2018), *50-State Comparison: Charter School Policies*, retrieved from Education Commission of the States website: <https://www.ecs.org/charter-school-policies>; Education Commission of the States (2018), *50-State Comparison: Open Enrollment Policies (2018 update)*, retrieved from Education Commission of the States website: <https://www.ecs.org/charter-school-policies>

18. Terms for private school choice included "private," "private school," "nonpublic," and "non-public." Terms for open enrollment included "legal settlement," "residence," "resides," "school corporation," "transfer," "outside and district," "open enrollment," "non-resident," "inter-district," and "intra-district." Terms for charter schools included "charter," "community school", and "authorize/d." Transportation-related terms included "transport," "transportation," "bus," and "busing."

19. We should note that our baseline of comparison is traditional public schools and students; students attending alternative public schools were not accessed for the sake of comparison as laws pertaining to such schools generally have more liberal pupil transportation policies.

20. For those interested in an overview of pupil transportation policy and practice in general, we would recommend *The Challenges and Opportunities in School Transportation Today*, retrieved from Bellwether Education Partners website: <https://bellwethereducation.org/publication/challenges-and-opportunities-school-transportation-today>

21. James Sibley (2019, April 8), Don't Be an IEP Afterthought – Transportation is More Than a 'Related Service', *School Transportation News*, retrieved from <https://stnonline.com/blogs/dont-be-an-iep-afterthought-transportation-as-more-than-just-a-related-service>

22. Arizona, for instance, requires districts to report routes, vehicle inventory, maintenance, and daily route mileage, among other variables. See Arizona Department of Education (2014), *Policies & Procedures Manual: Transportation Guideline*, retrieved from <https://www.azed.gov/finance/files/2014/06/sf-0002-transportation-guideline-issued-7-1-14.pdf>

23. New York City's Department of Education, for instance, distributes MetroCards to students living more than half of a mile from their school. See New York City Department of Education, Metrocards [Web page], accessed October 15, 2019, retrieved from <https://www.schools.nyc.gov/school-life/transportation/metro-cards>

24. We encourage curious readers to read the cited statutes and regulations in order to better appreciate these nuances that could not be adequately captured in a policy landscape paper such as this.

25. For a complete list of states offering open enrollment, see Education Commission of the States, 50-State Comparison: Does the State Have Open Enrollment Programs? [Web page], last modified October 2018, retrieved from <http://ecs.force.com/mbdata/MBQuestNB2n?rep=OE1801>

26. Ke Wang, Amy Rathbun, and Lauren Masu (2019), *School Choice in the United States: 2019* (NCES 2019-106), retrieved from <https://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2019106>

27. 105 ILCS 5/27A-7

28. It is worth noting, too, that many urban charter schools share with and lease facilities from school districts. This may make it easier for such district-charter transportation coordination that several states mandate. On the other hand, for charter schools that have difficulties in securing facilities, the placement of schools in less-desirable and further-removed areas may exacerbate transportation difficulties – especially in states where district-supported charter student transportation is only mandated along preexisting district bus routes.

29. Ke Wang, Amy Rathbun, and Lauren Masu (2019), *School Choice in the United States: 2019*

30. Ibid.

31. Richard D. Komer and Olivia Grady (2016), *School Choice and State Constitutions: A Guide to Designing School Choice Programs*, revised March 2017, retrieved from Institute for Justice website: <https://ij.org/wp-content/uploads/2016/09/50-state-SC-report-2016-web.pdf>

32. Conn. Gen. Stat. § 10-281

33. National Highway Traffic Safety Administration, School Bus Safety: School Bus Regulations [Web page], accessed October 15, 2019, retrieved from <https://www.nhtsa.gov/road-safety/school-bus-safety#bus-regs>

ABOUT THE AUTHORS



Michael Q. McShane

Michael Q. McShane serves as the director of national research at EdChoice.

In addition to his work at EdChoice, he is currently an opinion contributor to Forbes, and his analyses and commentary have been published widely in the media, including in USA Today, The Washington Post, and National Affairs. He has also been featured in education-specific outlets such as Teachers College Record, Education Week, Phi Delta Kappan, and Education Next. In addition to authoring numerous white papers, McShane has had academic work published in Education Finance and Policy, The Handbook of Education Politics and Policy, and the Journal of School Choice.

He is the editor of *New and Better Schools* (Rowman and Littlefield, 2015), the author of *Education and Opportunity* (AEI Press, 2014), and coeditor of *Bush-Obama School Reform: Lessons Learned* (Harvard Education Press 2018), *No Longer Forgotten: The Triumphs and Struggles of Rural Education in America* (Rowman and Littlefield, 2018), *Failure Up Close: What Happens, Why it Happens, and What We Can Learn from It* (Rowman and Littlefield, 2018), *Educational Entrepreneurship Today* (Harvard Education Press, 2016), *Teacher Quality 2.0* (Harvard Education Press, 2014) and *Common Core Meets Education Reform* (Teachers College Press, 2013).

A former high school teacher, he earned a Ph.D. in Education Policy from the University of Arkansas, an M.Ed. from the University of Notre Dame, and a B.A. in English from St. Louis University. He is also an adjunct fellow in education policy studies at the American Enterprise Institute and a senior fellow at the Show-Me Institute.



Michael Shaw

Michael Shaw is the research analyst for EdChoice. In that role, Mike supports quality control as the organization's data collector, verifies its research, and analyzes data and policy issues. Before joining EdChoice, Mike worked as a reporter for news organizations in Colorado, Virginia, and Missouri. He holds degrees in Economics and Journalism as well as a minor in Spanish from the University of Missouri. While there, Mike researched parochial school consolidation in the St. Louis area, of which he is a native.

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