

SPECIAL EDUCATION TRANSPORTATION

Legal Requirements Regarding Special Education Transportation

Education Code section 56040(a) states: "Every individual with exceptional needs, who is eligible to receive special education instruction and related services under this part, shall receive that instruction and those services at no cost to his or her parents or, as appropriate, to him or her."

Related services refer to transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education. (34 C.F.R. § 300.34(a).) Transportation as a related service includes travel to and from school, between schools, travel in and around school buildings, and specialized equipment (such as special or adapted buses, lifts, and ramps), if required, to provide special transportation for a child with a disability.(34 C.F.R. § 300.34(c)(16)(i-iii).)

The District should not automatically offer a student transportation within his or her individualized education program (IEP). Instead, the offer should be based on the student's disability, individual needs, and the continuum of placement options.

For students with severe medical needs and/or surgically implanted devices, the District's responsibility is to appropriately monitor and maintain such medical devices that are needed to maintain the health and safety of the child, including breathing, nutrition, or operation of other bodily functions, while the child is transported to and from school. (34 C.F.R. § 300.34(b)(2)(ii).)

Length of School Day, Related Services, Extracurricular Events

Pupils receiving special education and related services must be provided with an educational program in accordance with their IEP for at least the same length of time as the regular school day and appropriate for their chronological peer group, unless otherwise stated in a student's IEP.

If a student is temporarily placed on a shortened day due to an IEP team decision, the District is required to offer transportation to the student to accommodate their modified schedule if that student is otherwise eligible for special education transportation. In addition, there may be occasions where the needs of the pupil require receiving therapy or some other related service that cannot be provided during the "established" school day.

If it is determined by an IEP team that a student requires services outside the typical school day, the team must also consider whether transportation to and from the service is required. If provisions for "early" or "late" transportation are made for pupils within the general education program due to extracurricular events, provisions for equal opportunity to these events for pupils with exceptional needs who require special transportation must also be made.

Transportation in IEPs

Per legal mandate, the IEP team determines if transportation is required to assist a child with a disability to benefit from special education and related services, and how the transportation services should be implemented. The IEP document should describe the transportation services to be provided, including transportation to enable a child with disabilities to participate in nonacademic and extracurricular activities in the manner necessary to afford the child an equal opportunity for participation in those services and activities to the maximum extent appropriate to the needs of that child. The Individuals with Disabilities Education Act's (IDEA) least restrictive environment (LRE) mandate applies to all aspects of special education and related services, including the provision of transportation services.

The District should start with the presumption that a student with a disability will ride with nondisabled peers, as long as such transportation is appropriate to meet the child's educational needs. It is important to remember that all pupils, including those receiving special education instruction and services, are subject to the rules and policies governing regular transportation offerings within the District, unless the specific needs of the eligible pupil or the location of the special education program/service dictate that special education transportation is required.

Key Considerations for Determining Transportation Need

The case-by-case determination of students' eligibility(-ies) for transportation should include consideration of a child's mobility, behavior, communication skills, physical needs, age, ability to follow directions, the distance the child will have to travel, the nature of the area, and the availability of private or public assistance. Issues in these areas may make it difficult for a student to get to and from school and may create a need for special education transportation. Factors that may contribute to the consideration of special education transportation may include, but are not limited to:

- Medical diagnosis and health needs: consideration of whether long bus rides could affect a pupil's health (duration, temperature control, need for services, health emergencies); general ability and/or strength to ambulate/wheel; approximate distance from school or the distance needed to walk or wheel oneself to the school; consideration of pupil needs in inclement weather.
- Physical accessibility of curbs, sidewalks, streets, and public transportation systems;
- Consideration of a pupil's capacity to arrive at school on time, to avoid getting lost, to avoid dangerous traffic situations and to avoid other potentially dangerous or exploitative situations on the way to and from school;
- A BIP specified by the pupil's IEP and consideration of how to implement such plans while a pupil is being transported;
- Mid-day or other transportation needs, as required, on a pupil's IEP (occupational or physical therapy or mental health services at another site, community-based classes, etc.)

must also be taken into consideration when the IEP team discusses a pupil's placement and transportation needs; and/or

- Extended school year services, which should be another consideration of a pupil's need for transportation, if considered necessary, to provide a free appropriate public education as specified in a pupil's IEP.

IEP Goals and Services to Increase Transportation Independence

The determination as to whether goals and objectives addressing transportation are required in a student's IEP depends upon the purpose of the transportation. If transportation is being provided solely to enable the student to attend school, no goals or objectives may be needed. However, if transportation is provided for some other purpose related to the student's education and the student receives instruction during the provision of the related service, then goals and objectives must be provided. For instance, if services are being provided to increase a student's independence while in transit, goals and objectives would be necessary. When developing specific IEP goals and objectives related to the pupil's use of transportation, the IEP team may wish to consider a blend of transportation services as the pupil's needs evolve. Students may require ongoing assessment and refinement of IEP goals as transportation skills increase.

“Travel training” may also be appropriate to offer for some students. Travel training is "instruction, as appropriate, to children with significant cognitive disabilities, and any other children with disabilities who require this instruction, to enable them to:

- Develop an awareness of the environment in which they live; and
- Learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community.”

The IEP team may wish to consider the travel training needs of some students for whom transportation is being considered as a related service.

Bus Suspension

Occasionally pupils receiving special education services are suspended from bus transportation. The suspension of a pupil receiving special education services from transportation can constitute a significant change of placement if the District:

- Has been transporting the student;
- Suspends the student from transportation as a disciplinary measure; and does not provide another mode of transportation.

A significant change in placement requires a meeting of the IEP team to review the pupil's IEP. An alternative form of transportation must be provided if transportation is specified in the pupil's

individualized education program. During the period of any exclusion from bus transportation, pupils must be provided with an alternative form of transportation at no cost to the pupil or parent or guardian in order to be assured of having access to the required special education instruction and services.