



OCECD Parent Toolkit

INFORMATION
SHEETS



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ADVOCATE.**

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Transportation of Students with Disabilities What parents need to know...

The federal and state laws governing the transportation of children with disabilities are:

The Individuals with Disabilities Education Act (IDEA)

The IDEA, our nation's special education law, identifies transportation as a related service for students identified with a disability under the law.

Here is IDEA's definition of transportation as a related service:

Related services means 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(c)(16)]

Transportation includes:
Travel to and from school and 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(a)]

Section 504 of the Rehabilitation Act of 1973

Section 504 is a civil rights law that ensures that no qualified individual with a disability shall, because of their disability, be

excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives federal financial assistance.

Americans with Disabilities Act (ADA)

The ADA prevents discrimination against all persons with disabilities, including school children, and can impact the provision of transportation to students with disabilities.

Most children with disabilities receive the same transportation services as nondisabled children, unless the child's Individualized Education Program (IEP) team determines that the child's unique needs require otherwise. For some children with disabilities, specialized transportation services are necessary in order for them to benefit from special education. The need for special transportation must be considered for any child with a disability between the ages of 3 through 21 years of age: preschool, elementary, and secondary (high school) students. These services, as described in the child's IEP, are at no cost to parents.

Transportation for a child with a disability is more than just picking up and dropping off the child before and after school. For a child with a disability, specialized transportation may be considered to be part of a free appropriate public education (FAPE). A child's unique transportation needs must include all of the services needed to support the child's educational program, as well as, ensure the safe transportation and well-being of the child.



If your child has an IEP, he or she may qualify for transportation as a related service on their IEP. Becoming knowledgeable about the facts relating to transportation and special education will help you make informed decisions on behalf of your child with regard to their transportation needs.

Ohio Operating Standards for the Education of Children with Disabilities

The Ohio Operating Standards for the Education of Children with Disabilities identify the state-imposed rules, regulations and policies that apply to the provision of special education and related services to children with disabilities. These rules specifically address transportation as a related service. Ohio school districts, county boards of developmental disabilities and other educational agencies are required to comply with these rules, regulations, and policies. (Chapter 3301-51 of the Ohio Administrative Code)

Common questions about transportation...

Are all children with disabilities entitled to transportation?

Not all children with disabilities will require transportation as a related service. If a student with a disability is capable of using the same transportation as nondisabled students, specialized transportation services would not be required. [*Letter to Hamilton, 25 IDELR 520 (OSEP1996)*]. However, transportation as a related service, must be provided if it is required for a child to benefit from special education. This is true even if the school district does not offer transportation to non-disabled students.

Who makes the decision about a child's need for transportation?

The decision about a child's need for transportation is an individualized one, made by the child's Individualized Education Program (IEP) team, and based on the child's unique needs resulting from their disability. The IEP team must consider, what, if any specialized equipment or personnel are needed to transport the child. School district transportation personnel should be consulted, as related service providers. At times, the bus driver and/or bus aide may need to attend the IEP meeting.



As members of the IEP team, parents are involved in the discussion and decision-making about their child's need for transportation services. The determination about transportation as a related service is made at least once a year, generally during the annual review of the IEP.

Examples of a child's needs, as related to their disability, that would require transportation as a related service:

- The child is unable to physically board a school bus.
- The child cannot walk to, or stand at a bus stop, safely.
- The child has behaviors that may create safety concerns for the driver or other children on the bus.
- The child has medical needs that require health-related services or monitoring during transportation.
- The child needs transportation to and from a provider of special education services.

What should be documented in the IEP?

The IEP should specify in clear language the specialized transportation services that will be provided.



In Ohio, the IEP team documents transportation as a related service in Section 8 of the child's IEP.

Examples of specialized transportation equipment, accommodations/modifications may include:

- Specialized or adapted buses
- Wheelchair lifts
- Special seat restraints or securement systems
- Car seats or other special seats
- Bus aide
- Security devices, such as: harnesses, tethers, seatbelts, vests

School districts and IEP teams also must consider the assistance a child will need once they leave the bus.



Examples related to a child's transportation 'in and around' school buildings may include:

- Curb cut-outs
- Ramps
- Elevators
- Handrails
- Stair tracs
- Walkers

It may be necessary to include both school and bus behavior in a student's behavior intervention plan. A child's medical condition may require the child's bus

driver and/or bus aide to have specific training to prepare them for medical emergencies.



The IEP should document any special considerations necessary to support the safe transportation of children with behavioral and/or medical concerns.

If the child has significant behavioral and/or medical needs, but can be safely transported by the regular school bus, the IEP must document that the bus driver will be notified of these needs. Drivers and bus aides must have access to appropriate information about the child to the degree that such information may affect safe transportation and medical well-being of the student. This information must be readily accessible in the

school district's transportation office. All such information is strictly confidential. (3301-83-08 Ohio Pupil Transportation and Safety Rules)

The IEP also must document any required transportation of the child to and from their provider of special education services.

Can my child have a shortened school day in order to accommodate his need for special transportation?

A school district cannot shorten a child's school day in order to accommodate the busing schedule. [17 IDELR 1052 (OCR 1991)] Students with disabilities must be given a comparable school day and week as nondisabled students, unless their disability requires otherwise. For example, students with disabilities may not be required to start their school day later than students without disabilities in order to facilitate special transportation. Children with

disabilities may not be dismissed from the classroom prior to the culmination of the class in order to facilitate boarding the school bus.

Can my child be denied the opportunity to attend field trips if his disability requires special transportation requirements?

School districts must provide students with disabilities an equal opportunity for participation in nonacademic and extracurricular activities as nondisabled students. Nonacademic and extracurricular services and activities may include, among other things: athletics, transportation, recreational activities, special interest groups or clubs sponsored by the school. [34 C.F.R. § 300.107; Office of Civil Rights. (2013, January 25) Dear Colleague letter, Extracurricular Activities]

IEP Teams must consider the unique needs of every child with a disability and document in the IEP any services and supports necessary for the child to participate in extracurricular and other nonacademic activities. [34 C.F.R § 300.117; 34 C.F.R. § 300.320.(a)(4)(ii)]

My child has an IEP. She was kicked off the bus for misbehaving and I have been told I have to transport her from now on. Can they do this?

The discipline procedures for children with disabilities must be considered in your situation. (34 C.F.R. § 300.530 through 300.537; Final Regulations, Analysis of Comments and Changes, pg. 46715)

If transportation is not included as a related service in your child's IEP, the school district could suspend your child from the bus. You would have the same obligation as parents of nondisabled children to get your child to and from school. However, the IEP team should consider whether the behavior on the bus is similar to behavior in the classroom that is addressed on the IEP and whether the child's behavior on the bus should also be addressed in the IEP. In these situations, the school district, parent and relative members of the IEP team may be required to conduct a manifestation determination review, if the child is suspended from transportation for more than 10 consecutive school days, or is repeatedly suspended, and those suspensions constitute a pattern. [34CFR §300.536(a)(2)]. If the behavior is determined to be related to the child's disability, a functional behavior assessment and behavior intervention plan would be indicated. Transportation should then be added as a related service on the child's IEP. If a behavior intervention plan is already in place, it should be reviewed, and changed, as necessary to address the behavior.

If transportation is included as a related service on your child's IEP, the school district could suspend your child from the bus for up to 10 days, or could provide your child with alternate transportation. In this instance, a suspension from the bus would be treated as a suspension from school. Any suspensions beyond 10 days would require that your daughter continue to receive educational services consistent with her IEP in order to obtain access to the location where educational services will be delivered. However, consideration must be given to any similarities between behavior on the bus, behavior in the classroom, and behavior that is addressed in the IEP or in a behavior plan. If necessary, your child may need a new functional behavior assessment and revised behavioral intervention services and modifications to address the behavior so it does not reoccur.

In either case, you should immediately request a meeting with your daughter's IEP team to consider if any further services are necessary to support your child's behavioral needs; and, if the behavior on the bus should be addressed in the IEP or in a behavior intervention plan.

My child uses a wheelchair. Can the school pick her up at my home, or must I transport her to the bus stop down the road?

Your child may be transported from your home when it is determined to be necessary by her IEP team. Ohio law allows for the transportation of students with disabilities door-to-door, based on the unique needs of the child and as required by the individualized education program. [3301-51-10(C)(3)]

Does the school have to provide transportation for my preschool child with a disability?

Not all preschool children with disabilities will be entitled to transportation. The IEP team, which includes the parent, decides if transportation is required as a support or related service to meet your child's unique needs. Transportation services must be considered for every preschooler with an IEP, even if the school district does not provide transportation to nondisabled preschoolers.

If the IEP team determines that transportation is required to assist your child to benefit from special education, it would be documented in Section 8 of the IEP. The school district would be responsible for providing the transportation to and from the setting where your child's special education and related services are provided.

Is there a limit to the amount of time my child can spend on the bus?

There is no law in Ohio that mandates a specific length of time a child can be on the school bus. However, each school district is required to "establish its own reasonable travel time." The standard for the school district's travel time must be approved by the individual boards of education. As a part of establishing a travel time standard, the school district is required to consider: "age of the child, condition of disability, geographic size of school district, location of special education class, traffic patterns, and roadway conditions." (Chapter 3301-51-10 of the Ohio Administrative Code)

Traditionally, Ohio schools follow the unwritten guideline that a student with a disability may not be on the school bus for a longer period of time than a student without a disability. Therefore, if a student without a disability is on the school bus for 90 minutes, the student with a disability also may be on the bus for 90 minutes.

However, the special transportation needs of a child with a disability must be determined on a case-by-case basis. For example, the tolerable travel time for a medically fragile child should be discussed at the child's IEP meeting. The IEP team then is responsible for establishing a reasonable travel time for the child based on the child's disability.



My child attends a private school and has a services plan for speech therapy through my school district of residence. His therapy is provided at our local public school. Should the school provide transportation for this or must I take him to his therapy appointments?

If transportation is necessary for your child to benefit from or participate in speech services, the public school district where you reside would need to provide it. In this case, transportation provided to your child is not a related service, but a means of making your child's services accessible. If there is agreement between you and your public school district that you will provide transportation, the public school district must reimburse you in a timely manner for the costs you incur in providing that transportation.