



|| Transportation of Students with Disabilities

As part of a free appropriate public education (FAPE), students shall be able to access their education. In some cases special transportation services are needed for students with disabilities to access special education; in these cases, the district has a responsibility to provide transportation services at no cost to the parent. As with other related services, transportation shall only be provided to assist a student with a disability to benefit from special education. The least restrictive environment (LRE) requirement applies to all elements of the student's educational program, including transportation.

SECTION 1. DISTRICT RESPONSIBILITY

The district shall provide transportation as a related service to a student with a disability when the student requires transportation in order to benefit from his or her special education. If transportation is provided as a related service, the district shall keep in mind the following:

1. The district may not shorten the school day for students with disabilities merely to accommodate bus schedules. Students with disabilities shall be provided a comparable length of school day and week as students without disabilities, unless there is a specific reason (usually medical) for a shorter or longer school day.
2. The district is expected to transport a student whose academic schedule extends beyond typical school hours.
3. Transportation to and from extracurricular activities shall be provided only when participation in the activity is required for the student to benefit from his or her special education.

The IEP team makes the decision regarding transportation services for each student based on individual needs.

SECTION 2. IEP TEAM DECISION

It is assumed that most students with disabilities will receive the same transportation provided to students without disabilities, unless the IEP team determines otherwise. The student's individual needs are the main consideration in making a transportation recommendation. Decisions regarding transportation services shall also take into account the LRE.

The IEP team shall consider how the student's disability affects the student's need for transportation, including the determination of whether the student's disability prevents the student from using the same transportation provided to students without disabilities, or from

getting to school in the same manner as students without disabilities. Transportation services shall be considered in all cases where a student with a disability is unable to get to and from school independently for any of a variety of reasons including, but not limited to, the following:

1. a physical disability;
2. a cognitive disability;
3. a health condition;
4. a behavioral/emotional disability that is so severe or erratic that there is concern for the safety of the student and/or others;
5. a communication disability that prevents the student from communicating for safety;
6. a visual and/or hearing disability; or
7. a child's age (e.g., a two-year-old child who needs transportation services to participate in early childhood special education).

SECTION 3. TRANSPORTATION REPRESENTATIVE AS IEP TEAM MEMBER

A transportation representative may be included on the IEP team. If the representative cannot attend, the representative's input can be provided to the team through alternate means (i.e., in writing or via telephoning into the meeting). The representative could help the IEP team members understand the transportation environment including such considerations as:

1. the type and configuration of the vehicle the student would likely be assigned to ride;
2. the probable length of the ride, including pick-up and drop-off times;
3. the conditions with respect to temperature on the bus in cold weather while the door or wheel-chair lift door are open during loading and unloading procedures;
4. the type of device or occupant securement system to be used;
5. whether the vehicle is equipped with an emergency communication system;
6. the degree of training and skills of the driver and bus attendant if appropriate; and

7. whether a bus attendant would be assigned without specific recommendation from the team.

The transportation representative would also gather information from the team about the expected transportation needs so as to properly plan for a timely, efficient, and safe initiation of the transportation service. If not a part of the IEP team, information regarding the related service of transportation shall be communicated to the transportation representative so that the student's services can be arranged. Related services, including transportation, are expected to begin as soon as the IEP is in effect.

SECTION 4. DETERMINING SPECIAL TRANSPORTATION NEEDS

If the student has medical, physical, or behavioral issues, the following questions may need to be addressed by the IEP team.

1. Can the student be safely transported, without undue risk to the student or others, given the transportation environment including the length of the ride?
2. Does the student have medical, physical, or behavioral concerns that would expose him or her to unreasonable risk given the anticipated transportation environment?
3. Can assistive or adaptive equipment identified as necessary to accommodate the student during the transportation process (such as a mobile seating device, gurney, ventilator, or oxygen equipment) be safely secured and transported, and are there adequate instructions regarding its use?
4. Does the student have a health care plan that specifies (a) the type and frequency of care required or expected, (b) the skill level of the person expected to give the care, (c) whether general observation of the student by the driver would be adequate, or (d) whether a staff person independent of the driver is needed to address the student's needs?
5. Does the student have a behavioral intervention plan outlining positive behavior strategies and supports to address behavior when needed? Does that plan include strategies and supports for the transportation environment? Is the driver aware of the plan and trained to handle possible situations? Is another adult needed on the bus?

SECTION 5. MANAGING BEHAVIOR ON THE BUS

When the IEP team determines that special transportation is required and documents it on the IEP as a related service, all procedural safeguards under the IDEA shall be afforded to the

student in matters concerning transportation. When a student misbehaves on the bus, the district may use the same disciplinary methods used to address misconduct within the school. These measures may include reprimands, suspensions, or removals. Whenever discipline is imposed, the district shall follow the applicable rules for disciplining students with disabilities as outlined in Chapter 12 of the Idaho Special Education Manual. If a student is a danger to self or others, the student's transportation services may be altered. Proper training of bus drivers and paraprofessionals can help prevent misconduct.

Whether a suspension from the bus counts as a suspension from school depends on the following:

1. If bus transportation is on the IEP (meaning transportation is required for the student with a disability to benefit from special education), a suspension from the bus would be treated as a suspension from school, unless the district provides transportation service in some other way, because that transportation is necessary for the student to obtain access to the location where all other services will be delivered.
2. If bus transportation is not on the IEP, a suspension from the bus would not be counted as suspension from school. In these cases, the student and the parent would have the same obligations to get to and from school as a student without a disability who had been suspended from the bus.

If the IEP requires special transportation and the student's behavior on the bus results in a suspension from the bus, the IEP team shall determine whether the behavior on the bus is similar to behavior in the classroom that is addressed in an IEP. If the behavior is not similar, the IEP team should consider developing a behavioral intervention plan for the bus behavior. Training of transportation staff may be appropriate.

SECTION 6. RESOURCES

The Bureau of Finance and Technology Information, Student Transportation Services at the State Department of Education website at sde.idaho.gov/student-transportation/index.html offers many materials and links related to transportation for students with special needs. For more information, visit the website or call, (208) 332-6851.

The following publication is not available from the State Department of Education; however, the publication can be obtained from the publisher:

[Transporting Students with Disabilities: Steering Clear of Legal Potholes](#). (2010).

For Questions Contact

Special Education

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