



from Equip for Equality's Legal Advocacy Program

EFE FACT SHEET – Special Education

Transportation

Introduction

Transportation is a critical part of every student's ability to access his or her education. A school district must provide the same transportation services to children with disabilities as children without disabilities. If a student, because of his or her unique needs, cannot access the regular transportation services, or if family circumstances require transportation to school when the district does not offer bus service to its regular education students, a decision must be made at the IEP to provide transportation as a related service. If the school district does not provide transportation to children without disabilities, a student must have transportation in his or her IEP in order for the district to provide transportation.

Cost of Transportation

Transportation must be provided by the parent's school district at no cost to the parent. The IDEA provides students with a free and appropriate education (FAPE) and therefore the local public agency bears the cost of transportation services for a student with disabilities. The district in which the parent resides is almost always the public agency responsible for payment.

If a parent decides to provide transportation themselves, the parent may receive reimbursement in certain circumstances. For example, if a parent provides the transportation because his or her child has a severe medical condition or the length of the ride becomes shorter, a school district may choose to reimburse the parent. It is important to ensure payment agreements for transportation in the IEP. However, a parent must bear the cost if he or she does not make transportation arrangements with the school district. The school district, through a state voucher system may provide for mileage reimbursement for parents who transport their children to school.

If a school district decides to place a student into a non-public school or outside the student's home district, the school district must bear the transportation costs in order to provide FAPE. The home school district should negotiate the transportation contract and the home district is responsible for the cost.

Transportation services include:

- Travel to and from school
- Travel between schools
- Travel in and around school buildings
- Travel to IEP directed activities
- Specialized vehicles or equipment and the personnel who provide assistance
- Learning the skills to move effectively and safely within that environment

The school district should ensure the following:

- That the pickup and drop off times are scheduled to ensure a full instructional day comparable to other students, unless the IEP team decides otherwise
- The total travel time should not exceed one hour

- The vehicles used for special transportation shall be adapted to the specific needs of the child
- That staff assisting the student has the relevant training.
- When the district places a student in a state operated or nonpublic day program, the district will provide transportation to that program
- The school district will provide transportation for students placed at a residential facility during the facility's school term

How to receive transportation services

In order to ensure that transportation is provided, the school district must be sure to include transportation in the student's IEP as a related service. Transportation issues are discussed at the IEP meeting and a determination is made whether to include transportation as a related service. The IEP should discuss whether the child's disability prevents him or her from using the same transportation as his or her peers. State and federal special education funds may be used for the purchase of adaptive equipment or modifying a bus.

If possible, transportation personnel should participate in the IEP meeting whenever decisions regarding special transportation being made, such as a request for medical support or mobility equipment, or interventions for challenging behaviors.

The IEP should reflect necessary transportation details, such as whether curb-to-curb service is appropriate, medical support equipment or extra personnel. If the transportation service is provided only to school, from school, and around school, it is not necessary to include goals or objectives in the IEP. If the purpose of including transportation in the IEP is to increase the student's independence or improve the student's behavior during transportation, then goals and objectives should be included in the student's IEP.

A student who does not have transportation in his or her IEP may still be entitled to transportation services other ways. Under Section 504 of the Rehabilitation Act a school that receives federal funds must provide transportation at no cost to students that are unable to use regular transportation. For example, if a school district is unable to accommodate the student because the school district does not have a lift bus, the school district must provide the student with transportation services another way, such reimbursing a parent to drive or contracting with another agency. Additionally, children who benefit from early intervention services can include this transportation services on the IFSP.

Discipline

Each district includes bus transportation discipline issues in district disciplinary procedures. School bus drivers have limited authority and responsibility in discipline decisions; discipline responsibility ultimately lies with the district administrators. In order to provide the appropriate support for the student, behavior and discipline issues should be included in detail on the IEP.



DO YOU HAVE A QUESTION?

Contact Equip for Equality (all services are free of charge):
 800.537.2532 (voice) or 800.610.2779 (TTY) Contactus@equipforequality.org
www.equipforequality.org

This resource material is intended as a guide for people with disabilities. Nothing written here shall be understood to be legal advice. For specific legal advice, an attorney should be consulted.

Equip for Equality, an independent nonprofit organization, is the Illinois state Protection & Advocacy System whose mission is to advance the human and civil rights of children and adults with disabilities.

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