

CSBA Sample

Board Policy

Transportation For Students With Disabilities

BP 3541.2

Business and Noninstructional Operations

Note: Education Code 56195.8 mandates that entities providing special education adopt a policy which describes how special education transportation is coordinated with regular home-to-school transportation and sets forth criteria for meeting the transportation needs of special education students. The district should revise the following policy for consistency with the policy and regulations of the special education local plan area (SELPA) in which the district participates.

Note: Pursuant to the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482), districts are required to provide bus service to students with disabilities equivalent to that provided for students without disabilities. According to the U.S. Department of Education's (USDOE) Questions and Answers on Serving Children with Disabilities Eligible for Transportation, special education transportation may include 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. A student's individualized education program (IEP) team is responsible for determining if transportation is required to assist a student with a disability to benefit from special education and related services, and how the transportation services should be implemented. The California Department of Education's (CDE) Special Education Transportation Guidelines provides assistance to IEP teams with these decisions.

Note: In addition, Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794; 34 CFR 104.4) requires districts to provide a free, appropriate public education to each qualified student with a disability. According to Frequently Asked Questions About Section 504 and the Education of Children with Disabilities, available on the web site of the USDOE's Office for Civil Rights, an appropriate education for a student with a disability under Section 504 could consist of special education and related services, which might include transportation. The CDE's Special Education Transportation Guidelines recommends that district policy on the transportation of special education students also address the needs of students who may be eligible for transportation services under Section 504.

The Governing Board desires to meet the transportation needs of students with disabilities to enable them to benefit from special education and related services. The district shall provide appropriate transportation services for a student with disabilities when the district is the student's district of residence and the transportation services are required by his/her individualized education program (IEP) or Section 504 accommodation plan.

Comment [J1]: Updated Language

(cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 3540 - Transportation)
(cf. 6159 - Individualized Education Program)
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
(cf. 6164.6 - Identification and Education Under Section 504)

Note: Education Code 56195.8 mandates that the district's policy set forth criteria for meeting the transportation needs of special education students. The CDE's Special Education Transportation Guidelines recommends that the IEP team give primary consideration to the specific needs of the student when making decisions about transportation services to be provided, and presents possible considerations which include, but are not limited to, those specified in the following paragraph. The following paragraph may be revised to reflect district practice.

The specific needs of the student shall be the primary consideration when an IEP team is determining the student's transportation needs. Considerations may include, but are not limited to, the student's health needs, travel distances, physical accessibility and safety of streets and sidewalks, accessibility of public transportation systems, midday or other transportation needs, extended-year services, and, as necessary, implementation of a behavioral intervention plan.

Comment [J2]: Updated language with sample criteria

Note: Because the authority to make decisions regarding services for students with disabilities rests with the IEP team, the CDE's Special Education Transportation Guidelines recommends that IEP team leaders and members be provided with information regarding available district transportation resources. The guidelines also recommend that the IEP team identify with specificity the mode of transportation (e.g., walking/wheeling, riding the regular school bus, utilizing available public transportation, riding a special bus, being transported by parent/guardian) and when, from where, and to where transportation will be provided.

The Superintendent or designee shall provide IEP teams with information about district transportation services in order to assist them in making decisions as to the mode, schedule, and location of transportation services that may be available to each student with disabilities. The IEP team may communicate with district transportation staff and/or invite transportation staff to attend IEP team meetings where the student's transportation needs will be discussed.

Note: Pursuant to Education Code 56040, a student who is eligible to receive special education instruction and related services must be provided such instruction and services at no cost. Special education transportation is defined in 34 CFR 300.34 as a related service. Thus, transportation fees may not be charged to students whose IEP requires the provision of transportation services, even if the district charges transportation fees to other students. See BP 3250 - Transportation Fees.

Transportation services specified in a student's IEP or Section 504 plan shall be provided at no cost to the student or his/her parent/guardian.

(cf. 3250 - Transportation Fees)

***Note: Education Code 48915.5 provides that the district must provide alternative

transportation at no cost whenever a disabled student is excluded from school bus transportation for any reason, such as suspension, expulsion, or other reason. If a student receiving special education services is excluded from transportation as a disciplinary measure and is not provided another mode of transportation, it may constitute a significant change of placement which would require a meeting of the IEP team to review the student's IEP.***

If a student whose IEP or accommodation plan specifies transportation needs is excluded from school bus transportation for any reason, such as suspension, expulsion, or other reason, the district shall provide alternative transportation at no cost to the student or parent/guardian. (Education Code 48915.5)

Comment [J3]: Language moved from AR3541
-Recommendation is to delete AR3541

(cf. 5131.1 - Bus Conduct)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Note: The following paragraph is for use by single-district SELPAs or districts that contract individually with nonpublic, nonsectarian schools or agencies.

When contracting with a nonpublic, nonsectarian school or agency to provide special education services, the Superintendent or designee shall ensure that the contract includes general administrative and financial agreements related to the provision of transportation services if specified in the student's IEP. (Education Code 56366)

(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)

Note: 34 CFR 104.4 provides that no qualified disabled person shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from federal financial assistance. The following optional paragraph is intended to prevent such discrimination in the area of transportation.

The Superintendent or designee shall arrange transportation schedules so that students with disabilities do not spend an excessive amount of time on buses compared to other students. Arrivals and departures shall not reduce the length of the school day for these students except as may be prescribed on an individual basis.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 3541 - Transportation Routes and Services)

Note: Education Code 56195.8 mandates the Board's policy to include procedures ensuring compatibility between mobile seating devices, when used, and the securement systems required by 49 CFR 571.222. The following paragraph may be revised to reflect district practice.

Note: Education Code 56195.8 also requires the Board's policy to ensure that bus drivers are trained in the proper installation of mobile seating devices; see AR 3542 - School Bus Drivers for language fulfilling this mandate.

The Superintendent or designee shall ensure that any mobile seating devices used on district buses are compatible with bus securement systems required by 49 CFR 571.222. (Education Code 56195.8)

(cf. 3542 - School Bus Drivers)

As necessary, a student with disabilities may be accompanied on school transportation by a service animal, as defined in 28 CFR 35.104, including a specially trained guide dog, signal dog, or service dog. (Education Code 39839; Civil Code 54.1-54.2; 28 CFR 35.136)

(cf. 6163.2 - Animals at School)

Comment [J4]: Language moved from AR3541

When transportation is not specifically required by the IEP or Section 504 plan of a student with disabilities, the student shall be subject to the rules and policies regarding regular transportation offerings within the district.

Legal Reference:

EDUCATION CODE

39807.5 Payment of transportation cost

39839 Guide dogs, signal dogs, and service dogs on bus

41850-41854 Allowances for transportation

48300-48315 Alternative interdistrict attendance program

48915.5 Expulsion of students with exceptional needs

56040 No cost for special education and related services

56195.8 Adoption of policies

56327 Assessment for special education and related services

56345 Individualized education program

56365-56366.1 Nonpublic nonsectarian schools or agencies

CIVIL CODE

54.1-54.2 Service animals

CODE OF REGULATIONS, TITLE 5

15243 Physically handicapped minors

15271 Exclusion from report

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

CODE OF FEDERAL REGULATIONS, TITLE 28

35.104 Definitions

35.136 Service animals

CODE OF FEDERAL REGULATIONS, TITLE 34

104.4 Equal opportunity under the Rehabilitation Act of 1973, Section 504

Attachment A8 - Use CSBA Sample as is

300.1-300.818 Individuals with Disabilities Education Act, especially:

300.34 Transportation defined as related service

CODE OF FEDERAL REGULATIONS, TITLE 49

571.222 Federal requirements for bus securement systems

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Special Education Transportation Guidelines

Pupil Fees, Deposits and Other Charges, Fiscal Management Advisory 12-02, April 24, 2013

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Protecting Students with Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities, 2009

Questions and Answers on Serving Children with Disabilities Eligible for Transportation, 2009

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education: <http://www.ed.gov>

(2/95 10/97) 5/16