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Special Education Transportation Guidelines

Guidelines for use by Individualized Education Program (IEP) Teams when determining required transportation services.

California Education Code (EC) citations, including Code content, and *Code of Federal Regulations (CFR)* citations have been updated to reflect changes since June 2017.

Preface

EC Section 41851.2 (Assembly Bill 876 [Canella], Chapter 283, Statutes of 1991), required the State Superintendent of Public Instruction (SSPI) to develop special education transportation guidelines for use by individualized education program (IEP) teams that clarify when special education services are required.

The State Board of Education, Advisory Commission on Special Education, Special Education Local Plan Area (SELPA) Administrators, Special Education Administrators of County Offices (SEACO), Protection & Advocacy, Inc., Team of Advocates for Special Kids (TASK), school districts, County Offices of Education (COE), transportation offices, California Department of Education staff and other interested parties provided valuable contributions to the development of the 1993 Guidelines For Use By Individualized Education Program (IEP) Teams When Determining Required Transportation Services.

The guidelines should be utilized to plan and implement transportation services to pupils that require this service to benefit from special education instruction and/or related services.

Introduction

EC Section 56040 states: "Every individual with exceptional needs who is eligible to receive special education instruction and related services under this part [Part 30] shall receive that instruction and those services at no cost to his or her parents or, as appropriate, to him or her." Special education transportation is defined in federal regulation [34 *CFR* Section 300.34(c)(16)] as a related service. Transportation is required to be provided as a related service if it is required to assist a child with a disability to benefit from special education. In addition, as required for any special education program, the service must be provided to meet the criteria for a free, appropriate public education as defined in federal regulation 34 *CFR* Section 300.17.

EC Section 41851.2 [(Assembly Bill (AB) 876 (Canella)], Chapter 283, Statutes of 1991), required that the SSPI develop special education transportation guidelines for use by IEP teams that clarify "when special education transportation services, as defined in [EC] Section 41850, are required." *EC* 41850(d) defines "special education transportation" as:

(1) The transportation of severely disabled special day class pupils, and orthopedically impaired pupils who require a vehicle with a wheelchair lift, who received transportation in the prior fiscal year, as specified in their individualized education program.

(2) A vehicle that was used to transport special education pupils.

EC 41850(b) defines "home-to-school transportation services" for pupils with exceptional needs as:

(5) The transportation of individuals with exceptional needs as specified in their individualized education programs, who do not receive special education transportation as defined in subdivision (d).

Examples that IEP teams may consider under *EC 41850(b)* include pupils with severe disabilities who are not placed in special day classes or otherwise enrolled in programs serving pupils with profound disabilities, pupils with orthopedic disabilities who do not use wheelchairs or require lifts, students beginning special education who did not receive transportation under an IEP in the prior fiscal year, pupils with other health impairments, learning disabilities or other cognitive disabilities, or pupils who live beyond reasonable distance to their school and would not, without transportation, have access to appropriate special education instruction and related services at no cost.

Considerations for Use by Local Education Agencies, Special Education Local Plan Areas, County Offices Of Education and/or Transportation Cooperatives

It is recommended that these issues and concepts be taken under consideration by all LEAs, SELPAs, COEs and/or transportation cooperatives that provide any special education transportation in preparation for organizing a transportation system and providing services that will allow for students' placement in the least restrictive environment while also allowing for the most cost-effective special education transportation system.

Transportation Policies

Each LEA providing special education is required to adopt policies for the programs and services it operates, consistent with agreements with other districts or county offices and/or agreements stated as part of the local plan for special education (*EC 56195.8*). These policies describe how special education transportation is coordinated with regular home-to-school transportation and set forth criteria for meeting the transportation needs of pupils receiving special education [*EC 56195.8(b)(5)*]. It is recommended these policies focus upon pupil needs as the primary consideration for determining transportation services and that these policies also address the needs of pupils who may be eligible for transportation services as required by the Federal Rehabilitation Act of 1973, Section 504.

Delivery of Services

Districts/SELPAs/COEs responsible for implementation of IEPs should be knowledgeable of transportation policies and/or procedures that address the responsibilities of the IEP team in regard to transportation and the delivery of services to eligible students in their least restrictive environment.

This includes consideration of services that are provided in the setting appropriate to the needs of the student at the pupil's neighborhood school, or within the district or SELPA; regional and/or magnet programs and services may also be appropriate to the needs of the pupil. Consideration should be taken regarding the effect that the location of a placement will have on the length of time that a student has to or from school each day. Placements should not be made solely on a "space available" basis. If a student is receiving services outside of his/her residence area, the placement should be reviewed at least annually in order to determine if a placement closer to the student's residence would be appropriate.

Location of Programs, Placement of Pupils

The efficiency of a transportation system for special education is partially dependent on the location of the program sites and the placements of students. A demographic and geographic review that analyzes the present locations of programs, program needs, and population served should take place. Program service regions with clearly defined service areas can then be established, using residence areas of the neighborhood schools. While this also involves the issue of available facilities, a mission statement and policies developed by the agency may promote the comprehensive commitment to all pupils and the acceptance of pupils with exceptional needs in a broad variety of settings.

Additional Policy Considerations

Other subjects that need policy and procedure directives may include control of pupil medicine transported between home and school on a vehicle; student suspension; physical intervention and management; authority to use special harnesses, vest, and belts; early closing of school due to inclement weather or other emergencies; authority to operate special equipment; when no adult is home to receive pupils; when and how to involve community emergency medical and/or law enforcement personnel; use of mobility aides; control and management of confidential information; use of bus aides; and other.

Coordination of Calendars and Schedules

Coordination of student attendance calendars at all school sites that provide special education services is necessary to fully utilize transportation services and to minimize the number of required days of transportation service.

In unified districts, multi-track districts, multi-district SELPAs, COEs and/or in transportation cooperatives, standardization of calendars should include the coordination of starting and ending dates of school years, bell schedules (starting and ending times), vacation/intersession breaks, staff development days (School Improvement Program, School Based Coordinated Program, other), minimum day schedules, etc. This coordination should be done so that all significant transportation implications are addressed and transportation resources are effectively utilized.

Length of School Day, Related Services, Extracurricular Events

It should be noted that the use of alternative starting times for all special education students at a site can lead to program compliance concerns. 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 for their chronological peer group, unless otherwise stated in a student's IEP. 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 provisions for "early" or "late" transportation are made for pupils within the general education program due to extra curricular events, provisions for equal opportunity to these events for pupils with exceptional needs who require special transportation must also be made.

Use of Policy and Resource Information

An overview of all available transportation resources should be provided to all administrators, IEP team leaders/case managers or chairpersons and other IEP team members who are authorized to recommend the type of special education service and the location where the service will be provided.

Guidelines For Use By The Individualized Education Program (IEP) Team

Local Education Agency Rules and Policies

All pupils, including those receiving specialized instruction and services, are subject to the rules and policies governing regular transportation offerings within the local education agency, unless the specific needs of the eligible pupil or the location of the special education program/service dictate that special education transportation is required.

Primary Consideration: Pupil Needs

The specific needs of the pupil must be the primary consideration when an IEP team is determining any transportation needs. These may include, but are not limited to:

1. Medical diagnosis and health needs consideration of whether long bus rides could affect a certain 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 or very hot weather, other.
2. Physical accessibility of curbs, sidewalks, streets, and public transportation systems.
 3. 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.
 4. Behavioral Intervention Plans [*Education Code* sections 56520-56525] specified by the pupil's IEP and consideration of how to implement such plans while a pupil is being transported.
 5. Mid-day or other transportation needs as required on a pupil's IEP (for example, 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.
 6. Extended school year services, pursuant to *EC* Section 56345(b)(3), 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.

Transportation Staff and IEP Team Meetings

Effective practice requires that procedures are developed for communication with transportation personnel and that transportation staff are present at IEP team meetings when the pupil needs the use of adaptive or assistive equipment, when school bus equipment is required to be modified, when the pupil exhibits severe behavioral difficulties and a behavior intervention plan is to be implemented, when the pupil is medically fragile and requires special assistance, and/or when the pupil has other unique needs.

Transportation Options

Considering the identified needs of the pupil, transportation options may include, but not be limited to: walking, riding the regular school bus, utilizing available public transportation (any out-of-pocket costs to the pupil or parents are reimbursed by the local education agency), riding a special bus from a pick up point, and portal-to-portal special education transportation via a school bus, taxi, reimbursed parent's driving with a parent's voluntary participation, or other mode as determined by the IEP team. When developing specific IEP goals and objectives related to the pupil's use of public transportation, the IEP team may wish to consider a blend of transportation services as the pupil's needs evolve. Specialized transportation, as a related service, must be written on the pupil's IEP with specificity and should be approved by the transportation administrator. It is recommended that services be described in sufficient enough detail to inform the parties of how, when and from where to where transportation will be provided and, where arrangements for the reimbursement of parents are required, the amount and frequency of reimbursement.

Suspension from the School Bus

Occasionally pupils receiving special education services are suspended from bus transportation (*EC* 48900-48927 Suspension or Expulsion). The suspension of a pupil receiving special education services from California transportation can constitute a significant change of placement if the district: 1) has been transporting the student; 2) suspends the student from transportation as a disciplinary measure; and 3) does not provide another mode of transportation (Office of Civil Rights, Letter of Finding Complaint No. 04-89-1236, December 8, 1989).

A significant change in placement requires a meeting of the IEP team to review the pupil's IEP. 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 (*EC* 48915.5).

EC 48915.5(c) reads:

If an individual with exceptional needs is excluded from schoolbus transportation, the pupil is entitled to be provided with an alternative form of transportation at no cost to the pupil or parent or guardian provided that transportation is specified in the pupil's individualized education program. (AB 1859, Chapter 492, Statutes of 2002 as amended by AB 685, Chapter 56, Statutes of 2007.)

Summary

The LEA providing special education is required to adopt policies for the programs and services it operates, consistent with agreements with other districts or county offices stated as part of the local plan for special education. These policies describe how special education transportation is coordinated with regular home-to-school transportation and set forth criteria that are consistent with these Guidelines for meeting the transportation needs of pupils receiving special education.

These policies and an overview of all available transportation resources should be provided to all administrators, IEP team leaders/case managers/chairpersons and other IEP team members who are authorized to recommend the type of special education service and the location where the service will be provided.

The specific needs of the pupil must be the primary consideration when an IEP team is determining transportation services. It is often beneficial to have transportation staff present at IEP team meetings. The combination of planning and providing information to IEP teams maximizes appropriate placements and efficient cost-effective transportation systems.

Notice

The guidance in the Special Education Transportation Guidelines is not binding on local education agencies (LEAs) or other entities. Except for the statutes, regulations, and court decisions that are referenced herein, the Guidelines are exemplary and compliance is not mandatory. (EC Section 33308.5)

Questions: Focused Monitoring and Technical Assistance Consultant

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