

# Transportation for Students with Disabilities in Minnesota



PHP-c62

**Definitions.** Transportation for a child receiving special education is a “related service” if special transportation is required to enable the child to benefit from special education. Related services are provided at no cost to parents. When an Individualized Education Program (IEP) team determines that transportation is a related service for a student, it should be written into the IEP. For infants and toddlers, transportation is an “early intervention service” which may be necessary to enable an infant or toddler to receive special education or other related services.

Special education rules (CFR 300.24(b)15) define transportation to 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), if required to provide special transportation for a child with a disability.”

**Responsibility.** Transportation is usually the responsibility of the school district in which a student lives, even if the student attends school in a different district. If the IEP team places a student at a particular school, the home district is responsible for the transportation. If the child is placed in any school by anyone else (parent, court, human service agency) the home district may not necessarily be responsible. Call PACER Center for more information on a specific placement situation.

**Resolving differences.** If a parent believes the school district is not providing appropriate transportation services for a child, the parent should discuss the matter with the child’s IEP case manager. The issue can usually be resolved at an IEP meeting. If the matter cannot be resolved, parents can use the special education procedures for resolving differences: conciliation, mediation, complaint, and/or hearing.

**Parent transportation of child.** Schools may ask but *not require* parents to transport a child to school. Parents and the district may make a mutually agreeable contract for the parents to transport. The contractual agreement will specify any reimbursement the parent is to receive, student safety, and other considerations.

**Day care.** If a district has a policy to transport children without disabilities to and from day care, then the same policy would apply to children with disabilities. In addition, a district may agree,

through the IEP team process, to transport a child with a disability to and from day care.

**Length of ride.** Minnesota State Rule (M.R. 7470.1600, Subp. 3) states, “The length of time a child with a disability is transported shall be appropriate to the physical, mental, and emotional well being of the child. In general, a child with a disability should not spend more time in transit than a child without a disability except as may be required because of the unique location of the child’s education program.”

**Transportation and the IEP/IFSP.** Transportation need not be addressed on the IEP unless a special method of transportation is needed (something different from what is offered to children without disabilities) between school and a student’s home or respite care facility. If transportation accommodations such as specially adapted seats are needed, they must be specified and written into the IEP. If a child displays behavior problems on the bus because of the child’s disability, the IEP team should address this issue in the written plan. The plan should include any alternative transportation services that may need to be provided if a child is regularly suspended from the school bus.

**Aides on the bus.** The need for a bus aide for a child with a disability is determined by the IEP team on an individual basis. If the team agrees this service is necessary to meet the needs of the child, the service is written into the IEP.

**Transportation to a school outside student's attendance area within a district.**

School districts usually have a policy for intradistrict school choice. If the parent chooses to place a child in a school outside the attendance area, then the school district transportation policy for all children would apply. However, if an IEP team places a child in a school out of the child's normal attendance area, the district must transport.

**Altered length of school day.** The length of a student's school day may not be shortened or lengthened to accommodate the district's transportation schedule. The length of day is determined by the IEP team based on the needs of the student, not administrative convenience or the district's bus service provider. If the school day is lengthened or shortened to meet the needs of the student, transportation must be provided at the times specified in the IEP.

**Extracurricular activities.** Schools must give children with disabilities equal opportunity for participation in nonacademic and extracurricular services and activities such as athletics, recreational activities, and special interest groups or clubs sponsored by the school. This can include transportation.

**Transporting parent (and child) to early childhood programs.** State law (M.S. 123.39, Subd. 8d) allows school districts to transport the parent as well as the child to an early childhood program so long as space is available and it does not result in additional expenditures for the district.

**Helping students to the bus.** Special accommodations may be made by an IEP team based on the needs of the child. In general, it is the parents' responsibility to have the child meet the bus at the street, curb, or driveway. The district is not required

to have the driver or assistant enter the child's home. School district policies cannot limit or override transportation accommodations considered for a child's individual needs and written into the IEP.

**Helping students on and off the bus.** Minnesota State Rule (M.R. 7470.1700, Subp.3C) states, "Each driver and aide assigned to a vehicle transporting pupils must . . . assist pupils with disabilities on and off the bus when necessary for their safe ingress and egress [entrance and exit] from the bus." These decisions are made by the IEP team and written into the IEP.

**Transportation to other locations.** If a student's IEP calls for a program in another district or more than one program or work setting during a day, the district is responsible for providing the transportation.

**Transportation safety requirements.** Minnesota State Rule (M.R. 7470.1600, Subp. 6) states that specially adapted seats, supports and/or protective devices must be selected by the school district in consultation with the student's parents and based on the specific needs of the child with a disability.

State law also requires drivers and aides to be trained on first aid, methods of dealing with the needs and problems of children with disabilities, safety in loading and unloading students, and other topics. Drivers and aides must have emergency health card information for each child.

Vehicles used to transport students with disabilities must be equipped with a two-way communication system (M.S. 169.4504, Subd. 2).

Wheelchairs must have specified tie-downs and restraint systems.