



LONG BUS RIDES FOR STUDENTS WITH DISABILITIES

IMPORTANT: ELC's publications are intended to give you a general idea of the law. However, each situation is different. If, after reading our publications, you have questions about how the law applies to your particular situation, contact us for a referral or contact an attorney of your choice

A student who is eligible to receive special education services is entitled to transportation to, from, and around the school that is "appropriate" to the child's needs. A bus ride could be inappropriate if the ride causes the student to miss classes or other school activities, makes the student too tired to participate in the school program, has a negative impact on the student's health, or worsens the student's behavior problems.

If you think that your child's bus ride to and from school damages her health or interferes with her learning, talk with the principal about making a change. If this doesn't work, you can take any or all of the following steps. *Whatever you do, it's helpful to have written documentation from a doctor, psychologist, or other specialist, explaining why and how the long ride causes problems.*

► Write to the principal or the school district's Director of Special Education and ask for an Individualized Education Program (IEP) meeting to discuss your child's transportation needs. Any agreement should be listed on the child's IEP. If you think that a re-evaluation of the child's needs by the district would help, ask for one in writing. If appropriate, this could include an evaluation by a physician. For more information on evaluations and IEPs, see the publications on ELC's website, www.elc-pa.org or call us at the numbers listed below.

► Call the Office for Dispute Resolution (ODR), which operates the Special Education Mediation Service (800-992-4334). Explain that you are having

a disagreement with your district over your child's transportation. ODR will ask the district if it is willing to try mediation. If it is, the office will assign an impartial, trained mediator who will hold a meeting to help you and the district work out an agreement. You don't have to agree to anything, but, if you do, it will be listed on your child's IEP and the district will be obligated to follow the agreement.

▶ If you decide not to try mediation, or if mediation is unsuccessful, you can write to the principal requesting a "Pre-Hearing Conference." The conference must be scheduled within *10 calendar days*. At the conference, explain why you think the transportation is inappropriate and what you think would work. (If the problem is urgent, you can skip this stage and go right to the "impartial hearing.")

▶ If the Pre-Hearing Conference doesn't solve the problem, request an "impartial hearing" (sometimes called a "Due Process Hearing"). The state will assign a Hearing Officer who will schedule a hearing to decide whether your child's transportation arrangement is appropriate. The Hearing Officer's decision is legally binding, unless a party appeals. For more information on how to request a hearing and how the hearing process works, check out ELC's Fact Sheet *Resolving Special Education Disputes*. Our Fact Sheets can be downloaded from ELC's website or ordered at the numbers listed below.

Funding for this brochure was provided, in part, by the Disability Rights Network of Pennsylvania (DRN), pursuant to the Developmentally Disabled Assistance and Bill of Rights Act, P.L. 101-496, and the P&A for Mentally Ill Individuals Act, P.L. 99-319. DRN is located at 1414 N. Cameron Street, Suite C, Harrisburg, PA 17103. Telephone: 800-692-7443 or 717-236-8110. Website: www.drnpa.org.

Prepared by: Education Law Center (Rev. 8/07)
(215) 238-6970 (Philadelphia)
(412) 258-2120 (Pittsburgh)
www.elc-pa.org