



TRANSPORTATION FOR STUDENTS WITH DISABILITIES IN PENNSYLVANIA

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.

ARE STUDENTS WHO RECEIVE SPECIAL EDUCATION SERVICES ENTITLED TO TRANSPORTATION TO AND FROM SCHOOL AND TO SCHOOL RELATED ACTIVITIES?

Yes. Such a student is entitled, without cost, to needed transportation to, from and around the school. Students who receive special education services must also receive free transportation if they need it to participate in class field trips. If the school district provides transportation to and from sports or other after school activities for students who are not disabled, it must provide appropriate transportation for students with disabilities. If there is a charge for transportation to an optional field trip or event, a student with a disability cannot be charged more than other students.

WHO DECIDES WHETHER A STUDENT NEEDS TRANSPORTATION AND WHAT KIND?

The Individualized Education Program (IEP) Team (which includes the parents) determines a student's transportation needs. The specific type of transportation must be listed as a "related service" in the child's IEP (*for example, school bus service, lift bus or van, door-to-door, seat belt or harness, etc.*).

WHAT TYPES OF TRANSPORTATION ARE AVAILABLE?

The transportation must be appropriate for the student, in view of the student's age and disability. For example, if the student uses a wheelchair, a bus or van with a lift should be used.

In some cases, an aide may be needed on the bus to help watch a child. Still other children may require individual transportation or special arrangements due to medical concerns.

HOW LONG CAN THE BUS RIDE BE?

A frequent concern is the length of the bus ride, especially if the child has behavior or health problems. These are all factors that the IEP Team must consider in deciding how, and for how long, the child will be transported. Whatever arrangements are made, the school day cannot be cut short because of the transportation schedule.

WHAT IF I DON'T AGREE WITH THE TRANSPORTATION SERVICE OFFERED BY THE DISTRICT?

In some cases, a parent may not agree with the transportation offered by the school district. For example, you may think your child needs different arrangements, a bus aide or a shorter trip. You should begin by contacting your district and making your request. If the request is refused, you can do one of the following:

- Send a letter to the principal requesting an IEP meeting to discuss transportation. You may want to consider asking that an IEP Facilitator attend the meeting. A facilitator is a neutral person, provided by the Pennsylvania Department of Education's Office of Dispute Resolution. If the school (or school district) agrees to the facilitator's presence at the meeting, the facilitator will help ensure that all parties' concerns are heard. If you are interested in this option, call the Office of Dispute Resolution at 1-800-222-3353 or visit <http://odr.pattan.net/mediation/IEPFacilitation.aspx>.
- Request Mediation by calling 800-222-3353. The mediation service will contact the school district to try to arrange an informal meeting with you, representatives of the district, and a trained mediator. The mediator will try to help you reach an agreement. Call 800-222-3353 or visit <http://odr.pattan.net/mediation/default.aspx> for more information. Like facilitation, the district must agree to mediate before a session can be scheduled.
- Request a due process hearing. To request a hearing, you should write to your child's principal and send a copy of the letter to the Office of Dispute Resolution at 6340 Flank Drive, Suite 600, Harrisburg, PA 17112-2764. In your request, you must give your child's name, home address, the name of the school, a description of the problem (including important facts), and your suggestions on how the problem might be solved. You will then have to meet with the school district - in either a mediation session or a resolution session - to try to resolve the problem before the hearing unless you and the district agree in writing to skip this stage. If the problem isn't resolved, a hearing

will be scheduled. At the hearing, a state-appointed Hearing Officer will listen to the district and to you (and any witnesses) and make a decision about the transportation dispute. For more information on the hearing system (and the other options listed above), please see our fact sheet on "How to Resolve Special Education Disputes," available at www.elc-pa.org or by calling 215-238-6970.

If the transportation arrangements set forth on the child's IEP are satisfactory, but the district is not carrying them out properly, contact your district, several times if necessary. If the problem is not solved, you can send a letter of complaint to the Division of Compliance, Monitoring and Planning, Bureau of Special Education, Pennsylvania Department of Education, 333 Market Street, Harrisburg, PA 17126. (You can call the State's special education ConsultLine at 1-800-879-2301 for help with the complaint). Enclose a copy of the IEP with your complaint letter. The Division of Compliance has 60 calendar days to investigate and to resolve your complaint.

WHAT IF MY CHILD ATTENDS PRIVATE SCHOOL?

A student with a disability who is placed *by the district or a public charter school* in a private school has the same rights as a child who is receiving special services in the district - including free transportation that is appropriate to his or her needs. If the student is placed *by the district* in a residential school, free transportation must be provided on breaks and school holidays.

If *parents* place their child in a private or parochial school at their own expense (regardless of whether the student has a disability), the student may still be entitled to free transportation from the school district. Transportation to and from private schools and on field trips must be provided to the student if all of the following are true:

- the district provides transportation to public school students of the same age;
- the private school is within 10 miles of the school district boundaries; and
- the private school is non-profit.

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