



**Education Law Center**

*Making sure that all of Pennsylvania's children  
have access to quality public schools*

## **TRANSPORTATION FOR CHILDREN 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 CHILDREN WHO RECEIVE SPECIAL EDUCATION SERVICES ENTITLED TO TRANSPORTATION TO AND FROM SCHOOL AND TO SCHOOL RELATED ACTIVITIES?**

A child who is receiving special education services must get transportation to, from, and around the school if needed for the student to benefit from her education program. Children are also entitled to the transportation they need to participate in class field trips. If the school district provides transportation to and from sports or other afterschool activities for children who are not disabled, it must provide appropriate transportation for children with disabilities. Transportation to school and school related trips must be free. If there is a charge for transportation to an optional field trip or event, a child with a disability cannot be charged more than other children.

### **WHO DECIDES WHETHER A CHILD NEEDS TRANSPORTATION AND WHAT KIND OF TRANSPORTATION IS NEEDED?**

The Individualized Education Program (IEP) Team (which includes the parents) determines a child'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 child in view of the child's age and disability. Some children can just ride the school bus with other classmates or, if given a school token, take public transit. For a child who uses a wheelchair, a bus or van with a lift may be required. 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. The IEP Team must make a decision based on the needs and skills of each child, and the decision must be specifically listed on the child's IEP.

## 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. For more details on this point, see ELC's Fact Sheet, *Long Bus Rides for Students with Disabilities*, at [www.elc-pa.org](http://www.elc-pa.org)

## 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 ask for mediation or, if that is impractical or unsuccessful, a special education hearing. For more details on these options, see ELC's fact sheet, *How to Resolve Special Education Disputes*, at [www.elc-pa.org](http://www.elc-pa.org).

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 Complaint to the Division of Compliance, Monitoring and Planning, Bureau of Special Education, Pennsylvania Department of Education, 333 Market Street, Harrisburg, PA 17126. The Division of Compliance has **60 calendar days** to investigate and to

resolve your complaint. For more details on how to file a complaint with DOC, see ELC's fact sheet, *How to Resolve Special Education Disputes*, at [www.elc-pa.org](http://www.elc-pa.org).

## **WHAT IF MY CHILD ATTENDS PRIVATE SCHOOL?**

A child with a disability who is placed by the school 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 her needs. If the child 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 child has a disability), the child 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 child if all of the following are true:

- The district provides transportation to public school children 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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**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](http://www.drnpa.org).**

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