

# ***GUIDELINES & RESOURCES***



## ***TRANSPORTATION***

# INTRODUCTION

## PURPOSE

The special education transportation guidelines have been developed to assist Individualized Education Program (IEP) teams with considerations when determining eligibility for special education transportation as a related service.

## OVERVIEW

Transportation services for students with disabilities are based on eligibility determined under the provisions of the Individuals with Disabilities Education Act of 1997, also known as IDEA. Under IDEA, students with disabilities shall be provided a Free Appropriate Public Education (FAPE). Team members determine FAPE through a student's IEP. When transportation is determined appropriate by the IEP team, it is known as a related service.

## THIS RESOURCE IS DIVIDED INTO SIX SECTIONS:

**Section I:** Consideration of Transportation as a Related Service

**Section II:** Students Receiving Transportation Through the IEP Process

**Section III:** Modes of Transportation and Specialized Equipment

**Section IV:** Transporting Students in Foster Care or Homeless

## DEFINITIONS

### Related services

Transportation and other developmental, corrective, and supportive services as are required to assist a student with a disability to benefit from special education are defined as related services.

### School-to-school special education transportation

The transport of students with disabilities from their school of residence, or a pick-up location within the vicinity of the school of residence, to their school of attendance.

### Home-to-school special education transportation

The transport of students between their home and the regular full-time day school they attend, as provided by the LEA/District or county superintendent of schools.

- **Curb-to-Curb:** Student is picked up and dropped off at a predetermined street location.
- **Door-to-Door:** The LEA/District will provide transportation to and from the street location closest to student's doorstep.

### School of residence

The school, the student, would attend near his/her home address or childcare address if a childcare permit were in effect.

### School of attendance

The day school that a student attends.

### Nonresident school

Any school that is not the student's school of residence.

### Assistant

Any adult who assists in the transportation of students, it may be a para-educator, bus aide, or one on one aide for medical or behavioral purposes.

# **SECTION I:**

## **CONSIDERATION OF TRANSPORTATION AS A RELATED SERVICE**

The following are general guidelines to alert IEP teams to examine the need for transportation as a related service, with the understanding that special circumstances or exceptions may be discussed and consensus reached by the IEP:

- Consider for a student whose disability includes personal factors such as the health, social judgment, behavioral needs or lack of ability to communicate such that the safety of the student is a primary consideration, specialized transportation or some other mode of transportation (specialized bus, van, taxi, ride service, etc.) may be considered appropriate to address the student's needs.
- Consider transportation when the student is being placed at a facility other than the school of residence or LEA of enrollment as a result of their disability.
- Consider specialized transportation for students with disabilities may be needed if the psycho-educational assessment information indicates that the identified disabilities preclude the student, when compared to same-age peers that are all meeting to be bused, and the student is unable to meet the bus due to the student's disability.



# **SECTION II:**

## **STUDENTS RECEIVING TRANSPORTATION THROUGH THE IEP PROCESS**

In determining the need for transportation, responses to the following questions shall be documented on the IEP:

- 1) Does the student require transportation to benefit from special education?
- 2) If the student requires transportation to benefit from special education, what kind of transportation is required to meet the assessed needs of the student? Options the team may consider:
  - School Bus with General Education Peers
  - Taxi
  - Specialized School Bus
  - Ride Service
  - School Van or Car
  - Parent provides transportation w/ reimbursement (dependent on parent ability and willingness to provide)

IEP teams should review assessment information and consult with any relevant health professionals, including LEA/District medical personnel, after the student has been determined eligible for transportation. The IEP team should identify and discuss any concerns regarding the transportation requirements of the student to avoid misunderstandings that may generate disputes. The following are common considerations when IEP meetings are discussing transportation needs:

- Personnel needed to assist the student, as applicable
- Service level, such as picking up at a bus stop or door-to-door transportation
- Least Restrictive Environment (LRE) (See Appendix 4)
- Student medical needs that may require special assistance including medical procedures necessary on the bus, climate control, specific amount of time during transport, or unique medical or assistive equipment (i.e. wheelchairs or gurneys that have unique design, configurations, or adaptations which may require special handling)
- Behavior services or behavior plans implemented on the bus or during transportation, which should include a behavior intervention plan and/or behavior goals in the IEP
- Needed modification of school bus equipment
- Communication needs addressed for the effective communication of evacuation procedures and other safety issues such that accommodations or modifications applied to specialized transportation are insufficient

**The IEP team shall review each student's eligibility for transportation as a related service at each IEP team meeting to determine if transportation as a related service is no longer needed for the student to benefit from special education.**

It is essential for IEP teams to consider the Least Restrictive Environment (see appendix 4) when making decisions about transportation as a related service.

### **30-DAY INTERIM IEP PROCESS**

When a student enrolls in a school with transportation services in the current IEP, the enrolling school must provide a comparable service while the 30-day IEP is being developed. A comparable service could be transportation by



school bus, van, taxi, ride-share service or parent transportation with reimbursement. At the 30-day interim IEP, the IEP team may use the Transportation Guiding Questions (Appendix 2) to help determine the need for transportation as a related service.

- 1) If the IEP team agrees that transportation is necessary for the student to receive benefit from special education, then transportation services continue. The IEP team will determine the mode of transportation and details as described above (bus, parent, taxi, etc.).
- 2) If the IEP team determines that transportation is no longer necessary, a Prior Written Notice (PWN) should be sent to the parent stating that the service is removed and the rationale. If parents disagree with the LEA/District, an IEP meeting should be scheduled immediately to address the parents' concerns. Transportation should continue to be provided to the student until the parent has signed the IEP without transportation services documented, at which point a PWN should be sent to the parent stating that the service is removed and the rationale.



# **SECTION III:**

## **MODES OF TRANSPORTATION AND SPECIALIZED EQUIPMENT**

### **TRANSPORTATION OPTIONS ONCE THE STUDENT IS DETERMINED ELIGIBLE**

Considering the identified needs of the pupil, transportation options may include, are not 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 LEA/District)
- Riding a specialized bus from a pickup point, and portal-to-portal special education transportation via a school bus
- Utilizing a Taxi or Ride-Share Service
- Reimbursing parent's driving with a parent's voluntary participation, or another mode as determined by the IEP team

Specialized transportation, as a related service, must be written on the pupil's IEP with specificity and should be approved by the school's administrator. It is recommended that services be described in sufficient detail to inform the parties of how, when, and from where/to where transportation will be provided. Also, when arrangements for the reimbursement to parents are required, the amount and frequency of reimbursement should be documented in the IEP. It could be defined, for example, through a monthly calendar submitted to the appropriate person for IRS mileage rate (<http://www.cde.ca.gov/sp/se/lr/trnsprtgdlns.asp>).

### **USE OF PUBLIC TRANSPORTATION**

The IEP team may wish to consider a blend of transportation services as the student's needs evolve and as the student's abilities progress. When discussing transportation options for a student, one consideration could be public transportation to assist in independence. This may require additional public transportation goals and services provided to teach the student skills necessary for ongoing use.

### **TAXI AND RIDE SHARE SERVICE**

If a school has determined to use a taxi service or a rideshare service to transport students with disabilities there are some considerations that should be discussed by the LEA/District. The LEA/District should ensure that students are transported by an individual who has a valid California driver's license, minimum liability insurance, and has completed a Memorandum of Understanding (MOU) with the LEA/District.

Uber and Lyft are the most recognized names in the rideshare industry, however, they are not permitted to transport students. There are other companies, such as HopSkipDrive, are attempting to enter by providing rides that are specifically tailored to transporting children. The majority of drivers have a minimum of five years of childcare experience. LEAs/Districts may want to explore such rideshare services in their area. It is important when considering these options for transportation to ensure that the student does not miss any instructional time due to waiting on pick up or drop off by taxi or rideshare service.

## **EQUIPMENT AND WHEELCHAIRS**

When the IEP requires the use of special equipment, the student may need the equipment during transport. IDEA identifies transportation as a related service necessary for students with disabilities to access their education, and as a result, transportation must accommodate the need to transport or use any required special equipment. According to 13 CCR § 1293, responsibility for the condition and repairs of the wheelchair, its wheel locks, and seat belt rests upon the owner of the wheelchair. The IEP may require an ambulatory student to be restrained by a lap belt or safety vest. Contract companies shall provide all equipment (except a wheelchair) required for the transportation of students with disabilities on their vehicles. A student's IEP defines the steps the LEA/District must take to meet a student's educational needs.

Updates or changes in special or medical equipment, or change in transportation as a related service, must be changed on the IEP. Sufficient notice must be given to LEA/Districts to avoid disruption of service. Changes include new, modified, and replacement equipment.

LEA/District policies are designed to further enhance students' safety. Before the start of any transportation program for a student confined in a wheelchair and before the use of a newly acquired wheelchair of any type, the owner may permit the school personnel to inspect the wheelchair. Any wheelchair transported on a bus in LEA/District service will need to meet the transportation policy requirements. The following are some sample requirements:

- *Restraining Belts* – Restraining belts of webbing material with buckles that will not release unless done so manually.
- *Disconnecting the Power* – For electric wheelchairs, the driver must be able to disconnect the power to the chair and roll the wheelchair freely to load and unload. The power shall remain disconnected during loading, unloading, and transportation.
- *Securement* – All equipment, motors, and other devices must be secured to the wheelchair or bus by approved means to prevent accidental separation during loading, unloading, and transportation.
- *Equipment Secured on the Wheelchair* – Oxygen tanks, respirators or other special equipment for use by the student must be attached securely to the chair.
- *Respirators and Suction Machines* – If attached to the wheelchair, they must operate independently of the source that powers the wheelchair.
- *Lap Trays* – If detachable, the lap tray shall be removed from the wheelchair and secured appropriately. If not detachable, the parent shall provide a pillow or padding to place between the student and the edge of the tray.

**Before initiating a student's transportation program, a designated staff member should inspect each wheelchair or other equipment required by the IEP for use or availability during transportation.**

## **NONCONFORMING WHEELCHAIRS**

If the wheelchair (or other equipment) does not conform to the safety requirements required to transport, the student cannot be transported on the bus in that wheelchair. If an empty chair poses no safety problems for the other students and the student can board the bus without the chair and ride safely on a bus seat, the chair may be transported empty, with the student on a bus seat.

If personnel discover a defect in the wheelchair or other special equipment before the start of a transportation-related service, the LEA/District should provide the parent with a written report of the defect and the corrections that need to be made. It is the responsibility of the owner of the chair to correct any wheelchair or any other equipment defects.

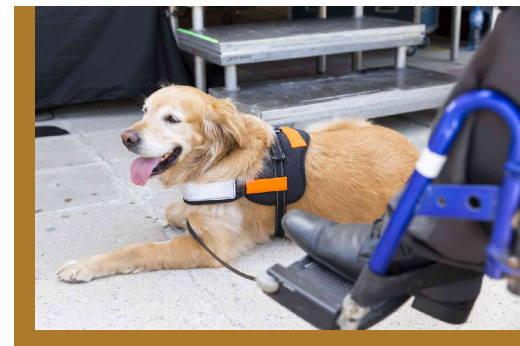
## STATE AND FEDERAL REQUIREMENTS

There are federal, state and district regulations for students who are transported in wheelchairs via bus that are designed to enhance student safety. CCR 13 § 1293 requires:

- *Securement of Pupils* - Passengers shall be secured to wheelchairs by a restraining belt (lap belt) while being loaded, unloaded, and transported.
- *Securement of Wheelchairs* - Wheelchairs shall be secured with fasteners of sufficient strength to prevent the chairs from rotating, prevent the chair from leaving the floor in case of sudden movement, and to support the chairs in the event the vehicle is overturned.
- *Equipment of Wheelchairs* - Wheelchairs shall be equipped as follows:
  - Wheelchair Locks and Restraining Belt - Wheelchairs shall be equipped with wheel locks and a restraining belt properly maintained by the owner of the chair. Electric wheelchairs transported on school bus shall be capable of being locked in gear when placed on a school bus or shall have an independent locking system capable of holding the wheelchair in place.
  - Batteries - Batteries used to propel electric wheelchairs transported on school buses shall be both leak resistant and spill resistant or shall be placed in a leak resistant container. Batteries shall be secured to the wheelchair frame in such a manner as to prevent separation in the event of an accident.
  - Oxygen Tanks - Drivers should not transport oxygen tanks or cylinders unless the student's IEP specified the requirement for oxygen. The bus supervisor and driver trainer will inspect the tank or cylinder before the supervisor assigns the student to a route. These supervisors must designate the means by which the driver will secure the oxygen tank or cylinder during transportation.
  - Number of Oxygen Tanks - A driver should not transport more than one tank or cylinder of oxygen for the student on the school bus. The drivers shall transport only the tank or cylinder which the child will use or need available for use during transportation. For this application, the tank or cylinder is in use even if the tank or cylinder is being transported for emergency use only. The driver shall not transport any spare or additional tanks or cylinders, unless required by the student's IEP. The parent/guardian is responsible for the transportation of any additional supply of oxygen for use at school.
  - Oxygen Securement - The driver should ensure the securement of the tank or cylinder either directly on the wheelchair of the student or to the bus seat occupied by the student. When the student occupies a bus seat, the student shall sit in the rearmost bus seat. Oxygen must be placed away from heating devices.
  - Storage - By regulation, oxygen tanks and cylinders should not be stored or transported in any enclosed compartment or area such as the trunk or luggage compartment. School buses transporting students with medically required oxygen are not required to display placards.
  - Oxygen Administration - The LEA/District may need to assign healthcare assistants to ride with students who require oxygen during transportation. The assistant should sit either with or near the student. The assistant provides all care involving the use of oxygen. The driver is responsible securing the tank or cylinder.

## CERTIFIED SERVICE ANIMALS

A certified service animal may be transported when it is needed to facilitate the functional level of a student with disabilities. The LEA/District should develop a policy to address this issue. Please see Appendix 5, for a sample policy.





# SECTION IV:

## TRANSPORTING STUDENTS IN FOSTER CARE OR HOMELESS

### OVERVIEW

Transportation services for students with disabilities are based on eligibility determined under the provisions of the Individuals with Disabilities Education Act of 1997, also known as IDEA. Under IDEA, students with disabilities shall be provided a Free Appropriate Public Education (FAPE). Although students in foster care or homeless do not necessarily receive special education services, some do. It is important for LEA's to be well versed on the Federal and State laws that govern transportation for students that are in foster care or experiencing homelessness.

### TRANSPORTATION OF STUDENTS IN FOSTER CARE

Students in foster care may be at risk of not receiving their high school diploma or continuing their post-secondary education, based on national research. Many students in foster care do not have permanent residency which can make it difficult for those students to complete their education. The *Every Student Succeeds Act of 2015* (ESSA) requires that school divisions and child welfare agencies collaborate to develop and implement clear written procedures governing how transportation will be provided, arranged, and funded to maintain children in foster care in their school of origin during the time students are in foster care when it is in their best interest. The clear written procedures must ensure students in foster care who need transportation to the school of origin promptly receive it in a cost effective manner.

Under the Every Student Succeeds Act (ESSA), transportation procedures for students in foster care must:

- Ensure that students in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner and following the child welfare agency's authority to use child welfare funding for the school of origin transportation;
- Ensure that, if there are additional costs incurred in providing transportation to maintain students in foster care in their schools of origin, the division will provide transportation to the school of origin if:
  - The local child welfare agency agrees to reimburse the LEA for the cost of such transportation;
  - The division agrees to pay for the cost of such transportation; or
  - The division and the local child welfare agency agree to share the cost of such transportation.

*In California, foster youth have the right to continue to attend their school of origin through the end of the school year for youth in grades one through eight and have the right to complete high school for students already in high school when their case closes. EC Section 48853.*

*Please note that ESSA transportation requirements apply even if an LEA does not otherwise provide transportation to students who are not in foster care; also note that the ESSA educational stability provisions apply to preschool-age children in foster care, in addition to older students. If an LEA offers a public preschool education, the requirements must be met for pre-school age foster youth as well. Elementary and Secondary Education Act (ESEA) Section 1111(g)(1)€. <https://www.cde.ca.gov/ls/pf/fy/faqsessatrans.asp>*

## **TRANSPORTATION OF STUDENTS EXPERIENCING HOMELESSNESS**

Students that are experiencing homelessness may have barriers to their educational experience due to the mobility linked to homelessness. Students may lose educational continuity and possibly academic credits, as well as their school social network, including friends and teachers that know the student's strength and weaknesses the most. The McKinney-Vento Act 2015 attempts to help alleviate some of the issues that students experiencing homelessness face. Here are some of the key provisions regarding transportation and the McKinney-Vento Act:

- Local liaisons must ensure that the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to and from the school of origin, and is assisted in accessing transportation to the school selected in accordance with the best interest determination [42 U.S.C. § 11432(g)(6)(A)(viii)].
- Local educational agencies (LEAs) must provide homeless students with transportation to and from the school of origin at the request of a parent or guardian (or in the case of an unaccompanied youth, the local liaison) [42 U.S.C. § 11432(g)(1) ( J)(iii)].
- If the child's or youth's living arrangements in the area served by the LEA of origin terminate and the child or youth, though continuing the child's or youth's education in the school of origin, begins living in an area served by another LEA, the LEA of origin and the LEA in which the homeless child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child or youth with transportation to and from the school of origin. If the LEAs are unable to agree upon such a method, the responsibility and costs for transportation shall be shared equally [42 U.S.C. § 11432(g)(1)( J)(iii) (II)].
- In addition to providing transportation to the school of origin, LEAs must provide students in homeless situations with transportation services comparable to those provided to other students in the school [42 U.S.C. § 11432(g)(4)(A)].

## **MODES OF TRANSPORTATION**

LEA's should work in collaboration with parents in developing plans to transport students to and from the school of origin when determined appropriate. It is important that the mode of transportation does not identify the student's situation or living arrangement. For example, if the student is currently residing at a homeless shelter, there should be consideration of where the picking up and dropping off of the student occurs. Transportation arrangements should also be made to ensure that students experiencing homelessness can participate in the entire school day. Some possible modes of transportation are:

- Walking
- Riding the regular school bus
- Utilizing available public transportation (any out-of-pocket costs to the pupil or parents are reimbursed by the LEA/District)
- Riding a specialized bus from a pickup point, and portal-to-portal special education transportation via a school bus
- Utilizing a Taxi or Ride-Share Service
- Reimbursing parent's driving with a parent's voluntary participation

# ***APPENDICES***

# Appendix 1

## **FREQUENTLY ASKED QUESTIONS (FAQS) REGARDING TRANSPORTATION**

**Q: How does an IEP team determine that transportation as a related service is needed to access FAPE?**

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

- Medical diagnosis and health needs when considering 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 student needs in inclement or very hot weather.
- Physical accessibility of curbs, sidewalks, streets, and public transportation systems.
- Consideration of a student'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.
- Behavioral Intervention Plans [Title 5, CCR 3001(g)] specified by the student's IEP and consideration of how to implement such plans while a student is being transported.
- Midday or other transportation needs as required on a student'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 student's placement and transportation needs.
- Extended School Year services, pursuant to *EC* Section 56345(b)(3), should be another consideration of a student's need for transportation if considered necessary to provide FAPE as specified in a student's IEP.

**Q: How does the IEP team determine if transportation is related to a student's disability?**

A: Eligibility for special education transportation as a related service shall be determined by the IEP team individually for each student, based on the assessment information related to the student's disability. This determination, which shall be stated in the IEP, must be related to the needs of the student as a result of the student's disability and consideration of whether transportation is required for the student to benefit from special education. When safety is a consideration, the determination must be related to the student's disability and may not be based solely on the student's chronological age or the school the student is attending.

**Q: Provided the student has transportation per their IEP and the family moves into a home that is substantially further away, is the LEA/District still required to provide transportation?**

A: Yes, if it is determined that transportation is a necessary related service for the student to receive FAPE and it is in the student's current IEP. If the student's residence is outside the school's bus area, the LEA/District can offer alternatives including mileage reimbursement for parents transporting the student.

**Q: How does the IEP team determine if a student requires an assistant on the bus?**

A: The IEP team determines the need for a healthcare assistant or a temporary support assistant on the bus based upon assessed physical or medical needs or for safety issues due to existing student behaviors that are a manifestation of the disability. When it is determined that a bus assistant is required for student behaviors which jeopardize health and safety, those behaviors must be documented on the IEP and the IEP must include a Behavior Intervention Plan(BIP) and goals to decrease or eliminate the behaviors.



**Q: What is an LEA's/District's responsibility in transporting a student's medical equipment or wheelchair?**

A: A student's IEP specifies which steps the LEA/District must take to meet the student's educational needs. Specialized equipment may be required. When the IEP requires the use of special equipment, the student may need the equipment during transport. IDEA identifies transportation as a related service for education. Providers of related services must honor the requirements of the IEP. As a result, transportation must accommodate the need to transport or use any required special equipment. 13 CCR § 1293 places responsibility for the condition and repairs of the wheelchair, its wheel locks, and seat belt upon the owner (parent/guardian) of the wheelchair. The IEP may require an ambulatory student to be restrained by a lap belt or safety vest. Contract companies shall provide all equipment (except a wheelchair) required for the transportation of students with disabilities on their buses.

**Q: Can a student with special education services be suspended from transportation?**

A: Yes, but the suspension of a student receiving special education services from transportation can be considered a change of placement if the LEA/District does not provide another mode of transportation. A significant change in placement requires a meeting of the IEP team to review the student's IEP. During the period of any exclusion from bus transportation, a student must be provided with an alternative form of transportation at no cost to the parent/guardian 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 school bus 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.)

**Q: Can a Certified Service Animal be transported to school by LEA/District with the student?**

A: Yes, a certified service animal may be transported when it is needed to facilitate the functional level of a student with disabilities. The LEA/District should develop a policy to address this issue. Please see appendix 4, for a sample policy.

**Q: If a student with a disability spends a significant amount of time being transported to and from school, as well as to and from another location to receive special education and related services, is the student entitled to receive additional school time to make up for the time lost in transportation?**

A: Neither Part B of the IDEA nor the regulations address the issue of the length of a school day. Determining the length of a school day is a decision left to the LEA/District. However, the IDEA defines school day as any day, including a partial day, that students are in attendance at school for instructional purposes. Additionally, school day has the same meaning for all children in school, including both those with and without disabilities. In general, a school day for a child with a disability should not be longer or shorter than a school day for general education students. However, if a child's IEP team determines a child needs a shorter or extended school day in order to receive FAPE, then appropriate modifications should be incorporated into the IEP. However, these modifications must be based on the unique needs of the child, as determined by the IEP team, and not solely based on the child's transportation time.

**Q: When does a student with a disability have a right to transportation to and from school-related activities that occur outside of normal school hours, such as community service activities that are required by the school?**

A: Whether a student with a disability has a right to transportation to and from school-related activities that occur outside of normal school hours depends on whether the IEP team has included transportation as a related service in the student's IEP to enable the student to benefit from special education and related services.

If the IEP team has made that determination, then it should include transportation for required after-school activities, such as community service activities that are required by the school, as well as for activities necessary to afford the child an equal opportunity to participate in extracurricular activities.

**Q: If the IEP team has determined that a student requires door-to-door transportation, is the school required to transport the student from inside the home to the transporting vehicle?**

A: The term “door-to-door” transportation seems to contemplate a home pickup and delivery as opposed to a bus-stop or “station” assignment, but still provides no indication as to what precise location at the home the transportation should meet the student – the curb, the driveway, or the front door itself. Cases have found that school districts are not required to cross the threshold and enter the interior of the home to retrieve and deliver the student. (see Independent School District, 17 IDELR 21 (SEA MN 1990) [school district was not obligated to provide an aide to carry a non-ambulatory child inside her home and up a flight of stairs]; and New York City School District, 508 IDELR 282 (SEA NY 1986) [school personnel were not required to go inside the apartment building where a student with an orthopedic impairment lived].) Generally, however, if the student’s IEP calls for door-to-door transportation, the district will be expected to provide transportation to and from the street location closest to student’s doorstep.

**Q: What must local educational agencies (LEA) do in regards to transportation to the school of origin for students in foster care, under the Every Student Succeeds Act (ESSA)?**

A: Develop and implement clear written procedures governing how transportation to maintain students in foster care in their school of origin when in their best interest will be provided, arranged, and funded for the duration of their time in foster care, and ensure that students promptly receive that transportation.

In California, foster youth have the right to continue to attend their school of origin through the end of the school year for youth in grades one through eight and have the right to complete high school for students already in high school when their case closes. EC Section 48853.

Designate a “Point of Contact” (POC) if the corresponding child welfare agency notifies the LEA in writing that it has designated an employee to serve as a POC for the LEA.

**Q: What must the clear written procedures include?**

A: These procedures must ensure that children and youth in foster care who need transportation to the school of origin promptly receive it in a cost-effective manner.

If there are additional costs incurred in providing transportation to the school of origin, school districts will provide transportation through one of the following methods: The child welfare agency agrees to reimburse the school district;

- The LEA/District agrees to pay the costs; or
- The LEA/District and the child welfare agency agree to share the costs.

**Q: If a student attends school in District A (“district of residence”) at the time he or she is placed in a foster home located within District A’s boundaries, who is responsible for transporting the student to school?**

A: District A. The district of residence must arrange for transportation consistent with its policies for resident students.

- Q: If the same student is placed in a foster care setting located in District B (“district of location”), outside of District A’s boundaries, and the child enrolls in District B’s schools, who is responsible for transporting the student to District B’s schools?**
- A: District B. The district of location, which in this situation is District B, is responsible for providing educational services to the student, including transportation, and District A, the district of residence at the time the student entered foster care, is responsible for the cost of the services pursuant to Education Law §3202(4)(a).

## Appendix 2

### Transportation Guiding Questions Form

The following document may be discussed at Initial/Annual /Triennial/ Change of Placement or Amendment IEP meetings in which specialized transportation is being considered.

Student: \_\_\_\_\_ Disability: \_\_\_\_\_ Grade: \_\_\_\_\_

Current Program: \_\_\_\_\_ Current School: \_\_\_\_\_

Can the LEA/District determine that the school the student is currently enrolled in is able to provide access to the appropriate special education program and related services?

Yes	No
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Can the student utilize the same transportation as siblings and age-appropriate peers?

Yes	No
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**If the IEP team answers NO to any of the above questions, the next section must be completed.**

1. Is the student medically fragile, have an acute illness, or chronic illness? Requires a health attendant/nurse? Specify: _____	Yes	No
2. Does the student have an orthopedic impairment, or physical disability that significantly impacts mobility - uses a wheelchair, walker, etc.? Specify: _____	Yes	No
3. Does the student have substantial risk to their safety or well-being due to significant delays in social-emotional/ behavioral or cognitive development such that he/she is unable to get to school in the same manner as his/her non-disabled peers? Specify: _____	Yes	No
4. Does the student have a sensory impairment (blind, deaf) which profoundly impacts his/her ability to understand, respond to and/or communicate regarding concerns that may arise? Specify: _____	Yes	No
5. Does the student require a modification and/or is adaptive equipment needed? Specify: _____	Yes	No
6. Is the placement the IEP team has determined appropriate for this student different than the school in which the student resides?	Yes	No

**If the IEP team answers YES to questions 1-5, the next section must be completed.**

#### Type of Transportation:

Check one that applies

Van  
 Bus  
 Other: \_\_\_\_\_

#### Modification/Adaptive Equipment:

Check all that apply

Car Seat  
 Lap Belt  
 Harness  
 Preferred Seating (Explain) \_\_\_\_\_  
 Other (Explain) \_\_\_\_\_

***The IEP team is in agreement with the following information.***

#### Signatures Required

\_\_\_\_\_

\_\_\_\_\_

Case Manager

Date

\_\_\_\_\_

\_\_\_\_\_

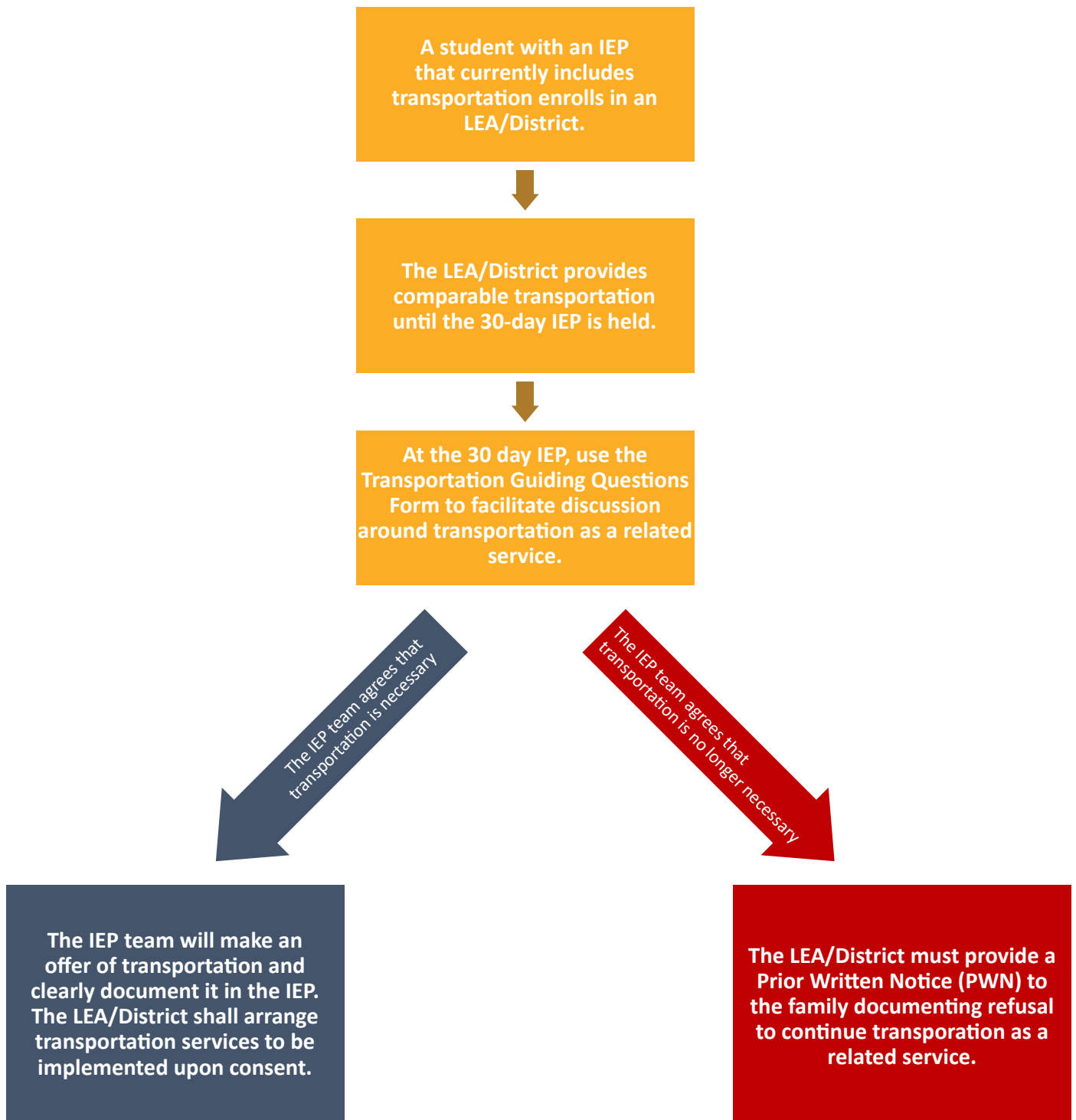
Administrator/Designee

Date



## Appendix 3

### Flowchart for new student enrollees with transportation services on their IEP



## Appendix 4

### CONTINUUM OF TRANSPORTATION SERVICES

#### Least Restrictive to Most Restrictive Environment

*PLEASE NOTE: This is an example continuum, however, the continuum may change depending on a specific student's unique set of needs.*

- Student resides near the school of residence and is able to walk to school or utilize alternate means of commuting equivalent to peers.
- Student resides far enough away from school of residence and utilizes a designated school bus stop equivalent to peers.
- Student's program is at a campus other than their school of residence. Student requires a school bus. Pick-up at their school of residence or a designated school bus stop located within walking distance of their residence (specify with or without special equipment for all options below).
- Student's program is at a campus other than their school of residence. Student requires a school bus curbside pick-up near residence.
- Student's program is at a campus other than their school of residence. Student requires a school bus home pick-up.
- Student's program is at a campus other than their school of residence. Student requires a school bus home pick-up with assistance at the stop.
- Student requires a school bus, home pick-up with assistance at the stop and a transportation assistant on-board the bus.
- Student requires a school bus, home pick-up with assistance at the stop, transportation assistant onboard the bus and an adapted ride time.
- Student requires a school bus, home pick-up and rides alone with a transportation assistant onboard the bus.
- Student requires a school bus, home pick-up and rides alone with a transportation assistant onboard the bus and a modified school day.
- Student is transported in a passenger van with their peers.
- Student is transported in a passenger van with their peers and a transportation assistant on-board.
- Student is transported in a passenger van and rides alone with a transportation assistant on-board.
- Student is transported in a passenger van alone with a transportation assistant on-board and a modified school day.
- Student uses atypical transportation such as an ambulance.
- Parent provides transportation with LEA/District reimbursement.

## Appendix 5

### Sample Policy for Transporting a Service Animal

A certified service animal may be transported when it is needed to facilitate the functional level of a student with disabilities.

Procedures for transporting a service animal:

- The animal's current immunization papers must be on file.
- Certificate of training is required with an annual update.
- The animal will be seated on the floor between front seat and front barrier, depending on type of bus being used.
- Tethering of the animal will be determined on a case-by-case basis.
- The animal should be acclimated to the bus before placing on the bus for transportation.
- Documentation of animal's behavior by teacher, paraprofessional, parent and trainer should be maintained.
- The animal will participate in emergency evacuation drills.
- The animal must respond to commands given by the bus driver.
- Situations that would cause a cessation of transportation of service animal:
  - The animal biting someone.
  - The animal urinating or defecating on bus. (Medical reasons taken into consideration if documented by a veterinarian.)
  - The animal not staying in its designated area.
- The parent/guardian must show documentation of appropriate insurance coverage.
- Document each step of the procedure of transporting a service animal.
- Letter to parent/guardian of students on bus route informing them that a service animal will be on the bus.

### Sample Notice to Parents of Other Students on the Same Bus

Dear parent/guardian:

This letter is to notify you that your son's/daughter's bus will be transporting a service animal to assist a fellow student. The service animal is a trained and certified \_\_\_\_\_ (breed) and will be riding the route on the school bus floor.

If you need further information concerning service animals, please contact my office at

\_\_\_\_\_.

Thank you in advance for your cooperation.

Signature and contact information

## Appendix 6

**THIS CONTRACT IS BEING PROVIDED AS A SAMPLE ONLY. SCHOOL DISTRICTS SHOULD SEEK LEGAL COUNSEL AS TO THE APPROPRIATE TERMS AND CONDITIONS TO BE INCLUDED IN ANY TRANSPORTATION CONTRACT.**

### TRANSPORTATION CONTRACT

(with parents/guardians)

It is agreed that the \_\_\_\_\_ LEA/District, and \_\_\_\_\_ (parent(s)/guardian(s)) enter into this contract for the transportation of \_\_\_\_\_ to and from the \_\_\_\_\_ School at \_\_\_\_\_.

Contract terms: commence \_\_\_\_\_ and end \_\_\_\_\_.

Description of vehicle(s) to be used:      Make \_\_\_\_\_  
    Model Year \_\_\_\_\_  
    Plate Number \_\_\_\_\_

Auto liability insurance coverage amounts \$\_\_\_\_\_. The parents must provide a certificate of insurance indicating that the policy is current and a copy of their current driver’s license.

The responsibility of the LEA/District for transportation shall be limited to the regular school term. In addition, the following terms apply:

- a. If reimbursement is based on a rate per mile, the maximum distance per round trip shall be limited to the actual mileage. If the student is attending a nonpublic school in another school district, mileage is limited to the distance from the parent’s home to the appropriate LEA/District boundary. The round trip mileage for this service shall not exceed \_miles per day.
- b. If reimbursement is based on a rate per student, the amount will be prorated if the student withdraws before the end of the school year.

Reimbursement shall be paid at the rate of \$\_\_\_\_\_ per mile or \$\_\_\_\_\_ per student per year.

Claims for reimbursement are to be submitted as follows: monthly, biannually and annually (circle one). The parents must submit their claim within \_\_\_\_\_ days after the end of the claim period. The LEA/District will reimburse the parent within 30 days after receiving the claim.

Either party can cancel the contract by giving 30 days written notice.

APPROVED:

PARENT

LEA/DISTRICT

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



