disabilityrights WISCONSIN
Protection and advocacy for people with disabilities.

Fact Sheet: School Transportation

Introduction

Many students with disabilities use the same school transportation as their nondisabled peers. A student with a disability has the right to transportation in their least restrictive environment.

However, not all students with disabilities are able to use the same school transportation as their nondisabled peers. Some students require specialized transportation as a related service as part of their Individualized Education Program (IEP). Students with disabilities are entitled to transportation as a related service when the IEP team has determined that transportation is necessary for the student to benefit from special education.

This decision should be based on individual student needs, which might include:

a) Medical and health needs — whether the length of bus ride could affect the student's health, the student's general ability to ambulate/wheel, the approximate distance from school, the student's needs in inclement or very hot weather, whether the student is medically fragile and requires special assistance.

b) Student needs for adaptive or assistive equipment.

c) Need for safe transfers.

d) Accessibility — even for students who may live close to school or use public transportation, there should be consideration of the physical accessibility of curbs, sidewalks, streets, and public transportation systems that students may use on the way to school.

e) Student's capacity — ability to arrive at school on time, avoid getting lost, avoid dangerous traffic situations, and avoid other potentially dangerous or exploitative situations on the way to and from school.

f) Behavior related needs — implementation of a behavioral intervention plan (BIP) while the student is being transported.

g) Alternative educational setting — if the IEP team has determined that the child's least restrictive environment and appropriate educational setting is a location different from the public school building where the scheduled bus route does not typically transport students.

h) Other — transportation to community-based programming, off-site services, or therapies.

According to the Individuals with Disabilities Act (IDEA), transportation includes:

i. Travel to and from school and between schools;
ii. Travel in and around school buildings; and
iii. Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.

(See 34 C.F.R. §300.34(c)(16)).

Schools can provide transportation service utilizing their own busing system, contract with a community transportation company, or contract with a parent. If the school contracts with the parent to provide transportation, the reimbursement mileage rate must be based on state rate set by the Wisconsin Department of Transportation or a rate that is comparable with area school districts. In addition, parents must be reimbursed round-trip mileage for both drop-off and pick-up.

This resource material is intended as a self-advocacy guide for people with disabilities. Nothing written here shall be understood to be legal advice. For specific legal advice, please contact an attorney.

Parent Tips

- Since disability-related transportation decisions are made by the IEP team, if you believe your child has a disability-related need that requires specialized transportation services, as a parent you have the right to request an IEP meeting to discuss your child's transportation needs.
- Be prepared to demonstrate to the IEP team that your child needs transportation services based upon their disability related needs. To demonstrate need, provide the team with examples, letters of support from your child's doctor or service providers, or any written documentation the school has provided that indicates your child may need specialized transportation.
- Transportation services must be documented in your child's IEP under Related Services and must include detailed information such as when, where, how often, who will be providing the transportation, type of vehicle and information regarding special circumstances to access non-academic or extra-curricular events.
- Learn more about the IDEA State Complaint and Dispute Resolution Process here: dpi.wi.gov/sped/dispute-resolution/complain

  You may file an IDEA complaint with DPI if you have a dispute with your child's school and you believe the school is not complying with IDEA requirements.

  Some examples in the transportation context include:

  - ► If you believe your child needs transportation service but was denied.
  - ► If you are transporting your child to school through a district contract and you are not being reimbursed appropriately.

Resources from the Department of Public Instruction

Name: Information Update Bulletin 18.01
Transportation Questions and Answers

Website: dpi.wi.gov/sped/laws-procedures-bulletins/bulletins/18-01

This DPI guidance bulletin covers laws governing transportation of students with disabilities, qualifications and entitlement to transportation, transportation logistics, locations, transportation by parent(s), route considerations, transportation for students experiencing homelessness and students in foster care, placements, discipline, and behavior related to transportation, and safety and specialized equipment.

Name: Individuals with Disabilities Education Act (IDEA):
Special Education Transportation

Website: docs.google.com/document/d/
1lwMbrTLQjNkXrDSLiVxbOE-DS46oZHyFvt3Wh9fPTBA/

An overview on special education transportation: IDEA, FAPE, transportation arrangements, incidental benefit, and accommodation for students experiencing homelessness or foster care.

Name: Frequently Asked Questions About Wisconsin's Full-Time Inter-District Public School Open Enrollment

Website: dpi.wi.gov/sites/default/files/imce/open-enrollment/pdf/oe-faq-5-2017.pdf

XI. Transportation, page 35

An FAQ regarding open enrollment in Wisconsin, with a section on transportation and a few questions about special education and transportation in open enrollment scenarios.