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Transportation Guidelines

Participating Humboldt – Del Norte Local Education Agencies (LEAs): Arcata, Big Lagoon Union School District, Blue Lake Union School District, Bridgeville School District, Cuddeback Union School District, Cutten School District, Del Norte County Office of Education, Del Norte Unified School Districts, Eureka City Schools, Ferndale Unified School District, Fieldbrook School District, Fortuna Elementary School District, Fortuna Union High School District, Freshwater School District, Garfield School District, Humboldt County Office of Education, Hydesville School District, Jacoby Creek School District, Klamath-Trinity Joint Unified School District, Kneeland School District, Loleta Union School District, Maple Creek School District, Mattole Unified School District, McKinleyville Union School District, Northern Humboldt Union High School District, Northern United – Humboldt Charter School, Orick School District, Pacific Union School District, Pacific View Charter 2.0, Peninsula Union School District, Rio Dell School District, Scotia Union School District, South Bay Union School District, Southern Humboldt Unified School District, Trinidad Union School District

Transportation Guidelines

Transportation should be included in a student's IEP if it is required in order for the student to benefit from special education. IEP teams should consider whether the student's disability prevents him/her from using the regular home-to-school transportation system. In other words, does the student have a physical disability, cognitive deficits, and/or health or safety needs that require home-to-school transportation?

1. Medical Diagnosis and Health Needs?
    a. Does the student have significant medical conditions that might impact the student's access to learning, such as seizures or epilepsy? Are they controlled?
    b. Does the student have significant limitations in strength, vitality, or alertness that prevent him/her from riding the regular school bus?
    c. Does the student have specialized medical equipment that must be transported on a specialized school bus?
    d. Is the student medically fragile?
2. Physical Needs?
    a. Does the student have a wheelchair requiring a special securement system on the school bus?
    b. Does the student have a visual impairment that prevents him/her from riding the regular school bus?
3. Safety Needs?
    a. Does the team expect the student to make appropriate decisions (similar to those that would be expected of any student in his/her grade/age)?
    b. Does the student require immediate supervision during breaks, such as lunch or recess?
    c. Does the student's disability or level of functioning prevent him/her from being able to travel to school independently?
    d. Does the student's disability or level of functioning prevent him/her from being able to travel to and wait independently at a regular school bus stop?
4. Behavioral Needs?
    a. Does the student require assistance to and from class, or other similar services during the school day?
    b. Does the student have a behavior plan that requires certain transportation services?
    c. Is the student's behavior, after implementing a behavior plan, so severe that he/she cannot ride the regular school bus?
5. Program Location?
    a. Is the student attending a program at a location other than his/her neighborhood school?

Other concerns (aka: not the school's responsibility):

1. If the LEA does not offer general home-to-school transportation, the IEP team should ask whether the student can get to school by the usual means without incident.
    a. In a case where a ten-year-old student's residence was 0.57 miles from school, the ALJ found that student had been transported by parents and/or walked the distance

from home to school without incident. The student did not need safe transportation; instead, parents were concerned with timely transportation of the student's siblings. *LAUSD*, OAH Case No. 2008090736 (Jan. 2009).

2. Is the parent requesting transportation merely for his/her convenience, and not to further special education needs? Even if transportation is required, the district only is required to provide reasonably safe transportation to address the student's educational needs, not to accommodate the student's or the parent's convenience or preference.
   a. The LEA is not required to transport to "accommodate the particular domestic arrangements" of the parents. In other words, you do not have to transport to a second parent's residence outside of the district. *North Allegheny Sch. Dist. v. Gregory P.*, 687 A.2d 37 (Penn. 1996).
   b. In a case where a parent was dissatisfied with her student's new bus driver and the fact that a new, larger school bus was unable to parallel park in front of the student's home and allegedly "emitted noxious and irritating fumes," the ALJ found that the transportation only needed to be "reasonably safe," not cater to parent preferences. *LAUSD*, OAH Case No. 2016021032 (June 2016).
3. If a student is enrolled in the LEA based on the parent's work location (aka "Allen Bill"), the parent's place of employment is the student's residence for the purpose of transportation needs. *Torrance USD*, OAH Case No. 2014071042 (Mar. 2015).
4. Is the transportation to accommodate an inter-district or intra-district transfer (or enrollment in a charter school)? Unless LEA policy states otherwise, a student typically is not entitled to transportation merely because his/her parents chose a school other than their neighborhood school.
5. The LEA is not responsible for transporting to another childcare or afterschool program.
   a. In a case involving a ten-year-old student with autism, the ALJ denied the parent's request for IEP-provided transportation to transport the student to a Regional Center-funded afterschool program instead of the student's home school (where his mother would pick-up and drop off the student) even though the afterschool program was two miles closer than student's home school. *LAUSD*, OAH Case No. 2012040866 (Aug. 2012).
6. The Ninth Circuit has not specified criteria for determining whether a child needs transportation as a related service. However, OAH has relied on other Circuits' case law to develop relevant factors of: (1) the child's age; (2) the distance the child must travel; (3) the nature of the area through which the child must pass; (4) the child's access to private assistance in making the trip; and (5) the availability of other forms of public assistance in route, such as crossing guards and public transit. Additionally, OAH has relied on case law from the Eighth Circuit stating that "a school district may apply a facially neutral transportation policy to a disabled child when the request for deviation from the policy is not based on the child's educational needs, but on the parents' convenience or preference." *LAUSD*, OAH Case No. 2016021032 (June 2016).