

Special Needs Transportation

VAPT 2017



Special Needs Transportation In Virginia



During the school year in the Commonwealth of Virginia, thousands of Special Education students ride on both big buses and small buses. Our responsibility is to safely transport those students to and from school.

Our mission is to make sure that the opportunities for learning and growth, remain **accessible**.

Our Goal



Our goal for today is to share information and experiences. It is also to identify guidance and responsibilities.

What I have learned is that there are very few new challenges. Special Needs Transportation is heavily guided by Federal Law . This means that solutions are abundant.

Laws and Regulations

- Federal Laws and Requirements
- State Laws and Regulations
- Local Policies
- Best Practices

IDEA

Individuals with Disabilities Education Act

Individuals with Disabilities Education Act

Transportation is a related service as defined by 34 CFR §300.34(c)(16) of the IDEA regulations and can include travel to and from school and between schools; travel in and around school buildings; and specialized equipment such as special or adapted buses, lifts, and ramps.

FAPE

Free
Appropriate
Public
Education

What is FAPE?

Free Appropriate Public Education (FAPE) is an educational right of children with disabilities in the United States that is guaranteed by the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act (IDEA).

FAPE

Free
Appropriate
Public
Education

What is FAPE's impact on Transportation?

Services have to be provided to, of age students with disabilities, to the same extent as students without disabilities at no cost to the parents, guardian or student.

§ 22.1-213. Definitions.

"Children with disabilities" means those persons (i) who are age two to 21.....

IEP VS 504

Purpose

IEP - Provides individualized special education and related services to meet the unique needs of the child. These services are provided at no cost to parents.

The Individuals with Disabilities Education Act (IDEA)

This is a federal special education law for children with disabilities.

504 - Provides services and changes to the learning environment to meet the needs of the child as adequately as other students.

As with IEPs, a 504 plan is provided at no cost to parents.

Section 504 of the Rehabilitation Act of 1973

This is a federal civil rights law to stop discrimination against people with disabilities.

504 Plans

Transportation

Students that are eligible for a 504 plan or 504 services are those that have a disability that substantially limits a “life activity. These life activities can be such things as breathing (severe asthma), learning, eating, walking, playing, seeing or otherwise participating in school activities are eligible for section 504 services.

A specific example of this would be a student that has severe asthma during specific times of the year (fall or spring). During those times they may not be able to walk to school without experiencing severe breathing problems. The school would need to provide transportation in this instance. Additionally, a student that broke their leg may require temporary transportation to school. This would be in a 504. The transportation in both instances would be provided by a regular school bus unless the student is in the temporary use of a wheelchair. These would be temporary accommodations and would be in a 504.

Code of Virginia

Code of Virginia § 22.1-221

§ 22.1-221. Transportation of children with disabilities attending public or private special education programs.

A. Each disabled child enrolled in and attending a special education program provided by the school division pursuant to any of the provisions of § [22.1-216](#) or § [22.1-218](#) shall be entitled to transportation to and from such school or class at no cost if such transportation is necessary to enable such child to obtain the benefit of educational programs and opportunities.

Virginia
Administrative
Code



8VAC20-70-350. Training.

All drivers shall receive training in the operation of buses representative of the type used in the school division in which they will be employed and in the transportation of students with special needs.

Virginia Administrative Code



8VAC20-81-100. Free Appropriate Public Education.

G. Transportation. (§ [22.1-221](#) of the Code of Virginia; 34 CFR 300.107)

1. Each child with a disability, aged two to 21, inclusive, placed in an education program, including private special education day or residential placements, by the local school division shall be entitled to transportation to and from such program at no cost if such transportation is necessary to enable such child to benefit from educational programs and opportunities. Children with disabilities and children without disabilities shall share the same transportation unless a child's IEP requires specialized transportation.

2. If the IEP team determines that a child with a disability requires accommodations or modifications to participate in transportation, the accommodations or modifications shall be provided in the least restrictive environment. Transportation personnel may be on the IEP team or be consulted before any modifications or accommodations are written into the student's IEP to ensure that the modifications and accommodations do not violate any state or federal standard or any nationally recognized safety practices.

Virginia Administrative Code



3. A local educational agency shall ensure that a child with a disability is provided a commute to and from an education program that is comparable in length to the commute provided to children without disabilities, unless the child's IEP team determines that a longer or shorter commute is necessary to ensure the child receives a free appropriate public education.
4. If a local educational agency enters an agreement with another local educational agency for the provision of special education or related services for a child with a disability, such child shall be transported to and from such program at no cost to the parent(s).
5. If a child with a disability is placed in the Virginia School for the Deaf and the Blind at Staunton, the Virginia school shall be responsible for the provision of transportation services. When such children are educated as day students, the local school division shall be responsible for the provision of transportation services to and from school.

Modes of Transportation

Modes of Transportation



Types of Vehicles Used for Transportation

Transportation options are important. Although the school bus is by far the safest and most efficient means of transporting students, at times, there may be a need for other modes of transportation.

1. School Bus, General Education
2. School Bus, Special Education
3. Passenger Vehicle, Special Education
4. Parent/Guardian Transportation
5. Contracted Service Provider

Modes of Transportation

Common Questions

Common Questions when using other modes of transportation.

Are partitioned vehicles allowed?

There is nothing either promoting or prohibiting the use of partitioned vehicles. The IEP Team must take into consideration LRE.

When do I have to reimburse for transportation?

Both Federal and State language explicitly state “Free” and “at no cost”.

You should have an established process in place for reimbursement (documents, mileage rates etc.,)

Modes of Transportation

Common Questions



What if the parent wants to transport their student to school?

Should we....

1. Document, make note and record that your LEA has the ability to provide service and that, at that time, the parent decided to provide transportation.
2. Offer reimbursement because special education and related services must be free.

Modes of Transportation

Common Questions



What if the parent wants to transport their student to school?

<http://idea.ed.gov/>

Question G-1: Must an LEA provide appropriate information and assistance to the parents of a child with a disability who are seeking reimbursement for mileage expenses for transportation the IEP Team included in the child's IEP?

Authority: Transportation is included as a related service under the regulations in 34 CFR §300.34(a) and (c)(16).

Answer: Yes. If a child with a disability is receiving special education and related services and transportation is included in the child's IEP, the LEA must provide assistance needed by the parents to be reimbursed in a timely manner for the costs incurred in providing transportation.

<http://idea.ed.gov/explore/view/p/,root,dynamic,QaCorner,12,.html>

Modes of Transportation

Common Questions

Are there requirements for vehicles when using a contracted provider?

The vehicle must be a bus that meets school bus standards or a passenger vehicle designed to transport 10 passengers or less. There are also insurance requirements.

§ 22.1-188. Definitions.

1. "Vehicle" means any vehicle owned or operated by, or owned or operated by any person under contract with, a county, city, town or school board in which any school pupils or personnel are transported at public expense to or from any public school.

§ 22.1-189. Compliance with article prerequisite to receiving state school funds.

No school division in which any school pupils or personnel are transported at public expense to or from any public school in any vehicle shall receive any state school funds unless it complies with all applicable requirements of this article and submits satisfactory evidence to the Superintendent of Public Instruction of the effectuation of all requisite insurance.

§ 22.1-190. When insurance required and amount thereof.

On The Bus

Accommodations and Modifications

The IEP Team may determine that a vehicle with modifications will be needed or that an accommodation for the student will need to be in place prior to implementing transportation. It is important that transportation convey viable modifications or accommodations during the IEP meeting.

Accommodations and Modifications

Common Accommodations

- Last On – First Off”
- “Door-to-Door”
- Bus stop vs. Home Pick-up
- Use of an Aide/Attendant/Monitor
- Seat Placement
- Seating Arrangement
- Special Route
- Shortened Route

Accommodations and Modifications

Common Modifications

- Wheelchair Lift
- Climate Controlled
- Tinted Window

Climate- Controlled Transportation



When does the IDEA require climate-controlled transportation for children with disabilities?

Climate-controlled transportation is not explicitly required under the IDEA. However, if an IEP team determines that a child needs climate-controlled transportation to receive special education services, related services, or both, and the child's IEP specifies that such transportation is necessary, the LEA must provide this special transportation at no cost to the parents. Similarly, climate-controlled transportation is not required under section 504 of the Rehabilitation Act of 1973, as amended (Section 504) unless a child with a disability has an identified need for this transportation. See 34 CFR Part 104. However, the transportation of nondisabled children in climate-controlled buses, while children with disabilities are transported in separate buses that are not climate-controlled, might raise issues of disability discrimination under Section 504.

Climate- Controlled Transportation



When does the IDEA require climate-controlled transportation for children with disabilities?

What processes do you have in place to determine if a student will require a climate-controlled environment?

Wheel Chair Safety

Wheel Chair Safety

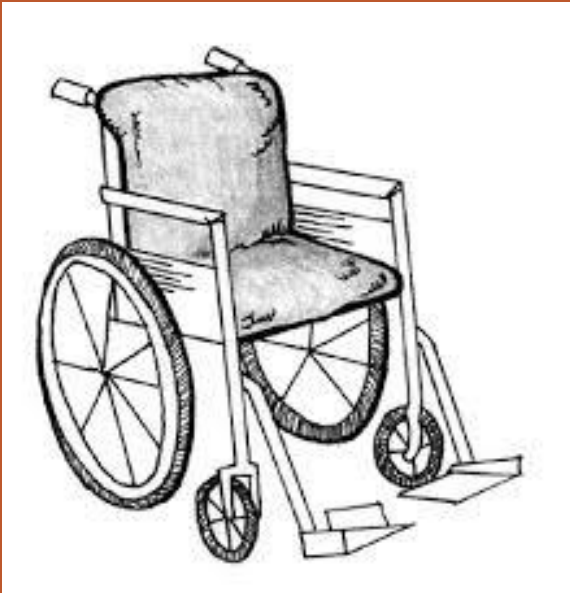
Can transportation services be denied if the student does not have a WC19 or ISO compliant wheel chair?

<http://www.schoolbusfleet.com/article/611464/the-dos-and-donts-of-wheelchair-transport-safety>

DON'T deny transportation to students who do not have a WC19 wheelchair.

Although WC19-compliant wheelchairs will make wheelchair securement easier and more reliable, students should not be denied school bus transportation if they don't have a WC19-compliant wheelchair. Denying transportation to students in wheelchairs will generally result in having them travel to and from school in smaller vehicles that are more likely to be involved in a crash, thereby putting the student at greater risk of injury.

Rather than denying transportation, school transportation personnel should work as a team to identify and permanently mark the best and strongest wheelchair securement points on structural members of the base or seating system. This may require attaching webbing loops sold by most WTORS manufacturers to frame members to create accessible tie down attachment points. Modifications to plastic trim of powerbase wheelchairs may be necessary to allow access to the most effective securement points



Wheel Chair Safety



Wheel Chair Safety

Can transportation services be denied if the student does not have a WC19 or ISO compliant wheel chair?

We provide safety vests, at no cost, we provide star seat usage at no cost, we provide climate controlled transportation at no cost.....

Who assumes the responsibility of safety if a non-compliant wheel chair or a broken wheel chair is used in the transportation of students?

The LEA should work with all parties to resolve the concern or issue as soon as possible.

Wheel Chair Safety



Wheel Chair Safety

Best Practice..

It is foreseeable that at some point you will have a student with either a damaged or non-compliant wheel chair.

Having some additional wheel chairs on hand may reduce risk or shorten any delays in providing service.

Safety Vest



Safety Vest

These systems are designed to keep students safely positioned, upright on the bus seat. Safety vests are permitted only for use on school buses and where the seat behind the restrained student is left unoccupied or is occupied by other restrained students.

IMPORTANT: The seat behind the student in a CSRS must be empty or occupied by a restrained individual in a CSRS or seat belt.

Star Seats or Integrated Child Restraint Seats

Star Seats or Integrated Child Seats

These systems are designed to keep students safely positioned, upright on the bus seat.

IMPORTANT: The seat behind the student in a CSRS must be empty or occupied by a restrained individual in a CSRS or seat belt.

Child Safety Restraint Systems (CSRS) on School Buses National Training

In 1999, the National Highway Traffic Safety Administration (NHTSA) released the *Guideline for the Safe Transportation of Pre-school Age Children in School Buses*. The Guideline recommends each pre-school age child transported in a school bus always be transported in a properly secured Child Safety Restraint System (CSRS).*

* In this document, Child Safety Restraint Systems (CSRS) refer to portable child safety seats, integrated child safety seats, and safety vests.

<https://www.nhtsa.gov/school-buses/child-safety-restraint-systems-csrs-school-buses-national-training>

Child Safety Restraint Systems (CSRS)

- Check the expiration date on equipment.
- Check for wear and tear.
- Check for mold/mildew.
- Clean as often as needed.
- Repair or replace equipment as needed.

Managing Challenging Behavior on the School Bus



Transporting Special Needs Students with varying needs and various disabilities can be challenging. Sometimes the bus is magical, sometimes it is not. What can we do to promote a safe ride and minimize incidents?

- Be informed. Talk to parents, current and former teachers, current and former drivers/attendants for that student. Make sure drivers and attendants have good information.
- Develop a bus plan. Behavior is not often just isolated to the school bus. Teachers may have developed a Behavioral Intervention Plan that you can piggyback off of.
- Pair staff appropriately. If we are honest - we know what drivers and attendants may work best for a particular student. Frustrated staff can lead to frustrating situations.

Managing Challenging Behavior on the School Bus



- Train, Train, Train....although staff may not know all of the nuts and bolts when it comes to a particular disability, it is important that they feel prepared and not caught off-guard and overwhelmed.
- I love videos, do you. Monitor as often as possible – preferably before it is needed.
- Develop a strong working relationship with your schools and Special Education Department.
- Document – Changes will not be made to the student's IEP without supporting documentation.
- What are some other tactics?

Parent / Guardian Communication

Strong Parent / Agency communication is imperative to what we do.

Whenever possible we should make sure that we take steps to strengthen those lines of communications with parents.

- Drivers and attendants should be trained on the Do's and Don'ts of communications.
- Provide the most accurate information possible.
- Have written procedures that are accessible.
- Try to educate school staff on the Do's and Don'ts of Transportation Communications.
- Be prepared at IEP meetings.

Autism Training

Autism Training

VCU has an Autism Training Program that is geared exclusively towards school transportation. It does require you to register to access the videos via YouTube.

https://vcuautismcenter.org/te/how_to/

<https://www.youtube.com/watch?v=uQUS1q7g8m0>

<https://www.youtube.com/watch?v=TmZgen-gPvg&list=PLj7MF9GDcomm7r0EmUNfxZuy4q0bg0b-G&index=3>

Q&A

Questions and Answers



Are disabled students entitled to special transportation?

The IEP Team makes the determination if specialized transportation services will be required.

Can the parent choose the type of vehicle in which the student is transported?

The LEA usually makes the determination of which mode of transportation will be used. Unless there is an issue with Least Restrictive Environment parents don't generally have a say in the choice of vehicle used.

Questions and Answers



When should transportation be present at IEP meetings?

There can be thousands of IEP meetings that take place within your school division annually.

Work with your Special Education office to develop a process which works for your operation.

Educating case managers/ liaisons and staff on the transportation when's, what's, do's and don't has HUGE benefits.

Questions and Answers



Can the parent request that the vehicle providing the transportation have specialized equipment?

The IEP Team will make the determination if specialized transportation services will be required.

What if a student has a lengthy ride to and from school?

Does the length of the bus ride negatively impact the student?

Do students in comparable programs have similar ride times?

8VAC20-81-100. Free Appropriate Public Education.

Questions and Answers



Is door-to-door service or curb-to-curb service required?

- Does the extent of the student's disability create a safety concern.
- Are there medical or health concerns that would be created if the stop is of distance from the residence?
- Would this process be comparable to non-special education students?
- Did the IEP Team decide that curb or door service would be needed?

“Those students whose handicapping condition(s) does not permit them to go to a designated bus stop may be picked up at the curb outside their residence as directed in the placement decision. (In some cases, this service is not possible due to the location of their home, traffic congestion, which blocks a curb, etc). Parental assistance may be needed in these cases.”

<http://www.montgomeryschoolsmd.org/departments/specialed/resources/transportation.pdf>

Discussion

Topics of Discussion



1. Control of student medicine transported between home and school on a vehicle.
2. Student suspensions.
3. Physical intervention and management.
4. Authority to use special harnesses, vests, and belts.
5. Early closing of school due to inclement weather or other emergencies.
6. Authority to operate special equipment (driver, attendant, parent, students, school staff, and others).
7. When no adult is home to receive students.
8. When to exclude special equipment which has a different design or configuration than was last used or equipment with tears or breaks in the fabric or metal.

Topics of Discussion



9. When students are referred for transportation without sufficient information being available to transportation staff to protect their safety.
10. Student pick-up/drop-off location (one location specified, or unlimited alternative locations allowed).
11. Control and management of confidential information.
12. When and how to involve emergency medical/law enforcement personnel.
13. When to use wheelchairs and mobility aids as pupil seating on school buses if the manufacturer of said device does not endorse its use as such; recognizing that in many situations the safe, economical and prudent way to transport a child is in his/her wheelchair/mobility aid.

<http://sde.ok.gov/sde/sites/ok.gov.sde/files/SpecEd-Transportation.pdf>

References

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