



**Kentucky Department of Education
Office of Special Education and Early Learning**



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INTRODUCTION

When mandated by federal or state law, Kentucky's public schools provide free transportation services to students with disabilities due to a disabling condition or special program need. Whenever a student cannot be safely transported on the regular school bus route due to a disability, or when a student is transported on a special route in order to attend an approved special education program or activity, the district will provide transportation or contract with the parent to transport.

These practices are pursuant to [KRS 158.110](#) and supplement and enhance district transportation services. Each local district has a designated transportation director to oversee and implement all student transportation policies.

This guidance document is provided to ensure that transportation services are of high quality and consistent with the requirements of the law, and that students are transported safely on regular and special bus routes.

CHAPTER 1. WHAT IS SPECIAL TRANSPORTATION?

1A. Relevant Laws

The Individuals with Disabilities Education Act (IDEA)

The Individuals with Disabilities Education Act (IDEA) is a federal statute that requires states and local school districts to provide special education and related services to students with disabilities. The current federal regulations for the IDEA were published in 2006, and Kentucky followed with its state regulations in August of 2008. The central theme of the IDEA is to ensure that students with disabilities from the ages of three to 21 receive a free and appropriate public education, or FAPE ([34 C.F.R. §300.101](#); [34 C.F.R. §300.17](#); [707 KAR 1:290, Section 1\(1\)](#)]. Under the IDEA, FAPE means that students with disabilities will receive the special education services and supports, as well as related services, necessary to allow them to make progress on their Individual Education Program (IEP) goals and in the general curriculum.

Students who meet eligibility requirements and qualify as “a child with a disability” receive an IEP. The IEP is a written plan of supports and specially designed instruction tailored to address the unique needs arising from the student's disability. Once a student is formally identified as a child with a disability, a team of individuals and professionals called an Admissions and Release Committee (ARC) develops the student's IEP, with parental involvement and input. A student's IEP may include special transportation as a related service if the ARC deems that it is required in order for the student to receive a FAPE.

Section 504 of the Rehabilitation Act of 1973, as amended, [29 U.S.C. § 794](#) (Section 504)

Section 504 is a federal anti-discrimination statute that applies to public schools that receive federal funding. This legislation requires public schools to provide regular or special education and related aids and services “designed to meet individual educational needs of handicapped persons as adequately as the needs of non-handicapped persons are met” [[34 C.F.R. 104.33\(b\)\(1\)\(i\)](#)].

To be protected under Section 504, a student must:

1. have a physical or mental impairment that substantially limits one or more major life activities; or
2. have a record of such an impairment; or
3. be regarded as having such an impairment.

The U.S. Department of Education’s Office for Civil Rights (OCR) is responsible for enforcing Section 504. Students who qualify under Section 504 are also entitled to a FAPE. However, the meaning of FAPE under 504 differs somewhat from that under the IDEA. Under 504, FAPE requires districts to provide students with disabilities with appropriate educational services designed to meet their individual needs as adequately as students without disabilities. Students who do not have an IEP may still receive special transportation as a related service under Section 504.

The Family Education Rights and Privacy Act (FERPA)

FERPA ([20 U.S.C. §1232g](#); [34 C.F.R. Part 99](#)) is another federal law that applies to public schools. This law governs the maintenance, distribution and destruction of student educational records, and it requires that school districts and public education agencies safeguard personally identifiable information contained in these records. FERPA is administered by the Family Policy Compliance Office of the U.S. Department of Education.

It is imperative that local school districts provide appropriate training to transportation personnel who may encounter confidential information in student IEPs or other educational records. All relevant staff need to understand the obligations and responsibilities under FERPA to protect this information. Local school districts should include specific practices in their written policies and procedures so that transportation staff routinely maintain and store confidential information in an appropriately safeguarded manner.

1B. What is a Related Service and Does It Include Special Transportation?

As part of the student’s IEP, the ARC must consider if the student requires related services such as speech-language therapy, occupational therapy or special transportation. Transportation is included as a related service under [34 C.F.R. 300.34\(c\)\(16\)](#) of the IDEA regulations. At the state level, “related services” is defined under [707 KAR 1:002, Section 51\(a\)](#) as:

transportation [emphasis added] and such developmental, corrective, or supportive services as are required to assist a child with a disability to benefit from special education.

Per these definitions, a local school district must provide special transportation when the student's ARC determines that it is necessary to address the individual needs of the student and provide a FAPE.

1C. What Does Transportation Include for Students with Disabilities?

The IDEA requires that special transportation be provided for students with disabilities in a variety of situations. For example, a student with an IEP who receives special education services at one school but receives speech-language therapy at a neighboring school may need transportation. When a student has an IEP or 504 plan that specifies he or she needs special transportation services, the district must also provide such services to allow the student to partake in extracurricular activities, such as sports or clubs, in order to afford the student an equal opportunity to participate.

While not limited to these circumstances, special transportation may be needed to fulfill the IEP in the following situations, per [34 C.F.R. 300.34\(c\)\(16\)](#):

- transportation to and from school and between schools
- travel in and around school buildings
- to enable the student to effectively participate in community-based instruction (CBI)
- field trips
- when the student requires specialized equipment (such as special or adapted buses, lifts and ramps)
- to provide the student the opportunity to participate in school- and district-offered activities (including nonacademic activities) outside of school hours

School districts must also consider special transportation that may be required in connection with Child Find obligations under [34 C.F.R 300.111](#). If transportation to an evaluation site outside of the school is necessary, the school district must provide it as part of its duty to ensure that all eligible children are located, identified and evaluated.

If a school district does not provide transportation services to general education students, the ARC team or 504 team must decide on a case-by-case basis whether the special education student requires transportation as a related service in order to receive a FAPE. If the special education student requires transportation as a related service, the school district must provide it. Even if a school district does not ordinarily provide transportation to students, the district will need to provide special transportation services for students who require these services due to a disability.

1D. Least Restrictive Environment (LRE)

“Least restrictive environment” is a concept that is heavily addressed under the IDEA and Section 504. It means that, to the maximum extent appropriate, students with disabilities will receive instruction, reasonable accommodations and services in the same settings as their nondisabled peers.

The IDEA does not explicitly address LRE in the context of special transportation. However, the U.S. Department of Education has stated:

It is assumed that most children with disabilities will receive the same transportation provided to nondisabled children, consistent with the LRE requirements in 34 C.F.R. 300.114 through 34 C.F.R. 300.120, unless the IEP team determines otherwise [[Analysis of Comments and Changes to 2006 IDEA Part B Regulations, 71 Fed. Reg. 46633 \(2006\)](#)].

In other words, not every student with a disability who needs special transportation will require the use of a special school bus. Many students with disabilities can effectively access special transportation through accommodations and supports provided to them on a regular school bus.

Unless there is a legitimate, nondiscriminatory reason for it, requiring students with disabilities to ride in segregated special education buses may violate Section 504 and the [Americans with Disabilities Act \(ADA\)](#). Section 504 and Title II of the ADA generally prohibit separate transportation services for students with disabilities unless such separation is necessary due to a student’s disability.

The ARC should first consider whether the student’s needs can be successfully met through regular transportation before placing the student in a more restrictive mode of transportation. If a student’s needs cannot be met through regular transportation, the ARC will need to consider alternatives, such as providing transportation via a special school bus, a contracted vehicle or a board-owned vehicle. Factors that an ARC should consider when determining a student’s least restrictive environment in relation to special transportation include:

1. Can regular transportation be effectively and appropriately implemented with supplemental aids and services?
2. Do the advantages of the student riding in regular transportation outweigh the benefits of a more restrictive transportation arrangement?
3. Are there any negative effects to the student or other students in the vehicle if the student rides in regular transportation?

CHAPTER 2. ELIGIBILITY FOR SPECIAL TRANSPORTATION

2A. Role of the Admissions and Release Committee

At a minimum, the ARC must meet annually to review the student's IEP. Under [34 C.F.R. 300.34 \(c\)\(16\)](#), the ARC, with parental input and involvement, must decide whether the student needs special transportation and, if so, how it will be provided. Kentucky regulations require related services personnel be invited to ARC meetings when it is "appropriate" [[707 KAR 1:320 Section 3\(g\)](#)]. When issues related to the provision of specialized transportation services arise for a student with an IEP, it is essential that the district involve transportation personnel in the discussions and decision-making.

The ARC should sufficiently detail the district's responsibility regarding transportation for students with disabilities in each student's IEP.

Every school district in Kentucky has a director of special education. When there are concerns or issues related to special transportation, the parent or the local school district's transportation director should contact the district's special education director to discuss the need for an ARC meeting. The director of special education for each Kentucky district can be found in the Kentucky Department of Education's [\(KDE's\) District and School Directory](#).

2B. Role of the 504 Team

Section 504 also requires that decisions regarding reasonable accommodations and services for a student with a disability be made by a group of school professionals knowledgeable about the student's disability, with parental input and involvement. While a written plan of services and supports is not required under Section 504, many districts document the accommodations and services the student receives in a written plan (i.e., a "504 plan"). The 504 committee is responsible for determining whether a student needs special transportation as a related service as part of the student's plan of support. When the 504 team addresses transportation questions, it is important that transportation staff be included as part of the team and involved in the discussion and decision-making.

Each school district in Kentucky has a 504 coordinator. When transportation personnel have concerns or questions about providing transportation services to a student who is eligible under 504, the 504 coordinator can often provide valuable assistance.

2C. The “Unique Needs” Test

In the *Tatro* decision, the U.S. Supreme Court held that the district was required to provide related services for a student with a disability because the services were necessary for the student to access special education services (*Irving Independent School District v. Tatro*, 1984). As such, when determining whether related services, such as special transportation, are appropriate, it is important to establish that the services are required for the student to have access to special education.

In 1989, the Sixth Circuit further refined the criteria for receiving related services when it determined that the related service must also be “designed to meet the unique needs of the child caused by the handicap” (*McNair v. Oak Hills Local School District*, 1989). Since Kentucky is under the jurisdiction of the Sixth Circuit, this decision applies to school districts in the state. In summary, the first step in deciding if a related service, such as special transportation, is appropriate is to determine if the student needs the related service to access the special education program. The second step is to determine whether the need arises from the “unique needs” of the student due to his or her disability. In making this important determination, there are many factors to consider, as discussed in the following section.

2D. Factors/Considerations

An ARC or 504 team will need to discuss and review several matters when determining whether a student requires special transportation as a related service. The discussion will vary depending on the individual student; however, an ARC or 504 team may need to consider the following factors, among others:

- the student’s mobility
- the student’s behavior
- the student’s communication skills
- the student’s physical needs
- the student’s age
- the student’s ability to follow directions
- the distance the student will need to travel
- the nature of the disability

It is important to emphasize that an ambulatory impairment is *not* necessary to qualify for transportation as a related service under the IDEA. In making this important decision, the ARC or 504 team should focus upon the overall question as to whether the student requires special transportation to benefit from his or her educational program.

CHAPTER 3: QUALIFICATIONS AND TRAINING REQUIREMENTS FOR PERSONNEL

3A. Kentucky's Qualifications to be a School Bus Driver

The IDEA and Section 504 do not specifically address licensing or other requirements for bus drivers who transport students with disabilities or for driver assistants/bus aides. Rather, these requirements are established by state law and local school district policy [*Letter to McKaig*, (OSEP 1980)].

As required by the IDEA regulations at [34 C.F.R. 300.156](#), the KDE must establish and maintain qualifications to ensure that personnel necessary to carry out the purposes of the IDEA, including related services personnel, are appropriately and adequately prepared and trained. Local school district policy may impose additional requirements for the training and certification of bus drivers and driver assistants/bus aides.

3B. Initial Training Requirements for Kentucky School Bus Drivers

The core curriculum that bus drivers must complete for initial training is outlined in [702 KAR 5:080, Section 7](#). The regulation specifies that the core curriculum must cover laws and regulations; driving fundamentals; bus care and maintenance; handling critical situations; emergency procedures; pupil management; first aid; extracurricular trips; vehicle operation; vehicle control and speed; and bus route identification. The curriculum requirements also mandate that bus drivers receive one hour of special education transportation training.

One hour of training in first aid is also required in the initial core curriculum. First aid certification is not required for Kentucky school bus drivers, but local school district policy may require certification. Kentucky law also requires training for transportation staff in the safe management of blood-borne pathogens and physical restraint and seclusion.

In addition to the core curriculum, a school bus driver providing special transportation must be trained on any special needs related to the students they are transporting. The training may include CPR, specialized training for medications, personal care skills such as lifting, moving, or using a harness, or any other procedures recommended by the ARC team and the student's doctor(s). This training may be provided by the school nurse or other properly trained personnel recommended by the ARC team.

In-service training topics for drivers of special needs buses include, but are not limited to:

- characteristics of specific disabilities
- behavior interventions
- seating selection/assignment methods
- schedule management
- care and management of assistive devices
- communication with parents and students
- special evacuation procedures

- emergency management procedures
- first aid and CPR training
- loading and unloading procedures
- disciplinary procedures

When planning in-service training for transportation staff, administration should consider the unique needs of the district and student population in selecting topics.

3C. Annual Training Update Requirements for Kentucky School Bus Drivers

Kentucky also requires in [702 KAR 5:080, Section 8](#) that each school district conduct an eight-hour training update for bus drivers prior to the beginning of the school year. The update must include training “relevant to the curriculum,” based on the needs of the district’s bus drivers. If a school district is unable to conduct its own update, the district must obtain prior KDE approval before sending bus drivers to another district for the training.

3D. Requirements for Bus Monitors and Driver Assistants

As specified in the Kentucky Department of Education’s [Pupil Transportation Management Manual](#), school bus driver assistants must be a minimum of 18 years of age. They are required to attend all training programs available relating to the transportation of students with disabilities. All driver assistants must also be provided the same specialized training specific to students with disabilities as the school bus driver. Additional training to appropriately address student behavior or medical needs may be required.

3E. Additional Training for Transportation Staff Working with Students with Disabilities

Bus drivers and driver assistants may need additional training in emergency protocol and medical treatment procedures for a student with a disability. This training may be offered by the district or developed locally to meet the needs of a specific student’s IEP or 504 plan. For example, transportation personnel may need to be trained in administering medication for a student with diabetes, or in procedures for safely and effectively assisting a student with epilepsy in the event of a seizure.

CHAPTER 4: MANAGEMENT OF STUDENTS DURING TRANSPORT

4A. Discipline/Behavior Management of Students with Disabilities

Many behavior management strategies can be used on the school bus to address inappropriate behavior. When the ARC meets to discuss behavior issues, the discussion should include strategies and supports needed to manage the behavior while on the school bus. These measures should also be included in the student's IEP. In addition, an ARC team may develop a Behavior Intervention Plan (BIP) for the student that describes behaviors of concern and specifies strategies to address them.

Kentucky regulations require under [707 KAR 1:320, Section 1 \(6\)](#) that local school districts ensure that a student's IEP, including information about behavioral interventions, is readily available to related service providers who are responsible for IEP implementation. School transportation staff should be fully informed of behavioral strategies and supports listed in the BIP, and of their specific responsibilities related to its implementation. There should be close communication between special education staff and transportation staff, including involvement of transportation staff in IEP meetings and BIP development, as appropriate.

Even if a student's IEP does not specify that a student is to receive special transportation, school transportation personnel may still be responsible for providing behavioral supports and strategies on the school bus, if these are written into the student's IEP or BIP. School transportation staff and special education staff are responsible for ensuring that the IEP and BIP are fulfilled on the school bus.

In the light of behavior and discipline, it is important for district and school employees to be familiar with rules pertaining to the use of physical restraint and seclusion of students who exhibit problematic or dangerous behavior. [704 KAR 7:160](#) is Kentucky's regulation which addresses the use of physical restraint and seclusion in public schools. Under [704 KAR 7:160, Section 6\(1\)\(a\)](#) mandates training for "all school personnel" in Kentucky's administrative regulations and school district policies and procedures concerning the use of physical restraint and seclusion with students. Furthermore, [704 KAR 7:160, Section 6\(1\)\(b\)](#) requires "all school personnel" receive training once a year to use an "array of positive behavioral supports and interventions" to successfully manage students' behavior. These include strategies to increase appropriate student behaviors, crisis prevention, strategies to respond to dangerous behavior and proper use of seclusion, among others.

The regulation allows these trainings for all school personnel to be delivered through web-based or online applications. Under [704 KAR 7:160, Section 1\(13\)](#), the definition of "school personnel" includes "other support staff who are employed in a school or who perform services in the school on a contractual basis". As such, these requirements apply to school and district transportation staff.

The school bus is an extension of the school campus. As such, standard school discipline rules generally apply on the school bus. In most cases, when a student's IEP or 504 plan does not specify that the district will provide transportation as a related service, the district may discipline the student following the established school disciplinary procedures. However, if the IEP does specify that the district will provide transportation as a related service, the district must take into consideration the IDEA's disciplinary protections when disciplining students with disabilities for behavior incidents that occur on the school bus.

4B. Suspension/Expulsion of Students with Disabilities

When behavioral incidents occur while on the school bus, disciplinary action may result in short- or long-term suspensions from the school bus. If a student is suspended from the school bus and transportation is not specified as a related service in the student's IEP, the student's parents have the same obligation to transport the student to and from school as do the parents of a student without disabilities.

When transportation is included as a related service within the student's IEP, one day of suspension from riding the school bus counts as one day of suspension for purposes of the IDEA's disciplinary protections as addressed in [34 C.F.R. 300.530](#). In this case, bus suspensions may result in a "change of placement" when a student is suspended from the school bus for more than 10 consecutive days or when the days of suspension constitute a pattern **and** the district does not provide a form of alternate transportation for the student. If a disciplinary decision is made that would result in a "change in placement," the ARC must meet to complete a manifestation determination as described in [707 KAR 1:340, Section 14](#). OSEP has also addressed this issue in its [Letter to Sarzynski \(2012\)](#).

When a bus driver or transportation staff member observes that a student with a disability is exhibiting recurring behavioral issues on the school bus, he or she should report this behavior to the school principal or district transportation director. In many cases, the special education director will need to be informed of the concerns in order to address them appropriately through an ARC meeting. It is the ARC Team's responsibility to discuss the student's behavior and the behavioral interventions and supports needed by the student while riding on the school bus. The student's IEP should be updated in this area as needed. If the student does not have special transportation designated as a related service on the student's IEP, the ARC team should consider if such service is necessary.

4C. Student Sexual Harassment

The school bus is an extension of the school campus; as such, school policies regarding sexual harassment apply equally to incidents that occur on the bus. Whenever a student reports, or transportation personnel observe, an incident of sexual harassment on the school bus, the district must address each and every event. It is in the district's best interest to document in a timely manner the steps taken to address each reported incident. The Kentucky Department of Education has posted a [model policy](#) districts may wish to use as a resource or guide for addressing allegations of harassment, including sexual harassment. Students with disabilities may be victims of sexual harassment or perpetrators of such behavior. If a student with a

disability is engaging in sexual harassment, the ARC may need to meet to discuss possible changes to the IEP to address the inappropriate behaviors.

4D. Physical Restraint and Seclusion of Students with Disabilities

Physical restraint or seclusion should only be utilized in an emergency in which a student presents a threat of harm to self or to others. Physical restraint or seclusion should never be used as punishment. A district must be careful not to discriminate against students with disabilities by using physical restraint or seclusion in situations in which the district would not use physical restraint or seclusion with nondisabled students. Any transportation staff that may be required to use physical restraint or seclusion with a student must be trained in accordance with [704 KAR 7:160](#) before employing these methods.

4E. Students with Special Medical Needs

Districts must administer medical procedures to a student with a disability both in the classroom and while riding the school bus if the procedures can be administered by someone other than a physician. When an ARC team develops an IEP that includes medical procedures, the ARC team should also consider any procedures that may need to be administered on the school bus. Depending on the needs of the student, some medical conditions may necessitate that the district provide a trained aide or nurse to ride on the school bus with the student to provide the required medical assistance.

In addition, some students may have conditions that require medical monitoring while riding on the school bus. For example, a student who has seizures that occur quickly and are life threatening may require that a trained individual accompany him or her on the school bus to monitor and respond in the case of a medical emergency. Some students' medical needs may be so severe that the student cannot be transported. The district should rely on the judgment of medical professionals to determine if the student can be transported safely to special education services or if the special education services need to be taken to the student.

4F. Medication Management, Administration and Storage

The district must consider provisions for storing and securing any medication or medical device that is required to accompany a student while riding the school bus. Transportation personnel must be informed of the student's IEP or 504 plan and any instructions related to the medication required for the student. The ARC team should consider the need for routine or emergency medication administration for the student while riding the school bus and include this information in the student's IEP or 504 plan. In many cases, training in administration of medication to students is necessary in order to ensure the student's safety.

4G. Equipment and Assistive Devices

The ARC or 504 team must discuss any equipment, such as assistive and mechanical devices, that the student may need during transport. Transportation personnel should be involved in these

decisions. The physical supports required by the student must be written into the student's IEP or 504 plan. Examples of assistive devices and equipment include:

- security devices (harnesses, brackets, seatbelts, vests)
- car seats or other special seats for the bus
- handrails
- walkers
- wheelchairs
- tinted windows
- air-conditioning or other climate-control techniques
- light control
- restrooms
- two-way radios, phones or other equipment that may be necessary in the event of an emergency
- for medically fragile students, any necessary medical equipment required to perform medical procedures on the bus

4H. Food and Student Allergies

Transportation personnel should be informed of any students requiring food or drink on the bus due to needs arising from a disability. When a student's 504 plan, IEP or BIP specifies the need for food or drink, transportation personnel must allow it on the school bus, even if the district or school has a general policy stating that no food or drink is allowed on the bus.

When a student with a disability has a food allergy or other chemical sensitivities, the student's ARC or 504 team may also need to address how to appropriately accommodate that student in the IEP or 504 plan. Reasonable accommodations for students with allergies and chemical sensitivities may include, but are not limited to, allowing the student to carry an epinephrine auto-injector pen, banning peanuts and peanut products from a school bus, monitoring the use of materials to help maintain a latex-safe environment, installing portable air purifiers or filters, and conducting air-quality sample tests for mold. What constitutes a reasonable accommodation in a given situation may depend on several factors, including the environment and the needs of both the student who has a disability and those of the other students and staff present during transport. Cleaning of surfaces on a school bus is an accommodation that may be necessary in the case of a student with severe food allergies. However, the extent of cleaning required, and whether it is required at all, will depend on the specific circumstances regarding the student's condition (*Upper Dublin School District, PA SEA 2010*). While routine cleaning protocols are often specified in school or district policies and procedures, the ARC or 504 team will need to discuss and document any special cleaning requirements to address the needs of a student with allergies or chemical sensitivities.

4I: Service Animals

The use of service animals on the school bus is subject to the same rules that apply to their use in schools. Neither the IDEA nor Section 504 specifically addresses the use of service animals in schools. However, federal regulations for Title II and Title III of the Americans with Disabilities

Act (ADA) have sections that address the use of service animals within facilities belonging to public entities and in places of public accommodation ([28 C.F.R. Section 36.104](#)).

The ADA defines “service animal” as a dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability. These disabilities can include physical, sensory, psychiatric, intellectual or other mental disabilities. An animal meets the ADA definition of a service animal only if it has been specifically trained to perform a task. Service animals include guide dogs for the visually impaired; hearing or signal dogs; psychiatric service dogs; sensory signal dogs/social signal dogs; and seizure response dogs.

The miniature horse is not included in the ADA’s definition of “service animal.” However, the revised 2010 ADA regulations contain a specific provision which permits miniature horses to be considered service animals when they meet the definition referenced above [[28 C.F.R. Section 35.136\(i\)](#)].

Emotional support animals, comfort animals, companion animals and therapy dogs are not considered service animals under the ADA because they do not provide work or perform tasks for the person with a disability. Likewise, while an animal’s presence may serve as a crime deterrent for the protection of an individual with a disability, this also does not meet the required definition. As such, a companion dog used for protection does not qualify as a service animal.

The ADA does not require service animals to wear a vest, ID tag, or a specific harness. When an individual enters a school or school bus setting and it is not obvious that the dog is a service animal, school and district staff may ask only two questions:

1. Is the dog a service animal required because of a disability?
2. What work or task has the dog been trained to perform?

Students and other individuals are not required to provide certification or training documentation for the service animal. Schools and districts also must not require that the student have the dog or miniature horse demonstrate its task to prove that it is a service animal.

It is permissible, however, for a school or district to require documentation that the animal is current on all vaccinations that apply to the animal under state or local law ([Brennan & Nguyen, 2014](#)). A district may choose to require that an individual with a service animal provide, upon entering a school or bus, written verification from a veterinarian that the animal is in good health and properly vaccinated. Districts may also consider incorporating into their policies and procedures a means for providing training, as needed, regarding the use of service animals and the appropriate ways for students and staff to interact with them ([National Association of School Nurses, 2014](#)).

In most cases, the student’s ARC or the 504 committee will include specific information about the student’s use of a service animal in the IEP or 504 plan.

Under the ADA, the handler of the service animal will most frequently be the individual with a disability. However, in a school or school bus setting, school or transportation personnel may

need to provide some assistance to enable a student to handle or care for his or her service animal. Per the U.S. Department of Justice (DOJ), schools may remove any service animal if that animal is out of control, the animal's handler does not take effective action to control it, or if the animal is not housebroken. The DOJ further states, "Service animals must be harnessed, leashed, or tethered unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls" ([DOJ, 2011](#)).

CHAPTER 5: ROUTING AND TRAVEL CONSIDERATIONS

5A. Time in Transit

For some students with disabilities, a long bus ride may have an adverse impact on student performance in terms of energy level, concentration or in other ways specific to the student's disability. It is important that the ARC consider these factors when developing the student's IEP and determining the amount of time to be spent on the bus. The ARC should also consider the age and disability of the student when determining whether the travel time will have a detrimental effect on the student. The key consideration as to whether the student's commute is too long is whether it is having a harmful impact on the student's educational program.

A student's travel time on the bus cannot be counted as instructional time and cannot be used to reduce the length of the school day. In other words, a student cannot arrive late to school or leave school early in order to accommodate a long commute. In general, under the IDEA and Section 504, unless there is a justifiable educational reason, shortened school days that are derived from extended travel times are not acceptable.

5B. Pick-Up and Drop-Off Locations

As with other special transportation decisions, it is the ARC or 504 team's responsibility to discuss the need for pick-up and drop-off locations that deviate from a student's regular bus stop, based on the individual needs of the student. The ARC or 504 team should first consider the appropriateness of the student's regular bus stop when making a decision about pick-up and drop-off locations for special transportation. Curb-to-curb or door-to-door service may be required if the student is unable to get to or from the bus stop without help, or if local law or policy requires special pick-up and drop-off locations. Other factors to consider when determining whether a different pick-up or drop-off location is necessary include:

- the student's age
- the distance the student needs to travel
- the surroundings of the bus stop
- the student's ability to arrive at the bus stop safely
- the student's ability to wait safely at the bus stop for the bus
- the need for adult supervision or assistance in getting to and from the bus stop
- the student's need for adult assistance getting onto and off the bus
- the nature of the student's disability, including any mobility impairment or cognitive limitations of the student

There are other alternatives that the ARC or 504 team may consider when deciding upon a point of pick-up or drop-off for the student. These may include, for example, providing assistance to the student via the assignment of an aide or bus monitor, or arranging for a new bus stop closer to the student's home (Burns & Hudson, 2010).

CHAPTER 6: RESPONSIBILITY FOR SPECIAL TRANSPORTATION OUTSIDE OF THE SCHOOL DAY

6A. Extracurricular and School-Sponsored Activities

The IDEA and Kentucky's special education regulations require districts to provide transportation as a related service for extracurricular or nonacademic activities when the student with a disability requires that service in order to benefit from special education services. Transportation services may also be required when students require it in order to have an equal opportunity to participate in those services or activities [[71 Fed. Reg. 46576 \(2006\)](#); [71 Fed. Reg. 46583 \(2006\)](#); [707 KAR 1:290 Section 5\(3\)](#)]. When an ARC includes an extracurricular activity as part of a student's special education program, it becomes part of the student's required program, and the district must provide transportation as a related service.

Section 504 also requires districts to provide transportation services that allow the student an equal opportunity to participate in extracurricular activities.

6B. Field Trips

Students with disabilities must be afforded the same opportunity to participate in field trips as their nondisabled peers. When a student with an IEP or 504 plan requires special transportation as a related service to participate in a field trip, the ARC or 504 team will need to plan for the required transportation services. Any accommodations or services that the student needs for transportation on a field trip via the regular school bus, special bus or other vehicle will need to be clearly specified and documented in the student's IEP or 504 plan.

The district and school must then ensure that these supports and services are fully implemented for the student on each field trip. This includes providing for any medical needs the student may have, as detailed in the IEP or 504 plan, or supports the student needs to address his or her behavior. Moreover, if a district or school contracts for transportation services with an outside provider for a field trip, the district or the school must make certain that the student's needs are fully met, including the need for additional adult supervision if the student requires it. Failure to take these steps may potentially result in a denial of a FAPE for the student and legal consequences for the school or district.

Schools and districts should develop written communication procedures to ensure that students with disabilities and their parents are effectively notified when a field trip is planned. Similar procedures should also be in place for arranging special transportation services when they are needed for a field trip.

As is the case with any student, there is nothing to prevent a district or school from inviting or permitting a parent of student with a disability to accompany their child on a field trip. However, a parent cannot be required to provide supports or services to the student even if they accompany them on the school bus. The responsibility lies with the district and school to make sure that the student's needs are met, and services are provided during a field trip.

For both extracurricular activities and field trips, ARCs and 504 teams should take the following steps to ensure that school districts are meeting their obligations to students with disabilities:

1. Discuss any field trips and extracurricular activities the student may be participating in during the school year.
2. Discuss and determine what special transportation services the student will need in order to participate in those activities.
3. Document and describe within the student's IEP or 504 plan any transportation services to be provided that will enable to the student to participate in field trips and extracurricular activities.
4. Communicate with all relevant staff members so they are informed as to the services or accommodations that will be implemented (e.g., teachers, sports coaches, club sponsors, bus drivers and bus aides) (Algoe, 2018).

6C. Placement or Travel Outside of the District's Boundaries

As noted above, the IDEA requires that students with disabilities receive services in the least restrictive environment (LRE). This means the student is to receive specially designed instruction, supports and services to the greatest extent appropriate in the same setting as their nondisabled peers [[34 C.F.R. §300.114\(a\)\(2\)\(i\)](#); [707 KAR 1:350, Section 1 \(10\)](#)]. The IDEA and Kentucky special education regulations require that a student with a disability attend the school they would otherwise normally attend if they were nondisabled unless their IEP requires another arrangement to address the student's needs [[34 C.F.R. §300.114\(a\)\(2\)\(ii\)](#); [707 KAR 1:350, Section 1 \(7\)](#)].

Depending on the severity of the disability or the individual needs of the student, an ARC may determine that a student needs to attend a program or school outside of the district's boundaries. When this happens, the ARC must document the decision carefully in the student's IEP. The district's special education administration or special education staff should notify transportation staff of ARC meetings and invite their attendance when discussion concerns the potential placement of a student outside of a district's boundaries.

When an ARC determines that a student needs to be placed in a program or school outside of the district's boundaries, transportation arrangements must be made to allow the student to effectively access and attend that program or school. Transportation personnel should participate as part of the student's ARC to discuss concerns and travel logistics such as routing, transit time and special supports the student will require during transport.

6D. Extended School Year

A student's ARC team may determine that a student needs Extended School Year (ESY) services because the student has demonstrated regression on their IEP goals during previous breaks from school and has not recouped those skills within a reasonable period after instruction has been reinitiated. Typically, school districts arrange to provide ESY services over the summer.

When a student's ARC decides that a student requires ESY services and that the student needs special transportation as a related service due to needs arising from his or her disability, the district will be compelled to arrange and provide the special transportation services necessary for the student to receive ESY services. Failure to do so can potentially result in a denial of a FAPE for the student (*Wilson v. District of Columbia*, 2011).

CHAPTER 7: EARLY CHILDHOOD/PRESCHOOL TRANSPORTATION

In Kentucky, preschool education is typically provided by either the school district or the local Head Start grantee. In some cases, these programs are blended and services are provided together. Kentucky's preschool education program serves four-year-old at-risk children and three- and four-year-old children with disabilities. Head Start serves at-risk children from birth to age five through the Early Start and Head Start programs.

Neither state-funded preschool nor Head Start are required to provide transportation to preschool age children; however, both programs typically provide transportation and specific regulations must be followed in providing these services.

7A. State-Funded Preschool

Under [702 KAR 5:150](#), state-funded preschool programs must provide transportation staff with training in child development, behavior management and the program's requirements regarding pick-up and drop-off of children. The programs must also provide a dedicated monitor for the preschool routes. When using standard school buses transporting both school age and preschool children, the buses must maintain separate seating for preschool children.

It is important to note that drivers and monitors are considered instructors and may be included in classroom evaluations when preschool programs are observed using tools such as the Classroom Assessment Scoring System (CLASS) or Early Childhood Environmental Rating Scale (ECERS-3). While time on the bus is not included in instructional minutes reflected in program planning, bus time is considered a period when developmentally appropriate instruction should occur. Activities may include, but are not limited to, singing, finger plays, counting or letter identification games. Preschool regulations also specifically require that, on a monthly basis, classroom teachers deliver child-appropriate instruction on bus and pedestrian safety.

7B. Preschool Children with Disabilities

Both state-funded preschool and Head Start serve students under the IDEA and must ensure that buses or allowable alternate vehicles designed for transportation of children with disabilities are available. If a child has an IEP that provides accommodations for transportation, both programs are required to meet those needs. Not all preschool children with an IEP will require special transportation. To help ensure effective decision-making, it is imperative that the ARC include representation from the local transportation department or Head Start grantee so they may provide input on decisions regarding special transportation.

CHAPTER 8: PARENTALLY-PROVIDED TRANSPORTATION

8A. Approval and Reimbursement

In some cases, it may be acceptable for a school district to engage the parent of a student with a disability to provide transportation and then reimburse the parent for transportation costs. This is contingent upon such an arrangement being mutually agreeable to the parents and the district [*Letter to Hamilton* (OSEP 1996); *Letter to Neveldine* (OSEP 1996)].

Parental reimbursement requires prior approval in writing from the district and must comply with the student's IEP or 504 plan as determined by the ARC or 504 team. Expenses incurred by parents who opt to transport the student in a family vehicle are allowable so long as the parent has obtained this formal approval in advance. Schools must ensure that any parent providing transportation for a student with a disability has met all district requirements. Mileage rates are subject to the guidelines of the U.S. General Services Administration (GSA).

Districts also need to be aware that if the parents agree to transport a student with a disability, the district must reimburse the parents for their transportation costs in accordance with district policy and the contract arrangements as agreed upon between the district and the parent. An inadequate reimbursement policy or practice may result in a denial of FAPE for the student [*Washoe County (NV) School District* (OCR 2010)].

8B. Unused Transportation Services

In some cases, the ARC team may have decided that special transportation services are necessary for a student and provided for such services in the student's IEP; however, for whatever reason, the student does not actually use the related service. If a student fails to utilize the special transportation services as specified in his or her IEP, the district should convene an ARC meeting as soon as possible to discuss the situation and examine why the student is not using the transportation services. If the student still needs special transportation services due to needs arising from a disability, the discussion should include other alternatives that might be considered in order to appropriately address the student's needs.

CHAPTER 9: SAFETY AND EMERGENCIES

9A. Planning Ahead with the ARC or 504 Team

When a student receives special transportation as a related service, it is vital that the ARC or 504 team discuss, and include in the IEP or 504 plan, any provisions or supports that the student may need in an emergency. This should include emergencies that may occur while the student is riding on the school bus. Emergencies include, but are not limited to, events arising from the student's disability, natural disasters, weather-related events and motor vehicle accidents. School bus drivers and assistants should be able to identify the students they transport who have disabilities and know their specific needs. It is also important that drivers and assistants be instructed in when and how to respond appropriately in any emergency.

9B. Evacuation from the Bus; Drills and Practice

Kentucky requires under [702 KAR 5:030, Section 14](#) that bus evacuation drills be practiced four times per year. It is essential to have a written plan for emergency evacuations for those students who use assistive devices or wheelchairs. Evacuation procedures should be well known and rehearsed by drivers and assistants to assure competent handling of both ambulatory and non-ambulatory students if an emergency arises.

Bus drivers and driver assistants should be able to evacuate all passengers through all available exits with or without the use of a hydraulic lift. Written directions should be posted near any mechanical apparatus that requires special operating skills and knowledge.

Transportation and school staff should train and instruct students with disabilities, so they are familiar with safe and organized evacuation procedures. Districts should write evacuation procedures that allow students to participate to the extent possible based on their individual capabilities. Students with disabilities may need frequent review and practice in following evacuation procedures.

All students should participate in evacuation drills, unless they are medically fragile and unable to do so safely. If a student is physically unable to practice evacuations, it is important that the student is explained, in detail and step-by-step, what will happen and what to do in the case of an evacuation. All students should be prepared to participate should an actual emergency occur. In some cases, the ARC or 504 team may need to consult with the student's doctor(s) or review medical documentation to discuss and plan for the best way to evacuate a medically fragile student.

A written evacuation plan should include:

- emergency stop locations
- cell phones, two-way radio systems or phone locations/access in stores or homes
- charted shortest routes to hospitals
- emergency contact information

A seating chart with photographs of non-verbal students should be available, and photographs should also be attached to emergency information. This is a necessary precaution for situations in which a driver could be incapacitated or unable to identify students. Additional detail pertaining to the information and materials bus drivers are required to have with them in the bus at all times

in the event of an emergency can be found in the Kentucky Department of Education's [Pupil Transportation Management Manual](#).

9C. Inclement Weather

During severe weather, parents and caregivers of students with disabilities may be especially concerned about their children's whereabouts and how the weather may affect the students' established routine. Depending on the nature of the student's disability, parents or caregivers are often on a fixed schedule to meet the school bus and assist the driver and driver assistant with loading and unloading the student. It is very important that if a delay occurs, the parent or caregiver is contacted and provided an estimated time of arrival. If the student will not be picked up or dropped off due to weather issues, a plan needs to be in place, in advance, as to where the student will be. Ideally, this discussion should occur during an ARC or 504 meeting.

As with any school bus route, the driver and driver assistant should know the location of emergency stops along the route such as churches, community centers or schools in case there is a need to evacuate due to severe weather that is deemed unsafe for driving. Parents and caregivers should be given the addresses and phone numbers for these locations at the beginning of the school year.

The district should also establish a written emergency communication plan for transportation personnel to follow if a driver or driver assistant needs help during an emergency.

WEBSITES AND RESOURCES

[Family Educational Rights and Privacy Act \(FERPA\)](#)

[Harassment/Discrimination \(KDE Sample Policy A09.42811\)](#)

[KDE Driver Trainer Instructor](#)

[KDE Medication Administration Training Program](#)

[KDE Pupil Transportation Training](#)

[KDE Pupil Transportation Management Manual](#)

[Kentucky Educational Cooperatives](#)

Transporting Students with Disabilities and Special Needs (Newsletter). PaperClip Communications, Inc.

National Association for Pupil Transportation, Committee on Special Needs Transportation. (800) 989-6278. Website: <https://www.napt.org/>

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