

## **School Transportation**

Schools must provide special transportation to a student with an IEP if the student cannot safely ride a regular bus for reasons related to the student's disability. The definition of transportation includes:

- Travel to and from school and between schools;
- Travel in and around school buildings;
- Travel on field trips; and
- The use of specialized equipment if that equipment is necessary to provide special transportation for a student with a disability.

### **Addressing Transportation through the IEP**

Transportation falls under the "related services" part of the IEP. Transportation must meet the student's unique needs. Failure to provide appropriate transportation is a violation of the "free and appropriate public education" part of the Individuals with Disabilities Education Act (IDEA). Importantly, transportation services must be provided at no cost to the parents. The IEP Team has the authority to make transportation decisions and school staff members of the IEP team cannot legally claim they have no control over transportation decisions during an IEP meeting.

### **Common Issues Related to Transportation**

Some common issues that arise with school transportation include the inappropriate use of restraint, excessive time spent on a bus, and shortening a student's school day for administrative convenience.

Parents can raise concerns about the inappropriate use of restraint during transportation with the IEP Team. For example, schools cannot require a student to wear a harness on the bus that scratches and bruises him on a daily basis. Instead, the IEP team will need to find another way to keep the student safe, such as providing an additional bus monitor or other staff member to ensure the student is safe.

An excessively long bus ride also can violate the law. The determination of what is an excessive transportation time varies based on the student, nature of the student's

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disability, overall health, and geography. Generally, students with disabilities should have travel times that are about the same as students without disabilities in the same school district. There is legal authority indicating that the length of the ride should not be more than one hour each way, except in very rural areas.

A shortened school day for transportation reasons is a clear violation of the law. The U.S. Department of Education Office for Civil Rights (OCR) has said that a student with a disability should not have a shorter school day than students without disabilities as a result of a lengthy bus ride or for the convenience of the school system. A shortened school day is legal only if the IEP team has determined that the student needs a shortened school day to meet his unique needs (68 IDELR 113 (OCR 2016) and 59 IDELR 297 (OCR 2012)).

A student likely will be entitled to compensatory education if his school day was shortened. Compensatory education compensates, or makes up for, the services the student missed because his day was shortened. A parent can direct a request for compensatory education to the Exceptional Children's Director of the school system.

### **Filing a Complaint about Transportation**

If the IEP Team, including the student's parents, cannot come to an agreement about transportation at the IEP meeting, parents have several options to try to resolve the disagreement. Some options include:

- Requesting a trained facilitator or mediator from the North Carolina Department of Public Instruction (DPI) attend the next IEP meeting;
- Filing a formal, written complaint with DPI; or
- Filing a due process complaint with the Office of Administrative Hearings (OAH).

Information on facilitation, mediation, state complaints and due process petitions can be found at [ec.ncpublicschools.gov/parent-resources/dispute-resolution](http://ec.ncpublicschools.gov/parent-resources/dispute-resolution). Parents can file a complaint with the U.S. Department of Education Office for Civil Rights (OCR). Find information about OCR complaints at [www2.ed.gov/about/offices/list/ocr/docs/howto.html](http://www2.ed.gov/about/offices/list/ocr/docs/howto.html).

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Disability Rights North Carolina is a 501(c)(3) nonprofit organization headquartered in Raleigh. It is a federally mandated protection and advocacy system with funding from the U.S. Department of Health and Human Services, the U.S. Department of Education, and the Social Security Administration.

Contact us for assistance or to request this information in an alternate format.

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