



# Transportation for Students with Disabilities in Minnesota

## Definitions

For most students in Minnesota, transportation by school bus is a privilege (M.S.121A.59). For students with disabilities, however, the Individualized Education Program (IEP) team may determine that transportation is a “related service” that is needed to enable the student to benefit from special education services.

The Individuals with Disabilities Education Act (IDEA) includes transportation within its definition of “related services.” This means that students with IEPs have the right to receive special transportation services if needed. Transportation includes travel to and from school and between schools, as well as the use of specialized transportation equipment when required (CFR 300.34(b)(16)). Services are written into the IEP and are provided at no cost to the parents.

Transportation need not be addressed on the IEP unless a special method of transportation is needed (something different than what is offered to students without disabilities) between school and a student’s home or respite care facility. If transportation accommodations such as specially adapted seats are needed, they must be specified and written into the IEP. If a student displays behavior problems on the bus because of his or her disability, the IEP team should address this issue in the written plan. The plan should include any alternative transportation services that may need to be provided if a student is regularly suspended from the bus.

If transportation is not addressed in the IEP, it remains a privilege that can be taken away for disciplinary or other reasons, just as it is for all other students under the Minnesota statute.

For infants and toddlers, transportation is an “early intervention service” which may be necessary to enable an infant or toddler to receive special education or other related services.

## Responsibility

Transportation is usually the responsibility of the resident district, which is the school district in which a student lives. If the IEP team places a student in a different district, the resident district is responsible for the transportation. If the student is placed in any school by anyone else (parent, court, human service agency) the resident district may not be responsible.

## Transportation for day treatment and residential programs for care and treatment

For students placed in a *day treatment program* that has its own educational component, as long as the student lives in the resident district, the resident district is responsible for transportation to and from the program, even if it is located outside the district. Districts may establish reasonable restrictions on the distance traveled unless a Minnesota court or other agency ordered the placement. The district needs to provide services only during regular operating hours of the district (125A.15(c)).

If placement is in a *residential program* located within the district, the resident district is responsible for transportation to and from the program. If the placement is outside of the district, the nonresident district in which the student is placed is responsible for providing an appropriate educational program and necessary transportation while attending the educational program (M.S.125A.15(d)).

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## **Charter School**

If a charter school elects to provide transportation for pupils, the transportation must be provided by the charter school within the district in which the charter school is located. For students who live outside of the district in which the charter school is located, the charter school is not required to provide or pay for transportation between the student's residence and the border of the district in which the charter school is located. If a charter school does not elect to provide transportation, it must be provided by the district in which the charter school is located for students residing in the same district. For additional details, call PACER Center.

## **Resolving differences**

If a parent believes the school district is not providing appropriate transportation services for a student, the parent should discuss the matter with the student's IEP case manager. The issue can usually be resolved at an IEP meeting. If the matter cannot be resolved, parents can use the special education procedures for resolving differences: conciliation, mediation, complaint, facilitated IEP meeting, and/or hearing.

## **Parent transportation of student**

Schools may ask but not require parents to transport a student to school. Parents and the district may make a mutually agreeable contract for the parents to transport. The contractual agreement will specify any reimbursement the parent is to receive, student safety, and other considerations.

## **Day care**

If a district has a policy to transport students without disabilities to and from day care, then the same policy would apply to students with disabilities. In addition, a district may agree, through the IEP team process, to transport a student with a disability to and from day care.

## **Length of ride**

Minnesota State Rule (M.R. 7470.1600, Subp. 3) states, "The length of time a pupil with a disability is transported must be appropriate to the physical, mental, and emotional wellbeing of the pupil. In general, a pupil with a disability should not spend more time in transit than a pupil without a disability except as may be required because of the unique location of the pupil's education program."

## **Aides on the bus**

The need for a bus aide for a student with a disability is determined by the IEP team on an individual basis. If the team agrees this service is necessary to meet the needs of the student, the service is written into the IEP.

## **Transportation to a school outside student's attendance area within a district**

School districts usually have a policy for intradistrict school choice. If the parent chooses to place a student in a school outside the attendance area, then the school district transportation policy for all children would apply. However, if an IEP team places a student in a school out of the student's normal attendance area, the district must transport.

## **Altered length of school day**

The length of a student's school day may not be shortened or lengthened to accommodate the district's transportation schedule. The length of day is determined by the IEP team based on the needs of the student, not administrative convenience or the district's bus service provider. If the school day is lengthened or shortened to meet the needs of the student, transportation must be provided at the times specified in the IEP.

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### **Extracurricular activities**

Schools must give students with disabilities equal opportunity for participation in nonacademic and extracurricular services and activities such as athletics, recreational activities, and special interest groups or clubs sponsored by the school. The IEP team will determine what related services, including transportation, are needed and write them on the IEP.

### **Transporting parent (and student) to early childhood programs**

State law (M.S. 123B.88 Subp. 12) allows school districts to transport the parent as well as the child to an early childhood program so long as space is available and it does not result in additional expenditures for the district.

### **Helping students to the bus**

Special accommodations may be made by an IEP team based on the needs of the student. In general, it is the parents' responsibility to have the student meet the bus at the street, curb, or driveway. The district is not required to have the driver or assistant enter the student's home. School district policies cannot limit or override transportation accommodations considered for a student's individual needs and written into the IEP.

### **Helping students on and off the bus**

Minnesota State Rule (M.R. 7470.1700, Subp.3C) states, "Each driver and aide assigned to a vehicle transporting pupils must . . . assist pupils with disabilities on and off the bus when necessary for their safe ingress and egress [entrance and exit] from the bus." These decisions are made by the IEP team and written into the IEP.

### **Transportation to other locations**

If a student's IEP calls for a program in another district or more than one program or work setting during a day, the district is responsible for providing the transportation.

### **Transportation safety requirements**

Minnesota State Rule (M.R. 7470.1600, Subp. 6) states that specially adapted seats, supports, and/or protective devices must be selected by the school district in consultation with the student's parents and based on the specific needs of the student with a disability. State law also requires drivers and aides to be trained on first aid, methods of dealing with the needs and problems of students with disabilities, safety in loading and unloading students, and other topics. Drivers and aides must have emergency health card information for each student. Vehicles used to transport students with disabilities must be equipped with a two-way communication system (M.S.169.4504, Subd. 2). Wheelchairs must have specified tie-downs and restraint systems.