

Transportation and Students with Disabilities

STATEMENT OF ISSUE

Students with disabilities who require specialized transportation, as documented on the students’ individual educational plans (IEPs), are eligible for weighted transportation funding. The following information provides additional clarification on funding and transportation for students enrolled in exceptional student education programs.

Transportation is considered a related service for a student with disabilities under the Individuals with Disabilities Education Act (IDEA), Part B. All related services, including transportation, that are necessary for a student with disabilities to benefit from special education, must be included on the student’s IEP. Transportation as a related service includes any service that would deviate from the district’s standard routes, schedules, equipment, or staffing. Students with disabilities who are provided public school transportation as a related service may be eligible for weighted transportation funding. The student must meet one or more of the specific criteria in order to be eligible for weighted funding. These criteria must be described on the IEP. The five specific criteria for specialized transportation services are as follows:

1. Medical equipment required. (Medical equipment is defined as wheelchair, crutches, walker, cane, tracheotomy equipment, positioning or unique seating device.)
2. Medical condition that requires a special transportation environment per a physician’s prescription (e.g. tinted windows, dust controlled atmosphere, temperature control).
3. Aide or monitor required due to disability and specific need(s) of student.
4. Shortened day required due to disability and specific need(s) of student.
5. Assigned school is located in an out-of-district (out-of-county) school system.

The five criteria for generating the specialized weighted transportation appear to be self-explanatory; however, the length of the school day was cited as a “finding” in the 1997 U.S. Department of Education, Office of Special Education (OSEP), monitoring report for the State of Florida. This finding relates directly to the issue of “shortened day” as described above in the weighted transportation funding criteria. The report stated that several of the districts monitored did not “consistently ensure that students receive the state mandated length of school day, due to the administrative problems with transportation.”

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TECHNICAL ASSISTANCE PAPERS are produced periodically by the Bureau of Instructional Support and Community Services to present discussion of current topics. The TA Papers may be used for inservice sessions, technical assistance visits, parent organization meetings, or interdisciplinary discussion groups. Topics are identified by state steering committees, district personnel, and individuals, or from program compliance monitoring.

Section 228.041(13), Florida Statutes, defines the school day as “...that portion of the day in which school is actually in session and shall comprise not less than 5 net hours excluding intermissions, for all grades above third; not less than 4 net hours for the first three grades; and not less than 3 net hours for kindergarten or prekindergarten students with disabilities, or the equivalent as calculated on a weekly basis.” Students with disabilities must have the same opportunity to attend the full length of the school day as nondisabled peers. In addition, the instructional day for the students with disabilities must be equal to the instructional day afforded nondisabled peers, unless a shorter day is specified on a student’s IEP.

Shortening the student’s day due to administrative transportation issues may result in the denial of student’s right to a free appropriate public education. If a student with disabilities is in need of a shortened day due to his or her unique needs, the shortened school day, the need for specialized transportation, and the reason for the shortened day must be indicated on the student’s IEP.

Beginning in the 1998-99 school year, district monitoring procedures included a specific method to determine compliance with the Florida’s Corrective Action Plan as a result of the U.S. Department of Education, Office of Special Education (OSEP), monitoring report “finding” to ensure that the length of the school day for students with disabilities meets the state standards.

As with any service identified on the IEP, an appropriately constituted IEP team must determine the need for transportation as a related service. If the IEP team is considering transportation as a related service, transportation personnel or persons knowledgeable of the district transportation services should be considered as part of the IEP team. Transportation personnel will assist in committing resources that meet the transportation needs of the child. Participation of transportation personnel in the IEP development and review process should be documented on the IEP.

There may be students with disabilities who require transportation as a related service whose needs are not reflected by one or more of the five specific criteria for weighted transportation funding. These transportation related services may include “door to door” stops, stops other than designated approved stops, pick-ups within two miles of the school site, and behavior intervention plans while the child is in transit. School districts must continue to provide related services as indicated on the student’s IEP, regardless of the generated funding. For further information regarding transportation as a related service for students with disabilities, please see Technical Assistance Paper FY 1995-4, August, 1994, *Transportation of Exceptional Students and IEP Requirements*.

Transportation as a related service identified on the IEP is not a consideration in determining the funding level of a student in the Exceptional Student Education/Florida Education Finance Program (ESE/FEFP) funding model (cost factors 254 and 255). To generate the weighted funding in transportation for a student with disabilities, the IEP committee must determine that there is a need, the need must meet one or more of the five criteria specified above, and the criteria must be written on the student’s IEP as a related service.

QUESTIONS AND ANSWERS

IEP Development

- 1. Does a transportation representative have to attend the IEP meeting if specialized transportation service is indicated on the IEP?**

As stated above, if the IEP committee is considering transportation as a related service, transportation personnel or persons knowledgeable of district transportation services should participate as part of the IEP committee to the extent feasible, given district resources. If a transportation representative is not able to attend, participation could be via telephone conferencing or written recommendations.

- 2. Are the majority of students with disabilities required to ride a bus designated for exceptional students?**

No. The decision to have a student with disabilities ride an “ESE” bus (a bus with a lift or one serving primarily students with disabilities) or a “regular” bus lies with the IEP team. A transportation representative, as a member of the team, should be involved in the decision making process. It is the IEP committee’s responsibility to determine the most appropriate means for transporting the student and to reflect that decision on the IEP.

- 3. If a district makes an administrative decision to place an aide on every bus that serves students with disabilities, must each student’s IEP include reference to the aide?**

The IEP team must describe in specific detail the need for an aide on a bus for particular student(s). Only those students whose IEPs reflect the need for an aide would generate the weighted funding even if it is district policy to place an aide on all special education buses. The need for an aide on the bus is determined by the IEP committee, on an individual basis, relative to the student’s unique needs.

Funding

- 4. Can the special FTE funding be claimed if the IEP states only that specialized transportation is needed but does not indicate one of the five specific areas?**

No. The student transportation general instructions for the FEFP Transportation Survey (Form ESE 233) states, “Each student’s Individual Educational Plan (IEP) documentation must contain information which specifies he or she meets one of the (five) criteria for specialized transportation services.”

- 5. Would student participation in a community based instruction program generate specialized funding, if the instruction is occurring at a location other than the home school?**

No. Students can be counted only once per day for transportation services. Multiple trips within the school day from center to center or from instructional environment to instructional environment do not generate additional or specialized funding.

- 6. What is considered medical equipment as described in the five specific criteria for the specialized funding?**

Medical equipment is defined as a specific device that meet the unique needs of the child; and specifically described on the child’s IEP. Examples are provided in the specific criteria stated above. The use of the equipment to ensure the child’s safety, including crash protection, during transit must be beyond the standard specifications of a school bus, federal and state statutes, and recommendations of the National Highway Traffic Safety Administration (NHTSA). This would exclude the everyday use of lap belts or Child Safety Restraint Systems (CSRS).

Shortened Day

7. What is a shortened school day?

A shortened school day is school day that does not provide the same amount of instructional time or school time as described in Section 228.041(13), Florida Statutes, for students with disabilities as compared to nondisabled peers. For a student in a K-12 program above the third grade, fewer than five hours per day would constitute a shortened day. For a student in grades one through three, fewer than four hours per day would constitute a shortened day. For prekindergarten and kindergarten students, fewer than 15 hours per week of instructional time would constitute a shortened day.

8. Under what conditions would a shortened day be considered for a student with disabilities?

The shortened day must be based on the unique needs of the student and his or her disability, as determined by the IEP team. For example, a shortened day might be necessary for a medically fragile student, a prekindergarten student, or student identified as severely emotionally disturbed. If a student with disabilities must depart prior to the dismissal of the school day due to his or her unique needs and disability, then the child would be eligible for the weighted transportation funding. The child's IEP must describe the related service of transportation, and include a description of the shortened day and the need for a shortened day.

Further information regarding the weighted transportation funding is provided in the *Student Transportation General Instructions*, published annually. This document is available from Financial Management Section, Bureau of School Business Services, Florida Department of Education.