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# Transportation for Students with Disabilities

By Charles J. Russo, J.D., Ed.D., and Allan G. Osborne Jr., Ed.D.

The district's obligations to provide transportation to student with disabilities is not always cut and dried.

**T**ransportation and other related services for students with disabilities are essential, and the costs associated with their delivery can weigh heavily on district budgets and the minds of school business officials.

School districts typically offer transportation to students with disabilities in district-owned and -operated vehicles, in vehicles owned and operated by private service providers, or via public transportation; occasionally, districts may enter into contracts with parents to transport their children to school. When students are unable to access the standard modes of transportation, school officials must make special transportation arrangements. According to the Individuals with Disabilities Education Act (IDEA) regulations, transportation for students with disabilities includes (34 C.F.R. § 300.34[c][16][iii])—

- Travel to and from school and between schools
- Travel in and around school buildings
- Specialized equipment (such as special or adapted buses, lifts, and ramps), if required, to provide special transportation for a child with a disability

As with other related services, the district must provide transportation when students need it to benefit from their special-education programs.

## Relevant Cases

In *Malehorn v. Hill City School District* (1997), a dispute arose in South Dakota when a mother challenged school officials after they determined that her daughter's disability did not warrant door-to-door transportation—a service provided by the girl's previous school district. The superintendent indicated that the district could not provide special transportation and that the girl's individualized education program

(IEP) could not be implemented as written. Consequently, the mother would have to drive her daughter to the bus stop used by the regular students, which was eight miles from their home. Concerned about the safety of her daughter at the bus stop, the mother chose to drive her to school.

Eventually, a new IEP was written for the daughter, and a hearing officer and the federal trial court agreed that because the mother drove her daughter to school for several months, she was entitled to reimbursement for the costs of transporting her child.

**Students with physical or medical needs may require specialized equipment or special aides on vehicles to give them mobility or medical assistance.**

In another case, the Sixth Circuit held that when the parents of a hearing-impaired student in Ohio unilaterally placed her in a private school, the student did not require district transportation because there was no relationship between her disability and her need for the transportation (*McNair v. Oak Hills Local School District* 1989).

Students with physical or medical needs may require specialized equipment or special aides on vehicles to give them mobility or medical assistance. Districts may also need to provide aides on vehicles to help control children with behavior disorders and to ensure the safety of all students.

In a dispute from Rhode Island, the First Circuit affirmed that transportation may include assistance getting a student from his or her house to the vehicle (*Hurry v. Jones* 1983, 1984). Here, school district officials denied a student with physical disabilities assistance in getting from his house to the

school bus after he gained so much weight that the driver was unable to get him on the bus without help. For a time, the student's father drove him to school, but when he was no longer able to do that, the boy was unable to attend classes.

The First Circuit chastised district officials for refusing to provide door-to-door transportation to and from school and affirmed compensation for the parents for transporting their son, noting that it was clearly the district's responsibility to do so. In another suit, the federal trial court for the District of Columbia ordered a district to provide an aide to help a wheelchair-bound student get from his apartment to the school bus (*District of Columbia v. Ramirez* 2005).

Students with disabilities who attend private special-education schools, including those that are religiously affiliated, are also entitled to transportation (*Union School District v. Smith* 1994). However, when parents unilaterally place their children in private schools without the approval of education officials, school boards are not required to provide transportation (*A.A. v. Cooperman* 1987; *Work v. McKenzie* 1987). In this regard, a federal trial court in Ohio explained that school boards are not required to subsidize private programs when appropriate public programs are available (*McNair v. Cardimone* 1987, 1989). By the same token, students are not entitled to transportation when their parents elect to enroll them in public schools under school choice programs if their home schools could have provided them with a free and appropriate education (*Doe v. Attleboro Public Schools* 2013).

When students attend residential schools at public expense, school districts must provide transportation between their homes and schools for usual vacation periods. However, a court in Florida ruled that a student was not entitled to additional trips home for therapeutic purposes,

even though a goal of his IEP was improved family relations (*Cohen v. School Board of Dade County* 1984). The court acknowledged that the student was entitled to transportation to the residential facility in order to attend school, but he was not entitled to therapeutic trips home, because the IDEA does not require districts to satisfy the unique needs of each child with disabilities.

Courts recognize that transportation arrangements for children with disabilities not only must be reasonable but also may be changed if necessary. The Third Circuit ruled that a minor adjustment to the transportation plan of a student in Pennsylvania did not constitute a change in placement under the IDEA (*DeLeon v. Susquehanna Community School District* 1984). The court ruled that although transportation could have an effect on a child's learning, adding 10 minutes to his return trip home from school had little impact. Conversely, a federal trial court in Virginia ordered a school board to develop better arrangements for a student who lived six miles from school, but whose transportation took more than 30 minutes (*Pinkerton v. Moye* 1981).

**Courts recognize that transportation arrangements for children with disabilities not only must be reasonable but also may be changed if necessary.**

Many students do not go home after school but go to afterschool care. Court rulings are mixed regarding whether school districts are required to provide transportation to caregivers, but they generally agree that districts do not need to accommodate parents' personal or domestic circumstances.

The Fifth Circuit, in a case from Texas, ruled that students with disabilities are entitled to be

transported to caregivers even when those caregivers live out of a district's attendance boundaries (*Alamo Heights Independent School District v. State Board of Education* 1986). The court indicated that the parental request for transporting their son, who had multiple disabilities, to his caregiver was reasonable and did not place a burden on the board.

On the other hand, the Eighth Circuit ruled that a special-education student in South Dakota was not entitled to be dropped off at a day-care center outside a school's attendance area (*Fick ex rel. Fick v. Sioux Falls School District* 2003). The court explained that the board's policy for all students stated that children could be dropped off only within their school's attendance boundary. In reviewing the policy, the court found that school officials did not violate the IDEA by refusing to transport the child to his day-care center, pointing out that the mother's request was based on her personal convenience, not her daughter's educational needs.

The federal trial court in Maine reached a similar outcome when it denied a mother's request that the driver take him to an alternative location if an adult was not present to meet her son at the bus stop after school (*Ms. S. ex rel. L.S. v. Scarborough School Committee* 2005). The court ruled that the mother was not entitled to have her request granted because it was motivated by her child-care arrangements with her ex-husband, with whom she shared joint custody, rather than her son's educational needs.

By the same token, an appellate court in Pennsylvania refused to require a school district to furnish transportation during the weeks a student stayed with his father, who had joint custody but lived outside the district's boundaries (*North Allegheny School District v. Gregory P.* 1996). The court observed that the father's request did not address any of the student's educational

needs but served only to accommodate the parents' domestic situation.

The IDEA's mandates aside, there are limitations to when, how, and under what circumstances districts must provide transportation to students with disabilities. For example, school officials may not be obligated to provide transportation when parents elect to send their children to programs other than the ones recommended by education personnel. In one case, an appellate court in Florida indicated that a school board did not have to transport a student to a geographically distant facility when she was enrolled there at her parents' request (*School Board of Pinellas County v. Smith* 1989). The court concluded that transportation was unnecessary because the student could have received an appropriate education at a closer facility.

**School business officials can evaluate whether there are places where costs could be reduced without infringing on the rights of students with disabilities.**

### Recommendations

The IDEA requires school boards to provide transportation as a related service to qualified students with disabilities, often at significant cost to district budgets.

Insofar as additional costs associated with transporting students with disabilities can have a dramatic impact on budgets, the following suggestions offer food for thought. Education leaders should work with directors of special education and their teams to do the following:

1. Conduct periodic audits of special-education transportation arrangements in an effort to keep costs down. In doing so, school business officials can evaluate whether there are places where costs could be reduced without infringing on the rights of students with disabilities.

For example, it might be worth offering to reimburse some parents for driving their children with disabilities to school rather than running separate bus routes for those students.

2. Consider whether all students who are receiving transportation need it because of their disabilities and, if not, whether they can, for instance, be transported safely to school through the regular transportation arrangements available to their peers who are not disabled.

3. Review whether students with disabilities require aides on vehicles to assist them or to ensure their safety or the safety of others. In so doing, education leaders should also consider whether routes can be adjusted so that all students who require aides can be transported on the same vehicles.

4. Ensure that students who need special transportation have travel arrangements clearly spelled out in their IEPs.

5. Ensure that transportation between residential programs and students' homes does not include trips that are merely for family convenience. Districts are required to provide only those trips that are necessary for children to attend school.

6. Check to see whether all transportation arrangements are necessitated by educational concerns rather than parental needs.

Transportation arrangements addressing parental wishes—such as having students dropped off at day-care centers—particularly if they are outside district boundaries, are not the responsibility of school districts. Still, districts may be required to drop students off at day-care providers when doing so would not place additional financial burdens on boards.

7. Review the transportation needs of students who attend private schools, including religiously affiliated, nonpublic schools. Although districts are typically obligated to

provide transportation for such students, they need not do so if parents place their children in those schools unilaterally.

### Conclusion

Clearly, transportation is an essential related service for students with disabilities.

Thus, to ensure that children receive all of the programming they are due and that boards can provide services cost-effectively, education leaders should work closely to ensure that their transportation plans for individual students and for their entire systems are up-to-date and that they are designed to operate efficiently in meeting the needs of children within the limits of district budgets.

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## Focusing on Transportation—For School Staff

**A**rlington Public Schools (APS) in Virginia has been grappling with overcrowding in its public schools recently. This year alone, school enrollment in Arlington increased 5.2%, and the county's 36 schools are unable to accommodate the growth.

While APS developed alternatives to accommodate the 1,300 new students projected through 2019—plans that include school expansions and at least one new building—county officials recognized that new construction and expansions require more parking and add congestion to area traffic.

To address that challenge, Arlington County implemented the only transportation demand management (TDM) program for public school faculty and staff in the United States. According to Mobility Lab, a Virginia-based organization focused on transportation, TDM focuses on helping people use the infrastructure in place for transit, ridesharing, walking, biking, and telework.

The Arlington Public Schools program, called ATP Schools, is being administered by Arlington Transportation Partners (ATP), the employer-outreach arm of Arlington County Commuter Services. Funded by a grant from Virginia's Department of Rail and Public Transportation, it is aimed at reducing the drive-alone rate of the more than 5,000 employees of APS. According to APS GO!, a survey conducted by Toole Design Group, the drive-alone rate for Arlington Public Schools staff is 88%, compared to 53% for the county overall.

By reaching out to APS teachers and staff, ATP hopes to switch many of these solo drivers over to more sustainable options, such as biking, transit, or carpool. That way, existing surface parking could be reclaimed for more productive uses, such as school expansions accommodating more students on the same amount of property.

Elizabeth Denton, the business-development manager in charge of the ATP Schools initiative, is sensitive to the needs of the teachers and school staff. "We intend to frame this program as something that helps the schools, and something that is fun." She plans to promote the program with environmental messaging, which is an important motivational factor for this particular audience. APS is a "green" school system, ranked second nationally in green-energy usage by the U.S. Environmental Protection Agency.

In many ways, the dynamics of Arlington Public Schools mirror that of the county as a whole: a population that's bursting at the seams, with overburdened infrastructure and limited resources. These issues may not be universal, but TDM as a way to combat them—and gain more utility from the existing infrastructure—certainly is.

This article is based on "Arlington County First in Nation with Program to Ease Public-School Staff Commutes," by Paul Goddin, urban affairs and transportation research reporter for Mobility Lab ([www.mobilitylab.org](http://www.mobilitylab.org)). Access the full article at <http://mobilitylab.org/2015/04/22/arlington-county-first-in-nation-with-program-to-ease-public-school-staff-commutes/>

