



**Los Angeles County  
Office of Education**

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January 16, 2007

To: Educational Programs

From: Compliance Support Services

**Topic: Compliance Information Bulletin Number 2  
Parents Input for Transportation**

Transportation to and from school is a related service (DIS) that must be included in a student's IEP if such service is required to assist him/her to benefit from special education. Under 34 C.F.R. § 300.24(b)(15) the related service of transportation includes "transportation to and from school and between schools" as well as "travel in and around school buildings" and "specialized equipment (such as special or adapted buses, lifts and ramps) if required to provide special transportation for a child with a disability."

The precise nature of the transportation that a school must provide for a student with a disability depends on the unique needs of the child and his/her IEP. Assuming the transportation provided is appropriate, the particular mode of transportation selected for a student is within the discretion of the school district. It is clear, though, that a school district's obligation to provide transportation is not limited to the usual forms of transportation that non-disabled or other students with disabilities are provided. Rather, if a student requires transportation at a different time or in a different manner because of his/her disability, a school must provide it.

Although some students may require placement at a school or facility that is not located near his/her home, excessive daily commuting suggests the need for a different placement, possibly a residential placement, and can be deemed to be a denial of FAPE. What constitutes an excessive daily commute varies to a large extent on the student, his/her disability, overall health condition and norms for the region. Nevertheless, a review of published opinions shows that, generally speaking (and assuming the district is not located in a sparsely populated rural area), a disabled student's daily commute should not greatly exceed one hour either way. See, e.g., *Bonadonna v. Cooperman*, 1985-86 EHLR 5571:178 (D.N.J. 1985); *Covington Community Sch. Corp.*, 18 IDELR 180 (SEA Ind. 1991); *Kanawho County (WV) Pub. Sch.*, 16 EHLR 450 (OCR 1987)

While LACOE does not have a written policy on the length of time a pupil may be on the bus, transportation's contract with the vendors state, "The routes established by LACOE will be developed to limit travel time for each pupil transported in accordance with current LACOE policy.

Charles Holmes, former Transportation and Planning Officer for LACOE indicated:

- ◆ We try and minimize the amount of time the student travels to/from school
- ◆ It is impractical to expect LACOE to honor requests for specific pick up and drop of times as we transport almost 5000 pupils
- ◆ If times assigned are not acceptable by the parents, an offer will be made to reimburse them or their designees for transporting students by themselves
- ◆ Students requiring medical procedures on the vehicle or a minimal travel time must be supported by a Doctor's note. Doctor's requests will be considered, and additional options may be available (i.e. parents/designee transport, taxi, medical transportation company, additional school route.

*The Answer Book on Special Education Law, Third Edition by Susan Gorn. LRP Publications*

Attachment

GML:jh



## **Transportation Contract**

### **14. ROUTING AND SCHEDULING – START OF SERVICE AND BEGINNING OF NEW SEMESTER**

LACOE shall provide the Contractor with routes which include all pupils to be transported at least five (5) working days prior to the first day the pupils are to be transported during the regular school year and extended session. The route sheets shall include run identification number, route number, direction to and from school, beginning time, ending time, slack time between runs, number of stops on run, number of pupils assigned, maximum load allowed, time and length of run. Contractor shall implement the established routes. The routes established by LACOE will be developed to limit travel time for each pupil transported in accordance with current LACOE policy.

\* Regulations by Section and Attachment 1 (Analysis of Comments and Changes)

## Subpart A-General

### Purposes, Applicability, and Regulations That Apply to This Program

#### §300.24 Related services.

(a) **General.** As used in this part, the term **related services** means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parent counseling and training.

(b) **Individual terms defined.** The terms used in this definition are defined as follows:

(15) **Transportation** includes-

(i) Travel to and from school and between schools;

(ii) Travel in and around school buildings; and

(iii) Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.

(Authority: 20 U.S.C. 1401(22))