

# Board Policy

## Business and Noninstructional Operations

BP 3541.2

### Transportation for Students with Disabilities

\*\*\*Note: Education Code 56195.8 mandates that entities providing special education adopt a policy which describes how special education transportation is coordinated with regular home-to-school transportation and sets forth criteria for meeting the transportation needs of special education students. The district should revise the following material for consistency with the policy and regulations of the SELPA in which the district participates.\*\*\*

\*\*\*Note: Pursuant to the federal Individuals with Disabilities Education Act (IDEA)(20 USC 1400-1487) and Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794), districts are required to provide bus service to students with disabilities equivalent to that provided for students without disabilities. However, if a district charges transportation fees, the State Board of Education recommends, in Program Advisory LO:2-95, that Boards exempt from the fee only those "handicapped"/special education students served under the IDEA whose individualized education program (IEP) requires that transportation be provided. This policy and administrative regulation reflect the interpretation offered in that advisory. See BP 3250 - Transportation Fees.\*\*\*

The Governing Board shall ensure that appropriate transportation services are provided for students with disabilities as specified in their individualized education program (IEP) or accommodation plan. The district shall make home-to-school transportation available for students at no cost to parents/guardians as specified in the student's IEP.

- (cf. 0430 - Comprehensive Local Plan for Special Education)
- (cf. 3250 - Transportation Fees)
- (cf. 6159 - Individualized Education Program (IEP))
- (cf. 6159.2 - Nonpublic Nonsectarian School and Agency Services for Special Education)
- (cf. 6164.4 - Identification of Individuals for Special Education)
- (cf. 6164.6 - Identification and Education under Section 504)

The Superintendent or designee shall establish criteria and procedures for determining the most appropriate mode of transportation for an individual student based on identified needs as determined in the IEP or accommodation plan.

- (cf. 3540 - Transportation)

\*\*\*Note: Federal regulations (34 CFR 104.4) provides that no qualified disabled person shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from federal financial assistance.

\*\*\*Note: Education Code 56195.8 mandates the Board's policy to include procedures ensuring compatibility between mobile seating devices, when used, and the securement systems required by federal law (49 CFR 571.222). The following paragraph directs the Superintendent or designee to develop such procedures. \*\*\*

\*\*\*Note: Education Code 56195.8 also requires the Board's policy to ensure that bus drivers are trained in the proper installation of mobile seating devices; see AR 3542 - School Bus Drivers for language fulfilling this mandate.\*\*\*

The Superintendent or designee shall establish procedures to ensure compatibility between mobile seating devices and bus securement systems.  
(cf. 3542 - School Bus Drivers)

Legal Reference:

EDUCATION CODE

- 39807.5 Payment of transportation cost
- 39839 Guide dogs, signal dogs and service dogs on bus
- 41850-41854 Allowances for transportation
- 48300-48315 Alternative interdistrict attendance program
- 48915.5 Expulsion of students with exceptional needs
- 56195.8 Adoption of policies
- 56327 Assessment for special education and related services
- 56345 Individualized education program
- 56366 Nonpublic nonsectarian schools or agencies
- 56366.1 Waiver of requirements under section 56365 and 56366

CODE OF REGULATIONS, TITLE 5

- 15050 Transfer of funds to child development fund and development center for handicapped pupils fund
- 15243 Physically handicapped minors
- 15271 Exclusion from report

UNITED STATES CODE, TITLE 20

- 1400-1487 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

- 794 Section 504 of the Rehabilitation Act of 1973

CODE OF FEDERAL REGULATIONS, TITLE 34

- 104.4 Equal opportunity under the Rehabilitation Act of 1973, Section 504

CODE OF FEDERAL REGULATIONS, TITLE 49

- 571.222 Federal requirements for bus securement systems

Management Resources:

CDE MANAGEMENT ADVISORIES

- 0500.92 Implementation of Special Education Transportation Apportionment (#92-02)

CDE PROGRAM ADVISORIES

- 0609.95 School transportation fee exemption for handicapped children and pupils whose parents or guardians are indigent (LO: 2-95)

(6/93 2/95) 10/97

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**GRAVENSTEIN UNION SCHOOL DISTRICT  
Sebastopol, CA**