

My Child has been Denied Transportation

Transportation is a related service. It can include travel to and from school and between schools; travel in and around school buildings; and any necessary specialized equipment such as special or adapted buses, lifts, and ramps if required to provide special transportation for a child with a disability. A child's IEP Team is responsible for determining both if transportation is required to assist a child with a disability to benefit from special education and related services, and how the transportation services should be implemented.

An IEP must describe any transportation services a school division will provide. The description must include any transportation provided to enable a child with disabilities to participate in nonacademic and extracurricular activities. All transportation must be provided in the manner necessary to afford a child an equal opportunity for participation in services and activities to the maximum extent appropriate to the needs of that child.

When a school division refuses to provide transportation for a child with a disability, it must provide the parent with prior written notice of the denial. Prior written notice must outline what is being denied, the rationale for the denial, what factors were considered in making the determination that the denial is appropriate, and what the school is proposing instead of the denied services.

A student may not be denied transportation simply because transportation is not provided to other children in an area. A child's IEP drives the services appropriate for the child. For example, if a child lacks an appropriate level of fear of strangers, if a child has a history of wandering off, or if a child is unable to remember the path to school it may be appropriate to provide transportation for that child, even if the child lives close to the school.

If you believe your child has been denied transportation in violation of IDEA and Virginia regulations, you have a right to engage the dispute resolution process. You may request mediation, file a complaint or file for due process. You will find each of these processes discussed in more detail in this dLCV online resource.