



## ***Information About Special Education Transportation***

### **A student in special education has the right to:**

- The same length school day as students without disabilities
- The same length commute to and from school as students without disabilities

A student who receives special education services is entitled to transportation to, from, and around school that is appropriate to their needs. When schools regularly drop children off late for school or pick them up early from school, they give them less time in school than other students. This denies them an appropriate education.

### **In School, Minutes Matter**

Imagine that the bus drops your child off at school just 10 minutes after the regular school day began, and picks up your child just 15 minutes before the end of the regular school day. Over a school year, your children would miss almost 73 hours, or about two full weeks, of school time! Can you imagine what would happen if you kept your child out of school for two weeks without a good reason? Schools should not be allowed to cause your child to miss school without a good reason either.

### **Transportation Must Be Appropriate to the Student's Needs**

Under the *Individuals with Disabilities Education Improvement Act of 2004* (IDEIA) and *Section 504 of the Rehabilitation Act* (1973), transportation is considered a "related service". If your child needs transportation in order to receive a free and appropriate public education (FAPE), the school district must provide transportation that meets the student's needs.

### **Length of School Day**

IDEIA gives students with disabilities equal educational opportunity, which means a full school day. Children in special education should receive a full day of school unless their Individualized Education Plan (IEP) says they should receive less. A school district is not allowed to shorten your child's school day due solely to transportation needs. Unfortunately, this happens all too often.

### **Commute Length**

Some children spend too much time on the bus going to and from school. In general, if your child is spending more than one hour each way to and from school, that commute may be considered unreasonable. Unreasonable commutes violate your child's right to an appropriate education.

Some children miss school time because their ride is so long that the bus drops them off after school starts or picks them up before school ends. This violates the IDEIA or Section 504 because they have a right to the same length school days as students without disabilities.

### **Some Bad Reasons for a Shortened School Day or Long Bus Ride:**

- Bus Route Scheduling/ Not enough money for more busses
- Instruction provided by aides during lunch time and passing periods
- Students', Parents' or Teachers' Wishes
- Administrative Convenience
- "It's just 10 minutes"

### **The ONLY Reason for a Shortened School Day or Long Bus Ride**

Only the student's IEP Team or 504 Committee should determine if a child needs a shorter or longer school day in order to receive a free and appropriate public education (FAPE). The student's IEP or 504 Plan should say he or she needs a shortened school day or more time on the bus. But this must be based on the needs of the child, and not solely to meet transportation schedules.

### **Who's responsible for making sure students get proper transportation?**

If your child needs special transportation, you should request a meeting with your child's IEP team or 504 Committee. Your local school district, also known as your Local Educational Agency or LEA, must make sure students with disabilities get to school on time, leave on time, and don't spend too long getting to school and back home.

### **How Can VOPA Help?**

VOPA can provide information, technical assistance and, in some cases, legal representation. If you feel your child, or a child you know, is being denied a full school day or spending too much time on the bus, please feel free to contact us.

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1910 Byrd Avenue, Suite 5  
Richmond, Virginia 23230  
(804) 225-2042 (local and TTY)  
(800) 552-3962 (statewide)  
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### ***VOPA publications are available in alternate format, upon request.***

*This publication provides general guidance only. For specific legal advice, you should speak to an attorney.*