

# THE IMPORTANCE OF TRANSPORTATION IN THE IEP DECISION

CATHY STAGGS  
TRANSPORTATION SOUTH  
SESPTC CONFERENCE  
JULY, 2017



# WHY NOT???



# DON'T EDUCATORS REALIZE...

- The school bus is considered an extension of the classroom?
- The students' well-being is the responsibility of the school district from the time they are picked up in the morning until they are dropped back off in the afternoon?



# DON'T THEY REALIZE...

- The same issues that could happen in the classroom can happen on a school bus?
- Safety concerns in the school building are **magnified** on the school bus?



# DON'T THEY REALIZE...

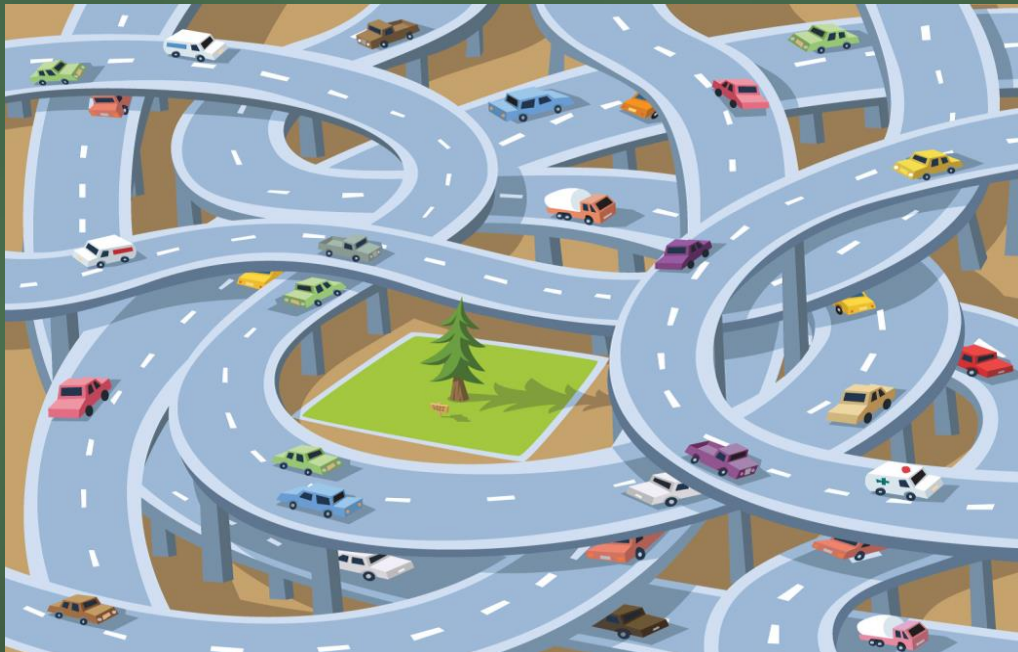
- The school bus is often moving away from support?





# DON'T THEY REALIZE...

- The school bus is often in heavy traffic, so safety is easily compromised with student issues?



# DON'T THEY REALIZE...

- Students deserve to be in the care of “**well-trained, well-informed**” individuals throughout the school day, including the bus ride?
- The law requires a team approach?



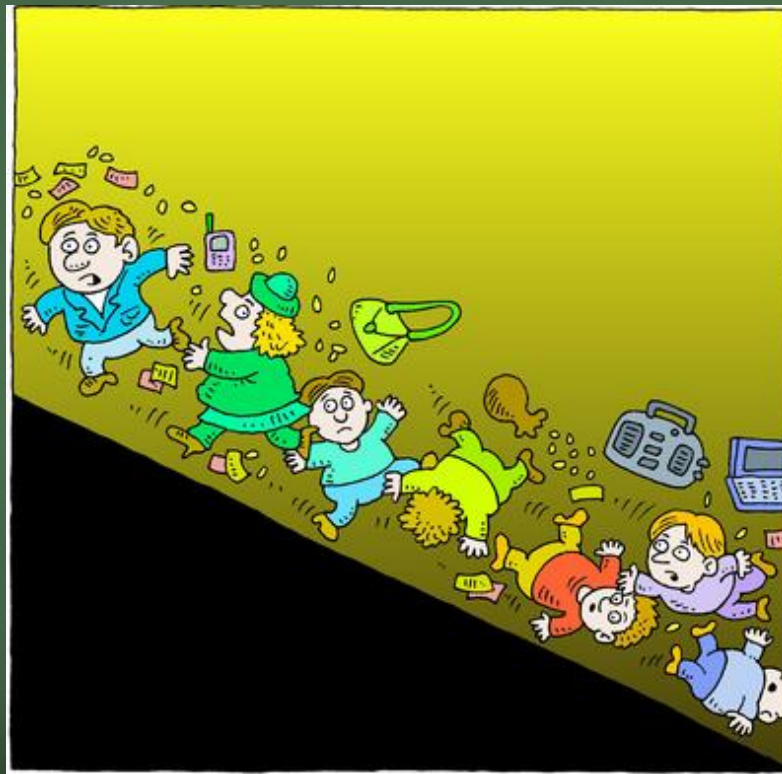
# IF WE DON'T GET INFORMATION FROM THE EDUCATORS...





# SO WHAT COULD HAPPEN IF WE DON'T KNOW?

- It's a slippery slope...



# AREAS OF DISABILITY

- AUTISM
- DEAF-BLINDNESS
- DEAFNESS
- EMOTIONAL DISTURBANCE
- HEARING IMPAIRMENT
- INTELLECTUAL DISABILITY
- MULTIPLE DISABILITIES

# AREAS OF DISABILITY (CONT.)

- ORTHOPEDIC IMPAIRMENT
- OTHER HEALTH IMPAIRMENT
- SPECIFIC LEARNING DISABILITY
- SPEECH/LANGUAGE IMPAIRMENT
- TRAUMATIC BRAIN INJURY
- VISUAL IMPAIRMENT

# WHY NOT???



# CONFIDENTIALITY!!





# FERPA

- Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99)
  - Federal law that protects the privacy of student education records.
  - Applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

# WHAT DOES FERPA SAY?

- Non-disclosure
- “Personally identifiable information”
- “Need to know” basis



# HOWEVER...

- FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
- School officials with legitimate educational interest...



# US DEPT. OF ED. – FERPA

## FAQs – FAMILY POLICY COMPLIANCE OFFICE

### WHO IS A “SCHOOL OFFICIAL” UNDER FERPA?

- “A ‘school official’ includes a teacher, school principal, president, chancellor, board member, trustee, registrar, counselor, admissions officer, attorney, accountant, human resources professional, information systems specialist, and support or clerical personnel. A contractor, consultant, volunteer, or other party to whom a school or institution has outsourced institutional services or functions may also be considered a “school official” provided that they are performing an institutional service or function for which the agency would otherwise use employees and is under the direct control of the agency or institution with respect to the use and maintenance of education records. See 34 CFR § 99.31(a)(1)(i)(B).”

# US DEPT. OF ED. – FERPA

## FAQs – FAMILY POLICY COMPLIANCE OFFICE

### “UNDER FERPA, MAY AN EDUCATIONAL AGENCY OR INSTITUTION DISCLOSE EDUCATION RECORDS TO ANY OF ITS EMPLOYEES WITHOUT CONSENT?”

- “No. FERPA permits an educational agency or institution to disclose, without consent, personally identifiable information from students’ education records only to school officials within the educational agency or institution that the educational agency or institution has determined to have legitimate educational interests in the information. 34 CFR § 99.31(a)(1). **Generally, a school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.**”



# LETTER FROM THE OFFICE OF SPECIAL EDUCATION PROGRAMS - AUGUST 2003



# OSEP LETTER



“In meetings (and correspondence) with representatives of two major national transportation associations (i.e., the National School Transportation Association, and the National Association for Pupil Transportation), these representatives have expressed concerns that transportation providers are often not included in local school district plans or training related to transporting children with disabilities. **They also provided examples of problems resulting from not having prior knowledge about the needs of some of these children, and expressed interest in finding ways to ensure that transportation of children with disabilities is safely and appropriately provided.”**

# OSEP LETTER (cont.)



**“To the extent appropriate, we encourage you to contact the local educational agencies in your State to call their attention to the transportation provisions in the regulations, and to encourage them, as appropriate, (consistent with the confidentiality provisions in §§300-560-300.576), to ensure that there is meaningful and effective communication -- before the fact -- between school district personnel and transportation providers about the transportation needs and potential problems of individual students with disabilities. This effort should be beneficial to all affected parties, but especially the children who are being transported.”**

# OSEP LETTER (cont.)



“Transportation providers play an integral role in the school lives of many children, including children with disabilities, which makes effective communication between the school and the providers essential. **We believe that, for the safety and well-being of all children who ride school buses, including children with disabilities, it is crucial that they are appropriately and effectively transported by well-informed and well-trained transportation providers.**”

# EXTENT OF SCHOOL DISTRICT DUTY

- Not required to prevent all harm to students on school buses, but...
- Must prevent FORESEEABLE harm
  - “When a district or bus company has reason to predict harm which it has a good chance of minimizing with the use of reasonable methods, the law requires the district or company to take the necessary action.” (Peggy Burns, Education Compliance Group)



# GETTING INFORMATION TO THE RIGHT PEOPLE

- “FORESEEABLE” ---- COMMUNICATION!
- FERPA allows for such communication
  - “When school district personnel have information that would put them on notice of the potential for harm in the absence of action, they need to be sure they communicate that information to the very people most likely to be able to act to prevent or stop the harm.” (P.B.)

Title 34 → Subtitle B → Chapter III →  
Part 300 → Subpart D → §300.321

- Title 34: Education
- PART 300—ASSISTANCE TO STATES FOR THE EDUCATION OF CHILDREN WITH DISABILITIES
- Subpart D—Evaluations, Eligibility Determinations, Individualized Education Programs, and Educational Placements

## §300.321 IEP Team.

- (a) *General.* The public agency must ensure that the IEP Team for each child with a disability includes—
  - (1) The **parents** of the child;
  - (2) Not less than one **regular education teacher** of the child (if the child is, or may be, participating in the regular education environment);
  - (3) Not less than one **special education teacher** of the child, or where appropriate, not less than one special education provider of the child;

## (IEP TEAM CONT.)

- (4) A **representative of the public agency** who—
  - (i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
  - (ii) Is knowledgeable about the general education curriculum; and
  - (iii) Is knowledgeable about the availability of resources of the public agency.

## (IEP TEAM CONT.)

- (5) An individual who can **interpret the instructional implications of evaluation results**, who may be a member of the team described in paragraphs (a)(2) through (a)(6) of this section;
- (6) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, **including related services personnel as appropriate**;

Title 34 → Subtitle B → Chapter III → Part 300 → Subpart A → §300.34

- Title 34: Education
- PART 300—ASSISTANCE TO STATES FOR THE EDUCATION OF CHILDREN WITH DISABILITIES
- Subpart A—General



## §300.34 Related services.

- General. **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, ...



# RELATED SERVICES PERSONNEL ON THE IEP TEAM (From Center for Parent Information and Resources March 2013)

- “IDEA does not expressly require that the IEP team include related services personnel. **However, if a particular related service is going to be discussed in an IEP meeting, it would be appropriate for such personnel to be included or otherwise involved in developing the IEP.”**

# RELATED SERVICES PERSONNEL (cont.)

- IDEA states that, at the discretion of the parent or the public agency, “other individuals who have knowledge or special expertise regarding the child, **including related services personnel as appropriate**” may be part of a child’s IEP team.



# A GUIDE TO THE IEP

(Office of Special Education and Rehabilitative Services/U.S. Department of Education)

- **“If a child needs a particular related service in order to benefit from special education, the related service professional should be involved in developing the IEP. He or she may be invited by the school or parent to join the IEP team as a person ‘with knowledge or special expertise about the child.’”**

# THAT'S US!!





# What Transportation Issues should be addressed in the IEP?





- Transportation as a Related Service
- Mode of Transportation
  - How will the student get to school?
    - School Bus
      - No accommodations
    - School Bus
      - With Accommodations/Modifications
    - Other...
      - Walk
      - Ride bike
      - Parent transport



- Any Accommodations/Modifications to the Bus Environment
  - Assistance (Adult Support, Medical Support)
  - Preferential Seating
  - BIP
  - Lift/Wheelchair Securements
  - Restraint System
  - Other (i.e., service animal, oxygen tank, medical equipment/supplies, communication device)

- Extracurricular Activities

- Don't forget to address the fact that any transportation accommodations/modifications needed to and from school should be applied any time the student rides the bus (including charters!)



- **Persons Responsible for IEP Implementation** (Required form)

- “The following school personnel have access to the IEP and have been informed of their responsibility in implementing the IEP, and of the specific accommodations, modifications, and supports that must be provided for (student's name) for the school year. “
- Date, **Signature**, Position

# SO...WHAT DO WE DO WITH THIS INFORMATION?

- Share it with your school administrators!
- Make the special education coordinator your best friend!
- Train transportation personnel about the IEP process, about disabilities and about **confidentiality!**
- Participate in IEP meetings!
- Insist that information about your students with disabilities is shared with transporters, **before** they ride the school bus for the first time!







# CALL IF I CAN HELP!

Cathy Staggs

(205)352-5462

(205)663-2287

[ctstaggs@bellsouth.net](mailto:ctstaggs@bellsouth.net)

