

PTSI's Special Needs Lecture Series

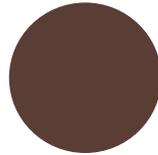
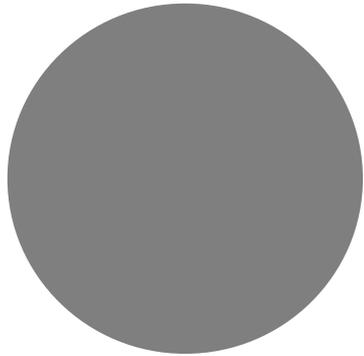
“What You Must Know About Transportation of Students with Special Needs”

**Kathleen A. Furneaux
CDPT**

**PTSI Executive Director
East Syracuse, New York**

Copyright 2019 Pupil Transportation
Safety Institute





Legal Overview

**Why Do We
Do What We
Do?**

Statutes & Regulations



- IDEA – Individuals with Disabilities Education Act
- Section 504 of the Rehabilitation Act of 1973
- ADA – Americans with Disabilities Act
- Misc. Legal Authorities...



IDEA – Individuals with Disabilities Education Act

- Free & appropriate education (FAPE) – program focus
- Transportation as related service
- Travel Training:
 - to and from
 - in and around school
 - specialized equipment

ADA – Americans with Disabilities Act

- Broader scope
- Physical access





Miscellaneous Legal Authorities

- OSEP guidance
- OCR Letters of finding
 - Jurisdiction over 504 & ADA
- Fed. Court decisions & laws
- State Court decisions, laws & regulations
- Due process Hearings
- State & Local School Boards



Rehabilitation Act of 1973

Section 504



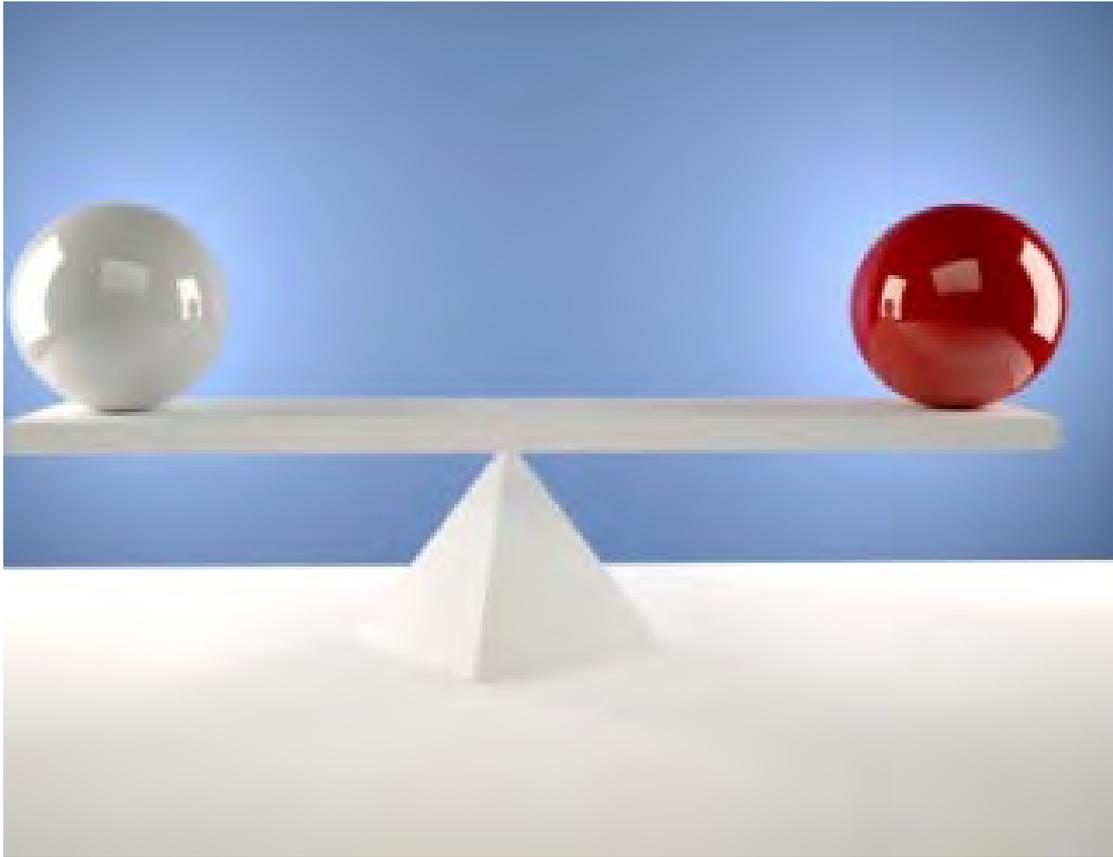
Section 504 of the Rehabilitation Act of 1973

- No one is excluded because of disability – access focus
- Includes temporary disabilities
- Includes common medical conditions as well...



What is “Section 504” Anyway?

- Section 504 is part of the Rehabilitation Act of 1973
- The focus of Section 504 is nondiscrimination
- The Rehabilitation Act is a civil rights law – the Office of Civil Rights (OCR) manages all cases relating to Section 504



Section 504 Provisions

Copyright 2019 Pupil Transportation Safety Institute

Section 504 provides for:

- Participation
- Right to participate in education, which may require transportation
- Prohibits denial of benefits
- Takes equal a step further, not just equal in approach but must allow equal outcomes/benefits

Example:

- The table tennis team practices on the 3rd floor of the main school building, where there is no elevator and John Smith who is a student using a wheelchair for mobility, wants to play table tennis.
- The school moves the program to a first floor room to allow John to access the program. However, once he gets there he discovers that the table is too high.
 - The accommodation must be taken one step further because equal does not allow for the same outcome in this example
 - An accommodation must be made to not only allow John access to the room, but also to **PLAY** table tennis

Let's Look at a Transportation Example...

- John is diagnosed with chronic asthma which is exacerbated by air temperatures over 75 degrees and under 50 degrees.
- John lives 1 block from the school and under favorable conditions walks to school.
- However, when the temperatures are above 75 or below 50 degrees, he must be transported to school.

(With appropriate documentation of course)

Student Must Be Both Qualified and Eligible

- A student is **qualified** under Section 504 if:
 - They meet the age requirements for public/private education
- A student is **eligible** under Section 504 if:
 - Has a disability in one of the areas identified...
and
 - It limits a major life activity



Eligible for Accommodation Under Section 504

- To be eligible for an accommodation under Section 504, the student must have an established diagnosis of physical or mental Impairment
- Two major categories of diagnosis:
 - Physiological Disorder or Condition
 - Mental or Psychological Disorders



Physiological Disorder or Condition

Physiological Disorder or Condition is defined as having one or more of the following:

- Cosmetic disfigurement
- Anatomical loss affecting one or more body systems:
 - Neurological
 - Musculoskeletal
 - Special sense organs
 - Respiratory



Physiological Disorder or Condition continued...

**Includes the following organs
or systems within the body:**

- Speech organs
- Cardiovascular
- Reproductive
- Digestive
- Genito-urinary
- Hemic and lymphatic
- Skin and endocrine



Mental or Psychological Disorders

Mental or psychological disorders are defined as having been diagnosed with one or more of the following:

- Intellectual impairment
- Organic brain syndrome
- Emotional or mental illness
- Specific learning disabilities





Disability Does Not Always Equal Eligibility

- Having the right physical or mental impairment or disability does not automatically mean that you will be eligible for accommodations under Section 504
- The student's disability must substantially limit the student in one or more major life activities

To Be Eligible the Student's Disability Must Meet the Criteria



- The disability substantially limits the student in one or more major life activities:
 - Caring for one's self
 - Performing manual tasks
 - Walking
 - Seeing
 - Hearing
 - Breathing
 - Learning
 - Working
- There is an established record of the student having this impairment or disability
- The student is generally regarded as having this impairment within his/her community

Does Section 504 Mandate Training?



Section 504 does not explicitly mandate training – but the regulation does recommend transportation personnel to be trained in the following:

- Operation of specialized equipment
- Behavior characteristics of specific disabilities
- General first-aid
- Administering care to medically complex students

Does Section 504 Deal With Allergies on the Bus?



- Yes, Section 504 does address allergies in the regulation which requires a "504 Plan"
- OCR recommends the 504 Plan address:
 - Specific policies/procedures to:
 - ✓ protect the student from an allergic reaction in all school environments
 - ✓ Emergency response to an allergic reaction, in all school environments
 - ✓ A staff member (minimally one) must be trained to administer epinephrine and be available

What are the Issues When “504 Students” Go on Field Trips?



- You must consider all aspects of the trip
 - ✓ *Are the buses able to get to an accessible loading zone?*
 - ✓ *Nature of the activity – accommodations needed on bus?*
 - ✓ *Potential difficulties in transporting the student to this specific location?*
- Contact parents for feedback regarding potential risks
- Prepare for any potential emergency
- Cannot force parents to accompany
- Least Restrictive Environment (LRE) is applied
- Rudolf...

Can I Suspend a “504 Student” from the Bus?

- Yes, you can suspend a "504 student" from your bus...but the following criteria must be considered prior to suspension:
 - Non-retaliatory action
 - Progressive discipline incident log to support the suspension
 - Is there a Behavioral Intervention Plan or Behavior Management Plan for the student? If so was the plan followed, monitored for potential modifications when behaviors continued etc.
 - Suspension must align with severity of the unwanted student behavior



IDEA

INDIVIDUALS WITH
DISABILITIES
EDUCATION ACT



IDEA Categories of Disability Characteristics & Strategies



AUTISM

Autism ***Challenges...***

- Obsessive repetitive activities
- Self-abuse
- Possible outbursts - fears
- Intellectual & behavioral discrepancies
- Communication difficulties
- Hyperactive/lethargic



Strategies...

Copyright 2019 Pupil Transportation Safety Institute

- Ignore behaviors that are not safety related
- Give clear simple directions
- Quiet, firm, gentle voice
- Reduce choices - difficult
- Holding objects may help
- Storyboards can alleviate fears
- Avoid change
- Well thought out evacuation plans
- Shoe Lace...

Hearing & Visual *Challenges...*



**Deaf-blindness,
visual impairment,
deafness, hearing
impairment:**

- Communication must be thought through – effective
- May become disoriented easily
- Effective student management essential
- High noise levels
- ***Relationship alert!***



Strategies.....

Copyright 2019 Pupil Transportation Safety Institute

- Consistent seating, communication and student management.
- Assess levels of assistance needed individually.
- Learn their “language” choice – use touch.
- Respect “Deaf Culture”.
- Avoid changes.



Emotional Disturbance *Challenges...*

- Failure to stay seated
- Name calling & cursing
- Hitting & fighting
- Spitting
- Screaming
- Threats & harassment
- Inappropriate exiting
- ***Relationship alert!***

Triggers!



Strategies.....

Copyright 2019 Pupil Transportation Safety Institute

- Don't take it personal
- Learn their interests, names
- Positive, professional attitude
- Don't threaten or intimidate
- Give them responsibilities
- Clearly communicate key rules and consequences – enforce consistently and fairly
- Learn non-verbal cues
- Defuse early
- Structured daily routine
- Charlie Tuna...

Intellectual Disability *Challenges...*



- Varying function levels
- Communicating safety – comprehension issues
- Triggers exist
- Inappropriate demonstrations of affection



- Consistency and routines are crucial
- Avoid change
- Interact with sincere caring approaches
- Short simple directions with good voice control
- Expectations match function levels
- Attention to trends – identify triggers – keep a journal
- Work as a team
- Hugs...

Strategies.....

Multiple Disabilities *Challenges...*



- Combination of ability deficits
- Impacts approach to safety
- Communication to off-set mobility often will not be possible
- Independence is difficult but still important



- Seek to accommodate all disabilities
- Be aware of the potential conflicts
- Severity will vary greatly
- Find what works and use it as the platform
- Give them a task

Strategies.....

Orthopedic *Challenges...*

- Specialized seating
- Physical assistance
- Adaptive equipment
- Varying levels of abilities
- Securement systems complicated
- Evacuation difficulties
- Victims of peer envy & sympathy





Strategies...

- Avoid pity, sympathy and over compensating
- Training in securement
- Consult team members
- Ask questions over and over...
- Independence to degree safe
- Trust but verify
- ***Relationship alert!***

Other Health Impairment Challenges...

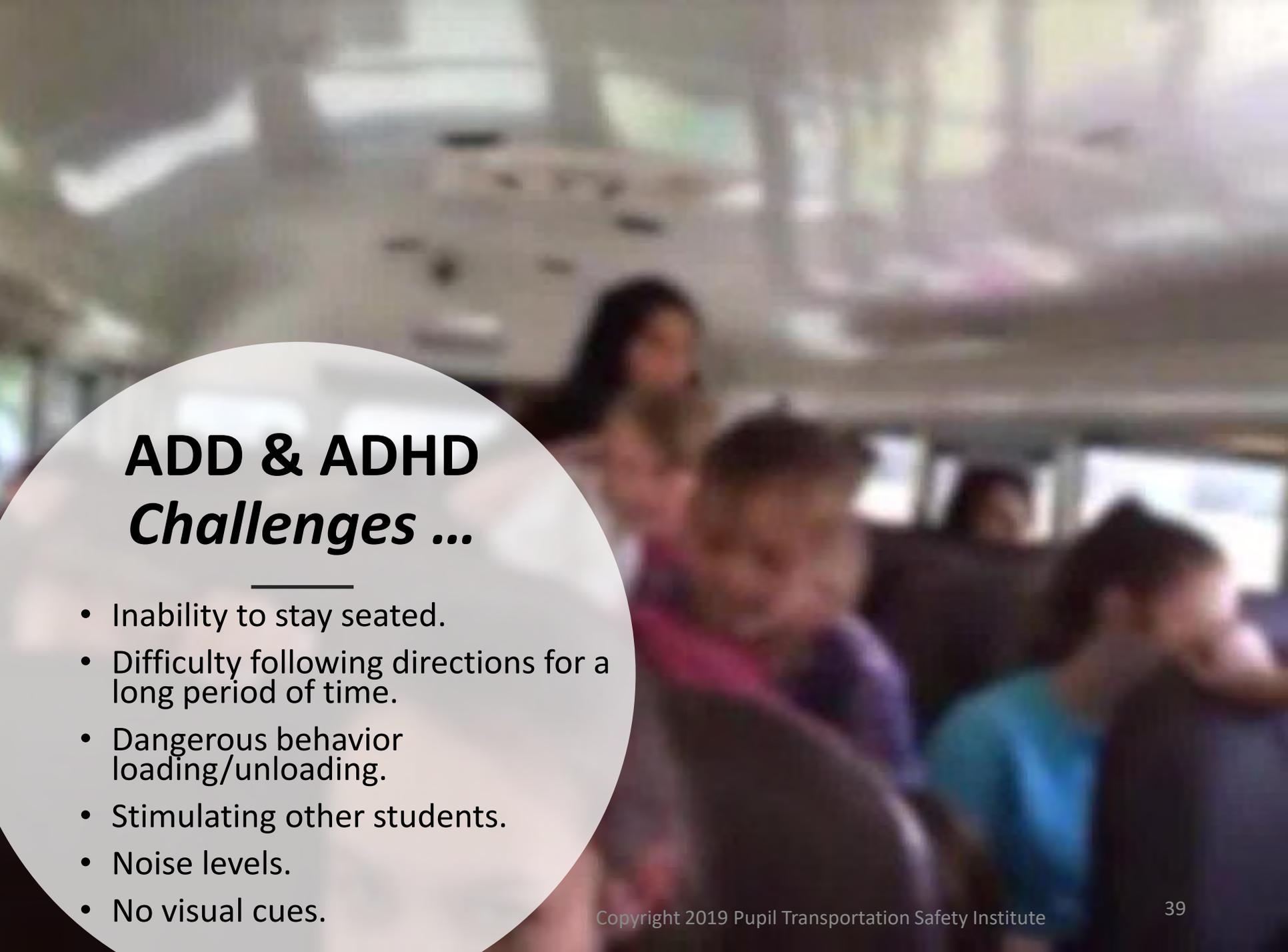
- IDEA lists a number of different chronic health problems
- asthma, attention deficit disorder, attention deficit hyperactivity disorder, diabetes, epilepsy, cardiac conditions, hemophilia, leukemia, rheumatic fever, sickle cell anemia, and nephritis





- Student data critical
- Be aware of environmental impacts on their condition
- Needs may vary with seasons, temperatures etc.
- Never assume severity based on visual feedback
- Emergency planning is critical

Strategies.....



ADD & ADHD *Challenges ...*

- Inability to stay seated.
- Difficulty following directions for a long period of time.
- Dangerous behavior loading/unloading.
- Stimulating other students.
- Noise levels.
- No visual cues.

Learning Disability *Challenges...*



- May have difficulty following directions
- Look “normal”
- Using language is problematic
- Make choices to be “bad” instead of “unable”



Strategies.....

Copyright 2019 Pupil Transportation Safety Institute

- Intervene early with sensitivity
- Give clear, simple directions
- Have patience with respect to oral directions
- Be discrete when possible
- Comprehension may be an issue
- Trust is key
- **Relationship alert!**
- John...

Speech/Language *Challenges...*



- **Communication can be difficult**
- **Frustrations rise with lack of understanding**
- **Usually young due to early intervention**

Strategies.....



- **Targets of harassment – intervene**
- **Learn unique language patterns**
- **Use their communication techniques**
- **Be aware of processing difficulties**
- **Strong ties to hearing impairments**

Medically Fragile *Challenges...*

- Health problems are potentially life threatening
- Often dependent on medical equipment
- Sometimes requires additional staff on the bus
- Specialized training often required.
- Do Not Resuscitate Orders, “DNR” may be in place





Strategies...

Copyright 2019 Pupil Transportation Safety Institute

- Provide 1:1 staff when necessary
- Monitor closely during bus ride
- Detailed emergency plans
- Provide staff with training
- Develop strong communication lines
- Develop Board policy regarding “DNRs”
- Create staff support systems
- Monitor stress levels in staff consistently
- Ellie...

Traumatic Brain Injury *Challenges...*



- Angry
- Memory disturbances
- Confusion
- Orientation deficits
- Possible seizures
- Auditory processing difficulties
- Issues with sensory overload
- Fatigue

Strategies...

- Use short phrases and speak slowly
- Be prepared to repeat
- Provide information to assist with confusion and orientation difficulties
- Control environment to reduce sensory bombardment





Specific Staff Training

- IDEA specifically refers to training in the characteristics of each disability category
- OSEP and OCR rulings are always on the side of training
- Related service...

AAP Recommendations

American Academy of Pediatrics

- Transportation staff access to annual training relative to transporting children with disabilities
- School districts should consider providing nurses or aides when life threatening problems are possible
- Transportation professionals should participate in the portions of the IEP development process that involve transportation



Medication Issues

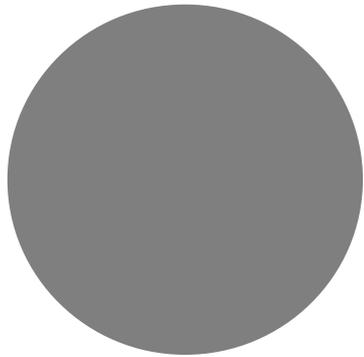
- If required – must administer medications: on a bus requires a nurse
- Parent liability waivers violate Section 504, and...federal & state level will not hold up
- “Reminders” are also required when needed
- Chain of custody – document



Discrimination & Harassment

- Length of bus ride
- Length of day
- Fewer days
 - Contingency plans
 - ✓ Bus breakdowns
 - ✓ Snow closures etc.
- Staff to student
 - Staff language
- Student to student





Role of the Behavioral Intervention Plan

BIP

Where Do I Find the BIP?

- Special Education Administration
 - Classroom personnel are resources
 - ***Relationship alert!***
1. Functional Behavior Assessment (FBA) is preformed specific to school bus
 2. BIP is created based on the FBA
 3. May become part of the IEP
 4. Supports for the student are put in place for the school bus
 5. Plan is communicated with all staff involved and then implemented

Unsafe Behaviors for the Bus



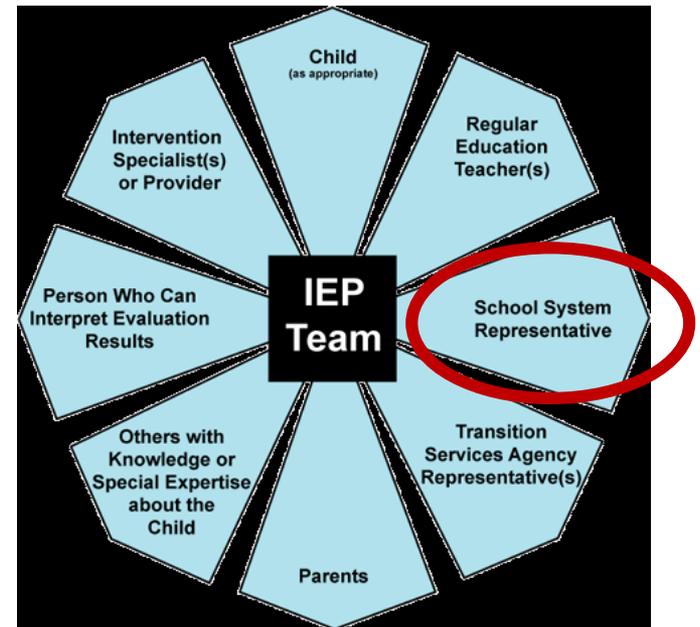
- The Functional Behavior Assessment (FBA) is done to determine manifest behaviors and identify the ***unsafe*** behaviors in bus environment
- *Examples:*
 - *Standing/moving on bus while in motion*
 - *Spitting/biting*
- If FBA and BIP exist, analysis is done to translate to bus

Collective Wisdom Regarding the Student

- The IEP team may need to convene to consider creating plan to accommodate the bus

OR

- IEP may need to be changed to include strategies/accommodations to address unsafe behavior for the bus



Relationship alert!

A Plan for the Bus Environment

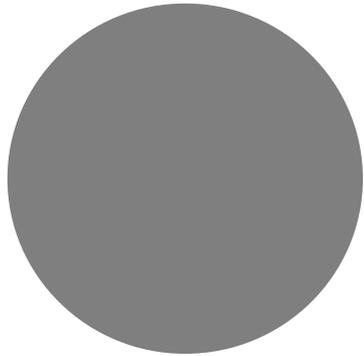
- The plan must be specific to the bus and the child
- The dynamic – interaction of children on the bus is part of the environment consideration
- Specific triggers on bus or on route
- Supports, including staffing, special equipment etc.
- Plan for positive support of desired behaviors – with consideration of inclusion impacts
- Timelines for extinction of behavior



Communicating the Plan



- EVERYONE must know the intricacies of the strategy and plan
- Staff must be given training and the tools to properly implement – support!
- A well thought out plan for monitoring the strategies and determining if adjustments are needed must be in place



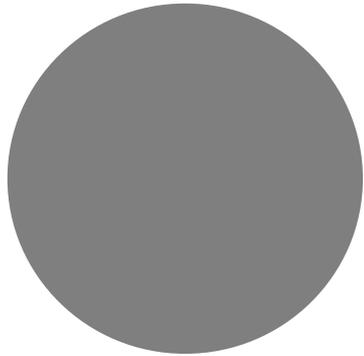
How Does Inclusion Change What We Do?

**Transporting
Equally**

What is Inclusion?

- Transporting children with disabilities by same means as their non – disabled peers
- Guided by LRE
- Not without challenges:
 - ✓ *Demand on system*
 - ✓ *Discipline issues*
 - ✓ *Staffing and equipment*
 - ✓ *Impacts routing*
- Logistics for field/activity trips





Miscellaneous Transportation Issues

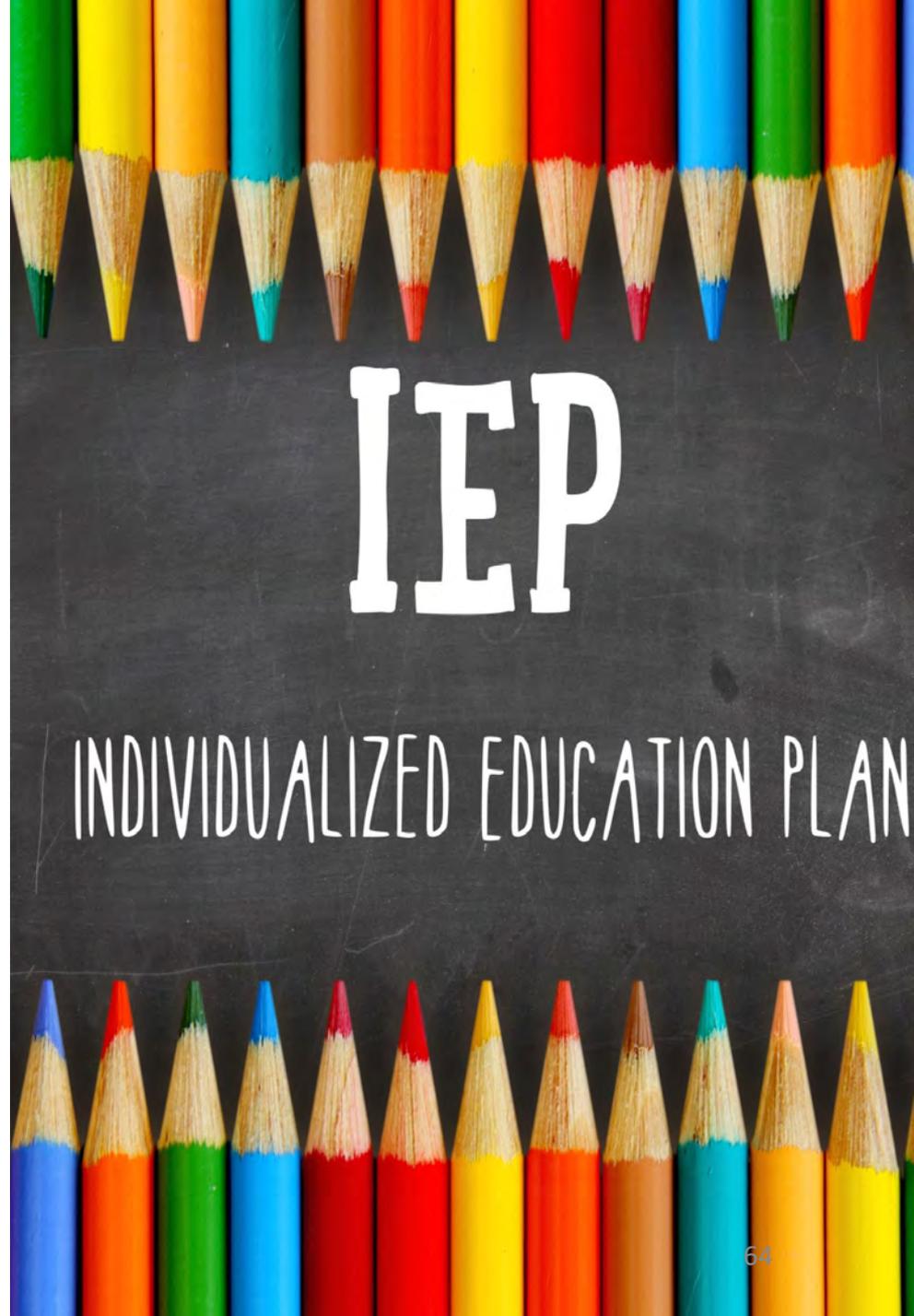
What is the IEP?

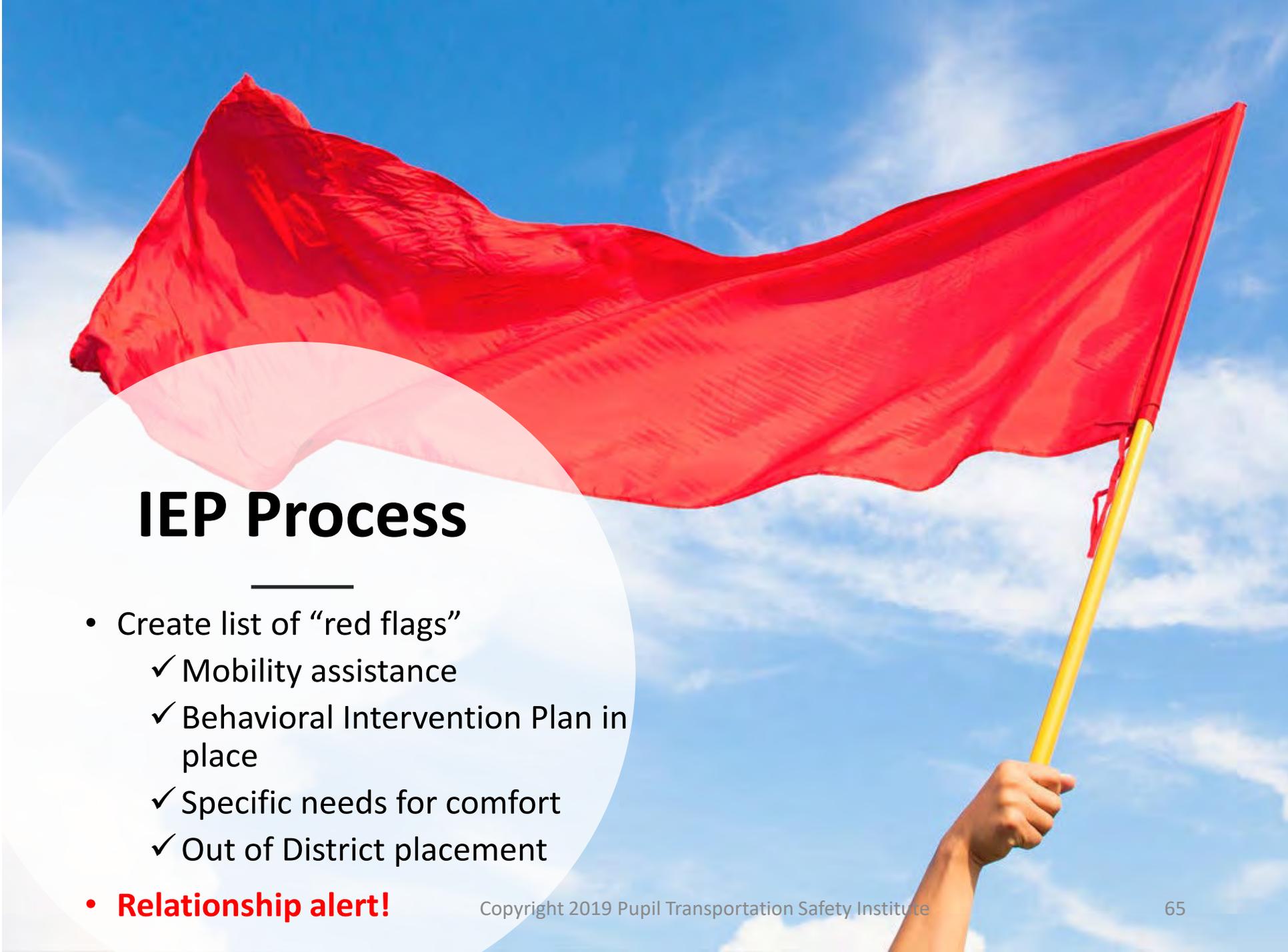
- Individual Educational Program (IEP)
- Blueprint
- Committee representing appropriate expertise
- Committee makes all decisions regarding the child's program
- Includes related services
- Need to change – request meeting



IEPs...

- Transportation required in 2 cases:
 - *If provided to regular ed. students then must be to students with a disability*
 - *If NOT provided to regular ed. Students then the IEP will govern*
- Will involve the student not being able to access regular education busing service



A hand holding a red flag against a blue sky with clouds. The flag is waving and is the central focus of the image. A white circular graphic is overlaid on the bottom left, containing text.

IEP Process

- Create list of “red flags”
 - ✓ Mobility assistance
 - ✓ Behavioral Intervention Plan in place
 - ✓ Specific needs for comfort
 - ✓ Out of District placement
- **Relationship alert!**

IEP Meeting Transportation Issues

- Staffing
- Extent of services
- Extracurricular needs
- Medical needs/issues during transport
- Air conditioning
- Bus stop accommodations
- Length of ride issues



IEP Cautions



Clear up ambiguities:

- Define door to door
- Identify equipment by name
- Specific staff duties
- Medical procedures needed
- Explain deviation away from LRE - justify
- Verify need



Least Restrictive Environments

- To degree possible transport through same means as regular education students (inclusion)
- Wide continuum
 - ✓ Big bus
 - ✓ Big bus with monitor
 - ✓ Small bus
 - ✓ Small bus with monitor
 - ✓ One on one, Nurse, etc.



LRE Impacts

- Using all resources available determine the least amount of support needed to transport safely
- Start with least amount of accommodation and systematically add
- Consider all aspects of transportation – but safety trumps all
- Equipment, staffing, time
- Don't forget back-ups



How Can I Avoid a Complaint?

- Don't cut corners
- Document the process – IEP and LRE
- Include parents in decisions as appropriate
- Communicate with all members of the team including parents
- Never make a decision in a vacuum
- ***Relationship alert!***

Length of Day/Ride Issues

- Always comparable to non-disabled peers
- Changes in length of day to accommodate bus schedules is not allowed
- Length of bus ride must be logically explained by reasonable routing
- Negative impact
- OCR is sensitive to these issues



DISCIPLINE

Discipline

- School bus generally accepted as extension of campus – same rules apply
- Must not contradict the BIP
- Suspensions can be from transportation services or both transportation services and program services
- Less than 10 days

Suspension – The 10 Day Rule



TEN

DAYS

- Transportation indicated as related service v. not
- Program access
- 10 days or more = placement change

Suspension Alternatives

- BIP = Behavior Intervention Plan
 - Creates strategies for improving or extinguishing undesirable behavior
- BMP = Behavior Management Plan
 - Creates strategies for managing existing behaviors at an acceptable level



Emergency Removals

- OCR provides for emergency removals when:
 - Student is a danger to themselves or others
 - Weapons
 - Physical threats
 - Gang activity
- Safety trumps all...





When Parents Transport *Relationship Alert!*

Copyright 2019 Pupil Transportation Safety Institute

Child eligible for transportation but parents voluntarily transport, detailed documentation required including:

- Child is entitled to transportation
- Parents know their right to transportation
- Parent prefer to transport without involvement of the school district
- Explanation of how parent reimbursement will be calculated

Student Pick Up & Drop Offs

- **Not defined in IDEA or Section 504...**
- **Determined on a case by case basis by IEP Committee.**
- **Considerations in decision include:**
 - ✓ Age
 - ✓ Type of disability
 - ✓ Student's ability to move independently
 - ✓ Distance to bus stop
 - ✓ Nature and conditions of route to bus stop
 - ✓ Availability of and access to public assistance
- **"Generally accepted by community"**

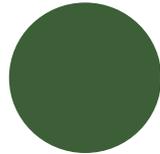
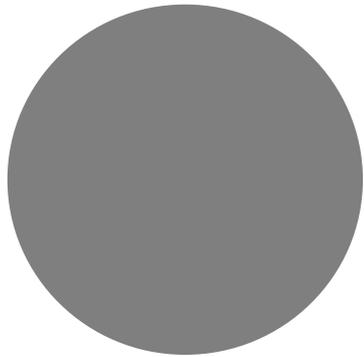


Specialized Equipment

Districts are obligated to provide specialized equipment:

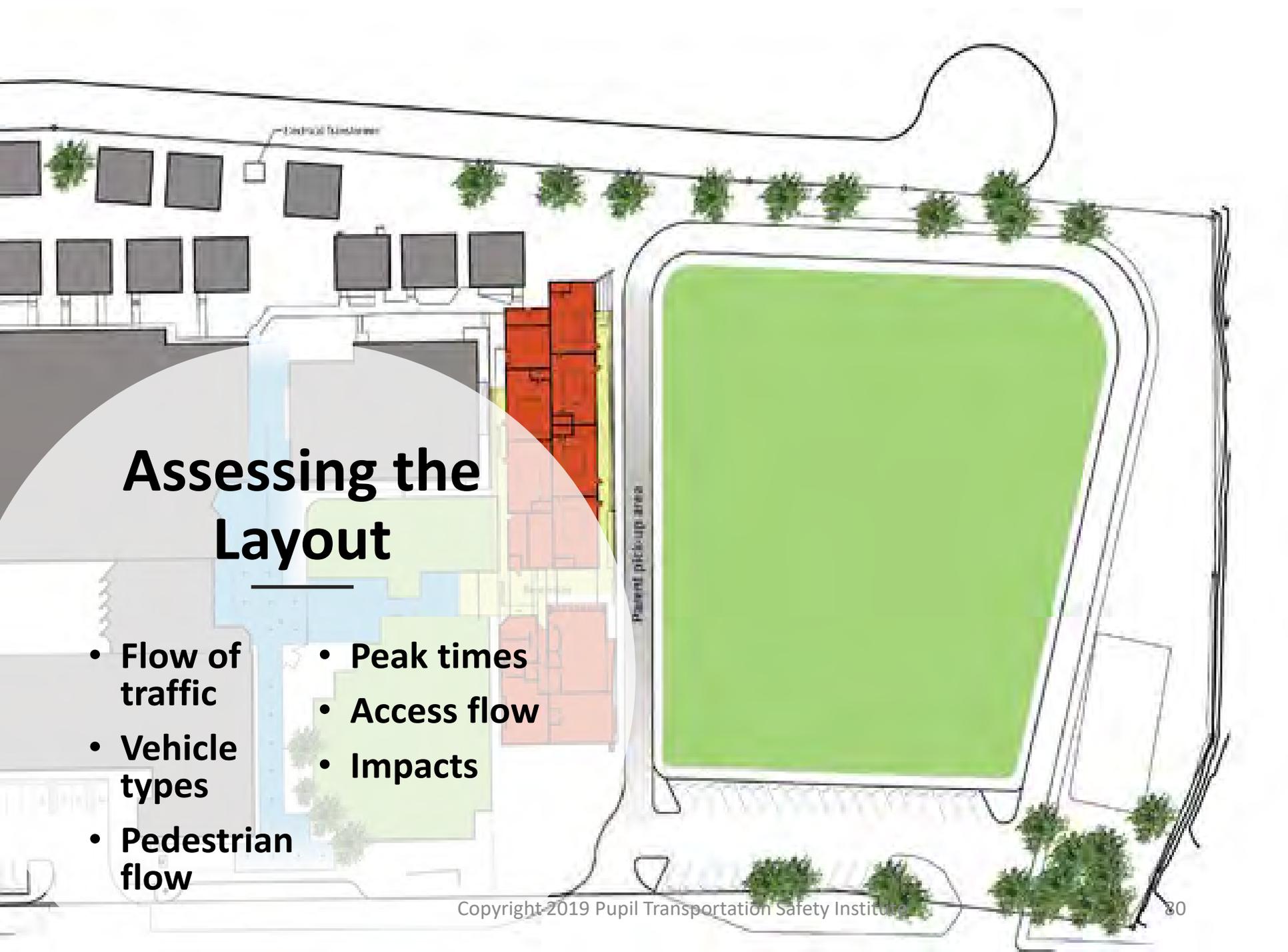
- ✓ Lift equipped buses
- ✓ Ramps
- ✓ Mobility device restraint systems
- ✓ Climate control
- ✓ Tinted windows
- ✓ More...back-up equipment!





Loading Zone Access

Compliance Cautions



Assessing the Layout

- Flow of traffic
- Vehicle types
- Pedestrian flow
- Peak times
- Access flow
- Impacts



**Honestly &
Realistically – Who
Benefits?**

- Identify exactly why students with a disability are using a different entrance
- Who benefits from that decision?
- Cost, staffing, timelines?
- What motivates this process?

A police officer in a dark uniform with a 'POLICE' patch on his sleeve is shaking hands with a young man in a white shirt and red backpack. They are standing in a modern building entrance with large glass doors. The officer is wearing a watch and has sunglasses tucked into his belt. The young man is smiling and looking towards the officer. A large white circular graphic is overlaid on the left side of the image, containing the title and bullet points.

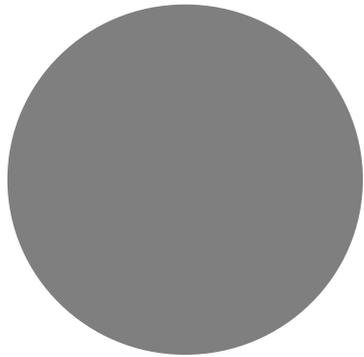
Security & Safety Issues

- Drop off areas must have equal security and safety
- Documented procedures for maintaining both security and safety

Traffic Control & Unintended Complications

- Assess what happens off campus as well
- Traffic light timings
- Peak traffic in front of school
- Staff arriving and departing
- Parent traffic





Communication, Confidentiality and Relationships

**Importance of
the Network**

Confidence to Be Part of the Team



- We act professional but do we feel it?
- Feel confident to sit with administrators and discuss student needs
- Mutual understanding
- **Relationship alert!**

Listen to Be Heard

- Reach in from outside
- Listen intently – learn
- Interact when appropriate
- Do the time...
- Let them bring you in

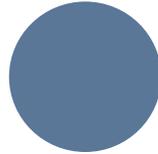
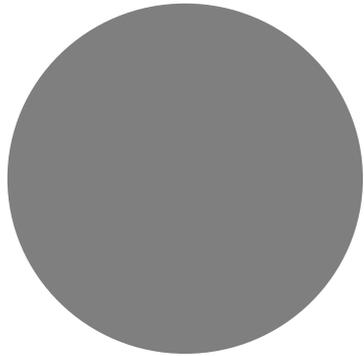


Initiative

The First Move



- Islands
- No invitation
- Bring value
- Listen carefully – solve issues
- Communicate your own need
- ***Build relationships!***



Communication, **Confidentiality** and Relationships

Importance of
the Network



FERPA Family Education Rights & Privacy Act

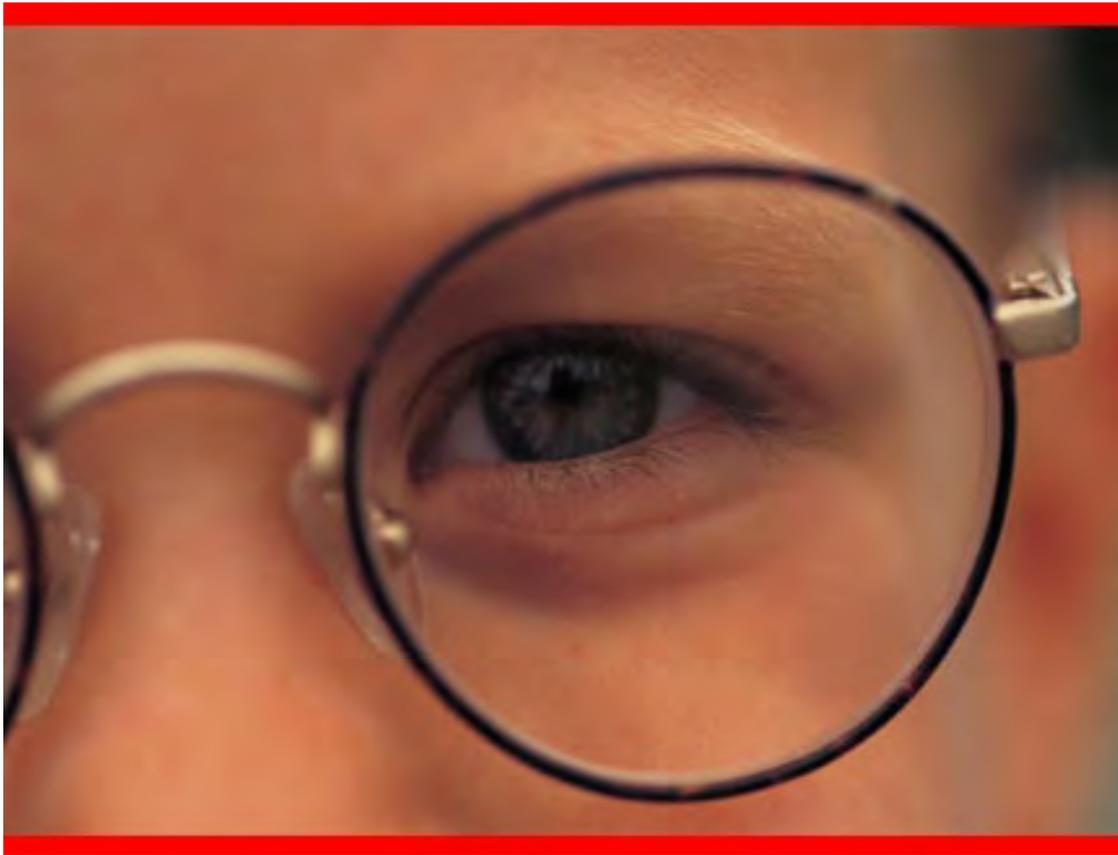
- Law protects students and parents from non-consensual disclosure to a third party.
- Transportation professionals, as a support services provider, are entitled to pertinent student information.



Confidentiality

As school bus personnel you are responsible for keeping student personally identifiable information confidential:

- ✓ *Within your organization*
- ✓ *Within your community*
- ✓ *On the bus*
- ✓ *Bank...*



Transportation Information About Students

- Habits, patterns
- Medical and disability conditions
- Medications taken, dosages and schedules
- Educational skills & weaknesses
- Difficult or unsafe behaviors
- Disciplinary actions
- Fears & Dreams

Exposure to Parents/Home and Student



- Potential neglect or abuse
- Family unit
- Financial Struggles
- Personal hygiene issues
- Relationship problems
 - ✓ Divorces, separations
 - ✓ Custody difficulties, etc.
- Daddy on Tuesday...

Educational Records

Records which include:

- Personally identifying information
- Student medical info
- Student educational program information
- Driver or attendant notes regarding student behavior on a bus



“Need To Know” Personnel

You may only share student information with other members of your organization, or school who have a legitimate need to know:

- ✓ Substitute Drivers or Attendants
- ✓ School Administrators
- ✓ Teachers or Classroom Attendants
- ✓ Transportation Supervisors
- ✓ School Nurse/Doctor



Need to Know Basis Only

- In the course of your work, student information can be shared on a "need to know" basis only.
- If a coworker has no reason to know about the condition of a student you transport – you may NOT share it
 - This would violate confidentiality – even if shared out of concern for your student!



Personal Gain

- You may not use personal student information for your own personal gain – such as placing them on a list serve to solicit for business purposes.
 - ✓ **Example:** You have a Web site to sell video games for children, and often send out large batch emails to solicit sales. You may NOT place your student's or their parent's email address on your mailing list.



2 Exceptions

“No –Share” Rule: First Exception

Emergency situations:

- ✓ Release information to appropriate person, as necessary to protect health or safety

2 Exceptions

“No –Share” Rule: Second Exception

Suspected Child Abuse or Neglect:

- ✓ You have an obligation to report what you suspect and why to your supervisor under most states law



Exceptions: Appropriate Situations and People to Share Student Information

Emergencies

Accident

Breakdown

Injury

Health situations

Crime

Suspected Abuse

Appropriate Person

Law Enforcement Officer

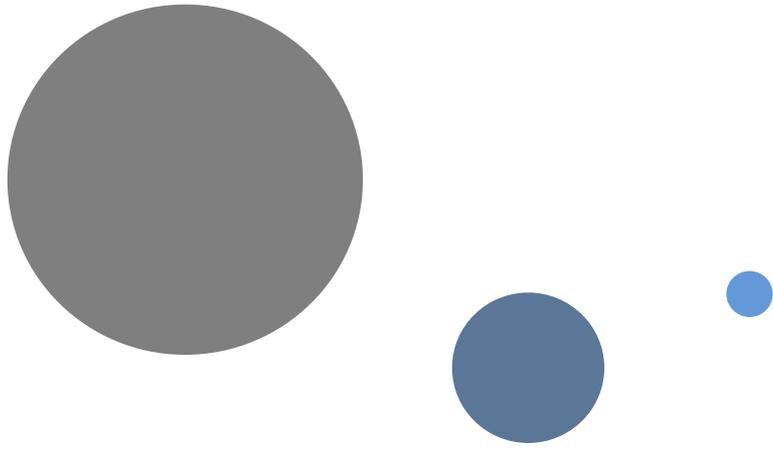
Sub Driver

Paramedics, Doctors

Emergency Contact People

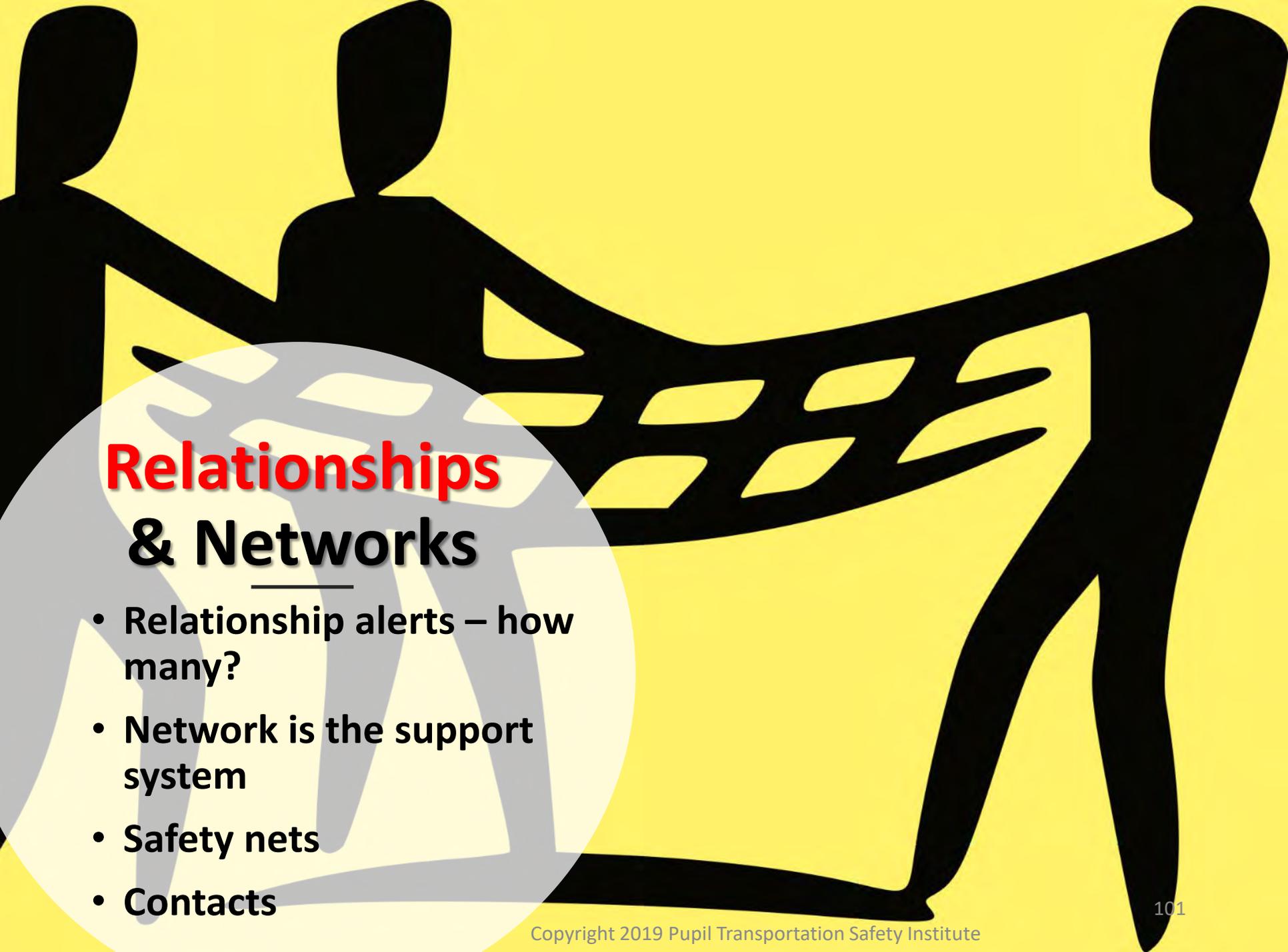
Law Enforcement Officer

Supervisor or Principal



Communication, Confidentiality and **Relationships**

Importance of
the Network



Relationships **& Networks**

- Relationship alerts – how many?
- Network is the support system
- Safety nets
- Contacts

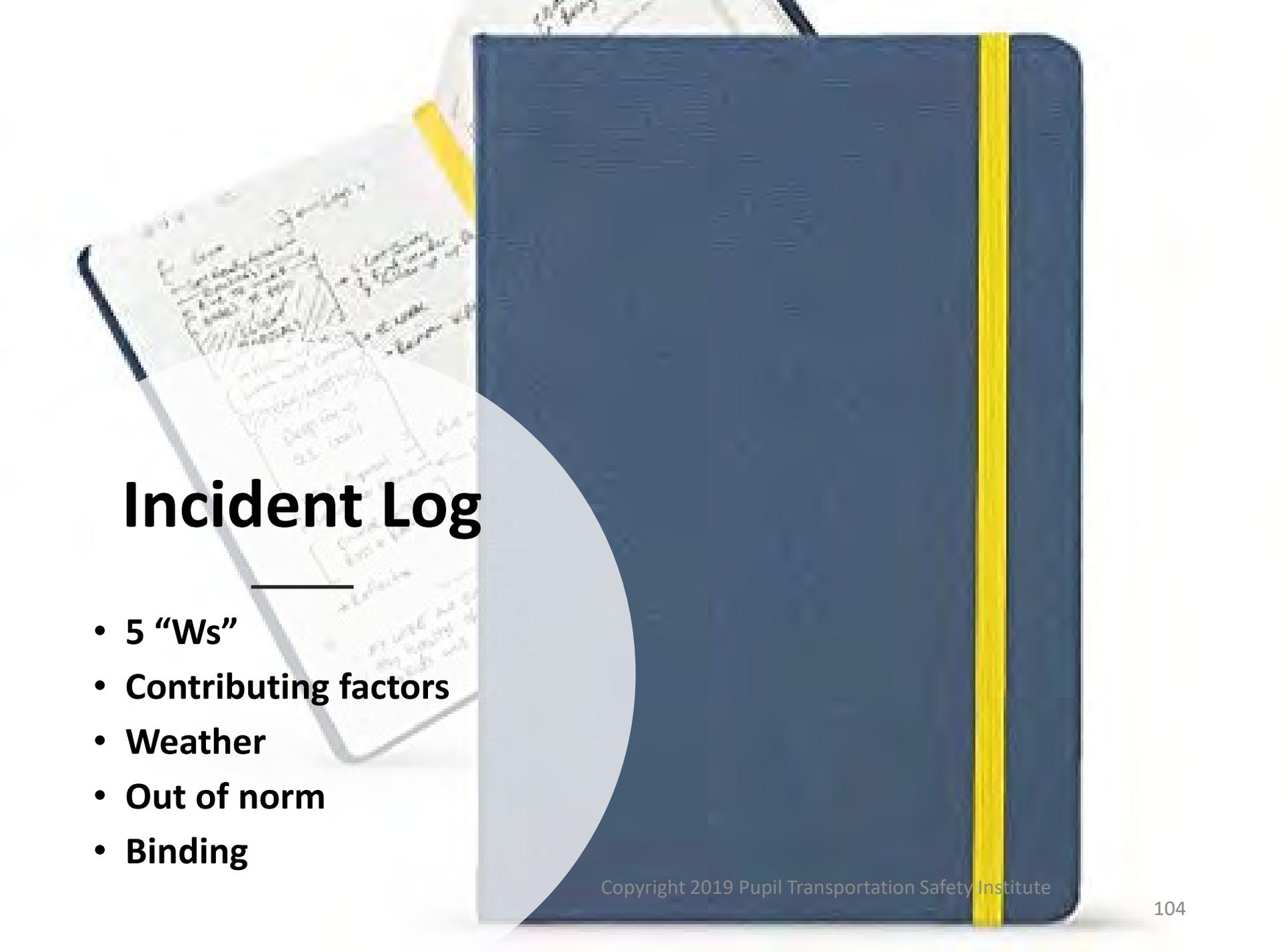


Importance of Documentation

Maintaining History

Manager's Log

- Rebuild the day
- Justify decisions
- Equipment changes
- Unusual staff incidents or changes
- Communication/directives from administration/supervisors
- Legal document

A blue notebook with a yellow spine is shown in the foreground. In the background, a white page from the notebook is visible, featuring a table with handwritten text. The table has several columns and rows, with some text like 'Date', 'Time', 'Location', and 'Description' visible. The page is slightly out of focus.

Incident Log

- **5 “Ws”**
- **Contributing factors**
- **Weather**
- **Out of norm**
- **Binding**

Your Turn...

Questions, Comments, Concerns....

Thank You!

Kathy@ptsi.org

800-836-2210 ext. 301

www.ptsi.org



***Celebrating 25 Years Of Service To The
Pupil Transportation Industry!***