

## TO BE RESCINDED

3301-51-10

**Transportation of children with disabilities.**

## (A) Definitions.

- (1) The term, "disabilities", includes the following: Autism, deaf-blindness, deafness, hearing impairment, mental retardation, multiple disabilities, orthopedic impairment, other health impairment, serious emotional disturbance, specific learning disability, speech or language impairment, traumatic brain injury, and visual impairment.
- (2) "Special transportation" means vehicle transportation service directly related to the child's disability and required by the individualized education program or any applicable state or federal law.
- (3) "Transportation" means:
  - (a) Travel to and from school, between schools, and in and around school buildings, during normal school hours.
  - (b) Specialized equipment, such as special or adapted buses, lifts, and ramps, if required to provide special transportation for a child with disabilities.
  - (c) Fitting and/or retrofitting buses with specialized equipment, such as car seats, securement systems, and harnesses.
  - (d) Employment of aides for particular special education bus(es) if deemed necessary by the school district.
  - (e) Other travel that may be arranged by the school district with no reimbursement from the state.
- (4) "School district" means city, local, exempted village, county board of education, or county board of mental retardation and developmental disabilities, for purposes of this rule.
- (5) "Children with disabilities" in this rule refers to those aged three through twenty-one.
- (6) "Weekend travel" means two trips on one weekend.

(7) "Department" means the Ohio department of education.

(B) State residential schools

- (1) This section refers to the Ohio state school for the blind and the Ohio state school for the deaf.
- (2) Reimbursement for transportation to and from the school district of residence shall be approved by the department, division of school finance, for eligible children with disabilities placed in the Ohio state school for the blind and the Ohio state school for the deaf.
- (3) Reimbursement claims for weekend travel and/or daily travel are to be submitted on the appropriate department, division of school finance form.

(C) Eligibility.

- (1) Reimbursement for special transportation may be approved by the department, division of school finance, for children with disabilities attending a special education program approved by the department, division of special education, and/or attending a regular class in a public school.
- (2) School district transportation personnel shall be consulted in the preparation of the individualized education program when transportation is required as a related service and when the child's needs are such that information to ensure the safe transportation and wellbeing of the child is necessary to provide such transportation.
- (3) When required by the individualized education program, specialized service and door-to-door transportation will be provided based upon the unique needs of an individual child.
- (4) For transportation purposes, a child with disabilities attending a nonpublic school, placed by parent, guardian, or others, shall be entitled to transportation the same as any child without disabilities attending a nonpublic school in accordance with section 3327.01 of the Revised Code.

(D) General requirements.

- (1) Each school district shall establish its own reasonable travel time. Travel time is

defined as beginning at the initial pickup of the child and ending with the final arrival at the school destination.

The school district shall develop its travel time standard, approved by the individual board of education, and shall consider the following factors: age of child, condition of disability, geographic size of school district, location of special education class, traffic patterns, and roadway conditions.

Travel time for children with disabilities should be kept to a minimum consistent with the requirements of the individualized education program and, generally, should not be longer than comparable in-district transportation time for children without disabilities. Transportation travel time out-of-district should also be minimized consistent with the requirements of the individualized education program.

- (2) Those who transport eligible children with disabilities must comply with the appropriate provisions of the rules 3301-83-03 to 3301-83-22 of the Administrative Code.
- (3) For those eligible children with disabilities attending a regular public school class and requiring special education transportation, there must be on file in the school district medical evidence from a physician that the child is physically unable to attend school without the aid of special education transportation.

No medical evidence is needed for eligible children with disabilities transported to special education units approved by the division of special education.

- (4) Those who transport eligible children with disabilities must have completed preservice and inservice training in accordance with paragraphs (A) and (B) of rule 3301-83-10 of the Administrative Code. The training must include an understanding of the particular disabling condition(s) and related behaviors of such children, including confidentiality procedures. Modification of this provision may be necessary for those transportation personnel under the authority of the public utilities commission of Ohio.

Drivers and transportation aides must have access to appropriate information about the child to the degree that such information might affect safe transportation and medical wellbeing while being transported. This information must be available in the vehicle or readily accessible in the school transportation office and is confidential.

- (5) Emergency evacuation and other pertinent safety precautions must be

considered by school districts deciding upon the appropriate transportation services for children with disabilities.

- (6) Drivers of school owned or contracted vehicles other than school buses, defined in paragraph (C) of rule 3301-83-19 of the Administrative Code used for transporting eligible children with disabilities on a regular basis to and from school, shall meet the following requirements:
  - (a) Be trained as required by paragraph (A) of rule 3301-83-10 of the Administrative Code and have four additional hours of training on transporting children with disabilities, including confidentiality procedures, and
  - (b) Complete inservice training as required by paragraph (B) of rule 3301-83-10 of the Administrative Code, and
  - (c) Meet all of the qualifications required by paragraph (B) of rule 3301-83-06 of the Administrative Code.
- (7) Drivers of conveyances for public hire, including, but not limited to, taxicabs and ambulances who are under contract with a school district or county board of mental retardation and developmental disabilities to transport children with disabilities must have on file, at the company of employment, an annual criminal records check from the bureau of criminal identification and investigation and a semi-annual driver records check from the bureau of motor vehicles. Evidence of the records must be provided to the school district or county board of mental retardation and developmental disabilities.

The training and qualification requirements of this paragraph will be enforced beginning January 1, 1996.

(E) Reimbursement.

- (1) For eligible children with disabilities, the department's division of school finance will approve reimbursement for the actual cost of special transportation up to six dollars per instructional day per child and one-half the actual cost in excess of six dollars per day.
- (2) The following vehicles are authorized for transportation of children with disabilities:
  - (a) Board owned and/or operated school buses.

- (b) Contractor owned and/or operated school buses.
  - (c) Taxicabs and ambulances.
  - (d) Privately owned and/or operated vehicles other than school buses.
  - (e) Board owned and/or operated vehicles other than school buses.
- (3) All vehicles used must be authorized vehicles as defined in rule 3301-83-19 of the Administrative Code. A privately owned vehicle utilized to transport a pupil of the family is not subject to regulation other than that required by state law.
- (4) Eligible children with disabilities who ride on regular school buses on regular routes are not eligible for special education transportation reimbursement. They are to be counted on the department's T-1 and T-2 forms.
- However, if fifty per cent or more of the passengers on a regular school bus, on a regular route, are eligible children with disabilities, that cost can be prorated and reported to the department's division of school finance for reimbursement.
- (5) Reimbursement claims for transportation of children with disabilities shall be reported on the appropriate form which is due in the area coordinator office by the first day of September each year.
- (6) Due to budget limitations, the claims may not be fully reimbursed by the department's division of school finance.
- (7) The amount reimbursed to the school district may not exceed the actual cost for transportation of eligible children with disabilities.

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Certification

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Date

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