

TO BE RESCINDED

5123:2-1-03 **Transportation.**(A) Purpose

- (1) The purpose of this rule is to direct how individuals with mental retardation or other developmental disabilities (MR/DD) access transportation services and options and to direct the planning, administration and implementation of specialized transportation services and options.
- (2) To the extent resources are available pursuant to section 5126.04 of the Revised Code, the county board shall ensure that an array of transportation services are available for all individuals with MR/DD enrolled in the county board program.
- (3) These transportation services may be provided through collaborative arrangements with other entities. County boards are encouraged to mutually cooperate with other local entities that provide transportation to persons who are elderly, persons with disabilities and other types of transportation service providers.
- (4) Implementation of this rule in county boards will promote the development of transportation services and options based on an individual planning process.

(B) Transportation service provision

- (1) County boards shall provide transportation services in accordance with the individual service plan (ISP) or the individualized education plan (IEP).
- (2) The persons employed by or under contract with a county board to provide service and support administration shall develop ISPs for eligible individuals.
- (3) County boards may provide specialized transportation as defined in paragraph (D) of this rule or assist the individual with MR/DD in accessing non-specialized transportation as defined in paragraph (C) of this rule to meet the individual's transportation needs.

(C) Non-specialized transportation provision

- (1) "Non-specialized transportation" may include the following:
 - (a) Local transit systems;
 - (b) Public transportation systems;
 - (c) Ride-shares; or

(d) Car-pools.

(D) Specialized transportation provision

- (1) "Specialized transportation" shall mean any transportation service that is:
 - (a) Not provided by a public transit agency organized under Chapter 306. of the Revised Code; and
 - (b) Designed and operated to serve individuals with MR/DD; and
 - (c) Provided by an entity licensed or certified by the state of Ohio or other authority having jurisdiction; and
 - (d) Provided directly or through a contract with the county board.
- (2) Transportation provided by a participating agency under the Ohio department of transportation (ODOT) coordination project is not specialized transportation.
- (3) Specialized transportation may be billed for reimbursement through the community alternative funding system (CAFS) only when it meets the definition of transportation specified in rule 5123:2-15-40 of the Administrative Code.
- (4) Specialized transportation, whether county board provided or provided under contract with a county board, shall comply with all applicable transportation rules of the department and the Ohio Revised Code and Ohio Administrative Code. Transportation providers of preschool and school-age children, ages three to twenty-one, shall also comply with the transportation rules of the Ohio department of education as detailed in the "Ohio Pupil Transportation Operation and Safety Rules" under Chapter 3301-51 of the Administrative Code.
- (5) Safety requirements shall, at a minimum, include the following:
 - (a) The county board shall ensure the development and the provision of annual safety instruction to all appropriate individuals with MR/DD and/or communicate safety information to parents and caregivers.
 - (b) The transportation provider shall complete the following school bus and other vehicle inspections, including at a minimum:
 - (i) Annual vehicle safety inspection;
 - (ii) Daily pre-trip safety inspection;

(iii) Daily post-trip inspection for remaining passengers and belongings;

(iv) Systematic preventative maintenance program.

(6) The county board may establish separate safety requirements and procedures for staff-owned personal vehicles used to transport individuals with MR/DD.

(7) Individuals with MR/DD enrolled in a county board program shall not travel in a vehicle on a regularly scheduled route more than ninety minutes one way on any day.

(8) The county board shall develop a written transportation procedure manual(s).

(9) The county board shall ensure development of transportation policies and have written procedures for the general supervision and operation of its specialized transportation services and options. This shall include, but not be limited to, the following:

(a) All the requirements of this rule;

(b) Transportation during inclement weather;

(c) Emergency situations and evacuations, including:

(i) Vehicle emergencies;

(ii) Emergency evacuations;

(iii) Conducting evacuation drills in a safe and effective manner;

(d) Qualifications of transportation personnel meeting commercial drivers license (CDL) or the Ohio department of education (ODE) licensure requirements that shall, at a minimum, address:

(i) Age;

(ii) Driving experience;

(iii) Licensure requirements;

(iv) Driving record;

(v) Insurance coverage to be provided;

(vi) Drug and alcohol testing;

(vii) Criminal background check;

- (viii) Annual in-service requirements.
- (e) Qualifications of other personnel who are not required to meet CDL or ODE licensure requirements who may transport individuals that shall, at a minimum, address:
- (i) Age;
- (ii) Driving experience;
- (iii) Licensure requirements;
- (iv) Driving record;
- (v) Insurance coverage to be provided;
- (vi) Drug and alcohol testing;
- (vii) Criminal background check;
- (viii) Annual in-service requirements.
- (f) Training for vehicle drivers, assistants and substitutes prior to their assignment to a vehicle with passengers on board that shall, at a minimum, address:
- (i) Review and distribution of appropriate transportation procedure manual;
- (ii) General characteristics and needs of individuals with mental retardation or other developmental disabilities;
- (iii) Familiarization with vehicle operation;
- (iv) Familiarization with proper use and operation of adaptive equipment and securement systems.
- (10) Vehicle drivers, assistants and substitutes must have access to appropriate information about individuals with MR/DD to the degree that such information might affect safe transportation and medical well-being while being transported. This information must be available in the vehicle, or readily accessible in the transportation provider office, or county board transportation office. If the information is not carried on the vehicle, drivers, assistants and substitutes will be instructed on how to access the information in the event of an emergency. This information shall be maintained in a confidential manner and at a minimum, include the following:

(a) Identify all authorized passengers, which may include family members, caregivers and volunteers, and individuals being considered for enrollment.

(b) ISP interventions, including behavior support plans that apply to the individual with mental retardation or other disabilities being transported.

(11) The transportation provider shall maintain required records and reports.

(12) The county board shall develop policies on the collection of individual payments for transportation services to the extent permitted by law.

Replaces: 5123:2-1-03

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Certification

Date

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