

# Summary of Requirements

## Transportation of Students with Disabilities

Under Part B of the Individuals with Disabilities Act (IDEA)<sup>1</sup> and Chapter 34 of the Code of Federal Regulations<sup>2</sup>, the Ohio Department of Education is the state educational agency responsible for ensuring all federal requirements are met for every eligible child in its jurisdiction.

Under Ohio law, school districts<sup>3</sup> and community schools<sup>4</sup> are responsible for ensuring all requirements of Part B of the IDEA and related federal regulations are met for every eligible child in their jurisdictions, between the ages of 3 through 21, inclusive, regardless of whether the services are provided by another school district, other eligible educational agency, or other agency, department or entity.

Ohio law requires the State Board of Education to establish rules or standards for the provision of special education and related services for all children with disabilities. The state law and rules or procedures may impose requirements that are not required by IDEA or related provisions at the federal level.<sup>5</sup>

### GOVERNING LAWS:

Federal law/regulations: Individuals with Disabilities Act (IDEA), [20 U.S.C. 1400 et seq.](#)  
[34 CFR 300.34\(c\)\(16\)](#)

State law/administrative rules: Ohio Revised Code [3314.091](#), [3319.39](#), [3319.391](#), [3323.01](#), [3323.02](#),  
Chapter [3327](#), [4511.01](#), [4511.62](#), [4511.76](#)  
Ohio Administrative Code [3301-51-01](#), [3301-51-10](#), Chapter [3301-83](#)

The following is a highlight of relevant provisions:

#### 1. DEFINITIONS.

- (a) A “child with a disability” has the same definition as [34 C.F.R. 300.8](#), [O.R.C. 3323.01](#) and [O.A.C. 3301-51-01](#), which includes, but is not limited to the following: autism, deaf blindness, deafness, hearing impairment, cognitive disability, multiple disabilities, orthopedic impairment, other health impairment, emotional disturbance, specific learning disability, speech or language impairment, traumatic brain injury, and visual impairment including blindness.
- (b) In addition to the definition of “special transportation” under [O.A.C. 3301-51-10\(A\)\(1\)](#),

Transportation includes –

- (i) Travel to and from school and between schools;
- (ii) Travel in and around school buildings; and

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<sup>1</sup> [20 U.S.C. 1411 et seq.](#)

<sup>2</sup> [34 C.F.R. 300.101 et seq.](#)

<sup>3</sup> [O.R.C. 3323.02](#),

<sup>4</sup> [O.R.C. 3314.19](#)

<sup>5</sup> [O.R.C. 3323.02](#)

(iii) Specialized equipment (such as special or adapted buses, lifts and ramps), if required to provide special transportation for a child with a disability.<sup>6</sup>

## 2. PRESCHOOL TRANSPORTATION.

Transportation shall be listed as a related service on a preschooler's IEP if the IEP team determined that transportation is required for the child to access and benefit from special education.<sup>7</sup>

## 3. TRANSPORTATION FOR PARENTALLY-PLACED NONPUBLIC SCHOOL STUDENTS AS DETAILED IN THEIR SERVICES PLAN.

(a) *Services plan* means a written statement that describes the special education and related services the school district where the nonpublic school is located<sup>8</sup> will provide to a parentally-placed child with a disability enrolled in a nonpublic school who has been designated to receive services, including the location of the services and any transportation necessary, consistent with [34 C.F.R. 300.132](#) and [O.A.C. 3301-51-08](#) and is developed and implemented in accordance with [O.A.C. 3301-51-07](#) and [34 C.F.R. 300.137](#), [34 C.F.R. 300.138](#) and [34 C.F.R. 300.139](#).<sup>9</sup>

(b) To provide programs for children who attend nonpublic schools within the district described in division (E)(1) of section [3317.024](#) of the Revised Code and are children with disabilities as defined in section [3323.01](#) of the Revised Code or gifted children. Such programs shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such programs are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.<sup>10</sup>

(c) Location of services.

Services to parentally placed nonpublic school children with disabilities may be provided on the premises of nonpublic, including religious, schools, to the extent consistent with law.<sup>11</sup>

(d) Transportation.

If necessary for the child to benefit from or participate in the services provided under this rule, a parentally placed nonpublic school child with a disability must be provided transportation:

(i) From the child's school or the child's home to a site other than the nonpublic school; and

(ii) From the service site to the nonpublic school, or to the child's home, depending on the timing of the services.<sup>12</sup>

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<sup>6</sup> [34 C.F.R. 300.34\(c\)\(16\)](#)

<sup>7</sup> [O.A.C. 3301-51-11](#)

<sup>8</sup> [O.R.C. 3323.041](#)

<sup>9</sup> [34 C.F.R. 300.37](#)

<sup>10</sup> [O.R.C. 3317.06\(l\)](#)

<sup>11</sup> [34 C.F.R. 300.139\(a\)](#)

<sup>12</sup> [34 C.F.R. 300.139\(b\)](#)

(e) Cost of transportation

The cost of the transportation described herein may be included in calculating whether the school district where the nonpublic school is located has met the requirements of [34 C.F.R. 300.133](#).<sup>13</sup>

(f) Complaint Rights of Parents

Any complaint that the Ohio Department of Education or the LEA has failed to meet the requirements of...[34 C.F.R. 300.139](#)...must be filed in accordance with the procedures described in [O.A.C. 3301-51-05](#).<sup>14</sup>

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<sup>13</sup> [34 C.F.R. 300.139\(b\)\(2\)](#)

<sup>14</sup> [34 C.F.R. 300.140\(c\)](#)