

## **Bus Suspensions and Special Education Students**

When it comes to suspending special education students from the school bus, districts should take care to apply the same discipline rules as would be applied when suspending a special education student from school. In other words, bus suspensions trigger the same procedural safeguards that are applicable when excluding a student from school.

In DeLeon v. Susquehanna Comm. Sch. Dist., 747 F.2d 149 (1984), the Third Circuit found that for an exceptional student, a bus suspension of any length constitutes a change of placement when transportation is a related service in the student's IEP.

For students who do not receive transportation as a related service, a bus suspension will count toward the federal and state limits on removals from school when the bus suspension results in the student's exclusion from school or prevents the special education student from being able to appropriately advance in the general education curriculum or towards his or her IEP goals. A bus suspension results in a removal from school and constitutes a change in placement if it is for more than ten consecutive school days or a student has received suspensions that constitute a pattern, factoring in the length of each removal, the total time of removal and the proximity of the removals. A suspension of the student's regular transportation may not constitute a change of placement, however, if the school district provides the student with an alternative form of transportation, so as not to cease transportation altogether.

During short-term exclusions of less than ten school days from the school bus, procedural safeguards are not triggered prior to revoking a student's bus privileges. However, when the bus exclusion is long-term, lasting more than ten consecutive school days, or fifteen total school days in a school year, the bus exclusion constitutes a change of placement and districts must provide parents with written notice of that change in placement. For long-term bus exclusions, districts also must conduct a manifestation determination, as bus suspensions cannot be imposed for behaviors which are determined to be a manifestation of a student's disability.

In addition, for long-term bus suspensions, districts are obligated to provide alternative means of transportation. Districts may accomplish this by either providing a more restrictive form of transportation, such as one-on-one transportation, or providing the parents with reimbursement for mileage if the parents agree to provide the transportation themselves.

Finally, a pattern of multiple bus suspensions in one school year could be an indication that the student's programming needs may need to be readdressed. When an eligible student has a pattern of bus suspensions, therefore, the IEP team should consider whether the student's IEP should be revised.

Clients who have questions regarding issues discussed in this article, or any education law matter, should feel free to call us at 215-345-9111.