

TRANSPORTATION HANDBOOK FOR STUDENTS WITH DISABILITIES

June 2021

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**TRANSPORTATION HANDBOOK FOR
STUDENTS WITH DISABILITIES**

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PURPOSE

The purpose of this Transportation Handbook (Handbook) is to provide complex areas and school staff with a source of information that addresses responsibilities and procedures within the transportation of students with disabilities. The Hawaii State Department of Education (HIDOE) is committed to providing safe, effective, and efficient transportation services for our students with disabilities.

This Handbook is not intended to be all-inclusive, but rather a resource to share important information with all complex areas and school staff associated with transporting students with disabilities.

LAWS RELATING TO TRANSPORTATION FOR STUDENTS WITH DISABILITIES

Two (2) federal statutes, the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) and Section 504 of the Rehabilitation Act of 1974 (Section 504), apply to the provision of school transportation for eligible students with disabilities. The IDEA requires transportation as necessary to assist a student with a disability in benefiting from special education. Section 504 requires schools to provide transportation when necessary to meet the needs of a person with a disability as adequately as the needs of a person without a disability. Specialized transportation may be required when necessary for the student to access a Free Appropriate Public Education (FAPE).

The current Hawaii Administrative Rules (HAR), Title 8, Chapter 27, has been revised to be consistent with IDEA, Section 504, and HAR Chapters 60 and 61. Specifically, the HIDOE must ensure that all students with disabilities attending a public or a charter school who require transportation as a related service shall be provided this service in accordance with a student's Individualized Education Program (IEP) or Section 504 plan.

Students with disabilities who are programmatically placed by the IEP team at a public school, charter school, private school, facility outside of the student's home school attendance area, or attending a school through acceptance of a geographic exception (GE) can receive transportation if it is required as a related service pursuant to the student's IEP or Section 504 plan.

Pursuant to HAR § 8-27-4(c), when transportation other than to and from school and a location other than a student's home is requested, the school may provide transportation if there are no additional costs involved. The parent(s)/legal guardian(s) may petition the Complex Area Superintendent (CAS) for approval for transportation services other than to and from the student's home that may result in an additional cost to the complex area.

Although HAR § 8-27-5 (b)(2) states, "Elementary students not eligible for transportation because they reside less than one mile from school or are on geographic exception and secondary students not eligible for transportation because they reside less than 1.5 miles from school." Federal statutes such as IDEA and Section 504 do not allow for these restrictions. Therefore, distance is not a factor for students with disabilities who have transportation as a related service on their IEP/Section 504 plan. If the student needs transportation as a related service, they will be provided transportation regardless of where they live in proximity to the school.

TRANSPORTATION AS A RELATED SERVICE

Transportation is included as a related service under regulations in the 34 Code of Federal Regulations (CFR) § 300.34(a) and (c)(16). Travel training is included in the definition of special education in 34 CFR § 300.39(a)(2)(ii) and is specifically defined in § 300.39(b)(4).

Transportation as a related service is defined in 34 CFR § 300.34(c)(16) and includes:

- a) Travel to and from school and between schools;
- b) Travel in and around school buildings; and
- c) Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.

Services provided through the IEP or Section 504 plan must be based on evidence that exhibits the student's need for those services. Transportation is not a service of convenience; rather, it addresses the student's inability to access equal educational opportunities. If a student is found in need of transportation as a related service through their IEP or Section 504 plan, then transportation services will be provided at public expense and free of charge to the parent(s)/legal guardian(s) for any student eligible under IDEA or Section 504 in preschool, elementary, or secondary school. 34 CFR § 300.17. All services, including the need for transportation, need to be reviewed periodically, but not less than annually. 34 CFR § 300.324 (b)(1).

DETERMINING THE NEED FOR TRANSPORTATION AS A RELATED SERVICE

The IEP/Section 504 team (Team) is responsible for determining if transportation is required to assist a student with a disability to benefit from special education and related services and how transportation should be implemented. The Team must consider and document the need of the student relating to his/her disability.

The decision must be made:

- On a case-by-case basis and be based on the unique needs of the student, and
- Provided in the Least Restrictive Environment (LRE).

The IDEA does not require schools to transport students with disabilities in separate vehicles, isolated from their peers; it requires transportation to be provided in the LRE, consistent with the requirements in 34 CFR §§ 300.114 through 300.120. Many students with disabilities can receive the same transportation provided to non-disabled peers. The following are steps that the Team should follow to determine the need for transportation as a related service.

STEP 1: Team Discuss Transportation during IEP/Section 504 Plan Meeting

Consider the following while discussing the Present Levels of Educational Performance (PLEP) for IDEA eligible students or the needs of Section 504 students to determine the need for transportation as a related service.

The Team should consider student needs, including, but not limited to the following:

- **Severity of the Medical Diagnosis and Health Needs:**
 - Does the student have significant limitations in strength, vitality, or alertness?
 - Does the student have a medically fragile condition?
 - Does the student have prescribed medication that requires skilled nursing services?

- **Severity of the Physical/Mobility Needs:**
 - Does the student have a visual impairment and is unable to navigate in their environment independently?
 - Is the student unable to remember routes after being provided direct training over several sessions?
 - Is the student prone to fall?
 - Is the student non-ambulatory?
 - Is the student unable to make judgmental decisions to determine if it is safe to travel?

- **Severity of the Behavioral Needs:**
 - Does the student require constant supervision from an adult?
 - Is the student's behavior, even with the implementation of a behavior plan, so severe they are unable to travel independently?
 - Does the student's behavior impact their ability to safely navigate from one area to the next?
 - Does the student's behavior threaten the safety of others?

If the Team answers “yes” to any of the above, the Team should continue to Step 2 to determine what accommodations, if any, are needed.

If the Team answers “no” to all of the above medical/health, physical/mobility, and/or behavioral needs, it appears the student is not exhibiting a need for transportation. However, if the Team has other information, the Team must consider it when making a final determination. If transportation is not provided through an IEP or Section 504 Plan, the parent(s)/legal guardian(s) may pursue any transportation options that are available to non-disabled peers at their child's school.

STEP 2: Team Determines Appropriate Accommodations

The second step is the Team must determine if accommodations are needed and what they are in order for the student to access transportation. Accommodations may include, but are not limited to the following:

- Medical/Health Accommodations
 - Adult supervision to monitor the health and medical issues by a skilled nurse.
 - Adjusted schedule due to medical needs or procedures (i.e., dialysis, access to specialized equipment, etc.).
 - Access to a communication device or interpreter service during transportation.

- Physical/Mobility Accommodations
 - Vehicle and/or equipment needs such as braces, car seat, walker, lap belt, manual wheelchair, power wheelchair, safety vest, service animal, assistive technology device, medical equipment, safety harness, wheelchair lifts, etc.
 - Adult supervision to stabilize those that are prone to fall or need a human guide.
 - Assistance with entering and exiting the school bus.
 - Peer to help navigate the environment.

- Behavior Accommodations
 - Special Seating such as seating away from the window, seating not adjacent to another student, seating in the front of the bus, near proximity to the bus driver, etc.
 - Implement the behavior interventions while on the bus such as use of soothing music, tablet, fidget toys, noise cancelling headphones, etc.
 - An adult to monitor and provide behavioral supports.
 - Supervision to ensure the safety of students and implement the behavior intervention plan.

STEP 3: Team Discusses the LRE Regarding Transportation

Once the Team determines the student needs transportation and the required accommodations, the third step is to discuss how transportation will be provided in student's LRE. The LRE applies to transportation as well as educational placement decisions. It is the expectation that students with disabilities will have access to the same bus service as their non-disabled peers and that accommodations will be provided, as appropriate.

Note: If the student is able to access public transportation independently, then they do not qualify for transportation as a related service since they are able to access transportation like their non-disabled peers.

For students who are not able to access public transportation independently, the following considerations will help guide Teams to determine the appropriate mode of transportation that provides the students' LRE.

1. Is there a regular school bus that provides transportation at the school?
 - a. If yes, continue to Question #2.
 - b. If no, continue to Question #3.

2. Can the student access the regular school bus with or without accommodations?
 - a. If yes, the Care Coordinator (CC) will provide parent(s)/legal guardian(s) with School Bus Application Form ST-70, and service will be provided at no cost.
 - b. If no, continue to Question #3.

3. Transportation will be provided either by specialized transportation or curb-to-curb service.
 - a. Specialized buses are those that have wheelchair lifts and straps to secure wheelchairs and walkers.
 - b. Curb-to-curb transportation is transportation services provided to students who are not able to utilize regular modes of transportation whose pick-up shall be from the closest public access to the student's residence.

Note: In cases where constant adult supervision is needed due to serious concerns (e.g., behavioral, medical) that require curb-to-curb transportation, the student cannot be dropped-off without an authorized responsible adult to receive the student. For all elementary school-age students, they must be received by an authorized responsible adult, therefore, curb-to-curb transportation is warranted. The American Academy of Pediatrics recommends adult supervision for children until the age of 11 or 12. ([Determining when your child is ready to stay home alone](#)). For a student requiring curb-to-curb service due to physical limitations only, who is over the age of 12, and does not require constant adult supervision, the student may be dropped-off without an authorized responsible adult present.

STEP 4: Documentation of Transportation in the IEP/Section 504 Plan

Once the Team determined transportation is needed, the CC is reminded of the following documentation requirements:

- Information in the PLEP should contain details that inform how, when, and from where transportation will be provided, including extracurricular activities and non-academic settings. It is not appropriate for the IEP/Section 504 plan to simply indicate "special transportation needed" without including the nature of the special transportation.

- Listed below are examples of information that could be included in the student's PLEP. Begin with a sample statement followed by the rationale and/or data used to determine transportation as a related service. For example, the Team should consider the student's needs when determining transportation as a related service. This is not an exhaustive list. Age and eligibility category alone are **NOT** reasons for determining the need for transportation as a related service.

The student needs transportation due to:

- Loses their breath when walking more than ten (10) feet.
- Gets disoriented or unable to follow a route without verbal prompts.
- Engages in behaviors (i.e., stares off in space, does not look where they are walking, etc.), impeding safe travel.
- Is unable to navigate a walker or wheelchair independently.

- Will elope when they see a playground, animal, bike, etc.
 - Access to related services (such as speech, occupational, physical therapy) not available at the current school and needs transportation to and from therapy sites.
- Document "Transportation" in the Services grid of the IEP or Related Services grid of the Section 504 plan, including LRE for transportation.
- Any accommodations must be documented in the Supplemental Aids and Services section of the IEP or in the Section 504 plan.
- The Prior Written Notice (PWN) states transportation as a related service will be provided and the reasons why.

STEP 5: Procuring Transportation

The CC completes the *Request for Curb-to-Curb Transportation* (Form ST-11), and the *Request for IEP-Approved Special Education Transportation Other Than Normal Curb-to-Curb* (Form ST-16) as applicable in the electronic record system if a student is to ride the curb-to-curb bus.

- Form ST-11 includes the student's demographic information, a list of special equipment that they need, additional adult supports, any behaviors that the student engages in, days and times for transportation, and if the student needs constant supervision.
- Parent(s)/legal guardian(s) will need to fill out the *Application for Student to Ride School Bus* (Form ST-70) for the student to ride the regular bus. Form ST-70 is available online, or a hard copy can be submitted to the school office.
- If the student is found eligible for Extended School Year (ESY) services, which includes transportation, the CC completes Form ST-11 with ESY dates, time, and location after the annual IEP meeting.
- Transportation services should be made available when the IEP is implemented. Schools may need to set up an alternative transportation arrangement until transportation services can be provided. This can include reimbursement for the parent(s)/legal guardian(s) to provide transportation.
- Any concerns regarding schedules for drop-off and pick-up from school, the CC should immediately contact their District Transportation Officer (DTO). The DTO is able to work with the bus contractor to change routes to ensure that the student arrives at school on time and does not lose special education instructional minutes.

TRANSPORTATION DURING NON-ACADEMIC AND EXTRACURRICULAR ACTIVITIES

Whether a child with a disability has a right to transportation to and from school-related activities that occur outside of normal school hours depends on whether the IEP team has included transportation as a related service in the child's IEP to enable the child to benefit from special education and related services. If the IEP team has made that determination, then it should include transportation for required after-school activities, such as community service activities that are required by the school, as well as for activities necessary to afford the child an equal opportunity to participate in extracurricular activities even if transportation is not provided to other student participants. 34 CFR § 300.34(a) and (c)(16).

TRANSPORTATION DURING FIELD TRIPS

Parent(s)/legal guardian(s) may be charged for field trips the same fees charged for regular education peers to participate in the same activity regardless if specialized equipment is required. The field trips and travel shall be permitted for all students only when the derived educational benefits are clearly linked to and support ongoing standards-based classroom studies (Board of Education Policy 105.18). Parent(s)/legal guardian(s) cannot be charged extra for their child to participate in field trips provided to all other students.

UNABLE TO PROVIDE TRANSPORTATION

There can be times when the HIDEOE is unable to provide transportation for students with disabilities. This could occur when road conditions are narrow, dirt roads that do not allow for buses, or when a residence is not adjacent to the road. If the regular or specialized bus is unable to travel on the roads to the student, the bus company will notify the DTO, who will work with the District Educational Specialist (DES) and school to address the situation. When situations occur that delay the provision of services, the school will need to issue a PWN documenting the delay.

If HIDEOE is unable to provide transportation as indicated in the IEP/Section 504 plan and the parent(s)/legal guardian(s) can provide transportation, the school will reimburse parents for any mileage incurred in transporting their children. See Appendix B for reimbursement process and required documentation.

CC will document on the PWN of the alternative transportation arrangement that:

- The student needs transportation;
- HIDEOE's inability to transport student with reasons listed; and
- In "Other Relevant Factors," parent(s)/legal guardian(s) agree to provide transportation.

If HIDEOE is unable to provide transportation, and parent(s)/legal guardian(s) are unable to transport student, or parent(s)/legal guardian(s) are not able to provide required reimbursement documents, the school must consult with their DES and DTO to determine how services will be provided within ten (10) business days and report to the parent(s)/legal guardian(s) their findings. The HIDEOE will not reimburse parent(s)/legal guardian(s) who unilaterally decide to transport their child when appropriate transportation is available through the HIDEOE.

TRANSPORTATION FOR STUDENTS WHO ARE PROGRAMMATICALLY PLACED BY HIDOE

When the student's IEP cannot be fully implemented at the student's home school, the DES, in collaboration with the home school, shall determine the nearest and appropriate location for the implementation of the student's IEP. The school should contact the DES for assistance in determining the nearest appropriate location to the home school where the student's IEP can be implemented. If the student is programmatically placed at another school/program, transportation will be provided to and from the student's residence and school/program as part of HIDOE's offer of a FAPE.

The home school will document transportation in the services grid and on the PWN that "transportation will be provided due to programmatic placement" and complete Form ST-11, see Appendix B.

Programmatic Placement Off-Island

When students are programmatically placed at a facility off-island, the following must occur:

- Districts will provide the following:
 - Ground transportation to/from students' residence and airport terminal;
 - Air transportation to/from the island that the student resides and the terminal closest to the school's location; and
 - Ground transportation to/from the airport terminal to school.
- Schools should complete the reimbursement process if bus service is not available to transport the student to and from residence and terminal, and transportation needs to be provided by the parent(s)/legal guardian(s).
- When students with disabilities are placed at residential programs out-of-state by the Child and Adolescent Mental Health Division (CAMHD), the CAMHD will pay for the transportation services.

PARENT(S)/LEGAL GUARDIAN(S) RESPONSIBILITIES FOR CURB-TO-CURB SERVICES

Parent(s)/legal guardian(s) should have their child at the pick-up point five (5) minutes before the scheduled pick-up time. Drivers are instructed not to wait past the scheduled pick-up time. If the student will not be going to school or if the student is sent home prior to afternoon pick-up, parent(s)/legal guardian(s) are expected to notify the driver or the bus company as soon as possible. Any student with a communicable disease must have a medical clearance to resume transportation service and return to school. If bus service does not resume on the next business day, bus service will be temporarily suspended until the parent(s)/legal guardian(s) calls the bus company to notify them that the student is ready to return to school. The parent(s)/legal guardian(s) responsibilities are outlined in a Special Education Transportation Parent Information Manual, which is updated annually. The current version can be downloaded from HIDOE's website for [Safe Transportation](#) under the sidebar: Related Downloads.

Transportation is provided to and from school and the student's residence. Pursuant to HAR § 8-27-4(c): When transportation other than to and from school and a location other than a student's home is requested, the school may provide transportation if there are no additional costs involved. The CAS shall review, approve, and be responsible for transportation requests other than home to school and return (HAR § 8-27-9).

Parent(s)/Legal Guardian(s) of students with disabilities who receive curb-to-curb bus services must designate one or more responsible adults (18 years of age or older) to receive and supervise the student at the designated drop-off time and location. School bus drivers are prohibited from leaving a special education student at a designated drop-off location unattended, with a minor, or with a non-designated adult.

In the event that an authorized responsible adult is not present to receive the student, the following steps apply:

1. The bus driver shall remain at the designated drop-off location and immediately contact the dispatch office for assistance; and
2. The dispatcher (or driver) shall immediately attempt to contact the parent(s)/legal guardian(s) or authorized responsible adult by phone to formulate an emergency plan. The dispatcher and driver shall also immediately notify the DTO, Office Assistant, or other Student Transportation Services Branch (STSB) official as well as a school official of the situation.
3. If the parent(s)/legal guardian(s) cannot be reached, the bus driver may, upon authorization from the dispatcher and/or the DTO, continue the route by delivering the other students (if any) to their homes then return to the drop-off location.
4. If the parent(s)/legal guardian(s) is still unable to be reached and:
 - a. The school office is still open, the driver or dispatcher shall contact the school to inform them that the student will be returned to the school. The school will accept the student if brought back prior to the published close of business time.
 - i. The school will try to contact the parent(s)/legal guardian(s) to arrange for pick-up; and
 - ii. If the school is unable to contact the parent(s)/legal guardian(s) prior to the close of business, the school administrator will notify the police of the situation and request a pick-up of the student. The school will need to file a complaint with the police department and Child Welfare Service (CWS) for child abandonment. The school will have a completed complaint form ready to be provided to the police (see Appendix G – Complaints Template) and a Mandated Reporter Checklist For Suspected Child Abuse and Neglect found on the [Department of Human Services Child Welfare Services](#) website.
 - b. If the school office is closed, the student will be taken to the bus company office, and the bus company may, at its discretion, require the parent(s)/legal guardian(s), or authorized responsible adult to pick-up the child from the bus company office instead of re-delivering the student home.

- c. If all options fail, the bus company will notify the police of the situation and request a pick-up of the student. The bus company will have a completed complaint form ready to provide to the police and complete a referral to the CWS regarding the situation.
5. Throughout the process, from discovery to resolution, the bus driver or dispatcher shall keep the DTO and the school informed.
 6. Transportation can be temporarily suspended if it is in the best interest of protecting the student's health, safety, and welfare. The IEP/Section 504 plan will not be changed to reflect this outcome. The student will remain eligible for transportation as a related service.
 7. Services can be reinstated at any time provided there is a drop-off location within the geographic area with an authorized responsible adult to receive the child.

If the parent(s)/legal guardian(s) notifies the school that they are unable to receive their child regularly, the school should take the following steps:

1. Ask the parent(s)/legal guardian(s) to identify an authorized responsible adult to receive their child. School will notify the bus company of the authorized responsible adult and designated drop-off point that is within the home school geographic area (HAR § 8-27-4 (c)).
 - a. School will provide the parent(s)/legal guardian(s) with community resources to see if their child will be able to utilize these services at a location within the home school geographic area (i.e., Department of Health: Department of Developmental Disabilities, Boys & Girls Club, YMCA, other after school programs, etc.).
 - b. The parent(s)/legal guardian(s) will need to provide to the school the name(s) of authorized responsible adult(s), location, and contact information to complete Form ST-11.
2. If there is no authorized responsible adult(s) to receive their child, ask the parent(s)/legal guardian(s) to identify a location where there is an authorized responsible adult(s) to receive their child. When transportation other than to and from school and a location other than a student's home is requested, transportation can be provided even when there is deviation from the student's residence and school if there is no additional cost (HAR § 8-27-4 (c)). If there is an additional cost, families can petition the CAS for approval. The CAS shall review, approve, and be responsible for transportation requests other than home to school and return when there are additional costs involved (HAR § 8-27-9). The CAS has the final decision-making authority.
 - a. If CAS agrees, Form ST-11 will need to be completed with the accurate addresses and contact information for the authorized responsible adult(s).
 - b. If the CAS denies the request, the school will inform the parent(s)/legal guardian(s) of the denial and that transportation cannot be provided to a destination outside of the home school area they are requesting. The IEP or

Section 504 plan will not be changed to reflect this outcome. Students will remain eligible for transportation as a related service. Transportation will be provided should there be a drop-off location within the home school geographic areas with an authorized responsible adult to receive the child that does not involve an additional cost.

3. The student's bus service may be temporarily suspended if there is no authorized responsible adult to receive the student. Services can be reinstated at any time that the requirements have been met. School will need to inform the parent(s)/legal guardian(s) that bus service will not be provided and the parent(s)/legal guardian(s) will need to arrange pick-up from school at the end of their child's school day.

SUSPENSION FROM TRANSPORTATION

If there is misconduct on the bus, schools will need to follow [HAR Chapter 19](#) such as Student Misconduct, Discipline, School Searches and Seizures, Reporting Offenses, Police Interviews and Arrests, Restitution for Vandalism, Complaint Procedure and Investigation of the Discrimination, Harassment (Including Sexual Harassment), Bullying, and/or Retaliation.

According to the U.S. Department of Education, Office of Special Education Programs, [Questions and Answers on Serving Children with Disabilities Eligible for Transportation](#), if transportation is included in the child's IEP, a bus suspension must be treated as a suspension under 34 CFR § 300.530, and all of the discipline procedures applicable to children with disabilities would apply. The HDOE is not required to provide alternative transportation to a child with a disability who has been suspended from transportation for ten (10) school days or less unless the HDOE provides alternative transportation to children without disabilities who have been similarly suspended from bus service. 34 CFR § 300.530(d)(3). When suspension is for more than ten (10) school days, the school will need to follow the procedures for manifestation determination.

NOTE: When situations occur that are not covered in this Handbook, schools should contact their DES for assistance.

APPENDIX A: STEPS TO PROCURE TRANSPORTATION AND REQUIRED FORMS

Please contact STSB for the most up-to-date information as process and forms may be subject to change.

Steps:

1. The CC submits Form ST-11 and Form ST-16, as applicable, to the respective District STSB.
2. STSB reviews the request and assigns it to the appropriate bus company.
3. STSB assigns the student to a specified bus route and determines pick-up and drop-off times. Pick-up and drop-off times shall take into consideration students' service requirements and shall not be based on the convenience of the bus company or parent(s)/legal guardian(s).
4. The bus company informs the parent(s)/legal guardian(s) of the start date and pick-up and drop-off times as soon as the bus route is established.
5. Bus company informs parent(s)/legal guardian(s) of the estimated length of travel time and transfers if any.

Name of Form	When to Use:
ST-11: Request for Curb-to-Curb Transportation (computer-generated in electronic record system)	The school is requesting services during regular school hours. Transportation services are provided within the regular school day.
ST-16: Request for IEP-Approved Special Education Transportation Other Than Normal Curb to Curb	The school is requesting transportation services other than normal curb-to-curb in Form ST-11. Possible reasons: Community-Based Instruction, Modified School Day, and Out-Of-District Placements.

STATE OF HAWAII
DEPARTMENT OF EDUCATION
Student Transportation Services

REQUEST FOR CURB-TO-CURB TRANSPORTATION
(For Public School Use Only)
 School Year: _____

INSTRUCTIONS:
 To be used only for students who are unable to utilize regular modes of transportation.
 Request must be completed by receiving school of local DOE student.
 Transportation must be a Related Service listed on the IEP or 504 Plan.

Nature of Change: _____

NATURE OF REQUEST:
 New
 Change
 Terminate
 ESY
 Beginning Date: _____
 Ending Date: _____

SPECIAL EQUIPMENT USED BY STUDENT
 (Check all that apply):
 Braces (orthotics, head gear, etc.)
 Crutches
 Wheelchair (electric or manual)
 Oxygen
 Walker
 White Cane
 Other: _____

ADDITIONAL ADULT SUPPORTS
 Adult Aide
 Skilled Nurse
 Where will additional adult be picked up: (student's home or school) _____

CHALLENGING BEHAVIORS:
 Aggressive
 Anxious
 Defiant
 Elopement
 Self-injurious
 Other: _____

Days to attend: ___ M ___ T ___ W ___ Th ___ F
 Start Time: _____ End Time: _____
Grade 6 and above ONLY: Needs constant supervision ___ Yes ___ No

COMMENTS/SUPPORTS (How to address behaviors, special instructions, etc.) _____

Student Name: _____

Student ID: _____

Home Address: _____

Address for Pick-up and Drop-off of Student: _____

A.M. Pick-up Address: _____

P.M. Drop-off Address: _____

Name of School Student will be Attending: _____

Name(s) of Parent/Guardian: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____



REQUEST FOR IEP-APPROVED SPECIAL EDUCATION TRANSPORTATION OTHER THAN NORMAL CURB TO CURB

Instructions: For use by teachers, SSC or DH to request IEP transportation services other than normal curb-to-curb such as CBI, Modified School Day, & out-of-district placements (see Standard Operating Procedure SOP.1908 titled SPED: Transportation Other Than Normal Curb-to-Curb for more information). Submit completed form to Principal and DES for approval then forward to District Transportation Office for scheduling. Please allow a minimum of two weeks from receipt for implementation. A copy of the approved form will be returned to you for record keeping purposes.

Name of Requestor: _____

School/Program: _____ Contact Number: _____

Name of Student: _____

Special Equipment: Wheelchair: Oxygen: Nurse: ST/EA:

Requested Pick Up Location: _____

Pick Up Location Contact Name/Number: _____

Requested Drop Off Location: _____

Drop Off Location Contact Name*/Number: _____

*** CAUTION: Students will only be released to the immediate care of an authorized adult**

Requested Return Location (if applicable): _____

Activity/School Start Time: _____ Activity/School End Time: _____

Activity/School Start Date: _____ Activity/School End Date: _____

Service Days: Mon Tues Wed Thurs Fri

Check all applicable service days

For Principal, DES and District Transportation Officer Use Only

Principal: Approved

Signature Date

DES: Approved

Signature Date

Transp Officer: Date Received: _____ Initials: _____

Contractor: _____ Contract No: _____

Trip No.: _____ Start Date: _____

Form ST-16 Version 10.19

APPENDIX B: REIMBURSEMENT PROCESS

Please contact the STSB for the most up-to-date information as process and forms may be subject to change.

Steps:

1. After the IEP/Section 504 meeting, the Student Services Coordinator (SSC) will contact the parent(s)/legal guardian(s) and provide information regarding the reimbursement process and collect the required documents as follows:
 - Current vehicle insurance; and
 - Parent(s)/legal guardian(s) driver license.

2. In addition, the SSC provides the following documents to the parent(s)/legal guardian(s) who will complete and return to the SSC.
 - *Employee/Parent's - Mileage/Per Diem/Reimbursement* (Form FMS-T1);
 - *Request for Private Car Mileage Reimbursement* (Form CS-103); and
 - *Parent Automobile Mileage Voucher* (Form RS 04-0392) to be completed on a monthly basis and submitted to the SSC.

3. After obtaining documentation, the SSC will submit:
 - Form FMS-T1 to School Administrative Services Assistant to establish parent(s)/legal guardian(s) as a vendor.
 - Form CS-103 to DTO who will determine the most direct route to and from the student's residence and school or designated bus stop. The results will be the basis for the amount of mileage reimbursement that the parent(s)/legal guardian(s) would be eligible to receive. The SSC will share this information with parent(s)/legal guardian(s) to be used to fill out the *Parent Automobile Mileage Voucher* (Form RS 04-0392).

4. Every month:
 - Parent(s)/legal guardian(s) will submit the *Parent Automobile Mileage Voucher* (Form RS 04-0392) to the SSC.
 - The SSC will check the student's attendance record to verify that transportation was needed on the dates listed on the *Parent Automobile Mileage Voucher* (Form RS 04-0392). Once verified, the SSC will submit it to the Principal/Administrator for signature. Once the signature is obtained, the SSC will submit it to the DTO to process payment.

Name of Form	When to Use:
FMS-T1: Vendor Table Maintenance Form: Employee/Parent's – Mileage / Per Diem / Reimbursement	Parent(s)/Legal Guardian(s) need to be set up as a vendor in order to receive reimbursement for mileage.
CS-103: Request for Private Car Mileage Reimbursement (electronic file available from DTO)	Parent(s)/Legal Guardian(s) informing DTO of address and vehicle information that will be used to determine qualifying mileage to be used on mileage voucher.

Name of Form	When to Use:
RS04-0392: Parent Automobile Mileage Voucher (electronic file available from DTO)	Parent(s)/Legal Guardian(s) requesting reimbursement for transportation on days that student attended school.



STATE OF HAWAII - DEPARTMENT OF EDUCATION

VENDOR TABLE MAINTENANCE FORM

Employee/Parent's - Mileage / Per Diem / Reimbursement

School/Office: _____

Batch Org #: _____

Contact Person (e.g. SASA, Account Clerk, etc.): _____

Phone #: _____

Fax #: _____

* copy of employee's Personnel Form 5 or driver's license must be submitted for name and address verification

NEW CHANGE VENDOR # _____

Legal Name: _____

Social Security #: _____

Position Title: _____

BU code: _____

Mailing Address: _____

City: _____

State: _____

Zip Code: _____

NEW CHANGE VENDOR # _____

Legal Name: _____

Social Security #: _____

Position Title: _____

BU code: _____

Mailing Address: _____

City: _____

State: _____

Zip Code: _____

NEW CHANGE VENDOR # _____

Legal Name: _____

Social Security #: _____

Position Title: _____

BU code: _____

Mailing Address: _____

City: _____

State: _____

Zip Code: _____

PRINCIPAL/ADMINISTRATOR'S AUTHORIZATION (REQUIRED)

Print Principal/Administrator's Name and Title

Principal/Administrator's signature

Date

to: SASA/Account Clerk,
Please fax completed/approved form and applicable documents to Vendor Payment Section

Fax # 586-4106

FMS-T1 (rev 8/16)

 <p>STATE OF HAWAII DEPARTMENT OF EDUCATION STUDENT TRANSPORTATION SERVICES</p>	<h2 style="margin: 0;">REQUEST FOR PRIVATE CAR MILEAGE REIMBURSEMENT</h2>
---	---

Name of Parent/Guardian: _____ Phone #1: _____ Phone #2: _____
 Home Address: _____ Zip Code: _____
 Name of Payee (if different): _____ Phone #1: _____ Phone #2: _____
 Mailing Address: _____ Zip Code: _____
 Driver's Name: _____ Driver's Phone: _____
 Year/Make of Vehicle: _____ V.I.N.: _____
 Insurance Company: _____ Policy No.: _____
 Effective Date: _____ to _____
 Name of Student(s): _____
 School(s): _____

I will be claiming Mileage Reimbursement for School Year _____ :
 (Check appropriate box)
 Morning: Home to Assigned Bus Stop/School
 Afternoon: Assigned Bus Stop/School to Home
 Roundtrip: Home to Bus Stop/School plus Bus Stop/School to Home

I certify the above information is true and correct. I understand misrepresentation on this request may result in loss of mileage reimbursement privileges.

 (Signature of Parent/Guardian) (Date)

I certify student(s) attends school(s) indicated, and agree to verify monthly attendance.

 (Signature of Principal/Designee) (Date)

To Be Completed by Student Transportation Officer:

* Homeless SPED Other _____

Distance from Home to Assigned Bus Stop/School: _____

Minimum Qualifying Distance for Student's School Level: _____

Total Qualifying One-Way Mileage for Reimbursement: _____

Total Daily Mileage for Reimbursement: _____

 (Signature of Student Transportation Officer) (Date)

APPROVED **DISAPPROVED**

 (Signature of Student Transportation Services Manager) (Date)

APPENDIX C: APPLYING FOR REGULAR SCHOOL BUS SERVICE

Please contact STSB for the most up-to-date information as process and forms may be subject to change.

Steps:

1. The Team determined that the LRE for the student is on the regular school bus.
2. CC will provide Form ST-70 to parent(s)/legal guardian(s) to complete Parts I and II.
3. CC will complete Part III and check “Free”.
4. CC will complete Part IV and check “Student had IEP/MP, special education only”.
5. CC will submit to the school administrator for authorization and initial for “Student qualifies for free pass?” under the School Use Only section.
6. CC will submit the completed ST-70 Form to the Student Transportation Office.

Name of Form	When to Use:
ST-70: Application For Student to Ride School Bus	Submit a separate form for each child to the bus driver or school office to ride the regular school bus.



HAWAII STATE DEPARTMENT OF EDUCATION (HIDOE)
STUDENT TRANSPORTATION SERVICES BRANCH

APPLICATION FOR STUDENT TO RIDE SCHOOL BUS
SCHOOL YEAR 2020-2021

SCHOOL USE ONLY:
Student qualifies for free pass? <input type="checkbox"/> YES <input type="checkbox"/> NO
Principal's initial: _____

Please complete all parts of this form. Submit a separate form for each child to the bus driver or school office.

PART I: Acknowledgement

Applicant must sign and date below.

I acknowledge and accept HIDOE's "No Refund" policy on all school bus pass purchases. I agree to comply with the transportation policies and procedures of HIDOE. I acknowledge that HIDOE may utilize video cameras to monitor student behavior on school buses. When applicable, I authorize the Student Transportation Services Branch to verify my child's free lunch status with the School Food Services Branch.

Parent/Guardian signature: _____ Date: _____

PART II: Student Information (must fill out completely)

Select "Home School" if the student lives within the school's attendance area, if not select "School of Origin."

School name: _____ *Home school *School of origin (MVA/Foster Care)
**Select "Home School" if the student lives within the school's attendance area, if not select "School of Origin."*

Student's legal name: _____ Grade: _____
Last name First name MI

Home address: _____
Street no. Street name Apt. no. City Zip code

Parent/Guardian: _____ Contact phone: _____
Last name First name

PART III: Bus Service and Payment Plan Selection. (Please complete Parts A and B)

CAUTION: All bus pass sales are final.

A. Service Plan (choose ONE of the following):	B. Payment Plan (choose ONE of the following):
<input type="checkbox"/> ROUND TRIP Home to school; school to home; same route	QUARTERLY: <input type="checkbox"/> Round trip: \$72.00 <input type="checkbox"/> One way: \$36.00
<input type="checkbox"/> MORNING ONLY Home to school only	COUPONS (Cash Only): <input type="checkbox"/> Sheet of 10: \$10.00/sheet
<input type="checkbox"/> AFTERNOON ONLY School to home only	FREE <input type="checkbox"/> Must complete PART IV below.

PART IV: Complete this section ONLY if applying for FREE bus transportation

Your child may be eligible for a free bus pass if they qualify for one or more of the following. Please check that apply.

<input type="checkbox"/> Student receives free meal (subject to approval)	<input type="checkbox"/> Student has 3 or more older siblings who pay for their bus passes:
<input type="checkbox"/> Student is a foster child	1. Name: _____
<input type="checkbox"/> Student is homeless (please attach form MV-1)	School: _____
<input type="checkbox"/> Student has IEP/MP (special education only)	2. Name: _____
<input type="checkbox"/> Student is required by the Department to attend a school other than the school in the student's public school attendance area	School: _____
	3. Name: _____
	School: _____

APPENDIX D: ACRONYMS

Acronym	Meaning
CAS	Complex Area Superintendent
CAMHD	Child and Adolescent Mental Health Division
CC	Care Coordinator
CFR	Code of Federal Regulations
CWS	Child Welfare Service
DES	District Educational Specialist
DTO	District Transportation Officer
ESY	Extended School Year
FAPE	Free Appropriate Public Education
GE	Geographic Exception
HAR	Hawaii Administrative Rules
HIDOE	Hawaii State Department of Education
IDEA	Individuals with Disabilities Education Act
IEP	Individualized Education Program
LRE	Least Restrictive Environment
PLEP	Present Levels of Educational Performance
PWN	Prior Written Notice
SSC	Student Services Coordinator
STSB	Student Transportation Services Branch
Team	IEP/Section 504 Team

APPENDIX E: CONTACT INFORMATION

District Student Transportation Services Offices and Phone/Cellular Numbers

Central	622-0537 / 347-7423 cellular
Honolulu	784-6864 / 347-7414 cellular
Leeward	687-9519 / 347-7424 cellular
Windward	233-3680 / 347-7422 cellular
East Hawaii	974-6411 / 345-7318 cellular
West Hawaii	327-9500 / 345-6556 cellular
Maui/Lanai/Molokai	243-1171 / 268-2390 cellular
Kauai	241-7120 / 212-6113 cellular

District Educational Specialist Offices and Phone Numbers

Central	
Aiea/Moanalua/Radford	421-4263
Leilehua/Mililani/Waialua	622-6432
Honolulu	
Farrington/Kaiser/Kalani	784-6680
McKinley/Roosevelt/Kaimuki/Sp. Schools	784-6690
Leeward	
Campbell/Kapolei	675-0335
Pearl City/Waipahu	675-0384
Waianae/Nanakuli	784-5696
Windward	
Castle/Kahuku	784-5940
Kailua/Kalaheo	784-5940
Hawaii	
Hilo/Waiakea	974-4401
Kau/Keaau/Pahoa	982-4252
Konawaena/Kealakehe	323-0015
Kohala/Honokaa	775-8895
Maui	
Maui	873-3520
Lahaina, Hana, Lanai	873-3520
Molokai	553-1723
Kauai	
Kauai/Kapaa/Waimea	274-3505

APPENDIX F: TOOL

TRANSPORTATION DISCUSSION EXAMPLES

The Individualized Education Program (IEP)/504 team (Team) is responsible for determining if transportation is required to assist a student with a disability to access equal educational opportunities and how transportation will be provided. The Team must consider and document the need of the student relating to his/her disability. The decision must be made on a case-by-case basis and based on the student's unique needs. Age and eligibility category alone are NOT reasons that warrant transportation.

The Team is to consider the student's needs, including but not limited to the following:

TRANSPORTATION	Is it a need? Answer: Yes or No
Severity of the Medical Diagnosis and Health Needs: <ul style="list-style-type: none"> • Does the student have significant limitations in strength, vitality, or alertness? • Does the student have a medically fragile condition? • Does the student have prescribed medication that requires skilled nursing services? 	
Severity of the Physical/Mobility Needs: <ul style="list-style-type: none"> • Does the student have a visual impairment and is unable to navigate in their environment independently? • Is the student unable to remember routes after being provided direct training over several sessions? • Is the student prone to fall? • Is the student non-ambulatory? • Is the student unable to make judgmental decisions to determine if it is safe to travel (i.e., safe to cross streets, knows where to cross streets, etc.)? 	
Severity of the Behavioral Needs: <ul style="list-style-type: none"> • Does the student require constant supervision from an adult? • Is the student's behavior, even with the implementation of a behavior plan, so severe they are unable to travel independently? • Does the student's behavior impact their ability to safely navigate from one area to the next? • Does the student's behavior threaten the safety of others? 	

If the student qualifies for transportation, then discuss how transportation will be provided and if accommodations are warranted.

ACCOMMODATIONS AND LEAST RESTRICTIVE ENVIRONMENT (LRE)	Is it a need? Answer: Yes or No or provide Information
1. What accommodations are needed for the student to access transportation?	
2. Is there a regular school bus that services the school?	
3. Can the student access the regular school bus with the above accommodations?	
4. Does the student require specialized transportation or curb-to-curb service?	

Reminder: If the student needs transportation as a related service, they will be provided transportation regardless of where they live in proximity to the school.

APPENDIX G: COMPLAINTS TEMPLATE

Information to be included in the Statement Section on Complaint Form:

Student Name:

Date of Birth:

Has been receiving transportation service for this school year since: (date) from (contracted provider).

Parent(s)/Legal Guardian(s) was informed of the drop-off time prior to the start of transportation services and signed the Confirmation of Receipt from the HIDOE's Special Education Transportation Parent Information Manual that included parent(s)/legal guardian(s) responsibilities regarding drop-off requirements. (Copy of confirmation with contracted provider.)

The student was scheduled to be dropped-off at: (time) at (location).

At the time of drop-off, no authorized responsible adult was available to receive the student. Contracted provider tried to contact parent(s)/legal guardian(s) and other contacts on the Curb-to-Curb Transportation Services Student Emergency Information Form.

School bus driver attempted a 2nd drop-off at: (time). Student was returned to school at: (time).

School attempted to contact parent(s)/legal guardian(s) and emergency contact(s). See log below:

Person & time: _____

Person & time: _____

Person & time: _____

School was unable to contact parent(s)/legal guardian(s) or emergency contact(s) to arrange for the student to be picked-up prior to the close of business.

APPENDIX H: FREQUENTLY ASKED QUESTIONS

Q1: Can students on a GE or who attend a Public Charter School (PCS) receive transportation as a related service?

A1: Yes, students on a GE or attending a PCS shall receive transportation if it is required as a related service pursuant to the student's IEP or Section 504 plan.

Q2: For a student requiring curb-to-curb service, can they be dropped-off without an authorized responsible adult present?

A2: Depends. In cases where constant adult supervision is needed due to serious concerns (e.g., behavioral, medical), the student cannot be dropped-off without an authorized responsible adult to receive the student. Also, for all elementary school-age students, they must be received by an authorized responsible adult. Therefore, curb-to-curb transportation is warranted. The American Academy of Pediatrics recommends adult supervision for children until the age of 11 or 12. ([Determining when your child is ready to stay home alone](#)). For a student requiring curb-to-curb service due to physical limitations only, over the age of 12 and does not require constant adult supervision, the student may be dropped-off without an authorized responsible adult present.

Q3: A student requires transportation, but the parent(s) or legal guardian(s) requests that the student be dropped-off at the grandparent's house. Is this allowed?

A3: Depends. Transportation can be provided when there is a deviation from the student's residence and school if there is no additional cost. If there is an additional cost, the parent(s)/legal guardian(s) can petition the CAS for approval. If the CAS denies the request, the school will inform the parent(s)/legal guardian(s) of the denial and that transportation cannot be provided to a destination outside of the student's residence and school route they are requesting. The IEP or Section 504 plan will not be changed to reflect this outcome. Students will remain eligible for transportation as a related service: Transportation will be provided should there be a drop-off location within the student's residence and school route.

Q4: If a student requires transportation as a related service and is attending a school on a GE or attends a PCS, can they be dropped-off at another location other than their residence?

A4: Yes, transportation can be provided even when there is deviation from student's residence and school if there is no additional cost for transporting from the student's residence and school. If there is an additional cost, see A3.

- Q5: Student was on a GE, the student required transportation as a related service and the parent(s)/legal guardian(s) provided transportation. If the parent(s)/legal guardian(s) requests reimbursement for past transportation, is the HIDOE obligated to provide reimbursement for a student who continues to require transportation as a related service in their IEP or Section 504 Plan?
- A5: No, under the revised HAR Chapter 27, the HIDOE is not obligated to provide reimbursement for transportation as it is not retroactive.
- Q6: If a student receives transportation as a related service during the regular school year, can they receive transportation to attend a Summer Learning Hub?
- A6: Depends. The purpose of any related service is for a student to “benefit from special education” (CFR § 300.34 (a)). The Team will need to determine if special education will be provided during the Summer Learning Hub, summer school, etc., which would justify providing transportation.
- Q7: If parent(s)/legal guardian(s) do not live together and would like their child to be taken to different residences on different days of the week, can transportation be provided to two (2) residencies?
- A7: Depends. The Team is required to determine annually if a student needs transportation as a related service to and from their residence. Based on federal and state authority, transportation as a related service as determined by the Team cannot be denied in whole or in part, due to having parent(s)/legal guardian(s) that reside in separate residences within the geographic home school area. If parent(s)/legal guardian(s) resides outside of the geographic home school area, it means additional cost will be incurred, see A3.

**APPENDIX I: HAWAII ADMINISTRATIVE RULES,
CHAPTER 27: TRANSPORTATION OF STUDENTS**

DEPARTMENT OF EDUCATION

Amendment and Compilation of Chapter 8-27
Hawaii Administrative Rules

September 16, 2020

SUMMARY

1. §8-27-1 through §8-27-6 are amended.
2. §8-27-9 is amended.
3. Chapter 8-27 is compiled.

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HAWAII ADMINISTRATIVE RULES

TITLE 8

DEPARTMENT OF EDUCATION

SUBTITLE 2

EDUCATION

PART 1

PUBLIC SCHOOL

CHAPTER 27

TRANSPORTATION OF STUDENTS

§8-27-1 Statement of purpose

§8-27-2 Definitions

§8-27-3 Fare

§8-27-4 Limitations

§8-27-5 Eligibility

§8-27-6 Application procedures

§8-27-7 Curb-to-curb transportation procedures

§8-27-8 Exemption from the one-mile and 1.5-mile qualifying distances

§8-27-9 Transportation as "related service" or "related aids and service"

§8-27-10 Appeals

Historical Note: This chapter is based substantially upon Department of Education "Rule 1, Relating to the Transportation of Students". [Eff 10/29/62; am 8/25/67; am 8/17/68; am 9/6/69; am 9/24/70; am 3/31/72; am 10/1/73; R 3/3/84]

§8-27-1 Statement of purpose. The purpose of this chapter is to facilitate compliance with the State compulsory attendance law, and to comply with section 302A-406, Hawaii Revised Statutes, and Federal law relating to the provision for a free appropriate

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public education, specifically the provision of transportation services to students with disabilities and to provide access to equal educational opportunity without undue transportation hardships. [Eff 3/3/84; comp 9/5/95; am and comp 3/29/03; comp 8/23/19 am and comp ___] (Auth: HRS §302A-1112) (Imp: Hawaii Const. Art. X, §3; HRS §§302A-406, 302A-1101, 302A-1112, 302A-1132)

§8-27-2 Definitions. As used in this chapter, unless the context indicates otherwise:

"A mile or more" or any other term of distance shall be measured by the shortest walking distance between the closest public access to the student's residence to the closest accessible area of the school or the student's bus stop, as measured by the department.

"Assistant superintendent" means the assistant superintendent of the office of facilities and operations.

"A student with physical and/or health problems" means a student with a temporary (ten or more school days) condition who, because of the condition, is unable to walk to school as determined by the department;

"Board" means the board of education.

"Bus pass" means a current pass used by all bus riders when riding the school bus.

"Charter school" means a public school holding a charter to operate as a charter school under chapter 302D, Hawaii Revised Statutes, including start-up and conversion charter schools, that have the flexibility to implement alternative frameworks with regard to curriculum, facilities management, instructional approach, length of the school day, week, or year, and personnel management.

"Curb-to-curb transportation" means transportation services provided to students who are not able to utilize regular modes of transportation whose pick-up shall be from the closest public access to the student's residence.

"Department" means the department of education.

"Elementary" means grades kindergarten through 5.

"Family" means a unit living together under one roof including the father, mother, brothers, or sisters, adopted siblings, either legally or by custom, and the grandparents of the student.

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"Fare" means the amount the student pays to ride the school bus each way between home and school.

"Geographic exception" has the same meaning as defined in section 8-13-2.

"Homeless" means a student who is eligible under the "McKinney-Vento Homeless Education Assistance Improvements Act of 2001".

"Home school" has the same meaning as defined in section 8-13-2.

"Individualized Education Program" or "IEP" means a written statement for a student with a disability that is developed, reviewed, and revised in accordance with sections 8-60-44 through 8-60-48.

"Mileage transportation reimbursement" means payment which may be made by the department to reimburse parents, guardians, or designees for mileage costs of providing transportation for students who qualify for fixed route transportation or to parents, guardians, or designees of students with disabilities who are eligible for transportation as a related service.

"Public school attendance area" means the area encompassed by boundaries established by the department within which the public school is situated, and is the designated school that students residing in that area must attend.

"Redistricting" means a redefining of a school attendance area.

"Related service" or "related aids and service" means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education and the general education curriculum.

"School of origin" means the school that a student eligible under the "McKinney-Vento Homeless Education Assistance Improvements Act of 2001" was attending when permanently housed, or the school in which a student eligible under the "McKinney-Vento Homeless Education Assistance Improvements Act of 2001" was last enrolled.

"Secondary" means grades 6 through 12.

"Section 504" means Section 504 of the Rehabilitation Act of 1973, as amended. [Eff 08/20/09] (Auth: HRS §302A-1112) (Imp: HRS §302A-1112)

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"Student" means any student who is attending public school classes in grades kindergarten to twelve, operated by the department.

"Student with a disability" has the same definition as "student with a disability" under §8-60-2.

"Subsidy" means a sum of money granted by the department to assist parents and guardians with the student fare portion of the price of home-school-home transportation services.

[Eff 3/3/84; comp 9/5/95; am and comp 3/29/03; am and comp 6/15/09; am and comp 8/23/19] (Auth: HRS §302A-1112) (Imp: Hawaii Const. Art. X, §3; HRS §§302A-406, 302A-1110, 302A-1112)

§8-27-3 Fare. (a) The fare is \$1.25 per ride. The State shall pay for any cost in excess of the student fare. The department may increase or decrease the fare, through rulemaking, provided the fare does not exceed 50% of the cost to provide transportation services (not including the cost of curb-to-curb, mid-day, and after-school transportation services for students with disabilities), rounded to the nearest 5 cents.

(b) When fares are pre-paid, the fare for a period greater than a school academic quarter shall be the number of trips for the period multiplied by the fare less five percent of the cost. The department may provide reimbursement to schools for the cost to schools of the school bus program. Funds to provide reimbursement to schools shall come from collection of fares. [Eff 3/3/84; am and comp 9/5/95; am and comp 3/29/03; am and comp 6/15/09; comp 8/23/19] (Auth: HRS §302A-1112) (Imp: Hawaii Const. Art. X, §3; HRS §§302A-406, 302A-1101, 302A-1112)

§8-27-4 Limitations. (a) This chapter is conditioned upon the amount of funds made available to the department to provide transportation to students.

(b) Transportation shall be limited to transportation of students from the home to school and return. Transportation from home to school and return shall be from a designated school bus stop unless curb-to-curb transportation services, travel to and from school and between schools, travel in and around school buildings, and specialized equipment (such as special or adapted buses, lifts, and ramps), are required to provide special transportation for a student with a disability pursuant to a student's IEP or Section 504.

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(c) When transportation other than to and from school and a location other than a student's home is requested, it shall be referred to the department. The department may provide transportation if there are no additional costs involved.

(d) The transportation may be provided to students during the school year, as determined by the department.

(e) Any elementary student capable of walking may be required to walk or provide the student's own transportation to and from school or to and from a bus stop located more than one mile from the nearest public access to the student's residence. Any secondary student capable of walking may be required to walk or provide the student's own transportation to and from school or to and from a bus stop located more than 1.5 miles from the nearest public access to the student's residence.

(f) Elementary students who are required by the department to attend a school out of their public school attendance area shall not be eligible for transportation if their school is less than one mile from their residence and provided that they are capable of walking. Secondary students who are required by the department to attend a school out of their public school attendance area shall not be eligible for transportation if their school is less than 1.5 miles from their residence and provided that they are capable of walking.

(g) Students who attend charter schools, learning centers, or schools outside of their public school attendance area, as determined by the students' legal residence, shall not be eligible for transportation or transportation subsidy. This subsection does not apply to:

- (1) Students with disabilities who attend a public school, which includes charter schools, if transportation is required as a related service pursuant to the students' IEP or Section 504;
- (2) Students with disabilities who are programmatically placed by the IEP team at a public school, which includes charter schools, private school, or facility outside of the student's home school attendance area, as determined by the student's legal residence, if transportation is required as a related service pursuant to the student's IEP or Section 504; and
- (3) Students who are homeless and are attending their school of origin based upon a feasibility determination made by a school administrator, or are awaiting the outcome of the department's dispute resolution process for McKinney-Vento eligible students.

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[Eff 3/3/84; comp 9/5/95; am and comp 3/29/03; am and comp 6/15/09; am and comp 8/23/19] (Auth: HRS §302A-1112) (Imp: Hawaii Const. Art. X, §3; HRS §§302A-406, 302A-1101, 302A-1112)

§8-27-5 Eligibility. (a) Fare free riders shall include:

- (1) Students who receive transportation under the provisions of Hawaii administrative rules for students with disabilities;
- (2) Students who have been identified on their application for transportation services as homeless;
- (3) Students who have been identified on their application for transportation services as a foster child. The foster parent shall provide a copy of a family court order or a letter from a case worker on official department of human services letterhead for verification purposes; or
- (4) Elementary students who reside a mile or more from school, and secondary students who reside 1.5 miles or more from school, attend the school in their public school attendance area, and are:
 - (A) A member of a family receiving financial assistance pursuant to department of human services administrative rules; or
 - (B) A member of a family which meets current income poverty guidelines of the United States Department of Agriculture criteria to receive free school lunch, or for schools that participate in the federal Community Eligibility Provision program or other program that provides all students with free lunch regardless of each individual family's income, a family which has been certified eligible by the department of human services to participate in the Supplemental Nutrition Assistance Program;
 - (C) The fourth or more student of a family and the first three students are paying the fare to and from school;
 - (D) Transferred to another school because of a grade transfer from one school to another, but the student shall receive transportation only for the time that the student would have been in the grade which was transferred;

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- (E) Transferred to another school because the school was consolidated, but the student shall receive transportation only for the remaining number of years that the student would have been in attendance at the school which was consolidated;
- (F) Required by the department to attend a school other than the school in the student's public school attendance area; or
- (G) Directed by the district to attend another school because the student's public school attendance area was redefined (redistricted), but the student shall be eligible to receive fare free transportation for only the time the student would have been attending the school that was redistricted.

(b) Fare riders shall include:

- (1) Elementary students who reside a mile or more from school, and secondary students who reside 1.5 miles or more from school in their public school attendance area; or
- (2) Elementary students not eligible for transportation because they reside less than one mile from school or are on geographic exception and secondary students not eligible for transportation because they reside less than 1.5 miles from school or are on geographic exception; provided there are unused seats on the bus and accommodation will not result in additional cost to the State as determined by the department.

(c) A mileage transportation reimbursement may be made available to parents, guardians, or designees at the Internal Revenue Service's (IRS) standard mileage reimbursement rate for Hawaii used in computing the value of business use of an automobile. Future increases or decreases in the mileage reimbursement amount shall be effective the first day of January after an IRS rate change. Procedures relating to mileage transportation reimbursement have been developed by the department. [Eff 3/3/84; am and comp 9/5/95; am and comp 3/29/03; am and comp 6/15/09; am and comp 8/23/19] (Auth: HRS §302A-1112) (Imp: Hawaii Const. Art. X, §3; HRS §§302A-406, 302A-1101, 302A-1112)

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§8-27-6 Application procedures. Any parent, legal guardian, or adult person with whom the student resides, or any student eighteen years or older may apply for transportation in accordance with the following procedures:

- (1) Application forms for transportation shall be available from the bus company or the school the student attends. The application must be completed and returned to the student's school;
- (2) Application for alternate drop off and/or pick up to or from locations other than the student's home under section 8-27-4(b) shall be communicated to the school by the parent, guardian, or person authorized by a student's IEP or Section 504. The school shall, under procedures established by the department, initiate the process to request such transportation; and
- (3) Application for elementary students who reside less than one mile from school, secondary students who reside less than 1.5 miles from school, students with physical and/or health problems, or students who are on geographic exception under section 8-27-5(b) (2) shall be made by submitting a written request to the school the student attends. [Eff 3/3/84; comp 9/5/95; am and comp 3/29/03; am and comp 6/15/09; am and comp 8/23/19] (Auth: HRS §302A-1112) (Imp: Hawaii Const. Art. X, §3; HRS §§302A-406, 302A-1101, 302A-1112)

§8-27-7 Curb-to-curb transportation procedures. Students and parents or guardians who do not comply with the procedures in this section may be denied transportation. For students receiving curb-to-curb transportation, parents or guardians shall:

- (1) Provide emergency information pertaining to the safety of the child prior to receiving transportation;
- (2) Provide supervision or designate a responsible alternate to provide supervision during the time the bus arrives to pick up and drop off the child. Any exception to this requirement shall be made only with the written consent of the principal; and
- (3) Observe procedures relating to student absences, disaster, illness, and carrying of articles on the bus. [Eff 3/3/84; comp 9/5/95; am and comp 3/29/03; am and comp 6/15/09; comp 8/23/19] (Auth: HRS §302A-1112)

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(Imp: Hawaii Const. Art. X, §3; HRS §§302A-406, 302A-1101, 302A-1112)

§8-27-8 Exemption from the one-mile and 1.5-mile qualifying distances.

(a) An exemption from the one-mile and 1.5-mile distances required under section 8-27-5 may be granted by the assistant superintendent on a year to year basis if an exemption is necessary for the health and safety of students if other options that will mitigate hazards are not available or are not cost effective.

(b) Applications for exemptions shall be submitted to the assistant superintendent and shall state the specific exemption requested, the reasons why the exemption should be granted, the duration of the exemption, and any other pertinent information.

(c) The assistant superintendent shall advise the applicant of the decision within thirty calendar days after receiving an application.

(d) Exemptions granted under this section shall terminate when the hazardous conditions are corrected or otherwise cease to exist. [Eff 3/3/84; comp 9/5/95; am and comp 3/29/03; am and comp 6/15/09; am and comp 8/23/19] (Auth: HRS §302A-1112) (Imp: Hawaii Const. Art. X, §3; HRS §§302A-406, 302A-1101, 302A-1112)

§8-27-9 Transportation as "related service" or "related aids and service".

Students with disabilities who attend a public school, which includes charter schools, or are programmatically placed by the IEP team at a public school, which includes charter schools, private school, or facility outside of the student's home school attendance area as determined by the student's legal residence and require transportation as a related service shall be provided transportation in accordance with the student's IEP or Section 504. Parents, guardians, or designees of students receiving transportation services who do not comply with applicable procedural requirements as established by the department may have transportation services suspended or denied. Complex area superintendents shall review, approve, and be responsible for transportation requests other than home to school and return. [Eff 3/3/84; comp 9/5/95; am and comp 3/29/03; am and comp 6/15/09; am and comp 8/23/19] (Auth: HRS §§302A-406, 302A-1112) (Imp: 20 C.F.R. §§300.1(a), 300.4, 300.13(a), 300.13(b)(13), 300.550(b)(2), 300.522(d); HRS §§301A-22, 301-25, 302A-406)

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§8-27-10 Appeals. (a) Any person aggrieved by a decision made pursuant to this chapter may appeal that decision to the superintendent within thirty calendar days after that decision. The appeal shall be in writing and shall state the:

- (1) Pertinent facts of the case;
- (2) Decision of the department;
- (3) Reason or reasons why the person appealing feels that the decision was incorrect;
- (4) Reasons why the person is aggrieved; and
- (5) Remedy the person seeks.


(b) The written decision of the superintendent or the superintendent's designee shall be mailed by certified mail, return receipt requested, to the person appealing not later than thirty calendar days after receipt of the appeal. [Eff 3/3/84; comp 9/5/95; comp 3/29/03; am and comp 6/15/09; am and comp 8/23/19] (Auth: HRS §302A-1112) (Imp: Hawaii Const. Art. X, §3; HRS §§302A-406, 302A-1101, 302A-1112)

DEPARTMENT OF EDUCATION


The amendments to and compilation of Chapter 27, Hawaii Administrative Rules, on the Summary page September 16, 2020 following a public hearing held virtually on December 10, 2020, after public notice was given in the Maui News on October 31, 2020 and November 7, 2020, and in the Honolulu Star Advertiser, Hawaii Tribune Herald, West Hawaii Today, and The Garden Island newspapers on November 1, 2020 and November 8, 2020.

LIEUTENANT GOVERNOR'S
OFFICE

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CATHERINE PAYNE
Chairperson, Board of Education



DAVID Y. IGE
Governor, State of Hawaii

Dated: 5/28/21

APPROVED AS TO FORM:
Melissa Kolonie Digitally signed by Melissa Kolonie
Date: 2021.04.09 13:51:30 -1000'
Deputy Attorney General

Filed

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