

On February, 7, 2005, Mr. and Mrs. XXXXXXXXXXXXXXXX("Parents") filed a complaint on behalf of their daughter ("Student") against the Red Clay Consolidated School District ("District"). The complaint alleges that the District has violated state and federal laws relating to children with disabilities. Specifically, Parent states that she is in disagreement with a proposed IEP for transportation provided through the public para-transit system.

Investigation of the complaint has been conducted, as required by the Individuals with Disabilities Education Act (IDEA) Regulations at 34 C.F.R. § 300.660 to 300.662, and according to the Department of Education's regulations and procedures, including Sections 15.12 to 15.14 of the *Administrative Manual for Special Education Services* ("AMSES"). Specifically, the investigation included interviews with Parent, and XXXXXXXXXXXXXXXX, Principal of XXXXXXXXXXXXXXXXXXXXXXXX.

Findings of Fact

1. Student is XXXXXXXX years old and receiving special education services in District special program in a regular comprehensive high school.
2. At the IEP meeting of October 12, 2004, the team discussed transition plans for Student for the next year.
3. IEP minutes indicate Parents disagreed with the proposed transportation offered for next year of using the public para-transit system for Student to be transported to a district program at a University setting.
4. Parents stated their concern regarding the safety of Student on the public bus because of a past incident involving rape.
5. The current IEP states the following needs for Student on the Transportation IEP Addendum: "air conditioning, buckle locking device, at least one woman staff member on bus."
6. In an interview on April 4, 2005, school staff indicate that Parents have been invited to a meeting to discuss the mechanism for requesting an aide on the para-transit bus.
7. Parents indicate a preference for Student to remain in the current high school setting until she exits at age 21.
8. School staff indicate that the program for students 18-21 is the University setting.
9. In interview, Parent stated that if she could be comfortable with the safety of transportation, she would not object to the setting at the University.

Conclusion

It is unclear if Parents understood that there is a mechanism for an aide to be on the para-transit bus. Student is significantly cognitively disabled, and IEPs have had this required service for quite some time. Parents' concern about safety on the para-transit bus but are not unreasonable, given the substantiation of a rape.

District has, commendably, developed an age appropriate program on a University campus for students with significant cognitive disabilities ages 18-21. The University

program resides outside of the District, and District states that a school bus cannot cross district lines.

District is required to provide Student the related services on her IEP. In this case, transportation with specific requirements included “at least one woman staff member on bus” is required. If District chooses to revise the IEP and remove this service without an identified change in Student’s needs, it would appear that there could be a violation of IDEA regulation 300.347 wherein the content of the IEP is described to meet “the child’s needs which result from the child’s disability.”

The IEP for next school year has yet to be developed, and there currently is no violation. Given Parents’ stated concern and request to resolve this issue before the next school year, a complaint investigation proceeded. I urge Parents to meet with District to discuss the procedure for an aide on the public transportation bus.