

SCHOOL TRANSPORTATION FAQs

August 2023

Your child's right to school transportation depends on the local policies adopted by your school district, the distance from your residence to the school, and whether your child has disabilities that require individualized transportation arrangements. It is helpful to familiarize yourself with your school's transportation department, which coordinates many modes of transportation, and to raise issues with your school if you have concerns.

ARE PENNSYLVANIA SCHOOLS REQUIRED TO TRANSPORT ALL STUDENTS TO AND FROM SCHOOL?

No. With the exception of certain charter school students and students with disabilities, Pennsylvania law **does not** require school districts to provide transportation to all students. However, if transportation is provided by a district, it must be provided to students for free.¹ A school district may be required to transport students attending certain charter schools, as discussed below. In addition, a district is required to provide specialized transportation to students with disabilities when needed so that they can benefit from their education program and have equal access to education.

IS MY DISTRICT REQUIRED TO PROVIDE TRANSPORTATION TO MY CHILD'S CHARTER SCHOOL?

Yes, in some circumstances. Pennsylvania school districts are required to provide transportation to children attending charter schools located within their district **and** charter schools that are within 10 miles by the nearest public highway of the school district's boundary on the dates that the charter school is in session.² School districts are not required to provide transportation to charter school elementary students, including kindergarten students, if they live within 1.5 miles by public highway to the charter school or to secondary students if they live within two miles of the charter school unless walking to school is determined to be a safety hazard by the Pennsylvania Department of Transportation (PennDOT), or the school district provides transportation to students within those distances to their own school district buildings.³

WHAT IF MY CHILD'S BUS RIDE IS VERY LONG?

Pennsylvania does not have a time limit for the length of a school bus ride. In some rural districts and densely populated urban districts, transportation time may be significant. You can reach out to your school's transportation department if you have concerns regarding long commute times for your child. In addition, if your child receives special education services, you should talk with your child's individualized education plan (IEP) team to determine if your child needs specialized transportation or other support during the bus ride as a related service.⁴ If your child has disabilities and receives accommodations through a 504 plan, transportation may

be provided if needed, and you should discuss this as part of your 504 meeting. Children with disabilities who are in charter schools are also entitled to these transportation supports and services.⁵

HOW FAR MAY MY CHILD NEED TO WALK TO REACH THE SCHOOL?

School districts and charter schools may ask kindergarten and elementary students to walk up to 1.5 miles on a public road to reach their school, while secondary students may walk up to two miles.⁶

WHAT CAN I DO IF MY CHILD'S WALK ROUTE TO THE BUS STOP OR SCHOOL IS HAZARDOUS?

If you believe your child's walk to a bus stop or school is physically unsafe, you should make a request to the school district to review the walking route. Upon this request, the school district should contact your PennDOT engineering district to review the walking route for potential hazards.⁷ A lack of sidewalks along the walking route is a factor to be considered, but it does not necessarily mean that PennDOT will find the route to be hazardous. If PennDOT deems the route hazardous, another bus stop will be chosen. However, state regulations expressly state that this provision may not be construed to require school buses to stop at every dwelling in the event that a student walking route or a portion thereof is declared hazardous. Rather, your child may still be required to walk up to 500 feet along the hazardous walking route.⁸

MY CHILD RECEIVES SPECIAL EDUCATION SERVICES. HOW WILL MY CHILD'S TRANSPORTATION NEEDS BE ADDRESSED?

Under the IDEA, the transportation needs of children with disabilities must be addressed. Transportation is a "related service" and can include travel to and from school and between schools, travel in and around school buildings, and specialized equipment.⁹ Specialized transportation services allow children with disabilities to benefit from their education program and access a free and appropriate public education. Specialized transportation services are determined by your child's IEP team and should be written into the IEP as a related service.¹⁰ You can discuss your child's transportation needs with your IEP team; let them know if you believe your child requires specialized transportation to support them in getting to and from school and around school buildings, including any educational placements.¹¹ These supports may include an aide or attendant, pickup and dropoff closer to your home, specialized seatbelts, or alternative means of transportation. For a child who uses a wheelchair, the school may provide a bus or van with a lift.¹²

If your child has transportation included as a related service in their IEP, but the school is not providing the appropriate transportation, talk to your special education coordinator to address this. In addition, your child may be eligible for compensatory education services if they are unable to participate in their education program. For more information, please see ELC's fact sheet on the [Right to Compensatory Education](#).

MY CHILD WAS SUSPENDED FROM THE BUS OR TOLD THEY ARE NO LONGER ALLOWED TO RIDE THE BUS. WHAT CAN I DO?

Under state law, a school district is empowered to develop rules governing behavioral expectations and may impose discipline for student infractions of the code of conduct occurring while a student is on the school bus or taking public transportation to and from school.¹³ As transportation is not a right in Pennsylvania (except for students with disabilities), courts have not recognized a property interest mandating a hearing prior to a deprivation of transportation.¹⁴ However, like other rules made by a school board, student discipline relating to transportation cannot be arbitrary and capricious, overly punitive,¹⁵ or discriminate against students on the basis of race, sex, disability, national origin, ethnicity, religion, and other protected class statuses.¹⁶ See ELC's fact sheet, [The Right to Be Free From Racism](#).

In addition, where deprivation of school bus transportation results in exclusion from school (also called a "constructive" suspension or expulsion) or has the effect of excluding the student from all or part of the school program, you should raise this issue with your school right away. Exclusionary discipline that results in a suspension or expulsion from school gives rise to specific protections. See ELC's fact sheets on [Suspensions](#) and [Expulsions](#).

DOES MY CHILD WITH A DISABILITY HAVE ANY SPECIAL RIGHTS AND PROTECTIONS IF THEY ARE SUSPENDED FROM THE BUS?

Yes. If your child has a disability and is suspended from the bus, the school must not only follow all school-based discipline procedures, they must follow special procedures that apply to students with disabilities. Bus suspensions should be treated the same as suspensions from school, and the same rules and safeguards apply.¹⁷ If your child with a disability has been suspended from the bus for 10 school days or less, then the school is not required to provide alternative transportation for those days unless they provide alternative transportation to students without disabilities who have been suspended from the bus.¹⁸

If your child with a disability is suspended for more than 10 school days in the same school year and transportation is included as a related service in their IEP, then the school must ensure that the child continues to receive educational services and make progress toward their IEP goals.¹⁹ The school must also conduct a behavioral assessment to design interventions and modifications to address the child's behavior.

Additionally, if your child with a disability has been suspended for more than 10 consecutive school days or is repeatedly suspended over the school year such that the suspensions constitute a "pattern" of exclusion,²⁰ and no other form of transportation is provided, a change of placement has occurred.²¹ Your child's IEP team must meet to determine whether the behaviors on the bus were a manifestation of your child's disability. If the team finds that the behavior was a manifestation of your child's disability, the child should be returned to the bus, and the team must conduct a functional behavioral assessment and create a plan to help your child.²² These protections and the requirement to conduct a manifestation review apply to students with disabilities under Section 504, where a suspension from a bus constitutes exclusionary discipline.²³

OUR FAMILY IS EXPERIENCING HOMELESSNESS. WILL THE SCHOOL PROVIDE TRANSPORTATION TO WHERE WE ARE CURRENTLY LOCATED?

Under a federal law called the McKinney-Vento Act, a student experiencing homelessness has the right to continue attending their school of origin with transportation provided if needed.²⁴ In addition to providing transportation to the school of origin, LEAs must consider the student's needs and provide students in homeless situations with transportation services comparable to those provided to other students in the school.²⁵ Even if a student becomes permanently housed in the middle of the year, the school must continue to provide free transportation until the end of the school year.²⁶ If a student needs to be transported across district or state lines, and it is in their best interest to continue attending their school of origin, the LEAs from both jurisdictions must work together to transport the student.²⁷

If your child participates in after-school and extracurricular activities and you are unable to provide transportation, their school should provide transportation from their activities so they may fully participate in extracurricular activities.²⁸

Please reach out to your school's McKinney-Vento liaison, who can work with the transportation department at the student's school district to set up the transportation. If you experience issues regarding transportation or enrollment of your child who is experiencing homelessness, you may file a complaint with the Education for Children and Youth Experiencing Homelessness Section of the Pennsylvania Department of Education using a [dispute resolution letter](#). You can also review our fact sheet on the [Rights of Students Experiencing Homelessness](#) for more information.

MY CHILD WAS BULLIED OR HARMED BY ANOTHER STUDENT ON THE BUS. WHAT CAN I DO?

Schools must take steps to protect students who are being bullied or harassed in school and on the school bus. You should reach out to your child's school and request an investigation and a resolution to the bullying. For more information, see our quick reference fact sheet, [The Right to Be Free From Bullying and Harassment](#) (also available translated into several languages). You can also review ELC's comprehensive parent guide and toolkit – [What to Do When Your Child Is Bullied or Harassed?](#)

MY CHILD HAS EXPERIENCED ONE OR MORE OF THE FOLLOWING ISSUES WITH THE SCHOOL BUS: LATE ARRIVALS TO SCHOOL, UNSAFE DRIVER, OVERCROWDED BUS, DRIVER NOT SHOWING UP. WHAT CAN I DO?

Please contact your school district's transportation coordinator regarding these transportation concerns and document your concerns in an email. Your child has the right to receive full days of instruction and to be safe on the school bus. Each school district has its own process to address issues with the bus company.

HOW DO I RECEIVE REIMBURSEMENT FOR TRANSPORTING MY CHILD USING THE PHILADELPHIA FLAT RATE PROGRAM?

The School District of Philadelphia flat rate program provides monthly payments to enrolled and eligible parents who opt out of school-provided transportation and instead drive their child to school. Families seeking reimbursement for the parent flat rate program must be enrolled in the program by

a set enrollment deadline, and you must reenroll each school year. You will then need to submit a monthly payment form to receive reimbursement from the district. More information can be found on the [Philadelphia Parent Flat Rate Program web page](#).

IS THE SCHOOL DISTRICT RESPONSIBLE FOR TRANSPORTING MY CHILD IF THEY ARE ATTENDING A PARTIAL HOSPITALIZATION/DAY TREATMENT PROGRAM?

Pennsylvania law does not require school districts to provide transportation for public school students.²⁹ However, if your child is referred to a PHP or day treatment program within your school district or IU **and** your school district provides transportation for students generally, they should provide transportation to that program in accordance with the policies adopted by your school board. If your district does not generally provide transportation to school, then it is unlikely your student will receive transportation services. The district may set its own policies for eligibility and how transportation is to be provided.³⁰

School districts are, however, required to provide transportation for children with disabilities if their IEP requires it.³¹ Accordingly, a student with a disability who receives specialized transportation in their IEP should continue to receive these services if their placement is at a public partial hospitalization program or day treatment program. This transportation may be provided by the local IU to a partial program. Check your school district's transportation policies and talk with your school for more specific information and rules.

If your child is referred to (or you choose to place them in) a **private** PHP or day treatment, then they may not be able to get transportation there and back. If your school district provides general transportation for students, it is also required to provide transportation for "resident students attending nonpublic schools."³² Whether a private PHP or day treatment program qualifies as a nonpublic school depends on the extent of its education program. However, if your student is receiving ongoing educational services through their school district, you should ask the school to provide transportation as part of that plan.

IS MY SCHOOL DISTRICT RESPONSIBLE FOR TRANSPORTING MY CHILD IF THEY ARE ATTENDING AN AEDY PROGRAM?

If your student's school district provides transportation generally, they should also provide transportation to students attending an Alternative Education for Disruptive Youth (AEDY) placement implemented by a school district or intermediate unit. Students with disabilities must continue to receive transportation services required by their IEP when they are transported to and from AEDY programs.

The Education Law Center-PA (ELC) is a nonprofit, legal advocacy organization with offices in Philadelphia and Pittsburgh, dedicated to ensuring that all children in Pennsylvania have access to a quality public education. Through legal representation, impact litigation, community engagement, and policy advocacy, ELC advances the rights of underserved children, including children living in poverty, children of color, children in the foster care and juvenile justice systems, children with disabilities, English learners, LGBTQ students, and children experiencing homelessness.

ELC's publications provide a general statement of the law. However, each situation is different. If questions remain about how the law applies to a particular situation, contact ELC's Helpline for information and advice – visit www.elc-pa.org/contact or call 215-238-6970 (Eastern and Central PA) or 412-258-2120 (Western PA) – or contact another attorney of your choice.

¹ 24 P.S. §13-1361(1) (school districts may provide free transportation); Pupil Transportation Frequently Asked Questions, Penn. Dep’t of Educ., available at <https://www.education.pa.gov/Teachers%20-%20Administrators/Pupil%20Transportation/Pages/Pupil-Transportation-FAQs.aspx>.

² 24 P.S. §17-1726-A.

³ *Id.*

⁴ 34 CFR §300.34(a) and (c)(16).

⁵ See e.g., 22 Pa Code 711.42

⁶ 24 PS 25-2541 (explaining that the state will not reimburse school districts for pupil transportation within 1.5 miles for kindergarten and elementary school students or within 2 miles for secondary students).

⁷ 67 Pa. Code § 447.3.

⁸ *Id.*

⁹ 34 CFR §300.34(a) and (c)(16).

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ 24 P.S. § 5-510 (authorizing school boards to regulate the conduct of students during “the time necessarily spent in coming to and returning from school.”)

¹⁴ See *Rose v. Nashua Board of Educ.*, 506 F. Supp. 1366 (D.N.H. 1981), *aff’d*, 679 F.2d 279 (1st Cir. 1982)(concluding that while bus transportation is a right under New Hampshire law, short-term exclusion from a bus route did not give rise to procedural due process); *Mathews v. Eldridge*, 424 U.S. 319 (1976).

¹⁵ 24 P.S. § 5-510 (rules adopted by a school board must be reasonable); See, e.g., *Thunberg v. Strause*, 682 A.2d 295, 299 (Pa. 1996) (defining “arbitrary” and “capricious”); *First Phila. Charter Sch. for Literacy v. Dudely (In re C.D.)*, 2011 Phila. Ct. Com. Pl. LEXIS 136 (Phila. Cty. Ct. C.P. May 23, 2011) (finding the permanent expulsion of a kindergartener who touched teacher’s thighs to be arbitrary); *DeCaro v. Pocono Mountain Sch. Dist.*, No. 5561-cv-2010, 15 Pa. D & C.5th 388, 392 (Monroe Cty. Ct. C.P. June 18, 2010) (punishing vandalism of non-school property more harshly than vandalism of school property held to be arbitrary); *Bender v. Exeter Township Sch. Dist.*, 63 Pa. D. & C.4th 414, 425 (Berks Cty. Ct. C.P. July 18, 2003), *aff’d mem.*, 839 A.2d 486 (Pa. Commw. Ct. 2003) (holding that a transfer to an alternative school for minor misbehavior was arbitrary and capricious).

¹⁶ See, e.g., OCR’s investigation of a school district in California found a pattern of harsher and more frequent disciplinary actions across types of discipline, schools, and grade levels for Black students than their white peers, resulting in significantly greater lost learning time for Black students. See Catherine Lhamon, Assistant Sec’y for Civil Rights, Office for Civil Rights, U.S. Dep’t of Educ., Dear Colleague Letter: Resource on Confronting Racial Discrimination in Student Discipline (May 26, 2023). See also U.S. Dep’t of Educ., OCR, Letter to Elvin Momon, Superintendent, Victor Valley Union High School District (August 16, 2022), available at <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/09145003-a.pdf>; U.S. Dep’t of Educ., OCR, Resolution Agreement with Victor Valley Union High School District (August 15, 2022), available at <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/09145003-b.pdf>.

¹⁷ *Questions and Answers on Serving Children with Disabilities Eligible for Transportation*, Office of Special Educ. and Rehabilitative Serv., U.S. Dept. Of Educ. (Nov. 2009) (citing 34 CFR §300.530).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ 34 CFR §300.536(a)(2).

²¹ *Id.*; 34 CFR §300.536(a)(2).

²² 34 CFR §300.530(f).

²³ See U.S. Dept. of Education Office of Civil Rights, *Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline Under Section 504 of the Rehabilitation Act of 1973* (July 2023).

²⁴ “School of origin” means the school a child attended when permanently housed, or the school in which the child or youth was last enrolled, including a preschool 42 U.S.C. § 11432(g)(3)(I)(i). If a McKinney-Vento eligible child or youth continues to live in an area served by the local educational agency (LEA) in which the school of origin is located, the child’s transportation to and from the school of origin must be provided or arranged by the LEA in which the school of origin is located 42 U.S.C. § 11432(g)(1)(J)(iii)(I). If the child is living outside the LEA’s jurisdiction the two LEAs must agree upon a method to apportion the responsibility and costs or, if they are unable to agree, the responsibility and costs for transportation must be shared equally. 42 U.S.C. § 11432(g)(1)(J)(iii)(II).

²⁵ 42 U.S.C. § 11432(g)(4)(A).

²⁶ 42 U.S.C. § 11432(g)(1)(J)(iii).

²⁷ 42 U.S.C. § 11432(g)(5)(A)(ii).

²⁸ 42 U.S.C. § 11432(g)(1)(F)(iii); 722(g)(3)(C); *Education for Homeless Children and Youth Program Non-Regulatory Guidance*, U.S. Dept. Of Educ., pp.29-30 (March 2017) (advising that if transportation is a barrier to children accessing extracurricular activities, then the LEA would be required to provide transportation to these activities).

²⁹ 24 P.S. § 13-1361.

³⁰ 22 Pa. Code § 23.4.

³¹ 24 P.S. § 13-1374.

³² 24 P.S. § 13-1361; see also Pa. Sch. Bd. Ass'n, *Overview of School District Obligations to Transport Students Enrolled in Non-Public and Charter Schools* (Aug. 14, 2020), <https://www.psba.org/wp-content/uploads/2020/08/PSBA-Transportation-Overview.pdf>.