

Philadelphia Coalition of Special Education Advocates

Via Certified Mail/Return Receipt Requested

April 28, 2015

Patricia Hozella
Director, Bureau of Special Education
Pennsylvania Department of Education
Division of Compliance, Monitoring and Planning
333 Market Street, 7th Floor
Harrisburg, PA 17126-0333

**RE: Division of Compliance Complaint – Transportation for Students
with Disabilities in Philadelphia**

Dear Ms. Hozella:

We write as the Philadelphia Coalition of Special Education Advocates. We assist families of children with disabilities within Philadelphia. Over the past several years, we have received reports from the families we serve regarding difficulties with transportation to and from school for their children.

As you are well aware, transportation for a student with disabilities is a related service pursuant to 20 U.S.C. §1401(26), 34 CFR §300.34(16). Transportation includes 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), if required, to provide special transportation for a child with a disability.

This is a formal complaint pursuant to 34 C.F.R. §§300.151 – 300.153. Given the pervasive nature of these problems, as well as the urgent need

for children to have transportation to school, including ESY transportation, we request that you expedite the investigation of this complaint.

Nature of the Problem

Our coalition has been in place since October 2010. Since its inception, advocates have been concerned about transportation issues. We have communicated our concerns at various times and in a variety of forums directly to the District. In the past two years, we have seen an increase in the calls we have received from families about transportation barriers. The types of calls we have received have varied but the net result of all of them has been that children don't get to school on time and therefore cannot access the full benefit of their education program. In some cases, children do not get to school at all. IEPs are persistently and consistently developed either without transportation designated or with transportation indicated but not communicated to the transportation provider contracted by the District. As a matter of course, the District does not invite any representative of the transportation provider to IEP meetings, particularly in those cases where transportation needs are at issue.

Legal Violations

The District violated the Individuals with Disabilities Education Act (IDEA) by failing to ensure that children entitled to transportation as a related service receive transportation as agreed upon in their IEP.

As we shared with you at our meeting on February 20, 2015, our coalition members have received calls about transportation from concerned parents this school year. The problem is not limited to a particular geographic area of Philadelphia School District; rather, we get calls from parents in all parts of the District. In addition to the failure to provide appropriate transportation as a related service, this creates hardship on parents. Specifically, parents are often left scrambling to find transportation for their child, or are left wondering when agreed upon transportation will arrive to pick up or drop off their student. In at least one instance, a parent was forced to leave work early in order to pick up a student because the agreed upon transportation failed to arrive. Other concerns that have come to our attention include:

- Children transported by bus are not picked up from school or are not dropped off at home as per the agreed upon schedule.
- Children transported by cab consistently arrive at school late.
- Whether the transportation is by bus or by cab, the children's aids and drivers are not familiar with, trained in, or able to appreciate the type of disabilities the children have and the level of support they need.
- Transportation is not arranged timely, and at times, not at all, for children approved for ESY services.
- Parents cannot get through by phone to reach any individual about transportation problems. Currently, there is only one phone number designated and it goes to the transportation provider. There is no mechanism to communicate directly with the District about transportation.

Proposed Solution

On behalf of all of the children with disabilities in Philadelphia who need transportation services, we are requesting that the BSE investigate this complaint. Suggested remedies include:

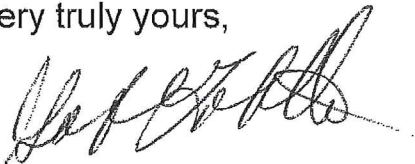
1. A special monitoring of the transportation services in Philadelphia.
2. A review of files by PDE to identify those children who should have received but did not receive transportation services throughout the past 12 months and individual remedies for same. This includes, but is not limited to, reimbursement of costs to parents who had to provide their own student transportation due to the District's failure to provide agreed upon transportation as a related service, and, as appropriate, compensatory education for students forced to miss school because no transportation was provided.
3. A requirement that the District inform parents that transportation is a related service and that parents are entitled to discuss it at an IEP meeting, and when transportation is agreed upon as a related service, it must be included in the IEP.
4. A requirement that the District make a member of the transportation provider available, either in person or by phone, at all IEP meetings where the transportation needs of the student are at issue.
5. Designation of a school district employee whom parents may contact to report transportation problems. Ensuring appropriate

transportation as a related service is the duty of the District, regardless of the contracted provider.

6. Implementation of a toll free number exclusively for parents of students with disabilities that directly reaches the transportation provider and is staffed by an individual who has been trained in the provision of transportation as a related service.
7. Training for transportation providers, drivers and bus aides to ensure that the needs of students who need transportation as a related service are met.

Thank you for your attention to this matter. We look forward to hearing from you. I can be reached at (215) 238-8070, x 218.

Very truly yours,



Gabe Labella
Staff Attorney
Disability Rights Network of Pennsylvania

Other Coalition Members

The ARC of Philadelphia
Pennsylvania's Education for All Coalition
Parents Involved Network – Mental Health Association of Southeastern Pennsylvania
Public Interest Law Center
Education Law Center
Philadelphia HUNE
Autism Sharing and Parenting
Philadelphia RTE LTF #26
Parent Power
PEAL Center