

Set clear route for transportation of students in residential placements

More and more students with disabilities need residential placements. Because many students must go outside of their districts to access these placements, districts have to reckon with their role in managing student and parent transportation.



"We want to make sure we're going through our typical analysis of whether or not we should be providing transportation and what that would entail," said Jennifer Baldassari, an attorney at Lozano Smith in Walnut Creek, Calif. "The population of students who attend residential treatment centers generally has significant mental health or behavioral needs, which require a lot of support. What does that transportation really look like? We have to be super clear about that so there's no misinterpretation."

No guidance on the appropriate number of trips home from a residential facility is available in the IDEA. Districts generally have been expected to provide reasonable transportation expenses associated with the students' travel between these facilities and their homes. Students placed in residential facilities for educational purposes should at least be provided with transportation as a related service to and from school at the beginning and end of the term. Additionally, districts should provide transportation for scheduled school holidays and recesses. See *Hinsdale Twp. High Sch. Dist. 86*, [35 IDELR 75](#) (SEA IL 2001).

It's important for districts to clarify their responsibilities when it comes to transporting students with disabilities to and from residential facilities to ensure students receive FAPE. They must also be clear on when they should aid parents with transportation to bolster student progress. Districts may want to review the following questions and answers to better understand their obligations regarding residential placements and transportation.



Q: *Must districts always consider providing transportation to students with disabilities going to and from residential placements?*

A: Yes. Remember that transportation is a related service that districts are required to consider if the student needs it for FAPE, Baldassari said. See [34 CFR 300.34](#) (a). "If we're talking about a residential treatment center that's pretty far from a student's home, generally speaking, there are many cases out there that suggest transportation would be likely."

Even if a student's placement is closer to home, districts should discuss and clearly document what level of transportation is necessary, Baldassari said. Transportation may include regular trips home for weekends, holidays, or IEP-mandated visits.

Q: *Do districts have to pay for parents' travel to and from their child's residential placement?*

A: Sometimes. Given the around-the-clock nature of residential settings, think about whether to include additional family visits or additional trips home for a student, Baldassari said. You may want to reimburse parents for quarterly visits. Depending on where the placement is, you may reimburse reasonably priced flights, a rental car, meals, and hotel, she said.

In *Aaron M. v. Yomtoob*, [38 IDELR 122](#) (N.D. Ill. 2003), a judge noted that parents generally are entitled to reimbursement for travel expenses only when the IEP specifies it or when the student requires the visit to achieve his IEP goals or receive FAPE. The father in this case had a meeting with his child's therapist, so his transportation was reimbursable.

Several visits may be appropriate if an IEP requires in-person therapy sessions with parents, Baldassari said. But consider ways to make one trip accomplish many goals. "Perhaps one trip could accomplish the dual purposes of attending a school conference and engaging in family counseling," she said.

Q: *How can districts avoid disputes with families about transportation to and from residential placements?*

A: Districts should develop transportation policies to ensure decisions are consistent across students, Baldassari said. For instance, a working-class family may not secure

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as many visits as an affluent family who can afford an attorney to advocate for more. "We want to eliminate those disparities as much as possible," she said.

Policies should include what is reimbursable, Baldassari added. "Districts generally tend toward one roundtrip drive per day," she said. "Whether or not that's reasonable is a question for the IEP team. You'll want to look at what's necessary and dive into what you mean by transportation. Is it only when the student is in the car? When the parents visit the student? If the student is visiting the parents, do you need to pay for an aide to be with the student on the flight or drive?"

Recognize that having specific policies may also save your district money, Baldassari said. Clear policies can limit financial responsibility because they provide a clear roadmap around what may be educationally related and reasonable.

February 20, 2025

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