

## Special Education: Action steps when districts offer busing instead of on-site services at charter schools

Parents should meet and agree to \*not\* sign IEPs that allow students to be bused to alternate locations for services. This freezes the IEP to the previous year's plan for each student, and if that IEP did not allow busing, the district must provide services at the charter school for those children. Schools cannot remove students from school or lessen instructional hours without parental consent.

Inform the district that parents will insist on a due process hearing. Once they know many families are resolute in their decision, they will reverse the bussing plan.

[https://www.education.nh.gov/legislation/special\\_ed\\_due\\_process.htm](https://www.education.nh.gov/legislation/special_ed_due_process.htm)

Also note that if this is a changed general policy by the SAU, that means they did not give written notice prior and it was not decided by the IEP team individually, which is against IEP protocols.

### References

NH Special Education Procedural Safeguards Handbook

[https://www.education.nh.gov/instruction/special\\_ed/documents/procedural\\_safeguards\\_handbook.pdf](https://www.education.nh.gov/instruction/special_ed/documents/procedural_safeguards_handbook.pdf)

### Notes from another parent group that successfully fought busing alternatives for special ed services:

The parents who met this week brainstormed some ideas for how to approach the issue regarding the transportation of students to another location to receive their special education services next year.

### **Combine your emotional response to the proposed change with the rational basis for your concern(s).**

1. The decision for how services are provided is an IEP team decision. It is not permissible to impose a one-size-fits-all policy – this violates IDEA as it pertains to the role of the IEP team.
2. The transportation of students from the regular education setting to another setting for service delivery violates IDEA as it pertains the requirement for the **Least Restrictive Environment (LRE)** and the provision of a **Free and Appropriate Public Education (FAPE)**.
3. Singling out students with disabilities in one school is discriminatory under Section 504, which protects against discrimination on the basis of disability.

**Invite others to the IEP meeting who can provide support**

1. Staff from the charter school
2. Outside providers who know your child
3. An advocate

**Provide documentation from outside providers who know your child that addresses their opinion on the appropriate, least restrictive environment for the delivery of services for your child**

**Have a common list of questions that all parents ask the District during upcoming IEP meetings, and take notes on the responses**

Why was this service change made?

Who was involved in the decision to make this service change?

When was this decision made?

How does this service change impact the services in my child's IEP:

Paraprofessional Support

1. How will this work?
2. Bus monitors?

Academic Support

1. Will this change GROUP SIZE, for example
2. Will groups consist of students who are not my child's peers (not charter school students)

Behavioral Support

1. In-classroom support - how?

Related Services (PT, OT, Speech, Psych)

1. Will this change GROUP SIZE, for example
2. Will groups consist of students who are not my child's peers (not charter school students)

What changes are being proposed to my child's IEP to implement this?

How much time will my child spend in transition (including transportation)?

What is the specific location my child will be transported to for services?

Note that the letter received does not indicate the LOCATION of the services, other than to reference other district schools in a general way. Ask for WHICH school.

Where in the school will my child receive services?

When and how were parents notified of this change – what was considered written prior notice (WPN)?

1. If your letter was sent (postmarked) less than 14 days before your IEP meeting, you did not receive WPN that meets the 14 day timeline requirement.
2. Question if the letter provides sufficient detail to be considered WPN.

**Reject the proposed IEP services that require your child to be transported from their regular education setting to another setting for service delivery**

**Share information with other parents**

**Wait and see if the District takes action on the rejected proposed IEP**

**Schedule another time to meet as a group at the end of the school year**

Letters have gone out from the District re: delivery of services. Parents can share the letter with anyone they wish. If you haven't already thrown it away, keep the envelope it came in, as that shows the date it was mailed.

***Something else to consider - If your IEP meeting is scheduled for less than 14 days after the letter was mailed (hence keeping the envelope), you may also want to raise the point at the IEP meeting that you did not receive Written Prior Notice of the proposed change (the law requires WPN to be sent at least 14 days in advance). Also question if the letter sent is sufficient as WPN, as it does not contain sufficient detail about the proposed plan.***

Additional recommendations from special education and/or educational professionals regarding this, and the resounding responses have been:

- Focus on the Least Restrictive Environment requirement and provide evidence during the IEP meeting that transporting your child in this manner is NOT the Least Restrictive Environment and is not providing FAPE.
- The fact that a blanket policy, implemented without the IEP team considering the LRE needs for each individual child, is not legal under IDEA.
- Reject the IEP proposals and pursue resolution through the appropriate complaint or due process procedures. There have been no 'test cases' in New Hampshire on this issue, and no challenges in this area.