

**TRANSPORTATION
FOR STUDENTS
WITH
DISABILITIES
AND SPECIAL
HEALTH CARE
NEEDS**

WRITING COMMITTEE EDITS IN RED INK BY SECTION LOCATION:

LAWS AFFECTING TRANSPORTATION FOR STUDENTS WITH DISABILITIES

TRANSPORTATION FOR STUDENTS WITH DISABILITIES AND SPECIAL HEALTH CARE NEEDS

The purpose of this section is to recommend standard policies, procedures and guidelines for persons entrusted with the responsibility of managing transportation for students with disabilities. The term *special education* means, “specially designed instruction to meet the unique needs of a child with a disability.” When transportation is required to provide access to such instruction, it is considered a “related service.”

As part of the mandate of a Free Appropriate Public Education (FAPE), related services are required when determined necessary to assist a child with a disability to benefit from special education. *Transportation* as defined in *The Individuals with Disabilities Education Improvement Act (IDEIA)* includes:

- A. Travel to and from school and between schools;
- B. Travel in and around school buildings; and
- C. Specialized equipment (such as special or adaptive buses, lifts, and ramps), if required to provide special education for a child with a disability.

Though general in nature, the recommended guidelines, policies and procedures do contain adequate information as of the date of adoption of these guidelines to guide those persons responsible for student transportation in developing an action plan for the safe and appropriate delivery of transportation services for students with disabilities.

This section reviews the current laws and regulations governing special transportation related to the individualized education program (IEP) process, recommended staff training and policy development.

The transportation administrator and pertinent staff shall become familiar with the laws, guidelines, policies and procedures listed below.

LAWS AFFECTING TRANSPORTATION FOR STUDENTS WITH DISABILITIES

- A. Laws
 - 1. It is possible for a school district to be required to provide specialized transportation services to a student with disabilities who is not in special education. Section 504 of P.L. 93-112, of the Rehabilitation Act of 1973, states in part, “No otherwise qualified disabled individual in the United States shall, solely by reason of his handicap, be excluded from participating in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” In general terms, Section 504 of P.L. 93-112 (1), part of the Rehabilitation Act of 1973, “...requires that all students with disabilities (regardless of age) are eligible for a free appropriate

public education [FAPE].” It also requires that the facility, services and activities provided to the disabled to be comparable to those provided to the non-disabled, and that students with disabilities must have an equal opportunity for participation in any nonacademic and extracurricular services and activities provided by a school district.

2. Congress passed P.L. 94-142, in 1975, and regulations were promulgated by implementation of Part B of the Education for All Handicapped Children Act, effective October 1, 1977. A free appropriate public education (FAPE) is required for all students between the ages of 3 and 21 years who are deemed *disabled* and who need special education.
3. 2004, the reauthorization of the Education for All Handicapped Children Act of 1975 changed the name to Individuals with Disabilities Education Improvement Act (IDEIA). Subsequent reauthorizations made significant additional changes. These guidelines reflect the 2004 reauthorization of the law and the 2006 regulations implementing that law.

Note: *IDEA requires the public agency “...to provide non-academic and extracurricular services and activities in such manner necessary as to afford children with disabilities an equal opportunity for participation in those services” (Section 300.107). One of the ways to access those nonacademic services is transportation. This law continues the emphasis on the transportation of children with disabilities in the same ways children without disabilities are transported. Section 300.17 provides that a child with a disability must be allowed to participate in non-academic activities as much as possible with children without disabilities. Thus, the beginning point for consideration of the appropriate way in which to transport a child with disabilities is the “regular” (i.e., non-special needs) school bus. This “regular” environment must occur unless a child cannot travel safely in the regular bus, even with the use of specialized equipment or other supplementary aids and services.*

B. Characteristics/Conditions:

To be *disabled* under IDEA, a student must have certain characteristics or conditions that adversely affect educational performance, and, therefore, that require special education and related services. The disabilities are defined in the IDEA under Part B: Regulations. They appear in 34 Code of Federal Regulations (CFR), Part 300 Child with a Disability. The *terms* will be listed in this section as they appear in the CFR. The *definitions* can be found in APPENDIX E.

Disabilities are classified as follows:

1. Autism;
2. Deaf-Blindness;
3. Deafness;
4. Emotional Disturbance;
5. Hearing Impairment;
6. **Intellectual Disability;**
7. Multiple Disabilities;
8. Orthopedic Impairment;
9. Other Health Impairment;
10. Specific Learning Disability;
11. Speech or Language **Impairment;**
12. Traumatic Brain Injury; and
13. Visual Impairment, including Blindness.

INDIVIDUALIZED EDUCATION PROGRAM (IEP)—INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP) PROCESS

The 2006 IDEA Regulations echo the statutory purpose stated in the 2004 Reauthorization of the IDEA statute: "... to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living; to ensure that the rights of children with disabilities and their parents are protected...and to assess and ensure the effectiveness of efforts to educate children with disabilities."

The IEP team is the formal group that designs a student's educational program, establishes measurable academic and functional goals and determines the related services that are necessary for a student to access special education. When transportation is considered as a related service, appropriate transportation staff, as related service providers, must be included in the IEP process to address safety and feasibility of various transportation options.

The safe transportation of a child with special needs requires a plan that considers and adapts the transportation services to the individual needs of the student. This plan is called an "Individual

Transportation Plan” (ITP) and functions as a sub-part of the IEP when transportation is a related service. The ITP addresses (but is not limited to) the following considerations and decisions:

A. Legal Considerations

The intent of the law is that the IEP team considers a number of stated issues related to the student’s educational program. “A continuum of alternative placements [must be] available to meet the needs of children with disabilities for special education and related services.” When transportation is considered as a related service, consideration needs to be given to the range of transportation services, including the use of supplementary aids and modifications available to students with disabilities to address questions about the appropriate mode of transportation for the student. The requirement that students with disabilities be transported “to the maximum extent appropriate” with students without disabilities (the “least restrictive environment,” or LRE) includes the focus on provision for safe transportation for each student.

B. The Individualized Education Program (IEP)

The IEP is a written statement of services a student is to receive. With respect to transportation, this information should contain necessary specificity so that transportation professionals, school personnel, parent and student know what services to expect.

Generally, modification of the IEP requires an IEP meeting. When change in transportation provisions is deemed necessary, transportation services personnel should contact the student’s case manager or other appropriate staff member. Such contact should also occur when transportation services personnel find they need more information or assistance from team members or if they find the program to be in any way unsafe or not meeting the student’s needs.

GUIDELINES

The following guidelines are intended to assist in establishing a training program for administrative and school-based personnel enabling them to respond to the concerns presented by students with disabilities, as required by IDEA. The goal of such a training program is to teach the skills needed to respond to routine and emergency circumstances concerning transportation.

A. School/Education Administration

School administrators and education staff who help make program decisions for students with disabilities, including the requirement for transportation as a related service, are frequently unfamiliar with transportation capabilities and limits.

Those persons should have training in areas that include, but are not limited to, the following:

1. Situations under which transportation staff would be consulted, or included in the IEP Team process;
2. State and local transportation policies and procedures, including communications, reporting procedures, establishment of walk distances and pick-up and drop-off locations;
3. Transportation regulations and guidelines that could assist in determining if transportation would be appropriate as a related service;
4. Alternative transportation options;
5. Current legislative, legal and administrative decisions;
6. The application of least restrictive environment regulations to transportation placements;
7. The extent of training and skill levels available within the transportation staff and any additional training necessary to meet standards for qualified staff, as defined by local, state and federal standards;
8. The types of vehicles available for transporting students with disabilities;
9. The types of equipment and occupant securement systems available; and
10. Do Not Resuscitate (DNR) policies for local school districts, as well as current legislative and administrative decisions concerning this topic.

B. Transportation Administration

With increased responsibility being imposed on transportation providers through actions taken by legislative, legal and administrative authorities, persons in leadership roles must involve themselves to a greater degree.

The duties and responsibilities of transportation leadership likely will differ between various transportation providers; however, listed below are some areas of knowledge that are necessary to satisfactorily perform the leadership responsibilities.

1. Federal, state and local laws and regulations regarding the equipment required on vehicles used for transporting students with disabilities;
2. Federal, state and local laws and regulations regarding necessary personnel and training;
3. Operational regulations, such as student pick-up/drop-off, including service criteria requiring neighborhood bus stop, curb-to-school or door-to-school;

4. Special education transportation regulations and guidelines, such as student riding time and suspension period limitations;
5. Due-process rights and procedures for a student with disabilities;
6. Student referral, evaluation and IEP process;
7. A general knowledge of available resource persons and the location and availability of appropriate training;
8. Vehicle staffing requirements, including when an attendant might be needed, how and when substitutes will be assigned and how appropriate information and training will be shared with substitutes;
9. The availability of emergency medical services in the community and the identity of those who could assist if such an emergency were to occur during transportation;
10. State and local laws relating to child abuse and harassment/bullying reporting procedures;
11. State or local laws relating to limits of liability and policies and procedures for risk management;
12. Federal and state rules of confidentiality; and
13. Legislative and administrative decisions and procedures concerning DNR.

C. Drivers and Attendants

As direct service providers to students with disabilities, drivers and attendants have a hands-on responsibility to provide safe and appropriate transportation to students with disabilities, including operation of special equipment, management of student behavior and basic first aid, as necessary. Additionally, they must be knowledgeable in passenger-positioning, securing adaptive and assistive devices and child safety restraint systems (CSRSs) and must be familiar with the nature, needs and characteristics of the types of students they transport.

D. Training components

To perform the responsibilities assigned in a safe and effective manner requires a substantial degree of specific training. Some training components that transportation staff must have are the following:

1. Introduction to special education, including characteristics of disabling conditions, the student referral, assessment, IEP process and confidentiality of student information;
2. Legal issues, including federal and state laws, administrative rules and local policy;
3. Operational policies and procedures, including:
 - a. Pre-trip and post-trip inspection procedures for all assistive equipment and devices, CSRSs, securement systems and safety equipment;
 - b. Loading/unloading;

Note: *During loading and unloading, the driver should remain in the driver's seat to observe traffic flow and the overall safety of the school bus relative to highway and surrounding activity unless it is necessary for the driver to leave this position to assist with the loading or unloading of students. The driver must secure the bus before leaving the driver's seat. [See item (III) below.]*

- c. Securing the bus:
 - I Engage the emergency brake;
 - II Place the vehicle transmission in "neutral" or "park"; and
 - III Activate the side stop arm and traffic control lights when allowable by state law;
- d. Pick-up/drop-off location;
- e. Evacuation procedures, including the use of emergency equipment, such as webbing cutter(s), fire blanket(s), evacuation aids, etc.;
- f. Lifting/positioning procedures/body mechanics;
- g. Student accountability and observation, including recognizing signs of neglect or abuse;
- h. Post-trip vehicle interior inspections for students or articles left in the bus prior to parking;
- i. Reporting and record-keeping;

- j. Lines of responsibility relative to individuals' roles as educational team members;
- k. Lines of communication, including parents and educational staff;
- l. Route hazard analysis and route management, including medical emergencies, no adult at home, inclement weather, field trips, etc.;
- m. Behavior management:
 - I Techniques for behavior modification and the development of appropriate behavior;
 - II Procedures and techniques for dealing with inappropriate or unacceptable student behavior that creates emergency conditions or poses a risk to health and safety, including possession and transportation of weapons, drugs, etc., and awareness of gang activities, harassment/bullying and/or other inappropriate behaviors;
 - III Procedures for documenting and reporting inappropriate or unacceptable student behavior; and
 - IV Intervention strategies and techniques and emergency response procedures for use with individual students as outlined in their respective IEP and ITP;
- n. Bloodborne pathogens and universal precaution procedures, including use of personal protective equipment;
- o. Policies and procedures that ensure confidentiality of personal identifying information; and
- p. Basic First Aid, CPR and proper medical support equipment usage as students' conditions require.

E. Special Equipment Securement, Use and Operation

A variety of equipment is required on vehicles used to transport students with special needs. It is necessary for transportation staff to be familiar with the design and operating procedures for this special equipment, as well as to know how to conduct equipment inspection and (depending on local policy) to make simple "field adjustments" to correct minor equipment breakdowns or malfunctions. It is the driver's responsibility to ensure that all assistive and safety-related equipment on the bus is inspected prior to and following each trip as part of an overall vehicle pre-trip

and post-trip inspection protocol. Defects or missing equipment must be documented and reported immediately to the transportation or maintenance office in writing or electronically in a standard inspection format. All safety- and operations-related defects must be repaired and missing equipment replaced prior to operating the school bus to transport students. Depending on local policy and training, an attendant may assist the driver with the actual inspection process.

Equipment and procedures include, but are not limited to, the following examples:

1. Power lifts, including procedures for manual operation;
 - a. During lift operations (including manual) no one shall be allowed to stand on the lift platform.

Note: *Children using mobility aids/devices other than a wheelchair or equivalent (resulting in other than a seated position) who need to use the lift, should use a wheelchair or other wheel-based mobility device for boarding or exiting the bus, and then should be transferred to a bus seat for the ride. If the wheelchair is to be transported, it must be secured properly.*

- b. Wheelchairs or other wheel-based mobility devices should not be placed on the lift unless they are equipped with a functional wheel-locking system. Powered/motorized wheelchairs must have the power switched to “off” and the motor locks engaged before the lift is activated to raise or lower the chair.

Note: *Always adhere to state-specific requirements.*

- c. Mobility device placement on the lift platform is outward, facing away from the side of the bus, with wheels locked and/or motor locks activated. Platform safety straps, if provided, must be properly secured before the lift platform is raised or lowered. Mobility device occupant positioning belts/harness must be properly worn by the occupant. The lift is operated by a trained adult standing outside the bus at ground level, adjacent to the lift platform while maintaining a continual hold on the wheelchair. A second adult should be positioned inside the bus to either unload or load the wheelchair (and occupant) from or onto the lift platform at the passenger compartment level. Subject to local policy and resolution of potential liability issues, parents, guardians or other persons authorized and trained by the local school administration may assist with the loading or unloading of students.

2. Emergency escape exits, including doors, windows and roof hatches;

Note: *The width of aisles and emergency exits may limit the evacuation and emergency response procedures possible in any given scenario. The evacuation planning process and training provided must include strategies to offset these limiting factors.*

3. Special fire suppression systems, including emergency fire blanket and evacuation aid;
4. Power cut-off switches;
5. Emergency communications systems;
6. Climate-control;
7. Adaptive and assistive devices used to support and secure students, including mobile seating devices, child safety restraint systems (CSRSs), safety vests, wheelchair tiedown/occupant restraint systems (WTORS), assistive technology devices, trays and securement hardware, including their storage and securement when not in use;
8. Two-way electronic voice communication THAT CAN BE USED AT ANY POINT IN THE VEHICLE'S ROUTE should be provided in all school buses equipped, as well as used, to transport passengers with disabilities and special health care needs;
9. Service animals that can be transported to assist the student with disabilities;

Note: *District policies and procedures, as well as training, should be established prior to transport.*

10. All portable equipment and special accessory items, including the equipment listed in the SPECIALLY EQUIPPED BUS SPECIFICATIONS Section shall be secured at the mounting location to withstand a pulling force of five times the weight of the item or shall be retained in an enclosed, latched compartment. The compartment shall be capable of withstanding forces applied to its interior equal to five times the weight of its contents without failure of the box's integrity and securement to the bus.

Note: *If these specifications provide specific requirements for securement of a particular type of equipment (e.g., wheelchairs), the specific specification shall prevail.*

11. All lap boards or trays and ambulation equipment that attach to wheelchairs shall be removed and secured during the time the child is transported in the school bus. The IEP team should address case-by-case where this is not advisable.

F. Selecting Securement Points on Wheelchairs

Decision-making should be a TEAM effort, not an individual's responsibility. Information on wheelchairs, to include WC19-compliant chairs, shall be made available to transportation personnel. Always consult school staff or a qualified professional.

1. Wheelchairs should be transported in a forward-facing orientation.
2. Securement systems for wheelchairs should be used in accordance with the manufacturer's specifications and recommendations and should include an occupant restraint of a minimum of a lap/shoulder belt and a 4- point wheelchair tie down (Refer to the SPECIALLY EQUIPPED SCHOOL BUS SPECIFICATIONS section.)
3. Wheelchairs designed for transportation safety have securement points called "transit options," which will be labeled appropriately. The manufacturer's designated securement point shall be used. (Refer to APPENDIX E for guidelines on WC19 from the Ride Safe information provided by ANSI/RESNA, University of Michigan transportation Research Institute [UMTRI].)
4. On wheelchairs without the transit options, points are frequently located just below the wheelchair's seat on non-detachable structural frame members. In addition, the following beneficial criteria should be taken into account:
 - a. Welded sites are preferred; but
 - b. Frame members held together with hardened bolts are acceptable.
5. Rear tie down straps should be anchored directly behind the securement points on the wheelchair, with the front straps angled slightly outward to increase stability.
6. The lap portion of the occupant restraint system should be threaded through the space between the armrest and the seating frame to achieve proper placement low over the hip bones of the occupant. The lap belt should never be placed over the armrest or with the belt assembly twisted. When optimally placed, the belt's webbing's bottom edge should be touching the occupant's thighs. When looking at the lap belt's path to the floor from the

side of the chair, the belt should be angled between 45 and 75 degrees to the horizontal. When using an integrated system (in which the occupant restraint is attached to the rear tiedowns of the wheelchair securement system), the rear wheelchair securement site must be selected with this in mind. Whether using an integrated or a parallel system (in which occupant restraint belts are separate of tiedown belts), at no time should the occupant ever carry the load of the wheelchair or its tiedown system. The occupant must be secured separate of the wheelchair and its tiedowns.

7. Proper positioning for the shoulder restraint is over the shoulder and across the upper chest or torso of the occupant when connecting it to the lap belt. The shoulder belt shall not be placed across the neck of the occupant. A height adjuster may be required to achieve appropriate belt position for the torso portion of the occupant restraint.
8. On a tilt-in-space wheelchair, the four sites must be either on the base of the wheelchair or on the seat/frame portion of the chair. For example, it is not effective to have the front hooks on the base of the chair and the rear hooks on the seat/frame portion of the chair since that combination would create a “teeter-totter” effect. (This warning does not apply to wheelchairs that meet WC19 specifications.)

Note: *With advances in wheelchair manufacturing design and specifications, verify manufacturer’s instructions and/or recommendations for maximum attachment strength.*

9. Wheelchair securements must **not** be attached to the crossbar, since this may cause the wheelchair to collapse.
10. Homemade brackets are never acceptable. Securement and restraint systems installed to secure wheelchair/mobility aids and to restrain the occupants should be used all together and in accordance with the manufacturer’s recommendations.
11. Immediately after their use, all securement hardware not permanently affixed to vehicle floors and sidewalls (tracks, plates) should be detached and stored in a bag, box or other compartment.
12. Wheelchair tracks or plates should be swept, vacuumed or otherwise cleaned as needed to keep the equipment functional.

G. Medical/Health Issues:

Legal mandates make it necessary to transport most students who have severe medical/health conditions, and transportation staff may find it necessary to obtain or provide emergency health care to students during the transportation process. Staff may be exposed to contagious and/or communicable diseases; therefore, training regarding medical health issues, including universal precautions, intervention and management, should be given to all personnel.

1. Precautionary handling

All transportation staff, including drivers, attendants, technicians and service personnel (e.g., washing and cleaning staff) should be trained in universal precautions relative to the handling of and exposure to contagious and communicable disease, and they should be informed about available immunizations.

Suggested topics for training with respect to the precautionary approach to medical and health issues may include, but also not limited to, the following topics:

- a. Characteristics of contagious and communicable diseases;
- b. Disease management techniques; and
- c. Use of protective equipment and devices.

2. Care, intervention and management

Medically complex, technology-dependent and/or highly disruptive students require specific care and intervention. Knowledge of basic first aid and cardiopulmonary resuscitation (CPR) procedures provides adequate training to care for most health concerns during transportation. For those students who need additional care, management or intervention, or who present specific health risks, a health care plan shall be developed during the assessment/evaluation process by the IEP Team. This plan details the care and training needed, as well as the qualifications necessary for those who will carry out the plan, and specifies and provides the transportation department with the following information:

- a. A brief description of the student's current medical, health or behavioral status, as well as an emergency card including the student's photo (when available) with current information that shall include address, emergency phone numbers, etc.;

- b. A description of the medical/health care or intervention necessary during transportation, including the frequency required;
- c. A description of who should provide the care or intervention;
- d. Types and extent of additional training or skills necessary for the driver and/or attendant;

Note: *Training may include the inspection, operation and use and care of the student's special adaptive/assistive equipment, including items such as oxygen containment systems, suctioning equipment, apnea monitors, ventilation equipment, etc.*

- e. A description of emergency procedures to be implemented during a medical/health crisis, including specific observable signs/symptoms that prompt action, and appropriate communication with medical staff;
- f. A description of the procedures to be followed in changing the care plan when conditions indicate a change is warranted;
- g. A written emergency evacuation plan that gives detailed, student-specific procedures; and
- h. A description of the precautionary measures, if any, that need to be taken in regard to severe allergies, oxygen dependency, etc.

Note: *Although it is recommended that drivers and/or attendants provide only routine/customary, non-medical assistance as needed, there are some necessary tasks which non-medical personnel can be trained to handle. However, those issues that require either ongoing care or diagnosis should be handled only by a trained medical professional. Specialized training, when necessary, should be provided.*

CONFIDENTIALITY

Information provided to transportation staff to assist in the orderly and safe transportation of a student, including disabling condition, medical/health issues, or other personal characteristics or information, is protected by the provisions of the Family Educational Rights and Privacy Act (FERPA) and the IDEA; therefore, transportation staff shall be trained regarding confidentiality requirements.

DEVELOPMENT

In education, there are many laws, rules and regulations that dictate the service that *must* be provided, but few of them offer directions or suggestions as to *how* the service is to be provided. Transportation policies and procedures should be developed, adopted by the governing board or superintendent, as appropriate, and periodically updated to reflect changes in federal, state and local regulations. Despite such policies and procedures, an individual student's IEP or Section 504 plan or a Behavioral Intervention Plan (BIP) may override specific provisions.

- A. Local policies and procedures should address the following issues:
 1. Transporting medications;
 2. Student management and discipline;
 3. Physical intervention and management;
 4. Securing the vehicle, loading and unloading;
 5. Safety vests and other positioning devices;
 6. A plan for students with disabilities during early closing of school due to inclement weather or other emergencies;
 7. Authority to operate special equipment (driver, attendant, parent, students, school staff or others);
 8. A plan to address occasions when no adult is home to receive a student who requires assistance and/or supervision, which plan may include an alternative, supervised drop-off location;
 9. A plan to remove from service those pieces of specially designed equipment that are damaged or that present a safety hazard;
 10. A plan to address insufficient information in the student referral process;
 11. Student pick-up and drop-off locations;
 12. Control and management of confidential information;
 13. A plan for community emergency medical and law enforcement personnel involvement; and
 14. District policy for Do Not Resuscitate (DNR) requests from parents, to include all appropriate school and transportation personnel.

Note: Classroom and school bus policies may differ; however, drivers and attendants should adhere to transportation policies.

B. Policy Approval

All policies shall be in writing, and formally approved by the appropriate education authority. Procedures shall include establishing time lines for periodic reviews or revisions.

EMERGENCY EVACUATION OF STUDENTS WITH DISABILITIES

Each bus route should have a written emergency evacuation plan. This plan should reflect each student's ability to evacuate or help others. Students with disabilities should participate in required evacuation drills and should only be excluded if their participation would present a health risk. Parents should be notified in advance of such barriers to their child's participation. Every effort should be made to ensure that ALL students have a reasonable understanding of the concept of an emergency and how they will exit the bus.

The driver and the attendant must be familiar with any equipment in the bus that would aid in an actual evacuation, (e.g., the use of all emergency exits, emergency/fire blankets, webbing cutters, etc.). It is important to enlist the help of school liaisons, parents and other personnel (e.g., physical therapists) to train and help students and staff understand emergency procedures including how to exit the bus without use of their mobility devices and equipment (wheelchair, etc.). Local emergency personnel should be involved in developing the plans, especially if the students transported have complex medical conditions.

EXTENDED SCHOOL YEAR

Transportation as a related service may be required under Extended School Year provisions of IDEA:

A. Extended School Year (§300.106) IDEA Definition:

1. The term *extended school year services* means "special education and related services that are provided to a child with a disability...
 - a. Beyond the normal school year of the public agency;
 - b. In accordance with the child's IEP; and
 - c. At no cost to the parents of the child and that meet the standards of the State Education Agency (SEA)."
2. Each public agency shall ensure that extended school year services are available, as necessary to provide Free Appropriate Public Education (FAPE).

B. OH Subpart C - 6

1. Extended school year services must be provided only if a child's IEP team determines on an individual basis and in accordance with the IEP provisions that the services are necessary for the provision of FAPE to the child.
2. In implementing these requirements, a public agency may not...
 - a. Limit extended school year services to particular categories of disabilities; or
 - b. Unilaterally limit the type, amount or duration of those services.