



The Law Looks at Training

Peggy Burns, Esq.
Education Compliance Group, Inc.
303-604-6141

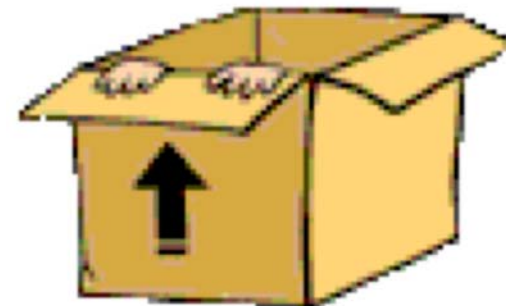
www.educationcompliancegroup.com

ecginc@qwestoffice.net

Copyright © 2010, Education Compliance Group, Inc. All rights reserved.

Basic Training

- Policies and procedures of the district
 - Determine key policies (harassment, search & seizure, no contact, discipline etc.)
- Operational rules of the department
 - Authorized stops and routes
 - Student Management and Discipline
 - Reporting issues
 - Who gets trained?





Key Training Issues for Special Needs Transportation

- Steps necessary for IEP team members once it's decided that transportation is a related service
 - Decision-making: equipment, assistance, personnel, precautions
 - Documentation
- Bus assignment; reflection of length of ride limitation
- Pick-up & drop-off
- Information sharing



Key Training Issues for Special Needs Transportation, *contd.*

- Required *prior* in-service training
 - Acquaint transportation providers w/ needs of riders
 - Inform as to ways to meet needs
- Drivers & Monitors:
 - Following specific rules
 - Implementing IEP's and BIP's
 - Equipment issues
 - Loading/unloading
 - Sexual Harassment



Special issues

- Dangers created by communication limitations
- Dangers created by time pressure
- Dangers created by volatile behavior
- Have you aligned training with particular issues presented by particular students?



Foreseeability

- What does the district know? What are the clues? What are their implications?
- Who needs to know?
- Can you cultivate a voice in your head – and help drivers and attendants develop that attribute – that warns of injury if steps aren't taken?



Recent legal challenges

- Unilateral decision-making and other procedural problems
- Sexual harassment between students with disabilities
- Choice and use of equipment and/or vehicle
- Action or inaction by staff
- Following the rules

Key principles



- Decision-making, prior notice
- Special vulnerability of students: hiring, training, intervening, reporting issues
- Choosing, using, & maintaining equipment
- Doing nothing is never the right thing
- Rules v. discretion



Case study: Implications of the *Enright* case

- What training do drivers – and sub drivers – receive?
- What information does Transportation get?
- What specific directives do drivers get –
 - About student management techniques?
 - About reporting of disciplinary problems?
- What information do parents receive?
- What are the unintended consequences of route assignment, budget cuts?



The Role of Training in Customer Service

- What is communicated to a parent before you know about the concern?
- Train in problem-solving techniques and maintaining and fostering a collaborative mindset.
- Team players all have a chance to participate; what will they say?
- Parental agreement is a winner!



Training may not be working when. . .

- It doesn't recognize who needs to know what information
- It becomes routine, uninspired, out of date
- It allows too much reliance on driver discretion and judgment
- It doesn't adjust for lax enforcement of safety rules
- It just does the minimum although more is indicated by events