

Transport for students with special needs

Policy

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1.1	August 2019	Department of Infrastructure, Planning and Logistics	<ul style="list-style-type: none"> Merge into new template. Updates throughout document.
1.2	June 2022	Department of Infrastructure, Planning and Logistics and Department of Education	<ul style="list-style-type: none"> Updates to Eligibility Criteria 1(b), 4 and 5. Removed reference to carers. Under the Education Act 2015 (NT) a parent is a child's father, mother or any other person who has parental responsibility for the child. Included Roles and Responsibilities. Updated Contact information.
1.3	July 2022	Department of Infrastructure, Planning and Logistics and Department of Education	<ul style="list-style-type: none"> Final draft.
1.4	October 2022	Department of Infrastructure, Planning and Logistics and Department of Education	<ul style="list-style-type: none"> Updates to section 7.1 and 7.2 to included number of days which applies for temporary or extended/permanent variation to be in line with Guideline Appendix 1.
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Acronyms	Full form
DoE	Department of Education
DIPL	Department of Infrastructure, Planning and Logistics
NTG	Northern Territory Government

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Read this policy in conjunction with the:

- Guidelines for transport for students with special needs.¹
- Frequently asked questions.²

These documents are jointly owned by the Department of Infrastructure, Planning and Logistics and the Department of Education.

1. Introduction

The *Education Act 2015* (NT) stipulates that parents are responsible for ensuring that their children receive an education. This includes their responsibility to ensure their child/ren have appropriate transport to travel to and from school.

The Department of Infrastructure, Planning and Logistics and the Department of Education acknowledges that families of children and young people with special needs may experience difficulties when arranging school transport options for their children. To assist in allaying these difficulties, DIPL provides transport services for eligible children and young people with special needs who are unable to travel to school independently and safely and may not be able to access education without the provision of special needs transport to and from school.

The transport services provided by DIPL do not operate to relieve parents of their responsibilities. The service supports those children with special needs who have limited or no other viable transport options to continue to receive an education.

Transport service requests are assessed against eligibility criteria. Where a child is considered eligible, their transport service is tailored to meet individual needs. Service may include:

- full or part time transport
- additional supervision in the bus
- support and assistance in meeting health care or behavioural needs whilst travelling
- assistance for children to develop skills leading towards independent travel.

2. Context

This policy sets out the circumstances and conditions under which transport services for children with special needs will be considered and is aligned with the:

- United Nations Convention on the Rights of Persons with Disability.³
- *Disability Discrimination Act 1992* (Cth).⁴
- *Disability Standards for Education 2005* (Cth).⁵
- *Education Act 2015*.⁶

¹ https://education.nt.gov.au/_data/assets/pdf_file/0006/292380/Transport-for-Students-with-Special-Needs-guidelines.pdf

² https://education.nt.gov.au/_data/assets/pdf_file/0007/292381/Frequently-asked-Questions-Transport-for-Students-with-Special-Needs-2....pdf

³ https://www.un.org/disabilities/documents/convention/convention_accessible_pdf.pdf

⁴ <https://www.legislation.gov.au/Details/C2018C00125>

⁵ <https://www.legislation.gov.au/Details/F2005L00767>

⁶ <https://legislation.nt.gov.au/en/Legislation/EDUCATION-ACT-2015#page=36&zoom=auto.88.273>

3. Definitions

Child/ren - refers to persons under the age of 18.⁷

Parent - refers to to a child's father, mother or any other person who has parental responsibility for the child, including a person who is regarded as a parent of the child under Aboriginal customary law or Aboriginal tradition.⁸

School - refers to the closest school which can cater to a child's individual special needs.

Specialist setting - refers to specialist centres, specialist schools, and their satellite classrooms in mainstream schools.

Special Needs - has the same meaning as disability under section 4(1) Disability Discrimination Act 1992.⁹

Special needs transport - refers to transport funded and provided by DIPL for children with special needs who have limited or no other viable transport options to travel to and from school.

Student - refers to a child of compulsory school age enrolled at a school.¹⁰

Transport services - refers to transport provided by DIPL under this Policy.

4. Roles and responsibilities

4.1. Parents

Parents are responsible for:

- ensuring their child/ren attends school
- ensuring their child/ren is organised for school and on time for service pick-up
- escorting their child/ren to/from vehicles (including children in wheelchairs)
- assisting with the correct fitting of seatbelts and other restraints where appropriate
- providing all equipment necessary for transport (e.g. wheelchairs, securing, restraints)
- ensuring a nominated responsible person is present at pick up and drop off times, noting that the child will not be picked up or will be returned to the school if this arrangement is not in place
- providing accurate and up to date information and relevant supporting documentation regarding:
 - their child/ren;
 - changes in circumstances that may affect transport services eligibility
 - any matter relevant to managing their child/ren's conditions and providing all medication
- notifying the school:
 - of any change in circumstances likely to affect the child/ren's transport services
 - as soon as practicable if their child/ren will be absent from school

⁷ <https://legislation.nt.gov.au/en/Legislation/EDUCATION-ACT-2015#page=10&zoom=auto,88,256><https://legislation.nt.gov.au/en/Legislation/EDUCATION-ACT-2015>

⁸ <https://legislation.nt.gov.au/en/Legislation/EDUCATION-ACT-2015#page=15&zoom=auto,88,747>

⁹ <https://www.legislation.gov.au/Details/C2020C00387>

¹⁰ <https://legislation.nt.gov.au/en/Legislation/EDUCATION-ACT-2015#page=10&zoom=auto,88,256>

- immediately of any safety concerns regarding the transport vehicle or conduct of operators
- informing the transport provider at the earliest opportunity if the child/ren will not be travelling due to short term illness or other reasons
- notifying both the school and transport provider of extended periods of leave.

4.2. Principals or school delegates

Principals or school delegates are responsible for:

- providing relevant information to staff, parents and other interested parties on the transport services policy, guidelines and service delivery
- undertaking an initial assessment of a child's eligibility for transport services
- assisting DIPL undertake regular monitoring of individual school transport services and contractor performance
- informing parents of decisions regarding the status of transport requests once eligibility has been assessed by all relevant departments
- notifying DIPL immediately if a child's circumstances change that may affect their transport service
- working with the education department and DIPL to ensure that the transport services provided meet the needs of eligible students
- providing suitable areas that are free from obstruction for buses to safely drop off and pick up children.

4.3. Transport providers

Transport providers are responsible for:

- liaising with DIPL to assess residential requirements criteria focussing on travel distances and trip times
- assessing seat availability and the most appropriate mode and route of travel when requests for transport are received
- advising DIPL of the outcome of the assessment, including the pick-up and drop off details
- delivering the service in accordance with the route and schedule
- working with DIPL to manage the transport services waitlist and informing schools of waitlist updates/changes
- ensuring that management and staff understand the transport services policy and guidelines, the contractual conditions for the special needs transport services and carry out all tasks in accordance to these
- providing DIPL with any updated service information prior to the commencement of the school year.

4.4. Drivers

Drivers are responsible for:

- understanding the requirements of their roles as determined by their employer and carry out duties accordingly

- maintaining reporting procedures
- ensuring all safety regulations and procedures are adhered to.

4.5. Department of Education

The Department of Education is responsible for:

- liaising with DIPL to ensure the smooth running of transport services
- ensuring that the transport service needs of children are appropriately assessed in accordance with the eligibility criteria
- facilitating biannual meetings with appropriate representatives from DIPL, school principals/delegates, transport service providers and support staff.

4.6. Department of Infrastructure Planning and Logistics

The Department of Infrastructure Planning and Logistics is responsible for:

- assessing applications against the distance and time eligibility criteria
- undertaking regular monitoring of individual school transport services and contractor performance
- informing schools of eligibility assessment decisions to enable the school to communicate outcome to parents
- liaising with transport providers to arrange appropriate transport
- contracting and supervising the transport services
- working with bus operators and the education department to deliver safe and effective transport services.

5. Eligibility

5.1. Eligibility Criteria

To be eligible for transport services, children with special needs must meet the following criteria:

Criteria 1: Special Needs Assessment

A child must be:

- a) a student enrolled in a primary, middle or secondary NT government special setting
- b) assessed as being unable to travel independently and may not otherwise be able to access education without the provision of special needs transport to and from school.

Criteria 2: Age & Residency

A child must be:

- a) of compulsory school age
- b) a resident of the Northern Territory.

Criteria 3: Demonstrated need for transport services

Parents must:

- a) clearly demonstrate that there is a need for transport services by providing reasons why they are unable to transport their child/ren to school
- b) agree to be present at pick up and drop off or ensure the nominated responsible person is available for pick up and drop off.

Criteria 4: Enrolment

The child is enrolled in the closest appropriate school that is able to cater to the child's individual special needs. Suitability for enrolment will be determined by the school and will consider factors including:

- a) the child meets the eligibility criteria as outlined in the enrolment in special schools and special centres guidelines
- b) the child has been verified for placement in a special setting by the senior school psychologist.

Parents must request transport assistance to and from the special school or centre their child is enrolled in.

Parents may choose to enrol their child in another school, however, this may exclude the child from eligibility for transport assistance under this policy.

Criteria 5: Residential requirements

The child must reside:

- a) within the identified catchment area¹¹
- b) a reasonable distance from the school by the shortest trafficable route within consideration to existing services, routes and other factors as determined relevant by DIPL
- c) more than 500 m from the school
- d) at a location that requires no more than:
 - 60 minutes of travel time one way or
 - up to 80 minutes of travel where children are required to transfer to another bus and those children are not on a bus for longer than 60 minutes at any one time.

5.2. Exemptions

Both departments understand that there may be mitigating circumstances that fall outside of the eligibility criteria and may issue an exemption for some children.

5.3. Other Considerations

Approval of requests will be dependent upon capacity.

In instances where children meet eligibility criteria and transport service capacity is limited, assessments will give precedence to the following:

- prioritising applications in order of the date received (first in, first processed)

¹¹ Defined by Gazette No G35 (dated 31 August 2005)

- children with higher transport frequency
- prioritising pick up locations that are in closer proximity and allow the maximum number of eligible children to be transported within an 80 minute travel timeframe.

6. Assessment

All requests and subsequent requests will be assessed on a case by case basis by the departments.

Previous approval for transport services does not guarantee re-approval for transport services in the following school year. Re-approval will take into consideration eligibility criteria.

7. Changes in circumstances

7.1. Temporary Absences

Parents must promptly contact the child's transport provider to notify that transport will not be required (less than 5 consecutive school days).

7.2. Extended or Permanent Variations

Extended (5 or more consecutive school days) or permanent variations to approved transport services must be reported. Parents must complete and submit a change of request for special needs transport services to their child's school seven days prior to the required variation. The form is available from the respective child's school. Any variation requested may affect eligibility.

School principals must forward change requests to DIPL immediately for assessment. DIPL will require at least five (5) working days to process change requests. The school principal will be notified of the outcome in writing within seven (7) working days.

Requests for variations to approved travel arrangements will only be approved where the variation can be incorporated into an existing transport service with reference to distance travelled and time spent in transit.

Non-attendance without notification for more than 10 days may result in cancellation of the child's transport service.

School principals must notify DIPL as soon as they become aware that a child's parents have changes in circumstances that impact upon their ability to provide transport for their child. This refers to anything that could alter the need for the child to receive transport services.

8. Waitlists

A child who is deemed eligible for transport services but is not immediately able to access a service due to resources and/or timing criteria limitations may be placed on a wait list. The wait list managed by DIPL and the transport provider.

DIPL and/or the transport provider will notify parents when a suitable transport services becomes available.

9. Monitoring

Both departments will undertake regular monitoring of special needs school transport services and contractor performance.

Annual review of transport services will ensure operational efficiency and that the changing needs and circumstance of children are met within the budgetary and resource limitations of the program. This process may result in changes to transport arrangements at any time throughout the year.

10. Contact Information

10.1. Department of Infrastructure, Planning and Logistics

Robert Holloway

Special Needs and Events Planner

08 8924 7843

public.transport@nt.gov.au

10.2. Department of Education

Inclusion and Engagement Services

08 8944 9257

sesupport.det@education.nt.gov.au

11. Related legislation, policy documents and resources

11.1. Legislation

Disability Discrimination Act (Cth) 1992.¹²

Disability Standards for Education (Cth) 2005.¹³

Education Act (NT) 2015.¹⁴

11.2. Policy documents

Guidelines for Transport for Students with Special Needs.¹⁵

Frequently Asked Questions.¹⁶

Enrolment in special schools and centres guidelines.¹⁷

11.3. Resources

Mobility and Accessibility for Children Australia (MACA) - Buckle covers model policy – policy guidance for the prescribing and use of child restraint and seatbelt buckle covers.¹⁸

Neuroscience Research Australia and Kidsafe Australia - Best practice guidelines for the safe restraint of children travelling in motor vehicles.¹⁹

¹² <https://www.legislation.gov.au/Details/C2018C00125>

¹³ <https://www.legislation.gov.au/Details/F2005L00767>

¹⁴ <https://legislation.nt.gov.au/en/Legislation/EDUCATION-ACT-2015#page=36&zoom=auto.88.273>

¹⁵ https://education.nt.gov.au/_data/assets/pdf_file/0006/292380/Transport-for-Students-with-Special-Needs-guidelines.pdf

¹⁶ https://education.nt.gov.au/_data/assets/pdf_file/0007/292381/Frequently-asked-Questions-Transport-for-Students-with-Special-Needs-2....pdf

¹⁷ https://education.nt.gov.au/_data/assets/word_doc/0004/437476/Guidelines-Enrolment-in-Special-Schools-and-Special-Centres.docx

¹⁸ <https://assets.macahub.org/downloads/Buckle-cover-model-policy-161121.pdf>

¹⁹ https://kidsafe.com.au/wp-content/uploads/2021/03/Best-Practice-Child-Restraint-Guidelines_202009-FINAL_high-res.pdf