

The court found that “a reasonable person could have found substantial credible evidence supporting the school district’s decision.” The basis for this conclusion can be useful in analyzing such decisions in your district.

The City had constructed the sidewalk involved in compliance with all applicable law and ordinances. The Safety Committee formed by the school to make recommendations was composed of professionals from a number of city and county departments, as well as district and school officials. They made visual inspections and examined traffic volume and patterns, consulting with the Department of Motor Vehicle Safety, the Department of Transportation, and the City. They paid special attention to the AEA’s concerns, and discussed the matter with various experts. They considered options to increase student safety, short of providing transportation.


The Committee compared the traffic flow to that around other sidewalks children traveled to get to school, and gathered numerous data to study. Committee members even considered snow removal because that was an issue for some parents. The Committee worked with the City to investigate modifications that would increase safety, including crosswalk and other signage, and even

construction of a new sidewalk.

The Superintendent accepted the Committee’s recommendations after considering: “safety of the students, cost and reimbursement schedules of the State of Iowa, equitable treatment for all students in the ...District, statutory obligations, and the actual conditions of the route along Gordon Drive.”

The Superintendent also considered the number and ages of students who would use the route, and found that “the concerns based upon the age of the students are no different from the concerns a parent would have for any young child who walks to school unescorted.” The school board voted unanimously in support of the Superintendent’s conclusions that the road was safe.

The key to the court’s support of the district

The court’s language reflects the importance of the district’s process: “...[I]t can hardly be argued the school district did not carefully balance competing considerations in...determining whether it should bus these students to and from school... [I]t made an informed decision...” The concerns raised, although legitimate, didn’t “render the route unsafe.” 

Since You Asked. . .

A driver and monitor ask about suppository medications:

A special needs teacher told a driver and monitor to stay at school for a brief training session on how to administer a suppository to a wheelchair student who has gran-mal seizures. Is this appropriate? Let’s consider what you need to know:

- Does your school district have a policy concerning Administration of Medication? What does it say?
- Does a collective bargaining agreement apply?
- Is there direction from state law and regulation, including the state’s Nurse Practices Act?
- Have you, or some other staff member, secured a release to discuss the issue with the child’s doctor? Does the doctor verify that the medication is necessary, or could be? Does the doctor confirm that an otherwise untrained person can safely administer the medication after a brief training? Does the doctor

The issue

The need to administer medication on the bus can arise in the context of a student with an IEP, a student with a Section 504 Accommodation Plan, or even a regular ed student with no identified disability who requires medication – self-administered or otherwise – in certain circumstances.

believe that any additional training is necessary? What should that training include? Who should provide it?

- Where does your school nurse stand on the issue?
- How often in the past has the student had seizures at school? On the bus?

A variety of other legal principles apply:

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