Use of “Transportation” in IDEA-Part B Regulations
“Related services” means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education.
The term transportation includes:

- Travel to and from school and between schools;
- Travel in and around school buildings; and
- Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation to a child with a disability.
Must a public agency include transportation in a child’s IEP at a related service?

As with other related services, a public agency must provide transportation as a related service if it is required to assist the child with a disability to benefit from special education.

This includes transporting a preschool-aged child to the site at which the public agency provides special education and related services to the child, if that site is different from the site at which the child receives other preschool or day care services.

(Appendix A, Question 33)
In determining whether to include transportation in a child’s IEP, and whether the child needs to receive transportation as a related service, it would be appropriate to have at the IEP meeting a person with expertise in that area.

The IEP team must consider how the child’s disability affects his or her need for transportation, including determining whether the child’s disability prevents the child from:

✓ using the same transportation provided to nondisabled children, or
✓ getting to school in the same manner as nondisabled children.

(Appendix A, Question 33)
The public agency must ensure that:

- any transportation service included in a child’s IEP as a related service is provided at public expense and at no cost to the parents, and
- the child’s IEP describes the transportation arrangement.

(Appendix A, Question 33)
If a child’s IEP team determines that the child does \textbf{not} require transportation as a related service, Section 504 of the Rehabilitation Act of 1973 (as amended) requires that the child receive the same transportation provided to nondisabled children.

✓ If the public agency transports nondisabled children, it must transport disabled children under the same terms and conditions.

✓ If the public agency transports only those children whose IEPs specify transportation as a related service and does \textbf{not} transport nondisabled children, the public agency would \textbf{not} be required to provide transportation to a disabled child.

(Appendix A, Question 33)
It should be assumed that most children with disabilities receive the same transportation services as nondisabled children, unless the IEP team determines otherwise.

For some children with disabilities, integrated transportation may be achieved by providing needed accommodations to address each child’s unique needs. Such accommodations can include lifts and other equipment adaptations on regular school transportation vehicles and must be provided at no cost to parents.

(Appendix A, Question 33)
As with other provisions related to qualified personnel, all personnel who provide required services, including **bus drivers**, must be appropriately trained.

(Attachment 1 of the final regulations, Analysis of Comments and Changes, p. 12551)
Orientation and Mobility Services

[§300.24(b)(6)(i)]

One related service relevant to “transportation” may be orientation and mobility services.

These are services provided to blind or visually impaired students by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in:

✓ school,
✓ home, and
✓ community.
“Orientation and mobility services” includes teaching students the following, as appropriate:

- Spatial and environmental concepts and use of information received from the senses (such as sound, temperature, and vibrations) to establish, maintain, or regain orientation and line of travel (e.g., using sound at a traffic light to cross the street);
- To use the long cane to supplement visual travel skills or as a tool for safely negotiating the environment for students with no available travel vision;
- To understand and use remaining vision and distance low vision aids; and
- Other concepts, techniques, and tools.

[§300.24(b)(6)(ii)]
Must related services personnel attend IEP meetings?

Part B does not expressly require that the IEP team include related services personnel as part of the IEP team.

However, a public agency must ensure that all individuals who are necessary to develop an IEP that will meet the child’s unique needs and ensure the provision of FAPE to the child participate in the child’s IEP meeting.

(Appendix A, Question 30)
Therefore, if a student has an identified need for related services, it would be appropriate for the related services personnel to:

- attend the meeting, or
- otherwise be involved in developing the IEP.

(Appendix A, Question 30)
For example:

If a child’s evaluation indicates the need for a specific related services (e.g., special transportation services), the agency should ensure that a qualified provider of that service either:

✓ attends the IEP meeting, or

✓ provides a written recommendation concerning the nature, frequency, and amount of service to be provided to the child.

The written recommendation could be a part of the evaluation report.

(Appendix A, Question 30)
Special Education

(§300.26)

“Special education” means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability.

Special education includes travel training if it meets the definition of special education.
Travel training means providing instruction, as appropriate, to children with significant cognitive disabilities, and any other children with disabilities who require this instruction, to enable them to:

- Develop an awareness of the environment in which they live; and
- Learn the skills necessary to move effectively and safely from place to place within that environment (for example, in school, in the home, at work, and in the community).

[§300.26(b)(4)]
Beginning no later than when the student is age 14, the IEP team must determine what instruction and educational experiences will assist the student in preparing for transition from secondary education to post-secondary life.

- Beginning no later than age 14, the student’s IEP must include a statement of transition service needs that focuses on his or her courses of study (such as participation in advanced-placement courses or a vocational education program).

- Beginning no later than age 16, a statement of needed transition services must be included in the IEP.
What does transition have to do with transportation?

✓ For a student whose transition goal is a job, a transition service could be teaching the student how to get to the job site on public transportation.

✓ For another student, the statement of transition service needs could describe why public bus transportation training is important for future independence in the community.

(Appendix A, Question 11)
Nonacademic Services

(§300.306)

Each public agency must take steps to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities.

Nonacademic and extracurricular services and activities may include, among other things, athletics, recreational activities, clubs sponsored by the public agency, and transportation.
Transportation and Private School Children with Disabilities

(§300.456)

Services provided to private school children with disabilities may be provided on-site at the child’s private school (including a religious school), to the extent consistent with law.

If services are offered at a site separate from the child’s private school, transportation may be necessary in order to get the child from one site to the other, or the child may be effectively denied an opportunity to benefit.

In this sense, transportation is not a related service but a means of making the services that are offered accessible.
If necessary for the child to benefit from or participate in the services, a private school child with a disability must be provided with transportation...

✓ from the child’s school or home to a site other than the private school; and

✓ from the service site to the private school, or to the child’s home, depending on the timing of the services.

Note: LEAs are not required to provide transportation from the child’s home to the private school. [§300.456(b)]
LEAs should work in consultation with representatives of private school children to ensure that services are provided at sites that will not require significant transportation costs. (Attachment 1 of the final regulations, Analysis of Comments and Changes, p. 12604)

The cost of providing this transportation may be included in calculating whether the LEA has met the requirement of §300.453—which details how much each LEA must spend on providing special education and related services to private school children with disabilities. [§300.456(b)(2)]
Under certain specific circumstances, school personnel have the authority to remove a child with a disability from his or her current placement for a number of days (as specified in IDEA and its implementing regulations) for violation of school rules.

Example: For any violation of school rules and to the same extent that removal would be applied to children without disabilities, school personnel may remove a child with a disability from his or her current placement for not more than 10 consecutive school days.
Example: For any violation of school rules and to the same extent that removal would be applied to children without disabilities, school personnel also have the authority to order additional removals of not more than 10 consecutive school days in the same school year for separate incidents of misconduct [as long as those removals do not constitute a change of placement under §300.519(b)].

Example: For possessing a weapon at school or a school function, school personnel may change the child’s placement to an interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 days.
Question: In counting how many days a child has been removed, do “days of suspension” include days of in-school suspension, bus suspensions, or portions of a school day?

Answer: Whether a bus suspension would count as a day of suspension would depend on whether the bus transportation is a part of the child’s IEP.

✓ If bus transportation is a part of the child’s IEP, a bus suspension would be treated as a suspension under §300.520 unless the public agency provides the bus service in some other way, because that transportation is necessary for the child to obtain access to the location where all other services will be delivered.

(Attachment 1 of the final regulations, Analysis of Comments and Changes, p. 12619)
If bus transportation is not a part of the child’s IEP, a bus suspension would not be suspension under §300.520. The child and his or her parents would have the same obligations to get to and from school as a nondisabled student who has been suspended from the bus.

However, public agencies should attend to whether the behavior on the bus is similar to behavior in a classroom that is addressed in an IEP and whether bus behavior should be addressed in the IEP or behavioral intervention plan for the child.

(Attachment 1 of the final regulations, Analysis of Comments and Changes, p. 12619)