



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

APR 19, 2002

You have contacted the Office of Special Education Programs (OSEP) regarding a complaint investigation (Intake Number 00-0951) filed with the Massachusetts Department of Education against the _____ School District concerning the provision of transportation .

Under Part B of the Individuals with Disabilities Education Act (IDEA) and its implementing regulations, the term “related services” includes transportation, and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education. 20 U.S.C. §1401(22) and 34 CFR §300.24(a). Such transportation includes transportation 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 for a child with a disability. 34 CFR §300.24(b)(15).

As OSEP explained in a letter to District of Columbia Public Schools Superintendent Franklin Smith, “if a public agency does not provide transportation to the general student population, the issue of transportation for students with disabilities must be decided on a case-by-case basis. If a public agency determines that a disabled student needs transportation to benefit from special education, it must be provided as a related service at no cost to the student and his or her parents.” The letter goes on to state that “in all instances, each student’s need for transportation as a related service and the type of transportation to be provided are issues to be discussed and decided during the evaluation process and individualized education program (IEP) meeting, and the transportation arrangements agreed upon should be included in the disabled student’s IEP.” 23 IDELR 344.

We reviewed X individualized education programs (IEPs) covering the school years 1999-2000 and 2000-2001. In both IEPs, the section entitled transportation plan states no special transportation plan is needed and transportation is not specified as a related service. IDEA does not address your particular situation concerning whether parents are entitled to reimbursement for transporting their child to services if transportation is not a required related service on the IEP. We appreciate your bringing

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this issue to our attention and will consider this issue as we move forward in the IDEA reauthorization process.

Sincerely,

A handwritten signature in black ink that reads "Patricia J. Suand". The signature is written in a cursive style with a large initial "P".

for

Stephanie S. Lee

Director

Office of Special Education Programs

cc: Ms. Marcia Mittnacht
State Director of Special Education