



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

AUG 22, 2003

Ms. Robin L. Leeds
Regulatory Liaison
National School Transportation Association
625 Slaters Lane, Suit 205
Alexandria, VA 22314

Dear Ms. Leeds:

This is in reply to your letter regarding concerns expressed by your Association that transportation providers, including contractors, bus drivers, and aides, are often not included in school district plans or training related to transporting children with disabilities under Part B of the Individuals with Disabilities Education Act (Part B) and its implementing regulations. I am sending an identical response to Michael Martin, Executive Director of the National Association for Pupil Transportation. We appreciate the concerns identified in your letter and share your interest in ensuring that children with disabilities are appropriately and effectively transported by informed and well-trained transportation providers.

In your letter, you indicated that (1) transportation providers are rarely consulted by members of the individualized education program (IEP) teams for children with disabilities who require transportation as a related service and are not provided with the opportunity to express their opinions regarding appropriate supports and potential problem areas during the development of those students' IEPs; and (2) transportation providers are rarely included in special education training programs and do not receive child-specific training from the education personnel who are familiar with the students' needs.

You stated that the problems facing transportation providers as outlined above seem to be the result of a failure to appropriately implement and comply with the Part B regulations at the state and local levels, rather than a deficiency in the regulations themselves. You have asked the Office of Special Education Programs (OSEP) to remind the States of their obligation to transportation personnel as related services providers and listed specific suggestions to address the situation.

Although under Part B, there is no specific requirement that related services personnel be part of the IEP team, it would be appropriate for public agency officials to solicit the opinions of these personnel, including transportation providers, in the development of the IEP. (§614(d)(1)(B); 34 CFR §300.344). In addition, the public agency must notify a related services provider of his or her responsibility under the IEP and the specific supports that must be provided for the child in accordance with the IEP. (34 CFR §300.342(b)(3)). In order to ensure that related services, including transportation, are

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provided in accordance with a child’s IEP, it is important that the providers be appropriately trained to provide these accommodations, modifications and supports.

We have prepared an “OSEP Memorandum” to be sent to all State directors of special education suggesting that they contact all local educational agencies within their respective States to remind them of their obligations under Part B and to encourage them to ensure that transportation providers are fully informed – before the fact – of their responsibilities under the IEPs as well as the individual needs of the children they are transporting. When this memorandum is disseminated, we will ensure that you receive copies to share with your respective constituencies.

If you have comments or questions regarding this letter, please feel free to contact either Dr. JoLeta Reynolds at (202) 205-5507 (press 3) or Mr. Thomas B. Irvin at (202) 205-5803).

Sincerely,

A handwritten signature in cursive script that reads "Patricia J. Bland".

for Stephanie Smith Lee
Director
Office of Special Education
Programs



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Dated August 22, 2003

Contact Persons:

Name: JoLeta Reynolds
Telephone: (202) 205-5507
(press 3)
Name: Thomas Irvin
Telephone: (202) 205-5803

OSEP 03-10

MEMORANDUM

TO: State Directors of Special Education

FROM: Stephanie Smith Lee
Director
Office of Special Education Programs

SUBJECT: Ensuring Safe and Appropriate Transportation for Children with Disabilities

As you know, being transported to and from school by school bus is a major factor of school life for millions of children, nationally, including many children with disabilities. Transportation is a costly venture. For example, during the 1999-2000 school year, the nation's school districts spent over **\$13 billion** on home-to-school and school-to-school transportation for students in public schools. Of that amount, an estimated **\$3.7 billion** (or 28% of the \$13.1 billion) was for special transportation services for children with disabilities.¹

In meetings (and correspondence) with representatives of two major national transportation associations (i.e., the National School Transportation Association, and the National Association for Pupil Transportation), these representatives have expressed concerns that transportation providers are often not included in local school district plans or training related to transporting children with disabilities. They also provided examples of problems resulting

¹ American Institutes for Research, Center for Special Education Finance, Report 3: *What Are We Spending on Transportation Services for Students with Disabilities, 1999-2000?* (Revised 4/17/03).

from not having prior knowledge about the needs of some of these children, and expressed interest in finding ways to ensure that transportation of children with disabilities is safely and appropriately provided.

The current regulations implementing Part B of the Individuals with Disabilities Education Act (IDEA) include a number of provisions related to transportation of children with disabilities. See e.g., -- (1) the definition of related services, which lists transportation, and includes a separate definition of “transportation” (34 CFR §300.24(a); (b)(15)); (2) Appendix A--Notice of Interpretation, which includes questions and answers regarding the provision of transportation in individualized education programs (i.e., Q-30 (64 FR 12478, March 12, 1999) and Q-33 (64 FR 12479); and (3) Attachment 1 to the 1999 Part B Regulations (Analysis of Comments and Changes) that includes a discussion about transportation as a related service (64 FR 12551).

To the extent appropriate, we encourage you to contact the local educational agencies in your State to call their attention to the transportation provisions in the regulations, and to encourage them, as appropriate, (consistent with the confidentiality provisions in §§300-560-300.576), to ensure that there is meaningful and effective communication -- before the fact -- between school district personnel and transportation providers about the transportation needs and potential problems of individual students with disabilities. This effort should be beneficial to all affected parties, but especially the children who are being transported.

Transportation providers play an integral role in the school lives of many children, including children with disabilities, which makes effective communication between the school and the providers essential. We believe that, for the safety and well-being of all children who ride school buses, including children with disabilities, it is crucial that they are appropriately and effectively transported by well-informed and well-trained transportation providers.

If you have questions or comments about this memorandum, please contact your Part B State contact or the persons listed above.

cc: Chief State School Officers
Federal Resource Center
Regional Resource Centers
Parent Training Centers
Protection and Advocacy Agencies
Section 619 Coordinators