



TOPIC: Special Education Transportation –Rule 51, Section 14

“When is special education transportation required to be provided to children with disabilities?”

Nebraska Administrative Code 92 NAC 51 requires that special education transportation be provided to children with disabilities according to the child’s Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP). The IEP or IFSP Team, which includes the child’s parent(s), must follow the requirements below.

The district responsibility is:

014.01 *The board of education shall furnish one of the following types of services to children with disabilities who are residents of the school district:*

014.01A *Provide transportation for any child with a disability who is forced to leave the school district temporarily because of lack of educational services; and*

014.01B *Provide transportation within the school district for any child with a disability who is enrolled in a special education program of the district when either:*

014.01B1 *The child is required to attend a facility other than what would be the normal school of attendance of the child to receive appropriate special education services; or*

014.01B2 *The nature of the child’s disability is such that special education transportation is required.*

014.01C *The board of education shall provide transportation for all children with disabilities birth to age five including children birth to age five who are wards of the court.*

Special education transportation is provided as a related service to ensure that the child with a disability has access to a free, appropriate public education.

Nebraska Administrative Code 92 NAC 51-003.54 definition of related services, which includes transportation, *“are required to assist the child with a disability to benefit from special education”*.



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“If a district does not provide regular transportation services, are they required to provide special education transportation services to children with disabilities?”

YES, special education transportation is an IDEA related service. Determination of the need for special education transportation is made by the IEP Team, which includes the parent(s), and must be provided by the district, according to 92 NAC 51-014.

014.02 *Responsibility for Transportation*

014.02A *The board of education shall be responsible to provide for the transportation expenses of children with disabilities who are residents of the school district under Neb. Rev. Stat. 79-1129 by:*

014.02A1 *Paying a parent for transporting his or her child for actual miles traveled and claimed; or*

014.02A2 *Operating vehicles for the purpose of transporting children with disabilities; or*

014.02A3 *Contracting for transportation services for children with disabilities; or*

014.02A4 *Purchasing services from a common carrier; or*

014.02A5 *Arranging for such other transportation as is proper and necessary to transport children with disabilities.*

014.03B *The school district or approved cooperative shall not be relieved of the obligation to provide transportation for an eligible child with a disability because of the inability or unwillingness of the child’s parents to provide transportation. No eligible child with a disability may be denied or have limitations placed on the child’s receipt of special education services required by an IEP or IFSP as a result of the inability or unwillingness of parents to provide transportation.*