

## Transportation – Parents Providing Transporting Services

*Question: If transportation is included on a child's IEP, can a district require the child's parent to provide the transportation? Can a parent provide transportation (as indicated on an IEP) to other children?*

### Response to Question:

If a child with a disability has transportation included on his/her IEP, 92 NAC 51 allows districts to reimburse parents for the provision of such transportation. The parent will be required to submit a claim for transportation expenses which includes the names of the children transported, the dates of transportation, miles traveled and a statement that the claim is true and accurate. The claim must be signed by the parent.

Even if the IEP indicates that the parent will provide the transportation services and be reimbursed for the cost, if a parent is unable or unwilling to provide transportation for a child with disabilities, the district must provide the transportation. No eligible child with a disability may be denied or have limitations placed on his/her receipt of special education services as a result of the parent's inability or unwillingness to provide transportation for the child.

It is permissible for a parent to provide transportation as listed on the child's IEP to children other than his/her own children. If a parent is transporting other children and receiving reimbursement for transportation, the driver and the vehicle must meet the requirements of 92 NAC 91 and 92. The parent will be reimbursed for the actual miles traveled in transporting the children with disabilities beginning at the parent's home and ending at the location of placement for the children with disabilities.

### Regulatory Provisions:

#### 92 NAC 51:

**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

**014.02D** The board of education shall provide for expenses equal to the statutory amount for each mile or fraction thereof traveled between the place of residence and the program of attendance when a parent transports his or her child(ren) with a disability. (Refer to Neb. Rev. Stat. 79-1129 and 81-1176.)

**014.02E** Except when a parent is transporting only his or her child, the board of education

shall require that the driver and vehicle meet the standards required by 92 NAC 91 and 92.

**014.02F** For students with disabilities participating in the Option Enrollment Program under Neb. Rev. Stat. 79-232 to 79-246, the transportation services included on the student's IEP shall be provided by the district from which the student optioned. The Department shall reimburse the district from which the student optioned for the cost of transportation in accordance with Section 014.

**014.03A** The school district or approved cooperative shall provide for the transportation expenses of children with a disability transported by the parents of such children, upon receipt of claims submitted to the board of education by such parents. Such claims shall be documented and subject to audit. The claims shall:

**014.03A1** State the names of the children transported, the dates they were transported, the mileage incurred in such transportation; and

**014.03A2** Contain a statement that the claim is a true and correct report of mileage; and

**014.03A3** Include the signature of the parent.

**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.

**014.03C** The school district or approved cooperative shall provide for the expenses or the equivalent costs for transportation from the child's legal residence (the residence of the parent(s)) or the Nebraska Department of Education approved residential placement, to the child's program.