

The background of the slide is a composite image. The top left shows a line of yellow school buses, with the number '32' visible on the front of one. The bottom left shows a classroom with blue walls, decorated with colorful balloons and framed pictures. There are several small tables and chairs arranged in the room.

Special Transportation 101

Module 1: The Legal and Educational Basis for Special Transportation
for Students with Disabilities

Guidance for Special Transportation in Kentucky

The “[Guidance for Special Transportation in Kentucky](#)” document covers a variety of topics relating to transporting students with disabilities.



Laws

- [Individuals with Disabilities Act of 2004 \(IDEA\)](#)
- [Section 504 of the Rehabilitation Act of 1973](#)
- [Family Education Rights and Privacy Act \(FERPA\)](#)
- Americans with Disabilities Act (ADA)-first passed in 1990; then the [ADA Amendments Act](#) was signed in 2008 (service animals)

The Individuals with Disabilities Education Act (IDEA)

- Every eligible child who has a disability and requires special education services will have a written plan called an Individual Education Program (IEP).
 - Kentucky Administrative Regulation (KAR) [707 KAR 1:320](#)
 - Code of Federal Regulations (CFR) [34 C.F.R. §300.320](#) and [§300.321](#)

Individual Education Program (IEP)

- An IEP shall include “a statement of the specially designed instruction *and related services* and supplementary aids and services” that the child will receive in order to receive a free appropriate public education (FAPE).
 - [707 KAR 1: 320, Section 5 \(8\)](#)
 - [707 KAR 1:290, Section 1](#)
 - [34 C.F.R. §300.101](#)
- Special Transportation is a “related service” that a student with a disability may be entitled to receive under IDEA.

Section 504

To be eligible under Section 504, a student must be determined to:

Have a physical or mental impairment that substantially limits one or more major life activities; or

Have a record of such an impairment; or

Be regarded as having such an impairment.

Section 504

- Plan of “Reasonable Accommodation” (not necessarily required in writing)
- Overseen by the [Office for Civil Rights \(OCR\)](#)
- Special Transportation is a “related service” that a student with a disability may be entitled to receive under Section 504

OCR and Section 504

The OCR will investigate allegations involving the lack of training of bus drivers and aides.

- This includes specifically targeted training that is necessary to address a student's distinctive medical needs during transport.
- *West Genesee (NY) Cent. Sch. Dist.* (OCR, 03/09/15).
 - The OCR found that a New York school district violated Section 504 when it failed to train a bus driver on a student's diabetes plan.

FERPA: Confidentiality of Student Educational Records

- The [FERPA](#) governs the protection, maintenance and destruction of personally-identifiable information contained within student education records.
- [707 KAR 1:360, Section 8 \(3\)](#) requires that all staff in the district collecting or using personally identifiable information contained in student records, including transportation personnel, receive training or instruction on FERPA requirements.

Related Service Regulations

Both the IDEA [[34 CFR §300.34](#)] and the KARs on Special Education Programs (2008) include transportation within its definition of “**related services**” [[707 KAR 1:002, Section 1 \(51\) \(a\)](#)].

- "Related services" means *transportation* and such developmental, corrective or supportive services as are required to assist a child with a disability to benefit from special education. It includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation including therapeutic recreation, early identification and assessment of disabilities in children, counseling services including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. [[707 KAR 1:002, Section 1 \(51\) \(a\)](#)]

Special Transportation Includes:

- Transportation “to and from school and between schools” [[34 C.F.R. §300.34\(c\)\(16\)\(i\)](#)];
- “Travel in and around school buildings” [[34 C.F.R. §300.34\(c\)\(16\)\(ii\)](#)];
- Community-based instruction;



Special Transportation Includes:

- Field trips;
- “Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability” [[34 C.F.R. § 300.34\(c\)\(16\)\(iii\)](#)]; and
- Participation in school and district-offered activities (including nonacademic activities) outside of school hours [[Guidance for Special Transportation in Kentucky](#)].

For Additional Information

[Admissions and Release
Committee \(ARC\) and
Individual Education Program
\(IEP\)](#)



Thank you for what you do to keep our students safe!

