

The background of the slide is a composite image. The top left portion shows two yellow school buses parked outdoors. The bottom left portion shows a classroom interior with blue walls, decorated with colorful balloons and framed pictures. Several small, light-colored wooden desks and chairs are arranged in the foreground of the classroom.

Special Transportation 101

Module 2: Transportation Planning for Individual Education Program (IEP) and Least Restrictive Environment (LRE)

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.



LRE Under the Individuals with Disabilities Education Act (IDEA)

While not specifically addressed in the IDEA, the United States Department of Education has said:

- “It is assumed that most children with disabilities will receive the same transportation provided to nondisabled children, consistent with the LRE requirements in 34 C.F.R. 300.114 through 34 CFR 300.120, unless the IEP team determines otherwise” [[71 Fed.Reg. 46,576 \(2006\)](#)].



Codified Federal Regulation (CFR)

LRE Factors to Consider

Can regular transportation be effectively and appropriately implemented with supplemental aids and services?



Do the advantages of the student riding in regular transportation outweigh the benefits of a more restrictive transportation arrangement?



Are there any negative effects to the student or other students on the vehicle if the student rides in regular transportation?

LRE under Section 504 and the Americans with Disabilities Act (ADA)

- Unless there is a legitimate, nondiscriminatory reason for it, requiring students with disabilities to ride in segregated special education buses may violate Section 504 and the ADA.
- Section 504 and Title II of the ADA generally prohibit separate transportation services for students with disabilities unless such separation is necessary due to a student's disability.



[Questions and Answers on Serving Children with Disabilities Eligible for Transportation, November 2009](#)

Unique Needs Test

6th Circuit “Unique Needs” Test

- Court said [20 U.S.C. Section 1400\(c\)](#) requires four factors to determine whether the student should receive special transportation :
 1. That the student is “handicapped”;
 2. That transportation is a related service;
 3. That the related service is designed to meet the unique needs of the child caused by the handicap; and
 4. The school district must be responsible under the EHA [Education for All Handicapped Children Act of 1975] (IDEA) and its regulations for providing the related services under the particular circumstances at hand. [McNair v. Oak Hills Local School District 872 F. 2d 153 (6th Circuit, 1989)].

United States Code (U.S.C)

Factors for the Admissions and Release Committee (ARC) to Consider When Determining a Student's Need for Special Transportation

Overarching Question: Does the student require transportation to benefit from their educational program?

Student's
mobility

Student's
behavior

Student's
communication
skills

Student's
physical needs
(including
medical)



Kentucky Department of
EDUCATION

Factors for the ARC to Consider When Determining a Student's Need for Special Transportation Continued

Student's age

Student's ability
to follow
directions

Distance the
student will need
to travel

Nature of the
area

Supports and Resources



How Can the Staff in the District Get Help?

- Bus drivers and driver assistants/monitors should first share concerns with the school principal or district transportation director.
- The district's transportation director may need to share concerns with the preschool coordinator or the district's director of special education for guidance.
- When a transportation or safety issue involves a student with an IEP or 504 plan, the district's transportation director should consult with the district's special education director to determine if an ARC meeting is needed or appropriate.

Additional Help

- Kentucky Department of Education (KDE) Division of District Support; Pupil Transportation
- KDE Office of Special Education and Early Learning
- [Special Education Regional Technical Assistance Centers \(SERTAC\)](#)
 - Provide assistance and expertise for the benefit of their member school districts.
 - Provide comprehensive educational services and programs that support the member districts and their schools in their school improvement efforts.
 - Include consultants available who can assist with training in special education, related service requirements and positive behavioral intervention strategies.

Effective Classroom Strategies for Students with Disabilities Video Series

[Effective Classroom Strategies for Students with Disabilities:](#)

Strategy 9: Supporting Bus Behavior



For Additional Information

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



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

