

The background of the slide is a composite image. The top left portion shows a line of yellow school buses, with the front of one bus clearly visible, displaying 'SCHOOL BUS' and the number '32'. The bottom left portion shows a classroom with blue walls, decorated with colorful balloons and framed pictures. Several small, white, rectangular tables and chairs are arranged in the room.

Special Transportation 101

Module 5: Special Transportation Allocations and Funding

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.



Nondisabled Students Transported in Vehicles Purchased with Individuals with Disabilities Education (IDEA) Funds

May Nondisabled Students Ride in Vehicles Purchased with Special Education (IDEA) Funds?

YES

“IDEA Part B funds may also be used to provide special education and related services, as well as supplementary aids and services (such as training or assistive technology), provided in the regular or remote learning setting to a child with a disability in accordance with the child’s [Individual Education Program] IEP, even if one or more nondisabled students benefit from those services.” [[IDEA Part B Use of Funds, June 25, 2020](#)] Conditions apply.

Letter to Lutjeharms, 1993

Under very strict circumstances, students without disabilities may be allowed to ride in a vehicle funded under IDEA-Part B, without a cost allocation from other funding sources.”

- Vehicle must make the same trip and incur the same expenses whether or not non-disabled children are aboard;
- None of the non-disabled students may displace a student with disabilities from the vehicle; and
- IDEA Part B funds (special education funds) may not be used to purchase or operate a vehicle that is too large for the intended purpose of providing transportation to students with disabilities, simply to avoid necessary cost allocations for non-disabled students who will be transported on the vehicle [Office of Special Education Programs (OSEP) Letter to Lutjeharms, May 17, 1993].

OSEP Letter to Bowman Aug. 5, 2013

- Addresses students who are homeless.
- “Generally, IDEA Part B funds must be used only to pay the excess costs of providing special education and related services to children with disabilities. 34 CFR §300.202(a)(2) and 20 U.S.C. 1413(a)(2)(A)(i).
- Under the permissive use of funds provisions in IDEA Section 613(a)(4)(A)(i) and 34 CFR §300.208(a)(1), IDEA Part B funds may be used for “the costs of special education and related services . . . provided in a regular class or other education-related setting to a child with a disability in accordance with the IEP of the child, even if one or more nondisabled children benefit from these services.” [[OSEP Letter to Bowman, August 5, 2013](#)]

OSEP Letter to Bowman Aug. 5, 2013

- Schools and districts may use IDEA funds when it results in an “incidental benefit” to nondisabled children as a result of special education and related services provided under IDEA to children with disabilities.
- “There could be situations where, although buses are purchased for the express purpose of transporting students with disabilities, those buses are not full.”
- “Buses should not be purchased with IDEA funds with the expectation that the buses will be used, in whole or in part, to transport children without disabilities.” [[OSEP Letter to Bowman, August 5, 2013](#)]

Example of Improper Spending

- “If a school district purchases more buses or larger buses than are necessary to provide transportation to all students with disabilities within their district requiring such transportation, with the purpose of using those buses (or extra seats resulting from those buses) to provide transportation to children without disabilities, it would constitute an improper expenditure of IDEA funds on children without disabilities” [[OSEP Letter to Bowman, August 5, 2013](#)].

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.

For Additional Information

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



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

