

Special Education Transportation

Students with disabilities should be transported in the same manner as their non-disabled peers unless an IEP team has determined otherwise. The Individuals with Disabilities Education Act (IDEA) does not require LEAs to transport students with disabilities in separate vehicles, isolated from their peers. A student with a disability should always be in the least restricted environment, including transportation arrangements. Unless the IEP team determines transportation is required to assist a student with a disability to benefit from special education and related services and documents the need in the student's IEP, the costs of the route are not eligible for special education aid (either Federal or State).

There are supplemental aids and services that may be provided to a student on a routine bus route that would qualify as an excess cost of providing special education. The salaries and benefit costs of paraprofessionals or aides that provide services to students with disabilities on the route would be eligible for special education aid. The costs of installing and maintaining equipment (such as safety harnesses or a wheelchair lift) would be eligible for aid if required by the student's disability. Any cost that the student incurs above and beyond the general cost of providing the transportation mileage would be an aidable cost if prescribed by the student's IEP. Students with disabilities who receive specialized services on a routine bus route are counted as regular education students for the purpose of transportation aid.

A student's IEP team is responsible for determining whether transportation between school and other locations is necessary in order for the student to receive a free appropriate public education (FAPE). If the transportation is identified as a related service in a student's IEP, costs incurred by the LEA for transporting these students is an excess cost of providing special education, and thus eligible for either IDEA grant reimbursement or state categorical aid. These costs may include driver, maintenance to a vehicle, gas, etc.

There are limited situations in which the student's unique needs require an IEP team to determine that a separate vehicle or route is the necessary service to ensure a student receives FAPE. The IEP team must undertake an individualized determination that due to a student's disability, a separate vehicle route must take place to transport the student to school. The IEP team must consider how the student's disability affects the student's need for transportation, including determining whether the student's disability prevents them from using the same transportation as nondisabled students, or from getting to school in the same manner as nondisabled students. This decision should be based on student needs which may include, but are not limited to, medical and health needs, student's needs for adaptive or assistive equipment, accessibility, student's capacity, behavioral issues, and transportation to off-site services or therapies.

The student's IEP should describe the transportation arrangement. Consider the type of vehicle, specific equipment needed, personnel, picking up and dropping off procedures, and goals/objectives for transportation if there is an independent purpose (e.g., life skills, behavior). If a student's unique needs required another student to accompany them on the special education bus route, this should be documented in the student's IEP. These details will also assist in determining which costs are eligible for special education aid.

Incidental Benefit

Under strict circumstances, a student without a disability may utilize a specialized transportation route as an incidental benefit without disqualifying the costs of the route for state Special Education Aid or IDEA grant funding. This is only allowed in situations where the student without a disability is a member of the same household and is picked up in the same location as a student whose IEP requires specialized transportation. In addition, the route must not incur any additional costs for transporting the student without a disability, and they must not displace a student with a disability from the route. DPI will not be providing prior approvals for transporting students without disabilities—the LEA is responsible for maintaining any records to justify the eligibility of a route.

Accommodation for Students Experiencing Homelessness or Foster Care

The McKinney-Vento Act requires LEAs to provide transportation for students experiencing homelessness to their schools of origin. Similar to the McKinney-Vento Act, the Every Student Succeeds Act (ESSA) seeks to improve the educational stability of students who have been placed in foster care by ensuring students remain in their school of origin (school in which the student was enrolled at the time of or immediately prior to foster care). Foster care (also known as out-of-home care in Wisconsin) includes a variety of arrangements including include foster homes, treatment foster homes, group homes, shelter care facilities, residential care centers, and the homes of relatives other than parents.

In order to provide flexibility in rapidly changing circumstances and promote compliance with both Acts, DPI will permit an LEA to utilize a specialized transportation route on a short-term basis (up to 20 school days) to transport a student newly experiencing homelessness or foster care, without affecting the route's eligibility for state Special Education Aid or IDEA grant funding. That student must not displace a student with a disability from the specialized route, and their addition must not cause significant disruption to the students with disabilities served by the route. **Any additional, short-term cost incurred by transporting the student newly experiencing homelessness or foster care must be allocated to Fund 10.** A long-term (more than 20 school days) arrangement for a student experiencing homelessness or foster care to utilize a specialized transportation route must meet the incidental benefit requirements for that route to remain eligible for state Special Education Aid or IDEA grant funding.

For more information on funding specialized transportation in Wisconsin, please see [Specialized Transportation Aid Eligibility and Funding](#)

For more information on transporting students with disabilities, please see [DPI Information Update Bulletin 09.02](#)

For more information on transportation of homeless students on special education bus routes, please see [Letter to Bowman](#) (August 2013)