



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

AUG 22 2003

Ms. Robin L. Leeds
Regulatory Liaison
National School Transportation Association
625 Slaters Lane, Suit 205
Alexandria, VA 22314

Dear Ms. Leeds:

This is in reply to your letter regarding concerns expressed by your Association that transportation providers, including contractors, bus drivers, and aides, are often not included in school district plans or training related to transporting children with disabilities under Part B of the Individuals with Disabilities Education Act (Part B) and its implementing regulations. I am sending an identical response to Michael Martin, Executive Director of the National Association for Pupil Transportation. We appreciate the concerns identified in your letter and share your interest in ensuring that children with disabilities are appropriately and effectively transported by informed and well-trained transportation providers.

In your letter, you indicated that (1) transportation providers are rarely consulted by members of the individualized education program (IEP) teams for children with disabilities who require transportation as a related service and are not provided with the opportunity to express their opinions regarding appropriate supports and potential problem areas during the development of those students' IEPs; and (2) transportation providers are rarely included in special education training programs and do not receive child-specific training from the education personnel who are familiar with the students' needs.

You stated that the problems facing transportation providers as outlined above seem to be the result of a failure to appropriately implement and comply with the Part B regulations at the state and local levels, rather than a deficiency in the regulations themselves. You have asked the Office of Special Education Programs (OSEP) to remind the States of their obligation to transportation personnel as related services providers and listed specific suggestions to address the situation.

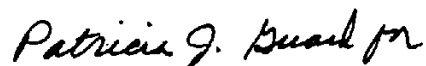
Although under Part B, there is no specific requirement that related services personnel be part of the IEP team, it would be appropriate for public agency officials to solicit the opinions of these personnel, including transportation providers, in the development of the IEP. (§614(d)(1)(B); 34 CFR §300.344). In addition, the public agency must notify a related services provider of his or her responsibility under the IEP and the specific supports that must be provided for the child in accordance with the IEP. (34 CFR §300.342(b)(3)). In order to ensure that related services, including transportation, are

provided in accordance with a child's IEP, it is important that the providers be appropriately trained to provide these accommodations, modifications and supports.

We have prepared an "OSEP Memorandum" to be sent to all State directors of special education suggesting that they contact all local educational agencies within their respective States to remind them of their obligations under Part B and to encourage them to ensure that transportation providers are fully informed – before the fact – of their responsibilities under the IEPs as well as the individual needs of the children they are transporting. When this memorandum is disseminated, we will ensure that you receive copies to share with your respective constituencies.

If you have comments or questions regarding this letter, please feel free to contact either Dr. JoLeta Reynolds at (202) 205-5507 (press 3) or Mr. Thomas B. Irvin at (202) 205-5803).

Sincerely,

A handwritten signature in cursive script that reads "Stephanie J. Smith Lee".

Stephanie Smith Lee
Director
Office of Special Education
Programs