



**SPECIAL EDUCATION NON-REGULATORY GUIDANCE**  
DETERMINING ELIGIBILITY FOR TRANSPORTATION AS A RELATED SERVICE  
July 2024

The Office of the State Superintendent of Education (OSSE) provides this guidance on local education agency (LEA) responsibilities for determining eligibility for special education transportation services consistent with the Individuals with Disabilities Education Act (IDEA) and District of Columbia laws, regulations, and policy. The individualized education program (IEP) team must determine eligibility for transportation as a related service at least annually, using the state level criteria established in OSSE's [Special Education Transportation Services Policy](#). This guidance is intended to support IEP teams in making these eligibility determinations by connecting transportation eligibility criteria, IEP team considerations, and student-level data. This document generally constitutes non-regulatory guidance and does not impose any additional requirements beyond those included in applicable federal and local law and regulations.

**BACKGROUND: TRANSPORTATION AS A RELATED SERVICE**

In the context of special education, transportation as a related service includes travel to and from school and between schools; travel in and around school buildings; and specialized equipment such as special or adapted vehicles, lifts and ramps, if they are required to provide transportation for a student with a disability.<sup>1</sup> Transportation as a related service must be provided if the IEP team determines that the provision of transportation services is necessary for the provision of a free appropriate public education (FAPE) and the student is eligible for transportation, using state-established criteria as prescribed in state-level policy. Special education transportation services must be provided in accordance with a student's IEP, and at no cost to the parents of a student.<sup>2</sup> Transportation as a related service does not include transportation to services or locations that are not necessary for the provision of FAPE, such as Out of School Time programs, childcare facilities, or private services.

The IEP team must determine, on an individual basis, whether transportation is required to assist a student with a disability with accessing special education and related services, and if so, how the transportation services should be implemented. The IEP team must find that a student meets the requirements under at least one eligibility category before determining that the student is eligible to receive special education transportation services. Transportation eligibility determinations, as with other IEP team decisions, must be made through a consensus of the team members.

A student's eligibility for transportation as a related service must be based on the individualized needs of the student; it is inappropriate to designate transportation services for the primary purpose of satisfying a parent's request, facilitating daily attendance, or mitigating increased distances between home and school resulting from non-FAPE related parent enrollment decisions.

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<sup>1</sup> 34 C.F.R. § 300.34(c)(16); 5-A DCMR § 3012.18

<sup>2</sup> 34 C.F.R. § 300.34(a); 20 U.S.C. §1412(a)(1)(A); 34 C.F.R. § 300.101

Students with disabilities may be eligible for special education transportation under three eligibility categories: medically fragile students, structured transportation supports, and accessing a specialized program.<sup>3</sup> An IEP team must find that a student meets the requirements under at least one eligibility category before determining that the student is eligible to receive special education transportation services.

*Medically Fragile Students (MFS):* students who cannot travel safely without a specialized or adapted vehicle due to a documented medical condition. A specialized or adapted vehicle is a vehicle that has specialized equipment such as a specialized seat or seatbelt, positioning device, or a wheelchair lift/ramp.

*Structured Transportation Supports (STS):* Students with intellectual/cognitive, emotional, sensory/communication, or physical needs significant enough to prevent safe travel without structured transportation supports may be eligible for special education transportation services. Structured transportation supports refers to a non-medical accommodation and/or form of assistance that addresses safety concerns such as unsafe behavior, compromised decision-making, or impaired navigation resulting from the student's disability.

*Accessing Specialized Programs (ASP):* Students with disabilities who are traveling to a school site for the purpose of accessing a specialized program due to an IEP team placement decision. A specialized program is a special education instructional setting, within an LEA or nonpublic school, in which the student is instructed apart from the general education population for the majority of the school day (e.g., separate special education classroom, separate school designed specifically for students with disabilities).<sup>4</sup>

## **CONSIDERATIONS FOR DETERMINING ELIGIBILITY**

The IEP team must determine eligibility for transportation as a related service at least annually, typically during the annual IEP review meeting. IEP teams must also reconsider eligibility for transportation services to address changes in student-level data or student needs, or if the parent or IEP team requests a review outside of the annual IEP review. IEP teams must consider all available student-level data and information that may inform the eligibility determination, including historical and new medical conditions, medical devices and equipment, communication needs, aide/escort/attendance assistance, behavior needs, and ride time constraints. All considerations discussed must be documented in the statewide special education data system, Special Programs, using the appropriate transportation eligibility category worksheet in the student's IEP.

To help prepare for or guide the eligibility discussion, IEP team members should generally consider the student's transportation needs and abilities, including:

- What are the student's mobility issues and needs?

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<sup>3</sup> Students may also receive special education transportation services subject to a court order, hearing officer determination, or settlement agreement.

<sup>4</sup> See [OSSE's Special Education Transportation Services Policy](#)

- What are the student’s behavioral, social, and emotional needs?
- What are the student’s physical limitations and needs?
- Is the student medically fragile or do they have medical concerns that affect their ability to travel safely on public transportation?
- Does the severity or manifestation of the student’s disability require constant adult supervision?
- What are the student’s communication needs?
- Can the student follow instructions or directions with relative ease?
- How is the student transported outside of school?
- How far is the student being transported, and how long will they be on the bus?
- Can the student transport themselves or be transported without complication using the same transportation modes as their peers without disabilities?
- Does the student have a documented history of behavior that is considered harmful to themselves or others?
- Does the student require accommodations that can only be provided through transportation on an OSSE Division of Student Transportation (OSSE DOT) vehicle?
- Can the student successfully and safely navigate and self-transport using the public transit options available?
- What are the student’s communication needs, self-advocacy skills, and abilities to assess risk and navigate directions?

**TRANSPORTATION ELIGIBILITY CATEGORIES**

In applying the established eligibility criteria for each transportation eligibility category, IEP teams should consider the following factors and student-level data or information. This is not an exhaustive list; IEP teams must make decisions based on the individualized needs of the student and may consider any factors relevant to the student’s circumstances.

<b>Medically Fragile Students (MFS)</b>	
<b>Considerations</b>	<b>Student-level data</b>
<ul style="list-style-type: none"> <li>• Does the student’s medical history substantiate the existence of a chronic or persistent medical condition?</li> <li>• Does the severity or manifestation of the student’s medical needs require constant monitoring?</li> <li>• Does the student rely on specialized medical equipment (e.g., oxygen tank, tracheotomy tube, catheter, etc.) that is not readily transportable in a non-adapted or standard vehicle?</li> <li>• Does the student require health-related services (e.g., health-related assistance from an aide or nursing services)?</li> <li>• Does the student require assistance with self-administered medications or medical devices that are utilized on a routine or daily basis?</li> </ul>	<ul style="list-style-type: none"> <li>• Evidence of chronic or persistent medical conditions</li> <li>• Past and current diagnoses provided by physicians note</li> <li>• Current medical equipment</li> <li>• Current medication administration plan</li> <li>• History of need for health-related services such as an aide or nursing services</li> <li>• Restrictiveness of student activity without specialized equipment or aid</li> </ul>

<ul style="list-style-type: none"> <li>• Does the student require specialized/adapted vehicles for transport outside of school (weeknights or weekends)?</li> <li>• Is it unsafe for the student to participate in common physical activities during recess or physical education without specialized equipment or the aid of additional school staff?</li> <li>• Is the student’s medical condition so severe that they cannot be transported without presenting a serious risk to their personal health or safety?</li> </ul>	
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<b>Structured Transportation Supports (STS)</b>	
<b>Considerations</b>	<b>Student-level data</b>
<ul style="list-style-type: none"> <li>• Does the severity or manifestation of the student’s disability require constant adult supervision?</li> <li>• Does the student have a documented deficit in assessing risk or advocating for personal safety?</li> <li>• Does the student have a history of behavior that is considered dangerous to self or others?</li> <li>• Does the student lack the ability to understand cues, instructions, street signs/signals, or to navigate an established route?</li> <li>• Is it unsafe for the student to travel without structured transportation supports outside of school (nights or weekends)?</li> <li>• Can the student be safely transported without structured supports?</li> </ul>	<ul style="list-style-type: none"> <li>• Evidence of intellectual/cognitive, emotional, sensory/communication, or physical needs requiring structured supports</li> <li>• Student behavior history, including behavior intervention plan if available</li> <li>• Student ability to assess risk and maintain personal safety, including student safety plan if available</li> <li>• Student communication needs</li> </ul>

<b>Accessing a Specialized Program (ASP)</b>	
<b>Considerations</b>	<b>Student-level data</b>
<ul style="list-style-type: none"> <li>• Is the student attending a specialized program, in which the student is instructed apart from the general education population for the majority of the school day (e.g., separate special education classroom, separate school designed for students with disabilities) as a result of a FAPE-based placement decision made by the IEP team?</li> <li>• Is the student required to travel to a site, outside of the neighborhood school or charter school site of enrollment, for the purpose of accessing the specialized program?</li> </ul>	<ul style="list-style-type: none"> <li>• Prior written notice (PWN) documenting the student’s placement in a specialized program</li> </ul>

**DOCUMENTING THE ELIGIBILITY DETERMINATION**

After the IEP team determines that a student is eligible for transportation as a related service, the team must appropriately document its decision in the student’s file in Special Programs. This includes completing the relevant eligibility worksheet(s) and providing a justification statement to support the

eligibility determination. In doing so, the IEP team must include a detailed summary of the nature of the student's disability that necessitates transportation services. This may include a summary of formal or informal assessment data, a summary of behavioral assessments and interventions, IEP team observations, parent input, and any other relevant data supporting the need for transportation.

The IEP team must also describe the structure of supports or accommodations needed to ensure the student's safe travel. This includes any relevant medical equipment, medication administration details, summary of current behavior intervention plan, travel time restrictions, and any other relevant supports currently in place that may support the safe transportation of the student on OSSE DOT vehicles. The IEP team must also determine if the student requires specialized equipment on the OSSE DOT vehicle and/or any additional supporting related services (e.g., dedicated aide or nursing services) on a case-by-case basis and must similarly document the need for such equipment and/or services by obtaining an evaluator's note or by reviewing current evaluation data from the past year and providing a written justification for the IEP team's decision. The IEP team must designate any specialized equipment, aide supports, medical needs, and any other necessary services or accommodations in the student's IEP. For more information on bus accommodations including specialized equipment and aide supports, please see the [OSSE DOT Vehicle Accommodations Guidance](#).

If you have questions regarding LEA special education obligations, please contact the Division of Systems and Supports, K-12 special education policy team at [OSSE.DSEpolicy@dc.gov](mailto:OSSE.DSEpolicy@dc.gov).

If you have questions regarding the provision of student transportation services, please contact the Division of Student Transportation at [osse.dot@dc.gov](mailto:osse.dot@dc.gov).