



NORTH DAKOTA DEPARTMENT OF **PUBLIC INSTRUCTION**

Informational Paper

Transportation as a Related Service in the IEP

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Transportation as a Related Service in the IEP

If a student has an IEP and the team agrees transportation is required as a related service, the IDEA regulations (34 CFR § 300.34(c)(16)) can include travel to and from school and between schools. The team is responsible for determining both if transportation is required to assist a child with a disability to benefit from special education and related services, and how the transportation services should be implemented.

According to ND Century Code 15.1-32-16, the student's IEP team should consider the transportation strategies that are most prudent and appropriate given each individual's disability and needs. The team must consider and document the distance of the commute and its impact on the student's education and/or special needs, as well as any safety concerns. The full IEP team must arrive at a consensus of who is responsible for the implementation of transportation and any costs. This must be documented in the adaptations section and related services section of the IEP. When the serving school is different from the local education agency (LEA), the rationale for this decision must be documented in the IEP under least restrictive environment section. Failure to provide the above documentation in the IEP may result in transportation cost reimbursement being denied.

Required IEP team membership includes the parent (or surrogate parent), special educator, general educator, administrator of serving school, and a representative from the local education agency (LEA). For a student in foster care, the custodian from the Tribe/County/Juvenile Services is an integral member of the team, but cannot by law act as parent. Accordingly, it is also a conflict of interest for a member of NDDPI to act as the educational representative. A foster parent who has had the youth in their home for six months or more can be substituted as a surrogate parent.

According to ND Century Code 15.1-30-14, School Bus Route-Extension into Bordering State, the board of a school district may extend its bus route into a bordering state for the purpose of transporting students from the bordering state, provided the superintendent of public instruction has entered a reciprocal contract with the bordering state or that the board has entered into a contract with the school district in the bordering state.

IEP OUT OF STATE

If a child from ND has an IEP and is placed out of state for other than educational purposes, notification of placement must be made by the child's custodian into the ND Teach/student contract electronic record keeping system. Approval of new entities (new serving schools) must be completed by NDDPI. Annual residency determination on September 15th is required by placing agency. The placing agency shall also include the school district of residency in the permanency planning of the student. ND Century Code 15.1-29-14

IEP for STATE RESPONSIBLE STUDENTS

Student placement for noneducational purposes-payment of tuition: ND Century Code 15.1-29-14

The State shall pay the tuition for students deemed "state responsible". These students meet one of the following criteria:

1. The student's custodial parent or legal guardian establishes residency outside the state
2. A court orders termination of parental rights with respect to the student's parents
3. The student no longer has a custodial parent; or
4. The superintendent of public instruction has determined that all reasonable efforts to locate a parent or legal guardian have been unsuccessful.

Transportation for State Responsible students is consistent with the process described above. The local educational agency (LEA) is considered the ND public school that the student last attended.