



Q&A: Bus Transportation for Special Education Students Removed From Bus for Disciplinary Reasons

The Minnesota Department of Education (MDE), Division of Compliance and Assistance has developed this document to provide technical assistance to districts and parents that have raised questions about transportation requirements for special education students when they are removed from the school bus for disciplinary reasons. The intention of this document is to provide helpful, general information to the public. It does not constitute legal advice nor is it a substitute for consulting with a licensed attorney. The information below should not be relied upon as a comprehensive or definitive response to your specific legal situation. This document may not include a complete rendition of applicable state and federal law.

Question 1: What is a district's transportation responsibility when a student has bus transportation services on his or her individualized education plan (IEP) and that student is removed from the school bus for disciplinary reasons?

Answer: If transportation to and/or from school is on a student's IEP, the school district has the responsibility to obtain alternative transportation for the student during the time period the student is removed from the school bus. If the district fails to do so and the student does not attend school during the removal from school transportation, the days of removal from school transportation would be considered days of removal from the school setting.

Authority: 34 C.F.R. § 300.530(b), cmts. at 71 F.R. 46271 (August 14, 2006).

Question 2: What is a district's transportation responsibility when a special education student's IEP does not include transportation services and that student is removed from the school bus for disciplinary reasons?

Answer: If a student's IEP does not provide for special education transportation services due to the student's disability or special program needs, the school district would follow its own policies regarding bus suspension. However, if the behavior on the bus is similar to behaviors exhibited at school, the IEP team should meet to discuss whether or not the student is in need of specialized transportation services. Where transportation is not provided for on the student's IEP, there is nothing in federal or state law that prohibits a district from offering alternative transportation services to students who do not have transportation to school; however, it is not a requirement under federal or state law.

Authority: 34 C.F.R. § 300.530(b), cmts. at 71 F.R. 46271 (August 14, 2006).