



# Technical Assistance Bulletin

Division of Early Intervention and Special Education Services | Bulletin # 16-01



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## Transportation of Children with Disabilities

### Purpose

This technical assistance bulletin provides guidance and a framework for local education agencies (LEAs) in Maryland to implement the related service of transportation for eligible students ages 3-21 with disabilities. Not all students with disabilities are eligible for the related service of transportation. This determination is made, on a case-by-case basis by the Individualized Education Program (IEP) team members, including the parent, and should be based upon the specialized needs of an individual child. Transportation services require thoughtful and timely planning.

### Legal Framework

Under the Individuals with Disabilities Education Act (IDEA) Part B regulations transportation is defined as a related service that includes: “(i) Travel to and from school and between schools; (ii) Travel in and around school buildings; and (iii) Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.” (34 CFR §300.34(c)(16)).

Under the IDEA Part C regulations, transportation is an early intervention service. “Transportation and related costs include the cost of travel and other costs that are necessary to enable an infant or toddler with a disability and the child’s family to receive early intervention services.” (34 CFR §303.13(b)(16))

Transportation staff working directly with children are related service providers in the same way as occupational therapists and speech pathologists and others, and they must be informed of the needs of the child they work with, as well as the components of the IEP that they are responsible to implement. This may include the implementation of a behavior intervention plan (BIP), emergency action or health plans, or other supplementary aids and services that are appropriate to implement when transporting the child.

Transportation staff are responsible for children’s safety while they are in the vehicle and are experts in what is needed to keep the child safe. Accordingly, their voices should be a part of any problem-solving and decision-making that takes place at the IEP team meetings.

## Trained Personnel and Effective Communication

An essential component of safe transportation is appropriately trained special education and transportation personnel. In 2003, the United States Department of Education (USDE), Office of Special Education Programs (OSEP) issued a memorandum entitled, *Ensuring Safe and Appropriate Transportation for Children with Disabilities*. It states: "Transportation providers play an integral role in the school lives of many children, including children with disabilities, which makes effective communication between the school and the providers essential. We believe that, for the safety and well-being of all children who ride school buses, including children with disabilities, it is crucial that they are appropriately and effectively transported by well-informed and well-trained transportation providers." In order for appropriate transportation services to occur, it is essential that LEA transportation and special education personnel have in place an effective system of communication.

### Questions and Answers

#### 1. Do the Part B regulations of the IDEA address the related service transportation?

The IDEA Part B regulations address the transportation needs of children with disabilities and defines the related service transportation. In addition, transportation is further addressed in a comprehensive memorandum titled, *Questions and Answers on Serving Children with Disabilities Eligible for Transportation* (November 2009).

#### 2. What is the IDEA definition of the related service transportation?

"Transportation (Part B) includes—

- (i) Travel to and from school and between schools,
- (ii) Travel in and around school buildings, and
- (iii) Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability."  
(34 CFR §300.34 (c)(16))

It is recommended beginning with the initial IEP meeting and thereafter, that qualified IEP personnel collaborate in determining appropriate transportation services for a child with a disability. Qualified personnel may include, as appropriate, transportation administrators, psychologists, social workers, behavioral specialists, physical therapists, occupational therapists, and other personnel, as needed.

#### 3. How is eligibility for the related service transportation determined?

It is the responsibility of the IEP team, including the parent, to discuss and determine eligibility for transportation services to assist a child with a disability to benefit from special education and related services. The IEP team should include all personnel necessary to make an informed decision to provide safe transportation and meet the individual needs of a child with a disability.

"In all instances, each student's need for transportation as a related service and the type of transportation to be provided are issues to be discussed and decided during the evaluation process and individualized education program (IEP) meeting, and the transportation arrangements agreed upon should be included in the disabled students IEP. If the IEP team determines that transportation is a related service, including it in the IEP for a particular student because it is required to assist that student to benefit from special education, the public agency must provide transportation to the student at public expense." (Letter to

Smith, Office of Special Education Programs July 12, 1995.)

#### 4. Which IDEA related services also impact the provision of the related service transportation?

In addition to the related service transportation, there are other services under the IDEA that have a direct impact on the provision of the related service transportation under Part B for children with disabilities.

These IDEA services provide further guidance about what is sometimes required to provide appropriate transportation services.

- **Assistive Technology Device**

When the IEP team determines a child requires specialized equipment this necessity should be discussed and determined at the IEP meeting by qualified personnel, including the parent and documented on the IEP. It is essential that when a child safety restraint system (safety vest) is recommended individuals knowledgeable about this specialized equipment provide training for school transportation personnel regarding how to use this specialized equipment on assigned school transportation vehicles. Children who are medically fragile are especially vulnerable and all equipment usage should be commensurate with manufacturer instructions.

- **Assistive Technology Service**

At the IEP meeting, consideration should be given to any specialized equipment required for an individual child to ride safely. Equipment should be utilized in accordance with the manufacturer's instructions. Transportation personnel utilizing specialized equipment should receive training by qualified individuals about how to use the equipment. This includes substitute transportation personnel.

- **Location of Services and Transportation**

Parents should be informed in writing by the LEA about policies and procedures regarding transportation services provided to and from a parentally-placed private school.

- **Nonacademic Services**

Transportation for students with disabilities to nonacademic and extracurricular services should be provided to the same extent these services are provided for students without disabilities. This matter should be discussed at an IEP meeting by qualified individuals, including the parent. Transportation to nonacademic and extracurricular services should be documented on the child's IEP.

- **Travel Training**

Travel training is important to facilitate independent safe travel to and from school and in the community. It is important for the IEP team to consider the need for travel training when planning for a child's postsecondary transition. Travel training service decisions should be made on a case-by-case basis based at an IEP meeting by qualified personnel, including the parent and child, when appropriate.

Travel training should include the cooperative planning of special education and transportation personnel. Travel training may be required to support a child's independent transition from school to post-school activities including educational opportunities and independent community living.

## 5. What IEP transportation services should be discussed at a child's IEP meeting?

It is the responsibility of the IEP team, including necessary qualified personnel and the parent, to discuss at a child's IEP meeting all services that are required to provide safe transportation.

Approved transportation services for a child should be documented in the IEP. The following are considerations that may be needed to be discussed based upon an individual child's specialized needs:

Allergies, Alternative Vehicle Assignment, Climate Control Vehicle, Diastat Transport & Administration, Do Not Resuscitate (DNR) Orders, Driver and Attendant Special Assignment, Epi-Pen Transport & Use, Extra-Curricular Activity Busing, Field Trip Participation, First Aid Administration, Length of Ride Time, Managing Seizures, Medication Transport & Use, Nursing Services, Oxygen Transport & Use, Parent Reimbursement, Participation in Evacuation Drills, Pick-up and Drop-off Location, Required Specialized Training for Drivers & Attendants; Required Specialized Training for Substitute Drivers & Attendants; Required Supervision; Service Animals, Specialized Equipment, Specialized Seating, Vagus Nerve Stimulator (VNS) Use.

This list is not exhaustive. Additional services may be required to be addressed by an IEP team on a case-by-case basis.

## 6. Who should be invited to attend an IEP meeting to discuss appropriate transportation services?

The IEP team meeting should include all qualified personnel necessary to make an informed decision, including the parent. Transportation services may require complex considerations in order to implement safe transportation. It is essential that all school transportation personnel providing specialized transportation services receive training prior to serving children on school transportation vehicles. This includes substitute transportation personnel. Training should be consistent with recommended services on an individual child's IEP to provide a safe ride.

The following list of questions provides guidance as to when transportation and related services personnel should attend an IEP meeting:

- Is it the first time a child with a disability is receiving the related service of transportation?
- If a child with a disability has previously received the related service of transportation has anything changed?
- What transportation services need to be documented on the child's IEP?
- What is the impact of the child's disability on the need for the related service of transportation as a result of:
  - Behavior Management Issues and Concerns,
  - Medical Issues and Concerns, and
  - Specialized Equipment Needs and Use
- Can the child with disabilities be assigned to ride on a regular route without an attendant?
- How does the age of the child impact safe ridership?
- Where is the IEP special education and related services program assignment location?
- What IEP consideration may influence safe ridership?

The above list is not exhaustive. The following provide an example of some additional topics that may need to be addressed by the IEP team on a case-by-case basis.

- Is there a travel distance limitation to a school transportation prior to approving a placement?
- Are transportation staff required and qualified to administer emergency medication?

**7. How should the appropriate mode of transportation for an individual child with a disability be determined?**

It is recommended when the mode of vehicle selection for transportation of students with disabilities is discussed, members of the IEP team, including the parent and transportation personnel, participate in these discussions.

A parent of a child with a disability should be made aware of the vehicle selection for the provision of their child's related service transportation, if a vehicle other than a school bus is used. When a school vehicle selection is changed, during the course of a school year, parents should be informed about the change. This change should be consistent with the current IEP approval for transportation services.

The IDEA does not specify vehicle selection for the provision of transportation. However, the Code of Maryland Regulations (COMAR) 13A.06.07 *Student Transportation* addresses school vehicles that are permissible for the transportation of students with disabilities.

**8. When does the IDEA require parent reimbursement for the provision of the related service transportation?**

It is the LEAs responsibility to provide FAPE, including transportation services for an eligible student. It is never the parent's responsibility to provide transportation services for their child as a part of FAPE. Parents should never be asked to provide transportation services absent emergency circumstances. In emergency situations, a parent of a child with a disability who is asked to provide transportation services to and from school is entitled to reimbursement when transportation is a related service that a child with a disability needs to receive a FAPE. The child's IEP should document the approval of this transportation service arrangement. A school district that has been reimbursing a parent may determine that this arrangement is no longer necessary. At such time, an IEP meeting should be conducted to document a change. Parents of students with disabilities are not entitled to reimbursement when the school district has offered to provide appropriate transportation and the parent decides to provide transportation.

The IDEA does not address or provide guidance regarding a required reimbursement rate for the provision of parent transportation. It is recommended that each LEA have in writing their policies and procedures regarding parent reimbursement for the provision of parent transportation services. It is recommended that all matters regarding parent transportation for the related transportation liability should be discussed with the parent prior to approving this arrangement.

**9. Does the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) specifically address transportation?**

FERPA clarifies that for individuals who have a "legitimate educational interest," disclosures of personally identifiable information from education records are permissible under specific circumstances. The FERPA regulations clarify that this exception may include contractors when it would otherwise use employees to perform these functions. It is critical to recognize that these contractors are subject to the same conditions governing the use and redisclosure of education records as school districts. All transportation personnel provided personally identifiable student information should be trained regarding FERPA requirements specific to students with disabilities.

It is stated in the document *Questions and Answers on Serving Children with Disabilities Eligible for Transportation*, November 2009 "Each person, including a school bus driver, who collects or uses personally

identifiable information concerning a child with a disability, must receive training or instruction about the State's policies and procedures protecting the confidentiality of such information under 34 CFR §300.123 and 34 CFR part 99. Transportation providers play an integral role in the school lives of many students, including students with disabilities. Effective communication between schools and transportation providers is essential, including communication about transportation needs and potential problems of children with disabilities. To the extent appropriate, school personnel in LEAs should ensure that school bus drivers or other transportation providers are well informed about protecting the confidentiality of student information related to (1) the special needs of individual students with disabilities who ride on school buses with their general education peers, and (2) possible strategies and assistance that may be available to drivers (including the use of aides on buses)."

The LEA should have written policies and procedures regarding the use of video surveillance to monitor school vehicle activities. These policies and procedures should include FERPA requirements when the video is considered an educational record, including a parent's right to view a video.

#### **10. When should the need for specialized equipment be addressed at a IEP team meeting?**

It is the responsibility of the IEP team to invite qualified individuals to discuss the unique needs of a child with a disability requiring specialized equipment. When a child requires specialized equipment in order to receive FAPE, it should be documented in the IEP. It is essential that all school vehicle substitute transportation personnel be knowledgeable about the equipment utilized to transport a child with disabilities, prior to serving as substitute personnel.

Specialized equipment should be used in accordance with manufacturers written instructions and be in working condition to provide a safe ride.

#### **11. Are children with disabilities required to participate in evacuation drills?**

In accordance with COMAR 13A.06.07.12L *Evacuations*, school vehicle evacuations should be conducted twice each school year.

It is recommended that the LEA have written policies and procedures on how to safely conduct evacuation drills for students with disabilities whose specific disability requires special planning and intervention in order for a child to safely participate in an evacuation drill.

Students with disabilities should participate in evacuation drills to the same extent required in COMAR 13A.05.06.07.12L for nondisabled students. It may be essential to make adjustments for a child with a disability to participate in an evacuation drill safely. These adjustments should be in writing and documented. It is recommended that qualified personnel, including the parent, discuss necessary evacuation drill adjustments at the annual IEP meeting.

#### **12. How should pickup and drop-off location be determined?**

It is appropriate at the time of the IEP meeting to discuss and determine appropriate pickup and drop-off location needs of an individual child such as curb-to-curb service. IDEA does not specifically address whether transportation should be from a designated location or from the curbside in front of a child's home. This decision is left to the IEP team, including parent input, and is based upon an individual child's needs.

Each IEP team's recommendations and decision should be made on an individual basis, taking into consideration the child's cognitive level, emotional stability, physical functioning and chronological age. Pick-up or drop-off location should not be a unilateral transportation office decision.

**13. How should it be determined if an attendant is required on the school transportation vehicle to implement a child's IEP?**

A determination regarding the assignment of a school transportation vehicle attendant to assist with the special needs and supervision of students with disabilities is an IEP team decision. It is the responsibility of qualified personnel at the IEP team to determine if an individual child requires a school vehicle attendant in order to receive FAPE. This decision should be recorded on the IEP document and include the specific accommodations required from the attendant to ensure safe transportation. If substitute transportation personnel are required, they should be informed and knowledge about child specific services.

School transportation vehicle attendants assigned to a specific child or supervising students on the school transportation vehicle should have the knowledge and skills required to carry out their job responsibilities and be knowledgeable about the specific students served. This applies to substitute transportation personnel.

Some LEAs assign attendants to assist the driver with multiple safety functions. These attendants are not considered a child specific IEP assignment and can support multiple students on the school transportation vehicle.

**14. Does least restrictive environment (LRE) apply to the transportation of students with disabilities?**

The IDEA regulations require the LEA to ensure that students with disabilities are not segregated from their nondisabled peers, this applies to school transportation. As such, the IEP team must also discuss and determine LRE considerations and make determinations with respect to transportation services.

When students with disabilities are unable or removed from school transportation vehicles serving general education students this decision should be based upon the specific specialized needs of an individual child and documented on the IEP.

**15. What is the maximum amount of time a child may spend on a school transportation vehicle traveling to and from school?**

The IDEA does not address the maximum amount of allowable travel time on a school transportation vehicle or the reasonableness of travel time to and from home to school. However, an unusually lengthy school transportation ride may result in a denial of FAPE. In discussing transportation services, IEP teams are required to consider the distance to and from the student's home. 34 CFR §300.116(b)(3).

Each transportation ride time should be considered on a case-by case basis when ride time is an issue or concern. This issue or concern should be reviewed by qualified members of the IEP team, including the parent.

Prior to school placement of a child with a disability outside of their home school, it is recommended the IEP team, including qualified individuals and the parent consider the impact of ride time on a child's provision of FAPE. Transportation personnel should be consulted about ride time issues and concerns.

**16. What transportation considerations should be discussed prior to finalizing a nonpublic placement decision?**

The nonpublic school program placement recommendation should include a discussion about transportation services required prior to program placement in order to ensure transportation to the location and reasonableness of ride time. It is necessary to consider the length of ride time and the impact on the child’s ability to benefit from FAPE.

At the IEP Team meeting special education, transportation, related service personnel, and parents should discuss the impact of the length of ride time on an individual child and the selected mode of transportation. It recommended to invite a member of the nonpublic program to participate in these discussions, when appropriate.

The IDEA regulations state: “In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that -

- (b) The child's placement -
  - (2) Is based on the child's IEP; and
  - (3) Is as close as possible to the child's home;
- (d) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs.” 34 CFR §300.116(b)(2)(3) and (d).

**17. Is transportation to and from childcare centers required under the IDEA?**

The IDEA does not specifically address the related service transportation to and from childcare centers. However, if the childcare center is a part of the child’s IEP special education and related services, this matter should be addressed at the child’s IEP team meeting when the related service transportation services are determined. In such instance’s transportation to and the childcare center may be required to provide FAPE.

It is recommended that each LEA inform parents, at the IEP meeting, about the LEAs policies and procedures on transportation to and from childcare centers. If the LEA provides transportation to and from childcare centers for nondisabled student there should be a procedure in place to address this provision for student with disabilities.

Students with disabilities should be afforded the same opportunities as student without disabilities with respect to transportation to childcare centers. Transportation to childcare centers for student within specific geographic boundary areas should apply equally to student with disabilities.

**18. What are the requirements to address transportation for homeless students with disabilities?**

It is essential when addressing the related service transportation for homeless students that the LEA coordinate between both the McKinney-Vento Act, and IDEA regulations to ensure that homeless students with disabilities receive the services identified in the child’s IEP. Homeless students must receive a FAPE.

COMAR 13A.05.09.06 Student Transportation requires:  
“A. Each local school system shall:



- (1) Promptly provide homeless students with transportation services comparable to the transportation services provided to non-homeless students attending the school that is determined to be in the best interest of the homeless student; and
  - (2) Notify the student and parent of the availability of transportation services, if these services are necessary for the homeless student to attend the school which is in the student’s best interest.
- B. If the student requires transportation to attend the school that is determined to be in the student’s best interest, transportation shall be provided:
- (1) As long as the child or youth attends the school of origin and remains homeless; or
  - (2) Until the end of the current school year, if the child becomes permanently housed during the school year.
- C. If the homeless child or youth no longer resides in the area served by the local school system of origin and the child or youth, though continuing education in the school of origin, begins living in an area served by another local school system:
- (1) The local school system of origin and the local school system in which the homeless child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin; and
  - (2) If the local educational agencies are unable to agree upon a method under §C (1) of this regulation, the responsibility and costs for transportation shall be shared equally.”

These regulations include nondisabled and students with disabilities. It is recommended that the LEA special education and homeless education offices personnel collaborate and have ongoing meetings to ensure that staff serving homeless students with disabilities are knowledgeable about both the McKinney-Vento Act IDEA requirements.

**19. Is there an IDEA requirement to address sexual harassment on a school transportation vehicle?**

Title IX includes protecting the rights of all students by providing an educational environment free from discrimination based on sex, including discrimination in the form of sexual harassment and discrimination based on sexual orientation or gender identity. Title IX includes school transportation for students with disabilities. The OCR enforces Title IX.

It is essential that the LEA have in place policies and procedures to address sexual harassment that occurs on school transportation vehicles. All transportation personnel and substitute transportation personnel should receive training as to what constitutes sexual harassment.

On a school transportation vehicle, it is the responsibility of the driver and attendant, including substitute transportation personnel to supervise the behavior of student being transported in order to prevent or immediately attend to inappropriate sexual harassment.

**20. What is bullying and is it required to be addressed if it occurs on a school transportation vehicle?**

...“Bullying is unwanted, aggressive behavior among school aged children that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time.”

“In order to be considered bullying, the behavior must be aggressive and include:

- **An Imbalance of Power:** Kids who bully use their power—such as physical strength, access to embarrassing information, or popularity—to control or harm others. Power imbalances can change over time and in different situations, even if they involve the same people.

- **Repetition:** Bullying behaviors happen more than once or have the potential to happen more than once.”

Bullying applies to nondisabled and disabled students alike. It is essential to immediately address bullying that occurs on a school transportation vehicle in order to restore a safe transportation environment. The driver and attendant should observe and report bullying behavior on the school transportation vehicle immediately to appropriate LEA administrative personnel. Ignored bullying may prevent students with disabilities from receiving a safe ride to and from school.

Bullying can constitute a violation of IDEA, Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act (ADA) by preventing student with disabilities from receive FAPE to access education because of fear. Bullying should be reported and addressed consistent with federal, and state law as well as LEA policies and procedures.

**21. If a child with a disability has been suspended from school transportation, is it considered a suspension?**

In July 2022, the U.S. Department of Education, Office of Special Education Rehabilitative Services published the document [Questions and Answers: Addressing The Needs of Children with Disabilities and IDEA’s Discipline Provisions](#). The following information specific to transportation suspensions is presented in a question answer format.

Question: “When a child’s IEP requires transportation as a related service, are bus suspensions subject to IDEA’s discipline protections for determining a change of placement?”

Answer: “It depends. If transportation is a related service required for the provision of FAPE (i.e., to assist the child with a disability to benefit from special education) and therefore required to be included in the child’s IEP, a bus suspension must be treated as a suspension under 34 C.F.R. § 300.530, and all of the IDEA’s discipline procedures and protections for eligible children with disabilities would apply. In addition, transportation must be provided to a child with a disability placed in an IAES if transportation is required for the child to access the services provided in the IAES.

An LEA is not required to provide alternative transportation to a child with a disability who has been suspended from transportation for 10 school days or less unless the LEA provides alternative transportation to children without disabilities who have been similarly suspended from bus service. 34 C.F.R. §300.530(d)(3). If bus transportation is not required for FAPE and is not a part of the child’s IEP, a bus suspension is not considered a disciplinary removal under 34 C.F.R. § 300.530. In those cases, transportation is not part of the provision of FAPE, and the child and the child’s parent have the same obligations to get the child to and from school as a nondisabled child who has been suspended from bus services. 71 Fed. Reg. 46715 (Aug. 14, 2006). For additional information see [Questions and Answers on Serving Children with Disabilities Eligible for Transportation](#).”

The LEA personnel responsible for decisions regarding suspension of children with disabilities from school transportation ridership should be knowledge about federal and state regulations pertaining to suspension from the related service transportation.

**22. What is the benefit of providing parents with a contact person in the LEA to address transportation issues and concerns?**

Sometimes, parents contact the MSDE, Division of Early Intervention and Special Education Services (DEI/SES) without contacting the LEA first about a transportation issue or complaint because of an

inability to reach a LEA contact to assist with their transportation issues or concerns. Numerous times this occurs when transportation service is provided by a contractual provider.

It is recommended for students receiving the related service transportation, at the child's IEP meeting, parents be provided with contact information regarding who should be called in the event of a transportation issue or concern. Parent calls should be returned timely in accordance with the LEA policies and procedures. Contact information can avoid a potential formal complaint being filed with MSDE, DEI/SES.

**23. What dispute resolution procedures are available for parents for resolving disagreements regarding the provision of the related service transportation?**

Families may access their procedural safeguards, as referenced in the Parental Rights Maryland Procedural Safeguards Notice.

(CFR §§ 300.506-300.516 and 34 CFR §§ 303.430-303-434 and §§ 303.440-303.44)

**State**

- Mediation
- State Complaint
- Due Process Complaint

The LEA is encouraged to the maximum extent feasible, timely resolve parent issues, concerns and complaints regarding the related service transportation.

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17. United States Department of Education, Office of Special Education Programs, Letter July 12, 1995, to the Honorable Franklin L. Smith.
18. United States Department of Education, Letter from Miguel A. Cardona, Ed.D., Secretary of Education, Washington, DC, March 24, 2022.