



COLORADO DEPARTMENT OF EDUCATION

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GUIDANCE MEMORANDUM

TO: Superintendents
Administrative Unit Special Education Directors
BOCES Executive Directors
Charter School Administrators

FROM: Peg Brown-Clark, Assistant Commissioner

DATE: May 21, 2013

Re: **Transportation Services for Preschool Children with Disabilities**

Under the Individuals with Disabilities Education Act, 20 U.S.C. 1401 *et seq.* (“IDEA”) and the Colorado Exceptional Children’s Educational Act, eligible students with disabilities, including preschool students, are entitled to a free appropriate public education (“FAPE”), comprised of special education and related services individually tailored to meet the child’s unique needs. 34 C.F.R. §§ 300.17, 300.101. The special education and related services that a child must receive in order to receive FAPE must be documented in the student’s individualized education plan (“IEP”). *Id.*

“Related services” means “transportation and such developmental, corrective, and other support services as are required to assist a child with a disability to benefit from special education.” 34 C.F.R. § 300.34(a). “Transportation” includes, *inter alia*, “travel to and from school and between schools” and “specialized equipment (such as special or adapted buses, lifts, and ramps, if required to provide special transportation for a child with a disability.” 34 C.F.R. § 300.34(c)(16). Thus, transportation as a related service can be either related to a student’s need for access to school, or for a particular type of transportation or transportation equipment.

If a school district provides transportation to school to all preschool students who attend its schools, then it would be similarly required to provide such transportation to preschool students with disabilities. If a school district does not provide preschool students with transportation to school, then it would be up to each IEP team to determine whether a particular preschool child with a disability requires transportation as a related service (either to and from home and school, from one school to another, or from a child care setting to school)¹ in order to benefit from his or her special education program, and whether any such transportation provided requires specialized equipment. Any transportation or specialized equipment provided would have to be provided at no cost to the parents.²

¹ For example, if a preschool student received his or her special education services in a different location from where other educational services were provided, the child’s IEP would include transportation as a related service so that the child could be transported to and from the two locations.

² Any services in an IEP must be provided at public expense, without charge. 34 C.F.R. § 300.17(a).

