



SPECIAL EDUCATION

Nebraska Department of Education  
Office of Special Education

Vehicle Purchase and Minor Building Modifications for Capital  
Construction Project Guidance

2025

# Individuals with Disabilities Education Act (IDEA) Special Education Transportation

## Pupil Transportation - To & From School

Students with Individualized Education Programs (IEP) should be transported in the same manner as their non-disabled peers unless an IEP team has determined that transportation to and from the student's home to school is required for the student to receive a free appropriate public education (FAPE). The Individuals with Disabilities Education Act (IDEA) does not require LEAs to transport students with disabilities in separate vehicles, isolated from their peers. A student with an IEP should always be in the least restricted environment, including transportation arrangements ([34 CFR § 300.114](#)). Unless the IEP team determines transportation is required, to and from school, to assist a student with an IEP to benefit from special education and related services and documents the need in the student's IEP ([34 CFR § 300.34\(a\)](#)), the costs of the route are not eligible for special education aid (either Federal or State).

Some supplemental aids and services may be provided to a student on a routine bus route that would qualify as an excess cost of providing special education. The salaries and benefit costs of paraprofessionals or aides that provide services to students with IEPs on the route would be eligible for special education aid. The costs of installing and maintaining equipment (such as safety harnesses or a wheelchair lift) would be eligible for aid if required by the student's disability ([34 CFR § 300.34\(c\)\(16\)](#)). Any cost that the student incurs above and beyond the general cost of providing the transportation mileage would be an allowable cost if prescribed by the student's IEP. Students with IEPs who receive specialized services on a routine bus route are counted as regular education students for the purpose of transportation aid.

There are limited situations in which the student's unique needs require an IEP team to determine that a separate vehicle or route is the necessary service to ensure a student receives FAPE. The IEP team must undertake an individualized determination that due to a student's disability; a separate vehicle route must take place to transport the student to school. The IEP team must consider how the student's disability affects the student's need for transportation, including determining whether the student's disability prevents them from using the same transportation as nondisabled students, or from getting to school in the same manner as nondisabled students. This decision should be based on student needs which may include, but are not limited to, medical and health needs, student's needs for adaptive or assistive equipment, accessibility, student's capacity, and behavioral issues.

The student's IEP should describe the transportation arrangement. Consider the type of vehicle, specific equipment needed, personnel, picking up and dropping off

procedures, and goals/objectives for transportation if there is an independent purpose (e.g., life skills, behavior). If a student's unique needs require another student to accompany them on the special education bus route, this should be documented in the student's IEP. These details will also assist in determining which costs are eligible for special education aid.

A student's IEP team is responsible for determining whether transportation between home and school is necessary in order for the student to receive (FAPE). If the transportation is identified as a related service in a student's IEP, costs incurred by the LEA for transporting these students is an excess cost of providing special education, and thus eligible for either IDEA formula grant reimbursement or state special education categorical aid. These costs may include driver, maintenance to a vehicle, gas, parent contracts, etc.

#### Pupil Transportation - Off-Site Special Education Services

If an IEP team has determined that a student will receive FAPE through a placement that is not the school that they would attend if nondisabled ([34 CFR § 300.116\(c\)](#)), it must be at no cost to the parents ([34 CFR § 300.39\(a\)](#)) - which would include transportation to the non-school location.

If transportation is necessary for the student to attend the non-school location, it must be identified as a related service in a student's IEP and thus considered an excess cost of providing special education (eligible for either IDEA formula grant reimbursement or state special education categorical aid). These costs may include driver, maintenance to a vehicle, gas, parent contracts, etc.

#### **Incidental Benefit**

Under strict circumstances, a student without an IEP may utilize a specialized transportation route as an incidental benefit without disqualifying the costs of the route for state Special Education Categorical Aid or IDEA formula grant funding. This is only allowed in situations where the student without an IEP is a member of the same household and is picked up in the same location as a student whose IEP requires specialized transportation. In addition, the route must not incur any additional costs for transporting the student without an IEP, and they must not displace a student with an IEP from the route. Nebraska Department of Education (NDE) will not be providing prior approvals for transporting students without IEPs—the LEA is responsible for maintaining any records to justify the eligibility of a route.

## **Special Education Vehicle Disposal**

An LEA may choose to dispose of a vehicle purchased with IDEA grant funds by selling the vehicle or no longer using it solely for the purposes of special education.

Equipment purchased with IDEA funds must be used by the program as long as the program need exists. To “dispose” of a vehicle, the LEA must determine that the special education program no longer needs the vehicle. While factors such as age and size of the vehicle may be taken into consideration, the LEA may not repurpose a vehicle for general education use and purchase a new vehicle with IDEA funds simply because the funds are available to do so.

### **Disposal Options**

1. If the vehicle has a current fair market value of less than \$5,000 it may be repurposed for general education use, sold, or otherwise disposed of with no further obligation to NDE (2 CFR 200.313(e)(1)).

2. If the vehicle has a current fair market value of \$5,000 or greater, it may be repurposed for general education use or sold, but the value of the vehicle must be reinvested into the special education program or returned to NDE (who in turn will send the funds to the US Dept of Ed).

To determine the fair market value of the vehicle, the LEA should rely on the expertise of an auto dealership or self-identify the value through websites such as Kelley Blue Book ([www.kbb.com](http://www.kbb.com)). Ultimately, the LEA should be able to support the determination of the fair market value.

Any proceeds recorded is an offset to an LEA's IDEA maintenance of effort (MOE) expenditures, so the LEA must monitor its MOE levels to be certain that at least one of the four tests is met. In addition, the LEA should be aware that when completing the Annual Financial Report for the School Financial Services team, the LEA will be asked to enter an explanation into the addendum for miscellaneous revenue received.

A school district may use IDEA Part B funds to purchase vehicles for transporting special education students, but only under strict conditions to ensure the purchase aligns with IDEA regulations and federal cost principles. All requests for vehicle purchases must meet the requirements set forth in 92 NAC [91](#) and [92](#).

---

### **When It Is Allowable:**

A district can use IDEA funds to purchase a vehicle if all of the following apply:

1. **The vehicle is used solely (or primarily) to support the provision of special education and related services:**
  - For example, transporting students to specialized programs, therapy, or services listed in their IEPs.
  - The vehicle directly supports access to a **Free Appropriate Public Education (FAPE)**.
2. **It is cost-effective and reasonable:**
  - The cost must meet the “**necessary and reasonable**” test under the **Uniform Grant Guidance (2 CFR Part 200)**.
  - It must be more cost-effective than leasing or contracting transportation.
3. **It is included in the district’s approved budget or grant application:**
  - NDE Office of Special Education requires prior approval before using IDEA funds for capital expenditures like vehicles.
4. **The vehicle’s use is appropriately documented and monitored:**
  - The district must track use of the vehicle to ensure it is **not being used for general education or non-IDEA purposes**.
  - Shared use with non-IDEA programs must be cost-allocated properly (IDEA funds can only pay a fair share).
5. **The purchase follows all applicable procurement and asset management rules:**
  - Must follow federal and local procurement policies.
  - Must maintain records, inventory, and asset tracking in compliance with 2 CFR §§ 200.313 and 200.439.

---

### **When It Is Not Allowable:**

IDEA funds **cannot be used** to purchase a vehicle if:

- The vehicle is used primarily for general education students.
  - The purchase is not directly tied to providing services under students' IEPs.
  - It does not meet federal cost principles (e.g., not the most economical choice).
  - NDE OSE has not approved the capital expenditure in advance.
- 

### **Federal Regulation Reference:**

- **2 CFR § 200.439** – Equipment and other capital expenditures
  - **34 CFR § 300.202** – Use of amounts (must be used in accordance with IDEA)
  - **2 CFR § 200.313** – Equipment management
  - **IDEA Part B Funding Guidance from OSEP and NDE OSE**
- 

### **Recommendation:**

Before purchasing, the district should:

1. Get **written pre-approval** from NDE OSE.
2. Include the purchase in the **IDEA grant application or amendment**.
3. Keep documentation showing the need, cost-effectiveness, and exclusive IDEA use

Nebraska school districts may use state funds to purchase vehicles for transporting special education students, provided specific conditions are met.

---

## When It's Allowable

According to the Nebraska Department of Education's guidance, the purchase, lease, or rental of vehicles is permissible **only if** the vehicles are used **exclusively** to transport children with disabilities who require special assistance in transportation. This includes children attending regular classes, provided that transportation is detailed in their Individualized Education Programs (IEPs) .([Nebraska Department of Education](#))

Furthermore, Nebraska Administrative Code 92 NAC 51-014.05B states that the Nebraska Department of Education will reimburse school districts for allowable transportation costs for children with disabilities, based on submitted claim forms .([Legal Information Institute](#))

---

## Important Considerations

- **Exclusive Use:** The vehicle must be used **only** for transporting students with disabilities who require special transportation services. ([Nebraska Department of Education](#))
  - **IEP Documentation:** Transportation services must be explicitly included in the students' IEPs.
  - **State Reimbursement:** Districts must submit transportation claim forms by the specified deadlines to be eligible for state reimbursement. ([Legal Information Institute](#))
  - **Vehicle Standards:** Vehicles must comply with federal and state safety standards. Notably, federal law prohibits the purchase or lease of new 15-passenger vans for student transportation unless they meet specific school bus safety standards .([Nebraska Department of Education](#))
-

Nebraska school districts can use state funds to purchase vehicles for special education transportation if:

- The vehicle is used exclusively for students with disabilities requiring special transportation.
- Transportation services are documented in the students' IEPs.
- The district adheres to state reimbursement procedures and vehicle safety standards.

---

Please use this form for requesting preapproval for vehicle purchases: [\*\*Vehicle Purchase - IDEA Consolidated Funding Request Form\*\*](#)



## Minor Building Modification for Capital Construction Projects

It is required of all Nebraska school districts that intend to utilize IDEA funds for Minor Building modifications or Capital Assets Construction Projects to seek approval from NDE prior to the modification and/or construction project.

Per [34 CFR § 76.600](#) construction projects must be approved by the NDE prior to bidding.

Federal requirements under, [2 CFR 200.319\(a\)](#) states "all procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section." In general, [2 CFR 200.320](#) outlines the five methods of procurement based on the acquisition threshold: micro-purchases, small purchases, sealed bids, competitive proposals, and noncompetitive (sole source) proposals. Federal requirements specifically related to contracts over the Simplified Acquisition Threshold established in the FAR (Federal Acquisition Regulation) currently set at \$250,000.

### Allowable Use of IDEA Funds for Building Modifications:

**IDEA funds may be used** for modifications or construction-related updates **if** all of the following are true:

1. **The modification is necessary to provide a Free Appropriate Public Education (FAPE)** to a student or group of students with disabilities.
2. **The modification is directly linked to services outlined in IEPs** (e.g., accessibility improvements like ramps, lifts, or soundproofing for students with hearing impairments).
3. **It is considered a "minor remodeling"** as defined by federal regulations:
  - Per **34 CFR § 300.14**, "minor remodeling" means "minor alterations in a previously completed building," including:
    - The **redesign of an interior space** to make it suitable for the provision of special education and related services.
    - This does **not** include major construction or new facilities.

4. **The cost is reasonable, necessary, and allocable:**

- Must comply with the Uniform Grant Guidance (2 CFR Part 200), particularly:

- **§ 200.439 – Capital expenditures**

- **§ 200.403 – Factors affecting allowability**

5. **Prior written approval is obtained from the NDE OSE:**

- Most SEAs require districts to submit a justification and receive **prior approval** for any construction-related expenditures using IDEA funds.

---

### **What Is Not Allowed:**

- **New construction** or major renovations (e.g., building a new wing or school).
- **Modifications not directly tied to the delivery of special education** (e.g., general facility upgrades).
- **Projects that benefit general education populations** without appropriate cost-sharing.
- **Facility purchases** with IDEA funds.

---

### **Examples of Allowable Modifications:**

- Installing a wheelchair ramp or elevator for accessibility.
- Adding acoustic treatments to a classroom for students with hearing loss.
- Modifying a classroom layout to accommodate specialized equipment for students with mobility impairments.
- Converting a general classroom into a sensory room or therapy room for IDEA services.

---

Districts **can** use IDEA funds for **minor, necessary building modifications** that are **specifically required** to support the education of students with disabilities. Any such expenditure must be:

- Directly linked to IEP services,
  - Reasonable and well-documented,
  - Approved by NDE OSE,
  - Limited in scope (i.e., minor remodeling).
-

## Services for Schools

The Assistive Technology Partnership (ATP) is a partner with the Nebraska Department of Education helping Nebraska schools (Pre-K-12) identify modifications that meet the needs of their special education students and the requirements of the Americans with Disabilities Act (ADA).

The goal of finding customized solutions that help students be independent and at the same time integrate into the existing facility can take some exploration.

An onsite visit by ATP may include:

- Brainstorming ideas with administrators, facility staff, teachers, PT/OT, etc.
- Identifying what solutions could work, answering questions, and coordinating with the Nebraska Department of Education
- Connecting schools with specialty vendors and sharing solutions other schools have found successful

### For more information

Lilly Blase

[lilly.blase@nebraska.gov](mailto:lilly.blase@nebraska.gov)

(531) 207-2426

ADA Information and Technical Assistance

[ADA Law & Regulations](#) (Department of Justice)

[ADA Checklists for Existing Facilities](#)

[Accessibility Online-Accessible School Webinar \(archived\)](#)

**Developed by Nebraska Department Education and ATP:**



[ADA and 504](#)



[Pre-school and Elementary Play Areas](#)

Please use this form for requesting preapproval for Minor Building Modifications for Capital Construction Projects: [Approval Request Form for Minor Building Modifications for Capital Construction Project.](#)