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GUIDANCE MEMORANDUM 26-18

TO: All School District Superintendents and Charter Sponsors
All Transportation Directors

FROM: Dr. Victor Wakefield, Superintendent, Office of the Superintendent of Public Instruction

DATE: November 10, 2026

SUBJECT: Transportation Updates and Clarifications - **UPDATED October 29, 2026**

The Nevada Department of Education (Department) has identified several areas of necessary clarification regarding transportation services across Nevada. The purpose of this memorandum is to clarify expectations regarding implementation of transportation services for students with disabilities and provide clarifications regarding the use of 10-passenger multi-purpose vehicles.

TRANSPORTATION IMPLEMENTATION UNDER INDIVIDUALIZED EDUCATION PROGRAMS

Transportation may constitute a related service under the Individuals with Disabilities Education Act (IDEA) when the Individualized Education Program (IEP) team determines that transportation is necessary for a student to benefit from special education services. Once transportation has been identified as a required service and incorporated into the student's IEP, school districts are expected to implement the service as soon as possible after the IEP is developed, without undue delay, and with very limited exceptions.[1] If additional time is required, districts should document the reasons for the delay, maintain communication with the student's parent or guardian, make reasonable efforts to provide interim solutions whenever feasible, and consider whether the delay in providing the transportation in conformity with the students IEP constitutes the denial of a Free Appropriate Public Education. Necessary administrative and logistical elements may include:

- Coordinating communication between special education and transportation departments;
- Identifying an appropriate vehicle or arranging specialized transportation providers;
- Modifying or establishing transportation routes, to include pickup and drop-off locations and times;
- Assigning qualified personnel, to include hiring or assigning appropriately trained personnel;
- Procuring or providing specialized equipment, accommodations, or supports;
- Addressing unique medical or behavioral needs identified by the IEP team; and
- Ensuring that all applicable safety requirements have been met.

Districts are encouraged to develop written procedures outlining how requests for transportation services are communicated, reviewed, and implemented to ensure consistency and compliance across departments.

[1] For example, when the IEP meeting occurs for a student at the end of the school year or during the summer, and the students IEP team determines that the student does not need special education and related services until the next school year begins, this delay would be permissible, as long as the related service of transportation is available to the student on their next first day of school.

MULTIPURPOSE PASSENGER VEHICLE USAGE IN NEVADA

Under 49 U.S.C. §§ 30112 and 30125 and 49 CFR § 571.3, a bus is a vehicle designed to carry more than 10 persons, including the driver. A school bus is a bus that is likely to be used significantly to transport students to or from school or a school-related event. A vehicle designed to carry 10 or fewer occupants, including the driver, is not a school bus under the federal school-bus definition and may instead be classified as a multipurpose passenger vehicle (MPV), passenger car, SUV, or another vehicle, depending on its design.

Federal law requires that a school or district ensure that any new 15-passenger-or-greater vehicle that will be used to transport students complies with the Federal Motor Vehicle Safety Standards applicable to school buses or multifunction school activity buses, strongly recommending that certified school buses be used whenever practical because school buses provide a higher level of occupant protection than other vehicles.

However, Nevada law permits school districts to provide pupil transportation using vehicles other than school buses under NRS 386.795, which expressly includes automobiles and other motor vehicles among the vehicles a school district may purchase, rent, hire, or use for pupil transportation. School districts are responsible for selecting vehicles appropriate for the transportation being provided and ensuring compliance with all applicable safety, licensing, insurance, and operational requirements.

Under these provisions, to include NRS 386.790, NRS 386.795 and NRS 386.825, a properly manufactured 10-passenger MPV (meaning a vehicle designed for 10 occupants total, including the driver) may be used to transport students for regular home-to-school and school-to-home transportation, in addition to authorized school-sponsored activities, when the vehicle and its operation comply with applicable Nevada law, State Board requirements, district or school policy, and insurance requirements. Districts and schools should have established written procedures addressing routes, authorized riders, loading and unloading, student supervision, emergency procedures, communication, and driver responsibilities.

While 10-passenger MPVs are allowable under Nevada state law, any vehicle designed for 11 passengers or more must meet applicable federal safety standards for a school bus. A vehicle should not be modified by removing seats for the purpose of changing its original federal classification or intended design. The vehicle's original manufacturer-designated seating capacity should be used when determining its federal classification.

The Department has identified the following best practices for MPV use:

- Use a vehicle originally manufactured and certified for its intended seating capacity.
- Never exceed the manufacturer's designated seating capacity.
- Require every occupant to use a properly installed seat belt.
- Require students to remain in designated seating positions while the vehicle is moving.
- Conduct and document a pre-trip inspection before transporting students.
- Maintain and inspect the vehicle according to the manufacturer's recommendations and district or school requirements.
- Ensure drivers are properly licensed, qualified, trained, and authorized to transport students.
- Review driver motor vehicle records and maintain appropriate driver qualification standards.
- Establish written procedures for regular routes, loading and unloading, student supervision, emergencies, and communication.
- Secure cargo and equipment so it cannot create a hazard to occupants.
- Ensure appropriate insurance coverage is in place.
- Consider student age, individual needs, trip purpose, route characteristics, weather, traffic conditions, and overall risk when selecting the vehicle.
- Use a certified school bus whenever practical, particularly when transporting larger groups of students or students who require additional occupant protection.

CONCLUSION

Should you have any questions regarding this transportation guidance, please contact Daisy Lodovico, Office for a Safe and Respectful Learning Environment, via daisy.lodovico@doe.nv.gov; if you have any questions regarding Special Education guidance, please contact the Office for Comprehensive Student Supports via specialeducation@doe.nv.gov.