

Tips from the Special Education Division: Nonresident Transfers & Special Education Transportation

February 2024

Question: If a student eligible for special education choice transfers into a nonresident district, is the new district required to provide transportation?

Answer:

Yes. If the student requires transportation as a related service on their individualized education program (IEP), the nonresident district becomes the resident district following the choice transfer and is required to perform all legal duties required by the resident district.

A student's school and resident school district are based on where the student resides. In some circumstances, a family may request to transfer their student to a school outside of their resident district. This is called a nonresident student transfer (also commonly referred to as an out-of-district transfer, interdistrict transfer, or choice transfer). Nonresident students are those who live outside the school district boundaries of the district they are asking to attend.

[WAC 392-137-235](#) outlines that if a student eligible for special education transfers from a resident school district to a nonresident district, the nonresident district shall be deemed the resident district. Thus, the new resident district "shall be required to perform all legal duties as otherwise required by the resident district", such as the obligation to provide a student eligible for special education services a free appropriate public education (FAPE), "including the transportation of the transferring [student eligible for special education] if so, required as a related service."¹

Districts must have a policy for the acceptance and rejection of nonresident transfer applications that is fair and equitably applied.² Please see OSPI Student Transfers website for more information about choice transfer regulations and acceptable reasons for denial.

¹ [WAC 392-137-235](#); See also, [WAC 392-172A-01155](#) (defining related services as transportation and such developmental, corrective, and other supportive services as are required to assist a student eligible for special education services to benefit from special education services).

² [WAC 392-137-205](#)



Districts and IEP teams should also consider the potential impact of the distance from a student's home to the new resident district and how that relates to transportation as a related service. IEP teams should consider that the state special education regulations say that for "transportation time on the bus," whenever "reasonably possible, no student should be required to ride more than sixty minutes one way."³

Resources

- Chapter 392-137 WAC [Finance Nonresident Attendance](#)
- [OSPI Student Transfers](#)
- [Learning by Choice](#)

³ [WAC 392-172A-02095](#)