OFFICE OF THE STATE
SUPERINTENDENT OF EDUCATION

August 25, 2025

VIA Electronic Mail

[redacted]
OSSE Department of Transportation
[redacted]

[redacted]
PCS
[redacted]

RE: State Complaint No. 026-001 Letter of Decision

LETTER OF DECISION

PROCEDURAL BACKGROUND

On [redacted], the State Complaint Office (SCO) of the Office of the State Superintendent of Education (OSSE), Division of Strategic Funding for School Quality received a State complaint from [redacted] (parent/complainant) against the OSSE Department of Transportation (DOT) alleging violations in the special education program of [redacted] child, [redacted] (Student ID [redacted] hereinafter "student" or "child." The SCO also included [redacted] Public Charter School (PCS) in this investigation because responsibility for the transportation services process is split between the LEA and SEA and the SCO needs to include all potentially responsible parties to conduct a thorough investigation.

The complainant alleged that OSSE DOT and [redacted] PCS violated certain provisions of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1400 et seq. and regulations promulgated at 34 CFR Part 300, specifically, failure to provide transportation services in accordance with the child's IEP.

The SCO for OSSE has completed its investigation of the State complaint. During the course of the investigation OSSE determined that [redacted] PCS and OSSE DOT complied with their obligations related to transportation services. This Letter of Decision is the report of the final results of OSSE's investigation.

COMPLAINT ISSUE

The allegations raised in the complaint, further clarified by a review of documents and interviews revealed in the course of the investigation, raised the following issues under the jurisdiction of the OSSE SCO:

1. **Failure to provide IEP services at 34 CFR §300.323(c)(2)**
    a. Failure to provide transportation services in accordance with the child's IEP, specifically with regard to on-time pickups for summer school.

INVESTIGATIVE PROCEDURE

The investigation included interviews with the following individuals:

1. Complainant

The investigation also included review of the following documents which were either submitted by the complainant, submitted by OSSE DOT and [redacted] PCS, or accessible via the Special Programs data system:

[redacted]

FINDINGS OF FACT

1. The student is [redacted] years old and qualifies for special education and related services under the primary classification of specific learning disability as defined by 34 CFR §300.8.
2. The student's local education agency during the [redacted] school year was [redacted] PCS.
3. [redacted] PCS amended the student's IEP on [redacted] to prescribe extended school year (ESY) services and ESY transportation.
4. On [redacted] [redacted] PCS submitted a TRF for the student for ESY transportation services.
5. The [redacted] PCS ESY summer program began on [redacted] and ended on [redacted].
6. The student did not attend the ESY summer program on [redacted], [redacted], and [redacted].

7. The [redacted] PCS ESY summer program schedule began at 9 a.m. with Advisory for half an hour, and instructional time beginning at 9:30 a.m.
8. OSSE DOT routed the student with an effective date of [redacted].
9. OSSE DOT trip analysis found the following:
    a) The student rode the bus for the ESY summer program on 12 days.
        I. The bus was on time to pick up the student on 11 days.
        II. The bus was late to pick up the student one day: [redacted] The bus arrived at school at 9:42 a.m.
    b) The student did not ride the bus for the ESY summer program on three days.
        I. The bus was on time to pick up the student on one day.
        II. The bus was late to pick up the student on two days: [redacted] and [redacted]
            1. On [redacted] the bus arrived one minute late outside of the pick-up window and later circled back to the student's home after dropping off the other students at school.
            2. On [redacted] the bus arrived eight minutes late outside of the pick-up window but the bus ultimately arrived to school on time.

ISSUE: TRANSPORTATION SERVICES

[redacted] PCS complied with 34 CFR §300.323(c)(2), because it completed its responsibilities related to transportation services.

OSSE DOT complied with 34 CFR §300.323(c)(2), because the limited late bus pick-ups had minimal impact on the student's receipt of ESY services.

Pursuant to 34 CFR §300.323(c)(2), each public agency must ensure that as soon as possible following development of the IEP, special education and related services are made available to the child in accordance with the child's IEP. The complainant alleges that OSSE DOT failed to provide timely transportation for summer school.

Discussion

[redacted] PCS amended the student's IEP on [redacted] to prescribe ESY services and ESY transportation. On [redacted] [redacted] PCS submitted a TRF for the student for ESY transportation services and OSSE DOT routed the student with an effective date of [redacted]. The [redacted] PCS ESY summer program began on [redacted] and ended on [redacted]. The daily schedule began at 9 a.m. with Advisory for half an hour, and instructional time beginning at 9:30 a.m. The student did not attend the ESY summer program on [redacted], and [redacted].

The SCO's review of the OSSE DOT route analysis found that the bus arrived late for pick up on three days: [redacted], and [redacted] The student did not ride the bus on [redacted] and [redacted]

and did not attend the ESY summer program on those days. The parent alleged that the bus did not show up on those dates, however, OSSE DOT records show that on [redacted] the bus arrived one minute late outside of the pick-up window and later circled back to the student's home after dropping off the other students at school, and on [redacted] the bus arrived eight minutes late outside the pick-up window but ultimately arrived to school on time. The SCO finds that OSSE DOT made transportations services available on [redacted] and [redacted], albeit late, but the student did not ride. The student rode the bus on [redacted] and arrived at school at 9:42 a.m. The student missed the Advisory period and 15 minutes of instructional time. OSSE DOT reported that upon receipt of the complaint on [redacted] it began daily monitoring of the route and resolved the late arrival issue for the remainder of the ESY program. The SCO's review of the record shows no more late pick-ups after [redacted].

The SCO finds that although the student arrived late to school on one day due to late bus transportation, the impact to the student's receipt of ESY services was minimal and no remedy is warranted. Because the student did not attend the ESY summer program on the other two days of late pick-up, the parent did not self-transport the student to school and therefore no remedy, such as reimbursement for self-transport, is needed. Therefore, [redacted] PCS and OSSE DOT have complied with 34 CFR §300.323(c)(2).

COMPLAINCE FINDINGS

1. [redacted] PCS complied with 34 CFR §300.323(c)(2), because it completed its responsibilities related to transportation services.
2. OSSE DOT complied with 34 CFR §300.323(c)(2), because the limited late bus pick-ups had minimal impact on the student's receipt of ESY services.

CONCLUSION

This Letter of Decision is final and is not subject to further agency administrative review. Pursuant to 5-A DCMR §3048.6, if an issue is still in dispute, the parent or LEA may, to the extent permitted under IDEA, request mediation or file a due process complaint on the issue with which the party disagrees. This Decision shall become final as dated by the signature of the undersigned. If you have any questions regarding this decision, please contact me at Kirstin.Hansen@dc.gov or 202-741-0274.

Sincerely,

Kirstin Hansen

Kirstin Hansen
State Complaints Manager
Office of Special Education

cc: [redacted], Complainant
[redacted], OSSE DOT