



Special Education Transportation Services Policy

DIVISION OF SPECIALIZED EDUCATION (DSE)

AGENDA

- A. Purpose, Objectives, and Background**
- B. Review of New Policy Requirements**
 - i. Eligibility Categories
 - ii. Ordered Transportation
 - iii. Travel Training
 - iv. Appropriate Discontinuation of Transportation
 - v. Student Conduct on the Bus
 - vi. Administrative Information
 - vii. LEA Documentation and Submission of Forms
 - viii. Bi-annual LEA Certification of Eligibility
- C. Next Steps**
- D. Resources and Points of Contact**

PURPOSE, OBJECTIVES, & BACKGROUND

Purpose, Objectives, & Background

Purpose of the Special Education Transportation Services Policy

- ❖ Establish state-level criteria that assist Individualized Education Program (IEP) Teams in making appropriate eligibility decisions.
- ❖ Clarify local education agency (LEA) responsibilities that impact the Division of Student Transportation's (OSSE-DOT) ability to provide transportation services.
- ❖ Establish documentation and procedural requirements that enable the timely coordination between LEAs and OSSE-DOT.
- ❖ Establish a bi-annual LEA certification requirement that enables OSSE-DOT to successfully prepare for extended school year (ESY) and start of school transportation.

Purpose, Objectives, and Background

Objectives of this Presentation

- ❖ To review the requirements for LEAs set forth in the new Special Education Transportation Services Policy.
- ❖ To clarify expectations related to eligibility for special education transportation services, travel training, discontinuation of transportation, and LEA documentation and certification submissions to OSSE-DSE and OSSE-DOT.
- ❖ To delineate between LEA responsibilities and OSSE-DOT responsibilities.

Purpose, Objective, and Background

Individuals with Disabilities Education Act (IDEA)

Public Participation Requirement:

Prior to the adoption of any policies and procedures needed to comply with Part B of the Act (including any amendments to those policies and procedures), the State must ensure that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities.

34 C.F.R. §300.165

Special Education Transportation Services Policy

- ❖ Proposed state-level policy released May 3, 2013 for 60-day comment period ending on July 2, 2013.
- ❖ Public hearings held on Tuesday, May 21, 2013 and Tuesday, May 28, 2013.
- ❖ Effective January 6, 2014.

REVIEW OF NEW POLICY REQUIREMENTS

Transportation in the Context of IDEA

Special Education Transportation Services

- ❖ Transportation is a *related service* that includes:
 - Travel to and from school and between schools;
 - Travel in and around school buildings; and
 - Specialized equipment such as special or adapted vehicles, lifts, and ramps if required.
- ❖ A student's IEP Team determines if a student is eligible for special education transportation services.
- ❖ Special education transportation services are not intended to facilitate a student's daily attendance or mitigate the distance between residence and school location resulting from non-FAPE related enrollment decisions.

OSSE Established Eligibility Criteria

❖ Three New Eligibility Categories

- Medically Fragile Students Requiring Transportation to Access FAPE (MFS)
- Students Requiring Structured Transportation Supports to Access FAPE (STS)
- Students Accessing Specialized Program (ASP)

❖ Ordered Transportation (Qualification Outside the Eligibility Framework)

- Court order/ IDEA Hearing Officer Determination (HOD)
- Settlement agreement

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OSSE Established Eligibility Criteria

IEP Team Consideration of Eligibility Categories

❖ IEP Teams should assess eligibility in the following order:

1. Medically Fragile Students Requiring Transportation to Access FAPE (MFS)
2. Students Requiring Structured Transportation Supports to Access FAPE (STS)
3. Students Accessing Specialized Program (ASP)

❖ At least one worksheet must be completed by the IEP Team and uploaded in SEDS to document the eligibility decision.

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Eligibility Categories

Medically Fragile Students (MFS) Category

- ❖ **Definition**
 - *Medically fragile student*: a student who cannot travel safely without a specialized or adapted vehicle due to a documented medical condition.
 - *Specialized or adapted vehicle*: a vehicle that has specialized equipment such as a specialized seat or seatbelt, positioning device, or wheelchair lift/ ramp.
- ❖ **Eligibility Criteria**
 1. Chronic or persistent medical condition.
 2. Medical condition that prevents the student from traveling safely in a standard/ non-adapted vehicle.
- ❖ **Considerations**
 - Severity of the student’s medical condition.
 - Student’s reliance on specialized medical equipment not readily transportable.
 - Student’s need for health related services.
 - Student’s mode of transportation outside of school.
 - Restrictiveness of student activity during the school day.

Eligibility Categories

Medically Fragile Students (MFS) Eligibility Worksheet

STUDENT INFORMATION

Name: _____ Date: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

Emergency Contact: _____

Medical Condition: _____

Specialized Vehicle: _____

Specialized Equipment: _____

Specialized Seat: _____

Specialized Seatbelt: _____

Specialized Positioning Device: _____

Specialized Wheelchair Lift/Ramp: _____

Specialized Other: _____

ELIGIBILITY CRITERIA

1. Chronic or persistent medical condition: _____

2. Medical condition that prevents the student from traveling safely in a standard/ non-adapted vehicle: _____

CONSIDERATIONS

Severity of the student’s medical condition: _____

Student’s reliance on specialized medical equipment not readily transportable: _____

Student’s need for health related services: _____

Student’s mode of transportation outside of school: _____

Restrictiveness of student activity during the school day: _____

Eligibility Categories

Medically Fragile Students (MFS) Eligibility Worksheet

Eligibility Category Worksheet

Medically Fragile Students (MFS) Requiring Transportation to Access FAPE

Instructions for the IEP Team: Complete all applicable sections of this worksheet. Parts I, II, and III must be completed fully on submission of "YES" determination under the MFS category. Parts I and II must be completed on submission of "NO" determination for eligibility under the MFS category.

❖ MFS Worksheet Sections

- Part I: Criterion and Considerations
- Part II: Written Justification of IEP Team Determination
- Part III: IEP Team Determination (NO/ YES checkbox)

❖ Sufficiency Requirements (for compliance purposes)

- "YES" Determination: Parts I, II, III must be completed
- "NO" Determination: Parts I, III must be completed

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Eligibility Categories

Medically Fragile Students (MFS) Category

❖ LEA Responsibilities and Documentation Requirements

- IEP Team must review the student's medical history to consider data to substantiate the existence of a chronic or persistent medical condition.
- If applicable, IEP Team must assess the impact of the medical condition on the student's ability to travel safely without specialized vehicles or medical equipment.
- IEP Team must obtain a physician's note or review current medical evaluation data; provide a written justification; determine if the student requires additional supporting related services; and complete the MFS Eligibility Worksheet; and indicate the eligibility determination in the student's IEP.
- Upload all documentation into SEDS and TOTE within five (5) business days of the eligibility determination.

❖ OSSE-DOT Responsibilities

- Provide specialized equipment when deemed necessary by the IEP Team.
- NOT responsible for providing personal assistive devices.

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Eligibility Categories

Structured Transportation Supports (STS) Category

- ❖ **Definition**
 - *Structured transportation supports:* non-medical accommodations and/or forms of assistance that address safety concerns such as unsafe behavior, compromised decision-making, or impaired navigation resulting from a student's disability.
- ❖ **Eligibility Criterion**
 1. Disability preventing the student from traveling safely without structured transportation supports.
- ❖ **Considerations**
 - Severity of the student's disability.
 - Student's documented deficit in assessing risk/ advocating for personal safety.
 - Student history of dangerous behavior toward self or others.
 - Student's ability to understand cues and instructions.
 - Student's need for structured transportation supports during travel outside of school.

Eligibility Categories

Structured Transportation Supports (STS) Eligibility Worksheet

Eligibility Category Worksheet

Student Name: _____ Date: _____

1. **Eligibility Category Worksheet**

2. **Eligibility Category Worksheet**

3. **Eligibility Category Worksheet**

4. **Eligibility Category Worksheet**

5. **Eligibility Category Worksheet**

6. **Eligibility Category Worksheet**

7. **Eligibility Category Worksheet**

8. **Eligibility Category Worksheet**

9. **Eligibility Category Worksheet**

10. **Eligibility Category Worksheet**

Eligibility Category Worksheet

1. **Eligibility Category Worksheet**

2. **Eligibility Category Worksheet**

3. **Eligibility Category Worksheet**

4. **Eligibility Category Worksheet**

5. **Eligibility Category Worksheet**

6. **Eligibility Category Worksheet**

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10. **Eligibility Category Worksheet**

Eligibility Categories

Structured Transportation Supports (STS) Eligibility Worksheet

Eligibility Category Worksheet
Students Requiring Structured Transportation Supports (STS) to Access FAPE
Instructions for the IEP Team: Complete all applicable sections of this worksheet. Parts I, II, and III must be completed fully to substantiate a "YES" determination under the STS category. Parts I and III must be complete to substantiate a "NO" determination for eligibility under the STS category.

- ❖ **STS Worksheet Sections**
 - Part I: Criterion and Considerations
 - Part II: Written Justification of IEP Team Determination
 - Part III: IEP Team Determination (NO/ YES checkbox)
- ❖ **Sufficiency Requirements (for compliance purposes)**
 - "YES" determination: Parts I, II, III must be completed
 - "NO" determination: Parts I, III must be completed

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Eligibility Categories

Structured Transportation Supports (STS) Category

- ❖ **LEA Responsibilities and Documentation Requirements**
 - IEP Team must review the student's most recent functional assessment and evaluation data.
 - IEP Team must assess the impact of the disability on the student's ability to travel safely without structured transportation supports.
 - IEP Team must indicate the eligibility determination in the student's IEP; provide a written justification; obtain written documentation from the evaluator or summarize the nature of the disability warranting eligibility; determine if the student requires additional supporting related services; and complete the "STS Eligibility Worksheet".
 - Upload all documentation into SEDS within 5 business days of the eligibility determination.
- ❖ **OSSE-DOT Responsibilities**
 - May need to provide additional support, per the IEP, such as additional adult supervision (aide).

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Eligibility Categories

Accessing Specialized Program (ASP) Category

❖ **Definition**

- *Specialized program*: a special education instructional setting within an LEA or nonpublic school in which the student is instructed apart from the general education population for the majority of the school day (e.g. separate special education classroom, separate school designed specifically for students with disabilities).

❖ **Eligibility Criteria**

1. Student attends a specialized program.
2. Student is required to travel to a site outside of the neighborhood school for the purpose of accessing the specialized program (must be a FAPE-based placement, not parentally-placed/parent choice).

Note: Students over the age of 12 generally are not transported on an OSSE-DOT vehicle and instead receive Metro fare cards.

Eligibility Categories

Students Accessing a Specialized Program (ASP) Eligibility Worksheet

Eligibility Categories

Students Accessing a Specialized Program (ASP) Eligibility Worksheet

Eligibility Category Worksheet

Students Accessing Specialized Program (ASP) to Access FAPE

Instructions for the IEP Team: Complete all applicable sections of this worksheet. Parts I, II, III, and IV must be completed fully to substantiate a "YES" determination under the ASP category. Parts I and IV must be complete to substantiate a "NO" determination for eligibility under the ASP category.

❖ ASP Worksheet Sections

- Part I: Criteria
- Part II: Questions Regarding Mode of Transport
- Part III: Written Justification of IEP Team Determination
- Part IV: IEP Team Determination (NO/ YES checkbox); Indicate Appropriate Mode of Transportation

❖ Sufficiency Requirements (for compliance purposes)

- "YES" determination: Parts I, II, III, IV must be completed
- "NO" determination: Parts I, IV must be completed

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Eligibility Categories

Accessing Specialized Program (ASP) Category

❖ LEA Responsibilities and Documentation Requirements

- IEP Team must review the student's special education record to determine if the student's current program is a specialized program that an IEP Team determined is the appropriate and least restrictive environment, as evidenced by a prior written notice (PWN) referencing placement.
- IEP Team must indicate its decision and provide a written justification within the student's IEP.
- For students over the age of 12 years old, the IEP Team must determine if public transportation is an appropriate means of travel and, if not appropriate, provide written justification for the need for OSSE transport.
- Upload the PWN and OSSE location assignment (if applicable) into SEDS within 5 business days.

NOTE: DCPS is responsible for providing transportation to private school students receiving equitable services.

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Ordered Transportation

Court Order/ IDEA Hearing Officer Determinations (HODs)

❖ LEA Responsibilities

- IEP Team must document that student qualifies for special education services through a court order or HOD.
- Upload the court order or HOD into SEDS.
- Monitor court orders and HODs to ensure validity and current status.
- Responsible for reimbursement costs related to the provision of special education transportation services that arise out of court orders or HODs that determine the LEA failed in its obligation to provide FAPE.

❖ OSSE-DOT Responsibilities

- Responsible for reimbursing transportation costs in accordance with a court order or HOD if the order finds that OSSE-DOT failed to provide transportation in accordance with a student's IEP.

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Ordered Transportation

Settlement Agreements

❖ LEA Responsibilities

- Include OSSE-DOT in all settlement agreements that involve the potential designation of special education transportation.
- Responsible for costs related to the provision of special education transportation services unilaterally agreed to by the LEA.
- Responsible for reimbursement costs when the parties agree that parents should be reimbursed for special education transportation costs related to an LEA's violation of FAPE.

❖ OSSE-DOT Responsibilities

- Designate representative who will attend and participate in settlement agreements on the behalf of OSSE-DOT.

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Travel Training

❖ **Travel training is *specialized instruction*.**

- Enables students with disabilities to develop an awareness of the environment in which they live and to learn the skills necessary to move effectively and safely within that environment.

❖ **LEA Responsibilities**

- IEP Teams must formally consider travel training during secondary transition planning when the student turns 16 years old, or younger if appropriate.
- LEAs must provide travel training to a student as part of FAPE if designated in the student's IEP.

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Appropriate Discontinuation of Transportation

❖ **OSSE-DOT reserves the right to refuse transportation in the following instances:**

- Concern for health or safety;
- Chronic student absence; or
- Student misconduct on the bus.

❖ **OSSE-DOT must provide same-day notice to the LEA and parents prior to terminating transportation services.**

❖ **Transportation services may be reinstated through the IEP Team submitting a new request for transportation services.**

- IEP Team should meet to assess the student's continued eligibility for special education transportation services, and to resolve initial reasons for termination.
- IEP Team may reestablish transportation services through the IEP process or IEP amendment process, consistent with the eligibility requirements of this Policy.

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Appropriate Discontinuation of Transportation

Health and Safety Concerns

❖ LEA Responsibilities

- Convene the IEP Team to discuss student's health or safety concern(s) related to OSSE-DOT's refusal to transport the student.
- Provide alternative instructional options during the interim period while the IEP Team reconsiders its decision (after OSSE-DOT refuses to transport student due to health or safety).

❖ OSSE-DOT Responsibilities

- Utilize lifts, ramps, or other mechanized equipment to assist students with wheelchairs or mobility needs.
- Provide same-day written notification to the parent and LEA when refusing to transport a student based on health or safety concerns.

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Appropriate Discontinuation of Transportation

Chronic Student Absence from the Bus

❖ LEA Responsibilities

- Communicate with parent about student's absences and possibly convene an IEP Team meeting to discuss absence/truancy issues or related service concerns.

❖ OSSE-DOT Responsibilities

- Contact the parent and LEA in writing and request information about a student's absence after student has been absent for 3 consecutive school days.
- Send parent and LEA a written notification of intent to cease transportation services, including proposed date of termination, after a student has been absent from the bus for 7 consecutive school days without a sufficient reason.
- Within the following 3 days, remove student from the route if OSSE-DOT does not receive a response from parent or LEA.

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Student Conduct on the Bus

When Student Misconduct Interferes with Safe Bus Operation

❖ LEA Responsibilities

- Responsible for convening an IEP Team meeting to review student's IEP and discuss positive behavioral interventions, supports, and strategies to address behavior when notification of revocation is received from OSSE-DOT.

❖ OSSE-DOT Responsibilities

- Send same-day notice to LEA and student's parent describing the misconduct and resulting consequence.
- Provide alternative transportation in the form of parent reimbursement when a revocation lasts longer than 10 consecutive or 10 cumulative school days in a school year.
- May revoke services for the remainder of the school year in cases of extreme infractions and provide alternative transportation in the form of parent reimbursement.

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Administrative Information

Assistive Devices

❖ Definition

- *Assistive devices*: personal equipment such as wheelchair, walker, or helmet that the student uses throughout the school day (considered property of the student).

❖ LEA Responsibilities

- Assistive devices must be provided by the parent of the student unless the IEP Team determines that an assistive device is needed to provide FAPE (becomes LEA's responsibility to provide the assistive device).

❖ OSSE-DOT Responsibilities

- NOT responsible for providing assistive devices to students, and will not transport a student if a required assistive device is not available to the student upon pick-up, due to safety concerns.

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Administrative Information

Pick-Up and Drop-Off Locations and Times

❖ LEA Responsibilities

- Make up missed instruction when OSSE-DOT is unable to transport student due to poor weather conditions.

❖ OSSE-DOT Responsibilities

- Provide one round trip from a student's D.C. residence of record to the student's attending school each day.
 - Student's address must match the address used to establish D.C. residency. *Note: Not applicable until 2014-2015 school year.*
- Routes will not be changed to accommodate a student or parent for personal reasons.
- Parents are responsible for making their own arrangements for days that a student needs to be picked up or dropped off at a location other than the address of record.

❖ No pick-ups or drop-offs on official snow days announced by the District.

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Administrative Information

Adult to Adult Transfer

❖ Students who must be accompanied by an adult during pick-up and drop-off:

- Students who are eligible for transportation services under the MFS or STS category.
- Students 12 years old or younger eligible for transportation services under the ASP category.

❖ Students eligible under the ASP category who are over the age of 12 years old may be dropped off without an adult present only if the parent provides advanced written consent to OSSE-DOT.

❖ OSSE-DOT Responsibilities

- Contact parent in the event that student (for whom adult to adult transfer is necessary) is taken to the intake center at the end of the route because no adult was present at student's residence.

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Administrative Information

Transportation Outside of the Daily School Route

❖ LEA Responsibilities

- Submit the appropriate special accommodations information as part of a transportation request to OSSE-DOT within 5 business days of the IEP Team decision and at least 10 business days in advance of the activity.
- Make arrangements from the activity to the student's residence, subject to reimbursement from OSSE-DOT, if the activity occurs after school hours.
- Transport students with disabilities to field trips (with appropriate accommodations) with their non-disabled peers, unless the student is eligible for transportation under the MFS category.

❖ OSSE-DOT Responsibilities

- Provide transportation to activities outside of the daily school route if the activity is necessary for FAPE as specified in the student's IEP (*e.g.* secondary transition activity).

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Documentation in SEDS

❖ SEDS refers to OSSE's state-level "Special Education Data System."

❖ LEA Responsibilities

- Upload all completed documentation related to special education transportation services to SEDS within 5 business days.
- Document in SEDS its reasonable efforts to obtain completed documentation from parent.
 - *Reasonable efforts* are defined as a minimum of 3 attempts using at least 2 modalities (*e.g.* phone, mail, in-person visits) on 3 different dates.

❖ IEPs with incomplete documentation in SEDs may be considered noncompliant for monitoring purposes.

❖ Incomplete documentation in SEDS will likely result in delays in transportation routing.

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Documentation in TOTE

❖ TOTE refers to OSSE's state-level "Transportation Online Tool for Education."

❖ LEA Responsibilities

- Submit and completed administrative information in TOTE within 5 business days of the eligibility determination.
- Complete administrative information in TOTE at least 7 days before the first day of school. Any forms submitted with less notice than 7 days will be processed on a rolling basis on the third day of school.
- Contact parents of students for whom transportation services will start after the first day of school.
- Communicate any changes in eligibility or enrollment to OSSE-DOT by submitting appropriate documentation in SEDS and TOTE as soon as possible.
- LEAs will receive a final roster sheet 5 business days before the start of school that lists all of the students receiving transportation services on the first day of school.

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Documentation in TOTE

❖ OSSE-DOT Responsibilities

- Implement transportation services no later than 10 business days after receiving completed documentation requesting transportation or note of a change in student's school of attendance.
- Provide LEAs with a final roster sheet 5 business days before the start of school listing all students receiving transportation services on the first day of school.
- Reimburse parents for mileage for transportation provided by parents resulting from OSSE-DOT's untimely implementation of transportation services.
- May reimburse parents who choose to transport a student in a personal vehicle subject to a formally-approved reimbursement agreement.

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Bi-Annual LEA Certification of Eligibility

❖ Definition

- *Certification* refers to the requirement that LEAs provide adequate and timely notice to OSSE of services that result in state-level expenditures.

❖ Why Certification Is Important

- Certification allows OSSE-DOT to appropriately plan for upcoming state-level expenses and transportation routing.

❖ LEA Certification Process Requirement

- LEAs must verify eligibility for all students receiving transportation services twice per year.
- LEAs must participate in IEP Team decision making regarding special education transportation eligibility (including for students attending nonpublic programs and schools).
- For each student, LEAs must verify eligibility, and completion of required documentation SEDS, and accuracy of information in TOTE.
- LEAs submit certification through TOTE.

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Bi-Annual LEA Certification of Eligibility

❖ Extended School Year (ESY) Related Transportation Certification

- LEAs shall provide certification to OSSE-DOT for all students receiving special education transportation services for ESY services no later than the first Monday of May.
- Certification requirement includes students attending nonpublic schools and programs.

❖ Start of School Year Certification

- LEAs shall provide certification to OSSE-DOT for all students receiving special education transportation for the upcoming school no later than the first Monday of June.
- This includes certification for students attending nonpublic schools and programs.

❖ LEAs are responsible for the costs of transporting students for whom they failed to properly or timely certify until certification is completed.

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NEXT STEPS

Next Steps

OSSE-DSE and OSSE-DOT Implementation Efforts

❖ **SEDS alignment with policy requirements (OSSE-DSE)**

- Midyear Mini-Release
- LEA Training

❖ **Transportation Online Tool for Education (TOTE) (OSSE-DOT)**

- Functionality Build-out (system development)
- LEA Training

❖ **OSSE-DSE Additional Guidance**

- Special Education Transportation Policy (posted on OSSE website)
- Frequently Asked Questions: Special Education Transportation Services Policy (posted on OSSE website)
- OSSE-DSE Policy: Special Education Transportation Services Policy Recorded Webinar
- OSSE-DSE Training & Technical Assistance: Special Education Transportation Services Programmatic Training

Next Steps

Data Monitoring and Auditing Measures

- ❖ **Spring 2014:** OSSE will conduct an audit of a representative sample of IEPs for students who are eligible for special education transportation services to review for compliance with new transportation eligibility requirements.
 - OSSE will provide targeted training and technical assistance to LEAs who demonstrate low compliance with new policy requirements.

POINTS OF CONTACT

Points of Contact

❖ Division of Specialized Education: Special Education Transportation Services Policy

- Grace Chien (Grace.Chien@dc.gov)

❖ Division of Transportation: Special Education Transportation Services

- DCPS Liaisons: Valerie Matthews (Valerie.Matthews@dc.gov)
Lorenzo Adams (Lorenzo.Adams@dc.gov)
- Charter Schools Liaison: Shannon Chapman (Shannon.Chapman@dc.gov)
- Non-Public Schools Liaison: Shaneika Webb (Shaneika.Webb@dc.gov)

❖ Special Education Data Systems

- SEDS (OSSE-DSE): Angel Johnson (AngelT.Johnson@dc.gov)
- TOTE (OSSE-DOT): Jason Campbell (Jason.Campbell@dc.gov)

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