



DISTRICT OF COLUMBIA  
OFFICE OF THE STATE SUPERINTENDENT OF

# EDUCATION

December 21, 2021

*VIA Electronic Mail*

[REDACTED]

District of Columbia Public Schools

[REDACTED]

[REDACTED]

[REDACTED] Public Charter School

[REDACTED]

[REDACTED]

Office of the State Superintendent of Education

[REDACTED]

RE: State Complaint No. 021-005 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 Systems and Supports, K-12 received a State complaint from [REDACTED] (complainant) against [REDACTED] Public Charter School (PCS) and the District of Columbia Public Schools (DCPS) alleging violations in the special education program of [REDACTED] (Student ID # [REDACTED] hereinafter "student" or "child." On [REDACTED], the OSSE [REDACTED] ([REDACTED]) was added to the investigation.

The complainant alleged that [REDACTED] PCS, DCPS, and OSSE [REDACTED] 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.

The SCO for OSSE has completed its investigation of the State complaint. During the course of

the investigation OSSE determined that [REDACTED] PCS, DCPS, and OSSE [REDACTED] met their obligation to make available transportation services for the student. This Letter of Decision is the report of the final results of OSSE's investigation.

**COMPLAINT ISSUES**

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 issue under the jurisdiction of the OSSE SCO:

1. **Requirement to provide IEP services at 34 CFR §300.323(c)(2)**
  - a. Failure to make available special education and related services in accordance with the student's IEP, specifically with regard to transportation services.

**INVESTIGATIVE PROCEDURE**

The investigation included interviews with the following individuals:

1. Complainant
2. OSSE [REDACTED]
3. [REDACTED] PCS [REDACTED]
4. [REDACTED] PCS [REDACTED]
5. [REDACTED] PCS [REDACTED]
6. [REDACTED] PCS [REDACTED]
7. DCPS [REDACTED]

The investigation also included review of the following documents which were either submitted by the complainant, submitted by [REDACTED] PCS, DCPS, and OSSE [REDACTED] or accessible via the Special Education Data System (SEDS):

[REDACTED]

**GENERAL FINDINGS OF FACT**

1. The student is a child with a disability as defined by 34 CFR §300.8.
2. The student's disability category is autism spectrum disorder.
3. The student is enrolled at [REDACTED] PCS and [REDACTED].

**ISSUE: TRANSPORTATION SERVICES**

[REDACTED] PCS and DCPS have complied with 34 CFR §300.323(c)(2), because they made transportation services available to the student in accordance with the student's IEP. OSSE [REDACTED] has complied with 34 CFR §§300.149(a)(1) and 300.323(c)(2), because it made transportation services available to the student in accordance with the student's IEP. The State Education Agency (SEA) is responsible for ensuring that the requirements under IDEA

are carried out. (34 CFR §300.149(a)(1)) 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. In DC, the LEA determines a student's eligibility for transportation services and OSSE [REDACTED] provides the transportation services. The complainant alleges that no transportation services have been set up for the student for the [REDACTED] school year.

### **Findings of Fact and Discussion**

The student's [REDACTED] IEP that was in effect at the start of the [REDACTED] school year requires transportation services. Although the parent had not completed the residency verification process required for enrollment, [REDACTED] PCS submitted a transportation request form to OSSE [REDACTED] on [REDACTED] so that transportation services would be in place for the start of the school year. On [REDACTED] [REDACTED] PCS followed-up with the parent about the requirement to submit residency verification paperwork and informed the parent that a transportation request had been submitted.

On [REDACTED] OSSE [REDACTED] notified the parent of the pick-up and drop-off times for transportation services. On [REDACTED] OSSE [REDACTED] attempted to pick-up the student, but the student was not available at the address provided to OSSE [REDACTED] OSSE [REDACTED] continued its attempts to pick-up the student until [REDACTED] and the student continued to not be available at that address. On [REDACTED] OSSE [REDACTED] informed [REDACTED] PCS that the address provided may be incorrect.

On [REDACTED] [REDACTED] PCS emailed the parent to confirm the student's address and remind about the residency verification requirement. [REDACTED] followed-up on [REDACTED] [REDACTED] but received no response.

On [REDACTED] PCS issued written notice to the parent and student that the student would be unenrolled due to the student not attending school since the start of the [REDACTED] school year and failure to submit required residency verification documentation despite multiple communications about this requirement.

OSSE finds that [REDACTED] PCS, DCPS, and OSSE [REDACTED] made transportation services available to the student as required by the IEP, but the student was not available to receive the services and the parent failed to respond to several requests to provide an updated address and complete the residency verification process.

Therefore, [REDACTED] PCS, DCPS, and OSSE [REDACTED] have complied with 34 CFR §300.323(c)(2).

### **CONCLUSION**

1. [REDACTED] PCS and DCPS have complied with 34 CFR §300.323(c)(2), because they made transportation services available to the student in accordance with the student's IEP.
2. OSSE [REDACTED] has complied with 34 CFR §§300.149(a)(1) and 300.323(c)(2), because it made transportation services available to the student in accordance with the student's IEP.

If you have any questions regarding this decision, please contact me at [Kirstin.Hansen@dc.gov](mailto:Kirstin.Hansen@dc.gov) or 202-445-4893.

Sincerely,

*Kirstin K Hansen*

Kirstin Hansen  
State Complaints Manager, Division of Systems and Supports, K-12

cc: [REDACTED], Complainant  
[REDACTED], Student  
[REDACTED] DCPS  
[REDACTED], DCPS  
[REDACTED], DCPS