



November 21, 2025

VIA Electronic Mail

[REDACTED]
OSSE Division of Student Transportation
[REDACTED]

RE: State Complaint No. 025-008 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 or complainant) against the OSSE Division of Student Transportation (DOT) alleging violations in the special education program of their child, [REDACTED] (Student ID # [REDACTED]), hereinafter “student” or “child.”

The complainant alleged that OSSE DOT 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 the SCO determined that OSSE DOT failed to make available transportation services to the student during [REDACTED]. This Letter of Decision is the report of the final results of the SCO’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 issues 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, specifically transportation services.

INVESTIGATIVE PROCEDURE

The investigation included interviews with the following individuals:

1. Complainant
2. OSSE [REDACTED]
3. OSSE [REDACTED]
4. OSSE [REDACTED]
5. OSSE [REDACTED]
6. OSSE DOT [REDACTED]

The investigation also included review of the following documents which were either submitted by the complainant, submitted by OSSE DOT, 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 is DCPS. The student attended a District public charter school (PCS) during the [REDACTED] school year.
3. The student’s [REDACTED] IEP was in effect during the [REDACTED] school year until [REDACTED]. The [REDACTED] IEP prescribed the student to receive regular school year transportation services in addition to extended school year (ESY) related transportation for daily ESY services.
4. The student’s PCS IEP Team held the student’s annual IEP review meeting on [REDACTED]. The student’s [REDACTED] IEP prescribes the student to receive the following services:

Type of IEP Service	Amount	Setting
Specialized Instruction	Five hours weekly	Inside the General Education Environment

Specialized Instruction	20 hours weekly	Outside the General Education Environment
Speech-Language Pathology	Two hours monthly	Outside the General Education Environment
Extended School Year (ESY) Services	Three hours daily from [REDACTED] to [REDACTED]	Outside the General Education Environment
ESY-Related Transportation Services	[REDACTED]	

5. During the [REDACTED] school year, the student received bus transportation in the mornings only during [REDACTED] and [REDACTED].
6. During the [REDACTED] school year, the student was a participant in the OSSE DOT Parent Stipend Program from [REDACTED] to [REDACTED]. The OSSE DOT Parent Stipend Program allows parents of eligible students to receive a \$400 monthly stipend for transporting their child to and from their enrolled school.
7. From [REDACTED] 5 to [REDACTED], the student was eligible for the OSSE DOT Parent Stipend Program with only ESY-related transportation prescribed by the student's IEP.
8. During [REDACTED], the parent was unable to select a transportation preference on OSSE DOT's Parent Portal. The Parent Portal transmits regular school year transportation data from Special Programs but does not receive data regarding ESY-related transportation during the school year.
9. In response to the ESY-related transportation not reflecting in the Parent Portal, DCPS amended the student's [REDACTED] IEP on [REDACTED] to prescribe regular school-year transportation services. The IEP amendment was finalized on [REDACTED].
10. The parent was first able to apply for the OSSE DOT Parent Stipend Program [REDACTED]. The parent submitted the application for the stipend on [REDACTED]. On [REDACTED], OSSE DOT approved the parent's application.
11. The parent was provided the full \$400 stipend for transporting the student to and from school for the month of [REDACTED]. The payment was remitted on [REDACTED], which is consistent with OSSE Parent Stipend Program procedure.

ISSUE ONE: IEP SERVICES

OSSE DOT has not complied with 34 CFR §300.323(c)(2), because it did not make available transportation services to the student in [REDACTED] due to a system flaw.

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 the District of Columbia, OSSE, as the state

education agency (SEA), and a student's LEA share responsibilities related to the transportation of students with disabilities. A student's LEA determines a student's eligibility for transportation services as well as accommodations to ensure a student can be transported safely. OSSE DOT provides the transportation services. The complainant alleges that OSSE DOT failed to provide the \$400 stipend as part of the Parent Stipend Program.

While this complaint is against OSSE DOT, who is the related service provider for transportation in the District, the Parent Portal and Parent Stipend Program are managed and implemented by multiple OSSE divisions including DOT, Operations (OPS), and CIO.

Discussion

Beginning in the [REDACTED] school year, parents and guardians of students with transportation-eligible IEPs must submit transportation preferences through OSSE's new Parent Portal. In the Parent Portal, parents and guardians will be able to select from the following preferences:

- (1) Will Not Need Transportation: The student will not use any OSSE transportation services.
- (2) Parent Stipend Program: The parent will transport their student to/from school and receive a monthly stipend.
- (3) DOT Transportation: OSSE DOT will transport the student to/from their enrolled school via yellow school bus or other OSSE-designated vehicle.¹

In this State complaint, the parent alleges that they were denied the ability to select a transportation preference in OSSE's Parent Portal. More specifically, the parent asserts that their child was eligible for transportation services in [REDACTED] but due to an OSSE system error, the parent was unable to apply to OSSE's Parent Stipend Program.

During the [REDACTED] school year, the student was eligible for and received transportation services. During [REDACTED], the student was routed to receive morning only transportation via OSSE DOT bus. The parent also received a \$400 monthly stipend through OSSE's Parent Stipend Program from [REDACTED] through [REDACTED]. The student's [REDACTED] IEP, which was in effect until the development of the student's [REDACTED] IEP, prescribed the student to receive regular school year transportation services in addition to ESY-related transportation for daily ESY services. The student's [REDACTED] IEP does not prescribe regular school year transportation services but does prescribe ESY-related transportation for continued daily ESY services. OSSE DOT continued to make available the monthly stipend to the parent from [REDACTED] to [REDACTED] due to the student's daily ESY services and eligibility for ESY-related transportation.

¹ OSSE Parent Portal Letter to Transportation Eligible Families (2025)

In [REDACTED], OSSE implemented the aforementioned Parent Portal. The parent attempted to access the Parent Portal beginning on [REDACTED] to submit their transportation preference for the [REDACTED] school year; however, the parent was unable to submit a selection as the Parent Portal indicated the student was ineligible for transportation services. Although the Parent Portal did not reflect the student's ESY-related transportation eligibility, the [REDACTED] IEP remained in effect.

As part of the investigation process, the SCO interviewed the OSSE CIO staff members who are involved in the development and implementation of the Parent Portal. The SCO's inquiries were specific to the functionality of the Parent Portal in how eligibility for both regular school year and ESY-related transportation populates into the portal from Special Programs. Initially, OSSE CIO reported that ESY-related transportation data for the school year would not populate into the Parent Portal as it was asserted ESY services are only provided during the summer. However, while ESY services are often provided during the summer months, it is not limited to this and may be provided before or after school, on weekends, or during other school breaks.² In a subsequent interview with the OSSE [REDACTED] and the OSSE [REDACTED], the latter of which was responsible for developing the Parent Portal to support ESY-related transportation, the OSSE [REDACTED] stated that Parent Portal was only built to capture ESY-related transportation during the summer and that OSSE DOT does not provide ESY-related transportation during the school year. However, OSSE DOT's Transportation Policy does not establish that ESY-related transportation provided by OSSE DOT is limited to summer months. Therefore, OSSE DOT maintains responsibility for providing ESY-related transportation during the regular school year if required by a student's IEP to access free appropriate public education (FAPE). Further, in an interview with the OSSE DOT [REDACTED], it was expressed that it was their expectation that the Parent Portal would capture ESY-related transportation during the school year, but it ultimately is not their decision. As such, the SCO finds that the Parent Portal insufficiently meets the needs of special education students in the District who may need ESY-related transportation services to access FAPE. The system flaw in OSSE's Parent Portal is likely the result of cross-team misunderstanding of special education processes, insufficient communication, and inconsistent expectations. Ultimately, this led to OSSE DOT failing to make available transportation services to the student in [REDACTED].

In response to the communications the parent received from OSSE in [REDACTED], the parent requested DCPS amend the student's IEP to prescribe transportation services. DCPS began the amendment process on [REDACTED]. The amendment finding the student eligible for regular

² OSSE Extended School Year (ESY) Services Policy (March 10, 2011)

school year transportation services was finalized on [REDACTED]. Beginning on [REDACTED] [REDACTED] the Parent Portal recognized the student as transportation-eligible, further exemplifying that only eligibility for regular school year transportation service transmits to the portal. On [REDACTED], the parent completed their transportation preference and submitted application documentation for OSSE’s Parent Stipend Program. The parent’s application for the Parent Stipend Program was approved on [REDACTED]. The parent was paid the full \$400 stipend for the month of [REDACTED] on [REDACTED]. As such, the SCO finds that OSSE DOT appropriately made available transportation services beginning in the month of [REDACTED].

Therefore, OSSE DOT has not complied with 34 CFR §300.323(c)(2).

COMPLAINEE FINDINGS

1. OSSE DOT has not complied with 34 CFR §300.323(c)(2), because it did not make available transportation services to the student in [REDACTED] due to a system flaw.

CORRECTIVE ACTION

IDEA requires that State complaint procedures include those for effective implementation of decisions made as a result of a State complaint investigation, including corrective actions to achieve compliance.³ Accordingly, the SCO has established reasonable time frames below to ensure that noncompliance is corrected in a timely manner. The SCO will follow up with the public agency to ensure that it completes the required actions and provides the documentation of the completion of the corrective actions listed below.

In order to correct the noncompliance with 34 CFR §300.323(c)(2), OSSE DOT must do the following:

Corrective Action	Documentation Required to Demonstrate Compliance	Action Shall Be Completed No Later Than:
<p>1a. Provide reimbursement to the parent for the dates in which the parent self-transported the student to school in [REDACTED].</p> <p>OSSE DOT shall provide reimbursement to the parent through its current self-</p>	<p>OSSE DOT shall provide the following to the SCO:</p> <ul style="list-style-type: none"> ▪ Confirmation of payment from payee, or ▪ Statement from the receiving party acknowledging receipt of payment 	<p>Documentation of the completion of this action shall be provided to the SCO within 60 days of this letter of decision.</p>

³ 34 CFR §300.152

<p>transportation reimbursement procedures; however, OSSE DOT may instead elect to provide a \$400 reimbursement to the parent if it is more administratively convenient for OSSE DOT.</p>		
<p>1b. Develop and implement a plan to either:</p> <ul style="list-style-type: none"> ▪ Capture ESY-related transportation during the school year in OSSE’s Parent Portal, or ▪ Establish procedures to track and provide ESY-related transportation during the school year outside of the OSSE Parent Portal to ensure students whose IEPs require it receive ESY-transportation services during the school year. 	<p>OSSE DOT shall provide the following to the SCO:</p> <ul style="list-style-type: none"> ▪ A memorandum on OSSE’s process for correcting the issue identified and its date of implementation 	<p>Documentation of the completion of this action shall be provided to the SCO within 90 days of this letter of decision.</p>

All corrective actions must be completed by the date specified above, but in no case later than one year from the date of this letter.

CONCLUSION

The Decision of the SCO 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