



February 4, 2026

VIA Electronic Mail

[REDACTED]

OSSE Division of Student Transportation

[REDACTED]

[REDACTED]

District of Columbia Public Schools

[REDACTED]

RE: State Complaint No. 025-016 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) State Complaints Office (SCO), Division of Strategic Funding for School Quality received a State complaint from [REDACTED] (parent or complainant) against the OSSE Division of Student Transportation (DOT) and the District of Columbia Public Schools (DCPS) alleging violations in the special education program of their child, [REDACTED] (Student ID # [REDACTED]), hereinafter “student” or “child.” The SCO included the District of Columbia Public Schools (DCPS) in this investigation because responsibility for the transportation services process is split between the local education agency (LEA) and state education agency (SEA), and the SCO needs to include all potentially responsible parties to conduct a thorough investigation.

The complainant alleged that OSSE DOT and DCPS 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 individualized education program (IEP).

The SCO for OSSE has completed its investigation of the State complaint. During the course of the investigation the SCO determined that DCPS complied with its obligation related to transportation services, but OSSE DOT has not complied with its obligation related to the

provision of transportation services for the student. 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. **IEP services at 34 CFR §300.323(c)(2)**
 - a. Failure to provide transportation services in accordance with the child's IEP.

INVESTIGATIVE PROCEDURE

The investigation included interviews with the following individuals:

- 1. Complainant
- 2. OSSE DOT [REDACTED]
- 3. DCPS [REDACTED]

The investigation also included review of the following documents which were either submitted by the complainant, submitted by OSSE DOT and DCPS, 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 Autism as defined by 34 CFR §300.8.
- 2. The student's local education agency during the [REDACTED] school year is DCPS.
- 3. During the investigation period, the student had two IEPs in effect as the student's

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annual IEP review occurred on [REDACTED]. The student's [REDACTED] IEP, which was in effect until [REDACTED], prescribed the following services:

| IEP Services in effect from [REDACTED] to [REDACTED] |
|--|
| 28 hours of specialized instruction per week outside of the general education environment |
| 4 hours of behavior support services monthly outside the general education environment |
| 2 hours of speech-language services monthly outside the general education environment |
| 2 hours of occupational therapy monthly outside the general education environment |
| Transportation Services |
| <i>Student services and accommodations during transportation:</i> |
| <ul style="list-style-type: none"> • Booster seat provided by OSSE DOT • 1:1 aide • Behavior interventions (i.e. picture cards, gestures, pointing, and some sign language) • Ride time constraints (i.e. last morning pick-up and first afternoon drop-off) |

Following the student's annual review, the [REDACTED] IEP prescribes the following services:

| IEP Services in effect from [REDACTED] to Present |
|---|
| 28 hours of specialized instruction per week outside of the general education environment |
| 4 hours of behavior support services monthly outside the general education environment |
| 2 hours of speech-language services monthly outside the general education environment |
| 2 hours of occupational therapy monthly outside the general education environment |
| Transportation Services |
| <i>Student services and accommodations during transportation:</i> |
| <ul style="list-style-type: none"> • Hand to hand • Behavior interventions (i.e. structured supervision, clear expectations) • Ride time constraints (i.e. last morning pick-up and first afternoon drop-off) • Other communication needs (i.e. the child is verbal but has difficulty expressing emotion which leads to the child being escalated) |

4. The student's school, [REDACTED] Elementary School (ES), is in session from 8:45am to 3:15pm.
5. Per OSSE DOT routing procedures, timely morning pick-up of the child is defined as arriving at the child's address between 7:54am and 8:24am. Timely morning drop-off at the child's school is defined as occurring between 8:15am and 8:35am.
6. Following a review of the OSSE DOT trip tickets for the dates raised by the parent in their initial complaint filing and interview, the SCO finds that OSSE DOT provided transportation services that were more than 30 minutes late during the morning route on eight school days. The following was calculated based on the amount of time after 8:24am that OSSE DOT arrived at the child's address. The SCO utilized morning pick-up

- time as the OSSE DOT trip tickets did not always include a morning drop-off time.
- OSSE DOT was late for more than two hours on two school days
 - OSSE DOT was late for more than one hour, but less than two hours, on five school days
 - OSSE DOT was late for more than 30 minutes, but less than one hour, on one school day
7. OSSE DOT was late picking up the child on one additional date; however, the amount of time was less than 30 minutes. The student rode the bus on this date. The student's attendance log indicates the student was present for the full school day and was not tardy on this date.
 8. Following a review of the student's attendance record, the SCO determined:
 - The student attended school four out of the eight days where the OSSE DOT bus was late during morning pick-up.
 - For the four dates where the student attended school, the child's parent was able to coordinate alternative transportation due to the OSSE DOT delay.
 - The student was tardy on two out of the four days where the parent was able to arrange alternative transportation following OSSE DOT's delay.
 - For the school days in which the student was absent, the student missed school due to the unavailability of reliable transportation and the impact on the student's needs.
 9. Additionally, OSSE DOT provided untimely afternoon transportation services to the student on two dates in which the student was present at school. On these dates, OSSE DOT was more than one hour late for afternoon pick-up. Due to this, the child's parent transported the child home from school.
 10. OSSE DOT provided timely morning transportation for two of the school days that were raised by the complainant in their initial State complaint filing, [REDACTED] and [REDACTED].
 11. The OSSE trip tickets listed seven other students on the same bus route.
 12. Both the complainant and school staff report that the untimely arrival of the OSSE DOT bus has negatively impacted the student. Tardiness of the bus has led to an increase in behavioral issues throughout the school day and missed instruction time. The student has become increasingly dysregulated due to the disruption and inconsistency of the child's routine. Moreover, when OSSE DOT arrives late to pick-up the student in both the morning and afternoon, the student often will refuse to take the bus due to their routine being disrupted. In addition to the aforementioned harm as a result of untimely bus transportation services, the child's family has been impacted as the child's parent is not currently able to self-transport the student and it is difficult to find alternative

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transportation for the child when OSSE DOT is late.

13. The untimeliness of OSSE DOT transportation services is predominantly due to staffing issues.

ISSUE ONE: IEP SERVICES

DCPS has complied with 34 CFR §300.323(c)(2), because it appropriately followed its obligations regarding the provision of transportation services.

OSSE DOT has not complied with 34 CFR §300.323(c)(2), because it provided untimely transportation services to the student on several school days in [REDACTED] and one day in [REDACTED].

Pursuant to 34 CFR §300.323(c)(2), each public agency must ensure as soon as possible following development of the IEP, special education and related services are made available to a child with a disability in accordance with the child's IEP. The complainant alleges that OSSE DOT failed to provide transportation services to the child on multiple dates in [REDACTED] and one date in [REDACTED].

Discussion

The student's IEP Team determined the child is eligible for transportation services which is reflected on both the student's [REDACTED] and [REDACTED] IEPs. At the student's [REDACTED] annual review meeting, DCPS appropriately revised the student's accommodations while transported to and from school in order to ensure that the child's needs are being met. Further, the DCPS [REDACTED] reports that they have contacted OSSE DOT on multiple occasions during the [REDACTED] school year to ensure that bus staff are appropriately implementing the child's accommodations. Therefore, the SCO finds that DCPS has complied with its responsibilities related to the provision of transportation services.

The U.S. Department of Education, Office of Special Education Programs has stated that the school day for a child with a disability should not be shorter than a school day for general education students due to the child's transportation time.¹ In a review of the OSSE DOT trip tickets, which are completed by OSSE DOT bus staff, the SCO finds that OSSE DOT provided untimely transportation services to school on eight dates and from school on two additional dates in which the student was present at school. The inconsistent and untimely transportation provided by OSSE DOT has led to missed instruction time, which includes missed specialized instruction and related services. Further, the lack of a consistent, structured routine for going to and from school has impacted the child's behavior throughout the school day. Therefore, the SCO finds that OSSE DOT must remedy the impact its untimeliness has had on the child's access to special education programming and must make adjustments to the route to ensure that the student is able to arrive to school on time moving forward. OSSE DOT must also provide a

¹ OSEP Questions and Answers on Serving Children with Disabilities Eligible for Transportation p. 8 (November 2009). (Available at: https://sites.ed.gov/idea/files/OMB_08-0101_Transportation-11-4-09_FINAL-1.pdf).

remedy to the other seven students on the same bus route who may have been impacted by untimely transportation.

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

COMPLIANCE FINDINGS

1. DCPS has complied with 34 CFR §300.323(c)(2), because it appropriately followed its obligations regarding the provision of transportation services.
2. OSSE DOT has not complied with 34 CFR §300.323(c)(2), because it provided untimely transportation services to the student on several school days in [REDACTED] and one day in [REDACTED].

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.² 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: |
|---|---|---|
| 1a. OSSE DOT shall authorize independent services in the amount of 10 hours of specialized instruction. | OSSE DOT shall provide the following to the SCO: <ul style="list-style-type: none"> • Independent services authorization letter; and, • Documentation demonstrating the completion of and payment for all ordered services. | Documentation of the independent services authorization letter shall be provided to the SCO within 30 days of this letter of decision. Documentation of the completion of the independent services shall be provided to the SCO within |

² 34 CFR §300.152

| | | |
|---|--|---|
| | | 10 business days of the completion of services. |
| 1b. Monitor the student’s route, or take other necessary steps, to ensure that the student is transported on time to school. | OSSE DOT shall provide the following to the SCO: <ul style="list-style-type: none"> Documentation of the timely transportation of the student to school for 10 consecutive school days. | Documentation of the completion of this action shall be provided to the SCO within 60 days of this letter of decision. |
| 2a. OSSE DOT shall review the trip tickets for the other seven students on the same bus route and calculate the total amount of missed school time due to late arrival. | OSSE DOT shall provide the following to the SCO for verification: <ul style="list-style-type: none"> A summary of the calculation of missed school time for each student. | Documentation of the completion of this action shall be provided to the SCO within 20 days of this letter of decision. |
| 2b. Upon approval from the SCO, OSSE DOT shall authorize independent services for tutoring in the amount of missed school time for each student. | OSSE DOT shall provide the following to the SCO: <ul style="list-style-type: none"> Independent services authorization letter; and, Documentation demonstrating the completion of and payment for all ordered services. | Documentation of the independent services authorization letter shall be provided to the SCO within 30 days of this letter of decision. Documentation of the completion of the independent services shall be provided to the SCO within 10 business days of the completion of services. |

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

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Kirstin.Hansen@dc.gov or 202-741-0274.

Sincerely,

Kirstin Hansen

Kirstin Hansen
State Complaints Manager
Office of Special Education

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