



OFFICE OF THE STATE
SUPERINTENDENT OF EDUCATION

February 4, 2026

VIA Electronic Mail

[REDACTED]
[REDACTED]
OSSE Department of Transportation

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
District of Columbia Public Schools

[REDACTED]
[REDACTED]

RE: State Complaint No. 025-017 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 Department of 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 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 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. DCPS [REDACTED]
3. DCPS [REDACTED]
4. OSSE DOT [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. The student's [REDACTED] IEP prescribed the following services:

IEP Services
Five hours weekly of specialized instruction inside the general education environment
Two hours and 30 minutes weekly of specialized instruction outside the general education environment
Transportation Services

4. The student's school, [REDACTED] MS, is in session from 8:45am to 3:20pm.
5. [REDACTED] MS provided OSSE DOT with the school's correct bell schedule in [REDACTED] prior to the start of the [REDACTED] school year. This bell schedule reflects the school's 8:45am start time. Although OSSE DOT was provided the correct bell schedule, it routed the student's bus to reflect a 9:00am school start time.
6. From the first day of the [REDACTED] school year until [REDACTED], the last day before winter break, OSSE DOT provided untimely transportation on 36 days.
 - a. On two dates, the bus was approximately one hour late.
 - b. On six dates, the bus was between 10 and 18 minutes late
 - c. On the remaining 28 dates, the bus was under 10 minutes late
7. The parent transported the child on seven of the 36 days in which OSSE DOT provided late transportation services.
8. As of [REDACTED], the parent reports that OSSE DOT continues to provide untimely transportation services.
9. DCPS and the parent report that the child has been negatively impacted by the untimely transportation services due to the child's need for routine and structure. When the bus is late, the child is visibly stressed, anxious, and frustrated. In addition, the student has missed specialized instruction due to the lateness of the bus.
10. There were six to nine other students listed on the trip tickets for the various dates reviewed by the SCO.

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 36 school days.

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 timely transportation services to the child on multiple dates.

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Discussion

The student's IEP Team determined that the child is eligible for transportation services, which is prescribed by the child's [REDACTED] IEP. In addition to IEP Team determinations regarding a child's eligibility for transportation services, an LEA must also provide a bell schedule to OSSE DOT to ensure accurate bus routing. DCPS provided OSSE DOT with documentation reflecting the correct [REDACTED] MS bell time in [REDACTED], prior to the start of the [REDACTED] school year. Therefore, the SCO finds that DCPS has complied with its obligations relating to the provision of transportation services.

Although OSSE DOT was provided with an accurate bell schedule, OSSE DOT failed to appropriately route the child's bus so as to ensure the child would arrive to school on time. More specifically, OSSE DOT routed the bus to reflect a 9:00am start time. Therefore, in OSSE DOT's records, an 8:50am drop-off time was incorrectly marked as timely. Of note, there is a second school, [REDACTED] HS, on the child's route. Based on the trip tickets provided by OSSE DOT, students who attend [REDACTED] HS, and are on the child's bus, are also being dropped off untimely due to the OSSE DOT drop-off time being routed to take place after the start of the school day. There were six to nine other students listed on the trip tickets for the various dates reviewed by the SCO.

Ultimately, based on the bell time of [REDACTED] MS, the SCO finds that OSSE DOT has untimely dropped the student off at school on 36 school dates. 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 On days when the student is more than half an hour late, the student misses instructional time. Additionally, short increments of time from late arrival on multiple days per week add up to a significant loss of school time. Further, in interviews with the child's parent and DCPS staff, it was expressed that the bus delays have had a significant impact on the student's stress and anxiety as well as has led to the student missing specialized instruction. Therefore, the SCO finds that OSSE DOT must remedy the student's loss of school time and make adjustments to the route to ensure that the student arrives to school on time moving forward. OSSE DOT must also provide a remedy to the other 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).

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).

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 36 school days.

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. 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.
1b. Authorize compensatory education services for the amount of 8 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 of the completion of services	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 compensatory education services shall be provided

² 34 CFR §300.152

		within one year of the date of this letter of decision.
1c. Conduct a review of OSSE DOT routing and LEA-provided bell schedules to ensure that OSSE DOT routes allow for the timely drop-off of students with disabilities in the District.	OSSE DOT shall provide the following to the SCO: <ul style="list-style-type: none"> • A memorandum or other relevant documentation that outlines the steps OSSE DOT took to conduct the review and assurance that all buses are correctly routed to ensure students with disabilities are able to be provided with timely transportation services 	Documentation of the completion of this action is due to the SCO within 30 days of this letter of decision.
2a. OSSE DOT shall review the trip tickets for the other 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 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