



November 6, 2013

Dear Local Education Agency (LEA) Leaders,

The Office of the State Superintendent of Education (OSSE) is committed to improving the quality and delivery of special education transportation services provided to students with disabilities in the District of Columbia. To this end, OSSE worked with LEAs and other stakeholders to satisfy all requirements to successfully exit of the *Petties v. DC* case. OSSE now seizes the opportunity to further accelerate reform by issuing a robust Special Education Transportation Policy and supporting LEAs with implementation.

The enclosed Special Education Transportation Services Policy was originally proposed on November 23, 2010 and was open for extended public comment until February 7, 2011. After considering stakeholder feedback and making substantive changes, the Policy was proposed a second time on May 3, 2013, and public hearings were held on May 21, 2013 and May 28, 2013. Public comments were collected from May 3, 2013 through July 2, 2013. The effective date of the Special Education Transportation Services Policy is January 6, 2013¹.

The new Policy assists LEAs in providing a free appropriate public education (FAPE) to all students with disabilities who have transportation designated as a related service via their Individualized Education Program (IEP) by:

- Establishing state-level criteria that assist Individualized Education Program (IEP) Teams in making appropriate eligibility decisions.
- Clarifying LEA responsibilities, and establishing documentation and procedural requirements that enable the timely coordination between LEAs and the Division of Transportation (OSSE-DOT).
- Establishing a bi-annual LEA certification requirement that enables OSSE-DOT to use student-level data to successfully prepare for the provision of special education transportation services during the extended school year (ESY) summer months and the start of school every year.

The final issuance of the Policy features changes that resulted from the thoughtful consideration of stakeholder feedback and public comments. Highlights of some of the key changes made between the 2011 and 2013 proposals are listed below:

- *Accommodating students in foster care or residing in group homes.* The final Policy clarifies that exceptions to the bus routing requirements will be

¹ One exception to the effective date is the Policy requirement related to pick up and drop off locations. This requirement becomes effective in the 2014-2015 school year, in order to ensure that parents have adequate notice and can plan accordingly.





considered on a case-by-case basis for students in foster care or residing in group homes, taking into account the unique circumstances of these students and the importance of minimizing disruption.

- *Removing distance parameters.* Based on stakeholder feedback, the final Policy no longer has minimum distance considerations built into the eligibility framework. Rather, the Policy emphasizes the individualized nature of IEP Team decisions that are supported by up-to-date student-level data.
- *OSSE-DOT participation in settlement agreements.* The final Policy clarifies that OSSE-DOT will provide special education transportation services according to terms of a settlement agreement, but will not pay for costs associated with settlement agreements lacking OSSE-DOT participation. This arrangement reiterates the importance of OSSE-DOT involvement in settlement agreements that include transportation considerations, without negatively impacting the educational needs of students.
- *Heightened parent notice requirements.* Based on stakeholder feedback, the final Policy provides for same-day notification to parents and LEAs in instances when the health, safety, or conduct of a student rises to a level of concern that makes transport unmanageable. Same-day notice will allow parents and LEAs to respond in a timely manner to address and resolve concerns, so that special education transportation services can be appropriately reinstated.
- *Consequences of untimely certification.* According to the Policy, in the event of untimely certification by the LEA, OSSE-DOT will provide transportation services and the LEA will be responsible for the costs of transportation. This arrangement reiterates the importance of timely LEA certification, without negatively impacting the educational needs of students.
- *Provider cost responsibility.* The initial Policy proposed that LEAs be responsible for employment and cost of related service providers on the bus. In the final policy, OSSE-DOT will continue to employ and pay for related service providers on the bus, to give LEAs time to develop their capacity to provide these services.
- *Routing Requirements:* In order to ensure student safety, the Policy clarifies that OSSE-DOT will provide round trip service to the same address that is used to establish residency rather than multiple and/or non-verified addresses. As noted above, based on stakeholder feedback regarding the need for sufficient notice to ensure that families are prepared for this change, OSSE is delaying the effective date of this component of the Policy until the start of the 2014-2015 SY.

We encourage you to participate in two upcoming opportunities to learn more about the Policy and ensure effective implementation. The first opportunity is a focus group open to LEAs interested in giving feedback on the special education transportation eligibility worksheets that will be required as part of the IEP Process in the Special Education Data System (SEDS). The second opportunity is a comprehensive, full-day training that includes separate components addressing the new policy requirements,





programmatic implementation, SEDS updates, and Transportation Online Tool for Education (TOTE) system alignment.

The focus group will take place on Tuesday, November 19, 2013 from 9:00am-12:00pm at 810 1st Street, NE, 8th Floor. We are requesting that LEAs RSVP by emailing Melanie Grant at melanie.grant@dc.gov by Friday, November 15, 2013.

The three full-day training sessions will be held at 810 1st Street, NE. LEA staff may register for a session via the links below:

Monday, December 9, 2013
810 1st Street, NE, 8th Floor
8:30am – 4:30 pm
Registration Link: <http://www.cvent.com/d/h4q8gr/4W>

Thursday, December 12, 2013
810 1st Street, NE, 8th Floor
8:30am – 4:30pm
Registration Link: <http://www.cvent.com/d/34qk86/4W>

Wednesday, December 18, 2013
810 1st Street, NE, 3rd Floor
8:30am – 4:30 pm
Registration Link: <http://www.cvent.com/d/k4q8gv/4W>

We look forward to working with you to support full implementation of this Policy. Please do not hesitate to contact me or my team with any questions you may have.

Sincerely,

Jesús Aguirre
Acting State Superintendent of Education

Enclosure

