

What do I do about problems with OSSE transportation?

If your child missed school because of their transportation services from OSSE, you may be able to ask for compensatory education.

If your child is having problems with the transportation provided by OSSE and missed school in the last two years because of it, you can ask for something called compensatory education. This means your child may get extra help to catch up on what they missed.

What is compensatory education?

Compensatory education is the system for making up for the things your child should have gotten but didn't because of failures in planned school transportation. If your child has an Individualized Education Program (IEP) or 504 plan that calls for the District or school to provide transportation and the transportation didn't happen the way it was supposed to, then the IEP/504 plan wasn't followed. This means your child might be owed compensatory services.

How do I know what to ask for?

You should think about what your child missed at school – like specialized instruction or therapy sessions. Compensatory education can include things like tutoring, speech therapy, physical therapy, or occupational therapy. Sometimes, your child might even get reimbursed for other things like camp or afterschool programs.

The amount of compensatory education your child gets isn't always the same as the time they missed. Instead, a court will look at three things:

1. Where your child was when transportation problems started or two years ago (whichever is longer ago).
2. What services they should have had.
3. Where they would be now if they had those services.

There's a time limit, called a statute of limitations, on asking for compensatory education when an IEP/504 plan hasn't been followed. Usually, you can only go back two years from the time you make a complaint.

Your school district, called a local educational agency (“LEA”), either DCPS or a charter school, is responsible for making sure your child gets all the services in their IEP/504 plan. OSSE, the Office of the State Superintendent of Education, is in charge of transportation and compensatory education.

You can ask both OSSE and your LEA to fix things if your child doesn't get the right transportation. You can choose to hold one or both of them responsible if you decide to go file any kind of case.

How do I ask for Compensatory Education?

For students with 504 plans: Students with 504 plans must follow the grievance process outlined through their LEAs to file a complaint.

- DCPS information [here](#)

For students with IEPs: The Office of Dispute Resolution is where complaints about special education cases are heard. Independent mediators or hearing officers are assigned to cases.

Mediation: Caregivers can file for mediation with a school system (LEA) or OSSE to request a resolution without having to go to a full hearing. A mediator will be assigned once both/all parties have agreed to mediation. The mediator will help both/all parties try to come to an agreement.

- Information about mediation at the Office of Dispute Resolution [here](#) and [here](#)
- There is no trial and no evidence is presented.
- You should be prepared with any information you have about how many days were missed/how many days your child was late to school or late coming home due to transportation issues. This will help move the discussion forward.

Due Process Hearing: A parent or caregiver sues the school system (LEA) or OSSE and an impartial hearing officer will decide your case. This is an opportunity to have a full hearing before an independent hearing officer. A hearing is like a trial and witnesses and evidence must be presented. The hearing officer will issue a written decision.

- Information about Due Process hearings [here](#) and [here](#)

What records might be useful?

Whatever process you use to ask for Compensatory Education, the following types of records could be helpful in presenting the services your child missed due to transportation issues:

Service Trackers: You may want to request service trackers from your child's school. These are created by service providers for any related services your child gets (for example: speech, occupational therapy, physical therapy, behavior support), but not for special education instruction. These are for all related services and would show what hours your child received and did not receive.

Daily Schedule: You may want to request a copy of your child's daily schedule from his/her school. This should include the bell time for the start of the school day, times for each class and related services, and when the school day ends.

Bus Transportation Records: You can request transportation records through OSSE. This [page](#) tells you how to submit a FERPA request for the records.

Find more information at: <https://childrenslawcenter.org/students-need-better-transportation/>