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Testimony Before the District of Columbia Council  
Committee of the Whole  
October 28, 2025

Public Oversight Hearing:  
The Office of the State Superintendent of Education's  
Division of Student Transportation

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## **Introduction**

Good morning, Chairman Mendelson, members of the Committee, and staff. My name is Danielle Robinette, and I am a Senior Policy Attorney at Children's Law Center. Children's Law Center believes every child should grow up with a strong foundation of family, health and education and live in a world free from poverty, trauma, racism and other forms of oppression. Our more than 100 staff – together with DC children and families, community partners and pro bono attorneys – use the law to solve children's urgent problems today and improve the systems that will affect their lives tomorrow. Since our founding in 1996, we have reached more than 50,000 children and families directly and multiplied our impact by advocating for city-wide solutions that benefit hundreds of thousands more.

Thank you for holding today's hearing on the Office of the State Superintendent of Education's Division of Student Transportation (OSSE-DOT). Children's Law Center has repeatedly testified about our concerns with OSSE-DOT's inadequate transportation for DC students with disabilities.<sup>1</sup> We have shared the experiences of our clients who have, for years, suffered unreliable service from OSSE-DOT for more than a decade.<sup>2</sup> Alongside The Arc of the United States, Washington Lawyers' Committee for Civil Rights and Urban Affairs, and McDermott Will & Schulte, we represent parents and guardians of DC students with disabilities who have filed a class action lawsuit against OSSE for failure to provide safe, reliable, and effective transportation to and from school.<sup>3</sup>

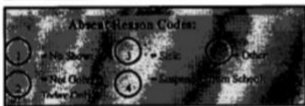
My testimony and recommendations today reflect our experience representing families who have suffered the unreliable service provision from OSSE-DOT. In previous hearings, OSSE has made assertions and promises that have not been fulfilled. We urge the Committee to use today's hearing to seek clarity about the specific barriers to system improvement at OSSE-DOT. Moreover, we urge the Committee to demand that the agency develop a strategic plan to address performance issues. This plan should include timelines and benchmarks to be met. Such a plan would provide a framework for oversight to be conducted by this Committee in the coming months and years. DC students and families cannot keep waiting for solutions that never come.

#### **OSSE-DOT's "On-Time" Performance Metric Does Not Accurately Reflect Student Experience or Arrival at School**

OSSE has repeatedly testified before this Committee that their on-time performance exceeds 90%.<sup>4</sup> However, OSSE's "on-time" metric does not accurately reflect the experience of students, families, and schools. OSSE-DOT only considers a bus "late" if it departs the terminal after its scheduled time, claiming that this is the "most accurate proxy" for whether a student arrives to school on time.<sup>5</sup> So, if a bus leaves the terminal on time, but then encounters traffic and arrives to its first stop 30 minutes after its scheduled window, that bus is still considered "on-time." This metric not only masks issues in OSSE's performance data but also makes it impossible for parents to know when their student's bus will arrive to pick the student up from their home. At OSSE's most recent oversight hearing, Superintendent Mitchell reported that on-time arrival at schools

was 89%.<sup>6</sup> However, it is unclear how that metric was developed or what data it is based on. Concerningly, we have found that some routes have school drop-offs scheduled for after the start of the instructional day. As such, those students are late for school even when their bus arrives “on-time” per the schedule set by OSSE-DOT.

As part of the class action litigation, we and co-counsel engaged Bates White Economic Consulting, LLC (Bates White) to conduct pro bono analysis of data from trip tickets that OSSE was ordered to produce by the Court. Trip tickets are the daily records created by bus staff to track pick-ups and drop-offs on each route served by OSSE-DOT. These paper records are filled out by hand each morning and afternoon. The trip tickets denote the projected and actual times a bus departs from the terminal, arrives and departs from each stop, including stops at schools.

| 2024-2025 Trip Ticket |            |                       |            |                     |            |                                                                                      |  |        |                         | Effective: [Redacted] |  |
|-----------------------|------------|-----------------------|------------|---------------------|------------|--------------------------------------------------------------------------------------|--|--------|-------------------------|-----------------------|--|
| AM                    |            |                       |            |                     |            |                                                                                      |  |        |                         | Page 24 of 700        |  |
| Date Printed:         | [Redacted] |                       |            |                     |            |                                                                                      |  |        |                         |                       |  |
| Time Printed:         | [Redacted] |                       |            |                     |            |                                                                                      |  |        |                         |                       |  |
| Route:                | [Redacted] |                       |            |                     |            |                                                                                      |  |        |                         |                       |  |
| Driver:               | [Redacted] | [Grid]                |            | SUB Driver Name:    |            | EmpID:                                                                               |  | [Grid] |                         |                       |  |
| Attendant:            | [Redacted] | [Grid]                |            | SUB Attendant Name: |            | EmpID:                                                                               |  | [Grid] |                         |                       |  |
| Route:                | [Redacted] | BE#:                  | [Redacted] | Tag#:               | [Redacted] |  |  |        | Run on Date: 10/30/2024 |                       |  |
| Shift Begin:          | [Redacted] | Odometer Reading Out: | [Redacted] | Fuel (gal):         | [Grid]     |                                                                                      |  |        | AM                      |                       |  |
| Shift End:            | [Redacted] | Odometer Reading In:  | [Redacted] |                     |            |                                                                                      |  |        |                         |                       |  |
| School(s):            | [Redacted] |                       |            |                     |            |                                                                                      |  |        |                         |                       |  |

| Stop Address                                    | Projected Time     | Time Arrival HH:MM | Time Leave HH:MM | On Bus?                             | Name       | Early/Late @School | Reason Absent   |
|-------------------------------------------------|--------------------|--------------------|------------------|-------------------------------------|------------|--------------------|-----------------|
| Fifth St, 2115 5TH ST NE, Washington 20002      | 07:05AM<br>PullOut | [Grid]             | 06:50            | [Grid]                              |            |                    | 13343<br>Other: |
| [Redacted]                                      | 07:36AM<br>PickUp  | [Redacted]         |                  | [Grid]                              | [Redacted] |                    | 13343<br>Other: |
| [Redacted]                                      | 08:30AM<br>DropOff | [Redacted]         |                  | <input checked="" type="checkbox"/> | [Redacted] | 08:15AM<br>08:35AM | 13343<br>Other: |
| Southwest, 4 DC VILLAGE LN SW, Washington 20032 | 09:27AM            | 11:06              | [Grid]           | [Grid]                              |            |                    | 13343<br>Other: |

Source: dc\_24-cv-656-00068298, at -314.

Bates White analyzed trip tickets for OSSE-managed routes in October 2024<sup>7</sup> and found:

- 1) “OSSE’s scheduled daily school drop-off time was after the start of instruction for 24 distinct bus route-school combinations,
- 2) “OSSE’s publicly-reported data underestimate the number of times a bus left the terminal late,
- 3) “296 students were assigned to bus routes that arrived after the start of instruction at least once a week on average in the month of October 2024, and 192 students were assigned to bus routes that arrived after the start of instruction at least twice a week on average, and
- 4) “There is only a weak positive correlation between a bus leaving the terminal late and arriving after the start of instruction.”<sup>8</sup>

The full declaration submitted by Bates White to the Court as part of the ongoing litigation is appended to this testimony. These findings indicate that OSSE’s “on-time” performance metric does not accurately reflect whether the bus arrives at a student’s home in the scheduled window or whether the student arrives at school prior to the start of instruction. Moreover, the Bates White findings demonstrate how OSSE-DOT’s provision of transportation fails to ensure that DC students with disabilities have access to a free, appropriate public education. We strongly urge the Committee to use today’s hearing and annual oversight hearings in the Spring to seek clarity regarding the present state of OSSE-DOT’s performance and the current barriers to systemic improvement.

### **OSSE’s Mismanagement of Procurement and Poor Implementation of Systems Denies Students Access to Education**

OSSE-DOT has long discussed plans for a GPS app that would allow parents to know where the bus – and thus their child – is when a route is running behind. However,

after a pilot program in Fall 2023 did not meet expectations, the project was put on hold.<sup>9</sup>

At this Committee's oversight hearing in March, OSSE again testified that a GPS app is in the pipeline and that they intended to begin rolling out the system in Summer 2026 and would be fully implemented for the start of SY26-27.<sup>10</sup>

OSSE has spent millions of dollars on GPS and automated vehicle locator (AVL) systems that should be capable of providing the information parents are seeking from a bus tracking app. In 2016, OSSE awarded a contract to Teletrac Navman for an AVL system to "provide intelligent automatic vehicle location data using cellular time transmission; real time vehicle management and vehicle status; map data; activity reports; mileage reports; stopped and idling reports and vehicle diagnostics [... and] a student tracking module for students riding the bus."<sup>11</sup> The exercise of option years extended this contract through September 30, 2021.<sup>12</sup> OSSE then awarded another contract to Teletrac Navman "to provide maintenance and support of the existing GPS-based Automated Vehicle Locator (AVL) System."<sup>13</sup> Option years extended this contract through September 30, 2024.<sup>14</sup> In 2024 another maintenance and support contract was awarded to Teletrac Navman<sup>15</sup> which has been extended through September 25, 2026.<sup>16</sup> Together these contracts totaled \$2,678,253.40.

**Teletrac Navman:**

| <b>Contract Number</b> | <b>Contract Period</b>                             | <b>Amount (not to exceed)</b> |
|------------------------|----------------------------------------------------|-------------------------------|
| CW47272                | Base Period<br>Oct. 1, 2016 – Sept. 30, 2017       | \$549,183.60 <sup>17</sup>    |
|                        | Option Year One<br>Oct. 1, 2017 – Sept. 30, 2018   | \$346,880.04 <sup>18</sup>    |
|                        | Option Year Two<br>Oct. 1, 2018 – Sept. 30, 2019   | \$323,493.60 <sup>19</sup>    |
|                        | Option Year Three<br>Oct. 1, 2019 – Sept. 30, 2020 | \$323,493.60 <sup>20</sup>    |
|                        | Option Year Four<br>Oct. 1, 2020 – Sept. 30, 2021  | \$203,000.00 <sup>21</sup>    |
| CW93311                | Base Period<br>Oct. 1, 2021 – Sept. 30, 2022       | \$235,424.00 <sup>22</sup>    |
|                        | Option Year One<br>Oct. 1, 2022 – Sept. 30, 2023   | \$235,424.64 <sup>23</sup>    |
|                        | Option Year Two<br>Oct. 1, 2023 – Sept. 30, 2024   | \$235,424.64 <sup>24</sup>    |
| CW120077               | Base Period<br>Oct. 1, 2024 – Sept. 30, 2025       | \$112,964.64 <sup>25</sup>    |
|                        | Option Year 1<br>Sept. 26, 2025 – Sept 25, 2026    | \$112,964.64 <sup>26</sup>    |
|                        |                                                    | Total = \$2,678,253.40        |

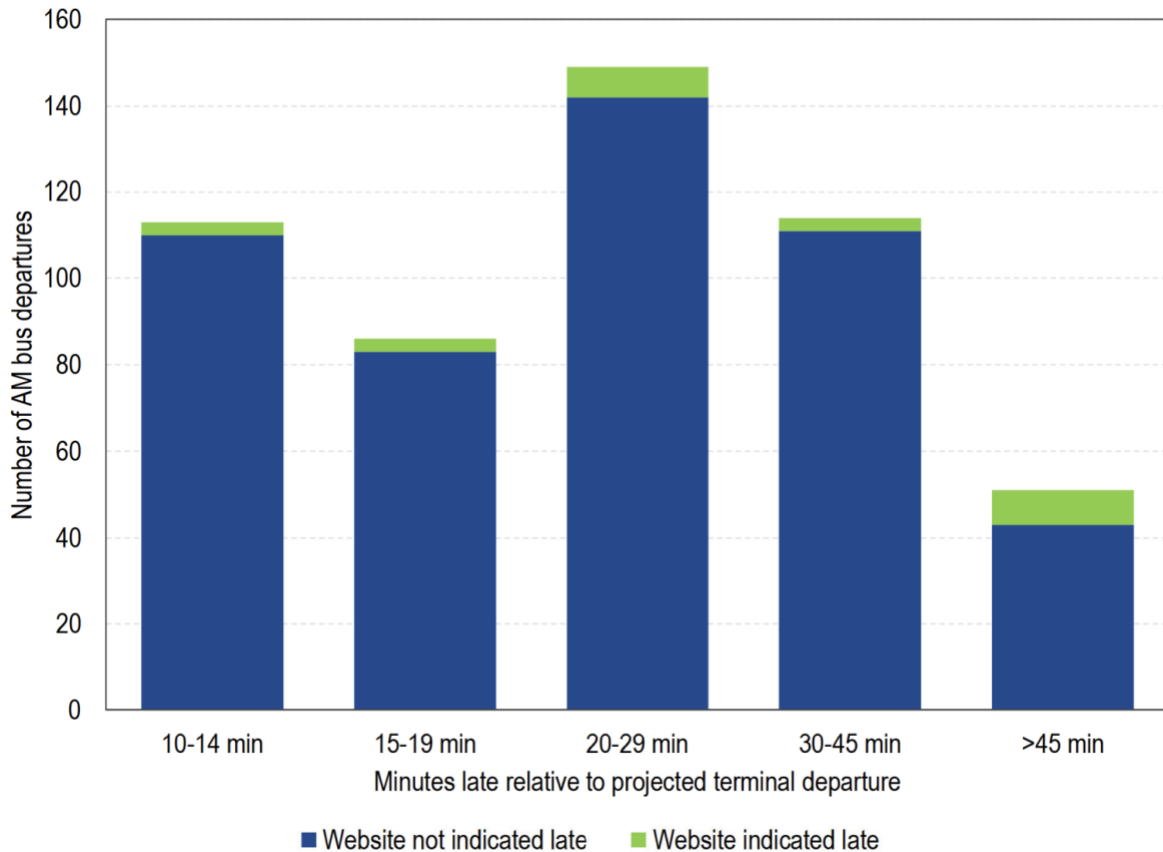
In 2020, OSSE awarded a contract to Seon Systems Sales Inc. to “provide a GPS/AVL system that tracks school buses in real time, records vehicle activities, and allows for the comparison between actual busing events and the assigned tasks of the buses.”<sup>27</sup> This contract was extended for three option years through September 30, 2023<sup>28</sup> for a total of \$3,214,378.00.

**Seon Systems Sales Inc.:**

| <b>Contract Number</b> | <b>Contract Period</b>                             | <b>Amount (not to exceed)</b> |
|------------------------|----------------------------------------------------|-------------------------------|
| CW77571                | Base Period<br>May 6, 2020 – Sept. 30, 2020        | \$803,853.00 <sup>29</sup>    |
|                        | Option Year One<br>Oct. 1, 2020 – Sept. 30, 2021   | \$983,882.00 <sup>30</sup>    |
|                        | Option Year Two<br>Oct. 1, 2021 – Sept. 30, 2022   | \$979,810.00 <sup>31</sup>    |
|                        | Option Year Three<br>Oct. 1, 2022 – Sept. 30, 2023 | \$446,833.00 <sup>32</sup>    |
|                        |                                                    | Total = \$3,214,378.00        |

Over the past decade, OSSE has spent nearly six million dollars for GPS/AVL systems. Moreover, Superintendent Mitchell testified at OSSE’s last oversight hearing that they were in the procurement process for a new system that would support the long-awaited bus tracking app for parents. However, the Office of Contracting and Procurement’s Transparency Portal does not reflect any recent contract awards for a new GPS system or mobile application development for OSSE or OSSE-DOT.

For now, the best way to find out when a late bus might come is to call the Parent Resource Center (PRC) and sit on hold with all the other parents wondering where their bus is. OSSE often points to their online dashboard (Daily DOT Update) that reports when routes are late or down.<sup>33</sup> However, the Bates White analysis of trip tickets from October 2024 found that the vast majority of buses that left the terminal after their scheduled departure time were not recorded as late on the Daily DOT Update webpage.<sup>34</sup>



It appears that either the procured systems have not delivered the contracted services or OSSE-DOT has not implemented them in ways that could meaningfully improve service delivery for DC students and families. If these systems are providing the contracted deliverables to OSSE-DOT, that information is not being communicated to families, despite years of promises. We strongly urge the Committee to provide greater oversight of these GPS/AVL systems contracts. To ensure the responsible use of public funds, the Committee must seek answers from the agency regarding how these systems have been used by OSSE-DOT and what they plan to do differently going forward.

## **OSSE-DOT Must Develop a Strategic Plan for Systemic Improvement & the Committee Must Provide Consistent Oversight of Progress**

OSSE's current three-year strategic plan (2023-2025) makes only passing references to the work of the Division of Student Transportation.<sup>35</sup> The plan notes that one of their strategic initiatives is to "Provide Reliable, Efficient Transportation Services to Students with Disabilities."<sup>36</sup> To implement this initiative, the plan states OSSE will make "significant improvements to the daily transportation services provided to students with disabilities so they, their families and schools receive timely, efficient, first-in-class transportation services."<sup>37</sup> And that they will measure progress by an increase in transportation on-time performance.<sup>38</sup> That is the extent of the detail communicated in OSSE's 2023-2025 Strategic Plan. There is no indication of what barriers prevent provision of reliable and efficient transportation, no explanation of how they intend to improve services, or what benchmarks will indicate progress toward increased on-time performance. Without a clear understanding of why service fails to meet expectations, they cannot develop plans for how to address barriers. Without a detailed plan for improvement, DC students and families will continue to suffer unreliable transportation that prevents access to their education.

OSSE must develop a detailed strategic plan for systemic improvement of the Division of Student Transportation. This plan should identify current barriers, outline clear steps the agency will take to address those barriers, and interim goals to assess progress over time. However, the development of such a plan is only the first step. This

Committee must use its oversight authority to regularly assess the agency's progress toward their identified goals. The usual annual oversight hearing will not be sufficient. We urge the Committee to check-in regularly with OSSE to seek evidence of any progress toward their goals to improve transportation. Additionally, the Committee should closely monitor any OSSE contracts related to student transportation, including GPS/AVL systems, alternative transportation providers, collective bargaining agreements for bus drivers and attendants, technology modernization, etc. OSSE must be accountable for their legal obligations to students with disabilities and the promises they have made to families.

Thank you for this opportunity to testify and I welcome any questions.

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<sup>1</sup> See e.g., Danielle Robinette, Children’s Law Center, Testimony Before the Council of the District of Columbia, Committee of the Whole, FY22 Performance Oversight Hearing on Education Agencies (Mar. 1, 2023), p. 2-8, available at: <https://childrenslawcenter.org/resources/fy23-oversight-testimony-education-agencies/>

<sup>2</sup> See Emma Brown, “Forgotten-child incident in D.C. highlights special-ed busing concerns,” WASH POST (Nov. 29, 2012), available at: [https://www.washingtonpost.com/local/education/forgotten-child-incidentin-dc-highlights-special-ed-busing-concerns/2012/11/29/005c77d4-3a48-11e2-8a97-363b0f9a0ab3\\_story.html](https://www.washingtonpost.com/local/education/forgotten-child-incidentin-dc-highlights-special-ed-busing-concerns/2012/11/29/005c77d4-3a48-11e2-8a97-363b0f9a0ab3_story.html)

<sup>3</sup> Complaint, Robertson, et al., v. District of Columbia, No. 1:24-cv-00656 (D.D.C Mar. 7, 2024), available at: <https://childrenslawcenter.org/wp-content/uploads/2024/03/ECF-1-2024-03-07-Stamped-Complaint.pdf>

<sup>4</sup> See Superintendent Antoinette Mitchell, Office of the State Superintendent of Education, Testimony Before the Council of the District of Columbia, Committee of the Whole, FY24 Performance Oversight Hearing: Office of the State Superintendent of Education (Mar. 7, 2025), at 07:42:30, video recording available at: <https://www.youtube.com/watch?v=8wcycu-Atko>.

<sup>5</sup> See OSSE FY24 Performance Oversight Responses, Response to Q113(j), p 278, *available for download at*: <https://lms.dccouncil.gov/Hearings/hearings/664>.

In previous years, OSSE defined “on-time performance” as “arriving at school no earlier than 30 minutes before the bell and no later than 10 minutes before the bell.” Office of State School Superintendent, Responses to FY21 Performance Oversight Questions, answer to Q88d, *see also* pg. 290. However, in FY22, OSSE “uncovered that previously reported metrics of on-time performance were based on a methodology that needs improvement,” *see* Office of State School Superintendent, Responses to FY22 Performance Oversight Questions, answer to Q86(e), *available at*: <https://dccouncil.gov/wp-content/uploads/2023/06/2023OS1.pdf>.

<sup>6</sup> See Superintendent Antoinette Mitchell, OSSE, Testimony Before the Council of the District of Columbia, Committee of the Whole, FY24 Performance Oversight Hearing, *supra* note 4 at 07:42:45.

<sup>7</sup> The trip tickets reviewed by Bates White reflect approximately half of all students transported by OSSE-DOT. The remainder were redacted from the trip tickets because the students’ families opted not to have their data shared pursuant to their rights under the Family Educational Rights and Privacy Act (FERPA).

<sup>8</sup> Declaration of Benjamin M. Wolfert, MBA in Support of Plaintiff in Case No. 1:24-CV-00656, Robertson, et al., v. District of Columbia, No. 1:24-cv-00656 (D.D.C Oct. 15, 2025), p. 2-3, Appendix and on file with author.

<sup>9</sup> See Office of State School Superintendent, Responses to FY23 Performance Oversight Questions, answer to Q116, *available at*: <https://lms.dccouncil.gov/Hearings/hearings/244>

<sup>10</sup> See Superintendent Antoinette Mitchell, Office of the State Superintendent of Education, Testimony Before the Council of the District of Columbia, Committee of the Whole, FY26 Budget Hearing: Office of the State Superintendent of Education (Jun. 4, 2025), at 10:12:11, video recording available at: <https://www.youtube.com/watch?v=F7BWY8JJE1k>.

<sup>11</sup> See D.C. Office of Contracting and Procurement, Award/Contract CW47272 between Office of the State Superintendent of Education and Navman Wireless North America, Ltd., (Effective Oct. 01, 2016), p. 8, available at: <https://contracts.ocp.dc.gov/contracts/attachments/O1c0NzI3MsKmT3B0aW9uIDTCpnsWvjNCNzI3Mi01MUIzLTO2OkMtOEE3My1BMkQ1RkQ3NzkWOTI9>

<sup>12</sup> See Modification of Contract CW47272 between Office of the State Superintendent of Education and Navman Wireless North America, Ltd., M0005, (Effective Oct. 01, 2019), available at:

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<https://contracts.ocp.dc.gov/contracts/attachments/O1c0NzI3MsKmT3B0aW9uIDTCpns2RTNERUE0Ri02OkYzLTOxMjUtQjNGRS01MDI0OEu5RjM3NDR9>

<sup>13</sup> See Award/Contract CW93311 between Office of the State Superintendent of Education and Teletrac Navman, (Effective Oct. 01, 2021), p. 3, available at:

<https://contracts.ocp.dc.gov/contracts/attachments/O1c5MzMxMcKmT3B0aW9uIDLCpns2OURCNDkwQ00Rjc1LTRBNzQOtOQwOC01MDVGNzBERDkwNEZ9>

<sup>14</sup> See Modification of Contract CW93311 between Office of the State Superintendent of Education and Teletrac Navman, M0006 (Effective Sept. 28, 2023),

<https://contracts.ocp.dc.gov/contracts/attachments/O1c5MzMxMcKmT3B0aW9uIDLCpntFOTZGM0Y1Mi0zMDIwLTO5OTOtOUFEQS0zRURGRURCMjk4OTd9>

<sup>15</sup> See Award/Contract CW120077 between Office of the State Superintendent of Education and Teletrac Navman, (Effective Oct. 01, 2024), p. 1, available at:

<https://contracts.ocp.dc.gov/contracts/attachments/O1cxMjAwNzfCpkJhc2UgUGVyaW9kwqZ7OUJCOzhGQUetRTVDNy00QjRFLTgxRjktM0VBMzU3MEMzQzMxfQ==>

<sup>16</sup> See Modification of Contract CW120077 between Office of the State Superintendent of Education and Teletrac Navman, M0002 (Effective Sept. 26, 2025), available at:

<https://contracts.ocp.dc.gov/contracts/attachments/O1cxMjAwNzfCpkJhc2UgUGVyaW9kwqZ7ODAwMzg4NEQtNjczNS00QTY4LUJBNjktNjY1OEYyMjQ0DE2fQ==>

<sup>17</sup> See Modification of Contract CW47272 between Office of the State Superintendent of Education and Navman Wireless North America, Ltd., M0002, (Effective Jun. 02, 2017), available at:

<https://contracts.ocp.dc.gov/contracts/attachments/O1c0NzI3MsKmT3B0aW9uIDTCpntGOzU3N0RCMS05QUIyLTO2MEUtQjk5NS00Q0IXOTdGOTJGRJf9>

<sup>18</sup> See Modification of Contract CW47272 between Office of the State Superintendent of Education and Navman Wireless North America, Ltd., M0003, (Effective Oct. 26, 2017), available at:

<https://contracts.ocp.dc.gov/contracts/attachments/O1c0NzI3MsKmT3B0aW9uIDTCpnsxRTVCOUlxQi0wN0NELTO4MjYtOkI1QS05ODg5Q0RGQzBEMzR9>

<sup>19</sup> See Modification of Contract CW47272 between Office of the State Superintendent of Education and Navman Wireless North America, Ltd., M0004, (Effective Oct. 01, 2018), available at:

<https://contracts.ocp.dc.gov/contracts/attachments/O1c0NzI3MsKmT3B0aW9uIDTCpns0NjJfMjk1My01QzMwLTOzNEEtOTIyRi0wMDEwRTE4NkM2QzJ9>

<sup>20</sup> See Modification of Contract CW47272 between Office of the State Superintendent of Education and Navman Wireless North America, Ltd., M0005, (Effective Oct. 01, 2019), available at:

<https://contracts.ocp.dc.gov/contracts/attachments/O1c0NzI3MsKmT3B0aW9uIDTCpntBQjOxMDI2RS1CNDNCLTOwREQtOTHCOy1COzU2QTBDRDUxMjF9>

<sup>21</sup> See Modification of Contract CW47272 between Office of the State Superintendent of Education and Navman Wireless North America, Ltd., M0011, (Effective Oct. 01, 2020), available at:

<https://contracts.ocp.dc.gov/contracts/attachments/O1c0NzI3MsKmT3B0aW9uIDTCpntEMDExNTdERi0wMEVBLTQ0MEYtOTkyNi01REUXMDNFRERDQjV9>

<sup>22</sup> See Modification of Contract CW93311 between Office of the State Superintendent of Education and Teletrac Navman, M0002 (Effective Mar. 31, 2022), available at:

<https://contracts.ocp.dc.gov/contracts/attachments/O1c5MzMxMcKmT3B0aW9uIDLCpns2MjhDRDIyNC0xMjhDLTQzOUYtQTI4RC04OTdFNjhDN0Y1Mzl9>

<sup>23</sup> See Modification of Contract CW93311 between Office of the State Superintendent of Education and Teletrac Navman, M0004 (Effective Sept. 26, 2022), available at:

<https://contracts.ocp.dc.gov/contracts/attachments/O1c5MzMxMcKmT3B0aW9uIDLCpns2OTE2M0RBNi04NTc5LTRGRTgtQUVCRI02QTIyMzkyQjVCOUR9>

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- <sup>24</sup> See Modification of Contract CW93311 between Office of the State Superintendent of Education and Teletrac Navman, M0006 (Effective Sept. 28, 2023), available at: <https://contracts.ocp.dc.gov/contracts/attachments/O1c5MzMxMcKmT3B0aW9uIDLCpntFOTZGM0Y1Mi0zMDIwLTQ5QT0tOUFEQS0zRURGRURCMjk4OTd9>
- <sup>25</sup> See Award/Contract CW120077 between Office of the State Superintendent of Education and Teletrac Navman, (Effective Oct. 01, 2024), p. 1, available at: <https://contracts.ocp.dc.gov/contracts/attachments/O1cxMjAwNzfCpkJhc2UgUGVyaW9kwqZ7QUICQzhGQUeRTVDNy00QjRFLTgxRjktM0VBMzU3MEMzQzMxfQ==>
- <sup>26</sup> See Modification of Contract CW120077 between Office of the State Superintendent of Education and Teletrac Navman, M0002 (Effective Sept. 26, 2025), available at: <https://contracts.ocp.dc.gov/contracts/attachments/O1cxMjAwNzfCpkJhc2UgUGVyaW9kwqZ7ODAwMzg4NEQ0NjczNS00QTY4LUJBNjktNjY1OEYyMjQ0ODE2fQ==>
- <sup>27</sup> See Task Order No. CW77571 between Office of the State Superintendent of Education and Seon Systems Sales Inc., (Effective May 6, 2020), p. 8, available: <https://contracts.ocp.dc.gov/contracts/attachments/O1c3NzU3McKmT3B0aW9uIDHCpntDOTc4MEY0RS1GMjM5LTRFQzMtQjY0Qy0yODY3OTE1N0Y0Qjh9>
- <sup>28</sup> See Modification of Contract CW77571 between Office of the State Superintendent of Education and Seon Systems Sales Inc., M0011 (Effective Sept. 22, 2022), available at: <https://contracts.ocp.dc.gov/contracts/attachments/O1c3NzU3McKmT3B0aW9uIDPCpntCRjE4OzO4Mi1DMEFGLTQ1QzYtOEQ0Ri0zODk4NDI0M0EzQjF9>
- <sup>29</sup> See Modification of Contract CW77571 between Office of the State Superintendent of Education and Seon Systems Sales Inc., M0007 (Effective May 05, 2021), available at: <https://contracts.ocp.dc.gov/contracts/attachments/O1c3NzU3McKmT3B0aW9uIDPCpns5MDI2NTFFRS1FOTA3LTRCQTIiOkM4Qi0yMjRENkUzOTThCREV9>
- <sup>30</sup> See Modification of Contract CW77571 between Office of the State Superintendent of Education and Seon Systems Sales Inc., M0008 (Effective Sept. 28, 2021), available at: <https://contracts.ocp.dc.gov/contracts/attachments/O1c3NzU3McKmT3B0aW9uIDPCpnszRjVDOjVGMi1CRDI2LTRDMjEtQjcwMS0wMjRGREVGnJzUzMzV9>
- <sup>31</sup> See Modification of Contract CW77571 between Office of the State Superintendent of Education and Seon Systems Sales Inc., M000 (Effective Sept. 30, 2021), available at: <https://contracts.ocp.dc.gov/contracts/attachments/O1c3NzU3McKmT3B0aW9uIDPCpns4MTA1NTg3QS1BNDg1LTRDQTIiOTO4QS02QjU1O0FGQzQ2NjV9>
- <sup>32</sup> See Modification of Contract CW77571 between Office of the State Superintendent of Education and Seon Systems Sales Inc., M0011 (Effective Sept. 22, 2022), available at: <https://contracts.ocp.dc.gov/contracts/attachments/O1c3NzU3McKmT3B0aW9uIDPCpntCRjE4OzO4Mi1DMEFGLTQ1QzYtOEQ0Ri0zODk4NDI0M0EzQjF9>
- <sup>33</sup> Office of the State Superintendent of Education, “Daily DOT Updates,” *available at*: <https://osse.dc.gov/page/daily-dot-updates>.
- <sup>34</sup> Declaration of Benjamin M. Wolfert, MBA in Support of Plaintiff in Case No. 1:24-CV-00656, Robertson, et al., v. District of Columbia, No. 1:24-cv-00656 (D.D.C Oct. 15, 2025), p. 12-13, Appendix and on file with author.
- <sup>35</sup> See Office of the State Superintendent of Education, “Recovery to Restoration: 2023-2025 Strategic Plan,” (Undated), p. 4, 13, 17, 18, available at: [https://osse.dc.gov/sites/default/files/dc/sites/osse/page\\_content/attachments/STRATPlan\\_FINAL.pdf](https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/STRATPlan_FINAL.pdf)
- <sup>36</sup> Id. p. 17
- <sup>37</sup> Id.
- <sup>38</sup> Id.

# APPENDIX

**DECLARATION OF BENJAMIN M. WOLFERT, MBA**  
**IN SUPPORT OF PLAINTIFFS IN CASE NO. 1:24-CV-00656**

I, Benjamin Wolfert, declare:

1. I am a Partner at Bates White Economic Consulting, LLC (“Bates White”), a professional services firm that specializes in providing economic, financial, and statistical analyses to law firms, companies, and government agencies. I received my MBA from the University of Maryland and a BS in both Economics (with honors) and Mathematics from the Pennsylvania State University. I have over eighteen years of experience providing data analytics and litigation-related consulting services and have been retained as a consultant by both private companies and government agencies in connection with matters related to a wide variety of issues and industries, including the pharmaceutical, airline, and credit card industries, among others. A copy of my curriculum vitae is attached as Appendix 1.

2. McDermott Will & Schulte, along with the Washington Lawyers’ Committee for Civil Rights and Urban Affairs, the Children’s Law Center, and The Arc of the United States (“Counsel”) engaged Bates White on behalf of Plaintiffs<sup>1</sup> in this matter to provide data analysis concerning allegations that the District of Columbia, and more specifically the Office of the State Superintendent of Education (“OSSE” or “Defendant”), failed “to meet their basic obligation to ensure students with disabilities have safe, reliable, and appropriate transportation to and from school.”<sup>2</sup> I have personal knowledge of the review set forth in this declaration and the sources noted herein and, if called as a witness, could and would testify competently to such review under oath.

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<sup>1</sup> Named plaintiffs in this matter include Crystal Robertson, on behalf of herself and her minor child D.R.; Elizabeth Daggett on behalf of herself and her minor child H.D.; Joann McCray on behalf of herself and her minor child J.C.; Veronica Guerrero on behalf of herself and her minor child A.F.; Marcia Cannon-Clark and David Clark on behalf of themselves and their minor child B.R.C; and The Arc of the United States. Robertson v. District of Columbia, No. 1:24-CV-00656 (D.D.C. March 7, 2024) (“Complaint”).

<sup>2</sup> Complaint, ¶ 1.

3. Bates White is providing consulting services in this matter on a pro bono basis. In addition to my own time, I directed other Bates White staff who performed supporting work and analyses in connection with the preparation of my opinions as set forth herein.

### **Scope of charge**

4. I submitted a declaration on December 18, 2024 (“December 18 Declaration”), in this matter describing my review of OSSE’s publicly-reported data on the on-time status of bus routes used to provide transportation services to eligible students.<sup>3</sup> I have now been asked by Counsel to review the internal—that is, not publicly available—“Trip Ticket” bus transportation data produced by OSSE to date and conduct an assessment of these data. Specifically, I have been asked to evaluate (1) whether the Trip Tickets provide additional insight into OSSE’s transportation services beyond what is publicly available and (2) the timeliness of OSSE-provided transportation services based on an assessment of the October 2024 Trip Tickets.

### **Summary of findings**

5. Based on my review of “Trip Ticket” data produced by OSSE thus far, which appear to cover at least the beginning of the 2024–25 school year through November 2024, I have found the following. First, Trip Tickets contain substantially more detail than the publicly available data and therefore provide a more accurate recording of OSSE’s transportation services. Trip Tickets provide insight into how OSSE designed the transportation system and how the system actually performed, among other things. Second, based on my analysis of Trip Tickets for OSSE-managed bus routes in October 2024, I found that (1) OSSE’s *scheduled* daily school drop-off time was after the start of instruction for 24 distinct bus route-school combinations, (2) OSSE’s publicly-reported data underestimate the number of times a bus left the terminal late, (3) 296 students were assigned to bus routes that arrived after the start of instruction at least once a week on average in the month of October 2024, and 192 students were assigned to bus routes that

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<sup>3</sup> Declaration of Benjamin M. Wolfert, MBA, In Support of Plaintiffs In Case No. 1:24-CV-00656, December 18, 2024 (“December 18 Wolfert Declaration”).

arrived after the start of instruction at least twice a week on average, and (4) there is only a weak positive correlation between a bus leaving the terminal late and arriving after the start of instruction. My analysis is conservative in the sense that around 60% of Trip Ticket pages produced were redacted and therefore could not be analyzed; assuming unredacted information is representative (that is, statistically similar to) redacted information, the actual number of late drop-offs and impacted students would be at least double what my analysis found.

## Background

6. OSSE provides transportation services to students with disabilities who are eligible for special education transportation.<sup>4</sup> These services fall under three eligibility categories: medically fragile students, those requiring structured transportation support, and those accessing specialized programs. Transportation as a related service is defined by federal regulation as “[t]ravel to and from school and between schools; [t]ravel in and around school buildings; and [s]pecialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.”<sup>5</sup>

7. As of May 15, 2024, OSSE was responsible for transporting more than 4,000 students with special needs directly from their homes to their designated schools and back.<sup>6</sup> The schools were located within Washington, DC, as well as in surrounding areas, including Baltimore, Maryland, and Fairfax, Virginia.<sup>7</sup> To try and meet this demand, OSSE operated a fleet of approximately 650 buses and vans and employed a team of more than 1,000 drivers and attendants.<sup>8</sup> OSSE-operated buses originated from one of four bus terminals: Adams Place, Fifth

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<sup>4</sup> Office of the State Superintendent of Education, *Special Education Non-Regulatory Guidance Determining Eligibility for Transportation as a Related Service* (July 2024), [https://osse.dc.gov/sites/default/files/dc/sites/osse/service\\_content/attachments/Special%20Education%20Non-Regulatory%20Guidance\\_Transportation%20Eligibility%20%28July%202024%29.pdf](https://osse.dc.gov/sites/default/files/dc/sites/osse/service_content/attachments/Special%20Education%20Non-Regulatory%20Guidance_Transportation%20Eligibility%20%28July%202024%29.pdf).

<sup>5</sup> 34 C.F.R. § 300.34(c)(16).

<sup>6</sup> Declaration of Raphael Park, May 15, 2024 (“May 15 Park Declaration”), ¶ 16.

<sup>7</sup> May 15 Park Declaration, ¶ 11.

<sup>8</sup> May 15 Park Declaration, ¶ 12.

Street, New York Avenue, and Southwest.<sup>9</sup> On March 26, 2024, OSSE’s services covered 551 routes, with OSSE directly operating 462 of them and contracting with private vendors for the remaining 89 routes.<sup>10</sup> The use of contractors was aimed to assist in reducing staffing requirements while improving route efficiency.<sup>11</sup>

8. In my December 18 Declaration I described the daily information OSSE reported to the public on the timeliness of its student transportation services. Specifically, OSSE’s “Daily DOT Updates” webpage hosts a bus route status table that reports three pieces of information: Route Number, Status, and Timestamp.<sup>12</sup>

- Route Number is a three-digit number that identifies a given bus route, where a route is a predetermined set of stops with students that need to be picked up and the location(s) where they should be dropped off.
- Status is typically blank but occasionally lists one of two values when service is disrupted: “Late” or “Down.”<sup>13</sup> I have been informed by Counsel that these descriptions relate to the departure (or lack thereof) of the bus from the terminal; it bears no relation to when (if at all) the bus dropped students off at school.<sup>14</sup>

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<sup>9</sup> See Office of the State Superintendent of Education, *OSSE In Your Language*, <https://osse.dc.gov/page/osse-your-language>; Office of the State Superintendent of Education, *Division of Student Transportation*, <https://doh.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/OSSE-DOT%20Department%20Brochure.pdf>.

<sup>10</sup> May 15 Park Declaration, ¶ 18.

<sup>11</sup> May 15 Park Declaration, ¶ 50.

<sup>12</sup> Office of the State Superintendent of Education, *Daily DOT Updates*, <https://osse.dc.gov/page/daily-dot-updates>.

<sup>13</sup> The webpage defines “Late” as “Guaranteed coverage, but students will experience late school pick-up and/or late drop-off (up to 90 minutes)” and “Down” as “Due to staffing challenges, OSSE-DOT is attempting to assign the route to a driver once they complete another route. Students on the route will experience service delay.” According to the webpage there is a third status value, “No Service,” but I have not observed this status. Office of the State Superintendent of Education, *Daily DOT Updates*, <https://osse.dc.gov/page/daily-dot-updates>.

<sup>14</sup> This is consistent with the declaration of Raphael Park, Deputy Superintendent of OSSE. See May 15 Park Declaration, ¶ 56. As of October 14, 2025, the Daily DOT Updates webpage also states that it “provides information on the status of the entire route and does not provide information about when the bus will arrive at a particular stop.” Office of the State Superintendent of Education, *Daily DOT Updates*, <https://osse.dc.gov/page/daily-dot-updates>.

- Timestamp appears to provide the date and time that a route's status was updated on the webpage. Although the description at the top of the webpage refers only to "morning routes," status updates appear to be provided for afternoon routes as well.<sup>15</sup>

9. OSSE has now produced multiple batches of Trip Tickets.<sup>16</sup> Based on conversations with Counsel, it is my understanding and observation that Trip Tickets are filled out each morning and afternoon for each bus route.<sup>17</sup> Figure 1 below shows an example Trip Ticket (with identifying information redacted for the purpose of this declaration). As shown in Figure 1, Trip Tickets contain computer-printed information—such as route number, bus stop location, and projected arrival time—and information written by the respondent—such as actual arrival and departure times.

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<sup>15</sup> This is based on the observation that after noon, all designations added to the webpage have time stamps with a PM designation and presumably relate to disruptions to after-school bus routes.

<sup>16</sup> I received the first production of Trip Tickets on July 21, 2025, the second production on August 13, 2025, the third production on September 16, 2025, the fourth production on September 23, 2025, and the fifth production on September 26, 2025.

<sup>17</sup> Based on my conversations with Counsel, it is also my understanding that some bus routes can be "split" (covered by multiple buses) or "doubled" (covered by a bus that also ran another route). These instances can often be identified through multiple tickets for the same route with different drivers, the same driver appearing on Trip Tickets for different routes, or notes written by the drivers.

Figure 1: Example Trip Ticket

| 2024-2025 Trip Ticket    |                                  |                  |                        |                                                                                                                                                                                              |                   |  |  |                         |    | Effective: [Redacted] |  |
|--------------------------|----------------------------------|------------------|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|--|--|-------------------------|----|-----------------------|--|
| AM                       |                                  |                  |                        |                                                                                                                                                                                              |                   |  |  |                         |    | Page 24 of 700        |  |
| Date Printed: [Redacted] |                                  |                  |                        |                                                                                                                                                                                              |                   |  |  |                         |    |                       |  |
| Time Printed: [Redacted] |                                  |                  |                        |                                                                                                                                                                                              |                   |  |  |                         |    |                       |  |
| Route: [Redacted]        |                                  |                  |                        |                                                                                                                                                                                              |                   |  |  |                         |    |                       |  |
| Driver: [Redacted]       | SUB Driver Name: [Redacted]      |                  |                        |                                                                                                                                                                                              | EmpID: [Redacted] |  |  |                         |    |                       |  |
| Attendant: [Redacted]    | SUB Attendant Name: [Redacted]   |                  |                        |                                                                                                                                                                                              | EmpID: [Redacted] |  |  |                         |    |                       |  |
| Route: [Redacted]        | BE#: [Redacted]                  | Tag#: [Redacted] |                        | <div style="border: 1px solid black; padding: 2px;">           Absent Reason Codes:<br/>           1 No Show    2 Side    3 Other<br/>           4 [Redacted]    5 [Redacted]         </div> |                   |  |  | Run on Date: 10/30/2024 |    |                       |  |
| Shift Begin: [Redacted]  | Odometer Reading Out: [Redacted] |                  | Fuel (gal): [Redacted] |                                                                                                                                                                                              |                   |  |  |                         | AM |                       |  |
| Shift End: [Redacted]    | Odometer Reading In: [Redacted]  |                  |                        |                                                                                                                                                                                              |                   |  |  |                         |    |                       |  |
| School(s): [Redacted]    |                                  |                  |                        |                                                                                                                                                                                              |                   |  |  |                         |    |                       |  |

| Stop Address                                    | Projected Time     | Time Arrival HH:MM | Time Leave HH:MM | On Bus?                             | Name       | Early/Late @School | Reason Absent       |
|-------------------------------------------------|--------------------|--------------------|------------------|-------------------------------------|------------|--------------------|---------------------|
| Fifth St, 2115 5TH ST NE, Washington 20002      | 07:05AM<br>PullOut | [Redacted]         | [Redacted] 6:50  | <input type="checkbox"/>            |            |                    | 1 2 3 4 5<br>Other: |
| [Redacted]                                      | 07:36AM<br>PickUp  | [Redacted]         | [Redacted]       | <input type="checkbox"/>            | [Redacted] |                    | 1 2 3 4 5<br>Other: |
| [Redacted]                                      | 08:30AM<br>DropOff | [Redacted]         | [Redacted]       | <input checked="" type="checkbox"/> | [Redacted] | 08:15AM<br>08:35AM | 1 2 3 4 5<br>Other: |
| Southwest, 4 DC VILLAGE LN SW, Washington 20032 | 09:27AM            | [Redacted]         | [Redacted]       | <input type="checkbox"/>            |            |                    | 1 2 3 4 5<br>Other: |

Source: dc\_24-cv-656-00068298, at -314.

10. As shown in Figure 1, Trip Tickets capture both the projected and actual times a bus departs from the terminal and arrives at each stop, including stops at schools. For school drop-offs in the morning there is also a “Early/Late @ School” column that reports a range of times that always bracket the projected drop-off time. In the example above the bus was projected to leave the Fifth St. bus terminal at 7:05 AM (it actually left at 6:50 AM), pick up a student at 7:36 AM, and drop the student off at school at 8:30 AM, in the “Early/Late @ School” window of 8:15 AM–8:35 AM. The Trip Tickets include standardized reasons the respondent can fill out that provide some additional clarity on why a student was absent. The respondent can also indicate why the bus was late, whether the bus drove a “doubled” route (when a bus covers two or more routes and therefore would appear on two distinct Trip Tickets), and whether the bus drove a “split” route (where a bus only covers a portion of a route, potentially resulting in multiple Trip Tickets for the same date-route-meridiem).<sup>18</sup>

<sup>18</sup>

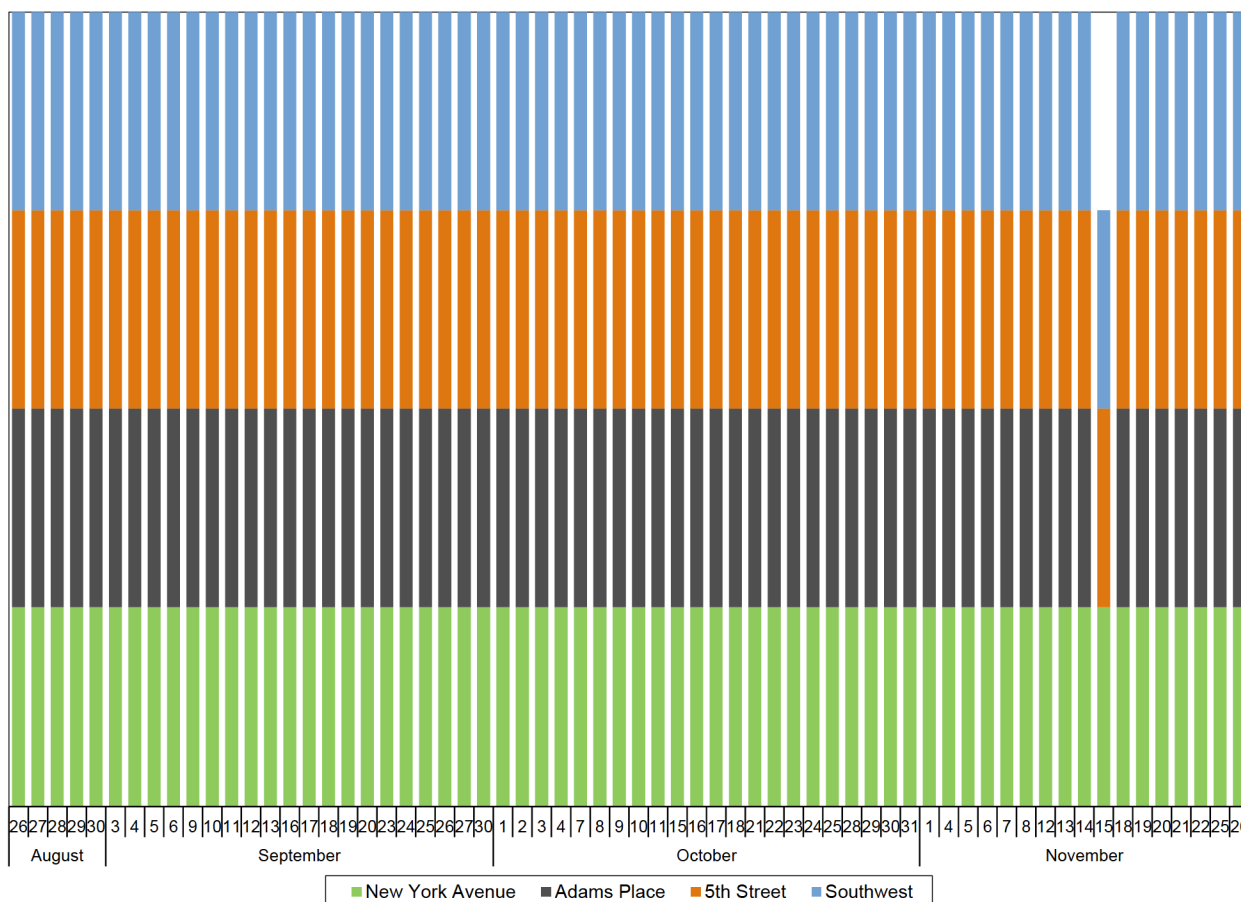
Each bus that covered part of a split route would have its own Trip Ticket.

11. In total OSSE has produced over 660 PDF files, where each PDF typically contains all of the Trip Tickets for OSSE-managed buses for a given date-bus terminal-meridiem (AM or PM).<sup>19</sup> The approximately 330 PDFs containing September and October 2024 Trip Tickets for OSSE-managed buses amount to over 125,000 pages of Trip Tickets, although approximately 75,000 pages (or around 60% of the total) have been completely redacted (effectively a black box over the entire page).<sup>20</sup> As shown in Figure 2 below, the PDFs produced thus far appear to provide Trip Tickets for OSSE-managed bus routes for nearly every school day from the end of August, when the school year began, through November 2024. Each bar represents a 2024 school day through the end of November, and each segment of the bar signifies that Trip Tickets from the specified bus terminal have been produced.

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<sup>19</sup> Around 145 of the PDFs do not appear to contain Trip Tickets for OSSE-managed buses. The vast majority of these are PDFs that are fully redacted and contain less than 10 pages. The remainder either contain Trip Tickets for buses managed by private vendors or Trip Tickets for the 2023–24 school year.

<sup>20</sup> I present statistics for September and October since my current analysis excludes November 2024 Trip Tickets. *See* footnote 21.

**Figure 2: Days and terminals reported on in OSSE Trip Ticket productions to date, by terminal (AM only)**

Source: Trip Ticket data.

12. OSSE has also produced almost 40,000 JPG (or image) files. A cursory review of these files suggests that each file is one page of a Trip Ticket, and that the JPGs relate to routes run by private vendors OSSE contracted with to assist in providing transportation services. These routes, with route numbers that have a “P” prefix followed by a number, differ from the routes reported in the PDFs in that they are (1) managed by a private vendor (as opposed to OSSE) and (2) depart from somewhere other than one of the four terminals OSSE-managed routes depart from. Additionally, these routes do not appear to be reported on by the Daily DOT Updates webpage.

## Review

### *Trip Ticket and Daily DOT Update comparison*

13. As I described in my December 18 Declaration and above, the Trip Tickets contain substantially more detail than the Daily DOT Update webpage and therefore provide a more accurate recording of OSSE’s transportation services. The Daily DOT Updates webpage only lists whether a bus route was late to leave the terminal or down, and the protocols for what constitutes a “late” route are not publicly disclosed. By comparison, Trip Tickets provide insight into how OSSE designed the transportation system (e.g., when was a bus *supposed* to leave the terminal, when was a bus *supposed* to arrive at school, and at what point would it be “Late,” etc.) and how the system actually performed (e.g., when did a bus *actually* leave the terminal, when did the bus *actually* arrive at school, etc.), among other things.

14. I conducted an analysis of the produced Trip Tickets, focusing on all unredacted PDF Trip Tickets for morning routes in the month of October 2024.<sup>21</sup> I used Textract, a text extraction software, that “reads” each Trip Ticket page and transforms the information on each page into a Microsoft Excel tab. Text extraction software reliably captures the computer-printed information (e.g., projected drop-off time), dramatically reducing the effort needed to compile data, but is unable to reliably capture hand-written information (e.g., actual drop-off time). Thus, I used the Textract software to compile the printed information in the October 2024 Trip Tickets and then supplemented that process with a manual review of each Trip Ticket to record hand-written information used in the analysis described below.<sup>22</sup>

*Comparison of expected arrivals with school start times*

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<sup>21</sup> I did not have a complete set of Trip Tickets for November 2024 sufficiently in advance of the preparation of this declaration but can supplement my analysis if requested. The same is true for the JPG Trip Tickets for routes operated by private vendors. I did not include PDF Trip Tickets for September as it is the first month of school and any success or shortcomings in transportation services may not be indicative of typical performance. I include Monday, September 30, 2024 in my analysis of October since the remainder of the week was in October.

<sup>22</sup> For each Trip Ticket, I first confirmed that the computer-printed information extracted from the PDF was accurate. I then checked if the bus departure time from the terminal was at least 10 minutes later than the projected departure time and/or if the bus drop-off at school was at least 10 minutes after the projected drop-off time. If the bus departed the terminal 10 or more minutes late, I recorded how many minutes after the projected departure time it was. If the bus arrived at school 10 or more minutes late, I recorded how many minutes after the projected drop-off time the bus was, the total number of students that were dropped off, and what additional route the bus was covering if it was being “doubled.”

15. Before considering the actual timeliness of OSSE’s transportation services, it is worth noting that the Trip Tickets allow for an evaluation of how expected bus arrival times compared to when school instruction was scheduled to start. The District of Columbia Public Schools (“DCPS”) website appears to list, for all public schools, both the time when the building is open to students and the time when classes begin.<sup>23</sup> Similarly, the DC School Report Card—a website maintained by OSSE—publishes instructional start time for private and charter schools located within the District of Columbia.<sup>24</sup> I compared the class start time to the projected bus drop-off times recorded by the Trip Tickets for all unredacted October 2024 OSSE-managed bus routes at the school drop-off level. Routes that drop-off students at multiple schools account for multiple drop-offs. That is, each scheduled stop at a school on a given route is a distinct drop-off for the purpose of my analysis.

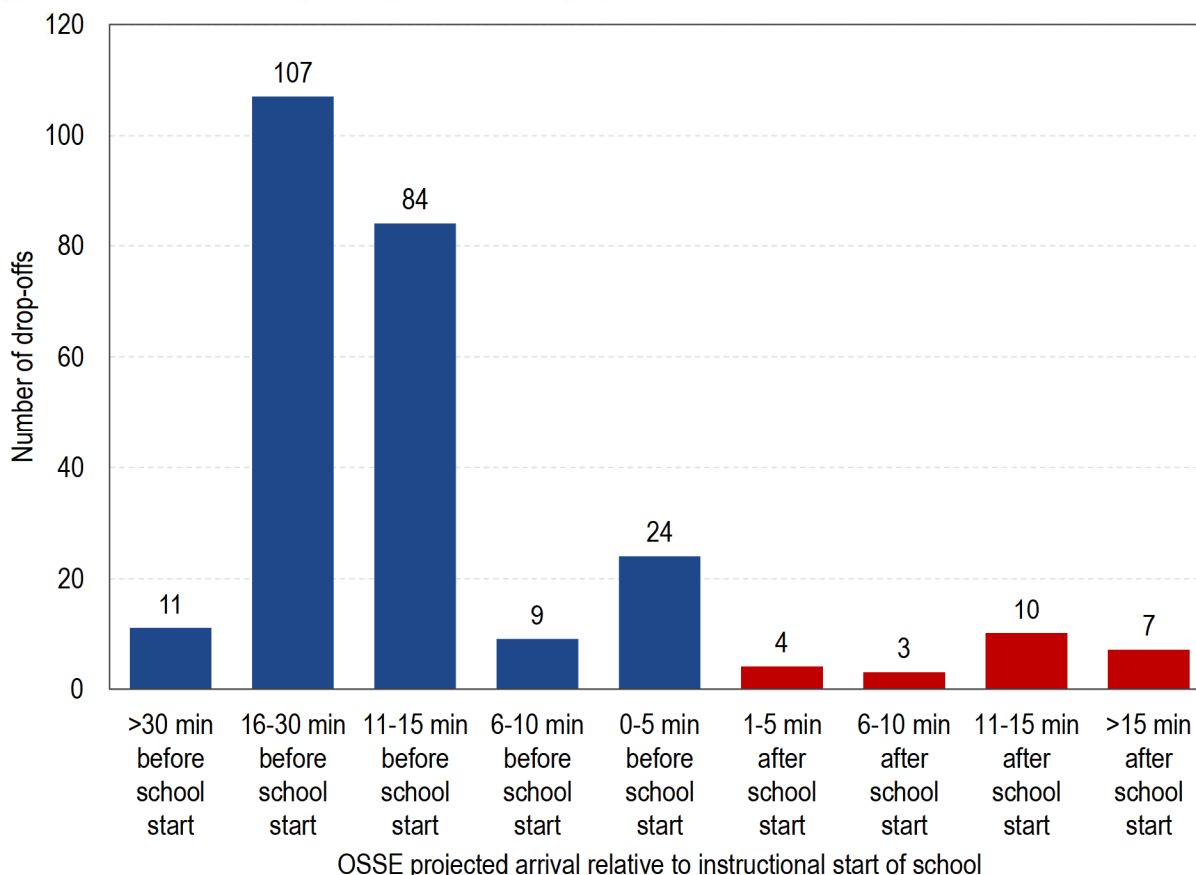
16. As shown in Figure 3 below, 24 of the unredacted daily drop-offs observed in October, or 9% of the total unredacted drop-offs observed, had expected drop-off times *after* the start of the instructional time listed. Put another way, 24 drop-offs were designed such that, if the route was running as planned, students would still be dropped off after class began every day of the week. Among these drop-offs the typical expected drop-off was 15 minutes after the start of class.

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<sup>23</sup> District of Columbia Public Schools, *School Start and End Times*, <https://dcps.dc.gov/page/school-start-and-end-times>.

<sup>24</sup> For example, the DC School Report Card website lists 8:30 AM as the instructional start time for St. Colleta Public Charter School. *See*, Government of the District of Columbia, *St. Coletta Special Education PCS*, <https://schoolreportcard.dc.gov/lea/143/school/1047/report>.

I also relied upon a website maintained by Maryland Association of Nonpublic Special Education Facilities and bell times posted by individual schools for students based outside DC. *MANSEF*, <https://mansef.org/>

**Figure 3: Distribution of drop-offs by time between projected drop-off and start of class**

Sources: October 2024 AM Trip Ticket data, school bell times.

Note: This analysis is limited to AM routes observed in the unredacted October 2024 PDF Trip Tickets. Around 60% of all PDF Trip Ticket pages were redacted; assuming the unredacted routes are representative of the redacted routes, the actual number of routes demonstrating the observed behavior is somewhere between two and three times the observed results. The drop-off at The Aurora School at 601 Catocin Circle NE, Leesburg VA, 20176 is excluded because class start time varies depending on which program a student is enrolled in.

### *Comparison of projected and actual terminal departure times*

17. The Trip Tickets allow for an evaluation of how actual bus departures from the terminal in the morning compare to their projected departure time. This is relevant to consider as the Defendant has, in prior filings, pointed to the high rate of on-time terminal departures as an indicator of the transportation system's success.<sup>25</sup> In my review of the unredacted October 2024 PDF AM Trip Tickets I compared a bus's actual terminal departure time (as recorded by the Trip Ticket respondent) to the projected terminal departure time (computer-printed on the Trip Ticket) and recorded the difference between those times for all buses that left the terminal 10 or more

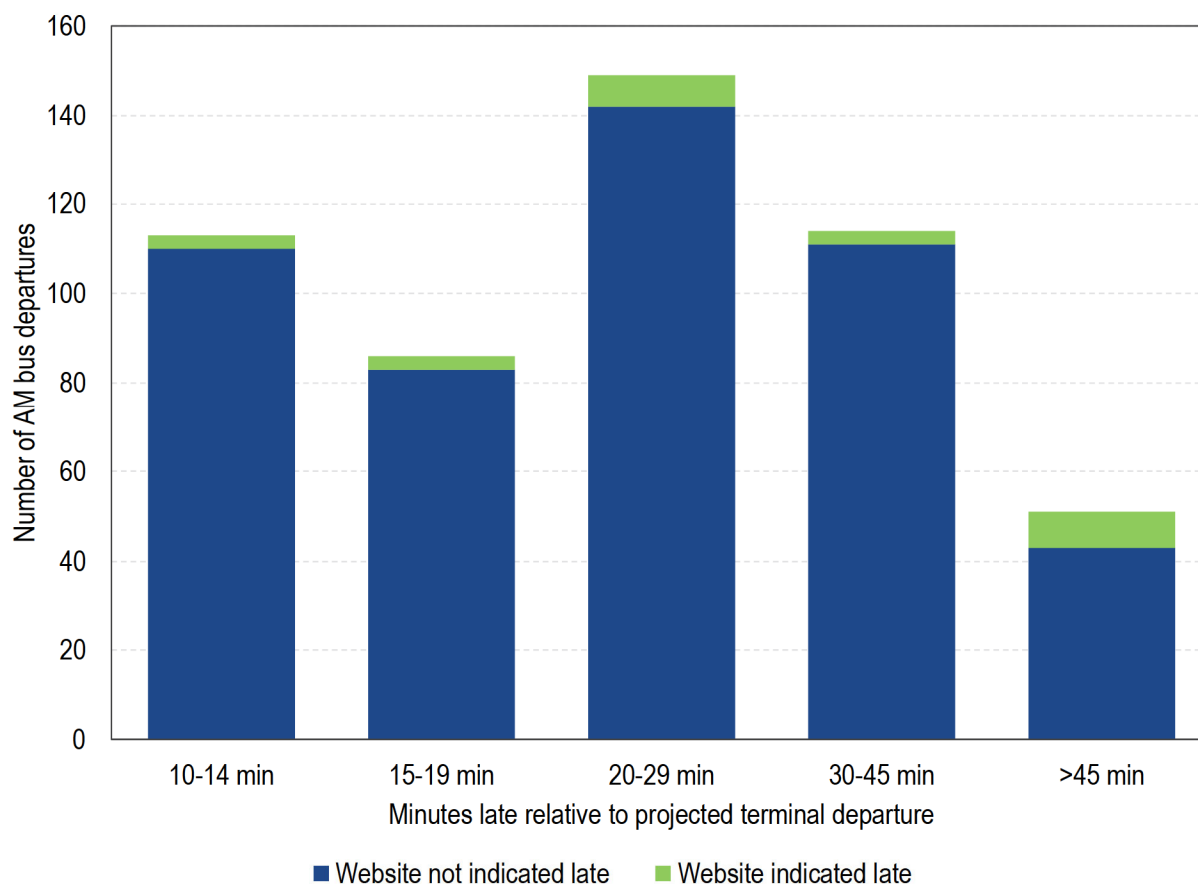
<sup>25</sup> See, e.g., May 15 Park Declaration, ¶¶ 58, 59.

minutes after the projected departure time. I then combined this information with late and down bus statuses as reported by the Daily DOT Update webpage in October 2024.<sup>26</sup>

18. Figure 4 below shows the number of mornings a bus left the terminal at least 10 minutes after the projected departure time broken out by the difference between the expected and actual departure times, with the color of the bar segments indicating whether the Daily DOT Update webpage reported a disruption for that route-day-morning. As shown in Figure 4, there were 513 departures where a bus left the terminal in the morning at least 10 minutes after the expected departure time and 24 of those departures, or 5%, were marked on the Daily DOT Update webpage as being disrupted, as indicated by the green segment at the top of the bar. There were 400 departures where a bus left the terminal at least 15 minutes after the expected departure time and 21 of those departures, or 5%, were marked on the Daily DOT Update webpage as being disrupted.

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<sup>26</sup> In my December 18 Declaration I described the systematic process used to download and compile a comprehensive daily dataset of bus statuses reported on the Daily DOT Updated webpage. *See* December 18 Wolfert Declaration, ¶ 9.

**Figure 4: Distribution of bus-mornings with actual departure at least 10 minutes after expected departure**

Source: AM Trip Ticket data, OSSE website data.

Note: This analysis is limited to AM routes observed in the unredacted October 2024 PDF Trip Tickets. Around 60% of all PDF Trip Ticket pages were redacted; assuming the unredacted routes are representative of the redacted routes, the actual number of routes demonstrating the observed behavior is somewhere between two and three times the observed results.

19. As shown in Figure 4, there were a significant number of bus routes that left the terminal at least ten or fifteen minutes after their expected departure but that did not have a recorded disruption on the Daily DOT Update webpage. The criteria for marking a bus route as late on the webpage are not publicly disclosed and the Defendant’s prior filings did not offer an explanation as to whether they used the website or Trip Ticket data in calculating “on-time” terminal departures.<sup>27</sup> To the extent the Defendant’s analysis relied on the publicly-reported data on the webpage, then they may have significantly overestimated the “on-time” statistic they report, based on my analysis of the unredacted October 2024 Trip Tickets.

<sup>27</sup> I note that there were a small number of route-date-mornings for which the Daily DOT Update webpage reported a disruption but that, according to the Trip Ticket, left the terminal within ten minutes of the projected departure time.

*Comparison of actual school drop-off with start of instruction*

20. I have also compared, for all unredacted October 2024 PDF AM Trip Tickets, the actual school drop-off time with the time instruction was set to begin at that school. For the purpose of this comparison, I recorded whether a bus arrived after the beginning of instruction, how late after the start of instruction the bus arrived, and how many students were assigned to that route according to the Trip Ticket. I consider the total number of students listed on the Trip Ticket as opposed to the number that actually boarded the bus as the former represents the total number of students that could have been impacted by transportation disruptions. Further, some students may not have boarded the bus *because* of early or late pick-ups or arrivals, making the number of actual students aboard a less reliable metric for evaluating the performance of OSSE's transportation system.

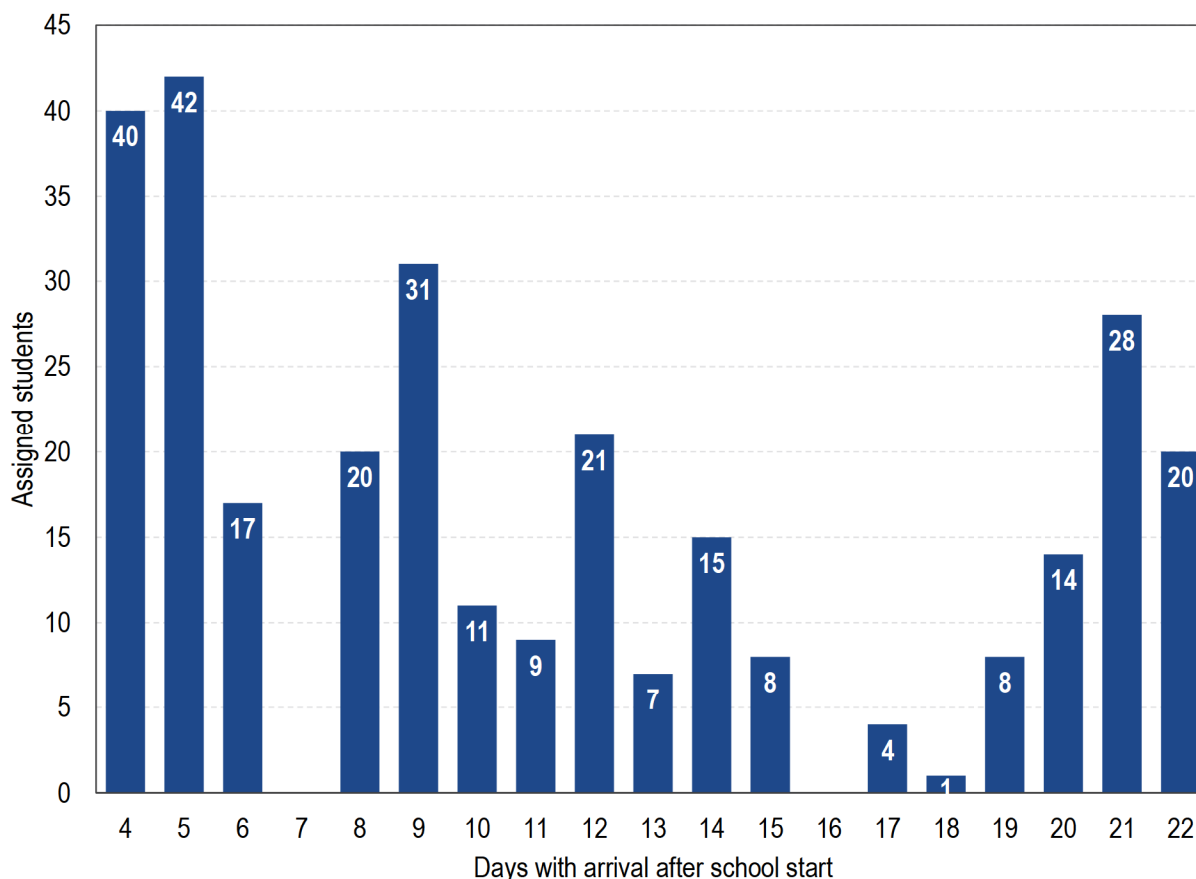
21. Figure 5 below shows the number of students that were assigned to bus routes that arrived at school after the start of instruction at least four days in October. Note that, according to the DCPS calendar, October had, at most, 21 days of school.<sup>28</sup> Thus, all of the students observed in Figure 5, 296 in total, would have arrived late to school approximately once a week or more, on average, if they rode the bus to school. Further, 197 of these students were assigned to bus routes that arrived at school after the start of instruction at least eight days in October, meaning they would have arrived late to school approximately twice a week or more, on average, assuming they rode the bus to school. It is important to remember that these results are based on the unredacted October 2024 PDF AM Trip Tickets and that around 60% of all PDF Trip Ticket pages were redacted. If the unredacted routes are representative, or statistically similar to, the redacted routes then the total number of students arriving late at least once a week would be somewhere between 592 and 888, and the number of students arriving late at least twice a week

<sup>28</sup> District of Columbia Public Schools, *School Year 2024-25*, [https://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/SY%2024-25%20Calendar\\_English\\_Updated\\_022625.pdf](https://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/SY%2024-25%20Calendar_English_Updated_022625.pdf).

October 2024 has 20 school days but I also include Monday, September 30<sup>th</sup> in the analysis, bringing the total to 21. Some non-DCPS schools had 22 days of school between September 30<sup>th</sup> and October 31<sup>st</sup>, 2024. *See*, Two River Public Charter School, *2024-25 School Year Calendar*, <https://www.tworiverspcs.org/wp-content/uploads/2024/05/Copy-of-SY-24-25-School-Calendar.pdf>.

would be somewhere between 394 and 591. These results may still be conservative since they do not account for any students that are late to school on routes operated by private contractors.

**Figure 5: Assigned students late for school at least four days in October 2024**



Source: AM Trip Ticket data, school bell times.

Note: This analysis is limited to AM routes observed at least 15 times in the unredacted October 2024 PDF Trip Tickets. Around 60% of all PDF Trip Ticket pages were redacted; assuming the unredacted routes are representative of the redacted routes, the actual number of routes demonstrating the observed behavior is somewhere between two and three times the observed results.

### *Relationship between terminal departure and school arrival*

22. Finally, it is worth considering the relationship between a bus's departure from the terminal and school drop-offs. As mentioned, Defendant has previously pointed to on-time terminal departures as an indicator of the transportation system's success.<sup>29</sup> And as I stated earlier, these metrics may be misleading if they are based on the Daily DOT Updates webpage, which appears to underreport the number of late terminal departures. Holding this issue aside,

<sup>29</sup> See May 15 Park Declaration, ¶¶ 58, 59.

using terminal departures as a success metric is only relevant if there is a strong relationship between terminal departure and school arrival. That is, if a bus leaving the terminal late is a poor predictor of whether it arrives at a school late, then terminal departure is a less relevant metric for evaluating OSSE's transportation system.

23. There does not seem to be a strong relationship between a bus leaving the terminal late and arriving at school late. I reached this conclusion by calculating the correlation between a bus leaving the terminal ten or more minutes after the expected time and the same bus arriving at its drop-off after the instructional start of school. In statistics, correlation is the linear measure of the relationship between two variables, meant to capture the extent to which they change together.<sup>30</sup> A correlation statistic can range from -1 to 1, where results closer to -1 or 1 represent stronger correlation, and a negative result suggests an inverse relationship between the variables (i.e., a negative correlation) while a positive result suggests a direct relationship between the variables (i.e., a positive correlation). In my analysis I estimated the correlation between (1) whether a bus is late to leave the terminal and (2) whether it is late to arrive at school. A correlation close to 1 would be consistent with terminal departures as a relevant metric, since it would suggest late terminal departures are strongly correlated to late school arrivals and therefore on-time terminal departures are strongly correlated with on-time school arrivals. I calculated a correlation statistic of around .07, which is a weak, positive correlation.

24. This is consistent with the results seen in Figure 6 below, comparing terminal departures with school arrivals relative to instructional start time. Specifically, for buses that left the terminal within 10 minutes of their scheduled departure time, 12% percent arrived at school late. For buses that left the terminal 10–15 or more than 15 minutes late, 18% and 19% of buses arrived at school after the start of instruction, respectively. Thus, while there is an increase in the frequency of late school arrivals when focusing on buses that left the terminal late, it is far from a guarantee that a late terminal departure results in a late school arrival or that an on-time

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<sup>30</sup> Morris H. DeGroot and Mark J. Schervish. *Probability and Statistics* (Addison-Wesley 4th ed. 2012).

terminal departure results in an on-time school arrival, consistent with the weak positive correlation statistic.

**Figure 6: Terminal departures relative to school arrivals in October 2024**

| Terminal departure             | Arrival relative to instructional school start |                     | Percentage after start of instruction |
|--------------------------------|------------------------------------------------|---------------------|---------------------------------------|
|                                | On-time                                        | Arrives after start |                                       |
| Within 10 minutes of scheduled | 3,804                                          | 508                 | 12%                                   |
| 10-15 minutes after scheduled  | 229                                            | 51                  | 18%                                   |
| >15 minutes after scheduled    | 523                                            | 122                 | 19%                                   |

Source: AM Trip Ticket data, school bell times.

Note: This analysis is limited to AM routes observed in the unredacted October 2024 PDF Trip Tickets. Around 60% of all PDF Trip Ticket pages were redacted; assuming the unredacted routes are representative of the redacted routes, the actual number of routes demonstrating the observed behavior is somewhere between two and three times the observed results.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 15, 2025 in Washington, DC.

By:



Benjamin Wolfert, MBA

## Appendix 1: Curriculum Vitae

### Summary of experience

Benjamin Wolfert specializes in data analysis and management, discovery support, and industry analysis. He has experience working with counsel, supporting testifying experts, and leading teams through all stages of litigation. His work focuses on healthcare engagements in the pharmaceutical industry, which often requires the analysis of large, complex sets of data. He also has experience in antitrust litigation in the airline, technology, and credit card industries. He has supported experts and counsel in matters involving the False Claims Act (FCA), monopolization, collusion, class certification, and price fraud.

### Areas of expertise

- Data analysis
- Database development and management
- Damages estimation and rebuttal support
- Discovery support
- Pharmaceutical pricing and distribution
- Market Power

### Education

- MBA, Robert H. Smith School of Business, University of Maryland
- BS, Economics (with honors), Pennsylvania State University
- BS, Mathematics, Pennsylvania State University

### Selected experience

- Served as lead consulting expert in *Regeneron Pharmaceuticals, Inc. v. Amgen Inc.*, a matter regarding alleged foreclosure from the PCSK9 inhibitor market through anticompetitive bundling of PBM rebates for products in different therapeutic areas that led to below-cost-pricing and raising rival's costs. Supported expert testimony and depositions of Dr. Eric Gaier regarding alleged foreclosure, competitive effects, and rebuttal of Plaintiff expert's damages model. Provided support to counsel in production of extensive discovery materials.
- Served as lead consulting expert in *AmerisourceBergen Drug Corporation, et al., v. ACE American Insurance Co., et al.*, a matter related to insurance coverage payments related to a wholesaler's settlement in underlying opioid litigation. Oversaw research into distributor obligations to abate opioid diversion, evaluation of Amerisource's diversion abatement systems, implementation of said

systems, and analysis of indicia of diversion. Supported submission of reports by and depositions of Dr. Fred Selck and Dr. Charlie Mullin.

- Served as lead consulting expert in *United States of America, ex rel. Michael Bawduniak v. Biogen IDEC Inc.*, a matter where the manufacturer allegedly violated the FCA through kickbacks in the form of honoraria, meals, and other event-related remuneration to physicians. Oversaw numerous areas of inquiry with regard to event participation, expenditures, and estimated exposure while supporting counsel through the discovery process, including fact depositions, production of discovery materials, and responding to inquiries from opposing party. Supported submission of report by and deposition of Dr. Eric Gaier.
- Served as lead consulting expert in *Government Employees Health Association (GEHA) v. Actelion Pharmaceuticals LTD.*, regarding market definition and market power on behalf of Actelion in connection with GEHA's antitrust allegations regarding alleged improper use of Tracleer®'s REMS program to delay entry of generic bosentan formulations. Supported submission of report by and deposition of Dr. Eric Gaier.
- Served as lead consulting expert in *United HealthCare Services, Inc. v. Gilead Sciences and Teva Pharmaceuticals USA, Inc.*, a matter where the manufacturers allegedly engaged in "pay-for-delay" conduct to delay generic competition for multiple products used to treat and prevent HIV. Oversaw estimation of damages and multiple report submissions by Dr. Ernst Berndt. Prepared Dr. Berndt and Dr. Leemore Dafny for trial testimony and assisted legal team during trial in San Francisco.
- Served as lead consulting expert and supported expert testimony of Dr. Ernst Berndt and Dr. Eric Emch in *State of Wisconsin et al. v. Indivior Inc. et al*, evaluating damages, merits, and antitrust issues related to pharmaceutical product hopping on behalf of plaintiffs.
- Supported expert testimony of Dr. Eric M. Gaier in *In re Delta/AirTran Baggage Fee Antitrust Litigation* in connection with an alleged conspiracy to reduce capacity in Atlanta and introduce a first-bag fee. Managed and analyzed publicly available and private data sets in support of an econometric model designed to determine common impact and price effects, and evaluated damages models of the plaintiffs' expert.