

COMPLAINT INVESTIGATION REPORT

COMPLAINT NUMBER: CP-141-2025
COMPLAINT INVESTIGATOR: MacKenzie Watson
DATE COMPLAINT FILED: 1/15/2025

COMPLAINT ISSUE:

Did Lawrence County Independent School (the School), when developing individualized education programs (IEPs), ensure the case conference committee (CCC) determine the special education and related services that will meet the unique needs of the students, regardless of the students' identified disability? Specifically, did the CCC determine whether the students required special transportation? 511 IAC 7-42-6(d); 34 CFR § 300.39(a)

FINDINGS OF FACT:

1. The School is a charter school. The Complainant submitted a systemic complaint alleging the School was refusing to provide special transportation to students that have been determined eligible for special education and related services.
2. Complainant submitted an audio recording taken during a case conference committee (CCC) meeting for a student (Student 1) on or around December 18, 2024 (Audio Recording).
3. The School's director of schools was in attendance during the CCC meeting for Student 1.
4. During the CCC meeting, Student 1's parent (Parent 1) requested special transportation for Student 1. The School's director of schools responded "as a Charter School, that's just something – that would be an LEA [local education authority]- which would mean that you could go to the LEA, and they have that but charter schools don't have that. They don't have the funding. Most of them don't even have school buses and that's why we don't meet people at their homes, like you know most schools get picked up at their home. It's just not a requirement. . . . I understand why that need is important, it's just one that we can't facilitate nor are obligated to because we're a charter school. It's just not something that is feasible with the way funding is done." When asked whether the School provided any transportation services for students with disabilities, the School's director of schools responded, "No." When asked how the School handles situations when special transportation is written into a student's IEP, the School's director of schools responded, "we're not able to take them. We would have to refer them back to the LEA. . . . as a charter school we do not provide. . . . it's a service we don't have, it's more costly and we don't receive those funds. . . so we have to refer back if that is going to be something that the child is going to need and it's in their IEP and the parent isn't willing to change that."
5. The School submitted to the Complaint Investigator an affidavit signed by the School's director of schools and dated February 7, 2025 (Affidavit), that states the School provides

transportation and/or reimbursement for transportation for five students (Students 1-5). The Affidavit also states, “[n]o student has ever been removed from enrollment at [the School] because of a transportation request.” and “[t]ransportation requests have always been honored.”

6. The School sent Parent 1 a letter, dated December 20, 2024, which stated the School “offers a transportation reimbursement program for parents or guardians who drop off and pick up their students to and from school.” The School reports it reimbursed Parent 1 for transportation from February to April of 2024 and that the Student was and will be able to ride the bus for the remainder of the 2024-2025 school year. The School did not provide documentation regarding written agreements regarding transportation reimbursement.

7. Students 1-5 IEPs provide as follows:

a. Student 1:

- i. Student 1 had an IEP with revision date of December 18, 2024, the same date as the Audio Recording, and report date January 15, 2025 (January 15, 2025 IEP). For the purposes of this investigation, Parent 1 provided a copy of the January 15, 2025 IEP provided to Parent 1 at the end of the meeting (first copy) and another that was received at the end of the school day (second copy). The School provided a copy of the January 15, 2025 IEP that was provided to Parent 1 at the end of the school day. The first copy did not include transportation as a related service. The second copy included Student 1 “will have a bus aide. Until one gets hired, however, the school will provide transportation from the bus stop to the school in the AM.” The General IEP Notes section of the first copy and second copy differ with the second copy stating, Student 1 “will have a bus aide. Until one gets hired, however, the school will provide transportation from the bus stop to the school in the AM.” The first copy does not include this language. Both copies of the January 15, 2025 IEPs state, “The IEP is being sent home on January 15, 2025. A copy has been emailed to [Parent 1]. . . . [Parent 1] can log into IIEP and view the IEP/sign it on there. The consent pages for the re-evaluation are included with the IEP being sent home.” A bus monitor began on January 21, 2025.
- ii. Historical IEPs for Student 1: Student 1 had an IEP with report date of April 3, 2024 that did not include transportation as a related service. Student 1 had an IEP with report date of January 10, 2024 that did not include transportation as a related service. Student 1’s move-in IEP, with report date of June 12, 2023 provided for special transportation.

b. Student 2:

- i. Student 2 has an IEP with report date of January 28, 2025 (January 28, 2025 IEP). The January 28, 2025 IEP provides for transportation as a related service with the justification that “[t]he committee will work out a transportation schedule with [Student 2’s] mom to get [Student 2] to her at the end of [Student 2’s] shortened day. The details have been fine tuned among the team and remain flexible to meet [Student 2’s] family needs.”
- ii. Historical IEPs for Student 2: Student 2 has an IEP with report date of January 26, 2025 (January 26, 2025 IEP). The January 26, 2025 IEP provides transportation as a related service with the justification that “[t]he committee

will work out a transportation schedule with [Student 2's] mom to get [Student 2] to her at the end of [Student 2's] shortened day. The details have been fine tuned among the team and remain flexible to meet [Student 2's] family needs." Student 2 had an IEP with report date of September 17, 2024 (September 17, 2024 IEP) for the purpose of a move-in. The September 17, 2024 IEP provides transportation as a related services and states "[t]he committee will work out a transportation schedule with [Student 2's] mom to get [Student 2] to her at the end of [Student 2's] shortened day. The details have been fine tuned among the team and remain flexible to meet [Student 2's] family needs. The team will evaluate every 2 weeks to see if [Student 2's] day can gradually be increased." Student 2 had an IEP with report date of May 1, 2024 (May 1, 2024 IEP) developed by Student 2's prior school. The May 1, 2024 IEP did not require transportation as a related service.

c. Student 3:

- i. Student 3 has an IEP with report date of January 28, 2025 (January 28, 2025 IEP). The January 28, 2025 IEP does not include transportation as a related service and notes that "transportation provisions are being taken out due to [Student 3] being full days and riding the bus to and from school."
- ii. Historical IEPs for Student 3: Student 3 has an IEP with report date of September 9, 2024 (September 9, 2024 IEP). The September 9, 2024 IEP provides transportation as a related service with the justification that "[t]ransportation will be provided because [Student 3] will attend school on a shortened school day."

d. Student 4:

- i. Student 4 has an IEP with report date of January 29, 2025 (January 29, 2025 IEP). Student 4 is on a shortened day and the School provides transportation. The General IEP Notes provide that the IEP was revised "due to transportation not being put in".
- ii. Historical IEPs for Student 4: Student 4 has an IEP with report date of October 21, 2024 (October 21, 2024 IEP) for the purpose of a move-in. The October 21, 2024 IEP provides that Student 4 would attend the School for a full day. The October 21, 2024 IEP does not provide for transportation as a related service. Student 4's IEP from Student' 4's prior school did not include transportation as a related service. The School submitted documentation noting the Student began partial days on January 13, 2025 and that mileage reimbursement began on that day.

e. Student 5:

- i. Student 5 has an initial IEP with a report date of February 3, 2025 (February 3, 2025 IEP). Student 5's IEP provides Student 5 is on a shortened day, however the February 3, 2025 IEP does not provide for transportation as a related service. The School reports Student 5 receives reimbursement for transportation. The School submitted documentation showing on February 11, 2025 Student 5's parent was reimbursed for transportation provided from

January 13, 2025 to January 31, 2025, which is before the initial IEP meeting took place.

CONCLUSIONS:

Article 7 applies to all programs and services subject to the supervision of the state educational agency, including programs conducted by or through a charter school. 51 IAC 7-33-2; 34 CFR § 300.209. When developing an IEP, a CCC must determine the special education and related services that will meet the unique needs of the student, regardless of the student's identified disability. 51 IAC 7-42-6(d); 34 CFR § 300.39(a). The parent of a student with a disability shall not be required to provide transportation. 51 IAC 7-36-8(d). Charter schools are ultimately responsible for the transportation of students with disabilities. 51 IAC 7-36-8(b). Under a comprehensive plan or joint services agreement, interlocal or cooperative arrangement, responsibility for transportation may be delegated. *Id.* Transportation as a related service, under 51 IAC 7-473-1(u), may be necessary for a student to receive special education and related services as determined by the student's CCC and specified in the student's IEP. *Id.* If the parent does transport the student for whom the CCC has determined transportation is necessary to receive special education and related services, pursuant to a written agreement with the public agency, the public agency shall reimburse the parent at not less than the per mile rate at which employees of the public agency are reimbursed. *Id.*

Finding of Fact (FF) #1 demonstrates the School is a charter school. FFs #2-4 demonstrate during a CCC meeting for Student 1 on December 18, 2024, the School's director of schools informed Parent 1 that the School does not, nor is required to, provide special transportation for students. FF #5 demonstrates the School asserts that special transportation is provided to five students. FF #7 demonstrates that Student 1 has been provided special transportation but Student 1's IEP did not include special transportation as a related service until after the instant complaint was filed; Student 2's IEP provided special transportation when the student's schedule changed; Student 3's IEP provided special transportation when the student's schedule changed; Student 4's IEP was revised after the instant complaint was filed to provide special transportation as a related services because Student 4's schedule changed; and Student 5 is on a shortened day, but does not have transportation provided as a related service in Student 5's IEP although special transportation is being provided. FF #6 demonstrates the School sent Parent 1 a letter regarding reimbursement, but did not enter into written agreements with parents regarding transportation reimbursement. The School has provided a proposed plan regarding special transportation as a related service as a corrective action, but refused to acknowledge that in the past it failed to consider special transportation as a related service for certain students. Because the School did not consider special transportation as a related service for students who were not on a shortened day schedule, and did not enter into a written agreement with parents who provide transportation for their students whose IEPs require transportation as a related service, a **violation of 51 IAC 7-42-6(d); 34 CFR § 300.39(a) is found.**

The Department of Education, Office of Special Education requires corrective action based on the Findings of Fact and Conclusions listed above.

The School shall:

1. By **March 20, 2025**, the School shall review its policy/procedures regarding special transportation as a related service and revise as needed to ensure that a student for whom the CCC has determined transportation is necessary for the student to receive special education

and related services receives special transportation and the service is documented in the student's IEP. The School shall submit its policy/procedures, highlighting any revisions to the Complaint Investigator by **April 1, 2025** for review.

2. By **April 18, 2025**, the School shall review records of all students within the past year whose (a) IEPs at enrollment included special transportation as a related service or (b) whose parents requested transportation as a related service but were denied. The School shall then ensure the CCC determines whether transportation as a related service is appropriate, regardless of whether the student is on a shortened day. Once the School has identified these students, the CCC shall convene regarding whether each student requires special transportation as a related service and/or whether the parent agrees to enter into a written agreement with the School regarding reimbursement for transportation.
3. By **August 1, 2025**, the School shall provide to the Complaint Investigator, a list of the STNs of current students at the school who receive special education services and note the dates those students' IEP were reviewed, in collaboration with the parents, for transportation as a related service and whether any changes were made.
4. The School shall disburse its revised special transportation as a related service policy/procedures to every student who the CCC determined required special transportation but was not offered special transportation, by **August 5, 2025**.
5. The School shall provide copies of the signed written agreements regarding special transportation to the Complaint Investigator by **August 5, 2025**.
6. Ensure that administrators, including, at a minimum, the director of schools, the School administrators, any teachers of records, public agency representatives complete professional development training(s) to be conducted by an outside individual knowledgeable of Article 7 about the requirements of the CCC to consider transportation as a related service for students. The School must submit to the Complaint investigator a signed and dated letter indicating that the above professional development training has been completed no later than **April 15, 2025**.

DATE REPORT COMPLETED: February 24, 2025