



Frank Edelblut
Commissioner

Christine M. Brennan
Deputy Commissioner

STATE OF NEW HAMPSHIRE
DEPARTMENT OF EDUCATION
101 Pleasant Street
Concord, N.H. 03301

[REDACTED]

Re: Special Education Complaint # 22-13

Dear [REDACTED] and [REDACTED]

The New Hampshire Department of Education, Bureau of Special Education, has concluded its investigation of complaint # 22-13. Based on the findings of fact in the investigation, I am issuing my written decision as well as providing a copy of the investigator's report.

Below is a description of each allegation as well as a summary of the investigator's findings of facts based on the evidence submitted by the parties. If an allegation is substantiated, finding of noncompliance with special education law, then there will be a corrective action required of the district to remedy any violations of special education law. The corrective action is intended to ensure compliance with IDEA by addressing the needs of the child and the appropriate future provision of services for all children with disabilities.

By way of relevant background, the scope of this complaint investigation is from [REDACTED] through [REDACTED]

Findings of Fact:

Allegation- Substantiated

The sole allegation in this matter is whether the [REDACTED] District failed to comply with Ed 1109.03(a), which, in relevant part, provides that:

[REDACTED]

The LEA shall provide special education, related services, supplementary aids and services, accommodations, and modifications to a child with a disability in accordance with the child's IEP.

The complainant asserts that the [REDACTED] District did not provide transportation for their daughter who was placed in an out-of-state, day program by the IEP team.

By way of relevant background, the district proposed a placement at [REDACTED] in [REDACTED], which the parents signed into agreement on [REDACTED]. However, the parent and the district had informally agreed to the placement prior to the formality of the parent's signature. Therefore, the district had begun to make arrangements for the transportation of the student to [REDACTED] on [REDACTED]. AS part of the placement at [REDACTED], the district was also responsible for transportation to and from the school.

The district contacted [REDACTED] to set up the service on [REDACTED]. A few days later, the transportation company notified the district that there were not any drivers available at the time to provide the requested service. However, that the company should be able to provide transportation within the next few weeks. The company told the district that when a driver was available that the company would contact the parents directly to make arrangements.

On [REDACTED] the parents contacted the district because they were concerned that they had not yet heard from the transportation company. That same day, the district contacted the company, as well as [REDACTED], to inquire about other students in the area who the student could possibly share a ride with. There was one such student identified who lived in [REDACTED]. The [REDACTED] District contacted that school district, but they were unable to coordinate a carpool with this other student. In discussing other transportation options, the parents were told by the district that if they, the parents, provided the transportation for the student that the district would reimburse them for mileage.

On [REDACTED], the parents emailed the district inquiring about other transportation options. The district again reached out for assistance, this time to the [REDACTED] special education directors to see if there were any potential ride share options. However, there was nothing available. The district worked for the next 6 weeks to secure transportation for the student. For a variety of reasons which ranged from not enough drivers to a lack of state approval, the district was unsuccessful in its attempts. During this time period, the parents were providing the transportation, however, they expressed to the district the strain that the transportation was having on their family as well as the family vehicle.

Conclusion:

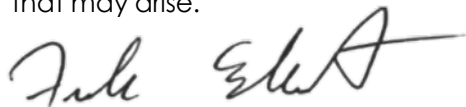
The lack of transportation is an unfortunate side effect of a nationwide bus driver shortage. The district contacted six different transportation agencies as well as numerous other school districts to solve the problem, unfortunately without success. Although the district did its due diligence and was faced with circumstances beyond its control, it is not lost on the Department that this put an unnecessary strain on the student and her family. The commitment of the parents to ensure that their daughter was able to make it to and from school, despite the hardship it placed on the family unit is commendable.

[REDACTED]

As of [REDACTED], transportation had been secured and this service began on [REDACTED].

Although there is no formal corrective action required, it is suggested that the district take the time to ensure that the parents understand how to submit for mileage reimbursement. If this step has already been done, then please kindly disregard.

We hope that in the future the district and parent will work together to resolve any differences that may arise.



Frank Edelblut
Commissioner of Education
NH Department of Education