

**FOR IMMEDIATE RELEASE**

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**DESE Finds System-Wide Transportation Failures for Boston Public Schools' Students with Disabilities Violating the Rights of Students and Families – DESE Compels Compliance**

Boston, Massachusetts — On February 24, 2023, the Department of Elementary and Secondary Education issued a Letter of Finding stating that Boston Public Schools (BPS) **violated the rights of each complainant student and the rights of students with disabilities on a system-wide basis** due to its failure to provide legally-entitled transportation services. The Complaint, filed jointly by Greater Boston Legal Services and Massachusetts Advocates for Children on behalf of five families of BPS students with disabilities and joined by the BPS' Special Education Parent Advisory Council, alleged BPS failed to provide reliable transportation for students with disabilities, ultimately depriving them of their right to a free appropriate public education.

In the Complaint, BPS families reported that their children with disabilities went without buses, bus monitors, or other supports, in accordance with their Individualized Education Programs (IEPs), for days or weeks at a time; buses were late or never arrived; caregivers inconsistently received notifications about transportation issues; caregivers were forced to scramble to get their children to school and sometimes were unable to do so; some caregivers spent hundreds of dollars to get their children to school, rarely informed of the ability to be reimbursed by the District; and bus drivers and monitors were frequently untrained on the needs of students with disabilities, including being unaware of critical safety information.

The Department found these frequent transportation failures and the District's lack of reliable systems to respond to failed bus routes violates the rights of students with disabilities, “[w]hen **students are entitled to transportation services under their IEPs, it is the responsibility of the school district (and not the families) to provide such transportation services.**”

“Transportation services for our students must be guaranteed for our students’ right to a free and appropriate public education. SpEdPAC was a part of this PRS with the hope that DESE’s corrective action will send a strong message to BPS that they must be accountable and provide documentation for consistent transportation for all BPS students and documentation of training to bus drivers and monitors who provide services to some of our most vulnerable students.” Roxi Harvey, Chair, BPS’ SpEdPAC.

The Letter of Finding validated what many BPS families already know, “[t]he District did not provide reliable, on-time transportation to students with disabilities.” The Department also found the District’s efforts to remedy these ongoing transportation failures “have been insufficient,” and

the District cannot allow students with disabilities to miss “entire school days or parts of school days due to lack of appropriate transportation services to which they are legally entitled.”

Importantly, the Department found for two students that the failure to provide their legally entitled transportation services **deprived both students of a free appropriate public education**, a violation of state and federal law. Both students were deprived of adequate transportation for weeks, while their caregivers were able to pay out of pocket to get the children to school on nearly all school days, the Department still found that the transportation failures impacted these students’ ability to benefit from their special education. BPS is obligated remedy these failures, through compensatory education services, to make these students whole.

The Department ordered BPS to take immediate steps to remedy the harm done district-wide to students with disabilities, including (among other remedies):

- Develop new notifications for students with disabilities to inform families of transportation failures immediately, which must include a back-up transportation option that does not cost caregivers money out of pocket to transport their children when BPS’ transportation fails;
- Proactively identify and reimburse caregivers who transported their children with special education transportation between October 2021- October 2022;
- Notify all caregivers of BPS students with special education transportation services that if they arranged transportation themselves due to the District’s failure to provide services, they are eligible for reimbursement. This notice must inform families without a Social Security Number or Individual Taxpayer Identification Number that they are entitled to reimbursement;
- Develop a new system to, for the first time, train transportation personnel assigned to specific students on each individual student’s needs, as required by law;
- DESE monitoring of all reimbursement and compensatory education offers
- Create a specific position overseeing Special Education Transportation that reports to the BPS Superintendent; and
- Begin tracking special education transportation data for the first time.

“For too long, families have had to fight for transportation services that are critical for their children to access their education. Families should not have to jump through hoops to ensure that their children receive these legally-mandated services,” said Becky Reindel, Greater Boston Legal Services attorney. “This Complaint and DESE’s Findings are a crucial step towards making a more reliable, equitable transportation system for our clients and for all Boston students.”

“We are grateful that this Letter of Finding validates the lived experiences and harsh realities that families have been expressing for decades. We are thankful that this complaint process has given our clients the opportunity to be seen and heard,” said Jakira Rogers, Massachusetts Advocates for Children, Program Director, Racial Equity and Access Program. “Our clients deserve this finding; however, they did not deserve this experience. The educational system is supposed to work for all, not some. No family should have had to go through this, it’s unacceptable and inequitable.”

GBLS and MAC look forward to participating in the compliance phase of this process and ensuring that these crucial changes to the BPS transportation system become a reality for all Boston families.

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**Greater Boston Legal Services (GBLS):** GBLS assists survivors of domestic violence, homeless families, elders, people with disabilities, homeowners facing foreclosure, tenants in no-fault evictions, low-wage workers, families with no source of income, and immigrants facing persecution. Annually, GBLS provides legal assistance to more than 9,000 families and individuals who live at or below 125% of the federal poverty standard. GBLS also provides legal counsel to dozens of community-based groups and organizations and conducts strategic impact advocacy to bring about positive systematic change throughout the region and state. For more information, please visit [www.gbls.org](http://www.gbls.org).

**Massachusetts Advocates for Children (MAC):** MAC is a statewide non-profit advocacy organization with a mission of ensuring equitable educational and life opportunities for all children. MAC assists nearly 2000 families annually through its free Helpline and direct legal advocacy to eligible families in education matters; provides training to parents and communities on special education, student discipline, immigrant rights in education, and other education-related topics; and pursues systemic advocacy at the school district, state agency, and legislative levels to ensure that all students have access to an equitable education. For more information, please visit [www.massadvocates.org](http://www.massadvocates.org).

**Boston Public Schools' Special Education Parent Advisory Council (BPS SpEdPAC):** The SpEdPAC works with the Boston Public Schools system to ensure that children get the services and support they need to develop to their full potential. For more information, please visit [www.bostonspedpac.org/](http://www.bostonspedpac.org/).