



February 20, 2026

Via email: (state_ec_complaints@dpi.nc.gov)
Dr. Carol Ann Hudgens, Director
North Carolina Department of Public Instruction
Office of Exceptional Children
6356 Mail Service Center
Raleigh, NC 27699-6356

Formal Individual and Systemic State Complaint against Wake County Public School System

Dear Dr. Hudgens:

Please consider this a Formal Individual and Systemic State Complaint filed on behalf of two students eligible for special transportation as a related service, who are students in Wake County Public School System ("WCPSS" or "the District"). The District failed to provide them a free appropriate public education ("FAPE") during the spring semester of the 2024-2025 school year. One student has also experienced special transportation failures during the 2025-2026 school year, leading to FAPE violations. Specifically, WCPSS has violated the students' rights in the following ways:

- 1) During the 2024-2025 and 2025-2026 school years, WCPSS failed to provide appropriate reliable special transportation services, resulting in missed hours and days of instruction.
- 2) During the 2024-2025 school year, WCPSS failed to provide appropriate reliable special transportation services, resulting in a parent having to provide transportation themselves, burdening the family and resulting in required special education services that were not "free."

FACTUAL BACKGROUND

Both students are elementary-aged students in WCPSS who have active IEPs. Both students were deemed to require special transportation by their IEP teams and were eligible for this

service during the spring semester of the 2024-2025 school year, and the 2025-2026 school year. Both students experienced the unreliable nature of WCPSS special transportation, resulting in missed days of school, missed hours of instruction, and/or the family having to provide transportation.

Student 1

STUDENT ONE is a [REDACTED] grade student currently enrolled at ELEMENTARY SCHOOL A in the District. He previously attended ELEMENTARY SCHOOL B in the District during the 2024-2025 school year for kindergarten. He has an IEP [REDACTED].

STUDENT ONE missed a substantial amount of instruction in the spring semester of the 2024-2025 school year due to WCPSS' unreliable special transportation. His mother, PARENT ONE, estimates that STUDENT ONE arrived to school late on 25% of school days because special transportation arrived to school late, from February 2025 – June 2025.

On another approximately 25% of school days from February 2025 – June 2025, special transportation did not show up at all and STUDENT ONE'S mother would have to drive him to school.

During the spring semester of the 2024-2025 school year, the family did not ever know what time within a two-hour window special transportation would show up in the morning or in the afternoon.

Student 2

STUDENT TWO is a [REDACTED] grade student at ELEMENTARY SCHOOL C in the District. He also attended ELEMENTARY SCHOOL C in fourth grade during the 2024-2025 school year. STUDENT TWO has an IEP [REDACTED].

STUDENT TWO missed a substantial amount of instruction in the spring semester of the 2024-2025 school year due to WCPSS' unreliable special transportation. His mother, PARENT TWO, estimates that STUDENT TWO missed twenty days of instruction from February 2025 – April 2025, in addition to missing the entire month of May 2025, due to WCPSS' special transportation not showing up to transport STUDENT TWO to school.

PARENT TWO estimates that STUDENT TWO has also missed 8-10 days of school during the 2025-2026 school year due to special transportation lapses, including special transportation not showing up at all or special transportation pulling off from his home without him.

PARENT TWO also has another son in WCPSS who has missed approximately 30 school days or more during the 2025-2026 school year due to special transportation lapses.

PARENT ONE and PARENT TWO were not provided with special transportation logs by WCPSS in response to records requests.

SUMMARY OF VIOLATIONS

Violation #1: Failure to Provide a FAPE by Failing to Appropriately Implement Special Transportation as a Related Service

Transportation is a related service for those students whose IEPs require it (NC Policies 1500-2.31(c)(16)). A FAPE means “special education and related services that-- (a) Are provided at public expense, under public supervision and direction, and without charge; (b) Meet the standards of the SEA, including the requirements of IDEA; (c) Include an appropriate preschool, elementary school, or secondary school education; and (d) Are provided in conformity with an individualized education program (IEP) that meets the requirements of NC 1503-4 and NC 1503-5.1.” (NC Policies 1500-2.17).

A failure to implement the IEP through failing to provide appropriate reliable special transportation as a related service is a failure to provide a FAPE. This is keenly illustrated where a student misses hours, days, or weeks of instruction due to the failure to appropriately implement special transportation as a related service. This is also the case when a family has to expend their own resources in transporting a child to school when special transportation failed to show up in a timely manner or at all.

This systemic complaint asserts that WCPSS failed to provide a FAPE in a very similar manner to multiple students, through failure to have policies, practices, and procedures in place to assure appropriate implementation of special transportation as a related service. WCPSS has maintained a system of special transportation that results in discrimination against students with disabilities. We have heard of other families who have experienced the same issues in WCPSS.

CONCLUSION AND REQUESTED REMEDIES

The individual and systemic special transportation failures in WCPSS, evidenced by the experiences of STUDENT ONE and STUDENT TWO, require individual and systemic remedies to address. Therefore, it is requested that DPI order the following:

1. Require WCPSS to provide compensatory services sufficient to remediate STUDENT ONE and STUDENT TWO for the instruction missed due to special transportation lapses during the spring 2025 semester, and – for STUDENT TWO - during the 2025-2026 school year.
2. Require WCPSS to provide mileage reimbursement to PARENT ONE for the days she had to transport STUDENT ONE to school, during the spring 2025 semester, due to special transportation failures.
3. Require WCPSS to cooperate with an independent audit of its special transportation system, to identify areas of current need with respect to getting all students with special transportation as a related service to school on time each day and back home in a timely manner each day.
4. Require WCPSS to develop effective policies, practices, and procedures to ensure that all students with special transportation as a related service get to school on time each day, and are transported home in a timely manner each day.
5. Require all District-level WCPSS Exceptional Children’s Transportation staff to participate in training by NCDPI or by an independent trainer on best practices in special transportation program design and implementation.
6. Require WCPSS to cooperate with an NCDPI-led review of its special transportation program, including identification of all students who have missed instructional time due to special transportation problems in the last year, and to provide appropriate compensatory services to all such similarly-situated students.
7. Require WCPSS to cooperate with an NCDPI-led review of its special transportation program, including identification of all students whose guardians had to provide transportation due to special transportation problems in the last year, and to provide appropriate mileage reimbursement to all such similarly-situated families.

Thank you for your prompt consideration of this matter. Please direct correspondence about this complaint to Cari Carson, at cari.carson@disabilityrightsnc.org.

Sincerely,



Cari Carson, Esq., MSW
Supervising Attorney – Education Team
Disability Rights NC