

North Carolina Department of Public Instruction  
Office of Exceptional Children

Complaint Investigation Final Report  
Case No. 25-396  
March 31, 2026

The Office of Exceptional Children (OEC), Department of Public Instruction (DPI), has completed the investigation of the complaint filed on February 20, 2026, against the local education agency<sup>1</sup> (LEA), the Wake County Public School System (WCPSS). Based upon statements in the complaint, the OEC identified the following issue(s) to be investigated:

**Whether WCPSS followed the federal regulations, state laws and/or state *Policies* specific to children with disabilities regarding implementation of the students' IEPs (34 CFR 300.323), specific to the provision of special transportation.**

The findings that follow are drawn from the information in the complaint letter, the LEA letter of response, and supporting documentation provided by both parties. The conclusions of law are drawn from the Individuals with Disabilities Education Improvement Act (IDEA) Amendments of 2004 (20 U.S.C. 1400 *et seq.*), the IDEA regulations (34 CFR §300), the North Carolina *Policies Governing Services for Children with Disabilities (Policies)*, and Article 9-Chapter 115C of the NC General Statutes. The following report conveys the issues, findings of fact, conclusions, and final decisions of our investigation of the complaint.

**Background**

**Student 1**

The student is a first grader in the LEA. He is considered to be a student with a disability in the primary eligibility category of

**Student 2**

The student is a fifth grader in the LEA. He is considered to be a student with a disability in the primary eligibility category of

**Description of the Complaint**

**Student 1**

The student missed a substantial amount of instruction in the Spring semester of the 2024-2025 school year due to unreliable special transportation:

- The bus often arrived at the student's home late in the morning February through June 2025.
- The bus would often not show up at all, causing the parent to have to take him to school.

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<sup>1</sup>The IDEA and its implementing regulations refer to public school units (PSU) responsible for providing a free, appropriate, public education (FAPE) as local education agencies. Therefore, LEA incorporates all NC PSUs.

- The family could never be certain what time special transportation would arrive in the morning or in the afternoon.

#### Student 2

- The student missed a substantial amount of instruction in the Spring semester of the 2024-2025 school year due to unreliable special transportation:
  - The parent estimates that the student missed 20 days of school from February to April, 2025.
  - The student missed the entire month of May 2025 because special transportation did not show up to transport him to school.
- The parent estimates that the student has missed 8-10 days of school during the 2025-2026 school year due to special transportation not arriving or leaving his home without him.

#### Findings of Fact

##### Student 1

1. The following IEPs include special transportation as a related service (small setting with a safety assistant):
  - December 19, 2024, to February 28, 2025.
  - February 27, 2025, to February 25, 2026.
  - May 15, 2025, to February 25, 2026.
  - September 22, 2025, to February 25, 2026.
  - February 9, 2026, to February 5, 2027.
2. According to a written response from WCPSS:
  - The district acknowledges that there were some days during Spring 2025 in which the student was picked up from home late, causing him to miss ten minutes of specially designed instruction (SDI) for behavior skills. The district is offering 7 hours of compensatory education services.
  - Front office check-in records reflect 2 days on which the parent drove the student to school due to special transportation issues. The district will offer reimbursement for those days and will consider any information provided by the parents in the consideration of reimbursement.
3. The student's daily schedule for the period July 1 through the end of the 2024-2025 school year indicates that behavior skills instruction began each day at 9:30 (his first block of instruction).
4. The student's school had a start time of 9:15 am and an end time of 3:45 pm for the 2024-2025 school year.
5. Front Office Check In/Out spreadsheet submitted by WCPSS indicates that the student arrived at school at 9:25 on February 25, 2025, and 9:34 on June 20, 2025, for reason "STA" (transportation agency).
6. Internal emails indicate that the student's transportation picked him up from home late:
  - February 11 and 12, 2025.

- May 27, 2025 (1-2 hour delay).
  - June 3 and 4, 2025.
7. An internal email February 5, 2025, indicates that the student's afternoon transportation would be on a 1-2 hour delay that day.
  8. An internal email March 5, 2025, indicates that the student's transportation to school was running 2 hours behind.
  9. An internal email March 10, 2025, includes that the parent reported:
    - Student will not arrive at school today until 11:00 due to transportation.
    - Transportation says the driver is on leave of absence and they (STA) have no plans right now to replace the driver.
    - This issue has been ongoing for 5 weeks.
  10. An internal email April 25, 2025, indicates that the student's transportation would be on a 1-2 hour delay that afternoon.
  11. Internal emails May 9, 2025, indicate that the student was picked up from school at 4:49 pm.
  12. Internal emails June 10, 2025, include that:
    - "There were some early and some late time sporadically throughout the time period (January through February 14, 2025), but the majority are within window."
    - "Per our GPS reports, the cab was on time most days."
  13. WCPSS submitted transportation reports (excerpts):
    - Last edited June 10, 2025: "Subcategory "Vendor no show". Van came at 8:03, usually comes 8:40. "Parent states there has not been one week that routes have run on time, or a route was not dropped."
    - Last edited May 29, 2025: "Subcategory Vendor timeliness". One to two hour delay today, second day in a row.
      - 5/29/25: Driver was out May 23-27, 2025. This caused a delay in pickup.
    - Last edited May 7, 2025: "Subcategory Vendor timeliness". "Arrived at 4:45 several times last week, 4:50 on Monday. No response from STA and parents are not given notice of dropped routes."
      - 5/6/25: Driver was running late.
      - 5/2/25: "Timeliness".
    - Last edited April 30, 2025: "Subcategory Vendor timeliness". Parent contacted, student would not arrive at school until 11:00. "they say the driver is on a leave of absence and they (STA) have no plans right now to replace said driver or improve the situation. This issue has been continuing for 5 weeks."
      - 3/10/25" : "Vendor timeliness".
    - Last edited April 23, 2025: "Subcategory Vendor timeliness". "PM Route is frequently 2 hours delayed. Can we change cabs or change the route? The driver stated that her 2<sup>nd</sup> tier route takes her over an hour away from the school. AM route is also frequently 40 minutes late arriving to school."
      - 2/27/25: Vendor no show.
      - 2/25/25: "Vendor timeliness".

- Last edited April 4, 2025: "Subcategory "Vendor no show". "STA called, stated cab would be 2 hours late. This has been an ongoing issue multiple days every week with both am and pm cab."
  - 3/7/25: Vendor no show.
  - 4/4/25: "Driver was absent 3/3 through 3/5 so it caused a delay in the pickup for the student."

14. June 9-27, 2025 transportation information (spreadsheet) submitted by WCPSS:

- Home pickup times ranged from 8:06 am to 8:45 am.
- School arrival times ranged from 9:00 am to 9:27 am.
- Afternoon home drop offs ranged from 3:54 pm to 4:21 pm.
  - OEC note: *This information was not provided for the February through May 2025 portion of the investigation period.*

Student 2

15. The following IEPs include special transportation as a related service (small setting with a safety assistant):

- October 4, 2024, to October 2, 2025.
- October 2, 2025, to September 30, 2026.
- December 15, 2025, to September 30, 2026.
- February 5, 2026, to September 30, 2026.

16. According to a written response from WCPSS:

- The district acknowledges that there were some days that special transportation picked the student up late, causing him to arrive at school late.
- There were days that the student did not come out to the vehicle and the vehicle had to leave without him. When this occurred, the family was not able to get the student to school.
- The family moved multiple times and on at least one occasion did not inform the district of a new address until some time had passed. Each time the family moved the route had to be updated, which is not always immediate.
- Student records reflect that the family kept the student home some days for reasons unrelated to transportation.
- The district is offering 50 hours of compensatory education services.
- The district will consider any information provided by the parents in the consideration of reimbursement.

17. The student's school had a start time of 9:15 am and an end time of 3:45 pm for both the 2024-2025 and 2025-2026 school years.

18. "Oasis Documentation" for [Student 2] includes the following information (excerpts):

- February 5, 2025: School Social Worker made a "no show/due diligence" home visit. Social Worker submitted an address change and transportation request.
- April 16, 2025: Grandmother called to ask about transportation. Social Worker shared that the request had to be resubmitted, gave phone number for family to call about status.
- May 15, 2025: Staff called Mother about transportation assignment.
- August 6, 2025: Mother informed Social Worker that they are in the process of moving.

- August 21, 2025: Social Worker called Mother to inquire about new address.
  - October 21, 2025: [REDACTED]
  - October 24, 2025: [REDACTED]
19. 2024-2025 Attendance records include the following information:
- February 2025: Unexcused absences 24<sup>th</sup>, 25<sup>th</sup>, 26<sup>th</sup>, 27<sup>th</sup>, 28<sup>th</sup>.
  - March 2025:
    - Unexcused absences 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 10<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup>, 24<sup>th</sup>, 25<sup>th</sup>, 26<sup>th</sup>, 27<sup>th</sup>.
    - "Local School Board Policy" 28<sup>th</sup>.
  - April 2025: "Local School Board Policy" 7<sup>th</sup> through 30<sup>th</sup> (17 school days).
  - May 2025:
    - "Local School Board Policy" May 1<sup>st</sup> through 5<sup>th</sup>.
    - Unexcused absences 6<sup>th</sup> through 12<sup>th</sup>.
20. June 9-16, 2025 transportation information (spreadsheet) submitted by WCPSS:
- Home pickup times ranged from 7:45 am to 7:50 am.
    - *OEC note: This information was not provided for the February through May 2025 portion of the investigation period.*
21. WCPSS submitted transportation reports (excerpts):
- Last edited August 18, 2025: Current student who does not have bus assignment.
  - Last edited May 7, 2025: Current student who does not have bus assignment.
  - Last edited April 8, 2025: Student ineligible. Student is coded as Remainder of Year Parent Provides.
22. August 25, 2025, through February 27, 2026, transportation information (spreadsheet) submitted by WCPSS:
- AM Pickup times recorded:
    - August: 25, 26, 27, 28, 29.
    - September: 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 25, 26, 29, 30.
    - October: 1, 2, 3, 6, 7, 8, 9, 10, 14, 15, 21, 22, 24, 27, 28, 29, 30, 31.
    - November: 5, 6, 7, 10, 12, 13, 14, 17, 18, 19, 20, 24, 25.
    - December: 1, 2, 3, 10, 11, 12, 15, 16, 17, 18, 19.
    - January: 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 20, 21, 22, 23, 29.
    - February: 4, 5, 6, 11, 12, 13, 18, 19, 20.
23. 2025-2026 Attendance records include the following information:
- September: Student absent 2, 10, 17, 18, [REDACTED] 19, [REDACTED]
  - October: Student absent 14, 15, 16, 17, 21, 22, 23, 24, 27, 28.
  - November: Student absent 3, 18, 19, [REDACTED], 20, [REDACTED] 21, [REDACTED] 24.
  - December: Excused tardy 2 and 4. Student absent 1, 3, 17.
  - January: Student absent 6, [REDACTED] 7, 8, 27, [REDACTED] 28, [REDACTED] 30
  - February: Student absent 3, [REDACTED] 6-17.
24. Internal emails October 2-3, 2025, indicate that:
- The parent has shared the cab is arriving but leaving without the student.

- There is a three minute wait at the stop if the student is not immediately available to board the vehicle. The expectation is that the student is ready to board.

25. An STA spreadsheet submitted by WCPSS indicates that the student's address was changed twice, his record was deleted twice, and his record added twice.

#### **Relevant IDEA and Federal Regulations (excerpts)**

**34 CFR § 300.323 When IEPs must be in effect.** (a) *General.* At the beginning of each school year, each public agency must have in effect, for each child with a disability within its jurisdiction, an IEP, as defined in § 300.320.

#### **Relevant NC Policies (excerpts)**

**NC 1503-4.4 When IEPs Must be in Effect** (same as federal regulations cited above).

#### **Analysis and Final Decision**

Regulations require that IEP services and accommodations be in place at the beginning of the school year and provided throughout the school year. In this case, the Complainant alleges that the students were not provided with consistent special transportation services as required by their IEPs.

#### **Student 1**

The evidence supports that special transportation did not arrive at the student's home at least two days (February 25 and June 20, 2025), and that transportation was late arriving to the student's home, thus making him late for school, at least 20 days. The evidence also supports that morning pickup times and afternoon drop off times experienced some variability due to the contracted company's staffing and routing issues. WCPSS has acknowledged these implementation issues and has offered 7 hours of compensatory services for lost instruction and reimbursement for the parents for any documented days they had to provide transportation.

#### **Student 2**

For the period April 16 through May 15, 2025, it is unclear whether the student was provided with special transportation, as there is a gap in communication between the Social Worker and parent during this period. There is also evidence during this period of student absenteeism and the parent being contacted regarding current/new physical address and student attendance.

For the 2025-2026 school year, discrepancies between the transportation log and the student's attendance record indicate that the student was likely not picked up for school for at least 5 days (October 16, 17, and 23, and November 3, 2025, and February 3, 2026).

WCPSS has acknowledged implementation issues and has offered 50 hours of compensatory services for lost instruction and reimbursement to the parents for any documented days they had to provide transportation.

**Final Decision: The LEA  IS  IS NOT in violation of the *federal regulations, state law and/or state policies specific to children with disabilities* regarding implementation of the students' IEPs, specific to the provision of special transportation.**

**Based on the final decision, corrective action is warranted.**

### **CORRECTIVE ACTIONS**


The investigation is concluded. When allegations of noncompliance are substantiated by an investigation, corrective action is required. The LEA is directed to take the following corrective action to remedy the violations identified.

- **By April 17, 2026**, the EC Administrator or designee will email or send a letter to **both parents** to request any evidence of parent transportation to or from school for the investigation period (February 21, 2025, through February 20, 2026). A copy of this communication and the parent response, if received, shall be provided to the Corrective Action Coordinator **no later than April 30, 2026**.
- **By April 17, 2026**, the EC Administrator or designee will contact the Complaint Investigator, providing available dates for a technical assistance call regarding special transportation services.
- **No later than May 29, 2026**, the IEP Team shall convene **for both students** to:
  - Review progress monitoring before, during, and after interruptions to service delivery as a result of inconsistent transportation, and document discussion of the district's offer of compensatory services, determining if the amount offered is appropriate to mitigate loss *and* is reasonable for the student to complete within one year from the date of this Letter of Findings.
    - Meeting documents shall be submitted to the Corrective Action Coordinator within five days of the meeting.
  - The EC Director or her designee shall consult with the parent to develop a plan for the delivery of the compensatory services.
    - A copy of the plan (template below) shall be submitted to the Corrective Action Coordinator within 5 days of development.
    - Service delivery logs (template below) shall be submitted to the Corrective Action Coordinator at the end of each month.

Evidence of corrections shall be determined according to the due dates established. Any request to deviate from the required due dates shall be communicated, by either the LEA or the parent, via email to the Corrective Action Coordinator with a courtesy copy to the other party.

**All evidence of corrections must be submitted electronically by the dates noted above to:**  
**Dr. Eleanor Patrick, Corrective Action Coordinator**  
**[StateComplaintCorrectiveAction@dpi.nc.gov](mailto:StateComplaintCorrectiveAction@dpi.nc.gov)**  
**Subject Line: 25-396 – Dr. Eleanor Patrick**

This complaint shall remain open pending the submission and approval of all elements of the corrective action plan. Failure to implement the corrective action will result in sanctions in accordance with General Statute §115C-107.4.

  
Sara Self-Maddox, Section Chief  
IDEA Dispute Resolution  
Office of Exceptional Children