State launches investigation into whether BPS violates education rights of students with disabilities

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Boston Public Schools has struggled to get its buses to run on time for more than a decade. Under a state improvement plan, the district needs to achieve on-time bus arrival rates of 95 percent or see improvements each month districtwide. DAVID L. RYAN/GLOBE STAFF

The state has opened an investigation into whether Boston Public Schools is violating the educational rights of students with disabilities following a complaint filed last week, Education Commissioner Jeffrey Riley announced Tuesday.

The complaint, filed by advocates representing six students, alleges untimely buses run by BPS have caused students with disabilities to miss therapy sessions and academic instruction.
Massachusetts Advocates for Children and Greater Boston Legal Services filed a complaint on Oct. 14 with the state Education Department, alleging BPS transportation services are “inadequate, in complete disarray, and disproportionately impact students of color and students with disabilities.”

The advocates said the state is not doing enough to monitor the district’s progress under a recent state improvement plan, which includes a requirement that BPS provide timely transportation services for its students. They asked the state to intervene.

“The complaint has been opened and we are in the process of investigating,” Riley said during Tuesday’s state education board meeting. “Under federal law we have 60 days to investigate and either issue a letter of finding or a letter of closure, depending on the circumstances.”

If the state finds any violations, corrective actions could include training or changes to policies and procedures.

Riley added during Tuesday’s meeting that the district is also not meeting the requirements set by the improvement plan to have 95 percent of school buses arriving on-time each month — the most recent data show the average on-time performance for school buses in the morning for October was 88 percent, according to the district.

BPS Superintendent Mary Skipper said Tuesday the district met with Massachusetts Advocates for Children and is working to address the challenges the organization raised in the complaint.

The complaint details various issues BPS families have been dealing with when it comes to transportation.

One family’s 11-year-old twins, who are on the autism spectrum and have been diagnosed with epilepsy, haven’t taken the bus since the school year started because BPS hasn’t provided them with a required monitor trained to handle seizures so they can safely ride, according to the complaint. The mother has been taking an Uber to and from school with
according to the complaint. The mother has been taking an Uber to and from school with her kids each day, which costs about $30 a trip.

“Some of these issues are technical and more straightforward to implement,” Skipper said in an e-mail. “Others will require cross-sector collaboration to resolve, and we have begun having those critical conversations in partnership with DESE.”

Additionally, BPS will be receiving formal recommendations from the Council of Great City Schools in December, which Skipper expects to help the district “inform our policy decisions moving forward.”

BPS has struggled to get its buses to run on time for more than a decade. The state Department of Elementary and Secondary Education released a review of BPS earlier this year that found students with disabilities were disproportionately impacted by late buses in the district. The review also found widespread systemic problems with the students in special education often receiving inadequate services.

State officials and BPS came to a last-minute agreement in June that averted a state takeover or labeling the district as underperforming but demanded immediate improvement.

“We’ve been in touch with BPS regarding their transportation challenges, particularly as it relates to students with disabilities,” Riley said on Tuesday. “We have encouraged the district to work with families and advocates to resolve this issue.”

Jakira Rogers, who leads the racial equity and access program at Massachusetts Advocates for Children, said she and other group representatives met Monday with Skipper and district administrators from BPS’s special education and transportation office.

“It was a great introductory conversation, but there’s still more work to do,” Rogers said. “We hope to see a lot more actions and next steps as a follow-up to that meeting.”
The complaint follows a letter penned to Skipper last month from Massachusetts Advocates for Children, Greater Boston Legal Services, and nearly a dozen other organizations, that raised families’ concerns with transportation problems and urged the district to take immediate action and work with the organizations on solutions.

Rogers said she wants BPS to take seriously their recommendations — including offering options, such as offering taxi vouchers instead of reimbursement, when BPS fails to provide transportation — and determine which they are capable of implementing.

“The complaint was a follow-up, really after the long systemic issue has really blown up and families are struggling with transportation,” Rogers said, emphasizing the unreliability creates barriers to special education support and services and hinders parents’ ability to maintain employment. “Transportation is just not about school buses, it’s about access to education, and access to a free and appropriate education. That’s what all students deserve, and that’s what we will continue to fight for until we get there.”

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