




Mohammed Choudhury
State Superintendent of Schools

August 22, 2023




Ms. Trinell Bowman
Associate Superintendent Special Education
Prince George's County Public School
John Carroll Center
1400 Nalley Terrace
Landover, Maryland 20785

RE: 
Reference: #24- 009

Dear Parties:


The Maryland State Department of Education, Division of Early Intervention/Special Education Services (MSDE), has completed the investigation of the complaint regarding special education services for the above-referenced student. This correspondence is the report of the final results of the investigation.

ALLEGATION:

On July 13, 2023, MSDE received a complaint from Ms.  hereafter, "the complainant," on behalf of her son, the above-referenced student. In that correspondence, the complainant alleged that the Prince George's County Public Schools (PGCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced student.

MSDE investigated the allegation that the PGCPS has not ensured that the student was provided with the transportation as required by the Individualized Education Program (IEP) since the start of the 2022- 2023 school year, including Extended School Year (ESY) 2023, in accordance with 34 CFR §§ 300.101 and .323.

BACKGROUND:

The student is sixteen years old and is identified as a student with multiple disabilities (specific learning disability and other health impairment) under the IDEA. He attends the  School and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACTS:

1. The student's IEP, developed on May 13, 2022, requires the student to be provided with transportation as a related service from May 13, 2022, to May 12, 2023.

2. The student's IEP, developed on April 24, 2023, requires the student to be provided with transportation as a related service from April 24, 2023, to April 23, 2024, and July 3, 2023, to August 4, 2023.
3. There is documentation that the student's bus was late forty-four times during the 2022- 2023 school year.
4. While there is documentation that the student rode the metro during 2023 ESY, there is email documentation dated August 2, 2023, between the PGCPs and the Chelsea school staff, reflecting that the home address for 2023 Extended School Year (ESY) services pick-up and drop-off was incorrect. The email further reflects that "when the address was brought to our attention, the information was updated and made effective Monday, July 24th."

CONCLUSIONS:

Based upon the Findings of Facts #1- #4, the PGCPs has not ensured that the student was provided with the transportation as required by the IEP since the start of the 2022- 2023 school year, including ESY 2023, in accordance with 34 CFR §§ 300.101 and .323. Therefore, this office finds a violation occurred with respect to the allegation.

CORRECTIVE ACTIONS/TIMELINES:

The IDEA requires that State complaint procedures include those for effective implementation of the decisions made as a result of a State complaint investigation, including technical assistance activities, negotiations, and corrective actions to achieve compliance (34 CFR §300.152). Accordingly, MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

MSDE has established reasonable time frames below to ensure that noncompliance is corrected in a timely manner.¹ This office will follow up with the public agency to ensure that it completes the required actions consistent with the MSDE Special Education State Complaint Resolution Procedures.

If the public agency anticipates that any of the time frames below may not be met, or if either party seeks technical assistance, they should contact Ms. Diane Eisenstadt, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.² Ms. Eisenstadt can be reached at (410) 767-7770 or by email at diane.eisenstadt@maryland.gov.

Student Specific

MSDE requires the PGCPs to provide documentation by October 27, 2023, that the IEP team has convened and determined the amount and nature of compensatory services or other remedies to redress the violation

¹ The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency correct noncompliance in a timely manner, which is as soon as possible, but not later than one (1) year from the date of identification of the noncompliance. The OSEP has indicated that, in some circumstances, providing the remedy could take more than one (1) year to complete. If noncompliance is not corrected in a timely manner, the MSDE is required to provide technical assistance to the public agency, and take tiered enforcement action, involving progressive steps that could result in the redirecting, targeting, or withholding of funds, as appropriate.

² MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

Ms. Trinell Bowman
August 22, 2023
Page 3

regarding the lack of transportation as required by the IEP and develop a plan for the provision of those services within a year of the date of this Letter of Findings.

School Based

MSDE requires the PGCPs to provide documentation by November 22, 2023, of the steps taken to ensure that the violation regarding the lack of transportation does not recur at the [REDACTED] School. These steps must include a process between the nonpublic school and the PGCPs central office to ensure that students' addresses are correct for transportation purposes.

As of the date of this correspondence, this Letter of Findings is considered final. This office will not reconsider the conclusions reached in this Letter of Findings unless new, previously unavailable documentation is submitted and received by this office within fifteen (15) days of the date of this correspondence. The new documentation must support a written request for reconsideration, and the written request must include a compelling reason for why the documentation was not made available during the investigation. Pending this office's decision on a request for reconsideration, the public agency must implement any corrective actions within the timelines reported in this Letter of Findings.

The parties maintain the right to request mediation or to file a due process complaint if they disagree with the identification, evaluation, placement, or provision of a Free Appropriate Public Education (FAPE) for the student, including issues subject to this State complaint investigation, consistent with the IDEA. MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Dr. Deann M. Collins
Deputy Superintendent
Office of the Deputy Superintendent of Teaching and Learning

DMC: sd

c: Millard House
Keith Marston
Darnell Henderson
[REDACTED]
Alison Barmat
Gerald Loiacono
Diane Eisenstadt
Sarah Denney
Paige Bradford
Nicol Elliott