



Mohammed Choudhury
State Superintendent of Schools

December 7, 2021



Ms. Trinell Bowman
Associate Superintendent-Special Education
Prince George's County Public Schools
John Carroll Elementary School
1400 Nalley Terrace
Landover, Maryland 2078

RE: [REDACTED]
Reference: #22-042

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.

ALLEGATIONS:

On October 8, 2021, the MSDE received correspondence from Mr. [REDACTED] hereafter, “the Complainant,” on behalf of his 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 student.

The MSDE investigated the allegation that the PGCPS did not ensure that the Individualized Education Program (IEP) team meeting convened on October 8, 2020 included the required participants, in accordance with 34 CFR §300.321.

BACKGROUND:

The student is sixteen (16) years old, is identified as a student with Autism under the IDEA, and has an IEP that requires the provision of special education and related services.

The student is placed by the PGCPSS at [REDACTED] a nonpublic, separate, special education school.

FINDINGS OF FACTS:

1. On October 8, 2020, the IEP team met to review and revise the student's IEP, as appropriate, and to develop an emergency medical plan for the student. During this time, the student was receiving instruction via virtual learning and was not receiving transportation services.
2. During the IEP team meeting, the Complainant requested information regarding the student's bus route and proposed that the student's route be shortened to the extent possible. In response, the PGCPSS staff indicated that the concerns related to the specific bus schedule would need to be addressed by transportation staff once in-person services for the student resumed.
3. A representative from the PGCPSS Nonpublic Office and additional PGCPSS central office staff members participated in the October 8, 2020 IEP team meeting.

DISCUSSION/CONCLUSIONS:

The public agency must ensure that the IEP team includes a representative of the public agency who is knowledgeable about the availability of resources of the public agency (34 CFR §300.321). In promulgating the IDEA regulations, the United States Department of Education, Office of Special Education Programs (OSEP) explained that the purpose of this requirement is to ensure that the IEP team includes a representative with the authority to commit agency resources and be able to ensure that whatever services are described in the IEP will actually be provided (Federal Register, Vol. 71, No. 156, August 14, 2006, p. 46670).

In this case, the Complainant alleges that the PGCPSS did not ensure that the IEP team that convened on October 8, 2020 included participation by a representative of the public agency who was knowledgeable about the bus routes available to the student.

Based on the Findings of Facts #1- #3, the MSDE finds that the school system representative's inability to provide details of the student's bus route, when the student was not receiving transportation services, does not demonstrate that the staff lacked knowledge about the availability of district resources. Based on those Findings of Facts, the MSDE finds that the IEP team included the required participants, in accordance with 34 CFR §300.321. Therefore, this office does not find that a violation occurred with respect to this allegation.

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TIMELINE:

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 FAPE for the student, including issues subject to this State complaint investigation, consistent with the IDEA. The MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Early Intervention/
Special Education Services

MEF/gl

c: Monica Goldson
Barbara Vandyke
Keith Marston
Gail Viens
Gerald Loiacono