



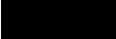
**Mohammed Choudhury**  
State Superintendent of Schools

**CORRECTED COPY 12/21/2021**

December 20, 2021




Ms. Trinell Bowman  
Associate Superintendent-Special Education  
Prince George's County Public Schools  
1400 Nalley Terrace  
Landover, Maryland 20785

RE:   
Reference: #22-046

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 October 21, 2021, the MSDE received a complaint from Ms. Ronnetta Stanley, hereafter, "the complainant," on behalf of the above-referenced student and his mother, Ms.  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.

The MSDE investigated the allegation that the PGCPS did not follow proper procedures to ensure that Home and Hospital (HHT) services were provided to the student since August 19, 2021, in accordance with COMAR 13A.05.01.10.

**BACKGROUND:**

The student is sixteen (16) years old, is identified as a student with an Emotional Disability under the IDEA, and has an Individualized Educational Program (IEP) that requires the provision of special education instruction and related services. He is currently placed at a residential facility in Montgomery County and enrolled in the Montgomery County Public Schools.

**FINDINGS OF FACTS:**

1. On August 25, 2021, the Individualized Educational Program (IEP) team convened to review and revise the student's IEP, as appropriate. The student's mother reported that the student was currently admitted to a psychiatric hospital and would remain there while he is being evaluated for his health. The parent inquired about HHT services for the student while he remained hospitalized. The school staff agreed to assist the student's mother with the HHT process and indicated that the team would reconvene to develop an appropriate IEP if the student was approved for HHT services.
2. On September 8, 2021, the student's mother contacted the school staff by electronic email (email) requesting a copy of the forms needed to apply for HHT services on behalf of the student. In response, the PGCPS staff provided the parent the physician verification form to be completed for the student with instruction for completing the form.
3. The parent provided the school staff with verification from the student's physician at the psychiatric hospital, dated September 14, 2021, stating that the student was, "admitted into the hospital, and not allowed to have in-person visitors, and was unable to attend school full-time currently due to scheduling." However, the verification form was not signed by the parent.
4. There is documentation that on September 24, 2021, the parent signed the verification form to initiate the HHT services process for the student.
5. An email dated October 22, 2021, reflects that the PGCPS HHT staff contacted staff at the psychiatric hospital where the student was located and inquired as to whether the student could receive education instruction at the facility. The documentation reflects that the HHT staff attempted to determine if there was someone at the psychiatric hospital that could assist the students on school work, if he could have access to the internet for online instruction, and was there time during the day for the student to access instruction.
6. An email dated October 22, 2021 from the psychiatric facility staff to the PGCPS HHT staff, reflects that the hospital was "unable to provide Wifi for students, laptops for students, or educational services, and that the only work that students do are hard-copy, printed paper."
7. On October 26, 2021, the PGCPS HHT staff provided documentation to the student's parent reflecting that the student was denied HHT services by PGCPS. The documentation reflects that, because the student is at a psychiatric hospital that does not allow him to have access to "WIFI, laptops, tablets or digital platforms and visitors are not allowed, HHT services cannot be provided at this time." It further states that the student's parent can "resubmit a new physician verification form if the educational services are allowable at the receiving therapeutic facility and the student is deemed available for instruction."
8. An email dated November 2, 2021, from the complainant to the school staff reflects that the student was discharged from the psychiatric hospital, was placed in a group home in Montgomery County, Maryland, and that the student no longer required HHT services by the PGCPS.

9. There is documentation that the student has withdrawn from PGCPs on November 10, 2021 and is now enrolled in the Montgomery County Public Schools.

### **CONCLUSION:**

The IEP team should convene as soon as possible to avoid a disruption in the provision of special education and related services to the student. According to the HHT regulation, HHT is required to begin no later than 10 school days following the local school system's receipt of: 1) notification that the student is unable to attend school, and 2) verification of the need for services. Once the local school system has received both requirements, the IEP team should be prepared to meet within 10 school days as well, so that HHT can begin timely and in accordance with the student's IEP. If the IEP team cannot meet within 10 school days, HHT may still begin so that the student has access to instruction

Based on the Findings of Facts #1 - 9, the MSDE finds that the PGCPs did not follow proper procedures to ensure that HHT services were provided to the student when verification was provided, from September 24, 2021 to October 26, 2021, in accordance with COMAR 13A.05.01.10. Therefore, this office finds that a violation occurred with respect to the allegation during this time period. Notwithstanding the violation, based on those same Findings of Facts, the MSDE finds that the student was not made available for HHT services while at the psychiatric hospital during his admission, based on their policy. Therefore, no student-specific corrective action is required to remedy this violation.

### **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, the MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

The MSDE has established reasonable time frames below to ensure that noncompliance is corrected in a timely manner. 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 Dr. Nancy Birenbaum, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action. Dr. Birenbaum can be reached at (410) 767-7770 or by email at nancy.birenbaum@maryland.gov.

### **School-Based**

The MSDE requires the PGCPs to provide documentation of the steps taken to ensure that the violation does not recur at [REDACTED]

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

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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 parent and the school system maintain the right to request mediation or to file a due process complaint, if they disagree with the identification, evaluation, placement, or provision of Free Appropriate Public Education (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

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c:

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