



Mohammed Choudhury
State Superintendent of Schools

May 13, 2022



Ms. Trinell Bowman
Associate Superintendent-Special Education
Prince George's County Public Schools
John Carroll Administration Building
1400 Nalley Terrace
Hyattsville, Maryland 20785

RE: [REDACTED]
Reference: #22-113

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention Special Education Services (DEI/SES), 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 March 15, 2022, the MSDE received a complaint from Mr. [REDACTED] hereafter, "the complainant," on behalf of 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.

The MSDE investigated the following allegations:

1. The PGCPS has not ensured that the student was provided with the transportation services required by his Individualized Education Program (IEP) on March 7 and 8, 2022, in accordance with 34 CFR §§300.101 and 323.
2. The PGCPS has not ensured that the student's safety vest was properly utilized during transportation since March 8, 2022, in accordance with 34 CFR §§300.101 and .323.

BACKGROUND:

The student is 16 years old and is placed by the PGCPS at [REDACTED] a nonpublic, separate, special education school. He is identified as a student with Autism under the IDEA and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACTS:

1. The student's IEP in effect on March 7, 2022 requires that he be provided with transportation services and the use of a safety vest during transportation.
2. The PGCPS has acknowledged that the student was not provided with transportation services in the afternoon of March 7, 2022 and both the morning and afternoon of March 8, 2022. As a result, the student did not attend school on March 8, 2022 and was not provided with the specialized instruction or related services required by his IEP on that day.
3. On March 8, 2022, the student's safety vest was modified in an attempt to prevent the student from removing his safety vest during transportation. Though these modifications did not "materially change the safety" of the vest, they were not made consistent with manufacturer instructions.
4. On March 15, 2022, the IEP team determined that the student required the use of a more restrictive safety vest and recommended the student use the "MAX II" vest.
5. On March 21 and 28, 2022, the student was able to remove the more restrictive safety vest during transportation on the bus and was involved in behavioral incidents.

DISCUSSION/CONCLUSIONS:

Allegation #1

Based on the Findings of Facts, #1 and #2, the MSDE finds that the PGCPS has not ensured that the student was provided with the transportation services required by his IEP on March 7 and 8, 2022, in accordance with 34 CFR §§300.101 and 323. Therefore, the MSDE finds that a violation occurred with respect to this allegation.

Allegation #2

Based on the Findings of Facts, #1, and #3-#5, the MSDE finds that the PGCPS has not ensured that the student's safety vest was properly utilized during transportation since March 8, 2022, in accordance with 34 CFR §§300.101 and .323.

Ms. Trinell Bowman

May 13, 2022

Page 3

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 Ms. Diane Eisenstadt, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action. Ms. Eisenstadt can be reached at (410) 767-7770 or by email at diane.eisenstadt@maryland.gov.

The MSDE requires the PGCPS to provide documentation that an IEP team has convened for the student to determine the appropriateness of the student's current safety vest and considered additional supports and services that would allow the student to be transported safely. The MSDE further requires the PGCPS to provide documentation that the IEP team has convened and determined whether compensatory services are required to address the impact to the student as a result of the interruption in transportation services on March 7 and 8, 2022, and if so, to determine appropriate services or other remedy to address the lapse in services.

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

Ms. Trinell Bowman

May 13, 2022

Page 4

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

MEF:gl

c: Monica Goldson
Barbara VanDyke
Keith Marston
Gail Viens
Darnell Henderson
Gerald Loiacono
Diane Eisenstadt