

January 24, 2025




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

RE: 
Reference: #25-154

Dear Parties:

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

ALLEGATIONS:

On November 27, 2024, MSDE received a complaint from , 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) concerning the above-referenced student.

MSDE investigated the following allegations:

1. The PGCPS did not provide the parent with copies of each assessment, report, data chart, draft Individualized Education Program (IEP), or other document the IEP team or other multidisciplinary team plans to discuss at that meeting, at least 5 business days before the IEP team meeting convened on November 30, 2023, in accordance with COMAR 13A.05.01.07.
2. The PGCPS did not provide the student's parents with a prior written notice (PWN) regarding the provision of use of a singlet in the school bus for the student following the November 30, 2023, IEP team meeting, in accordance with 34 CFR §300.503 and COMAR 13A.05.01.12.
3. The PGCPS did not ensure that the IEP team considered information from the most recent speech language and psychological assessment reports while revising the IEP at the November 30, 2023, IEP team meeting, in accordance with 34 CFR § 300.101 and COMAR 13A.05.01.09.
4. The PGCPS did not ensure that the IEP Team addressed the student's behavioral needs consistent with data, while revising the IEP at the November 30, 2023, IEP meeting, in accordance with 34 CFR § 300.101 and COMAR 13A.05.01.09.

5. The PGCPs did not provide the student's parents with a proper PWN when it proposed to revise the student's IEP with updates to the student's list of bus strategies for promoting a safe and positive bus ride to include that the bus staff will use universal precautions to address bus incidents involving the student's bodily fluids, at the November 30, 2023, IEP team meeting, in accordance with 34 CFR § 300.503 and COMAR 13A.05.01.12.
6. The PGCPs did not provide the student's parents with a proper PWN before it proposed to implement IEP which was revised at the November 30, 2023, IEP meeting, in accordance with 34 CFR § 300.503 and COMAR 13A.05.01.12.

BACKGROUND:

The student is 19 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 currently attends the [REDACTED] in Prince George's County.

FINDINGS OF FACT:

1. There is documentation that an IEP team meeting was scheduled for November 30, 2023. The purpose of the meeting was to: Review and, if appropriate, revise the IEP and To address MSDE Complaints 23-109, 23-179, and 23-197.
2. There is documentation that on November 17, 2023, and November 21, 2023, the complainant and the student's mother was sent the following documents expected to be discussed at the November 30, 2023, IEP team meeting: 23-109 Letter of Findings; Proposed Draft Amended IEP Revisions; Strategies to Support Positive Bus Rides for [student]- Proposed Updated November 2023; 2022-2023 Attendance Report; 2022-2023 Report Card; 23-197 Letter of Findings; 23-179 Letter of Findings; Procedural Safeguards Notice (written and audio); Parents' Guide to [REDACTED] (written and audio); Notice of use of Audiotape or recording devices, copy of the meeting invitation originally sent on November 17, 2023); Bus Referral dated 3.21.22; Behavior Intervention Plan (BIP) dated 3.20.23; Bus Referral dated 10.10.12; Functional Behavior Assessment dated 3.20.23; IEP with progress reports dated May 2021.
3. The Prior Written Notice (PWN) from the November 30, 2023, IEP team meeting includes extensive discussion concerning the wearing of the singlet on the bus.
4. PGCPs included the areas of disagreement, the basis for the disagreement, and clarification about the student's use of the singlet during the school day and when transported.
5. There is documentation that the prior written notice was sent to the complainant and the student's mother on December 6, 2023.
6. There is no documentation that PGCPs intended to consider the most recent speech language and psychological assessments as a part of the November 30, 2023, IEP team meeting.

7. There is no requirement that PGCPs specifically consider the most recent speech language and psychological assessments during the November 30, 2023, IEP team meeting, as the discussion was around toileting, bus safety, universal precautions on the bus, and continuation of the Bus Strategies Plan.
8. The audio tapes from the November 30, 2023, IEP team meeting reflect that while the team referred to the behavioral data, they did not discuss specific data during the meeting.
9. There is documentation that the student's behavioral data from the student's BIP and FBA was sent to the complainant at least 5 days prior to the November 30, 2023, IEP team meeting.
10. The PGCPs acknowledges that the student behavioral data from the BIP was mislabeled and has since been corrected.
11. There is documentation that the November 30, 2023, team discussed the list of bus strategies for promoting a safe and positive bus ride and whether it should include universal precautions. The discussion included questions about whether transportation personnel would be aware of what the term would mean, among other things.
12. There is documentation in the PWN from the November 30, 2023, IEP team meeting that the IEP team did not agree to the complainant's request to add the student's bus strategies to the student's BIP, but did agree to update the list of strategies to include the use of universal precautions to address bus incidents involving bodily fluids. Specifically, the PWN states: "The PGCPs proposed that the student's list of bus strategies for promoting a safe and positive bus ride is updated to include that the bus staff will use universal precautions for bus incidents involving bodily fluids. The school team proposed this action to ensure that if another incident involving bodily fluids occurs on the bus, bus staff will use universal precautions to clean up the bodily fluids. [REDACTED], Transportation Coordinator-Special Education, further explained that bus staff are trained annually on the use of universal precautions and these precautions include the first aid kit and additional items such as gloves and wipes to clean bodily fluids. [REDACTED], the School Principal, also mentioned the same precautions are used in school. School staff have also been trained on using universal precautions as well in the event that there are bodily fluids that have to be cleaned during the day. [REDACTED], the Special Education Compliance Liaison, further explained that all bus staff have been trained and will be updated about this change to the bus strategies."
13. There is documentation that PWN from the November 30, 2023, IEP team meeting was sent to the complainant and the student's mother via email on December 6, 2023.

CONCLUSIONS:

ALLEGATION #1: PROVISION OF DOCUMENTS PRIOR TO THE IEP TEAM MEETING

Based on Findings of Fact #1 and #2, MSDE finds that the PGCPs did provide the parent with copies of each assessment, report, data chart, draft IEP, or other documents that the IEP team or other multidisciplinary team planned to discuss at the meeting, at least 5 business days before the IEP team meeting convened on November 30, 2023, in accordance with COMAR 13A.05.01.07. Therefore, this office finds no violation concerning this allegation.

ALLEGATION #2: PRIOR WRITTEN NOTICE

Based on Findings of Fact #3 through #5, MSDE finds that the PGCPs did provide the student's parents with a prior written notice (PWN) regarding the provision of use of a singlet on the school bus for the student following the November 30, 2023, IEP team meeting, in accordance with 34 CFR § 300.503 and COMAR 13A.05.01.12. Therefore, this office finds there was no violation concerning this allegation.

ALLEGATION #3: SPEECH LANGUAGE AND PSYCHOLOGICAL ASSESSMENTS

Based on Findings of Fact #6 and #7, MSDE finds that there was no requirement for PGCPs to ensure that the IEP team considered information from the most recent Speech Language and psychological assessment reports while revising the IEP at the November 30, 2023, IEP team meeting, in accordance with 34 CFR §300.101 and COMAR 13A.05.01.09. Therefore, this office finds there is no violation with respect to this allegation.

ALLEGATION #4: BEHAVIORAL NEEDS

Based on Findings of Fact #8 through #10, MSDE finds that because there were errors in the data reporting from the BIP, the PGCPs did not ensure that the IEP team addressed the student's behavioral needs consistent with data, while revising the IEP at the November 30, 2023, IEP meeting, in accordance with 34 CFR §300.101 and COMAR 13A.05.01.09. Therefore, this office finds a violation with respect to this allegation.

Based on Finding of Fact #10, MSDE finds that the errors have been corrected. Therefore, no additional student specific corrections are required.

ALLEGATIONS #5 AND #6: PWN FOLLOWING THE NOVEMBER 30, 2023, IEP TEAM MEETING

Based on Findings of Fact #11 and #12, MSDE finds that the PGCPs did provide the student's parents with a proper PWN when it proposed to revise the student's IEP with updates to the student's list of bus strategies for promoting a safe and positive bus ride to include that the bus staff will use universal precautions to address bus incidents involving the student's bodily fluids, at the November 30, 2023, IEP team meeting, in accordance with 34 CFR §300.503 and COMAR 13A.05.01.12. Therefore, this office finds no violation concerning this allegation.

Based on Finding of Fact #13, MSDE finds that the PGCPs did provide the student's parents with a proper PWN before it proposed to implement IEP which was revised at the November 30, 2023, IEP meeting, in accordance with 34 CFR §300.503 and COMAR 13A.05.01.12. Therefore, this office finds no violation concerning this allegation.

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 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 why the documentation was not made available during the investigation. Request for reconsideration should be submitted to Tracy Givens, Section Chief, Dispute Resolution, at Tracy.Givens@maryland.gov. 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,

Antoine L. Hickman, Ed.D.
Assistant State Superintendent
Division of Early Intervention and Special Education Services

ALH/abb

c: Millard House, II, Superintendent, PGCPs
Keith Marston, Supervisor Special Education Compliance, PGCPs
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