

March 6, 2025

[REDACTED]

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: #25-212

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 January 7, 2025, MSDE received a complaint from [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) concerning the above-referenced student.

MSDE investigated the following allegations:

1. The PGCPS did not follow proper procedures when responding to a request for an Individualized Education Program (IEP) team meeting on August 28, 2024, in accordance with 34 CFR § 300.503.
2. The PGCPS has not ensured that the student has been provided with transportation services as required by the IEP since September 5, 2024, in accordance with 34 CFR §§ 300.101 and .323.
3. The PGCPS did not follow proper procedures in responding to a request for amendment of the prior written notice (PWN) since October 2024, in accordance with 34 CFR §§ 300.618 - .620.

BACKGROUND:

The student is eight years old and is a student with a Developmental Delay under the IDEA. She attends [REDACTED] School and has an IEP that requires the provision of special education instruction and related services.

ALLEGATION #1

PARENT RESPONSE TO IEP MEETING

FINDINGS OF FACT:

1. On August 28, 2024, the complainant emailed the PGCPs with the following concerns:
 - Issues with the approved agencies
 - Concerns about the student missing instruction and services

The complainant also inquired, "When can we schedule an IEP meeting?"

2. On September 23, 2024, the student's private provider generated a letter reflecting that the student could continue with in person learning during the 2024-2025 school year. The letter reflects the private provider requested the following:
 - Provision of a skilled nurse to travel with the student to accompany the student to and from school and provide care throughout the school day.
 - Provision of a temperature-controlled environment on the bus and that the time on the bus be limited.

The letter also includes guidance of how long the student should participate in outdoor activities with consideration to the temperature and air quality.

3. On October 3, 2024, the complainant emailed the PGCPs. The email reflects that the complainant did not receive a response to the email sent on August 28, 2024. The email further reflects that the complainant requested an IEP team meeting. The complainant stated she would like to address the following: compensatory services for missed days, resolve issues with morning transportation, and request speech services. The complainant further requested that the PGCPs inform her of when the team is available.
4. The prior written notice (PWN) developed on October 30, 2024, reflects that the parents were concerned about the long bus rides due to her medical condition. They requested the pick-up time be adjusted to after 7:00 am or request private transportation. The PGCPs transportation supervisor acknowledged the challenges faced by the parents and agreed that the PGCPs would look into changing the bus schedule. The PGCPs informed the parents that "it might take 1-1.5 weeks, around November 11, 2024." The parents emphasized the urgency, citing ongoing unresolved correspondence for nearly two months.

CONCLUSION:

The complainant requested an IEP team meeting on August 28, 2024, when the school year began. The PGCPs did not respond until over two months later. Based on Findings of Fact #1 through #4, MSDE finds that the PGCPs did not follow proper procedures when responding to a request for an IEP team meeting on August 28, 2024, in accordance with 34 CFR § 300.503. Therefore, MSDE finds a violation.

Notwithstanding the violation, based on Finding of Fact #4, MSDE finds the IEP team convened on October 30, 2024, in response to the parent's request for an IEP team meeting. Therefore, no additional student-specific corrective action is required.

ALLEGATION #2

PROVISION OF TRANSPORTATION

FINDINGS OF FACT:

5. The IEP in effect at the beginning of the 2024-2025 school year, was developed on April 22, 2024. The IEP requires transportation as a related service and reflects:
 - During ESY the "[student] requires air-conditioning/temperature control transportation (bus) due to health concerns."

- The student uses a WC-19 approved wheelchair and requires an ortho bus for transport to and from school.
- Personnel are needed to accommodate the student during transportation. A private duty nurse will accompany the student on the bus when being transported to and from school.

The complainant transports the student to school in the morning. There is documentation that transportation is provided to the student at the end of the school day.

6. On November 8, 2024, the PGCPs transportation supervisor emailed the complainant, informing her of the following:
 - PGCPs can adjust the pick-up time from 6:16 AM to 6:36 AM.
 - PGCPs cannot authorize private or alternative transportation because appropriate transportation is already available.
 - The transportation office, in coordination with the administration, has ensured that students are welcomed into the building promptly. The students' bus is expected to arrive between 7:20 AM and 7:30 AM.
 - In case of an emergency on the bus, the private duty nurse or attendant would instruct the bus driver to pull over so emergency care can be provided.
 - The bus is equipped with heat. If there are any concerns about the bus, parents should contact the transportation office.

The letter also indicates that the PGCPs transportation informed the parents to notify them as soon as possible if they want to proceed with the schedule update and have their child begin riding the morning bus. They mentioned that since this change affects other students, notifications must be sent to their families to provide sufficient notice and allow them to prepare.

There is no documentation that the complainant has responded to the PGCPs transportation office.

CONCLUSION:

In this case, the complainant requested that the PGCPs adjust the morning pick-up time to a later time to allow for limited time on the bus based on the student's medical needs. The PGCPs proposed adjusting the pickup time. The student's IEP does not require a specific pickup time as part of the transportation services.

Based on Findings of Fact #5 and #6, MSDE finds that the PGCPs has ensured that the student has been provided with transportation services as required by the IEP since September 5, 2024, in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE does not find a violation.

ALLEGATION #3

REQUEST TO AMEND STUDENT RECORDS

FINDINGS OF FACT:

7. On November 13, 2024, the complainant emailed the PGCPs. The email reflects that the complainant requested for the PWN to be amended to reflect the "request for medical accommodation regarding transportation has been rejected/denied."

The email reflects the complainant's request to amend the PWN related to the November 8, 2024, email sent by the PGCPs transportation supervisor. The email further reflects that the complainant reiterated that the transportation request is based on the recommendation of the private provider.

8. On November 14, 2024, the PGCPs emailed the complainant informing her that the PWN developed following an IEP team meeting on October 30, 2024, will be amended and a copy of the PWN will be sent home with the student

9. There is documentation that the PWN developed on October 30, 2024, was amended on November 13, 2024.

CONCLUSION:

Based on Findings of Fact #7 through #9, MSDE finds that the PGCPs did follow proper procedures in responding to a request for amendment of the PWN since October 2024, in accordance with 34 CFR §§ 300.618 - .620. Therefore, MSDE finds no violation.

TIMELINES:

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 sent directly to Tracy Givens, Section Chief, Dispute Resolution at Tracy.Givens@maryland.gov.

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/ra

- c. Millard House II, Superintendent, PGCPs
Lois Jones-Smith, Compliance Liaison, PGCPs
Keith Marston, Compliance Coordinator, PGCPs
Darnell Henderson, General Counsel, PGCPs
William Fields, Associate General Counsel, PGCPs
[REDACTED], Principal, [REDACTED] School, PGCPs
Dr. Paige Bradford, Section Chief, Specialized Instruction, MSDE
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE
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