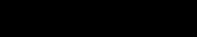


March 26, 2025




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

RE: 
Reference: #25-252

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 31, 2025, 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 has not ensured that the student was provided with the transportation services required by his Individualized Education Program (IEP) on January 23, 2025, in accordance with 34 CFR §§ 300.101 and .323.
2. The PGCPS has not followed proper procedures when amending the student’s IEP on January 29, 2025, in accordance with 34 CFR § 300.324, specifically in reflecting the parent's request against arm restraints.
3. The PGCPS did not provide prior written notice of the IEP team’s decisions from the IEP team meeting on January 29, 2025, in accordance with 34 CFR § 300.503.

BACKGROUND:

The student is seven years old and is identified as a student with autism under the IDEA. The student attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACTS:

1. The IEP in effect on January 23, 2025, was developed on December 9, 2024. The IEP requires transportation as a related service and specifies that the student must ride in a harness due to a history of leaving his seat and engaging in disruptive behavior. The harness must have a back zipper to ensure that the student remains securely fastened and cannot unzip it while traveling on the bus. Additionally, the student requires a one-on-one dedicated aide during transportation. The IEP also requires door-to-door bus service.
2. On January 29, 2025, the IEP team convened to review and revise the student's IEP, as appropriate, and to discuss transportation concerns made by the complainant. The prior written notice (PWN) generated after the meeting reflects that the IEP team, including a transportation representative, reviewed the incident in which the bus staff returned the student to school on January 23, 2025, due to his behavior. The team addressed parental concerns and proposed adjustments to the student's safety vest to "make it more secure." Additionally, the school team determined they would provide further training and support to the bus staff.
3. During the meeting the complainant expressed concern over the student's lengthy bus ride and the improper securing of his safety vest. The complainant requested that a statement be added to the student's IEP: "We do not condone hand restraints on the bus and never want to be asked if we would condone that option again." The team explored the possibility of covering the bottom hooks, but determined that caps would not fit over them.
4. The amended IEP, dated January 29, 2025, reflects that the student continues to require transportation as a related service and requires a MAX 2 safety vest. It also includes the following statement from the complainant: "We do not condone hand restraints on the bus and never want to be asked if we would condone that option again." Additionally, the student requires a 1:1 dedicated aide and requires that he has access to the following items during his bus ride: an iPad with or without headphones, soft toys, and attention from his 1:1 dedicated aide.
5. On March 12, 2025, PGCPs provided the complainant with a copy of the PWN from the IEP meeting held on January 29, 2025.

DISCUSSION AND CONCLUSIONS:

ALLEGATION # 1

PROVISION OF TRANSPORTATION

The public agency is required to ensure that the student is provided with the special education and related services required by the IEP (34 CFR § 300.101).

In this case, the complainant alleges the student was not provided transportation to his home as required by the IEP on January 23, 2025. On January 23, 2025, the PGCPs returned the student to school after a behavioral concern on the bus.

Based on Findings of Fact #1 and #2, MSDE finds that the PGCPs did not ensure that the student was provided with the transportation services required by his IEP on January 23, 2025, in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE finds a violation.

Notwithstanding the violation, MSDE finds that the student did not miss any academic instruction rising to a denial of a free and appropriate public education (FAPE). Therefore, no student-specific corrective action is required.

ALLEGATION #2

IEP AMENDMENT

In this case, the complainant alleges that the IEP team did not amend the student's IEP following the meeting on January 29, 2025, in which she expressed concern about the suggestion of placing the student in hand restraints during the ride home and requested that the IEP reflect her disagreement.

Based on Findings of Fact #4 and #5, MSDE finds that the PGCPs did follow proper procedures when amending the student's IEP on January 29, 2025, in accordance with 34 CFR § 300.324, specifically in reflecting the parent's request against arm restraints. Therefore, MSDE does not find a violation.

ALLEGATION #3

PROVISION OF PWN

Based on Finding of Fact #6, MSDE finds that the PGCPs did not provide PWN of the IEP team's decisions from the IEP team meeting on January 29, 2025, within a reasonable time, in accordance with 34 CFR § 300.503. Therefore, MSDE finds a violation.

Notwithstanding the violation, based upon Finding of Fact #6, MSDE finds that PGCPs provided the parent with a copy of the PWN on March 12, 2025, therefore, no further student-specific corrective action is required.

CORRECTIVE ACTIONS and 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, MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

MSDE has established reasonable time frames below to ensure that noncompliance is corrected in a timely manner¹. This office will follow up with the public agency to ensure that it completes the required actions consistent with 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. Nicole Green, Compliance Specialist, Family Support and Dispute Resolution, MSDE, to ensure the effective implementation of the action². Ms. Green can be reached at (410) 767-7770 or by email at nicole.green@maryland.gov.

School-Based

MSDE requires PGCPs to provide documentation by May 30, 2025, demonstrating that professional development has been provided to [REDACTED] staff on provision of timely PWN, as well as training to all transportation staff with a variety of strategies to support students with special needs, as well as implement behavior plans and other supports included in their IEPs. PGCPs is reminded that Transportation staff are related service providers, and as such, are required to implement student's IEPs.

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 for why the documentation was not made available during the investigation. The written request for reconsideration should be provided to Tracy Givens, Section Chief, Dispute Resolution via email 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

AH/sj

c: Millard House II, Chief Executive Officer, PGCPs
Keith Marston, Compliance Instructional Supervisor, PGCPs
Lois Jones-Smith, Compliance Liaison, PGCPs
Darnell Henderson, General Counsel, PGCPs
William Fields, Associate General Counsel, PGCPs
[REDACTED], [REDACTED], Executive Director, PGCPs
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Nicole Green, Compliance Specialist, MSDE
Stephanie James, Complaint Investigator, MSDE