




Mohammed Choudhury
State Superintendent of Schools

March 7, 2022




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

RE: 
Reference: #22-087

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 January 6, 2022, the MSDE received correspondence from Mr.  hereafter, “the Complainant,” on behalf of his son, 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 student.

The MSDE investigated the allegation that the PGCPS has not ensured that the student’s emergency care plan was properly implemented on October 28, October 29, and November 19, 2021, in accordance with 34 CFR §300.323.

BACKGROUND:

The student is sixteen (16) 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 is placed by the PGCPs at [REDACTED] a nonpublic, separate, special education school.

FINDINGS OF FACTS:

1. The Student’s emergency care plan, reviewed and accepted by the IEP team on January 8, 2021 requires the following with respect to the student’s book bag: “The parent will hand the book bag with the fanny bag attached to the bus staff each day. The bus staff will store it away from student [sic] during transport. It will be handed to school staff [sic] upon arrival to school and returned to the transportation staff upon departure from school.”
2. There is no documentation that the student's book bag was placed away from the student during transportation, consistent with his emergency care plan on October 28, October 29, or November 19, 2021.

DISCUSSION/CONCLUSION:

Based on Findings of Facts #1 and #2, the MSDE finds that the PGCPs did not ensure that the student’s emergency care plan was properly implemented on October 28, October 29, and November 19, 2021, in accordance with 34 CFR §300.323. Therefore, this office finds that a violation occurred with respect to this allegation.

CORRECTIVE ACTION/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.¹

This office will follow up with the public agency to ensure that it completes the required action consistent with the MSDE Special Education State Complaint Resolution Procedures. If the public agency anticipates that the timeframe below may not be met, or if any of the parties seeks technical assistance, they should contact Ms. Diane Eisenstadt, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation

¹ The OSEP states that the public agency must correct noncompliance in a timely manner, which is as soon as possible, but not later than one (1) year from the date of identification of the noncompliance. The OSEP has indicated that, in some circumstances, providing the remedy could take more than one (1) year to complete. If noncompliance is not corrected in a timely manner, the MSDE is required to provide technical assistance to the public agency, and take tiered enforcement action, involving progressive steps that could result in the redirecting, targeting, or withholding of funds, as appropriate.

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of the action.² Ms. Eisenstadt can be reached at (410) 767-7770 or via email at diane.eisenstadt@maryland.gov.

The MSDE requires the PGCPS to provide documentation that an IEP team has convened for the student to review the components of the emergency care plan that were not in place on October 28, October 29, or November 19, 2021, and consider whether revisions must be made to ensure that the violation identified above does not reoccur³.

The IEP team must also determine whether there has been an educational impact to the student as a result of the violation and whether any compensatory services, or other remedy, are needed to redress the violation.

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 Education 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

c:	Monica Goldson	Gail Veins
	Barbara Vandyke	Diane Eisenstadt
	Keith Marston	Gerald Loiacono

² The MSDE will notify the Directors of Special Education of any corrective action that has not been completed within the required timelines.

³ The MSDE has previously required the PGCPS to convene an IEP team meeting to correct similar violations as part of State complaint #22-049. To date, there is no documentation that this corrective action has been completed.