



Mohammed Choudhury  
State Superintendent of Schools

May 2, 2022

[REDACTED]  
[REDACTED]  
[REDACTED]

Dr. Tia McKinnon  
Director of Special Education  
Charles County Public Schools  
P. O. Box 2770  
La Plata, MD 20646

RE: [REDACTED]  
Reference: #22-105

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.

**ALLEGATIONS:**

On March 9, 2022, the MSDE received a complaint from Mr. [REDACTED] hereafter, “the complainant,” on behalf of his son, the above-referenced student. In that correspondence, the complainant alleged that the Charles County Public Schools (CCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced student.

The MSDE investigated the following allegation that the CCPS has not ensured that the student’s Individualized Education Program (IEP) addresses the student’s transportation needs since the start of the 2021-2022 school year, in accordance with 34 CFR §300.324.

**BACKGROUND:**

The student is fifteen (15) years old and is identified as a student with Autism under the IDEA. The student is placed by the CCPS at the [REDACTED]: [REDACTED] High School ([REDACTED] a nonpublic, separate, special education school. He has an IEP that requires the provision of special education instruction and related services.

**FINDINGS OF FACTS:**

1. The student was placed at [REDACTED] in 2019 by the Prince George's County Public Schools (PGCPS).
2. The student's IEP in effect on December 2, 2021 was developed on February 2, 2021. The IEP reflects that the student requires specialized instruction, supports, related services, and transportation services.
3. The student enrolled in the CCPS on December 2, 2021, and his placement at [REDACTED] was continued.
4. The student's December 2, 2021 IEP requires that he be provided with "specialized transportation to and from school because he does not attend his home school." Additionally, the student's IEP reflects that his placement "is as close as possible" to the student's home and requires a bus with an attendant. The IEP team at that time further determined that "the benefits of the current educational placement outweigh the impact of distance and travel."
5. On January 24, 2022 the IEP team convened to conduct the student's annual IEP review. The IEP determined that the student continues to require transportation services with a bus attendant to and from school due to the student's "educational placement in a private separate day school." During the IEP team meeting the complainant expressed concerns about the length of the student's bus ride. The CCPS staff indicated they would contact the transportation department regarding the complainant's concern. Following the review of the student's IEP, the team agreed that the benefits the student receives from "participating in his program at a private separate day school outweigh any potential impact caused by an increase in time or distance required for travel."
6. Following the January 24, 2022 IEP team meeting, the CCPS staff asked the complainant to consider alternative placements closer to the student's home. There is no documentation the complainant provided a response.
7. On February 17, 2022 the CCPS staff emailed the complainant to "let him know the bus route is the most efficient route available."
8. The IEP team convened on March 23, 2022, to review the complainant's transportation concerns. The IEP team meeting summary reflects the IEP team's consideration of the complainant's request for a later morning pick up time, to reduce the ride time for the student.
9. The IEP team reviewed the student's bus ride time from 2019 when the student was enrolled in the PGCPS. At that time, the student lived fifty-nine miles from [REDACTED] and his ride time was two hours and ten minutes in the morning and approximately two hours in the afternoon. The prior written notice from the IEP team meeting reflects that the student's bus route from his home in Charles County is 86.4 miles and is two hours and

ten minutes from the student's home to ██████. The CCPS staff explained the morning bus ride is three hours long due to "traffic and unexpected stoppages."

10. The IEP team further noted that, upon enrollment in the CCPS, the complainant was notified the placement at ██████ would continue and he did not respond to the offer from the CCPS staff to explore other placement options closer to the student's home.
11. During the March 23, 2022 IEP team meeting, the complainant expressed concern about the student "having no time to simply relax at home" or participating in outside activities due to his 4:45 a.m. bus departure. In response, the school-based social worker stated the student "does not display any obvious signs of stress or anxiety about his long bus ride" however the IEP team noted that "does not mean that there are no issues."
12. Following the review of the student's IEP, the team agreed that the student continues to require a private separate day school and that ██████ is meeting the student's needs. The complainant was again asked to consider other schools closer to the student's home that may also meet the student's needs. The complainant stated that "he did not want to consider any other schools".
13. The transportation logs from January 20, 2022 to February 17, 2022 reflects that the student departs for school between 4:43 a.m. - 4:47 a.m. and arrives at school by 7:26 a.m. - 7:39 a.m. There is no documentation that the student misses instructional time as a result of the length of his bus ride.

### **DISCUSSION/CONCLUSION:**

Based on the Findings of Facts #1 - #13, the MSDE finds that the CCPS has ensured that the student's IEP addresses the student's transportation needs since the start of the 2021-2022 school year, in accordance with 34 CFR §300.324. Therefore, this office does not find that a violation occurred with respect to the allegation.

### **TIMELINE**

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.

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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. 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/tg

c: Maria Navarro  
Tia McKinnon  
LeWan Jones  
[REDACTED]  
Brian Morrison  
Gerald Loiacono  
Tracy Givens