



Mohammed Choudhury
State Superintendent of Schools

May 13, 2022



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: #22-116

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention Special Education Services (DEI/SES), 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 16, 2022, the MSDE received a complaint from Mr. [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) with respect to the above-referenced student.

The 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 March 9, 2022, in accordance with 34 CFR §§300.101 and 323.
2. The PGCPS did not follow proper procedures when responding to a request for access to the student's record on February 11 and 24, 2022 and March 10 and 11, 2022, in accordance with 34 CFR §300.613.

BACKGROUND:

The student is 16 years old and is placed by the PGCPs at [REDACTED] a nonpublic, separate, special education school. He is identified as a student with Autism under the IDEA and has an IEP that requires the provision of special education instruction and related services.

ALLEGATION #1: PROVISION OF TRANSPORTATION SERVICES

FINDINGS OF FACTS:

1. The student's IEP in effect on March 9, 2022 requires that he be provided with transportation services and that he be provided with the use of a safety vest during transportation.
2. The PGCPs has acknowledged that the student's bus arrived late on his way to school and that he did not receive transportation on a bus with a safety vest during his ride from school to his home on March 9, 2022.

DISCUSSION/CONCLUSIONS:

Based on the Findings of Facts, #1-#2, the MSDE finds that the PGCPs has not ensured that the student was provided with the transportation services required by his IEP on March 9, 2022, in accordance with 34 CFR §§300.101 and 323. Therefore, the MSDE finds that a violation occurred with respect to this allegation.

ALLEGATION #2: REQUESTS FOR ACCESS TO THE STUDENT'S RECORD

FINDINGS OF FACTS:

3. On February 11, 2022 the complainant sent correspondence to the PGCPs requesting access to video of the student during transportation on February 8, 9, and 23, 2022.
4. On February 24, 2022 the complainant sent correspondence to the PGCPs requesting access to video of the student during transportation on February 23, 2022.
5. On March 10, 2022 the complainant sent correspondence to the PGCPs requesting access to video of the student during transportation on March 9, 2022.
6. On March 11, 2022 the complainant sent correspondence to the PGCPs requesting access to educational records of the student.
7. On March 15 and April 21, 2022, the IEP team met to review and revise the student's IEP as appropriate, to address the student's transportation needs.
8. There is no documentation, to date, that the PGCPs has responded to the complainant's February 11, 2022 or March 11, 2022 requests.

9. There is documentation that on March 31, 2022, the complainant was afforded the opportunity to review video of the student on the bus during transportation on February 23, 2022 and March 9, 2022.

DISCUSSION/CONCLUSIONS:

February 11, 2022 Request for Access to the Student's Record

Based on the Findings of Facts, #3, #7, and #8, the MSDE finds that the PGCPS did not appropriately respond to the complainant's request to access the student's educational record on February 11, 2022, in accordance with 34 CFR §300.613. Therefore, this office finds that a violation occurred with respect to this aspect of the allegation.

February 24, 2022 Request for Access to the Student's Record

Based on the Findings of Facts, #4, #7, and #9, the MSDE finds that the PGCPS did not appropriately respond to the complainant's request to access the student's educational record on February 24, 2022, in accordance with 34 CFR §300.613. Therefore, this office finds that a violation occurred with respect to this aspect of the allegation.

Notwithstanding that violation, based on the same Findings of Facts, the MSDE finds that the complainant was able to access the student's record prior to the April 21, 2022 IEP team meeting convened for the purpose of addressing the student's transportation needs. Therefore, no corrective action is necessary to address this violation.

March 10, 2022 Request for Access to the Student's Record

Based on the Findings of Facts, #5, #7, and #9, the MSDE finds that the PGCPS did not appropriately respond to the complainant's request to access the student's educational record on March 10, 2022, in accordance with 34 CFR §300.613. Therefore, this office finds that a violation occurred with respect to this aspect of the allegation.

Notwithstanding that violation, based on the same Findings of Facts, the MSDE finds that the complainant was able to access the student's record prior to the April 21, 2022 IEP team meeting convened for the purpose of addressing the student's transportation needs. Therefore, no corrective action is necessary to address this violation.

March 11, 2022 Request for Access to the Student's Record

Based on the Findings of Facts, #6, #7, and #8, the MSDE finds that the PGCPS did not appropriately respond to the complainant's request to access the student's educational record on March 11, 2022, in accordance with 34 CFR §300.613.

CORRECTIVE ACTIONS/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

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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.

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

The MSDE requires the PGCPS to provide documentation of the following:

- a. That it has responded to the complainant's February 11, 2022 and March 11, 2022 requests to access the student's record.
- b. That the IEP team has met to consider whether compensatory services are warranted as a result of the interruption in transportation services on March 9, 2022, and if so, to determine appropriate compensatory services or other remedy to address the impact to the student as a result of the interruption in transportation services.
- c. That the complainant has been provided with information to request reimbursement from the school system for any expenses incurred in providing private transportation for the student on March 7 and 8, 2022. The PGCPS must provide documentation to the MSDE that appropriate steps have been taken to reimburse the complainant for the cost of any expenses for which he has provided proper documentation.

The PGCPS must ensure that the parents are provided with written notice of the team's decisions. The parents maintain the right to request mediation or to file a due process complaint to resolve any disagreement with the team's decisions.

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

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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:gl

c: Monica Goldson
Barbara VanDyke
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