



May 27, 2022

[REDACTED]  
[REDACTED]  
[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: #22-126

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.

**ALLEGATION:**

On March 28, 2022, the MSDE received a complaint from Ms. [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 allegation that the PGCPS has not ensured that the student’s Individualized Education Program (IEP) addresses his need for medical support during transportation since March 2022 in accordance with 34 CFR §300.324.

**BACKGROUND:**

The student is fourteen (14) years old and is placed by the PGCPS at The [REDACTED] [REDACTED] a nonpublic, separate, special education school. He is identified as a student with multiple disabilities under the IDEA and has an IEP that requires the provision of special education instruction and related services.

**FINDINGS OF FACTS:**

1. The student's IEP, in effect in March 2022, requires that he be provided with transportation as a related service on a daily basis.
2. During an IEP team meeting held on March 25, 2022, the parent proposed that the student be provided with the services of a private duty nurse due to his need for the administration of emergency rescue medicine in the event that he experiences a seizure during transportation. The IEP team rejected this proposal and instead determined that bus staff would be trained in administering the medication. The IEP team further determined that the PGCPS Office of School Health will conduct the training for the bus staff, including a protocol for custody and safe storage of the student's medication and that in the event of a seizure the student's "Emergency Care Plan" will be followed. The team also agreed that transportation will provide a wait time of five (5) minutes in the morning and twenty (20) minutes at dismissal to provide recovery time if the student has a seizure.
3. The IEP developed for the student following the March 25, 2022 IEP team meeting does not include a description of the "specialized equipment or personnel" that the student requires during transportation or otherwise reflect the decisions of the IEP team on March 23, 2022.
4. Documentation from the student's physician indicates the need for nasally administered medication for seizures lasting more than three (3) minutes on off-campus trips to be provided by a nurse "due to the fact that there are no trained staff on the bus."
5. There is documentation that there was a dispute on at least one (1) occasion related to the student's ability to be transported following a seizure, and that the student's parent provided transportation to the student.
6. There is documentation that by April 25, 2022 the staff on the student's bus have been trained in the proper administration of the emergency medication.

**DISCUSSION/CONCLUSION:**

Based on the Findings of Facts, #1-#6, the MSDE finds that while the PGCPS addressed the student's need for medical support at the March 25, 2022 IEP team meeting, they did not revise the IEP to reflect the IEP team decisions and did not ensure that the appropriate supports were in place until April 25, 2022, in accordance with 34 CFR §§300.323 and .324. Therefore, this office finds that a violation occurred with respect to this allegation.

**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 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](mailto:diane.eisenstadt@maryland.gov).

The MSDE requires the PGCPS to provide documentation by the start of the 2022-2023 school year that the IEP team has convened for the student to clarify and revise as appropriate a description of the personnel needed to provide transportation services to the student and the amount of time required for the student to safely be transported following a seizure. The IEP team must also determine whether the violations indicated in this Letter of Findings had a negative impact on the student's ability to benefit from the educational program. If the team determines that there was a negative impact, it must also determine the amount and nature of compensatory services or other remedy to redress the violation and develop a plan for the provision of those services within a year of the date of this Letter of Findings. The PGCPS must also provide documentation that the complainant has been provided with information to request reimbursement from the school system for any expenses incurred in obtaining private transportation for the student since March 2022. The PGCPS must provide documentation that appropriate steps have been taken to reimburse the complainant for the cost of any expenses for which she 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

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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. 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  
       Keith Marston  
       Gail Viens  
       Darnell Henderson  
       Alison Barmat  
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