



September 13, 2022

[REDACTED]
[REDACTED]
[REDACTED]

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

RE: [REDACTED]
Reference: #23- 007

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 July 18, 2022, the MSDE received a complaint from Ms. [REDACTED], hereafter “the complainant,” on behalf of her son, the above-referenced student. In that correspondence, the complainant alleged that the Prince George’s County Public School (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 did not ensure that the student was provided with the transportation services required by his Individualized Education Program (IEP) from July 27, 2021, to May 25, 2022, in accordance with 34 CFR §§300.101 and 323.
2. The PGCPS did not ensure that the student was provided with the behavioral supports during transportation¹ required by the IEP from September 1, 2021 to February 28, 2022, in accordance with 34 CFR §§300.101 and 323.

¹ During the investigation it was determined that there were additional discussions regarding the student’s behavior in other settings. During the phone call with the complainant and in her complaint, the allegations under investigation were limited to the behavioral supports required during transportation.

BACKGROUND:

The student is seven (7) years old and is identified as a student with Multiple Disabilities, including a Speech or Language Impairment and Other Health Impairment under the IDEA. He attends [REDACTED] school, and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACTS:

July 27, 2021, IEP Team Meeting

1. The student's IEP, in effect on July 27, 2021, was developed on May 21, 2021. The IEP includes Supplementary Aids, Services, Program Modifications, and Supports, including the need for Physical/Environmental Support of a daily bus safety vest and additional safety clips.
2. On July 27, 2021, the IEP team convened, in part to discuss the student's transportation needs. The IEP team noted that while the student was transported during Extended School Year (ESY), the student had "removed himself" from the provided safety vest. The IEP team determined that the student would be provided with a "Max2" vest at the start of the 2021-2022 school year.
3. There is no documentation of the implementation of the Max2 safety vest, the safety clips, and the behavioral supports during transportation from July 27, 2021 to November 16, 2021.

November 16, 2021, IEP Team Meeting

4. On November 16, 2021, the IEP team met and updated the student's IEP's Present Level of Academic Achievement and Functional Performance page to reflect that on October 28, 2021, the student was able to remove his "Max2" vest during transportation and engaged in "unsafe" and "disruptive" behaviors on the bus. The student was unable to be transported home on the bus following the incident.
5. On November 16, 2021, the IEP team determined that the student would be provided with "safety clips" to the "Max2" vest to prevent him from removing his vest or loosening the straps on the vest, as well as continuing with social stories for transportation, creating an incentive plan, and assigning the student to sit closer to the bus attendant.
6. On May 6, 2022, the parent sent an email to PGCPs staff sharing her concerns regarding the student's transportation needs, specifically exploring alternative modes of transportation, bus suspensions, his vests, and strategies for success on the bus.
7. There are School Bus Disciplinary Reports dated March 31, 2022, April 7, 2022, April 21, 2022, April 26, 2022, April 28, 2022, May 4, 2022, and May 5, 2022. The reports dated April 7, 2022, April 21, 2022, April 26, 2022, and May 4, 2022, reference the bus safety vest.
 - April 7, 2022: "[REDACTED] will not stay in his seat. He takes his straps off."
 - April 21, 2022: "Able to slide safety vest off and refusing to put it back on for safety."
 - April 26, 2022: "[REDACTED] will not keep his straps on or his clothes."
 - May 4, 2022: "[REDACTED] will not stay in his seat. He also takes his straps off every day."

8. While there is documentation that the PGCPs provided transportation training to the PGCPs staff and bus personnel, there is no documentation of the participants.
9. There is no documentation of the implementation of the Max2 safety vest, the safety clips, and the behavioral supports during transportation from November 16, 2021, to May 13, 2022.

May 13 and May 25, 2022, IEP Team Meetings

10. On May 13, 2022, the IEP was amended to reflect that the PGCPs would order the student a custom Max2 vest to accommodate his size more appropriately.
11. The Prior Written Notice (PWN) generated following the IEP team meeting on May 13, 2022, reflects the IEP team's decision to propose and accept the continuation of an incentive program for the student in an effort to encourage a positive bus ride, the Behavior Intervention Plan (BIP) being amended to include bus behavior incentives, the student being measured again for his safety vest, and a custom vest being ordered.
12. The PWN generated following the IEP team meeting on May 16, 2022, reflects the IEP team's decision to accept the updated BIP.
13. There is email documentation dated May 17, 2022, between the complainant and the PGCPs personnel reflecting that on that day, the complainant had to drive her son home from school because the student's behavior presented a safety concern for bus personnel. Therefore, he was refused transport by the PGCPs bus service.
14. The PWN generated following the IEP team meeting on May 25, 2022, reflects that the PGCPs expedited a custom vest for the student and received said vest on May 25, 2022. On May 25, 2022, they also replaced the straps and seat mount on the bus, retrained the bus driver and attendant, refined the dismissal readiness plan, and reduced the student's time on the bus by half. In addition, the IEP team proposed and accepted the PGCPs contacting the school LINKs provider for possible support, the principal and dispatch determining if the student is safe to transport, and the IEP team continuing to monitor the student's transportation and reconvening if necessary.
15. The PWN generated following the IEP team meeting on May 25, 2022, reflects the complainant requesting alternative transportation or a one-on-one bus attendant for the student, the IEP team determined to periodically have a one-on-one ride with the student to collect data.
16. There is no documentation of the implementation of the safety vest, the safety clips, and the behavioral supports, including social stories and the BIP during transportation from May 13, 2022, to July 14, 2022.

July 14, 2022, IEP Team Meeting

17. The PWN generated following the IEP meeting on July 14, 2022, reflects the IEP team's decision to propose and accept a dedicated aide to assist the student during transport, continue to collect data regarding the student's transportation, share information with the parent and school-based therapist with a daily communication sheet, continue to train bus staff, continue the student's bus

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.³ Ms. Eisenstadt can be reached at (410) 767-7770 or by email at diane.eisenstadt@maryland.gov.

Student Specific

The MSDE requires the PGCPs to provide documentation by October 15, 2022, that the student is being provided with the Max2 custom-fitted safety vest, safety clips, and behavioral supports during transportation.

The MSDE requires the PGCPs to provide documentation that the IEP team has convened and determined the manner in which the implementation and effectiveness of the safety equipment required by the student's IEP will be monitored by school and transportation staff.

The IEP team must also determine whether the violation related to the lack of supports during transportation required by the IEP had a negative impact on the student's ability to benefit from the education program. If the team determines that there was a negative impact, it must also determine the amount and nature of compensatory services or other remedies 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 ensure that the parent is provided with written notice of the team's decisions. The parent maintains the right to request mediation or to file a due process complaint to resolve any disagreement with the team's decisions.

School-Based

The MSDE requires PGCPs to provide documentation of the steps taken to ensure that the violations related to behavioral and other supports during transportation do not recur at ██████████ and ██████████. Those steps must include staff development, as well as tools created to document and monitor the provision and effectiveness of IEP Supplementary Aids, Services, Program Modifications, and Supports during transportation for students with disabilities attending ██████████ and ██████████. The MSDE further requires the submission of the completed monitoring tool, which should include all students requiring behavioral and other supports during transportation, by January 2, 2023.

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. 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.

³ The MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

[REDACTED]
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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/sd

c: Monica Goldson
Barbara Vandyke
Keith Marston
Darnell Henderson
[REDACTED]
[REDACTED]
Alison Barmat
Gerald Loiacono
Diane Eisenstadt
Sarah Denney