



September 15, 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: #23-014

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 July 26, 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 allegation that the PGCPS did not ensure that the student has been provided with “fidgets” during transportation and that the student’s teachers were “available via email for parent questions or concerns” as required by his Individualized Education Program (IEP) since July 2022, in accordance with 34 CFR §§300.101 and .323.

**BACKGROUND:**

The student is seventeen (17) 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] school.

**FINDINGS OF FACTS:**

1. The student’s IEP in effect in July 2022 requires that he be provided with “fidgets” during transportation and that the student’s teachers be “available via email for parent questions or concerns.”

2. On July 5, 13, 14, 19, 20, 25, 27, 28, 2022, the complainant sent emails to staff at the student's school with concerns related to the student's IEP.
3. To date, there is no documentation that the school staff have responded to the complainant's emails.
4. There is no documentation that the student has consistently been provided with the use of fidgets during transportation.

**CONCLUSIONS:**

Based on Findings of Facts #1 to #4 the MSDE finds that the PGCPS did not ensure that the student has been provided with "fidgets" during transportation and that the student's teachers were "available via email for parent questions or concerns" as required by his IEP since July 2022, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation has 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.<sup>1</sup> 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.<sup>2</sup> 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 that the student is consistently provided with the use of fidgets during transportation and that the parent has received a response to emails sent to the student's teachers by October 1, 2022.

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<sup>1</sup> The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency 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.

<sup>2</sup> 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.

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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.

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  
Darnell Henderson  
Alison Barmat  
Diane Eisenstadt  
Gerald Loiacono