



December 27, 2022

[REDACTED]

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

RE: [REDACTED]
Reference: #23-075

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.

ALLEGATION:

On November 4, 2022, the MSDE received a complaint from Ms. [REDACTED] hereafter, “the complainant,” on behalf of her son. 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 was provided with adult support during his transportation services, as required by his Individualized Education Program (IEP) since July 14, 2022, in accordance with 34 CFR §300.34(c)(16).

BACKGROUND:

The student is eight (8) years old and is identified as a student with Multiple Disabilities related to Speech or language Impairment and Other Health Impairments under the IDEA. He attends [REDACTED] a private, separate special education school, where he is placed by the PGCPS. He has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACTS:

1. On July 14, 2022, the IEP team determined that the student required the services of “additional adult support” that shall remain within three (3) feet of the student at all times to assist him during transportation.

2. The PGCPS acknowledges that, to date, the student has not been provided with the services of additional adult support during transportation due to a staffing shortage.

CONCLUSIONS:

Based on the Finding of Facts #1 and #2, the MSDE finds that the PGCPS has not ensured that the student is provided with adult support during his transportation services, as required by his IEP since July 14, 2022, in accordance with 34 CFR §§300.323. and .34(c)(16).

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.¹ 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.² 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 February 15, 2023, that the IEP team has convened to discuss any interim options to the provision of the student's transportation services, update the IEP if appropriate, and determined whether the lack of the provision of transportation services since the start of the 2022-2023 school year has 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 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 provide documentation each month thereafter demonstrating efforts made to hire additional adult support, until such time as additional adult support has been hired. Upon the hiring of additional adult support, the MSDE requires the PGCPS to provide documentation that the provider has initiated services to the student.

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

² 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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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.

Similarly Situated Students:

The MSDE requires the PGCPS to provide documentation by March 1, 2023, identifying each student on the student's bus route who, since the start of the 2022-2023 school year, did not receive the services of additional adult support, as required by their IEPs. The PGCPS must develop compensatory education plans for each student and provide the plans to MSDE by June 15, 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 (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 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 and Special Education Services

MF/sj

c: Monica Goldson
Trinell Bowman
Keith Marston
Darnell Henderson
Henry Johnson
Gerald Loiacona
Stephanie James
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