



June 12, 2023



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: #23-197

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 April 13, 2023, 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.

MSDE investigated the following allegations:

1. The PGCPS did not ensure that that the student wore a singlet over<sup>1</sup> his clothing during transportation as required by his Individualized Education Program (IEP) on March 30, 2023, April 11, 2023, and April 12, 2023, in accordance with 34 CFR §§300.101 and.323.
2. The PGCPS did not ensure that proper procedures were followed when developing the student's IEP between March 10, 2023, and March 20, 2023, in accordance with 34 CFR §300.324.

**BACKGROUND:**

The student is seventeen 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 the [REDACTED] a nonpublic, separate, special education school.

<sup>1</sup> This allegation erroneously identified the requirement that the singlet be worn "under" the student's clothing in correspondence sent from MSDE to the parties on April 24, 2023.

**FINDINGS OF FACTS:**

1. The student's IEP, in effect on March 10, 2023, required that the student be provided with the support of a Behavior Intervention Plan (BIP).
2. The student's BIP, in effect on March 10, 2023, requires that the student be supported with "additional strategies for the bus."
3. The "Strategies to Support Positive Bus Rides" document, created by the IEP team on November 3, 2021, requires that the student wear a singlet over his clothes and under his safety vest while on the bus.
4. On March 20, 2023<sup>2</sup>, the IEP team met to develop a revised BIP for the student. The BIP developed for the student did not include a reference to the "Strategies to Support Positive Bus Rides." The IEP team did not discuss this revision from prior BIPs, and it was not documented in the prior written notice generated following the IEP team meeting.
5. There is no documentation that the student wore a singlet over his clothing and under his safety vest during transportation on March 30, April 11, and April 12, 2023.

**DISCUSSION/CONCLUSIONS:**

**Allegation #1: Development of the Student's IEP**

Based on Findings of Facts #1, #2, and #5, MSDE finds that on March 30, April 11, and April 12, 2023, the student's IEP did not require that the student wear a singlet during bus transportation, in accordance with 34 CFR §§300.101 and .323. Therefore, this office does not find that a violation occurred with respect to this allegation.

**Allegation #2: Development of the Student's IEP**

Based on the Findings of Facts #1 to #4, MSDE finds that there was no rationale provided for the removal of the "bus strategies" from the student's BIP on March 20, 2023, and thus the PGCPs did not ensure that the IEP and BIP developed for the student at the March 20, 2023, IEP team meeting reflected the decisions of the IEP team, in accordance with 34 CFR §300.324. 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, MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

MSDE has established reasonable time frames below to ensure that noncompliance is corrected in a timely

---

<sup>2</sup> For reasons unknown, the PGCPs staff provided the parent with a proposed BIP prior to the meeting, and a completed BIP following the meeting, dated March 10, 2023.

Ms. Trinell Bowman

June 12, 2023

Page 3

manner.<sup>3</sup> This office will follow up with the public agency to ensure that it completes the required actions consistent with 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>4</sup> Ms. Eisenstadt can be reached at (410) 767-7770 or by email at [diane.eisenstadt@maryland.gov](mailto:diane.eisenstadt@maryland.gov).

MSDE requires the PGCPS to provide documentation by September 1, 2023, that the IEP team has convened to determine whether the student requires the continued use of the "Strategies to Support Positive Bus Rides". The IEP team must also determine whether the violation identified above 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.

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. MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Dr. Deann M. Collins  
Deputy Superintendent  
Office of the Deputy Superintendent of Teaching and Learning

DC/gl

c:      Monica Goldson                      Alison Barmat  
         Keith Marston                        Gerald Loiacono  
         Darnell Henderson                     Diane Eisenstadt

---

<sup>3</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, 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>4</sup> MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.