

April 24, 2025

[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 #25- 134

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services, has completed the investigation of the complaint regarding special education services for the above-referenced student. This correspondence is the report on the final results of the investigation.

ALLEGATION:

On November 27, 2024, MSDE received a complaint from [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) concerning the above-referenced student.

MSDE investigated the allegation that the PGCPS has not ensured that the student was provided with the transportation services required by his Individualized Education Program (IEP) since September 2024, in accordance with 34 CFR §§ 300.101 and 323.

BACKGROUND:

The student is 15 years old and is identified as a student with multiple disabilities under the IDEA. The student attends [REDACTED] School and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACT:

1. The IEP in effect in September 2024 was developed on October 18, 2023. It requires transportation as a related service and specifies that the student needs a wheelchair-accessible bus with a lift and a bus aide to monitor students for safety and assist the student in getting on and off the bus for transportation to and from school.

During Extended School Year (ESY) services, the IEP requires that the student receive door-to-door transportation.

2. On October 1, 2025, via email, the complainant's Education Consultant informed PGCPs that the parents of the student assert that the PGCPs was out of compliance with the IDEA and the Americans with Disabilities Act (ADA) due to recent changes in his transportation. The letter states that for over a decade, the student was picked up and dropped off at his home without issue, but some bus drivers now refuse to drive to his residence, requiring his parents to transport him to a new stop. The parents state the location is not wheelchair accessible, forcing caregivers to push his wheelchair in the street which poses significant safety risks given his physical disabilities, size, and health conditions, as prolonged exposure to the elements can trigger fevers and seizures.

The family received formal notice of the bus stop change more than a month into the school year on September 30, 2024, and miscommunication between staff and caregivers has led to missed transportation services. They seek clarification on why the change was made, why they were not notified in advance, and how they can formally reinstate the student's home pickup in compliance with ADA. Urging PGCPs to resolve the issue promptly, they emphasize the need for a transportation plan that ensures the student's safety and access to education.

3. On October 9, 2024, the IEP team convened to conduct the annual review IEP for the student. The prior written notice (PWN) generated after the meeting reflects the IEP team discussed transportation services for the student. The complainants expressed concerns about the new bus stop, particularly the safety risks from speeding cars and the potential health impact of prolonged exposure to cold weather, which could trigger fevers and seizures.

PGCPs transportation staff explained that the changes to the bus stop were made due to safety issues. However, they agreed to reassess the situation and explore alternative solutions. The complainants were encouraged to create a "ParentVue account" for updates, and the school team will ensure the parent's email is updated in "Synergy" to receive an invite for the "StopFinder" app, which allows real-time bus tracking.

4. The amended IEP dated October 23, 2024, reflects the student continues to require transportation as a related service and specifies that the student needs a wheelchair-accessible bus with a lift and a bus aide to monitor students for safety and assist the student in getting on and off the bus for transportation to and from school. The student also continues to qualify for ESY services, and the IEP reflects that the student will receive door-to-door transportation services during ESY. The IEP reflects that the student has a seizure disorder and asthma and has emergency care plans on file.
5. On October 21, 2024, the IEP team reconvened to address the parent's concerns regarding transportation. The PWN generated after the meeting reflects the complainant's expressed concerns about the student's safety and health due to the school bus not being able to pick him up directly in front of their house. As a wheelchair user, the student requires assistance to reach the designated bus stop at the bottom of the hill, which raises concerns about heavy traffic, speeding vehicles, and exposure to cold weather that could trigger his seizures. Additionally, due to work obligations, the family is concerned about their ability to accompany the student to the bus stop.

In response, the IEP team and transportation managers determined that, for safety reasons, the “bus cannot reverse on the dead-end street, perform a three-point turn, or lower the lift on an incline.” “The designated pickup and drop-off location remains at the sidewalk intersection where the lift can be used safely.” Transportation staff assured the parents that the bus would allow adequate wait time and provided access to the “StopFinder” app for tracking. The PWN reflects that the school and transportation office will continue working with the family to find a resolution that prioritizes the student’s safety.

6. On October 18, 2024, PGCPs generated a Notice of IEP Team Meeting for a meeting scheduled on December 5, 2024, to discuss transportation concerns. However, the meeting was canceled at the complainant’s request.

DISCUSSION AND CONCLUSION:

In this case, the complainant alleges that PGCPs previously provided door-to-door transportation for the student to receive special education services. However, at the start of the 2024-2025 school year, the student was no longer provided door-to-door transportation. The student was assigned a location requiring the family to walk the student to the bus stop, exposing him to the elements, which negatively affects his health.

The public agency is required to ensure that the student is provided with the special education and related services required by the IEP (34 CFR §§ 300.101 and .323). Transportation as a related service according to the IDEA includes:

- Travel to and from school and between schools;
- Travel in and around school buildings; and
- Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability (§ 300.34(c)(16)).

It is appropriate at the time of the IEP meeting to discuss and determine pickup and drop-off location needs of an individual child, such as curb-to-curb service. IDEA does not specifically address whether transportation should be from a designated location or from the curbside in front of a child's home. This decision is left to the IEP team, including parent input, and is based upon an individual child’s needs. Each IEP team's recommendation and decision should be made on an individual basis, taking into consideration the child's cognitive level, emotional stability, physical functioning and chronological age. Pick-up or drop-off location should not be a unilateral transportation office decision. MSDE TAB #16-01

Based on Findings of Fact #1 through #5, MSDE finds that PGCPs has ensured the student was provided with the transportation services required by his IEP since September 2024, in accordance with 34 CFR §§ 300.101 and 300.323. However, while transportation was provided to the student, based on Findings of Fact #1 and #3, the IEP developed for the student is inconsistent, as it does not provide curb to curb transportation during the school year citing safety concerns, but it does provide it during ESY. It is not clear why the student can be provided with curb-to-curb transportation during ESY, but not during the school year when the safety concerns remain the same. Based on the inconsistency it appears to be a case of administrative convenience and decision-making. Therefore, MSDE does find a violation.

CORRECTIVE ACTION AND TIMELINE:

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 timeframes below to ensure that noncompliance is corrected in a timely manner¹. 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. Nicole Green, Compliance Specialist, Family Support and Dispute Resolution, MSDE, to ensure the effective implementation of the action². Ms. Green can be reached at (410) 767-7770 or by email at nicole.green@maryland.gov.

Student-Based

MSDE requires the PGCPs to provide documentation by July 1, 2025, that the IEP team has convened a meeting to discuss the student's health and transportation needs and has updated the IEP to reflect the team's decisions.

The PGCPs must ensure that the parent is provided with prior 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.

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 why the documentation was not made available during the investigation. Requests for reconsideration must be sent to Tracy Givens, Section Chief, Dispute Resolution Branch, at Tracy.Givens@maryland.gov. 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.

¹ 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 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 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.

² MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

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,

Antoine L. Hickman, Ed.D.
Assistant State Superintendent
Division of Early Intervention and Special Education Services

ALH/sj

c: Millard House II, Chief Executive Officer, PGCPs
Trinell Bowman, Associate Superintendent for Special Education, PGCPs
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Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Dr. Brian Morrison, Branch Chief, Accountability and Data, MSDE
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