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State Superintendent of Schools

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April 27, 2015

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Mrs. Joan Rothgeb
Director of Special Education
Prince George's County Public Schools
John Carroll Elementary School
1400 Nalley Terrace
Landover, Maryland 20785

RE: XXXXX
Reference: #15-057

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS), 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 March 2, 2015, the MSDE received a complaint from Mr. XXXXXXXXXXXXX, hereafter, “the complainant,” on behalf of his son, 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 student.

XXX

Mrs. Joan Rothgeb

April 27, 2015

Page 2

The MSDE investigated the allegations listed below:

1. The PGCPS did not follow proper procedures when responding to the request made on March 7, 2014, to amend the student's educational record, in accordance with 34 CFR §§300.618 -.621; and
2. The PGCPS has not ensured that the Individualized Education Program (IEP) is accessible to transportation staff in order to make sure that the student is provided with the transportation services required by the IEP, since November 17, 2014, in accordance with 34 CFR §§300.101 and .323.

INVESTIGATIVE PROCEDURES:

1. On March 2, 2015, the MSDE sent a copy of the complaint, via facsimile, to Mrs. Joan Rothgeb, Director of Special Education, PGCPS; Dr. LaRhonda Owens, Supervisor of Compliance, PGCPS; Ms. Gail Viens, Deputy General Counsel, PGCPS; and Ms. Kerry Morrison, Special Education Instructional Specialist, PGCPS.
2. On March 9 and 30, 2015, and April 13 and 20, 2015, Ms. K. Sabrina Austin, Education Program Specialist, MSDE, conducted telephone interviews with the complainant about the allegations.
3. On March 10, 2015, Ms. Austin and Ms. Anita Mandis, Section Chief, Complaint Investigation Section, MSDE, conducted a telephone interview with the complainant about the allegations.
4. On March 4, 12, 16 - 17, 22 - 23, 25 and 30, 2015 and April 5, 7 - 8, 15, 16 - 17 and 20, 2015, the complainant provided the MSDE with additional documentation for consideration in the investigation.
5. On March 13, 2015, the MSDE sent correspondence to the complainant that acknowledged receipt of the complaint and identified the allegations subject to this investigation. On the same date, the MSDE notified the PGCPS of the allegations and requested that the PGCPS review the alleged violations.
6. On March 26 and 27, 2015 and April 1, 3, 13 and 16, 2015, Ms. Austin requested documentation from the PGCPS.
7. On March 27 and 30, 2015 and April 1, 6, 8, 13, 15 - 16 and 20, 2015, the MSDE received documentation from the PGCPS.
8. On April 1, 2015, Ms. Austin and Dr. Linda Bluth, Special Initiatives Consultant, MSDE, conducted a site visit at XX (XXX),

XXX

Mrs. Joan Rothgeb

April 27, 2015

Page 2

a nonpublic, separate, special education school, to review the student's educational record and interviewed the following individuals:

- a. Mr. Jacob Anderson, Transportation Supervisor, PGCPS;
- b. Ms. XXXXX, Bus Driver, PGCPS;
- c. Mr. XXXXXXXX, Bus Attendant, PGCPS;
- d. Mr. David Hill, Operations Supervisor, PGCPS;
- e. Ms. XXXXX, Behavior Resource Coordinator, XXXX; and
- f. Ms. XXXXXXX, Manager, Admissions, Compliance and Transition, XXXXX.

Ms. Morrison and Ms. Tolson, Nonpublic Specialist, PGCPS, attended the site visit as representatives of the PGCPS and to provide information on the PGCPS policies and procedures, as needed.

9. On April 15, 2015, Ms. Austin and Ms. Mandis conducted a telephone interview with the following school system staff:

- a. Mr. Jacob Anderson, Transportation Supervisor;
- b. Ms. Carol Grierson, Routing Scheduler; and
- c. Mr. David Hill, Operations Supervisor.

Ms. Morrison participated in the interview, as a representative of the PGCPS and to provide information on the PGCPS policies and procedures, as needed.

10. The MSDE reviewed documentation, relevant to the findings and conclusions referenced in this Letter of Findings, which includes:

- a. Letter from the complainant to the school system staff requesting amendment of educational record, dated March 7, 2014, with facsimile confirmation;
- b. Facsimile confirmation of correspondence sent by the complainant to the school system staff, dated March 8 and 11, 2014;
- c. Electronic mail (email) message from the school staff to the complainant, dated March 20, 2014;
- d. Sign-in sheets and agenda of transportation in-service training, dated August 13 and 14, 2014;
- e. Amended IEP, dated September 16, 2014;
- f. Reports of driver trainer's observations of the bus driver and bus attendant, dated October 31, 2014 and November 17, 2014;
- g. Data tracking reports for the student's bus, indicating arrival and drop-off times, dated November 3, 2014 to March 20, 2015;
- h. Accountability Sheets maintained by the bus driver of individual student pick up times, dated November 17, 2014 to January 30, 2015;
- i. Amended IEP, dated February 12, 2015;

XXX

Mrs. Joan Rothgeb

April 27, 2015

Page 4

- j. Prior Written Notice, dated February 12, 2015;
- k. Email messages between the complainant and the XXXXX staff concerning bus arrival time, dated March 2 and 3, 2015;
- l. Estimated morning arrival times of the student's bus at his residence and at the XXXXX, PGCPS website;
- m. Standards governing child restraint systems, 49 CFR §571;
- n. Training modules on the use of child safety restraint systems, National Highway Traffic Safety Administration (NHTSA);¹
- o. Instruction manuals for E-Z-On Model #100S Seat Mount for School Buses, and E-Z-ON Model #103Z Adjustable Vest for School Buses;
- p. Labels from the student's E-Z-On safety vest and seat mount;
- q. National School Transportation Specifications & Procedures, dated May 2010;
- r. The student's schedule for the 2014-2015 school year;
- s. The student's attendance data for the 2014-2015 school year;
- t. XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX2014-2015 Student Academic Calendar;
- u. The PGCPS Transportation Department Handbook,² undated;
- v. The PGCPS administrative procedure 3541, dated July 1, 2013;
- w. Correspondence from the complainant alleging violations of the IDEA, received by the MSDE on March 2 and 12, 2015;
- x. Correspondence from the school system staff to the complainant, dated March 27, 2015;
- y. Route sheet for the student's bus, dated March 31, 2015, and list of possible codes for use on route sheets; and
- z. Email message between the complainant and the school system staff, dated April 16, 2015.

BACKGROUND:

The student is nine (9) 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. He attends XXXXX XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX (XXXX), a nonpublic, separate, special education school, where he was placed by the PGCPS (Docs. e and i).

During the time period covered by this investigation, the complainant was provided with notice of the procedural safeguards (Doc. i).

ALLEGATION #1

RESPONSE TO THE COMPLAINANT'S REQUEST TO AMEND THE STUDENT'S EDUCATIONAL RECORD ON MARCH 7, 2014

¹ The National Highway Traffic Safety Administration's website provides training videos that address the proper use of a child safety restraint system on school buses (<http://www.nhtsa.gov>).

² The PGCPS school system staff reported that the Handbook includes draft provisions which have not been formally adopted (Interview with the school system staff).

XXX

Mrs. Joan Rothgeb

April 27, 2015

Page 5

FINDINGS OF FACTS:

1. On March 7 and 8, 2014, the complainant sent a request, via facsimile, to the school system staff that the Prior Written Notice document dated September 6, 2013, be amended. The complainant's request was based on his belief that the statements about the student's use of the picture board and the observations of the classroom teacher were inaccurate and did not reflect the IEP team's discussion at the IEP meeting convened on September 3, 2014 (Docs. a and b).
2. On March 11, 2014, the complainant sent the same request, via facsimile, to additional school system staff (Doc. b).
3. On March 20, 2014, the school system staff informed the complainant that they were "working on" his request (Doc. c).
4. On March 27, 2015, the school system staff sent a letter to the complainant responding to his request to amend the Prior Written Notice document from the September 4, 2014 IEP team meeting. The school system staff indicated their refusal to amend the Prior Written Notice document in the specific manner requested by the complainant, but did make revisions to the Prior Written Notice document to clarify the IEP team's discussion in the areas that the complainant expressed concern. In its correspondence, the school system also informed the complainant of his right to request a hearing to challenge the information in the educational record, or if the complainant disagreed with the refusal by the school system to amend the meeting summary. In response, on April 16, 2015, the complainant notified the school system staff that he is seeking a hearing before the school system administration in order to resolve his continuing concerns about the accuracy of the record (Docs. w and x).
5. There was no contact between the parties from March 20, 2014 until March 27, 2015 regarding this matter (Interview with the school system staff).

DISCUSSION/CONCLUSIONS:

A parent who believes that information in the student's educational record is inaccurate or misleading may request that the public agency amend the information. Upon receipt of such a request, the public agency must decide, within a reasonable period time of the receipt of the request, whether to amend the information. If the public agency refuses to amend the

XXX

Mrs. Joan Rothgeb

April 27, 2015

Page 6

information, it must inform the parent of the refusal and advise the parent of the right to a hearing before school system personnel to challenge the information (34 CFR §§300.618 and .619).

Based on the Findings of Facts #1 - #5, the MSDE finds that because the PGCPS did not respond to the complainant's request to amend the Prior Written Notice document for more than one (1) year from the date that the request was made, the PGCPS did not ensure that the PGCPS responded to the complainant's request within a reasonable amount of time. Therefore, the MSDE finds that a violation occurred.

Notwithstanding the violation, based on the Finding of Fact #4, the MSDE finds that the school system has provided the complainant with information about his rights and the complainant is accessing his procedural safeguards. Therefore, no corrective action is required to remediate the violation.

ALLEGATION #2

**ENSURING THAT THE STUDENT IS PROVIDED
TRANSPORTATION SERVICES REQUIRED BY
THE IEP, SINCE NOVEMBER 17, 2014**

Access to the Student's IEP by the Bus Transportation Staff

FINDINGS OF FACTS:

6. The student's IEP in effect on November 17, 2014, and amended on February 12, 2015, requires that he be provided with transportation, as a related service, on a daily basis. The IEP reflects that the student requires a safety vest, access to an air conditioned bus, and a bus attendant during transportation to and from school, and that he be seated alone (Docs. e and i).
7. The student is provided bus transportation by the school system (Docs. v and y).
8. The bus transportation staff report that they do not have access to the student's IEP. Further, there is no documentation that the bus transportation staff have access to the student's IEP, or that they have been informed of the transportation requirements of the student's IEP (Doc. w, and interviews with the complainant and the school system staff).
9. The school system staff report that the bus transportation staff are informed of the transportation related requirements of the student's IEP through the current "route sheet" for the student's bus, and that the bus transportation staff receive updated route sheets through their physical mail boxes. The transportation staff are required to keep the most current route sheet on the bus at all times (Doc. u and interview with the school system staff).

XXX

Mrs. Joan Rothgeb

April 27, 2015

Page 7

10. The route sheet for the student's bus reflects that he is to be provided transportation from his residence to and from the XXXX, and also identifies the student's address, pick up times, and drop off times. While the route sheet reflects a code indicating that the student requires a "harness," the route sheet does not reflect the specialized transportation equipment, personnel and supports required by the student's IEP relating to the student's needs for an air conditioned bus, specific seating arrangement, and a bus attendant (Doc. y).

DISCUSSION/CONCLUSIONS:

The public agency is required to ensure that the student is provided with the special education and related services required by the IEP. In order to ensure the provision of the services, each public agency must ensure that the student's IEP is accessible to each general education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation. This is done to ensure that each teacher and provider is informed of, and understands, his or her specific responsibilities related to implementing the student's IEP and of the accommodations, modifications, and supports that must be provided to the student in accordance with the IEP (34 CFR §§300.101 and .323).

In this case, the complainant alleges that the school system staff providing the student's bus transportation have indicated to him that they are unaware of the requirements of the student's IEP because they do not have access to the IEP (Doc. w).

Based on the Findings of Facts #6 - #10, the MSDE finds that there is no documentation that the bus transportation staff have access to the student's IEP in order to ensure that the transportation provisions of the IEP are being provided to the student. Based on the same Findings of Facts, the MSDE finds that there is no documentation that the bus transportation staff have been informed of their responsibilities related to implementing the transportation-related requirements of the student's IEP. Therefore, this office finds an ongoing violation with respect to this aspect of the allegation since November 17, 2014.

Student's Safety Vest and Seating on the Bus

FINDINGS OF FACTS:

11. On April 1, 2015, the MSDE observed the student on the bus upon his arrival at the XX, and found the following:
 - The student was wearing an E-Z-ON adjustable safety vest (Model #103Z), placed on top of a winter coat;
 - The student was secured in the seat with an E-Z-ON seat mount (Model #100S), that is compatible with his safety vest;

XXX

Mrs. Joan Rothgeb

April 27, 2015

Page 8

- The student was seated alone, in the second row of the bus. The student was positioned in the seat next to the window; and
 - There was another student passenger seated in the row behind the student, who was not secured in his seat by a safety restraint system (Interview with the school system staff).
12. The student's safety vest and seat mount are a child safety restraint system, the use of which on school buses is regulated by the National Highway Traffic Safety Administration. Child safety restraint systems must be used correctly and in accordance with manufacturer's instructions (Doc. m, n, and q).
 13. The labels attached to the student's safety vest and seat mount direct the user to the manufacturer's instructions for corrective use, installation, guidelines and restrictions, and indicate that serious injury can occur if manufacturer's instructions are not followed correctly. The manufacturer's instructions for the student's safety vest and seat mount require that the passenger be secured sitting "upright with buttocks against the bus seat back," and that adjustments be made to secure the passenger in a manner that "allows the passenger to sit upright without leaning forward" (Docs. o and p).
 14. The manufacturer's instructions for the student's safety vest and seat mount require that student passengers seated behind occupants using the restraint system be restrained with a seatbelt or other restraint, or that the seat be unoccupied. The student's safety vest bears a warning label that expressly warns that the entire seat directly behind the person using the vest must be unoccupied or have restrained occupants. These warnings are required by law (Docs. n, o and p).
 15. The attendant on the student's bus reported that he sits in the front of the bus, in the row behind the bus driver (Interview with the school system staff).
 16. The PGCPS Transportation Handbook requires that bus attendants sit on the bus in a location that allows them to be able to react to any disturbance. The school system specifically prohibits bus attendants from sitting in the front of the bus (Doc. u).
 17. Bus drivers and bus attendants are required to be knowledgeable in passenger-positioning and securing child safety restraint systems. The bus driver attended in-service training on August 13, 2014. The bus attendant attended an in-service training on August 14, 2014. On October 31, 2014, the school system observed the bus driver and determined that the driver demonstrated "acceptable" performance of required procedures, including following the route and time schedule.
 18. On November 17, 2014, the school system staff documented an observation of the bus attendant and determined that the attendant demonstrated "satisfactory" performance of required procedures, including the fitting of students' safety vest and the securing of the

XXX

Mrs. Joan Rothgeb

April 27, 2015

Page 9

vest. However, a review of the videos of the student's bus ride reflects that the student was not seated in an upright position and was leaning forward with his head positioned below the top of the seat in front of him (Docs. d, e and q, interview with the school system staff, and review of bus videos).

DISCUSSION/CONCLUSIONS:

As stated above, 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).

The school vehicle drivers and attendants are required to complete an in-service instruction every twelve (12) months. The public agency is required to maintain records of all in-service instruction that is provided for school vehicle drivers and attendants. The records must include the following information, as appropriate: the name of the trainee, driver, or attendant; the name of the instructor; the dates of instruction; the number of hours of classroom instruction and topics of instruction; and the number of hours of behind-the-wheel instruction (COMAR 13A.06.07.06, .08 and .09).

Based on the Finding of Fact #17, the MSDE finds that the bus transportation staff attended in-service instruction sessions, and that the PGCPS followed proper procedures for maintaining records of in-service instruction sessions.

However, based on the Findings of Facts #11 - #14 and #18, the MSDE finds that PGCPS has not ensured the proper use of safety equipment during transportation that is required by the IEP.

In addition, based on the Findings of Facts #15 and #16, the MSDE finds that the PGCPS has not ensured that proper procedures have been followed with regard to the seating of the bus attendant on the student's bus. Therefore, this office finds that violations occurred with respect to this allegation.

Bus Transportation of the Student from Home to the XXXX:

Morning Bus Pick-ups From the Student's Home

19. The route sheet for the student's bus reflects that the student's bus transports six (6) students, and the student is the second (2nd) student picked up in the morning. Both the route sheet and the school system's website indicate 6:29 a.m. as the time that the student's bus is estimated to arrive at his house in the morning for transport to the XXX (Docs. l and y).
20. There is documentation that the student's bus has never arrived at his house before 6:29 a.m. during the time period covered by this investigation (Docs. g and h).

XXX

Mrs. Joan Rothgeb

April 27, 2015

Page 10

Morning Bus Arrivals to the XXXX

21. The route sheet for the student's bus and the school system's website reflect 7:45 a.m. as the time that the student's bus is estimated to arrive at the XXXX (Docs. l and y).
22. The XXXX school day begins at 7:55 a.m. and the student's classroom schedule begins at 7:55 a.m. (Docs. r and t).
23. There is documentation that, during the time period covered by this investigation, the student's bus has never arrived at the XXXX by 7:55 a.m., the start of school at the XXX (Docs. g and h).

DISCUSSION/CONCLUSIONS:

The IDEA requires that a Free Appropriate Public Education (FAPE) be provided to students with disabilities. This is achieved through the development and implementation of an IEP that requires the provision of special education and related services that are designed to meet the needs that result from each student's disability(34 CFR §§300.101, .103, .320, and .323).

A FAPE means that special education and related services are provided at public expense without charge to parents (34 CFR §300.17). Related services includes transportation and such developmental, corrective, and other supportive services that are required to assist a student to benefit from special education (34 CFR §300.34). Therefore, each local education agency must provide or arrange for the transportation of each student with a disability who is placed in a nonpublic school through a decision of the IEP team (Md. Educ. Code Ann. §8-410).

The PGCPS Administrative Procedures require the school system to provide daily transportation for students with disabilities who have been placed at non-public day schools through the Multidisciplinary Team process (Doc. v).

In this case, the complainant has expressed concern that the student's bus is arriving early to pick the student up in the mornings (interviews with the complainant). Based on the Findings of Facts #19 and #20, the MSDE finds that there is no documentation that the student's bus is arriving before 6:29 a.m. Therefore, this office does not find a violation occurred with respect to this aspect of the allegation.

However, based on the Findings of Facts #21 - #23, the MSDE finds that the PGCPS has not consistently transported the student to school in a timely manner. Therefore, this office finds an ongoing violation with respect to this aspect of the allegation since November 17, 2014.

ADDITIONAL ISSUES: THE FOLLOWING ISSUES WERE IDENTIFIED DURING THE COURSE OF THE INVESTIGATION:

Provision of Amount of Special Education Services

FINDINGS OF FACTS:

24. On February 12, 2015, the IEP team considered the amount of special education instruction and related services required in order to meet the individual needs of the student, and whether the student's IEP was written clearly. The IEP team determined that the student continues to require twenty-eight (28) hours and thirty (30) minutes per week of special education classroom instruction outside of the general education setting, and that "all of the hours that are indicated [in the student's IEP] add up to the total hours in the school day" (Docs. i and j).
25. The school day at the XXXX begins at 7:55 a.m. every day, and ends at 2:20 p.m., except on Wednesdays when the school day ends at 12:25 p.m. (Doc. t).
26. The student's classroom schedule reflects that students are doing "morning work" from 7:55 a.m. to 8:30 a.m. The XXXX staff report that, during this time, students are working with school staff on getting settled, completing point sheets, performing independent tasks, addressing any hygiene needs, and working on IEP goals, as needed (Doc. r and interview with the XXXX staff).
27. While the school system estimates that the student's bus will arrive at the XXXX at 7:45 a.m., prior to the start of the school day, there is documentation that, since November 17, 2014, the student's bus has regularly arrived at the XXXX after the start of the school day, with insufficient time for the student to receive the amount of special education classroom instruction required by the IEP (Docs. g, h and l).

DISCUSSION/CONCLUSIONS:

As stated above, the public agency is required to ensure that each student with a disability is provided with a FAPE, and that the student is provided with the amount of special education instruction and related services required by the student's IEP (34 CFR §§300.101, .103, .320 and .323).

Based on the Findings of Facts #24 - #27, the MSDE finds that the PGCPS has not ensured that the student has received the amount of special education classroom instruction required by his IEP, and thus has not been provided with a FAPE since November 17, 2014. Therefore, this office finds an additional violation has occurred.

XXX

Mrs. Joan Rothgeb

April 27, 2015

Page 12

Consideration of Parental Concerns

FINDINGS OF FACTS:

28. During the IEP team meeting on February 12, 2015, the complainant expressed concern about conflicting times that the student's bus is scheduled to arrive to pick him up in the morning. The complainant reported that the time designated for the student's pick up in the school system's website is different than the time quoted by the bus driver. The meeting summary reflects that the complainant requested clarification in writing, and that the school system staff agreed to follow up on his request (Doc. j and interview with the complainant).
29. The route sheet for the student's bus and the school system's website³ reflect that the student's pick up time is 6:29 a.m. (Doc. y).
30. The complainant reported that the transportation staff informed him that the student's pick up time is 6:40 a.m. (Interview with the complainant).
31. The school system's website states that students "should arrive at the bus stop at least ten minutes before the arrival time of the bus" and wait fifteen (15) minutes after the scheduled arrival time for pick up. The school system's website indicates that allowing a time range for bus arrivals accounts for circumstances beyond the control of the school system in transporting students, including traffic and weather. The school system staff report that the time required to safely load students with disabilities on the bus varies, and can also affect bus arrival times. The school system's website also states that "if there is a substitute driver, the times may not be consistent with the regular time period" (Doc. l and interview with the school system staff).
32. There is no documentation that the school system staff addressed the complainant's concern (Interview with the school system staff).

DISCUSSION/CONCLUSIONS:

In developing each student's IEP, the public agency must ensure that the IEP team considers the strengths of the student, the concerns of the parents for enhancing the education of the student, the results of the most recent evaluation, and the academic, developmental, and functional needs of the student. In the case of a student whose behavior impedes the student's learning or that of others, the team must consider the use of positive behavioral interventions and supports and other strategies, to address that behavior (34 CFR §300.324).

³ The PGCPs website search results for the student's bus (www.pgcp.org).

XXX

Mrs. Joan Rothgeb

April 27, 2015

Page 13

Based on the Finding of Fact #30, the MSDE finds that there is a twenty-five (25) minute window of time (consisting of ten (10) minutes before and fifteen (15) minutes after the designated bus pick up time for a student) within which a bus may arrive at a designated location to pick up a student. Therefore, the MSDE finds that although the student is not being picked up exactly at 6:29 a.m. each day, he is being picked up within the set timeframe for picking him up from his home in the morning.

However, based on the Findings of Facts #27 and #31, the MSDE finds that the PGCPS has not ensured that the IEP team considered the complainant's concern when raised at the IEP team meeting. Therefore, this office finds a violation occurred.

CORRECTIVE ACTIONS/TIMELINES:

Student-Specific

The MSDE requires the PGCPS to provide documentation by June 1, 2015, that immediate steps have been taken to ensure the following:

- a. That the student's safety vest is secured into the seat mount consistent with the manufacturer's instructions so that the student remains in an upright position on the bus;
- b. That the other students on the student's bus are seated in accordance with the instructions of the manufacturer of the student's safety vest;
- c. That the bus attendant is seated on the student's bus consistent with the PGCPS transportation guidelines in order to ensure the safety of students on the bus;
- d. The student is being provided with bus transportation to school in a timely manner; and
- e. That the transportation staff are provided with information about all of the transportation requirements of the student's IEP.

The MSDE also requires the PGCPS to provide documentation by the end of the 2014-2015 school year that the student has an educational placement where he is transported to school prior to the start of the school day and is provided with the amount of special education and related services required by the IEP.

The MSDE further requires that the PGCPS provide documentation by the end of the 2014-2015 school year that the IEP team has convened and done the following:

2. Addressed the complainant's concern about the designated time for the student's bus pick up in the morning, with information about wait times before and after the designated time; and

XXX

Mrs. Joan Rothgeb

April 27, 2015

Page 14

3. Determined the compensatory services required to remediate the student for the loss of special education and related services due to the lack of appropriate transportation services that resulted in the consistent arrival of the student after the start of the school day since November 17, 2014. The school system must also provide a plan for the provision of those services within one (1) year of the date of this Letter of Findings.

Similarly-Situated Students

The MSDE requires the PGCPS to provide video recordings, by the end of the 2014-2015 school year, of every bus that transports students who wear safety vests, in order to demonstrate that the students are being secured in the seat mounts consistent with the manufacturer's instructions for use of the child safety restraint system.

The MSDE also requires the PGCPS to provide documentation, by June 1, 2015, that immediate steps have been taken to identify students placed at the XXX who are not being transported to school prior to the start of the school day, and are not being provided with the amount of special education and related services required by the IEP. For each student identified, the school system must provide documentation that the students have an educational placement where they are provided with the amount of special education and related services required by the IEP.

In addition, the PGCPS must provide documentation by the start of the 2015-2016 school year that the IEP team has determined the services to remediate the loss of special education and related services due to lack of appropriate transportation services. The school system must also provide a plan for the provision of those services within one (1) year of the date of this Letter of Findings.

System-Based

The MSDE requires the PGCPS to provide documentation, by June 1, 2015, that immediate steps that have been taken to ensure that required transportation staff within the school system are informed of all IEP requirements related to each student's identified transportation needs. Documentation of all corrective actions taken is to be submitted to this office to the attention of the Chief of the Family Support and Dispute Resolution Branch, Division of Special Education/Early Intervention Services, MSDE.

TECHNICAL ASSISTANCE:

Technical assistance is available to the complainant and the PGCPS by Dr. Kathy Aux, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE. Dr. Aux can be reached at (410) 767-0255.

XXX

Mrs. Joan Rothgeb

April 27, 2015

Page 15

Please be advised that both the complainant and the PGCPS have the right to submit additional written documentation to this office, which must be received within fifteen (15) days of the date of this letter, if they disagree with the findings of facts or conclusions reached in this Letter of Findings. The additional written documentation must not have been provided or otherwise available to this office during the complaint investigation and must be related to the issues identified and addressed in the Letter of Findings.

If additional information is provided, it will be reviewed and the MSDE will determine if a reconsideration of the conclusions is necessary. Upon consideration of this additional documentation, this office may leave its findings and conclusions intact, set forth additional findings and conclusions, or enter new findings and conclusions. Pending the decision on a request for reconsideration, the school system must implement any corrective actions consistent with the timeline requirements as reported in this Letter of Findings.

Questions regarding the findings, conclusions and corrective actions contained in this letter should be addressed to this office in writing. The complainant and the school system 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 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 Special Education/
Early Intervention Services

MEF/am

cc: Kevin W. Maxwell
Monique Whittington Davis
Gail Viens
LaRhonda Owens
Kerry Morrison
XXXXXXXXX
Dori Wilson
Sarah Spross
Anita Mandis
K. Sabrina Austin
Kathy Aux