

June 7, 2024

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Trinell Bowman  
Associate Superintendent-Special Education  
Prince George's County Public Schools  
John Carroll Administration Building  
1400 Nalley Terrace  
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RE: [REDACTED]  
Reference: #24-188

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 March 22, 2024, MSDE received a complaint from Ms. Jessica Williams, 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 allegation that the PGCPS did not provide Prior Written Notice (PWN) of the decisions made in response to the complainants request to meet and address the removal of transportation services since April 2023, in accordance with 34 CFR §300.503.

**BACKGROUND:**

The student is 14 years old and is identified as a student with Autism under the IDEA. He attends [REDACTED] and has an Individualized Education Program (IEP) that requires the provision of special education instruction and related services.

**FINDINGS OF FACT:**

1. The PWN developed on May 31, 2023, reflects the IEP team met to conduct a re-evaluation and to review assessments. The parent, grandparent, and complainant participated in the IEP team meeting. The IEP team reviewed formal assessment data, academic performance, teacher observation, and parental input. The PGCPs IEP team shared “[the student] experienced [REDACTED] during the 2022-2023 SY and to support his recovery the IEP team will provide compensatory services in counseling by either a second assignment PGCPs provider or reimbursement to the parent for private provider out-of-pocket expenses. [The student] may have experienced [REDACTED] during the 2022-2023 SY; the IEP team offered 60 hours at [REDACTED] which was accepted by the parent (30 hours reading, 30 hours math).” The parents agreed with the IEP team's decisions. There is documentation of the provision of PWN to the parents following the IEP team meeting.
2. On September 14, 2023, the PGCPs central office staff emailed the compensatory award letter to the complainant and the parent. The letter reflects the compensatory services agreed upon at the May 31, 2023, IEP team meeting addressed all the violations from MSDE state complaint #23-152.<sup>1</sup>
3. On October 23, 2023, the PGCPs central office staff provided the parent with the May 2023 compensatory service information, specifically explaining the process for counseling reimbursement.
4. On October 23, 2023, the complainant emailed the PGCPs referencing the transportation violation in MSDE state complaint #23-152, requested additional compensatory services for that violation, and proposed a suggested remedy. The complainant stated the IEP team could meet if necessary.
5. The IEP team convened on January 5, 2024, and March 20, 2024, and there is no documentation that the complainant or the parent raised a concern regarding the additional compensatory services requested October 23, 2023.
6. There is documentation that the parent agreed with the compensatory award from May 31, 2023, and utilized the compensatory services.

**CONCLUSION:**

The public agency is required to provide the parent of a student with a disability with written notice within a reasonable time before proposing or refusing to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student. This notice includes a description of the action proposed or refused, an

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<sup>1</sup> The complaint filed MSDE state complaint #23-152 that included a violation concerning transportation services.

explanation of the action, a description of each evaluation procedure, assessment, record, or report used as a basis for the decision, a statement that the parents of a student with a disability have protection under the procedural safeguards and the means by which a copy of the description of the safeguards can be obtained, sources for parents to contact to obtain assistance in the understanding the provisions, a description of other options that the IEP team considered and the reasons why those options were rejected, and a description of other factors that are relevant to the agency's proposal or refusal. 34 CFR §300.503.

In this case the complainant alleges that she requested a meeting on October 23, 2023, and the PGCPs failed to provide a PWN of its refusal to meet. However, the complainant's email only asked for an IEP team meeting if needed. The PGCPs already made an offer for compensatory services for MSDE state complaint #23-152, which was subsequently accepted and utilized by the parent. Furthermore, the PGCPs held two additional IEP team meetings, and there is no documentation that the complainant or parent raised an issue regarding compensatory services related to MSDE state complaint #23-152 again. Therefore, the PGCPs reasonably concluded that the matter was resolved and that no further communications or IEP team meetings were necessary on that matter.

Based upon the Findings of Fact #2 through #6, MSDE finds that the complainant's October 23, 2023 email and the parent's acceptance of the offered compensatory services did not result in action by the PGCPs necessitating a prior written notice, in accordance with 34 CFR §300.503. Therefore, this office finds that a violation did not occur concerning this allegation.

#### **ADDITIONAL VIOLATION IDENTIFIED DURING THE COURSE OF THE INVESTIGATION**

##### **Prior Written Notice**

Based on the Findings of Fact #1 and #2, MSDE finds that the PGCPs did not include a clear explanation of the awarding of compensatory services due to transportation failure following the MSDE state complaint and the removal of transportation services from the student's IEP in the PWN generated after the May 31, 2023, IEP team meeting, in accordance with 34 CFR §300.503. Therefore, this office finds that a violation occurred concerning this aspect of the allegation.

Notwithstanding the violation, based on the Finding of Fact #2, MSDE finds that the PGCPs issued a compensatory award letter on September 14, 2023, that included a clear explanation of the compensatory services due to transportation failure as required by MSDE state complaint #23-152. Therefore, no further corrective action is required.

##### **TIMELINES:**

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

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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,

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

ALH/ra

c: Millard House II, Superintendent, PGCPS  
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