

June 21, 2024

[REDACTED]  
[REDACTED]  
[REDACTED]

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: #24-204

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention and 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 19, 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) with respect to the above-referenced student.

MSDE investigated the following allegations:

1. The PGCPS has not ensured that data regarding the student's elopement behavior has been collected, analyzed and processed, as required by his Behavior Intervention Plan (BIP) and his Individualized Education Program (IEP) between January 2, 2024, and April 16, 2024, in accordance with 34 CFR §300.101.
2. The PGCPS has not ensured that the student's mother was provided with explanations and interpretations of the student's education records following her requests on March 6, 2024, and March 26, 2024, in accordance with 34 CFR §300.613.
3. The PGCPS has not ensured that the parents were able to fully participate in the April 18, 2024, IEP team meeting, when the student's mother did not receive explanations and interpretations as requested on March 6, and March 26, 2024, in accordance with 34 CFR §300.613.

**BACKGROUND:**

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

**FINDINGS OF FACT:**

1. The student's Individualized Education Program (IEP) in effect on February 21 and 26, 2024, is dated May 10, 2023, and was amended on November 30, 2023.
2. The student's IEP includes the implementation of a behavior intervention plan (BIP). The student's current BIP is dated March 10, 2023. It was last reviewed on February 14, 2024. The target behaviors are: physical aggression; elopement; inappropriate fecal behavior.<sup>1</sup>
3. The student's parents were sent a daily log, including a section entitled behavior data. Included in the behavior data section was frequency data for each physical aggression, elopement, and inappropriate fecal behavior.
4. There is documentation that data reflecting the frequency of the target behaviors noted on the student's BIP were graphed and provided to the student's parents on a regular basis, pursuant to the student's BIP and IEP, however, some of the data charts reflected that the data summaries were for disruption and some reflected they were for elopement, in addition to physical aggression and inappropriate fecal behavior.
5. On March 6, and March 26, 2024, the student's mother communicated to PGCPs via email requesting copies of the student's behavior data and asking for clarification of data regarding the student's elopement versus the disruption.
6. On April 30, 2024, the IEP team convened. Among other things, the team discussed the student's mother's concerns regarding the data and responded to her questions. There is documentation that the student's mother acknowledged that she received a response to her March 6 and March 26 questions, but had additional questions, which she submitted on April 29.<sup>2</sup>

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<sup>1</sup> The BIP in the student's electronic record is dated March 3, 2023, and includes the target behaviors of physical aggression, elopement, and inappropriate fecal behavior, however, that is not the behavior that was reported to the parents on a daily basis.

<sup>2</sup> "[REDACTED] began to express that [REDACTED] replied back to her previous emails (emails sent in March 6 and 26, 2024) informing her the heading was wrong on the form and the data was collected for elopement. [REDACTED] also shared that she still has more questions and she sent an email yesterday (April 29, 2024) wanting answers to additional questions. [REDACTED] informed [REDACTED] that from his understanding the student's goal of elopement was completed and the IEP Team was in the process of adjusting that goal. [REDACTED] also expressed that she had questions in her email pertaining to the data in the last progress report and recent progress report because there was a "mismatch" in the data that was reported."

7. The IEP team convened on April 18, 2024. The purpose of the meeting was to: "Review and discuss a physician's note dated December 21, 2023, regarding the counting of the student's bowel movement."
8. There is documentation that the April 18, 2024, IEP team meeting was limited to a discussion of the physician's note, consent to contact the physician and the decision of whether or not to add the recommendation to the student's IEP.

## **CONCLUSIONS**

### **ALLEGATION #1**

There are two different copies of the student's BIP, both dated March 2023. One copy includes the target behavior of elopement, one includes the target behavior of disruption. The daily report that is sent to the parents on a daily basis reports on the target behaviors of physical aggression, elopement, and inappropriate fecal behavior. The data that is summarized and sent to the parents on a weekly basis has different headings. Some data is entitled "elopement", and some is entitled "disruption." While the data is collected and analyzed as required, it is difficult for a parent to understand exactly what is being reported.

Based on Finding of Facts #2 through #4, MSDE finds that the PGCPs has not ensured that data regarding the student's elopement behavior has been collected, analyzed and processed, as required by his Behavior Intervention Plan (BIP) and his Individualized Education Program (IEP) between January 2, 2024, and April 16, 2024, in accordance with 34 CFR §300.101. Therefore, this office finds a violation with respect to this allegation.

### **ALLEGATION #2**

In this case, the parent made a request for explanation and interpretation on March 6, and March 26. At the April 30, 2024, IEP team meeting, the student's mother discusses that she had a response to her questions and submitted additional ones the day before the meeting. In addition, the team had extensive conversations that responded to her request for explanation and interpretation of the data regarding elopement.

Based on Findings of Fact #6, MSDE finds that the PGCPs has ensured that the student's mother was provided with explanations and interpretations of the student's education records following her requests on March 6, 2024, and March 26, 2024, in accordance with 34 CFR §300.613. Therefore, this office finds a violation did not occur with respect to this allegation.

### **ALLEGATION #3**

Each participating agency must permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency under this part. The agency must comply with a request without unnecessary delay and before any meeting regarding an IEP, however, in this case the April 18, 2024, IEP team meeting was for a very limited purpose. The audio tapes from the meeting confirm that the clarification regarding the student's elopement data would not have impacted the parents' participation in this meeting as the meeting did not concern the student's elopement or anything related to that topic. The topic of the April 18, 2024, IEP team meeting was limited to whether or not the IEP team agreed to add counting the student's bowel movements to the student's IEP as recommended by the student's physician.

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Based on Findings of Fact #7 and #8, MSDE finds that the PGCPs has ensured that the parents were able to fully participate in the April 18, 2024, IEP team meeting., in accordance with 34 CFR §300.613. Therefore, this office finds a violation did not occur with respect to this allegation.

### **CORRECTIVE ACTIONS AND TIMELINES:**

The IDEA requires that State complaint procedures include 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. 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 manner.<sup>3</sup> 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. Alison Barmat, Branch Chief, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action. Ms. Barmat can be reached at (410) 767-7770 or by email at [alison.barmat@maryland.gov](mailto:alison.barmat@maryland.gov).

### **Student-Specific**

By August 1, 2024, MSDE requires the PGCPs correct the student's record to ensure the proper copy of his BIP is included. Additionally, PGCPs must ensure that the parents are provided with summaries of the student's elopement behavior, as required by his BIP and IEP, with the correct headings, to ensure that they are being provided with the correct data.

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.

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<sup>3</sup> 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, 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.

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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/abb

c: Mr. Millard House, II, Superintendent, PGCP  
Keith Marston, Supervisor Special Education Compliance, PGCP  
Lois Smith Jones, Liaison, Special Education Compliance, PGCP  
Darnell Henderson, Deputy General Counsel, PGCP  
William Fields, Assistant General Counsel, PGCP  
Alison Barmat, Chief, Family Support and Dispute Resolution, MSDE  
Tracy Givens, Section Chief, Dispute Resolution, MSDE  
Nicol Elliott, Section Chief, Policy and Accountability, MSDE  
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE