


September 20, 2024




Ms. Trinell Bowman  
Associate Superintendent-Special Education  
Prince George's County Public Schools  
John Carroll Administration Building  
1400 Nalley Terrace  
Hyattsville, Maryland 20785

RE:   
Reference: #25-012

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.

**ALLEGATIONS:**

On July 23, 2024, MSDE received a complaint from  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 following allegations:

1. The PGCPS has not ensured that the student's mother has been provided with explanations and interpretations of the student's education records in response to requests she made on June 4, 2024, in accordance with 34 CFR §§ 300.613 and .501. and COMAR 13A.05.01.11.
2. The PGCPS has not ensured that the student's father has been provided with explanations and interpretations of the student's education records in response to requests he made on July 24, 2023, in accordance with 34 CFR § 300.613 and .501. and COMAR 13A.05.01.11.
3. The PGCPS has not ensured that school staff responded to questions the parent asked the special education teacher by email on July 24, 2023, as required by his Individualized Education Program (IEP), in accordance with 34 CFR § 300.101.

**BACKGROUND:**

The student is 19 years old and is identified as a student with Autism under the IDEA. At the time of the complaint, the student was placed by the PGCPs at [REDACTED], a nonpublic, separate, special education school. The student currently attends [REDACTED], a public school located in Prince George's County and has an IEP that requires the provision of special education and related services.

**FINDINGS OF FACT:**

1. There is documentation that the student's mother made a request for explanation and interpretations of behavior data in the student record on June 4, 2024.
2. There is documentation that the IEP team met on July 30, 2024, to discuss the student's behavioral data. During this meeting, the team discussed and responded to the student's mother's requests for explanations and interpretations of behavior data in the student record.
3. There is documentation that on July 24, 2023, the complainant submitted a number of requests for interpretations and explanations of the student's daily communication log directly to the student's teacher.
4. There is documentation that on July 24, 2023, the complainant submitted a number of questions about the student's day on July 21, 2023, directly to the student's teacher.
5. An Email Communication Protocol has been in place for this student since November 9, 2022. The Email Communication Protocol was updated on October 5, 2023, and states that Ms. Lois Jones-Smith and Ms. Trena Bolding, both PGCPs staff, are required to be copied on all communications between the "parent and the school staff member to ensure that IEP requirements are being implemented." There is no documentation that the complainant followed this protocol.
6. There is no documentation that either the student's school or PGCPs received the complainant's questions sent on July 24, 2023.
7. There is no documentation that the PGCPs ever received the complainant's July 24, 2023, email with his request for interpretations and explanations.

**DISCUSSIONS AND CONCLUSIONS:**

**ALLEGATION #1**

Pursuant to 34 CFR § 300.613, the PGCPs must permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency. The PGCPs must comply with a request without unnecessary delay and before any meeting regarding an IEP, hearing, or resolution session, and in no case more than 45 days after the request has been made.

The right to inspect and review education records under this section includes the right to a response to reasonable requests for explanations and interpretations of the records.

The PGCPs has not ensured that the student's mother has been provided with explanations and interpretations of the student's education records in response to requests she made on June 4, 2024, in accordance with 34 CFR §§ 300.613 and .501. and COMAR 13A.05.01.11, because her request was not addressed within the 45-day time period.

Notwithstanding this violation, the IEP team did meet and respond to the student's mother's request for explanations and interpretations on July 30, 2024. Therefore, no further student specific corrective action is required.

### **ALLEGATIONS #2 AND #3**

As a result of prior MSDE complaints, the PGCPs was directed to develop an Email Communication Protocol to ensure that the complainant's questions and concerns were responded to on a timely basis. The PGCPs cannot be responsible for responding to questions of which they are not aware. The Protocol was put in place to avoid this situation.

Based on Findings of Fact #3 through #7, MSDE finds that the PGCPs was not informed of the complainant's questions as he failed to follow the well-established Email Communication Protocol. Therefore, as there wasn't proper notification to the PGCPs of the complainant's questions, this office finds that a violation did not occur as there is no documentation that the PGCPs received the complainant's questions or requests for explanation and interpretation concerning these allegations.

### **CORRECTIVE ACTIONS AND 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 non-compliance is corrected in a timely manner.<sup>1</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 Nicole Green, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.<sup>2</sup> Ms. Green can be reached at (410) 767-7770 or by email at [nicole.green@maryland.gov](mailto:nicole.green@maryland.gov).

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<sup>1</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>2</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.

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,

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

ALH/ab

c: Millard House, II, Superintendent, PGCP  
Keith Marston, Supervisor, Special Education Compliance, PGCP  
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