


September 24, 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: #25-025

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 on the final results of the investigation.

**ALLEGATIONS:**

On August 8, 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 responded to a request to amend the student's education record made on July 19, 2024, in accordance with 34 CFR § 300.618 and COMAR 13A.08.02.14.
2. The PGCPS has not provided the parent with appeal rights within a reasonable time following a denial to amend the student's education record, in accordance with COMAR 13A.08.02.17.
3. The PGCPS has not ensured that school staff responded to questions the parent asked the special education teacher by email on July 31, 2024, by email, as required by his Individualized Education Program, in accordance with 34 CFR § 300.101. (Specifically, "Could you please return [the student's] belongings at the school, including his extra clothes when he returns home today as today is the last day of school.)

**BACKGROUND:**

The student is 19 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. At the time of this complaint the student was attending [REDACTED], a nonpublic, separate, special education school. The student currently attends the [REDACTED]

**FINDINGS OF FACT:**

1. On July 19, 2024, the complainant wrote to the PGCPs requesting that certain education records of the student be amended due to inaccuracies. Specifically, the request was to amend certain occupational therapy (dated November 16, 2023) and speech therapy (dated April 18, 2024) notes with a corrected spelling of his name or to delete "NMN" where a designation of a middle name was required.
2. On July 24, 2024, the PGCPs responded to the complainant agreeing to some of the requested amendments and refusing to make two of the requested amendments.
3. The July 24, 2024, letter provided the complainant with the process to appeal the decision, as well as the name, address, and contact information of the individual within the PGCPs to whom the appeal should be directed.
4. There is documentation that the complainant filed an appeal via email dated August 16, 2024. The complainant was asked to complete the Student Appeals Intake Form on the same date.
5. The complainant provided August 28, 2024, September 5, 2024, and September 10, 2024, as available dates for the appeal hearing.
6. On July 31, 2024, the complainant sent an email to staff at [REDACTED] with a question regarding sending the student's belongings home since it was the last day of school.
7. The student's IEP dated April 30, 2024, includes a supplementary aid and service that states: school staff will provide school to home communication via Insaaf's communication book which is provided daily and are available via email for parent questions or concerns.
8. 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 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 this protocol was followed.
9. There is no documentation that the PGCPs received the complainant's question.

**DISCUSSION AND CONCLUSIONS:**

**Allegations #1 and #2**

**Response to Request to Amend the Student Record and Right to Appeal**

The agency must, on request, provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.

A parent who believes that information in the education records collected, maintained, or used under the IDEA is inaccurate or misleading or violates the privacy or other rights of the child may request the local education agency that maintains the information to amend the student record. The agency must decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request. If the agency decides to refuse to amend the information in accordance with the request, it must inform the parent of the refusal and advise the parent of the right to a hearing. (34 CFR § 300.618).

The agency must, on request, provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child. (34 CFR § 300.619).

In this case, the parent requested that the student record be amended on July 19, 2024. The local education agency responded within five (5) days. Based on Findings of Fact #1 and #2, MSDE finds that the PGCPs has responded to a request to amend the student's education record made on July 19, 2024, in accordance with 34 CFR § 300.618 and COMAR 13A.08.02.14. Therefore, this office finds no violation concerning this allegation.

Based on Finding of Fact #3, MSDE finds that the PGCPs has provided the parent with appeal rights within a reasonable time following a denial to amend the student's education record, in accordance with 34 CFR § 300.618 and COMAR 13A.08.02.17. Therefore, this office finds no violation concerning this allegation.

**Allegation #3:**

**Response to Questions**

It is not clear that this is the type of question that requires a response, nor is this question related to the student's education, his IEP, or the provision of a free appropriate public education (FAPE), however, the complainant failed to follow the email protocol that was established to ensure that all of his emails were promptly responded to. In this instance, there is no documentation that his email communication was ever received.

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 that they are not aware of. The protocol was put in place to avoid this situation. Therefore, the complainant must use the Email Communication Protocol to ensure that timely communication is received.

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 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: Millard House, II, Superintendent, PGCPs  
Keith Marston, Supervisor Special Education Compliance, PGCPs  
Lois Smith Jones, Liaison, Special Education Compliance, PGCPs  
Darnell Henderson, General Counsel, PGCPs  
William Fields, Associate General Counsel, PGCPs  
Alison Barmat, Branch 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  
Nicole Green, Compliance Specialist, MSDE