

August 27, 2024

[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: #25-026

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 July 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) concerning the above-referenced student.

MSDE investigated the following allegation:

1. The PGCPS has not ensured that the student's mother was provided with explanations and interpretations of the student's education records for requests she made on April 29, 2024, in accordance with 34 CFR §§300.613, .501 and COMAR 13A.05.01.11.

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 placed by the PGCPS at [REDACTED], a nonpublic, separate, special education school.

FINDINGS OF FACT:

1. There is documentation that on April 27, 2024, that the student's mother emailed the school asking questions regarding the student's behavior data. There is documentation that the student's mother received a response on April 29, 2024, at which time she asked additional questions. On April 29, 2024, there is documentation that the school responded to some of the student's mother's questions, but not all of them.
2. On April 30, 2024, the IEP team convened to conduct an annual review of the student's IEP. The Prior Written Notice (PWN) from that meeting reflects that the team recommended and agreed to discuss any outstanding questions that the student's mother had during a separate data review meeting. ("The parents had questions regarding the data that is being tracked in the BIP. The school team will complete a data review and schedule a meeting with the parents to address these questions further.") The PWN also documents extensive discussions regarding the student's behavior data at the April 30, 2024, IEP team meeting.
3. On June 4, 2024, the student's mother re-sent one of the questions that she had submitted on April 27, 2024, as she did not feel she had received satisfactory responses during the IEP team meeting. The parent received a response to her question in the June 4, 2024, email.
4. After several attempts to schedule the data review meeting at a mutually convenient time, it was convened on July 30, 2024. The PWN from that meeting reflects that there was an extensive data discussion, including responses to the student's mother's question, agreements to correct any errors, and explanations of how data is collected, analyzed and reported.

DISCUSSION/CONCLUSIONS:

In this case, the student's mother asked for explanations and interpretations of data one business day prior to an IEP team meeting. While 34 CFR §300.613 states that parents must receive explanations and interpretations of student records if they make the request, it also states they must be reasonable. If the student's mother expected responses to all her questions prior to the IEP team meeting on April 30, 2024, that was not a reasonable expectation. She ultimately received explanations and interpretations to her questions both through email and at meetings convened at mutually convenient dates.

Based on Findings of Fact #1 through #5, MSDE finds that the PGCPs has ensured that the student's mother was provided with explanations and interpretations of the student's education records for requests she made on April 29, 2024, in accordance with 34 CFR §§ 300.613, .501 and COMAR 13A.05.01.11. There is no violation concerning this allegation.

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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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: Millard House, II, Superintendent, PGCP
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