

October 18, 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: #25-045

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 August 23, 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 allegations:

1. The PGCPS has not ensured that the school staff was available to answer questions asked by the complainant by email on December 20, 2023, as required by the student's Individualized Education Program (IEP), in accordance with 34 CFR § 300.101 and COMAR 13A.05.01.09.
2. The PGCPS has not ensured that the student was provided with his home/school communication log on July 29, 2024, as required by his IEP, in accordance with 34 CFR § 300.101.
3. The PGCPS has not ensured that the school staff was available to answer questions asked by the student's mother by email on June 4, 2024, as required by the student's Individualized Education Program (IEP), in accordance with 34 CFR § 300.101 and COMAR 13A.05.01.09.
4. The PGCPS did not properly respond to the complainant's August 7, 2024, request to amend the student's education records, in accordance with 34 CFR § 300.618 and COMAR 13A.08.02.14.

**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 of email communication between the complainant and staff at the [REDACTED] on December 19, 2023, and December 20, 2023.
2. There is documentation of email communication from the student's mother to staff at the [REDACTED] dated June 4, 2024.
3. 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.
4. There is no documentation that the PGCPs received the complainant's questions sent on December 19 or 20, 2023, or June 4, 2024.
5. There is documentation that the student's home/school communication log for July 29, 2024, was sent to the complainant on September 10, 2024.
6. There is documentation that on July 26, 2024, the complainant sent a letter to the PGCPs requesting that the Prior Written Notice (PWN) from the April 30, 2024, IEP team meeting be amended. Email follow up was sent to the PGCPs on August 7, 2024, requesting amendment of the record. Specifically, the complainant requested that certain sections regarding secondary transition forms be amended. (" [REDACTED] provided the parents all of the consent forms for transition services. Parents did not sign the forms. The parents said they would take the forms home and review them.")
7. There is documentation that the complainant received a response to his request to amend the student record on August 8, 2024. The PGCPs response included the process to request an appeal of the decision to deny his request.
8. There is documentation that on August 16, 2024, the complainant filed an appeal providing dates he was available for a virtual hearing. The hearing was held on September 5, 2024.

**DISCUSSIONS AND CONCLUSIONS:**

**ALLEGATIONS #1 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 is not responsible for responding to questions of which they are not made aware. The Protocol was put in place to avoid this situation.

Based on Findings of Fact #1 through #4, MSDE finds that the PGPCS was not informed of the complainant's questions as he failed to follow the well-established Email Communication Protocol. Therefore, as there was neither proper notification to the PGPCS of complainant's questions nor documentation that the PGPCS received the complainant's questions, this office finds that a violation did not occur.

#### **ALLEGATION #2**

Pursuant to the student's IEP, the family is required to receive daily home school communication. Based on Finding of Fact #5, the student's July 29, 2024, daily log was not provided to the family until September 10, 2024. Therefore, MSDE finds that the PGPCS did not ensure that the student was provided with his home/school communication log on July 29, 2024, as required by his IEP, in accordance with 34 CFR § 300.101. This office finds there is a violation concerning this allegation.

Notwithstanding this violation, the family did receive the daily communication log for July 29, 2024, on September 10, 2024. Therefore, no further student-specific corrective action is required.

#### **ALLEGATION #4**

A parent who believes that information in the education records collected, maintained, or used 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. (See 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. (See 34 CFR § 300.619).

Based on Findings of Fact #6 through #8, MSDE finds that the PGPCS did properly respond to the complainant's August 7, 2024, request to amend the student's education records, in accordance with 34 CFR § 300.618 and COMAR 13A.08.02.14. Therefore, there is no violation concerning this allegation.

#### **CORRECTIVE ACTIONS AND 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 written request must include a compelling reason 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

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