

November 4, 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: #25-060

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 September 9, 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 did not ensure that the Individualized Education Program (IEP) team meeting scheduled for September 25, 2024, at 9:00 a.m. was scheduled at a time mutually agreed upon with the student's parents, in accordance with 34 CFR § 300.322 and COMAR 13A.05.01.07.
2. The PGCPS did not ensure that the IEP team meeting scheduled for September 25, 2024, at 9:00 a.m. was scheduled at a location mutually agreed upon with the student's parents, in accordance with 34 CFR § 300.322 and COMAR 13A.05.01.07.
3. The PGCPS has not followed proper appeal procedures in response to the parent's request made on July 26, 2024, to amend the student's education records, in accordance with COMAR 13A.08.02.17.

**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. The student currently attends the [REDACTED] in Prince George's County.

**FINDINGS OF FACT:**

**ALLEGATIONS #1 AND #2                      SCHEDULING OF THE IEP TEAM MEETING**

1. There is documentation that an IEP team meeting was scheduled for September 25, 2024, at 9:00 a.m. The meeting was to be conducted virtually. The purpose of the meeting was to review and, if appropriate, revise the student's IEP, and to discuss the student's referral status and educational placement. The date of the invitation was August 29, 2024.
2. On September 5, 2024, the PGCPs contacted the complainant and the student's mother via email requesting whether or not they would be attending the IEP team meeting scheduled for September 25, 2024, and asking for alternative dates if they were unable to attend.
3. On September 9, 2024, the complainant responded to the PGCPs that he was not available at that date and time, and proposed meeting in person at the [REDACTED] and offered four alternative dates and times. The complainant stated that if the meeting would last more than one hour other dates would be needed.
4. On September 9, 2024, the PGCPs responded that they were available on one of the dates and times the complainant proposed and would meet at the school.
5. A meeting notice was sent to the complainant for the rescheduled meeting for October 10, 2024, at 8:30 a.m., at [REDACTED], pursuant to his request.

**DISCUSSION AND CONCLUSIONS:**

Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP team meeting or are afforded the opportunity to participate, including:

- (1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
- (2) Scheduling the meeting at a mutually agreed on time and place. 34 CFR § 300.322(a).

Federal and state law regulations do not require that families be notified of prospective dates, times or locations of proposed meetings prior to the meeting being scheduled. Regulations require only that the meeting be scheduled with sufficient time to ensure that the family has time to either adjust their own calendar or request that the proposed time of the meeting be rescheduled. In Maryland, the meeting notice is required to be sent to the family at least 10 days prior to the date of the proposed meeting.

In this case, the PGCPs sent the student's family a proposed date, time, and location for an IEP team meeting. The complainant responded that it was not convenient and proposed alternative dates. The PGCPs team was able to accommodate the complainant's request. Timely notice of the rescheduled date was provided.

Based on Findings of Fact #1 through #5, MSDE finds that the PGCPs did ensure that the IEP team meeting scheduled for September 25, 2024, at 9:00 a.m. was scheduled at a time mutually agreed upon with the student's parents, in accordance with 34 CFR § 300.322 and COMAR 13A.05.01.07. Therefore, this office finds that a violation did not occur concerning the allegation.

Based on Findings of Fact #1 through #5, MSDE finds that the PGCPs did ensure that the IEP team meeting scheduled for September 25, 2024, at 9:00 a.m. was scheduled at a location mutually agreed upon with the student's parents, in accordance with 34 CFR § 300.322 and COMAR 13A.05.01.07. Therefore, this office finds that a violation did not occur concerning the allegation.

**FINDINGS OF FACT:**

**ALLEGATION #3**

**RESPONSE TO REQUEST TO RIGHT TO APPEAL**

6. On July 26, 2024, the complainant sent a request to the PGCPs requesting to amend the student's educational record, specifically the student's prior written notice from an April 30, 2024, IEP team meeting.
7. On July 29, 2024, the PGCPs sent email communication to the complainant reminding him to follow the established communication protocol.
8. On July 31, 2024, the PGCPs responded to the complainant denying his requests to amend the student record. The complainant was provided with information on his right to appeal and the individual with whom to file the appeal the decision.
9. On August 13, 2024, the PGCPs sent the complainant the results of his decision regarding his appeal. The complainant was provided with information regarding his right to a hearing and the individual to direct his request for a hearing if he disagreed with the decisions in the appeal.
10. A hearing was held on September 5, 2024. The complainant was provided with his appeal rights should he disagree with the decision from the hearing.

**DISCUSSION AND CONCLUSIONS:**

A parent who believes that information in the education records collected, maintained, or used under Part B of 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 26, 2024. The LEA responded within five (5) days. The decision was appealed, and thirteen days later, the appeal decision was rendered. That decision was appealed, and a hearing was convened approximately three weeks later. The complainant was provided with appeal rights at each step of the process.

Based on Finding of Facts #6 through #10, MSDE finds that the PGCPs has followed proper appeal procedures in response to a request to amend the student's education record made on July 26, 2024, in accordance with 34 CFR § 300.618 and COMAR 13A.08.02.14. Therefore, this office finds that a violation did not occur concerning the 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.

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, PGCPs  
Keith Marston, Supervisor, Special Education Compliance, PGCPs  
Lois Smith Jones, Liaison, Special Education Compliance, PGCPs  
Darnell Henderson, General Counsel, PGCPs  
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