

November 15, 2024

[REDACTED]
[REDACTED]
[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: #25-064

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 September 16, 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 20, 2024, at 9:00 a.m. was scheduled at a time mutually agreed upon with the 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 20, 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 on July 31, 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 IEP TEAM MEETING

1. There is documentation that an IEP team meeting was convened on July 30, 2024. Following that meeting, the complainant was sent a prior written notice (PWN) notifying the family that the discussion that was started at the meeting would be continued on September 20, 2024, at 9:00 a.m. The PWN stated: *"Along with this PWN, that includes the district's response to the parents emails and explanation and interpretations of records, the parents will receive a print out of the amendment changes (regarding behavior data calculations/Document #4 - Amendment Changes July 30, 2024), a copy of the draft IEP amendment (Document #5- Draft IEP Amendment), a copy of the monthly behavior data for June 2023 (Document #2- June 2023 Behavior Data) and March 2023 (Document #3-March 2023 Behavior Data), and a copy of the student's behavior data from May 17, 2023 to March 14, 2024 (Document #1: Insaaf's IEP Behavior Data From May 17, 2023 to March 14, 2024). PGCPs will allow the parent until August 13, 2024 (5 business days) to review all the documents and proposed amendments. If the parents do not notify PGCPs of their disagreement to the proposed changes by August 13, 2024, the IEP will be closed the following business day. PGCPs is available to hold another virtual IEP Meeting on September 20, 2024 at 9:00 am. The district will be able to hold this meeting date and time until September 9, 2024. If the PGCPs does not receive confirmation from the parent's regarding this meeting by September 9, 2024, this meeting will be canceled."*
2. An invitation to the proposed meeting for September 20, 2024, was sent to the complainant and the student's mother on August 6, 2024. The purpose of the meeting was to review and, if appropriate, revise the student's IEP, and to follow up from the July 30, 2024, IEP team meeting where the student's behavioral data was reviewed. Staff from the student's previous and current school placements were invited to the meeting.
3. The IEP team meeting was not convened.

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 notified the student's family a proposed date, time, and location for an IEP team meeting. The proposed date was followed up with a formal invitation. The complainant did not respond to the notification of the proposed date and time of the meeting, and the meeting was not convened.

Based on Findings of Fact #1 through #3, MSDE finds that the PGCPS did ensure that the IEP team meeting scheduled for September 20, 2024, 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, there are no violations concerning Allegations 1 and 2.

ALLEGATION #3

RESPONSE TO REQUEST TO RIGHT TO APPEAL

4. On July 31, 2024, the complainant sent a request to the PGCPS requesting to amend the student's educational record, specifically to remove "NMN" from the student's speech therapy notes.
5. On September 18, 2024, the PGCPS responded to the complainant denying his request and providing him with his right to appeal through requesting a hearing.

DISCUSSION AND CONCLUSIONS:

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. 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.

Based on Findings of Fact #4 and #5, 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 31, 2024, in accordance with 34 CFR 300.618 and COMAR 13A.08.02.14. Therefore, this office finds 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 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, PGCP
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