

November 26, 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: #25-081

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 27, 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 school staff was available to respond to email communication sent on September 23, 2024, regarding an upcoming Individualized Education Program (IEP) team meeting, in accordance with 34 CFR § 300.101.
2. The PGCPS has not ensured that the IEP team meeting scheduled for October 3, 2024, was scheduled at a mutually agreed upon time or location, in accordance with 34 CFR § 300.322 and COMAR 13A.05.01.07.

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:

1. There is documentation that on April 9, 2024, the staff at the student's previous school sent notice of an IEP team meeting to be convened on October 3, 2024, to address two MSDE complaints and to review and, if appropriate, revise the IEP.
2. The October 3, 2024, IEP team meeting was not convened.
3. There is documentation that on September 17, 2024, the complainant wrote to the student's teacher and provided her with dates and times he was available to attend IEP team meetings to review data for the student's behavior.
4. On September 17, 2024, the student's teacher responded to the complainant stating that a specific PGCPs staff member was "assigned to coordinate all IEP-related correspondence at this time, I will note the information that you have shared above."
5. On September 18, 2024, the complainant again emailed the student's teacher with dates and times, as well as corrected dates of the behavior data he wanted to review during the IEP team meeting. He also acknowledged receipt of her September 17, 2024, email. The complainant did not include the staff member designated to coordinate all IEP-related concerns and correspondence on the email.
6. On September 23, 2024, the complainant again emailed the student's teacher and three other PGCPs staff members with dates and times for the behavior review IEP team meeting, adding the following questions: "Could you please confirm whether [REDACTED] staff will be attending this IEP meeting? If they are not attending, are [REDACTED] staff comfortable explaining the behavior data and answering related questions for the behavior data collected by [REDACTED] staff?" The complainant did not include the staff member designated to coordinate all IEP-related concerns and correspondence in the email.
7. There is no documentation that the staff member designated to coordinate all IEP-related concerns and correspondence received the complainant's questions.
8. There is no documentation that PGCPs responded to the complainant's questions.

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 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 complainant was provided with a proposed date and time to an IEP team meeting with a formal invitation more than 10 days in advance of the meeting. The meeting was not convened.

Based on Findings of Fact #1 and #2, MSDE finds that the PGCPSS did ensure that the IEP team meeting scheduled for October 3, 2024, was scheduled in accordance with 34 CFR § 300.322 and COMAR 13A.05.01.07. Therefore, this office finds that no violation occurred concerning allegation #2.

On September 17, 2024, the complainant was directed to send all communication regarding an upcoming IEP team meeting to a specific staff member. The complainant acknowledged receipt of that email but declined to follow that request in subsequent communications regarding that meeting. Because he failed to comply with the request, there was a communication breakdown that resulted in a failure to respond to the complainant's questions.

Based on Findings of Fact #3 through #8, MSDE finds that the PGCPSS has not ensured that school staff were available to respond to email communication sent on September 23, 2024, regarding an upcoming IEP team meeting, in accordance with 34 CFR § 300.101. Therefore, this office finds that a violation occurred concerning allegation #1.

Notwithstanding this violation, the complainant contributed to the breakdown in communication by his failure to ensure that his questions were directed to the individual designated to coordinate correspondence and all matters related to the IEP team meeting, even after acknowledging receipt of that information. Additionally, the responses concerning the complainant's questions are moot as the IEP team meetings addressing those questions have already been convened. Therefore, no student-specific correction is required.

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 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, PGCPSS
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