

February 7, 2025



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: #25-179

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 December 12, 2024, MSDE received a complaint from [REDACTED], hereafter, "the complainant," on behalf of the above-referenced student. In that correspondence, the complainant alleged that 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 student's safety vest was properly used during the transportation from the school to the student's home on December 10, 2024, as required by the Individualized Education Program (IEP), in accordance with 34 CFR § 300.101 and COMAR 13A.05.01.09.
2. The PGCPS did not ensure that the student's parents were notified of the student's progress towards the following IEP goal as required by the Student's IEP, after the first (1st) quarter of 2024-2025 school year, in accordance with 34 CFR §300.101 and COMAR 13A.05.01.09:

"By April 2025, when presented non-fictional material, real life scenarios, and functional situational prompts, [REDACTED] will answer questions, and will use sentences of increased length and complexity when provided with faded cues and prompts in 4 out of 5 trials."

3. The PGCPs did not ensure that the student was provided with speech-language therapy as required by the student's IEP, from September 30, 2024, to October 04, 2024, in accordance with 34 CFR § 300.101 and COMAR 13A.05.01.09.
4. The PGCPs did not provide the parent with the explanations and interpretations of the student's education records pursuant to a request made on October 04, 2024, before the IEP team meeting, in accordance with 34 CFR § 300.501 and .613 and COMAR 13A.05.01.11. Specifically, the parent asked the following: "Please provide the name of the Special Programs Supervisor prior to the October 10, 2024, IEP team meeting."
5. The PGCPs did not respond to the parent's request on October 29, 2024, to amend the student's education records, in accordance with 34 CFR § 300.618 and COMAR 13A.08.02.14.
6. The PGCPs did not ensure that the previous school staff was available to answer a question the parent asked on December 21, 2023, by email, as required by the student's IEP, accordance with 34 CFR § 300.101 and COMAR 13A.05.01.09. Specifically, the parent asked the student's teacher: "Could you please check with the therapeutic behavioral aide (TBA) assigned to [the student] on December 19, 2023, and let us know whether he/she has seen [the student] scratching to cause this scratch shown on the photo?"

#### **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:**

##### **ALLEGATION #1**

##### **SAFETY VEST**

1. The PGCPs acknowledges this allegation.
2. There is no documentation that the student wore the safety vest incorrectly prior to this time.
3. There is documentation that the PGCPs offers parents training on the proper use of this vest for all students whose IEP requires its use.
4. There is documentation that on December 19, 2024, the student's team met to discuss the importance of the PGCPs "policy on correctly putting on the safety vest when preparing" the student to ride the bus in the afternoon. The documentation includes a reminder that the vest must be worn underneath the student's jacket when heavy clothing is worn.

### **DISCUSSION AND CONCLUSION:**

The PGCPs acknowledges that the student was improperly outfitted in his safety vest on December 10, 2024. Based on Finding of Fact #1, MSDE finds that the PGCPs did not ensure that the student's safety vest was properly used during the transportation from the school to the student's home on December 10, 2024, as required by IEP, in accordance with 34 CFR § 300.101 and COMAR 13A.05.01.09. Therefore, MSDE finds a violation.

However, based on Finding of Fact #3, there is documentation that on December 19, 2024, the student's team met to discuss the importance of the PGCPs "policy on correctly putting on the safety vest when preparing" the student to ride the bus in the afternoon. The documentation includes a reminder that the vest must be worn underneath the student's jacket when heavy clothing is worn. Therefore, there is no additional student-specific correction required.

### **ALLEGATION #2**

### **PROGRESS REPORT**

5. The student's IEP in effect at the end of the first quarter of the 2024-2025 school year was developed on April 30, 2024, and amended on October 10, 2024. First quarter progress reports were completed on October 31, 2024.
6. There is documentation that the first quarter progress reports were sent to the complainant and the student's mother via email and in the student's backpack on November 19, 2024.
7. The first quarter progress for the reading goal: "By April 2025, when presented nonfictional material, real life scenarios, and functional situational prompts, [the student] will answer questions, and will use sentences of increased length and complexity when provided with faded cues and prompts in 4 out of 5 trials," states, "The student is making progress in the academic setting. The student is able to follow verbal directives with minimal difficulty. The student continues to demonstrate challenges with pronouns. The student is demonstrating progress in the ability to answer open-ended Wh questions. The student is demonstrating progress in his ability to answer open-ended questions and listening comprehension skills."
8. The progress report is not responsive to the behavior measured by the goal and does not report the data required by the goal.

### **CONCLUSION:**

Based on Findings of Fact #7 and #8, MSDE finds that the PGCPs did not inform the student's parents of the student's progress on the following goal, as required by the student's IEP: "By April 2025, when presented nonfictional material, real life scenarios, and functional situational prompts, [the student] will answer questions, and will use sentences of increased length and complexity when provided with faded cues and prompts in 4 out of 5 trials." Therefore, MSDE finds a violation.

### **ALLEGATION #3**

### **SPEECH THERAPY**

9. The PGCPs acknowledges that the student was not provided with speech-language therapy sessions during the week of September 30, 2024, through October 4, 2024.
10. The student's April 30, 2024, IEP requires that he receive two, thirty-minute speech-language sessions each week.
11. There is documentation that the student received a make-up session for the September 30, 2024, missed session on November 4, 2024, and the October 1, 2024, missed session on November 6, 2024.

### **CONCLUSION:**

The PGCPs acknowledges a violation with respect to this allegation. Based on Findings of Fact #9 and #10, MSDE finds that the PGCPs did not ensure that the student was provided with speech-language therapy as required by the student's IEP, from September 30, 2024, to October 4, 2024, in accordance with 34 CFR § 300.101 and COMAR 13A.05.01.09. Therefore, MSDE finds a violation.

Notwithstanding, the PGCPs has already provided make-up sessions for the missed services. Therefore, no further student specific correction is required.

### **ALLEGATIONS #4**

### **EXPLANATIONS AND INTERPRETATIONS**

12. There is documentation that on October 4, 2024, the complainant asked the PGCPs staff for the following information: "Please provide the name of the Special Programs Supervisor."<sup>1</sup>
13. This is not a request for an explanation or interpretation of a student record pursuant to the Family Education Rights Privacy Act (FERPA). It is simply a question about who will be attending the student's upcoming IEP team meeting.
14. The PGCPs responded to the complainant's email question on October 9, 2024.

### **CONCLUSION:**

Based on Findings of Fact #12 through #14, the complainant's request for information was not a request for interpretation and explanation pursuant to FERPA but was a question about the name of an individual who would be attending an IEP team meeting. As such, the PGCPs was not required to provide the parent with the explanations and interpretations of the student's education records pursuant to a request made on October 04, 2024, before the IEP team meeting, in accordance with 34 CFR § 300.613, .501 and COMAR 13A.05.01.11. Therefore, MSDE does not find a violation.

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<sup>1</sup> The complainant asked for the names of seven IEP attendees on the same date. He also asked questions about whether these individuals provided services to the student and numerous other questions about different roles and definitions of IEP related terms. The PGCPs responded to the complainant's questions on October 9, 2024.

## **ALLEGATION #5**

## **AMENDMENT TO THE STUDENT RECORD**

15. A reevaluation planning meeting convened on October 22, 2024. The IEP team agreed to conduct the following assessments: academic performance, communication, functional/adaptive performance, intellectual/cognitive functioning, and gross motor skills.
16. The IEP team inadvertently forgot to check “gross motor” skills on the reevaluation form, although it was included as an area to be assessed in the prior written notice (PWN) from the meeting.
17. There is documentation that on October 29, 2024, the complainant brought the omission to the attention of the PGCPs staff. Staff responded, “We did agree on the gross motor with the adapted PE teacher. The form will be updated to reflect that. Thank you for bringing this to our attention.” Later that day, the same staff member wrote to the complainant and the student’s mother stating, “To clarify the Notice and Consent for Assessment form, we had agreed on our Adapted PE teacher performing the Gross Motor evaluations--he is going to do the Fit4Work Screener, a Standards-Based Screener, and Informal Evaluation Tools. On the Notice and Consent form, Physical Education is checked to reflect these evaluations. Please let me know if you have any further questions about the Notice and Consent for Assessment Form.”
18. Following this email, the complainant wrote to the PGCPs staff member, “Please see attached. Physical Education is part of Academic Performance on the form. Gross Motor skills need to be included in the assessment as we agreed at the IEP meeting. Please see the red rectangles in the attached document. Check boxes within the red rectangles need to be checked. Please provide me with the updated form without further delays.” The complainant included the PGCPs evaluation planning form with the motor skills and gross motor areas enclosed in red rectangles.

## **CONCLUSIONS:**

Based on Findings of Fact #15 through #18, there is no dispute that the IEP team was in agreement that the student’s gross motor skills would be assessed. There is also no dispute that the student’s education record would be amended to reflect the clerical error where that area of assessment was mistakenly omitted. The complainant was informed of that fact on October 29, 2024.

Based on Findings of Fact #15 through #18, MSDE finds that the PGCPs did respond to the parent’s request on October 29, 2024, to amend the student’s education records, in accordance with 34 CFR § 300.618 and COMAR 13A.08.02.14. Therefore, MSDE does not find a violation.

## **ALLEGATION #6:**

## **RESPONSE TO EMAIL COMMUNICATION**

19. There is documentation that on December 20, 2023, the complainant emailed the student’s teacher requesting information about some scratches on his arm and some data in his daily log. The email was sent to the student’s teacher at the [REDACTED], one other staff member at the same school and the student’s mother.

20. There is no documentation that the PGCPs was aware of the complainant's questions or concerns.
21. 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 aware. The complainant failed to use the long-established Protocol. The Protocol was put in place to avoid this situation.

Based on Findings of Fact #19 through #22, MSDE finds that the PGCPs was not informed of the complainant's questions as he failed to follow the well-established Email Communication Protocol. Therefore, since the PGCPs was not properly notified of the complainant's questions, MSDE does not find a violation, as there is no documentation that the PGCPs received the complainant's questions concerning these allegations.

#### **CORRECTIVE ACTIONS AND TIMELINES:**

The IDEA requires that State complaint procedures include effective implementation of the decisions made as a result of a State complaint investigation, including technical assistance activities, negotiations, and corrective actions to achieve compliance (34 CFR § 300.152). Accordingly, MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

MSDE has established reasonable time frames below to ensure that noncompliance is corrected in a timely manner.<sup>2</sup> This office will follow up with the public agency to ensure that it completes the required actions consistent with the MSDE Special Education State Complaint Resolution Procedures.

If the public agency anticipates that any of the time frames below may not be met, or if either party seeks technical assistance, they should contact Ms. Nicole Green, Compliance Specialist, Family Support and Dispute Resolution, MSDE, to ensure the effective implementation of the action.<sup>3</sup> Ms. Green can be reached at (410) 767-7770 or by email at [nicole.green@maryland.gov](mailto:nicole.green@maryland.gov).

#### **Student-Specific**

By March 15, 2025, the PGCPs must review the student's progress on his communication goal for the first quarter of the 2024-2025 school year and revise the progress report to be responsive to the behavior required by the goal.

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<sup>2</sup> The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency correct noncompliance in a timely manner, which is as soon as possible, but not later than one year from the date of identification of the noncompliance. The OSEP has indicated that, in some circumstances, providing the remedy could take more than one year to complete. If noncompliance is not corrected in a timely manner, the MSDE is required to provide technical assistance to the public agency, and take tiered enforcement action, involving progressive steps that could result in the redirecting, targeting, or withholding of funds, as appropriate.

<sup>3</sup> MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

The parents retain the right to request mediation and/or a due process hearing if there are any disagreements with the decision of the IEP team.

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 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, PGCPs  
Keith Marston, Supervisor Special Education Compliance, PGCPs  
Lois Smith-Jones, Liaison, Special Education Compliance, PGCPs  
Darnell Henderson, General Counsel, PGCPs  
William Fields, Associate General Counsel, PGCPs  
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE  
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Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE  
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE  
Nicole Green, Compliance Specialist, MSDE