


February 14, 2025

Revised February 20, 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: 
Reference: #25-182

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 16, 2024, MSDE received a complaint from , 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 student was provided with transportation on December 13, 2024, 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 did not ensure that the student's parents were notified of the student's progress towards his IEP goals as required by the student's IEP, after the second quarter of 2024-2025 school year, in accordance with 34 CFR § 300.101 and COMAR 13A.05.01.09.
3. The PGCPS did not ensure that the student was provided with the amount of classroom instruction required by the student's IEP, from December 09, 2024, to December 13, 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 4, 2024, before the IEP team meeting, in accordance with 34 CFR § 300.613, .501 and COMAR 13A.05.01.11. Specifically, the parent asked the following: Please explain the name of the speech specialist?

5. The PGCPs did not ensure that the school staff was available to answer questions the parent^{1 2}³asked the chairperson on December 8 and 9, 2024, by email, as required by the student's IEP, in accordance with 34 CFR § 300.101 and COMAR 13A.05.01.09.
6. The PGCPs did not ensure that the previous school staff was available to answer questions the parent asked on December 21, 2023, by email,^{4 5 6} as required by the student's IEP, accordance with 34 CFR § 300.101 and COMAR 13A.05.01.09.
7. The PGCPs did not ensure that the student's safety vest was properly used during the transportation from school to the student's home on December 12, 2024, as required by the student's Individualized Education Program (IEP), in accordance with 34 CFR § 300.101 and COMAR 13A.05.01.09.

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.

¹ "The purpose of the meeting in Bowman's notice and the purpose of the IEP meeting that I requested in the email below are different. Please note that the IEP meeting I requested is for reevaluation. But that is not the purpose in Bowman's notice. Bowman's notice shows that there is no plan to conduct reevaluation at that IEP meeting. It states the following as one of the purposes of the meeting: "consider reevaluation to determine need for additional data, determine services and/or determine continued eligibility." As you are aware, the IEP Team already decided to do reevaluation at the IEP team meeting held on October 22, 2024. What is the status of that reevaluation?"

² "The purpose of the meeting in Bowman's notice and the purpose of the IEP meeting that I requested in the email below are different. Please note that the IEP Meeting I requested is for reevaluation. But that is not the purpose in Bowman's notice. Bowman's notice shows that there is no plan to conduct reevaluation at that IEP meeting. It states the following as one of the purposes of the meeting: "consider reevaluation to determine need for additional data, determine services and/or determine continued eligibility." As you are aware, the IEP Team already decided to do reevaluation at the IEP Team meeting held on October 22, 2024 [.....] Why considering another reevaluation before completing the one which was initiated?"

³ "I received a form titled "Functional Analysis Screening Tool" (FAST), through [REDACTED] book bag, which was sent on Thursday, December 05, 2024. The form is blank. There was no notes or instructions included. There was no correspondence addressed to [REDACTED] parents. No one has contacted us regarding this form either. Could you please let me know what is the purpose of this form?"

⁴ "What is the name of the TBA assigned to [REDACTED] on December 19, 2023?"

⁵ "As I mentioned, we also note that there was one (1) instance of physical aggression reported in the daily log. Could you please let us know if there were any incidents which could result in these scratches?"

⁶ "As I mentioned, we also note that there was one (1) instance of physical aggression reported in the daily log. [.....] Could you please explain what are the incidents during the physical aggression reported in the daily log?"

FINDINGS OF FACT:

ALLEGATIONS #1 and #7

TRANSPORTATION AND SAFETY VEST

1. Allegation #7 was investigated as a part of State Complaint #25-181 and will not be addressed as a part of this complaint investigation.
2. There is documentation that the student's pick-up time on the date in question was between 7:00 a.m. and 7:10 a.m. There is also documentation that the student's bus arrived at 6:52 a.m. on that day. The PGCPs acknowledges the early pick-up time and has since made adjustments to the student's bus schedule.

DISCUSSION AND CONCLUSIONS:

While there are no drop-off or pick-up times notated on a student's IEP, arriving early or late to a student's home may cause an interruption in a student's transportation services. In this case, the student's bus arrived 8 minutes early on the day in question and the student was not able to ride the bus to school that morning. Consequently, the PGCPs did not ensure that the student was provided transportation on December 13, 2024, as required by the student's IEP, in accordance with 34 CFR § 300.101 and COMAR 13A.05.01.09. Therefore, this office finds a violation concerning this allegation.

Notwithstanding this violation, the PGCPs reviewed the student's bus route and has made adjustments to the transportation window during which the student will be picked up, and no additional student specific corrections are required.

ALLEGATION #2

PROGRESS REPORTS

3. The first goal the complainant alleges was not reported on following July 2024, is: "By annual review 2025, given illustrations to support the word, and given no more than 3 verbal prompts, [the student] will identify common homophones(e.g., red-read, soar-sore, weight-wait) or homographs(e.g. row, lead, dove) with 80% accuracy in 3 out of 4 trials."
4. The goal is measurable and includes all the required components. The progress reports for June 2024, July 2024, and January 2025 report the student's progress as a percentage of accuracy, as required by the IEP goal. The progress report for October 2024, does not report the student's progress as a percentage of accuracy, as required by the IEP goal.
5. The second goal the complainant alleges was not reported during the second quarter of the 2023-2024 school year is: "Given a personalized Behavior Intervention Plan; by May 8, 2024, [the student] will decrease his rate of each maladaptive behavior by 40% through the use of classroom supports to increase replacement behaviors as measured by direct observations."
6. The second quarter progress for this goal was reported on November 1, 2023, over one year prior to the filing of this complaint. Therefore, this component of this allegation will not be investigated.

CONCLUSION AND DISCUSSION:

In this case, the student's goal is measurable, as required by the IDEA. The progress reported in the October progress report is not measured as required by the goal. Consequently, it is not possible for the team or the parents to determine how much growth, if any, the student has made over that quarter, or whether an IEP team meeting is required because the student has not made the expected progress.

Based on Finding of Facts #3 through #4, the PGCPs did not ensure that the student's parents were notified of the student's progress towards his IEP goals as required by the student's IEP, after the second quarter of 2024-2025 school year, in accordance with 34 CFR § 300.101 and COMAR 13A.05.01.09. Therefore, this office finds a violation with respect to this allegation.

ALLEGATION #3

CLASSROOM INSTRUCTION

7. The student's IEP in effect during December 9, 2024, through December 13, 2024, was drafted on April 30, 2024. During the time period in question the IEP requires 29 hours and 50 minutes of classroom instruction.
8. The student is placed in a separate special education day school, where specialized instruction is provided throughout the entire school day when he is in attendance.
9. There is no documentation to support the allegation that the student is not provided with the classroom instruction pursuant to his IEP **however, during the time in question, the student was not able to attend school for one day due to a lapse in his related service of transportation.**
10. **During the week in question, the student did not receive 29 hours and 50 minutes of special education services due to the lapse in transportation services.**

CONCLUSION AND DISCUSSION:

Based on Finding of Facts #8 through #10, **because the student was not provided with transportation services pursuant to his IEP, he was unable to attend school on December 13. Therefore, he did not receive 29 hours and 50 minutes of instruction from December 09, 2024, to December 13, 2024, in accordance with 34 CFR § 300.101 and COMAR 13A.05.01.09. Therefore, this office finds that a violation did occur with respect to this allegation.**

The need for consideration of compensatory services is appropriate when there has been a significant lapse in the provision of a free appropriate public education (FAPE). In this case, the student missed one day of school due to a single lapse in the provision of transportation services. The PGCPs responded appropriately and addressed the problem, however, transportation problems do occur from time to time and should be expected. Because this violation did not result in a significant lapse in services, compensatory services are not appropriate. However, the parties should discuss and document a plan should there be transportation delays or concerns moving forward for the student not to miss a whole day of school.

ALLEGATIONS #4, #5, and #6 RESPONDING TO QUESTIONS, INTERPRETATIONS AND EXPLANATIONS

11. There is documentation that on October 4, 2024, the complainant emailed the PGCPs staff asking the following question: "Please explain the name of the Speech Specialist."
12. This is not a request for explanation or interpretation of a student record as contemplated under the Family Education Rights and Privacy Act (FERPA), it is a question about the name of a staff member.
13. There is documentation that on December 8, 2024, the complainant sent an email to the PGCPs asking the following question: "The purpose of the meeting in Bowman's notice and the purpose of the IEP meeting that I requested in the email below are different. Please note that the IEP meeting I requested is for reevaluation. But, that is not the purpose in Bowman's notice. Bowman's notice shows that there is no plan to conduct reevaluation at that IEP meeting. It states the following as one of the purposes of the meeting:
"consider reevaluation to determine need for additional data, determine services and/or determine continued eligibility."

"As you are aware, the IEP team already decided to do reevaluation at the IEP team meeting held on October 22, 2024. What is the status of that reevaluation?"
14. There is documentation that on December 8, 2024, the complainant sent a second email to the PGCPs staff stating: "The purpose of the meeting in Bowman's notice and the purpose of the IEP meeting that I requested in the email below are different. Please note that the IEP meeting I requested is for reevaluation. But, that is not the purpose in Bowman's notice. Bowman's notice shows that there is no plan to conduct reevaluation at that IEP meeting. It states the following as one of the purposes of the meeting:
"consider reevaluation to determine need for additional data, determine services and/or determine continued eligibility."

As you are aware, the IEP Team already decided to do reevaluation at the IEP Team meeting held on October 22, 2024 [.....] Why considering another reevaluation before completing the one which was initiated?"
15. There is documentation that the PGCPs staff responded to your December 8, 2024, email questions on December 9, 2024.
16. There is documentation that on December 9, 2024, the complainant sent an email to the PGCPs staff with the following question: "I received a form titled "Functional Analysis Screening Tool" (FAST), through [the student's] book bag, which was sent on Thursday, December 05, 2024. The form is blank. There were no notes or instructions included. There was no correspondence addressed to [the student's] parents. No one has contacted us regarding this form either. Could you please let me know what is the purpose of this form?"
17. There is documentation that PGCPs staff responded to the complainant's question about the FAST form on December 16, 2024.

18. There is documentation that on December 19, 2023, there were several questions sent to the staff at the student's previous school, including, "What is the name of the TBA assigned to [REDACTED] on December 19, 2023?" "As I mentioned, we also note that there was one (1) instance of physical aggression reported in the daily log. Could you please let us know if there were any incidents which could result in these scratches?" and "As I mentioned, we also note that there was one (1) instance of physical aggression reported in the daily log. [.....] Could you please explain what are the incidents during the physical aggression reported in the daily log?"
19. 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. That said, there is documentation that on December 20, 2023, the student's teacher did respond to the complainant's questions regarding scratches.

CORRECTIVE ACTIONS AND TIMELINES:

The IDEA requires that State complaint procedures include those for 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 manner⁷. 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 action⁸. Ms. Green can be reached at (410) 767-7770 or by email at nicole.green@maryland.gov.

Student-Specific

By March 31, 2025, the PGCPs must ensure that the student's October 2024 progress report for his reading vocabulary goal is updated to reflect the measure of accuracy required by the goal.

⁷ 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.

⁸ MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

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. The written request for reconsideration should be provided to Tracy Givens, Section Chief, Dispute Resolution via email Tracy.Givens@maryland.gov. 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
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE
Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Nicole Green, Compliance Specialist, MSDE