


February 25, 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: #25-193

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 19, 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's safety vest was properly used during the transportation from the school to the student's home on December 16, 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 was provided with the amount of Classroom Instruction required by the Student's IEP, from October 7, 2024 to October 11, 2024, in accordance with 34 CFR §300.101 and COMAR 13A.05.01.09.
3. 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 beginning of the first (1st) quarter of 2024-2025 school year, in accordance with 34 CFR §300.101 and COMAR 13A.05.01.09.

"By annual review 2025, when given a model, graphic organizer, visuals, and/or a word list [the student] will identify written word to a picture representation correctly 4 out of

5 trials, and write or type his personal information (i.e. full name, phone number, date of birth, address, etc.) in a variety of formats with 80% accuracy as measured by teacher-made writing checklists, observations, or informal classroom assessments."

4. 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 beginning of the third (3rd) quarter of 2023-2024 school year, in accordance with 34 CFR §300.101 and COMAR 13A.05.01.09:

"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."

5. The PGCPS did not provide the parent with the explanations and interpretations of the student's education records per the following request made on October 18, 2024, prior to an IEP team meeting on October 22, 2024, in accordance with 34 CFR §300.613, .501 and COMAR 13A.05.01.11:

"Please explain the name of the PE Teacher."

6. The PGCPS did not ensure that the school staff was available to answer questions the parent asked on December 16, 2024, by email, as required by the student's IEP, accordance with 34 CFR §300.101 and COMAR 13A.05.01.09. Specifically:

"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?" "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 a reevaluation at the IEP team meeting held on October 22, 2024 [.....] Why considering another reevaluation before completing the one which was initiated?"

"Could you please let me know the full names of all attendees for the IEP meeting?"

"Is the Psychological assessment complete?"

7. The PGCPs did not ensure that the Previous School staff was available to answer the following questions the complainant asked the student's previous special education teacher on December 21, 2023, by email, as required by the student's IEP, in accordance with 34 CFR §300.101 and COMAR 13A.05.01.09.

"As I also mentioned, it was also noted on the daily log for December 19, 2023, that there was one (1) instance of Inappropriate Fecal Behavior. Could you please explain what was the incident?"

"As I also mentioned, it was also noted on the daily log for December 19, 2023, that there was one (1) instance of Inappropriate Fecal Behavior. [.....] Where did the incident occur?"

"As I also mentioned, it was also noted on the daily log for December 19, 2023, that there was one (1) instance of Inappropriate Fecal Behavior. [.....] Did [the student] put fecal into his mouth?"

The PGCPs did not ensure that IEP team included the student's special education teacher for the IEP team meeting held on October 28, 2024, in accordance with 34 CFR §300.321 and COMAR 13A.05.01.09.

8. The PGCPs did not provide the complainant with the explanations and interpretations of the student's education records per the request the complainant made on December 21, 2023, in accordance with 34 CFR §300.613, .501 and COMAR 13A.05.01.11. (Refers to allegations #5 and #7).

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 there was a period of time when staff were incorrectly placing the student in his safety vest, however they do not acknowledge that the student was using the safety vest improperly on this date.
2. There is no documentation that the student wore the safety vest incorrectly on the date in question.
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, that 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.
5. There is also documentation that the PGCPs offers parent training to ensure that all parents are using this safety device properly.

DISCUSSION AND CONCLUSION:

The PGCPs does not acknowledge that the student was improperly outfitted in his safety vest on December 16, 2024, and there is no documentation from the complainant that this was the case. Based on Findings of Fact #1 through #4, MSDE finds that the PGCPs there is no documentation to support the allegation that 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 16, 2024, as required by the IEP, in accordance with 34 CFR §300.101 and COMAR 13A.05.01.09. Therefore, this office does not find a violation with respect to this allegation.

ALLEGATION #2:

PROVISION OF CLASSROOM INSTRUCTION

6. The student's IEP in effect from October 7 through 11, 2024 requires the provision of 29 hours and 50 minutes of classroom instruction.
7. The student attends a separate special education day school where specialized instruction is provided throughout his school day.
8. On October 7, 2024, all PGCPs schools were closed for students due to parent-teacher conferences.
9. The student was able to attend school on October 8, 9, 10, and 11.
10. The state of Maryland requires that there be 180 instructional days annually. There is no requirement for student's IEPs to be adjusted for school closures, holidays, or other days when students are not in attendance.

DISCUSSION AND CONCLUSION:

It is not required that a student's IEP be adjusted for every holiday, school closure, or day when instruction is not provided due to students not attending. It is not a violation of the IDEA for the student not to receive services based on the calendar of the Local Education Agency (LEA). It also does not mean that the student does not receive a free appropriate public education (FAPE) because schools are not in session for students based on the LEA calendar.

Based on Findings of Fact #6 through #9, MSDE finds that the PGCPs did ensure that the student was provided with the amount of classroom instruction. required by the student's IEP, from October 7, 2024, to October 11, 2024, when schools were open for students, in accordance with 34 CFR §300.101 and COMAR 13A.05.01.09. Therefore, there is no violation concerning this allegation.

ALLEGATIONS #3 and #4

11. The student's IEP dated April 30, 2024, includes the following goal: By annual review 2025, when given a model, graphic organizer, visuals, and/or a word list, [the student] will identify written word to a picture representation correctly 4 out of 5 trials, and write or type his personal information (i.e. full name, phone number, date of birth, address, etc.) in a variety of formats with 80% accuracy as measured by teacher-made writing checklists, observations, or informal classroom assessments.
12. This goal includes the required elements pursuant to the Maryland On-line IEP Process Guide. It includes conditions under which the goal will be implemented and measured, the actions required, the method of measurement, the criteria for mastery and the criteria for retention.

13. The first quarter of the 2024-2025 school year progress report was dated October 31, 2025. It provides data on the percentage of accuracy and the number of trials, as required by the goal regarding the student writing his name in a variety of formats. It does not provide any data regarding identifying written words to picture representation.
14. The student's IEP dated May 10, 2023, includes the following goal: "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."
15. The goal includes conceptions by which the goal will be implemented and measured, the behavior required, the method of measurement, the criteria for mastery, but does not include criteria for retention.
16. Data is reported as required by the goal.
17. The PGCPs acknowledges there were data reporting errors included in the progress reports for this goal. The errors were corrected and new data was included in the discussion at a subsequent IEP team meeting.
18. The student's progress reports that had been written cannot be updated on the MOIEP system, however, there is documentation that the PGCPs has corrected data and progress reporting for March 14, 2024, January 17, 2024, November 1, 2023, July 24, 2023, and June 14, 2023.
19. There is documentation that these revisions to the student's progress reports were agreed to be included in the student's education record and were provided to the complainant and the student's mother.

DISCUSSION AND CONCLUSION:

Based on Finding of Fact #12, while the goal is measurable and included all the required components, and the progress report is written as required by the goal, progress is reported on only one component of the goal. No data is reported on the student's progress on the other goal requirement. Accordingly, The PGCPs did not ensure that the student's parents were notified of the student's progress towards the IEP goal as required by the student's IEP, after the beginning of the first quarter of the 2024-2025 school year, in accordance with 34 CFR §300.101 and COMAR 13A.05.01.09. Therefore, this office finds a violation concerning this component of the allegation.

Based on Findings of Fact #13 through #16, the PGCPs acknowledges that there were errors in progress reporting at the time the reports were due, however, the errors were rectified and corrected both in the student record and provided to the complainant. Therefore, the PGCPs did 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 beginning of the third (3rd) quarter of 2023-2024 school year, in accordance with 34 CFR §300.101 and COMAR 13A.05.01.09. This office finds no violation regarding this allegation.

ALLEGATIONS #5, #6, #7, AND #9: RESPONSES TO QUESTIONS

20. There is documentation that on October 18, 2024, the complainant sent the PGCPs a list of 30 items that he entitled "Request for Explanation and Interpretation of Records." This was sent to the student's classroom teacher.

21. There is documentation that on October 21, 2024, the PGCPs responded to all of these requests, explaining the roles of the individuals that the complainant requested information about.
22. The name of a specific individual is not a request for an explanation or interpretation of a record pursuant to 34 CFR §300.613, it is simply a question.
23. There is documentation that on December 6, 8, and 16, 2024, the complainant sent multiple email communications to the PGCPs staff regarding an upcoming reevaluation. The communications asked several questions and reflected some confusion about the wording of the invitations to the meetings.
24. There is documentation that on December 18, 2024, the PGCPs responded to the complainant's email communications, provided explanations that clarified the terms of confusion, and included an email chain that the meeting was rescheduled on a date of the complainant's request (through a December 16, 2024, email communication).
25. The PGCPs email communication also responds to the complainant's question about the participants in the IEP team meeting and indicates that the psychological assessment is attached to the email, in response to his question about whether the psychological assessment was completed.
26. There is documentation from the complainant that he sent email communication to the student's previous teacher and teaching assistant in his prior school, where he asked questions regarding a behavioral incident that allegedly took place on December 19, 2023.
27. The PGCPs was unaware of this communication, the principal of the school is unaware of this incident. The complainant failed to utilize the well-established E-Mail Communication Protocol (Updated October 5, 2023) that was put into effect to address this type of situation.

DISCUSSION AND CONCLUSIONS:

Based on Findings of Fact #20 through #22, MSDE finds that the PGCPs did provide the parent with the explanations and interpretations in response to his request made on October 18, 2024, prior to an IEP team meeting on October 22, 2024, however, the request was not made in accordance with 34 CFR §300.613, .501 and COMAR 13A.05.01.11. The request was simply a request for an individual's name. Therefore, this office finds there is no violation concerning allegation #5.

Based on Findings of Fact #22 through #24, MSDE finds that the PGCPs did ensure that the school staff was available to answer questions the complainant asked on December 16, 2024, by email, as required by the student's IEP, accordance with 34 CFR §300.101 and COMAR 13A.05.01.09. Therefore, this office finds there is no violation concerning allegation #6.

Based on Findings of Fact #25 and #26, the complainant failed to use the E-mail Communication Protocol that was established in prior MSDE cases to ensure that timely responses to the complainant's many email questions were provided. The complainant has not communicated directly with the PGCPs liaison assigned to the student's case, even when she writes to him directly, as required by the protocol. As stated previously, PGCPs cannot be held responsible for communication they have not received.

Based on Findings of Fact #25 through #27, while PGCPs did not ensure that the school staff was available to answer questions 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, the complainant failed to use the E-mail Communication Protocol, as required by MSDE, and the PGCPs was unaware of the communication.

The PGCPs cannot be responsible for responding to communication they are not aware of. Therefore, this office finds no violation with respect to this allegation.

Based on Finding of Facts #20 through #24, MSDE finds that the PGCPs did provide the complainant with the explanations and interpretations of the student's education records per the request the complainant made on December 16, 2024, in accordance with 34 CFR §300.613, .501 and COMAR 13A.05.01.11. Therefore, this office finds no violation with respect to allegation #9.

ALLEGATION #8: SPECIAL EDUCATION TEACHER

28. There is documentation that the IEP team met on October 28, 2024. In attendance were the student's parents, the principal of the student's previous school, the behavior specialist at the student's previous school, the IEP chair of the student's previous school, the speech-language pathologist, and the PGCPs liaison.
29. The purpose of the meeting was to discuss corrective actions from two prior MSDE complaints that occurred while the student was attending his previous school. Both of the corrective actions required a determination of whether compensatory services were warranted.
30. There is documentation that PGCPs made multiple attempts to schedule this meeting while the student was attending his previous school where IEP team members who had current knowledge of the facts and knowledge of the student at the time of the violations would have been able to provide input into the decisions.
31. There is documentation that PGCPs determined that the student's new IEP team would not be in a position to determine the effect of the violations on the student's progress at the time of the cases, as they did not know him. They elected to include the IEP Chair, who was very familiar with the student as the special educator on the team since the student's previous special education teacher was no longer employed at the school.

CONCLUSION AND DISCUSSION:

A duly constituted IEP team must include a special educator of the child. Because of the purpose of the IEP team meeting, PGCPs made the decision to include participants with knowledge of the student at the time of the incidents that took place, who were in a better position to discuss his progress at that time, and any impact from the violations. PGCPs determined that participants who did not know the student at the time would have a difficult time making accurate decisions. The documentation reflects that PGCPs attempted to schedule the required meeting several times before the student changed schools, and before the student's prior special educator left the school. Unfortunately, the complainant was unable to attend any of the proposed meetings. While the PGCPs position is logical, it is not consistent with the requirements of 34 CFR §300.321 or COMAR 13A.05.01.09. There are no exceptions to including a special educator of the student in an IEP team meeting, unless the parent excuses their participation.

Based on Findings of Fact #28 through #31, MSDE finds that the PGCPs did not ensure that IEP team included the student's special education teacher for the IEP Team meeting held on October 28, 2024, in accordance with 34 CFR §300.321 and COMAR 13A.05.01.09. Therefore, this office finds a violation with respect to this allegation.

Student-Specific

By March 15, 2025, the PGCPs must ensure that the student's parents have received updated progress reports for the student's written language goal from the first quarter of the 2024-2025 school year. They must also confirm that the student's parents have received the updated progress reports from the student's behavior goal from the 2023-2024 school year. PGCPs must provide documentation that the student's parents have been provided with this information.

School-Based

By April 15, 2025, the PGCPs must provide MSDE with documentation that students attending the [REDACTED] include special educators in their IEP team meetings. The PGCPs must provide MSDE with a monitoring report demonstrating compliance with that regulation for all the PGCPs publicly placed students at that site.

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 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
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