



October 5, 2022

[REDACTED]  
[REDACTED]  
[REDACTED]

Dr. 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: #23-043

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention/Special Education Services (MSDE), has completed the investigation of the complaint regarding special education services for the above-referenced student. This correspondence is the report of the final results of the investigation.

**ALLEGATION:**

On September 9, 2022, the MSDE received a complaint from Mr. [REDACTED] hereafter, “the complainant,” on behalf of his son, the above-referenced student. In that correspondence, the complainant alleged that the Prince Georges County Public Schools (PGCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the student.

The MSDE investigated the following allegation:

1. The PGCPS has not permitted the complainant to revoke special education and related services for the student since June 22, 2022, in accordance with 34 CFR §§300.300(B)(4)(i).

**BACKGROUND:**

The student is six (6) years old and is eligible for special education and related services under the IDEA as a child with a developmental delay. The student attends the [REDACTED] [REDACTED] school located in Prince Georges County.

**FINDINGS OF FACTS:**

1. The student has an Individual Education Program (IEP) dated March 15, 2022. The March 15, 2022, IEP was revised at an IEP team meeting convened on June 22, 2022.
2. There is documentation that at the June 22, 2022, IEP team meeting the complainant requested the IEP team to revoke the student’s IEP and stop special education services.

3. There is no documentation that the complainant was provided with the procedures required to revoke consent for services or that his request was considered. The documentation reflects only that the team did not know how to respond to his request.
4. The complainant stated in his State complaint that the student's mother does not agree with revoking the student's special education services.
5. The student continues to receive special education services.

**CONCLUSIONS:**

If, at any time after the initial consent for special education and related services, the parent revokes consent in writing for the provision of services, the school system may not continue to provide special education and related services, but must provide prior written notice before stopping the implementation of services. 34 CFR §300.300(B)(4). Further, "A parent has the unilateral right to revoke consent to services, including services to which the other parent has consented. If one parent grants consent and the other revokes consent, then services stop." Special Education Law Alert; See also, Letter to Cox, 2009. Due process procedures may not be implemented for one parent to override the revocation of consent from the other. 34§ CFR 300.300(B)(4).

In this case, the complainant should have been directed to follow the procedures required for revocation of consent for services at the June 22, 2022, IEP team meeting and the implementation of his IEP should have ceased at the time of receipt of his written request.

Based on the Findings of Fact #1- #5, the MSDE finds that the PGCPs has not permitted the complainant to revoke special education and related services for the student since June 22, 2022, in accordance with 34 CFR §§300.300(B)(4)(i). Therefore, this office finds a violation with respect to the allegation.

**CORRECTIVE ACTIONS/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, the MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

The MSDE has established reasonable time frames below to ensure that non-compliance is corrected in a timely manner.<sup>1</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 Diane Eisenstadt, Compliance Specialist, Family Support and Dispute

---

<sup>1</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 (1) 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 (1) 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.

Resolution Branch, MSDE, to ensure the effective implementation of the action.<sup>2</sup> Ms. Eisenstadt can be reached at (410) 767-7770 or by email at [Diane.Eisenstadt@maryland.gov](mailto:Diane.Eisenstadt@maryland.gov).

**Student Specific:**

The MSDE requires the PGCPS to provide documentation by October 15, 2022, of the following actions:

- a. That the IEP team has provided the complainant with procedures required to revoke consent for special education services;
- b. If written revocation of services is received, ensure that prior written notice of the effects of revocation of services is provided to the complainant and the student's mother; and
- c. That the provision of special education services ceases following the provision of prior written notice to the complainant and the student's mother.

**School-Based**

The MSDE requires the PGCPS to provide professional development to the staff at [REDACTED] on the procedures required when a parent revokes consent for special education services, including for families that have different custodial relationships, by December 15, 2022. Documentation of the implementation of the professional development must be provided to the MSDE prior to December 30, 2022.

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 Free Appropriate Public Education (FAPE) for the student, including issues subject to this State complaint investigation, consistent with the IDEA. The MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Marcella E. Franczkowski, M.S.  
Assistant State Superintendent  
Division of Early Intervention/Special Education Services

MEF/ab

c: Monica Goldson  
Keith Marston  
Darnell Henderson

[REDACTED]  
Alison Barmat  
Gerald Loiacono

Diane Eisenstadt

---

<sup>2</sup> The MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.