


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: #25-209

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 January 3, 2025, 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 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, given a functional-level, short, illustrated informational or literary text that is read aloud, and asked to respond to "wh" questions from 3 illustrated, read-aloud options, [the student] will respond correctly by pointing to or circling the correct response with 80% accuracy, in 4 out of 5 texts."
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 beginning of the fourth (4th) 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,  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."

3. 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 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 Pathologist."

4. The PGCPS did not ensure that the previous school staff was available to answer questions the parent asked the previous special education teacher on January 5, 2024, by email, as required by the student's IEP, accordance with 34 CFR §300.101 and COMAR 13A.05.01.09. Specifically:

"It was noted on the daily log for Tuesday, January 02, 2024, that there was one (1) instance of Inappropriate Fecal Behavior. Could you please explain what were the incidents?"

"It was noted on the daily log for Tuesday, January 02, 2024, that there was one (1) instance of Inappropriate Fecal Behavior. [...] Where did the incidents occur?"

"It was noted on the daily log for Tuesday, January 02, 2024, that there was one (1) instance of Inappropriate Fecal Behavior. [...] Were they in the bathroom or classroom?"

"It was noted on the daily log for Tuesday, January 02, 2024, that there was one (1) instance of Inappropriate Fecal Behavior. [...] Did [REDACTED] put fecal into his mouth?"

"It was also noted on the daily log for Tuesday, January 02, 2024, that there were three (3) instances of Physical Aggression. Could you please explain what were the incidents?"

"It was also noted on the daily log for Tuesday, January 02, 2024, that there were three (3) instances of Physical Aggression. [...] Where did the incidents occur?"

"It was also noted on the daily log for Tuesday, January 02, 2024, that there were three (3) instances of Physical Aggression. [...] Did he attack any staff?"

"It was also noted on the daily log for Tuesday, January 02, 2024, that there were three (3) instances of Physical Aggression. [...] Did he attack any student?"

"It was also noted on the daily log for Tuesday, January 02, 2024, that there were three (3) instances of Physical Aggression. [...] Did he destroy any property?"

5. The PGCPS did not provide the parent with the explanations and interpretations of the student's education records per the requests made on January 05, 2024, in accordance with 34 CFR § 300.613, .501, and COMAR 13A.05.01.11.1

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].

FINDINGS OF FACT:

ALLEGATIONS #1 and #2:

PROGRESS REPORTS

1. The student's April 20, 2024, IEP includes the following IEP goal: "By annual review 2025, given a functional-level, short, illustrated informational or literary text that is read aloud, and asked to respond to "wh" questions from 3 illustrated, read-aloud options, [REDACTED] will respond correctly by pointing to or circling the correct response with 80% accuracy, in 4 out of 5 texts."
2. The goal is measurable and includes all the required components.
3. Progress is reported June 30, 2024, October 31, 2024, and January 24, 2025. This goal was not identified as an extended school year (ESY) goal.
4. There is documentation that progress reports were provided to the complainant on June 14, 2024, and November 14, 2024. There is no documentation that the student's January 2025 progress reports were provided to the complainant.
5. Allegation #2 was investigated in Complaint #25-193 and will not be addressed in this complaint.

ADDITIONAL VIOLATION:

PROGRESS REPORTED AS REQUIRED BY GOAL

6. The student's reading comprehension goal includes criteria for both mastery and retention. The student's June 30, 2024, progress report indicates that he is achieving 20% accuracy on 1 out of 3 trials. This progress report reports progress as required by the goal.
7. The student's October and January progress reports provide only the criteria for retention, stating that the student is participation in 17 and 12 trials respectively, but does not report on the percentage of accuracy. Consequently, the parents and staff are unaware of the student's progress on this goal.

DISCUSSION AND CONCLUSION:

In this allegation, the complainant states that he has not received progress reports on this goal since July 2024. There is documentation that he received progress reports from the first quarter of the current school year but not the second quarter, however, based on the additional violation, the progress was not reported as required by the goal.

Based on Findings of Fact #1 through #5, MSDE finds that the PGCPs did not ensure that the student's parents were notified of the student's progress towards the student's reading comprehension IEP goal, as required by the student's IEP, after the beginning of the first quarter of 2024-2025 school year, in accordance with 34 CFR § 300.101 and COMAR 13A.05.01.09. Therefore, MSDE finds a violation.

ALLEGATION #3:

EXPLANATIONS AND INTERPRETATIONS

8. On October 18, 2024, the complainant sent a list of 30 questions to PGCPs, addressed to the student's teacher. On October 21, 2024, PGCPs responded to the complainant's questions. This allegation, the content of these questions and the response to these questions, has been addressed in several complaint investigations, most recently, 25-193. MSDE will not continue to investigate this allegation simply because there is a different word substituted in the question the complainant asks.

DISCUSSION AND CONCLUSION:

There is documentation that on October 18, 2024, the complainant sent 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. There is documentation that on October 21, 2024, PGCPs responded to all of these items, explaining the roles of the individuals that the complainant requested names for. The name of a specific individual is not a request for an explanation or interpretation of a student record pursuant to 34 CFR 300.613, it is simply a question.

Based on Finding of Fact #8, MSDE finds that the PGCPs was not required to provide the parent with the explanations and interpretations of the student's education records in response to the complainant's question 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. Therefore, there was no violation concerning this allegation.

ALLEGATION #4:

RESPONSES TO QUESTIONS

9. There is documentation of only one email communication dated January 5, 2024, sent to the student's previous teacher and copied to the student's previous teaching assistant, both of which are no longer employed by the student's previous school.
10. The following email was sent to the previous teacher and teaching assistant on January 5, 2024: It was noted on the daily log for Tuesday, January 02, 2024, that there was one (1) instance of Inappropriate Fecal Behavior. Could you please explain what were the incidents? Where did the incidents occur? Were they in the bathroom or classroom? Did [the student] put fecal into his mouth?
11. There is no documentation of any additional email communication sent to any other individuals asking any other questions on January 5, 2024.
12. Neither the PGCPs nor the school principal were unaware of the complainant's email communication.
13. 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.

Based on Findings of Fact #9 through #13, while PGCPs did not ensure that the school staff was available to answer questions the parent asked on January 5, 2024, by email as required by the student's IEP, in 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. PGCPs cannot be responsible for responding to communication they are not aware of. Therefore, this office finds no violation with respect to this allegation.

ALLEGATION #5:

INTERPRETATIONS AND EXPLANATIONS

14. There is no documentation that PGCPs was aware of the questions asked by the complainant on January 5, 2024.
15. There is no documentation that the complainant asked any questions other than those about the student's fecal behavior on January 5, 2024.

16. There is no documentation that the complainant utilized the well-established Email Communication Protocol to ensure that his email communications received the responses he expects.

Based on Findings of Fact #14 through #16, 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. PGCPs cannot be expected to provide explanations or interpretations of records they have not received. Therefore, this office finds no violation with respect to this allegation.

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.¹ 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.² Ms. Green can be reached at (410) 767-7770 or by email at nicole.green@maryland.gov.

Student-Specific

By March 15, 2025, the PGCPs must ensure that the student's parents have received updated progress reports for the student's reading comprehension goal from the first and second quarters of the 2024-2025 school year.

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.

¹ 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.

² 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 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 Jones-Smith, 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
Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
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