

March 21, 2025

Ms. Jaime Seaton, Esquire
110 N. Washington Street, Suite 404
Rockville, Maryland, 20805

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: #25-230

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 22, 2025, MSDE received a complaint from Ms. Jaime Seaton, 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 comprehensively assessed in all areas of need, since January 29, 2024, in accordance with 34 CFR §§ 300.301, .304 -.311, and COMAR 13A.05.01.04-.06.
2. The PGCPS did not ensure that accessible copies of each assessment, report, data chart, draft Individualized Education Program (IEP), or other documents the IEP team planned to discuss at the IEP team meetings, on October 24, 2024, and December 6, 2024, were provided at least five business days before each scheduled meeting, in accordance with COMAR 13A.05.01.07.
3. The PGCPS did not follow proper procedures when disciplinarily removing the student from school since the beginning of the 2024-2025 school year, in accordance with 34 CFR §§ 300.530 – .536, COMAR 13A.08.03, and COMAR 13A.05.01.10.
4. The PGCPS did not provide the parents with access to the student's education record prior to the October 24, 2024, IEP team meeting, in accordance with 34 CFR §§ 300.501 and .613.

BACKGROUND:

The student is 17 years old and is a student with autism under the IDEA. During the 2023-2024 school year, he attended [REDACTED] School and currently attends [REDACTED] School and has an IEP that requires special education.

FINDINGS OF FACT:

1. There is no documentation that the PGCPs completed the evaluation process initiated on December 15, 2023, by the required timeline of February 13, 2024.
2. The prior written notice (PWN) developed on September 24, 2024, reflects the IEP team convened to determine the student's eligibility for special education services. The IEP team determined the student's eligibility based on reports from the student's private provider which reflect diagnoses of Attention-Deficit/Hyperactivity Disorder (ADHD), Autism, and Emotional Disability.
3. On October 17, 2024, the education consultant contacted the PGCPs informing them that the parents are requesting the following:
 - Draft IEP before the IEP team meeting to review and prepare.
 - An update on their child's return to school after recent suspensions.
 - Participation of a PGCPs School Psychologist and Compliance Specialist, two to three dates for the IEP team meeting for the parents to consider.
 - Three years of special education and behavioral records, to be sent electronically and at no cost.

There is no documentation that the parents have been provided with access to the student's records.

4. The PWN developed on October 24, 2024, reflects the IEP team proposed and agreed to:
 - Send consent for the Functional Behavior Assessment (FBA) (they will send out areas of suspected needs)
 - Extend the timeline for holding the manifestation determination meeting
 - Education records requested on October 17, 2024, will be sent
 - "Determine Free Appropriate Public Education (FAPE) to include social-emotional goals"
5. There is no documentation that the PGCPs provided the documents that it planned to discuss with the parents five days before the October 24, 2024 IEP team meeting.
6. There is documentation that the IEP team convened on October 24, 2024, however, the IEP team proposed and agreed to reconvene on November 1, 2024.
7. The Manifestation Determination Summary reflects the IEP team convened on November 6, 2024¹ to conduct a manifestation determination. The IEP team meeting form reflects the date of the incident was October 17, 2024, the date of removal was October 17, 2024, and the proposed date of return was November 1, 2024.

¹ An audio recording on an IEP team meeting that occurred on October 24, 2024, reflects the team agreed to reconvene on November 1, 2024.

The Manifestation Determination Summary reflects that the total number of out-of-school suspension days for the 2024–2025 school year was 16 and no services were provided for 10 days. The Manifestation Determination Summary further reflects the following additional assessments were needed: Functional Behavior Assessment (FBA) and speech.

The IEP team determined the student’s behavior was a manifestation of the student’s disability and the student’s expected return date was November 4, 2024. Procedural safeguards were provided to the parents.

8. There is documentation that the parents were provided with documents that the IEP team planned to review on November 1, 2024.
9. On November 8, 2024, the parent provided written consent to conduct an FBA.

There is no documentation that the FBA has been completed.

10. On December 5, 2024, the draft IEP was emailed to the parent.
11. The PWN developed on December 6, 2024, reflects the IEP team, including the parent, reviewed the following documents: “psychological evaluation report from the private provider [August 2024], current and previous grade reports, teacher and parent feedback, attendance, and other relevant information.”
12. There is no documentation that the PGCPs provided the “current and previous grade reports, teacher and parent feedback, attendance, and other relevant information” it reviewed to the parents prior to the IEP team meeting on December 6, 2024.
13. There is documentation that the student began Home and Hospital Teaching (HHT) on December 10, 2024.

DISCUSSIONS and CONCLUSIONS:

Evaluation Procedures

In this case, the IEP team agreed that there was a suspicion of an educational disability, and the parent provided consent for an initial evaluation in December 2023. The sixty-day initial evaluation timeline elapsed on February 13, 2024. Additionally, on November 8, 2024, the parent provided written consent to complete an FBA. To date, there is no documentation that the PGCPs has completed the emotional, social, and behavioral development assessment, observations, autism rating scales consented to in December 2023, or the FBA consented to on November 8, 2024.

Based on Findings of Fact #1, #2, #9, and #12, MSDE finds that the PGCPs did not ensure that the student was comprehensively assessed in all areas of need, since January 29, 2024, in accordance with 34 CFR §§ 300.301, and .304 -.311, and COMAR 13A.05.01.04-.06. Therefore, MSDE finds a violation.

Provision of Documents Before an IEP Team Meeting

Based on Findings of Facts #4 and #5, MSDE finds that the PGCPs did not ensure that accessible copies of each assessment, report, data chart, draft IEP, or other documents the IEP team planned to discuss at the IEP team meetings, on October 24, 2024 were provided at least five business days before each scheduled meeting, in accordance with COMAR 13A.05.01.07. Therefore, MSDE finds a violation.

Notwithstanding the violation, based on Finding of Fact #6, on October 24, 2024, the school-based team, in collaboration with parent, agreed to convene on November 1, 2025. Therefore, no additional student based corrective action is required.

Based on Findings of Fact #10 through #12, MSDE finds that the PGCPs did not ensure that accessible copies of each assessment, report, data chart, draft IEP, or other documents the IEP team planned to discuss at the IEP team meeting on December 6, 2024, were provided at least five business days before each scheduled meeting, in accordance with COMAR 13A.05.01.07. Therefore, MSDE finds a violation.

Notwithstanding the violation, based on Finding of Fact #11, the parents participated in the IEP team meeting on December 6, 2025. Therefore, no additional student based corrective action is required.

Disciplinary Procedures

Within ten school days of the date in which the decision is made to change the placement of a student because of a violation of a code of student conduct, the IEP team must convene to determine whether the student's behavior was a manifestation of the student's disability. If the team determines that the behavior was a manifestation of the student's disability, it must return the student to the educational placement from which the student was removed (34 CFR § 300.530 and COMAR 13A.08.03.08).

In this case, the student was suspended on October 17, 2024, requiring the manifestation determination to occur no later than October 31, 2024. The IEP team convened on October 24, 2024, and determined the manifestation determination timeline should be extended. The IEP team met 11 school days after the suspension for the manifestation determination. Extension of the manifestation determination timeline is not permissible.

Based on Findings of Fact #4 and #8, MSDE finds that the PGCPs did not follow proper procedures when disciplinarily removing the student from school since the beginning of the 2024-2025 school year, by not holding a timely manifestation determination meeting since October 17, 2024, in accordance with 34 CFR §§ 300.530 – .536, COMAR 13A.08.03, and COMAR 13A.05.01.10. Therefore, MSDE finds a violation.

Access to the student records

The public agency, must permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency under this part. The public agency must comply with a request to inspect and review a student's record without unnecessary delay before any IEP team meeting, due process hearing, or resolution meeting held before a due process hearing, and respond to reasonable requests for explanations and interpretations of the student records. 34 CFR § 300.613.

In this case, the student's record was requested on October 17, 2024, by the educational consultant. There is no documentation that PGCPs provided access to the student's education records.

Based on Finding of Fact #3, MSDE finds that the PGCPs did not provide the parents with access to the student's education record prior to the October 24, 2024, IEP team meeting, in accordance with 34 CFR §§ 300.501 and .613. Therefore, MSDE finds a violation.

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 timeframes below to ensure that noncompliance is corrected in a timely manner.² This office will follow up with the public agency to ensure that it completes the required actions consistent with 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 Branch, MSDE, to ensure the effective implementation of the action.³ Ms. Green can be reached at (410) 767-7770 or by email at nicole.green@maryland.gov.

Student-Specific

MSDE requires the PGCPs to provide documentation, by June 1, 2025, that the IEP team has taken the following actions:

- a. Completed the outstanding assessments and the evaluation.
- b. Provided the parents with access to the student record.
- c. The IEP team has convened and determined the amount and nature of compensatory services or other remedies to redress the failure to complete the evaluation process and developed a plan for the provision of those services within one year of the date of this Letter of Findings.

The PGCPs must ensure that the complainant is provided with prior written notice of the team's decisions. The parent maintains the right to request mediation or to file a due process complaint to resolve any disagreement with the team's decisions.

School-Based

MSDE requires the PGCPs to provide documentation by June 1, 2025, of the steps it has taken to ensure that the [REDACTED] School staff, including administrative staff responsible for overseeing special education, properly

² 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, 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.

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

implements the requirements for evaluation procedures, follows proper procedures for the disciplinary removal of students with disabilities, accessing student records, and providing documents to families at least five days prior to an IEP team meeting, as required under the IDEA and COMAR. These steps must include staff development, as well as tools developed to monitor compliance and document the provision of services.

MSDE requires the PGCPs to provide documentation by June 1, 2025, of the steps it has taken to ensure that the [REDACTED] School staff properly implements the requirements for disciplinary removals, the provision of IEP team meeting documents and responding to a request for education records under the IDEA and COMAR. These steps must include staff development, as well as tools developed to monitor compliance and document compliance.

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 for why the documentation was not made available during the investigation. Request for reconsideration should be sent directly to Tracy Givens, Section Chief, Dispute Resolution at 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/ra

c: Millard House II, Superintendent, PGCPs
Lois Jones-Smith, Compliance Liaison, PGCPs
Keith Marston, Compliance Coordinator, PGCPs
Darnell Henderson, General Counsel, PGCPs
William Fields, Associate General Counsel, PGCPs
[REDACTED], Principal, [REDACTED] School, PGCPs
[REDACTED], Principal, [REDACTED] School
Dr. Paige Bradford, Chief, Specialized Instruction, MSDE
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE
Alison Barbat, Chief, Family Support and Dispute Resolution Branch,
MSDE Nicole Green, Compliance Specialist, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Rabiatu Akinlolu, Compliant Investigator, MSDE