

March 21, 2025

[REDACTED]

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: #25-259

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services (DEI/SES), 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 February 12, 2025, MSDE received a complaint from [REDACTED], hereafter, "the complainant," on behalf of the above-referenced student. In that correspondence, the complainant alleged that 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 school staff was available to answer questions the parent asked on February 2, 2025, by email, as required by the student's IEP, in accordance with 34 CFR §300.101 and COMAR 13A.05.01.09. Specifically:

"Please find the attached FAST form for Elopement. Could you please confirm that you have received the form?"

2. The PGCPS did not ensure that the school staff was available to answer questions the parent asked on January 17, 2025, by email, as required by the student's IEP, in accordance with 34 CFR §300.101 and COMAR 13A.05.01.09. Specifically:

"Could you please confirm that you have received this email?"

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] School in Prince George's County.

FINDINGS OF FACT:

1. The student's IEP in effect during January and February 2025, is dated April 30, 2024, and amended March 6, 2025. It includes a supplementary aid and service that there be a home-school communication system. The manner of that communication system is very specific, and in part states: "All email communication between the Parents and District, including the Parent's questions or concerns, will be addressed in the manner listed below. When this protocol is followed, the school's principal and/or special education compliance liaison (District office representative) will confirm receipt of the emails within 48 hours and follow up with the student's parent (s).

For email communication involving records requests (access to records, amending records, and explanation and interpretations of records) and IEP documentation and meetings, emails should be sent to the attention of the special education compliance liaison (District Office Representative) (the school principal will collaborate as needed). For email communication involving the student's schedule and instruction, emails should be sent to the attention of the School Principal.

The Special Education Compliance Liaison should be copied on all email communication."

2. There is documentation that on January 30, 2025, the complainant sent an email communication to the PGCPs attaching a completed Functional Analysis Screening Tool (FAST) form, used to document elopement behavior to update the student's Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP), as appropriate. The complainant requested confirmation that the completed FAST form was received.
3. There is documentation that the complainant sent the returned form and the request for confirmation to the chair of the IEP team only and failed to use the communication protocol outlined on the student's IEP requiring that the Principal and Compliance Liaison be copied on email communication.
4. There is documentation that the principal responded to the complainant's email and confirmed receipt of the FAST form for elopement on February 13, 2025.
5. There is documentation that on January 17, 2025, the complainant sent an email communication to the PGCPs providing available times and dates for an IEP team meeting for the student and informing the PGCPs that he would need 15 minutes to set up before the meeting. The complainant provided possible dates of February 20, 25, or 27, 2025, and stated he would hold those dates until January 24, 2025. The complainant also dictated that the participants must be in person and hybrid participation would not be permitted. The complainant requested confirmation of receipt of his email. The email was sent to the chair of the IEP team and the principal of the student's school. The complainant did not send an email to the compliance liaison, as required by the student's IEP.
6. There is documentation that the principal responded to the complainant on February 14, 2025, stating: "Thank you for your email. We are in receipt of your email. Please review and respond to the email sent yesterday in regard to a potential meeting date on Feb 20 and other potential dates if they work for you."
7. There is documentation that the IEP team meeting was convened on February 25, 2025, at a mutually agreed upon time.

DISCUSSION AND CONCLUSIONS:

In this case, the student's April 30, 2024, IEP includes very specific requirements about the Home-school communication protocol. It includes who the complainant should contact about specific topics. However, the complainant continues not to contact the compliance liaison, the individual who coordinates the IEP team meetings for the student, as required by the IEP. In this case, the complainant asked the IEP chair for the school an instructional question about a component of the student's assessment when the student's IEP requires that instructional questions be sent to the principal of the school and copied to the compliance liaison. While IEP includes a timeline of 48 hours to confirm receipt of a question from the complainant, the response assumes that the correct individual is in receipt of the question. In this case, they were not. Therefore, the PGCPs was not required to provide a response within the required timeline, however, they did eventually provide a response.

Based on Findings of Fact #1 through #7, MSDE finds that the PGCPs did ensure that the school staff was available to answer questions the parent asked on February 2, 2025, and January 17, 2025, by email, as required by the student's IEP, in accordance with 34 CFR §300.101 and COMAR 13A.05.01.09. Therefore, this office finds no violation concerning these allegations.

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 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. 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
Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Nicole Green, Compliance Specialist, MSDE