


April 24, 2025

**Amended April 25, 2025**


Ms. Trinell Bowman  
Associate Superintendent for Special Education  
Prince George's County Public Schools  
John Carroll Center  
1400 Nalley Terrace  
Landover, MD 20785

Re:   
Reference: #25-272

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 February 25, 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 student.

MSDE investigated the following allegations:

1. The PGCPS has not ensured that the student's progress toward achieving the following IEP goal was measured in the manner required by the Individualized Education Program (IEP) during the first quarter of the 2024-2025 school year, in accordance with 34 CFR § 300.320:
  - "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."
2. The PGCPS did not provide the parent with the explanations and interpretations of the student's education records as requested on April 12, 2024, and October 18, 2024, in accordance with 34 CFR §300.613, .501, and COMAR 13A.05.01.11. Specifically, you made the following request for explanation:
  - "Please explain the name of the Psychologist."

3. The PGCPS did not ensure that the school staff was available to answer questions the parent asked on February 26, 2024, by email, as required by the student's IEP, accordance with 34 CFR §300.101 and COMAR 13A.05.01.09. Specifically, you asked the following questions:
- "It was noted on the daily log for Thursday, February 22, 2024, that there were two (2) instances of [REDACTED]. Could you please explain what were the incidents?"
  - "It was noted on the daily log for Thursday, February 22, 2024, that there were two (2) instances of Inappropriate [REDACTED]. [...] Where did the incidents occur?"
  - "It was noted on the daily log for Thursday, February 22, 2024, that there were two (2) instances of Inappropriate [REDACTED]. [...] Were they in the bathroom or classroom?"
  - "It was noted on the daily log for Thursday, February 22, 2024, that there were two (2) instances of Inappropriate [REDACTED]. [...] Did [the student] put [REDACTED] into his mouth?"
  - "It was noted on the daily log for Thursday, February 22, 2024, that there were two (2) instances of Inappropriate [REDACTED]. [...] Who was with [the student] during the incidents?"
  - "It was noted on the daily log for Thursday, February 22, 2024, that there were two (2) instances of Inappropriate [REDACTED]. [...] Was there a report of the incidents?"
  - "It was noted on the daily log for Thursday, February 22, 2024, that there were two (2) instances of Inappropriate [REDACTED]. [...] Could you please provide me with access to the report?"
  - "In the daily log it was stated that "I did well with following directions". Could you please explain who is "I"?"
  - "In the daily log it was stated that "I did well with following directions". [...] Who is referred by "I"?"
  - "In the daily log it was stated that "I did well with following directions". [...] Who filled the log?"
  - "In the daily log it was stated that "I did well with following directions". [...] Does this mean [the student] followed directions well during the above incidents of Inappropriate [REDACTED]?"
  - "In the daily log it was stated that "I did well with following directions". [...] Does this mean staff followed directions well during the above incidents of Inappropriate [REDACTED]?"
  - "In the daily log it was stated that "I did well with following directions". [...] What directions are being referred here?"

#### **BACKGROUND:**

The student is 19 years old and is identified as a student with autism and is eligible for special education services under the IDEA. The student attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

#### **ALLEGATION #1**

#### **REPORTING OF PROGRESS**

#### **FINDINGS OF FACT:**

##### 2023-2024 IEP Behavioral Data

1. The student's IEP dated February 15, 2024, includes the following behavior goal:
  - Social Emotional/Behavioral

- “Given a personalized Behavior Intervention Plan; by May 8, 2025, [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.”
2. The October 31, 2024, reporting of the student’s progress toward the achievement of the social emotional/behavioral goal is as follows:
- “Behavior observation data with event recording from 8/26/24 to 10/31/24
    - Aggression:
      - Frequency: Average frequency of 0.38 occurrences per day (ranging between 0-3 incidents/frequency per day); 18 occurrences total during 1st quarter
      - Rate: Average daily rate of 0.06 occurrences per hour.
    - Elopement:
      - Frequency: Average frequency of 0.25 occurrences per day (ranging between 0-3 incidents/frequency per day); 12 occurrences total during 1st quarter
      - Rate: Average daily rate of 0.04 occurrences per hour.
    - [REDACTED]:
      - Frequency: Average frequency of 2.15 occurrences per day (ranging between 0-11 incidents/frequency per day); 103 occurrences total during 1st quarter
      - Rate: Average daily rate of 0.358 occurrences per hour.
    - Data on behavioral observations of Food Grabbing were collected from 10/21/24 to 10/31/24. [The student] engaged in thirteen (13) incidents of food grabbing (ranging between 0 - 4 incidents per day; an average of 1.6 incidents per day). He required a total of nine (9) verbal redirects and two (2) partial physical redirections.”
3. The October progress report does not report the percentage of decrease of the behaviors; however it does report the occurrences of the behaviors each day.
4. An audio recording of the October 10, 2024, IEP meeting reveals that the IEP team discussed the student’s behavior goal and how the goal data was being collected. The student’s mother expressed how she would like the “tally” data to be collected, and the school-based team agreed to collect the data in that manner. The student’s parents did not express any other concerns about the data collection.

## **DISCUSSIONS AND CONCLUSIONS:**

An IEP must include a statement of measurable annual goals that includes a description of how the child’s progress toward meeting the annual goals will be measured and when periodic reports on the progress the child is making toward meeting the annual goals will be provided (34 CFR §§ 300.320).

The student’s IEP in effect during the first quarter of the 2024-2025 school year included a behavior goal reviewed and discussed at the October 10, 2024, IEP team meeting.

Based on Findings of Fact #1 to #14, MSDE finds the student's progress toward achieving the IEP behavior goal was not measured in the manner required by the IEP during the first quarter of the 2024-2025 school year, in accordance with 34 CFR § 300.320. Therefore, MSDE does find a violation.

**ALLEGATIONS #2 and #3                      RESPONDING TO A REQUEST FOR EXPLANATIONS and  
INTERPRETATIONS OF THE STUDENTS RECORD and STAFF  
AVAILABILITY TO ANSWER PARENT QUESTIONS**

**FINDINGS OF FACT:**

5. There is documentation that on October 5, 2023, an update was made to the "PGCPS Parent Communication Protocol and Maintenance of Communication Log For [the complainant]." The protocol reflects that "MSDE State Complaint LOF #20-137 requires the PGCPS to provide documentation that a protocol for communication has been developed for response to requests between the complainant and all school system staff members, including transportation staff members. Parents are required to direct any questions to the appropriate staff member indicated in column number two below...Designated central office personnel will be copied on all correspondence between the parents and school. PGCPS staff members are to ensure that the IEP requirements with respect to communication between the school staff members and the parents are implemented. Communication and responses will be documented in the Maryland Online Parent Contact Log by the responding school or PGCPS staff members...The Principal of [the student's previous school] will respond to all communication to building staff members with regards to student's schedule and instruction. All communication will be documented in the Maryland Online Parent Contact Log." The protocol requires the complainant to include the designated PGCPS Central Office Compliance Liaison and the PGCPS Instructional Specialist for the Non-Public Office on each correspondence.
6. The student's IEP in effect in February 2024 was developed on May 10, 2023, and amended on February 15, 2024. The IEP requires the following supplementary aids, services, program modifications and supports:
  - Daily:
    - Home-school communication system: "School staff will provide school to home communication via [the student's] communication book which is provided daily and are available via email for parent questions or concerns. 11/02/2023 Revision- Based on Specific Corrective Actions from MSDE Complaint #23-203 and MSDE Complaint #23-193 School staff will use the Home-School Communication Log which has been in effect since October 5, 2023, to document the student's use of toileting and handwashing procedures, daily. An "Additional Notes" section is included on the log to describe incidents of inappropriate [REDACTED] (if they occur) and also includes a section that indicates whether the student needs a new change of clothing for the parents. School staff will include in the log the type of clothing the parent will need to replace (i.e., pants, shirt, etc.) should the student require new clothing."

**February 2024 requests**

7. On February 26, 2024, the complainant emailed staff at the student's previous school asking the following questions:
  - "It was noted on the daily log for Thursday, February 22, 2024, that there were two (2) instances of Inappropriate [REDACTED]. Could you please explain what were the incidents?"

- “It was noted on the daily log for Thursday, February 22, 2024, that there were two (2) instances of Inappropriate [REDACTED]. [...] Where did the incidents occur?”
  - “It was noted on the daily log for Thursday, February 22, 2024, that there were two (2) instances of Inappropriate [REDACTED]. [...] Were they in the bathroom or classroom?”
  - “It was noted on the daily log for Thursday, February 22, 2024, that there were two (2) instances of Inappropriate [REDACTED]. [...] Did [the student] put [REDACTED] into his mouth?”
  - “It was noted on the daily log for Thursday, February 22, 2024, that there were two (2) instances of Inappropriate [REDACTED]. [...] Who was with [the student] during the incidents?”
  - “It was noted on the daily log for Thursday, February 22, 2024, that there were two (2) instances of Inappropriate [REDACTED]. [...] Was there a report of the incidents?”
  - “It was noted on the daily log for Thursday, February 22, 2024, that there were two (2) instances of Inappropriate [REDACTED]. [...] Could you please provide me with access to the report?”
  - “In the daily log it was stated that “I did well with following directions”. Could you please explain who is “I”?”
  - “In the daily log it was stated that “I did well with following directions”. [...] Who is referred by “I”?”
  - “In the daily log it was stated that “I did well with following directions”. [...] Who filled the log?”
  - In the daily log it was stated that “I did well with following directions”. [...] Does this mean [the student] followed directions well during the above incidents of Inappropriate [REDACTED]?”
  - “In the daily log it was stated that “I did well with following directions”. [...] Does this mean staff followed directions well during the above incidents of Inappropriate [REDACTED]?”
  - “In the daily log it was stated that “I did well with following directions”. [...] What directions are being referred here?”
8. While there is documentation that on January 18, 2024, a “Notice of Individualized Education Program (IEP) Team Meeting” was generated for the April 18, 2024, IEP team meeting, there is no documentation that an IEP team meeting occurred on that date.
9. Based upon the communication protocols included in the student's February 2024 IEP, the email sent to the school by the complainant did not include the required PGCPs Central Office staff or the principal.
10. There is no documentation that the PGCPs was aware of, or responded to the complainant’s questions prior to the April 18, 2024, IEP team meeting.
- October 2024 Requests**
11. On October 18, 2024, the complainant emailed the student’s current school requesting an explanation and interpretation of the IEP team meeting notice dated October 14, 2024. In the email the complainant requested the following information:
- “Request #19 - Please explain the name of the Psychologist.”
12. The complainant’s question was not a request for an explanation or interpretation of student records pursuant to 34 CFR §300.613. It was a simple question regarding the names of IEP team members.

13. On October 21, 2024, PGCPs staff emailed the complainant. The email addressed the complainant's request for explanation and interpretation of records emailed to the PGCPs on October 18, 2024. The email included the following:

- "The purpose of this letter is to provide a response to your request for an explanation and interpretation of records made on October 18, 2024. Within your request, you referenced thirty records (Records #1 through Records #30). As you know, school districts must respond to reasonable requests for explanations and interpretations of education records. The Family Educational Rights and Privacy Act ("FERPA") is a federal statute that governs, inter alia, access to a student's educational records (20 USC §1232g and 34 CFR §99). An educational record is defined as a record that contains information directly related to a student and that is maintained by an education agency or institution, or by a person acting for such an agency or institution (20 USC § 1232g(a)(4)(A)). A parent or eligible student must be given the opportunity to inspect and review the student's education records (34 CFR § 99.10(a))."
- "A school district must "respond to reasonable requests for explanations and interpretations of education records." 34 CFR 99.10(c). Examples of types of situations where this regulation applies are when explanations are necessary for the parent or eligible student to understand the records, such as when the parent is reviewing incomplete test materials (an answer sheet that is not accompanied by the test booklet), or complicated student data. Your requests for explanations of the name of the Pathologist, PE, First Occupational Therapist, Chair, Psychologist, Second Occupational Therapist, Liaison, and Designee (Request #1, #6, #12, #17, #19, #22, #27, and #29) are not reasonable requests for explanation and interpretation under FERPA. Prince George's County Public Schools (PGCPs) thus respectfully advises you that it will not be providing you with such 'explanations' or 'interpretations.' Therefore, no additional explanation or interpretation will be provided for requests #1, #6, #12, #17, #19, #22, #27, and #29."

## **DISCUSSIONS AND CONCLUSIONS:**

### **February 2024 Requests**

The IEP for a student with a disability shall include the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, including staffing support, to be provided to the student, or on behalf of the student (COMAR 13A.05.01.09).

In this case, the complainant's February 26, 2024, email did not follow the October 5, 2023, communication protocol included in the student's IEP that requires that the principal and the designated PGCPs Compliance Liaison be included in all emails sent to the school from the complainant. Due to his failure to comply with this protocol, the PGCPs could not ensure that the complainant received a response to his questions.

Based on Findings of Fact #12 to #16, MSDE finds that the complainant did not follow the communication protocol that was established in October 2023 and included in the student's February 2024, IEP; therefore the PGCPs could not ensure that the school staff was available to answer questions the parent asked on February 26, 2024, by email, as required by the student's IEP, in accordance with 34 CFR §300.101 and COMAR 13A.05.01.09. Therefore, MSDE does not find a violation.

## **October 2024 Requests**

The parents of a child with a disability must be afforded an opportunity to inspect and review all education records with respect to identification, evaluation, educational placement of the child; and the provision of FAPE to the child (34 CFR § 300.501(a)).

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 agency must comply with a request without unnecessary delay and before any meeting regarding an IEP, and in no case more than 45 days after the request has been made. The right to inspect and review education records under this section includes: the right to a response from the public agency to reasonable requests for explanations and interpretations of the records; and the right to request that the agency provide copies of the records containing the information. (34 CFR § 300.613)

In this case, the PGCPs responded to the complainant's October 18, 2024, email on October 21, 2024. Although the email did not "explain the name of the psychologist" it did provide the complainant with a response to his inquiry.

Based on Findings of Fact #12 and #13, the complainant's request for information was not a request for interpretation and explanation pursuant to FERPA but was a question about the name of an individual who would be attending an IEP team meeting. As such, the PGCPs was not required to provide the parent with the explanations and interpretations of the student's education records pursuant to a request made on October 18, 2024, before the IEP team meeting, in accordance with 34 CFR § 300.613, .501 and COMAR 13A.05.01.11. Therefore, MSDE does not find a violation.

## **Student-Specific**

**By June 1, 2025, PGCPs must review all of the progress reports from the student's 2024-2025 school year and determine whether they are measured as required by the goals. If not, PGCPs must revise the progress reports, provide the corrected reports to the parents and include the corrected reports in the student record.**

## **TIMELINES:**

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 submitted to Tracy Givens, Section Chief, Dispute Resolution, at [Tracy.Givens@maryland.gov](mailto: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. The 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  
Early Intervention and Special Education Services

ALH/ebh

c: Millard House, II, Superintendent, PGCPs  
Darnell Henderson, General Counsel, PGCPs  
William Fields, Associate General Counsel, PGCPs  
Keith Marston, Supervisor of Compliance, PGCPs  
Lois Smith-Jones, Compliance Liaison, PGCPs  
[REDACTED], Principal, [REDACTED], PGCPs  
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE  
Dr. Brian Morrison, Branch Chief, Accountability and Data, MSDE  
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE  
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