

June 23, 2025



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

RE: [REDACTED]
Reference: #25-289

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Special Education, 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 March 3, 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 student.

On April 11, 2025, you filed a due process complaint with the Maryland Office of Administrative Hearings (OAH) regarding some of the same issues you raised in your State complaint. In accordance with the IDEA, MSDE held the State complaint in abeyance until the conclusion of the due process hearing (34 CFR § 300.152). Following notice that the due process complaint was withdrawn, MSDE resumed the investigation.

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 23, 2025, by email, as required by the student's IEP, in accordance with 34 CFR § 300.101 and .323 and COMAR 13A.05.01.09. Specifically:

"Could you please confirm that you have received this email?"
2. The PGCPS has not ensured the IEP team scheduled an IEP team meeting to revise the student's IEP and Behavioral Intervention Plan (BIP) based on Functional Behavioral Assessment (FBA), per the request of the complainant on February 23, 2025, in accordance with 34 CFR § 300.324, COMAR 13A.05.01.08.

BACKGROUND:

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

ALLEGATION #1

ADDRESSING PARENT CONCERN

FINDINGS OF FACT:

1. The IEP in effect on February 23, 2025, was developed on April 30, 2024, and amended on October 10, 2024.
2. The IEP requires the use of a Communication Protocol which states that all email communication between the Parents and the District—including the Parents' questions or concerns, will be addressed by the School's Principal and/or the Special Education Compliance Liaison (LEA office representative), who will confirm receipt of the emails within 48 hours and follow up with the Student's Parent(s).
3. On February 23, 2025, the complainant emailed members of the IEP team regarding a meeting to discuss the student's Behavior Intervention Plan (BIP). The email included a request to the PGCPs school-based staff: "Could you please confirm that you have received this email?"
4. On February 24, 2025, the Special Education Compliance Liaison responded to the complainant via email regarding an IEP meeting to discuss the student's BIP.

CONCLUSION:

Based on Findings of Fact #1 through #4, MSDE finds that the PGCPs ensured that the school staff was available to answer questions the parent asked on February 23, 2025, by email, as required by the student's IEP, in accordance with 34 CFR §300.101 and .323 and COMAR 13A.05.01.09. Therefore, MSDE does not find a violation.

ALLEGATION #2

**FUNCTIONAL BEHAVIOR ASSESSMENT AND
BEHAVIOR INTERVENTION MEETING REQUEST**

FINDINGS OF FACT:

5. The student's IEP in effect on February 23, 2025, was developed on October 10, 2024, and amended on April 30, 2025. The IEP requires the use of a Communication Protocol that includes the provision that all matters relating to the student's IEP should be directed to the PGCPs Compliance Liaison.
6. The IEP includes the implementation of behavioral interventions resulting from a Functional Behavior Assessment (FBA) dated January 3, 2023, and through a BIP dated April 17, 2024.
7. The IEP team recommended that a Functional Behavior Assessment (FBA) be conducted on November 7, 2024.
8. The complainant provided consent to complete a new FBA on November 17, 2024.

9. On January 23, 2025, PGCPs sent the complainant notice of the February 25, 2025, IEP team meeting, as the date and time were mutually agreed on previously. The invitation to the February 25, 2025, IEP team meeting states that the purpose of the meeting was: To review the Student's FBA and discuss behavior intervention strategies.
10. On January 24, 2025, the PGCPs completed the FBA assessment that recommended the need for a Behavior Intervention Plan (BIP).
11. On February 23, 2025, the complainant emailed members of the IEP team to inform them that he received notification from the PGCPs school administrator stating that the IEP meeting was scheduled for February 25, 2025; however, he had not received the BIP at least five business days prior to the meeting, therefore, he was cancelling the IEP meeting scheduled for February 25, 2025.

The complainant provided three additional dates on which he proposed an IEP meeting to review the results of the FBA and revise the IEP and BIP, and asked the IEP team to confirm by February 28, 2025:

1. Thursday, May 01, 2025; 8:30 am to 10:00 am;
2. Tuesday, May 06, 2025; 8:30 am to 10:00 am; or
3. Thursday, May 08, 2025; 8:30 am to 10:00 am.

There is no documentation that the complainant emailed the PGCPs Compliance Liaison, as required by the Communication Protocol included in the student's IEP.

12. On February 24, 2025, via email, the PGCPs Compliance Liaison responded to the complainant email, informing him that PGCPs has reviewed his request to cancel the February 25, 2025, however, the IEP team meeting would proceed as scheduled to review the student's FBA as the meeting date was mutually agreed upon on February 14, 2025. The meeting would focus on discussing FBA data and current behavioral intervention strategies. PGCPs would schedule a follow-up meeting to review a draft BIP based on the outcomes from the February 25, 2025, IEP meeting. The Liaison's response was consistent with the meeting notice that had been sent to the complainant on January 23, 2025.
13. There is no documentation that the purpose of the IEP team meeting on February 25, 2025, was to review the student's BIP. Because the purpose of the meeting was not to review the student's proposed BIP, there was no requirement to send the draft BIP to the complainant 5 days in advance of the meeting.
14. On February 25, 2025, the IEP team convened to review the student's FBA and behavior intervention strategies. The PWN reflects that the complainant was not in attendance. During the meeting, the PGCPs Instructional Specialist for Behavioral Support (ISBS) reviewed the FBA with the team. The IEP team determined that the student continues to require a BIP.
15. On March 16, 2025, the complainant contacted a member of the IEP team to propose the following dates to review the results of the FBA, review the information that was discussed at the February 25, 2025 IEP meeting, and to revise the IEP and BIP. He asked for conformation by March 21, 2025:
 1. Tuesday, April 08, 2025; 8:00 am to 10:00 am;
 2. Thursday, May 01, 2025; 8:00 am to 10:00 am; or
 3. Tuesday, May 06, 2025; 8:00 am to 10:00 am.

There is no documentation that the complainant emailed the PGCPs Compliance Liaison, as required by the Communication Protocol included in the student's IEP.

16. On March 21, 2025, via email, the complainant was informed by the PGCPs Compliance Liaison that, based on his email dated March 16, 2025, PGCPs had mutually agreed to hold the IEP meeting in person on April 8, 2025, from 8:00 a.m. to 10:00 a.m. to review the information discussed at the February 25, 2025, meeting regarding the FBA and to review/revise the BIP. The complainant was provided with the draft BIP, meeting notice, and additional IEP documents.
17. On April 8, 2025, the IEP team convened to review the information that was discussed at the meeting on February 25, 2025, regarding the FBA and to review and revise the BIP. The PWN reflects that the complainant did not attend the meeting. The PWN reflects the IEP team reviewed the BIP. During the IEP meeting, the PGCPs Compliance Liaison acknowledged that the review of the BIP was overdue due to the repeated cancellation of the meetings, however, the IEP team agreed that the student did not experience any educational impact due to the late development of the student's BIP because he continued to receive behavioral supports.
18. On May 5, 2025, the IEP team convened to review the FBA, the information that was discussed at the meeting on February 25, 2025, to review the BIP, and revise the IEP as appropriate. The PWN reflects that the complainant was present at the meeting.
19. On May 12, 2025, via email, the complainant received a copy of the updated BIP dated May 5, 2025, the updated FBA dated May 5, 2025, and the PWN dated May 5, 2025.

CONCLUSION:

In this case, there were repeated cancellations of IEP team meetings due to the lack of following the requirements of the Communication Protocol and for other reasons requested by the complainant that are unclear. The FBA was recommended in November 2024 and completed in January 2025. The complainant agreed to meet on February 25, 2025, to review the FBA. The invitation to the February meeting did not include a review of the proposed BIP, yet the basis for the complainant's cancellation was because the BIP was not sent to him 5 days in advance of the meeting, although there was no requirement to do so. Ultimately, the PGCPs was forced to convene the meeting without the complainant to determine whether revisions to the student's educational program were required to ensure the provision of a free appropriate public education (FAPE). Based on the delay in reviewing the data by trying to accommodate the complainant, the IEP team considered the need for compensatory services. That said, finally, on May 5, 2025, the full IEP team, including the complainant, convened, and reviewed the results of the FBA, the proposed BIP, the information discussed during the February 25, 2025, IEP meeting when the meeting proceeded without the complainant, and reviewed and revised the student's IEP to provide the student with FAPE.

Based on Findings of Fact #5, #7 through #19, MSDE finds that the PGCPs has ensured the IEP team scheduled an IEP team meeting to revise the student's IEP and BIP based on the FBA, per the request of the complainant on February 23, 2025, in accordance with 34 CFR § 300.324, COMAR 13A.05.01.08. Therefore, MSDE does not find a violation.

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 why the documentation was not made available during the investigation. The written request for reconsideration should be provided to Tracy Givens, Section Chief, Dispute Resolution via email Tracy.Givens@maryland.gov.

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 Special Education

ALH/sj

c: Millard House, II, Superintendent, PGCPs
Trinell Bowman, Associate Superintendent, Special Education, PGCPs
Darnell Henderson, General Counsel, PGCPs
William Fields, Associate Deputy Counsel, PGCPs
Keith Marston, Supervisor of Compliance, PGCPs
Lois Smith-Jones, Compliance Liaison, PGCPs
[REDACTED], [REDACTED], Acting Principal, PGCPs
Alison Barmat, Director, Family Support and Dispute Resolution Branch, MSDE
LaShonda Carter, Section Chief, Monitoring and Accountability, MSDE
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Stephanie James, Complaint Investigator, MSDE