

May 27, 2025

Revised June 3, 2025

[REDACTED]

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

RE: [REDACTED]  
Reference: #25-310

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 28, 2025, MSDE received a complaint from [REDACTED], 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 was provided with the counseling, speech-language, and occupational therapy services as required by the Individual Education Program (IEP) since the start of the 2024- 2025 school year, in accordance with 34 CFR §§ 300.101, .154 and .323. Specifically, you allege that the PGCPS informed you they would need to process your private insurance in order to provide the student with counseling services as required by the IEP.
2. The PGCPS did not ensure that an IEP team meeting convened on October 10, 2024, October 30, 2024, December 16, 2024, and February 5, 2025, included the required participants, in accordance with 34 CFR § 300.321.
3. The PGCPS did not follow proper procedures when responding to a request for IEP team meetings since the start of the 2024-2025 school year, in accordance with 34 CFR § 300.503 and COMAR 13A.05.01.08.

4. The PGCPs did not ensure the proper procedures were followed when amending the student's educational record, since November 2024, in accordance with 34 CFR § 300.618. Specifically, you allege that the PGCPs did not revise the prior written notice (PWN) within the required timelines.

#### **BACKGROUND:**

The student is 13 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.

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

1. The student's IEP in effect at the start of the 2024-2025 school year was developed on May 13, 2024, and was amended on June 14, 2024. The IEP requires:
  - Quarterly speech-language consult "for [the student's] pragmatic language, and expressive/receptive language skills once per quarter. Consult can be described as providing materials, or resources to parent or IEP team, and check-in with teachers to continue to monitor how best to facilitate carry over of Deane's skills throughout the general education setting."
  - Three sessions of 30 minutes monthly of speech-language therapy outside the general education classroom provided by the speech-language pathologist.
  - One session of 30 minutes weekly of counseling services outside the general education classroom provided by the school counselor.
  - Occupational therapy consult quarterly.

The IEP requires a social emotional behavioral goal with progress reported quarterly: "During counseling sessions on managing personal anxiety and stress, given a model and a list of strategies, [the student] will physically demonstrate/practice 1 preferred self-calming technique (e.g. deep breathing, self-talk) for 20 seconds in 4 out of 5 opportunities as measured by an observation tool by May 2025."

- November 14, 2025:
  - Making sufficient progress to meet the goal
  - Actual results achieved: two out of four trials
  - [The student] has been able to self-identify calming strategies for himself which include speaking to a trusted adult, meditation, and using his flash pass to take a walk. [The student] is able to identify these self-calming strategies and then put them into practice after rating his current anxiety level by going through a checklist.
- January 24, 2025:
  - Making sufficient progress to meet the goal
  - Given a verbal prompt to practice a pre-taught self-calming technique (e.g., deep breathing, self-talk), [The student] is able to physically demonstrate/practice the given strategy for 20 seconds with 100% accuracy in 2 opportunities. [The student] has practiced a deep breathing exercise in sessions with the school counselor as well as advocated for the need to take a walk as this helps him refocus to the task at hand.

- April 21, 2025:
  - Making sufficient progress to meet the goal
  - Given a model of a self-calming technique, [the student] is able to physically demonstrate/practice the self-calming technique presented with 100% accuracy in 3 out of 4 progress monitoring assessments. [the student] has been able to self-identify calming strategies for himself which include speaking to a trusted adult with guiding questions regarding a specific situation, deep breathing, and using his flash pass to take a walk. [The student] uses these techniques when he needs a break to regroup to reduce any feelings of overwhelm in the moment.
- 2. On September 20, 2024, the PGPCS informed the complainant that they were without a Speech-Language Pathologist. The letter reflects that “in the interim, [the PGPCS] will continue to implement [the student’s] IEP through a transdisciplinary model with other members of the IEP team, to monitor [the student’s] progress and ensure that [the student] continues to receive an appropriate education.”
- 3. On October 10, 2024, the IEP team convened to review and revise the IEP and discuss educational placement.

There is documentation that the complainant, IEP Chair, PGPCS Central IEP team Instructional Specialist, PGPCS Central IEP Team Resource, Speech-Language Pathologist, Autism Instructional Specialist, Occupational Therapist, Principal, Assistant Principal, Advocate, Instructional Specialist, Special Education Coordinator, School Psychologist, PGPCS Compliance Supervisor, General Education Teacher, PGPCS Program Coordinator for the Family Support Center, and the Mental Health Clinician were in attendance.

- 4. On October 30, 2024, the IEP team convened to review counseling services. The PWN generated after the meeting reflects that:
  - “[The student’s] counseling services were updated to continue for an additional 10 weeks through the second week of January 2025. The school team proposed adding the contracted Mental Health clinician from Interdynamics as a service provider to support [the student] with strategies to reduce anxiety in order to address his behavioral goal. [The PGPCS] will provide information about PGPCS guidelines regarding contractors as service providers. The IEP team communicated that [the complainant] will need to sign a consent form in order for the mental health clinician to meet with [the student]. [The complainant] was in agreement.”

The PWN was later amended in response to the complainant’s request to reflect:

“The school team proposed adding the contracted Mental Health Clinician from Interdynamics as a service provider to support [the student] with strategies to reduce anxiety in order to address his behavioral goal.”

Replace With: "The contracted Mental Health clinician from Interdynamics was proposed because the PGPCS counselor admitted that they have not worked on [the student's] behavioral goal as outlined in the IEP. This proposed change was introduced due to the failure of the current counselor to implement the IEP goal."

"[The complainant] request that the updated PWN explicitly state my disagreement with the proposed use of Interdynamics and any requirement for insurance-based services. Specifically, it should note:

- My opposition to outsourcing services to a third-party provider instead of addressing the school's failure to implement [the student's] IEP goal.
- My rejection of any plan requiring the use of personal insurance to fund services that are the responsibility of the school under FAPE."

There is no documentation that the student's IEP was amended to include the provision of counseling services from the contracted Mental Health clinician from Interdynamics.

There is documentation that the complainant, IEP Case Manager, PGCPs Central IEP team Compliance Specialist, Principal, Advocate, General Education Teacher, and School Guidance Counselor were in attendance.

5. On November 6, 2024, the complainant emailed the PGCPs disputing the accuracy of the October 30, 2024, PWN.

On November 7, 2024, the PGCPs responded to the complainant's email requesting for the provision of a statement of exactly what was being requested to be amended.

On November 10, 2024, the complainant responded to the PGCPs with her requested amendments to the PWN.

On November 11, 2024, the student's advocate emailed the PGCPs with an additional amendment to the PWN.

On November 14, 2024, the PGCPs responded to the complainant suggesting that they attach the email with the requested amendments to the PWN.

On November 22, 2024, and December 2, 2024, the student's advocate responded to the PGCPs requesting that the PWN be amended and re-finalized to reflect the requested amendments.

On December 2, 2024, and December 3, 2024, the PGCPs responded to the student's advocate. The email reflects the provision of the "administrative procedures for requesting amendments to student records under FERPA [The Family Educational Rights and Privacy Act]" including the PWN.

On December 9, 2024, the PGCPs provided the complainant with the amended PWN.

6. On December 2, 2024, the complainant emailed the PGCPs requesting an IEP team meeting to discuss the student's "counseling services, behavior concerns and interventions for [the student], scope and implementation of the "IEE [Independent Education Evaluation] and FBA [Functional Behavior Assessment], [and] nonpublic placement."

On December 6, 2024, December 10, 2024, and December 16, 2024, the PGCPs responded to the complainant's request for an IEP team meeting by providing the IEP Team Meeting Notice for December 16, 2024.

7. On December 16, 2024, the IEP team convened to address the parent's concerns. The PWN generated after the meeting reflects the complainant's concerns regarding counseling services:
- [The complainant] shared her concerns regarding [the student's] current counseling services
  - [The complainant] contacted [PGCPS] and had clarifications provided regarding how the insurance works with Interdynamics and the contracted mental health clinicians.
  - [The complainant] is willing to have the mental health clinician on staff service [the student] to support his behavioral goals as long as the school counselor is not responsible for entering in service logs or make updates to the IEP. Central office will look into how exactly the mental health clinician will be able to document services rendered in Maryland Online."

In addition, the PWN reflects "[the student] has not received speech services this school year due to a Speech Pathologist vacancy. A plan to make up these sessions will be forthcoming."

There is documentation that the complainant, IEP Case Manager, PGCPs Central IEP team Instructional Specialist, Autism Instructional Specialist, Principal, Advocate, PGCPs Instructional Director, PGCPs Compliance Supervisor, General Education Teacher, Behavioral Specialist, and PGCPs Family Support Center personnel were in attendance.

8. On January 8, 2025, the complainant emailed the PGCPs "proposing a meeting to foster collaboration between [her and the PGCPs]."

On January 10, 2025, the PGCPs responded indicating that once some prior meetings were rescheduled, they would reach out with a proposed date.

On January 14, 2025, the PGCPs responded with a proposed IEP team date of February 5, 2025. On January 30, 2025, and February 4, 2025, the PGCPs provided the IEP Team Meeting Notice for February 5, 2025.

9. On February 4, 2025, the PGCPs emailed the complainant informing them that a new Speech-Language Pathologist (SLP) had been hired.
10. On February 5, 2025, the IEP team convened to address the parent's concerns. The PWN generated after the meeting reflects the PGCPs will make up missed speech-language sessions with [the student] in addition to the sessions in his service line. "These make up sessions will total to 18 sessions 30 minutes in length (7.5 hours)."

There is documentation that the complainant, Principal, IEP Case Manager, Behavior Specialist, Private ABA [applied behavior analysis] Therapist, Advocate, General Education Teacher, Instructional Director for Charter Schools, PGCPs Central IEP team Instructional Specialist, PGCPs Compliance Supervisor, School Counselor, Instructional Specialist for Speech-Language, School Psychologist, Occupational Therapist, and PGCPs Family Support Center personnel were in attendance.

11. On March 3, 2025, the complainant requested an IEP team meeting to address her concerns.

On March 4, 2025, the PGCPs responded to the complainant's email. The email reflects "PGCPs is in receipt of this email. We can honor your request to hold an IEP meeting as soon as possible, however, as discussed previously, if we hold an IEP meeting before the re-evaluation is completed, we will have incomplete data and will not be able to move forward with decisions in some of the areas you have mentioned in your request. Please advise how you would like to proceed. Thank you."

On March 7, 2025, the PGCPs emailed the complainant. The email reflects a proposed IEP team meeting date of March 20, 2025, in response to the complainant's request.

On March 11, 2025, the complainant notified the PGCPs that she was unavailable on the proposed IEP team meeting date.

On March 17, 2025, the student's advocate requested an IEP team meeting to discuss academic concerns and a separate IEP team meeting to conduct the annual review. On March 20, 2025, the complainant requested the same from the PGCPs.

On March 26, 2025, the PGCPs responded to the complainant indicating that they could hold two separate IEP team meetings as requested.

On April 2, 2025, the school met with the complainant to discuss the goals that were worked on with the private ABA therapist.

On April 11, 2025, the PGCPs emailed the complainant proposing dates for the annual review.

12. There is documentation that the student was provided with the counseling service hours as required by the IEP since the start of the 2024-2025 school year.
13. There is documentation that the student has been provided with speech-language services as required by the IEP since February 2025.
14. There is documentation that the quarterly occupational therapy consult has been provided since the start of the 2024-2025 school year.
15. There is no documentation to support the allegation that the PGCPs required the complainant to provide private insurance to access counseling services as required by the IEP.
16. In its written response, the PGCPs acknowledges that they have not provided consistent speech-language services from the start of the 2024- 2025 school year to February 2025.

#### **DISCUSSIONS AND CONCLUSIONS:**

##### **ALLEGATION #1**

##### **PROVISION OF COUNSELING, SPEECH-LANGUAGE SERVICES, OCCUPATIONAL THERAPY CONSULT**

The Chief Executive Officer of a State or designee of that officer must ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each noneducational public agency, in order to ensure that all services described as special education or related services that are needed to ensure FAPE are provided. The agreement or mechanism must include the following:

- An identification of, or a method for defining, the financial responsibility of each agency for providing services described as special education or related services of this section to ensure FAPE to children with disabilities. The financial responsibility of each noneducational public agency, including the State Medicaid agency and other public insurers of children with disabilities, must precede the financial responsibility of the LEA (or the State agency responsible for developing the child's IEP).
- If a public agency other than an educational agency fails to provide or pay for the special education and related services, the LEA (or State agency responsible for developing the child's IEP) must provide or pay for these services to the child in a timely manner.

With regard to services required to provide FAPE to an eligible child under this part, a public agency may not require parents to sign up for or enroll in public benefits or insurance programs in order for their child to receive FAPE; however they can request to access the parents' private insurance proceeds only if the parents provide consent. Each time the public agency proposes to access the parents' private insurance proceeds, the agency must obtain parental consent and inform the parents that their refusal to permit the public agency to access their private insurance does not relieve the public agency of its responsibility to ensure that all required services are provided at no cost to the parents (34 CFR § 300.154).

There is documentation that the student was offered additional therapeutic services through a partnership with an outside vendor who may receive insurance from clients as part of the agreement with the LEA, however, in this case there is no documentation to support the allegation that the PGCPs required the complainant to provide private insurance to access counseling services as required by the IEP.

In addition, the PGCPs acknowledged that they did not provide speech-language services as required by the IEP, from the start of the 2024-2025 school year to February 5, 2025.

The October 30, 2024, PWN reflects that the parent requested the PWN be amended to reflect that that “the parent provided the following parental input via email on November 10, 2024, ... The contracted Mental Health clinician from Interdynamics was proposed because the PGCPs counselor admitted that they have not worked on [the student's] behavioral goal as outlined in the IEP.”

While, there is documentation that the student's social emotional behavioral quarterly goal data was reported and that the student received the counseling service hours as required by the IEP since the start of the 2024-2025 school year, the October 30, 2024, PWN was amended to reflect that the school counselor said that he did not work on the IEP goals as required by the IEP. There is no data or documentation to support the PGCPs decision to amend the PWN as the complainant requested.

Based on the Findings of Fact #1, #4, #7, #12, and #15 MSDE finds that the PGCPs has ensured that the student was provided with counseling services since the start of the 2024-2025 school year as required by the IEP, in accordance with 34 CFR §§ 300.101, .154 and .323. Therefore, MSDE finds no violation.

Based on the Findings of Fact #1, #2, #7, #9 and #10, #13, and #16, MSDE finds that the PGCPs has not ensured that the student was provided with consistent speech-language services as required by the IEP since the start of the 2024-2025 school year through January 2025, in accordance with 34 CFR §§ 300.101, .154 and .323. Therefore, MSDE finds a violation.

Based on the Finding of Fact #10, the MSDE finds that the PGCPs offered compensatory services to remedy that speech-language violation at the February 5, 2025, IEP team meeting, therefore no further student corrective action is required for this timeframe.

Based on the Findings of Fact #1, and #13, MSDE finds that the PGCPs has ensured that the student was provided with speech-language services as required by the IEP since February 2025, in accordance with 34 CFR §§ 300.101, .154 and .323. Therefore, MSDE does not find a violation.

Based on the Findings of Fact #1, and #14, MSDE finds that the PGCPs has ensured that the student was provided with the quarterly occupational therapy consult as required by the IEP since the start of the 2024-2025 school year, as required by the IEP, in accordance with 34 CFR §§ 300.101, .154 and .323. Therefore, MSDE does not find a violation.

## **ALLEGATION #2 IEP TEAM PARTICIPANTS**

The IEP team must include the student's parent, at least one regular education teacher of the student if the student is, or may be, participating in the regular education environment, at least one special education teacher of the student, a representative of the public agency who is qualified to provide or supervise the provision of specially designed instruction, is knowledgeable about the general education curriculum, and about the availability of resources of the public agency, an individual who can interpret the instructional implication of evaluation results, at the discretion of the parent or public agency, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate, and the student when appropriate (34 CFR § 300.321 and COMAR 13a.05.01.07).

Based on Findings of Fact #3, #4, #7 and #10, MSDE finds the PGCPs did ensure that an IEP team meeting convened on October 10, 2024, October 30, 2024, December 16, 2024, and February 5, 2025, included the required participants, in accordance with 34 CFR § 300.321. Therefore, MSDE does not find a violation.

## **ALLEGATION #3 RESPONDING TO A REQUEST FOR AN IEP TEAM MEETING**

Based on the Findings of Fact #6, #8, and #11, MSDE finds that the PGCPs did follow proper procedures when responding to a request for IEP team meetings since the start of the 2024-2025 school year, in accordance with 34 CFR § 300.503 and COMAR 13A.05.01.08. Therefore, MSDE does not find a violation.

## **ALLEGATION #4 REQUEST TO AMEND STUDENT RECORDS**

A parent who believes that information in the education records collected, maintained, or used under this part is inaccurate or misleading or violates the privacy or other rights of the child may request the participating agency that maintains the information to amend the information. The public agency must decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request (34 CFR § 300.618).

In this case, the complainant alleged that the PGCPs did not revise the October 30, 2024, PWN within the required timelines. On November 6, 2024, the initial request to amend the October 30, 2024, PWN was made by the complainant. On November 10, 2024, and November 11, 2024, the complainant and the student's advocate provided the information they would like added. On December 9, 2024, the PGCPs provided the complainant with the amended PWN.

Based on the Findings of Fact #5, MSDE finds that the PGCPs did ensure the proper procedures were followed when amending the student's educational record, since November 2024, in accordance with 34 CFR § 300.618. However, MSDE finds that there is no data or documentation to support the amendment to the student record. Both the counselor's logs and the progress on the student's goals reflect that the required counseling services were provided. Accordingly, PGCPs amended the student record to be inaccurate. Therefore, MSDE does find a violation.



## **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.<sup>1</sup> 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.<sup>2</sup> Ms. Green can be reached at (410) 767-7770 or by email at [nicole.green@maryland.gov](mailto:nicole.green@maryland.gov).

### **Student-Specific**

**MSDE requires the PGCPs to provide documentation by July 25, 2025, that the PGCPs corrected the student record (PWN) to accurately reflect that the student's counseling services have been provided, in accordance with the data. If the PGCPs want to include the parent's input, or statement that the services were not provided as required, the PWN must reflect that the statement is the parent's input or opinion, but was not a determination of the IEP team.**

As of the date of this correspondence this Letter of Findings is considered final unless one of the parties requests a reconsideration. Requests for reconsideration must be received by this office within fifteen days of the date that the Letter of Findings is issued. However, 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, or there was a clear mistake of law in the findings. 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. Requests for reconsideration should be sent directly to Tracy Givens, Section Chief, Dispute Resolution at [Tracy.Givens@maryland.gov](mailto:Tracy.Givens@maryland.gov). There are no timelines to receive a finding after a request for reconsideration. 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.

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<sup>1</sup> 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, 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.

<sup>2</sup> 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 Special Education

ALH/sd

c: Millard House II, Superintendent, PGCPs  
Keith Marston, Compliance Instructional Supervisor, PGCPs  
Lois Jones Smith, Compliance Liaison, PGCPs  
Darnell Henderson, General Counsel, PGCPs  
Diana K. Wyles, Associate General Counsel, PGCPs  
William Fields, Associate General Counsel, PGCPs  
[REDACTED], Principal, [REDACTED], PGCPs  
Dr. Brian Morrison, Director, Accountability and Data, MSDE  
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE  
Alison Barmat, Director, Family Support and Dispute Resolution, MSDE  
Nicole Green, Compliance Specialist, MSDE  
Tracy Givens, Section Chief, Dispute Resolution, MSDE  
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