

December 11, 2024

The Honorable Wes Moore
Governor of Maryland
100 State Circle
Annapolis, Maryland 21401

Re: State Complaint

Dear Governor Moore:

I am writing to file a complaint on behalf of my son [REDACTED] (the Student), regarding his education in the state of Maryland (the State). I believe that the Maryland State Department of Education (the "State Educational Agency" or the "SEA") and the State are in violation of certain requirements in the Individuals with Disabilities Education Act (IDEA or the "Act"), its implementing regulations at 34 C.F.R. §300 (the Regulations) and related Code of Maryland Regulations (COMAR). This complaint is filed under 34 C.F.R. §300.153 and COMAR 13A.05.01.15, against the SEA and the State. I will be referred to as the "Complainant" hereafter.

Student Information:

Student's Name: [REDACTED]

Date of Birth: [REDACTED]

Address: [REDACTED]

Local Educational Agency (LEA): Prince George's County Public Schools (PGCPS)

School the student is currently attending: [REDACTED]

School(s) the student attended when violation(s) occurred: T [REDACTED]

[REDACTED] (Placed by the PGCPS)

Complainant Information:

Complainant's Name: HAMEED JAMARUSSADIQ

Relationship to Student: FATHER

Address: [REDACTED]

Telephone Number(s): [REDACTED]

Student Background:

The Student is a nineteen (19) years old man with Autism and Epilepsy, and is a child with disability under the IDEA. The District had placed the Student at the [REDACTED] (the Previous School), a non-public separate day school, to receive Free Appropriate Public Education (FAPE). The Student was placed in the Previous School until July 31, 2024. Beginning on August 26, 2024, the District placed the Student at [REDACTED] (the School).

Participants Information:

The individual(s) participated in the violation(s) described in this complaint include, but not limited to, the following:

1. Dr. Antoine Hickman, Assistant State Superintendent, Division of Special Education/Early Intervention Services (the Division) within the SEA (the Superintendent); and
2. Ms. Alison Barmat, Branch Chief, Family Support/Dispute Resolution, Division of Special Education/Early Intervention Services (the Branch Chief).

The above individual(s) conducted the operations on behalf of the SEA under the leadership of Dr. Carey M. Wright, State Superintendent of Schools at the SEA. The Superintendent served as the chief participant.

Legal Standards:

1. The IDEA implementing regulations at 34 C.F.R. §300.101 requires that a free appropriate public education must be available to all children residing in the State between the ages of 3 and 21;
2. The IDEA implementing regulations at 34 C.F.R. §300.152(a)(4) requires that each SEA must include in its complaint procedures a time limit of 60 days after a complaint is filed under 34 C.F.R. §300.153 to review all relevant information and make an independent determination as to whether the public agency is violating a requirement of Part B of the IDEA or the Regulations;
3. The IDEA implementing regulations at 34 C.F.R. §300.152(a)(5)(i) requires that each SEA must include in its complaint procedures a time limit of 60 days after a complaint is filed under 34 C.F.R. §300.153 to issue a written decision to the complainant that addresses each allegation in the complaint and contains the Findings of fact and conclusions;

4. The IDEA implementing regulations at 34 C.F.R. §300.152(a)(5)(ii) requires that each SEA must include in its complaint procedures a time limit of 60 days after a complaint is filed under 34 C.F.R. §300.153 to issue a written decision to the complainant that addresses each allegation in the complaint and contains the reasons for the SEA's final decision;
5. The IDEA implementing regulations at 34 C.F.R. §300.151(b)(1) requires that in resolving a complaint in which the SEA has found a failure to provide appropriate services, an SEA, pursuant to its general supervisory authority under Part B of the Act, must address the failure to provide appropriate services, including corrective action appropriate to address the needs of the child (such as compensatory services or monetary reimbursement);
6. The IDEA implementing regulations at 34 C.F.R. §300.151(b)(2) requires that in resolving a complaint in which the SEA has found a failure to provide appropriate services, an SEA, pursuant to its general supervisory authority under Part B of the Act, must address appropriate future provision of services for all children with disabilities;
7. The IDEA implementing regulations at 34 C.F.R. §300.152(b)(2)(iii) requires that the SEA's procedures described under 34 C.F.R. §300.152(a) also must include procedures for effective implementation of the SEA's final decision, if needed, including corrective actions to achieve compliance;
8. The IDEA implementing regulations at 34 C.F.R. §300.156(a) requires that the SEA must establish and maintain qualifications to ensure that personnel necessary to carry out the purposes of this part are appropriately and adequately prepared and trained;
9. The IDEA implementing regulations at 34 C.F.R. §300.600(a)(1) requires that the State must monitor the implementation of 34 C.F.R. §300;
10. The IDEA implementing regulations at 34 C.F.R. §300.600(b) requires that the primary focus of the State's monitoring activities must be on improving educational results and functional outcomes for all children with disabilities; and ensuring that public agencies meet the program requirements under Part B of the Act, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities; and
11. Pursuant to 34 C.F.R. §300.33 and section 612(a)(11) of the Act, the term public agency includes the SEA. The SEA must, therefore, resolve any complaint against the SEA pursuant to the SEA's adopted State complaint procedures. The SEA, however, may either appoint its own personnel to resolve the complaint, or may make arrangements with an outside party to resolve the complaint. If it

chooses to use an outside party, however, the SEA remains responsible for complying with all procedural and remediation steps required in part 300. (Analysis of Comments and Changes to IDEA, *Federal Register*, Vol. 71, No. 156, p. 46602, August 14, 2006).

References:

The following are referenced in this letter:

1. Ms. [REDACTED], Special Education Chairperson at the School (the Chairperson);
2. Ms. Lois Jones-Smith, Special Education Compliance Liaison at the District (the Liaison); and
3. Electronic mail referred in the Complaint as the Email (the Email).

Background:

1. On September 27, 2024 the Complainant filed a complaint, pursuant to 34 C.F.R. §300.153 and COMAR 13A.05.01.15 (the Complaint), with the SEA alleging that the LEA violated certain provisions of the IDEA, the Regulations and related COMAR. The Complaint was addressed to the Superintendent and the Branch Chief;
2. One of the allegations in Complaint was that the LEA had not ensured that the School staff was available to answer the following question (the Question) the Complainant asked the Chairperson on September 23, 2024 by email, as required by the Student's Individualized Education Program (IEP), in accordance with 34 CFR §300.101 and COMAR 13A.05.01.09 (the Allegation):
“I have not received a response for the below email [the Email]. Please note the changes in bold..... **Could you please confirm whether Children's Guild staff will be attending this IEP meeting?**”
3. On October 28, 2024, which was a month after the filing of the Complaint, the Branch Chief informed the Complainant in writing that the Complaint had been assigned to her for investigation;
4. On November 26, 2024, the Superintendent sent a letter (the Letter) to the Complainant and the LEA asserting that the SEA completed investigation of the Complaint;

5. The Chairperson was the LEA staff in charge of scheduling and organizing IEP meetings at the School during the period of the violation alleged in the Allegation;
6. There was no Finding of Fact in the Letter that the Chairperson was the LEA staff in charge of scheduling and organizing IEP meetings at the School during the period of the violation alleged in the Allegation;
7. The Liaison works closely with the Branch Chief. The Branch Chief and/or her colleagues at the SEA often provides Technical Assistance to the Liaison.
8. The Liaison was not a staff at the School;
9. There was no Finding of Fact in the Letter that the Liaison was not a staff at the School;
10. On April 24, 2024, the Complainant sent a fraud alert to the Superintendent informing him of fraudulent manipulation of IEP related documentation by the LEA using the Liaison;
11. The Complainant sent the Question to the Chairperson as stated in the Allegation.
12. The Question was self contained in one email and there was no breakdown in communication.
13. There was no Finding of Fact in the Letter on whether the Complainant sent the Question to the Chairperson as stated in the Allegation;
14. There was no Finding of Fact in the Letter that there was no breakdown in communication;
15. On September 23, 2023; the Chairperson forwarded the Complainant's email with the Question to the Liaison;
16. There was no Finding of Fact in the Letter that on September 23, 2023; the Chairperson forwarded the Complainant's email with the Question to the Liaison;
17. The Superintendent falsely documented in the Letter that the Liaison didn't receive the Question;
18. There was documentation that the Chairperson claimed that the Liaison was responsible for IEP related "documentation" and "correspondence";
19. There was no Finding of Fact in the Letter on whether the Chairperson contacted the Liaison to obtain answer to the Question;
20. In the Letter, the Superintendent acknowledged that violation of the Regulation occurred as alleged in the Allegation;
21. There was no corrective action required by the SEA for the violation identified for the Allegation;
22. The LEA directed the Complainant and other parents of the Student's at the School to contact the Chairperson regarding IEP Meetings;

23. There was no Finding of Fact in the Letter that the LEA directed the Complainant and other parents of the Student's at the School to contact the Chairperson regarding IEP Meetings;
24. On September 17, 2024, the Complainant was not directed to send all communication regarding an upcoming IEP team meeting to a specific staff member;
25. There was no Finding of Fact in the Letter that the Complainant was directed to send all communication regarding an upcoming IEP team meeting to a specific staff member
26. The Superintendent falsely documented in the Letter that on September 17, 2024, the Complainant was directed to send all communication regarding an upcoming IEP team meeting to a specific staff member;
27. The Superintendent further falsely documented in the Letter that the Complainant acknowledged the receipt of an email with the above direction. In fact, there was no such email received or sent by the Complainant;
28. The Superintendent further falsely documented in the Letter that the Complainant declined to follow "that request". There was no declining made by the Complainant as the Superintendent documented;
29. The Superintendent further falsely documented in the Letter that the Complainant contributed to the "breakdown" in communication. There was no Finding of Fact that the Complainant contributed any "breakdown" in communication;
30. In the Letter, the Superintendent used the false documentation identified above as reasons for not requiring a corrective action;
31. There was no Finding of Fact on whether violation identified for the Allegation was unique to the Student;
32. The Complainant did not work for the LEA during the period of violation in the Allegation;
33. There was no Finding of Fact that the Chairperson, the Liaison, the Branch Chief or the Superintendent had a communication impairment;
34. There were no updates to the Letter that was provided to the Complainant as of the date of this letter with regards to the above issues; and
35. It has been more than sixty (60) days since the filing of the Complaint.

Violation #1:

The SEA did not include procedures for effective implementation of a corrective action when it identified non-compliance for the Allegation, in accordance with 34 C.F.R. §300.152 and COMAR 13A.05.01.15

Date(s) violation(s) occurred or duration of the violation: November 27, 2024

The SEA did not require the LEA to correct the non-compliance it identified. The reasons SEA provided for not correcting the non-compliance was based on false information. Please refer to the Background provided in this letter for more information.

Violation #2:

The SEA did not review all relevant information and did not make an independent determination as to whether the LEA was violating a requirement of Part B of the IDEA or the Regulations during the Allegation, in accordance with 34 C.F.R. §300.152 and COMAR 13A.05.01.15

Date(s) violation(s) occurred or duration of the violation: November 27, 2024

While the SEA identified non-compliance by the LEA with regards to the Allegation, the SEA did not review all relevant information to make the determination. The Superintendent wanted the Complainant to include his colleague at the LEA, the Liaison, who did not work at the School, in an email. The Superintendent indicated in the Letter that as the Complainant didn't include the Liaison in an email the way the Superintendent wanted he was not going to require a corrective action. The Superintendent was not authorized to hold such position and/or act adversely to the Complainant in this manner according to State Complaint procedures established by the SEA, the IDEA or the Regulations. The Superintendent also used false information against the Complainant and concealed facts supporting the Allegation which are against the LEA to make the determination. The SEA did not make an independent determination for the above reasons. Please refer to the Background provided in this letter for more information.

Violation #3:

The SEA did not address appropriate future provision of services for all children with disabilities, when it identified that the LEA failed to implement the Student's IEP as alleged in the Allegation, in accordance with 34 C.F.R. §300.151 and COMAR 13A.05.01.15

Date(s) violation(s) occurred or duration of the violation: November 27, 2024

Violation #4:

The SEA did not ensure that the Superintendent was adequately prepared and trained to investigate the Allegation, in accordance with 34 C.F.R. §300.156

Date(s) violation(s) occurred or duration of the violation: November 27, 2024

Violation #5:

The State failed to monitor the implementation of 34 C.F.R. §300.151 by the SEA with regards to investigation of Allegation #1, in accordance with 34 C.F.R. §300.600.

Date(s) violation(s) occurred or duration of the violation: September 27, 2024 to November 26, 2024

Violation #6:

The State failed to monitor the implementation of 34 C.F.R. §300.152 by the SEA with regards to investigation of the Allegation, in accordance with 34 C.F.R. §300.600.

Date(s) violation(s) occurred or duration of the violation: September 27, 2024 to November 26, 2024

Proposed Resolution:

1. Within three (3) days of the date of this letter, the SEA should provide the Complainant with revised investigation reports with Finding of facts, conclusions and corrective actions that addresses all allegations in the Complaint, consistent

- with the IDEA, the Regulations and COMAR, addressing all violations described in this letter;
2. Within five (5) days of the date of this letter, the SEA should provide written confirmation to the Complainant that it has completed disciplinary actions for the Superintendent for including false information in the Letter and using that false information to deny corrective action;
 3. Within five (5) days of the date of this letter, the SEA should provide written confirmation to the Complainant that it has informed the Superintendent that retaliation against the Complainant or the Student is prohibited under Federal Civil Right laws, for reporting deficiencies in the SEA's complaint investigation system;
 4. Within five (5) days of the date of this letter, the SEA should provide written confirmation the Complainant that it has appointed a personnel with proper integrity to the position held by the Superintendent;
 5. Within five (5) days of the date of this letter, the SEA should provide me with a written confirmation that it has appointed qualified personnel who has been adequately trained and prepared to investigate State Complaints in accordance with the IDEA, the Regulations and the COMAR;
 6. Within ten (10) days of the date of this letter, the SEA should provide a written confirmation to the Complainant that it has appointed qualified staff at the positions of the Superintendent consistent with the IDEA, the Regulations and the COMAR;
 7. Within ten (10) days of the date of this letter, the SEA should provide a written confirmation to the Complainant that officials appointed to the positions of the Superintendent completed the training on proper code of conduct and integrity;
 8. Within fifteen (15) days of the date of this letter, the SEA should provide the Complainant with a written confirmation that it has identified any and all students in the State for whom the Superintendent conducted similar operations as described in this letter and respective parents of the students are notified of the violations of the IDEA, the Regulations and/or COMAR by the SEA and respective LEAs;
 9. Within ten (10) days of the date of this letter, you should provide a written description of the steps the State has taken to ensure that the SEA fully comply with the Regulations during State Complaint investigations;
 10. Within ten (10) days of the date of this letter, you should provide a written explanation to the Complainant with the steps the State has taken to ensure that

the SEA uses staff with proper qualifications to conduct State Complaint investigations;

11. Within thirty (30) days of the date of this letter, you should provide a written explanation to the Complainant, describing the steps you have taken to ensure that the SEA and the State comply with any and all requirements in the Regulations which are described in this letter; and
12. Within thirty (30) days of the date of this letter, the SEA should provide a written explanation to the Complainant, describing the steps it has taken to ensure that each of the violations and the issues identified in this letter do not reoccur for the Student and/or any other children with disabilities in the State.

All of the above must be implemented. All confirmations referred above must be consistent with facts. The SEA and the LEA must comply with any and all requirements in the IDEA, the Regulations, and COMAR for each of the steps described above.

This complaint is filed against the SEA. Pursuant to 34 C.F.R. §300.33 and section 612(a)(11) of the Act, the term public agency includes the SEA. The SEA must, therefore, resolve any complaint against the SEA pursuant to the SEA's adopted State complaint procedures. The SEA, however, may either appoint its own personnel to resolve the complaint, or may make arrangements with an outside party to resolve the complaint. If it chooses to use an outside party, however, the SEA remains responsible for complying with all procedural and remediation steps required in part 300. (Analysis of Comments and Changes to IDEA, *Federal Register*, Vol. 71, No. 156, p. 46602, August 14, 2006).

Since the SEA has demonstrated severe deficiencies in its State Complaint procedures, because of the severity and depth of the deficiencies in the SEA's complaint investigation system and because of the unavailability of the qualified staff at the SEA. I strongly suggest that an outside party be used to investigate this complaint in order to have an independent, fair and proper investigation.

Failures of the SEA and the State described in this letter negatively impacts the education of children with disabilities in the State. I believe that it is essential that the SEA and the State fully comply with the requirements of the Regulations in order to

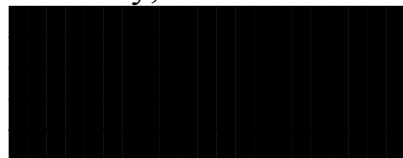
provide Free Appropriate Public Education (FAPE) to the children with disabilities in the State.

By this letter to you and the copies, I would like to remind the SEA and the State that federal regulations prohibit public entities and recipients of Federal Financial Assistance (FFA) from taking actions, towards the Student or any of his immediate family members, to harass, intimidate, threaten, coerce or discriminate them, because I filed this complaint, any additional complaints regarding the same or different matter, asserted the Student's right to receive FAPE in the State, or asserted the Student's right to not being discriminated based on his disability, in the State. I request you to take proactive measures to ensure that violations described in this paragraph do not occur.

I request you to ensure that this complaint is processed in accordance with the IDEA and the Regulations, complying with all procedural requirements. I also request you to provide procedures for effective implementation of corrective actions to achieve compliance as required by the IDEA.

Thank you for your cooperation. Please contact me to confirm the receipt of this complaint, set up times for the investigators to talk with me to clarify the allegations before starting the investigation, to set up times for your investigators to talk to me and to establish timelines for completing the investigation. If you or the investigators need further information or clarification, I can be reached at the contact numbers in this letter.

Sincerely,



Hameed Jamarussadiq

c: Valerie C. Williams, U.S. Department of Education
David J. Cantrell, U.S. Department of Education
Gregg Corr, U.S. Department of Education
Christine Pilgrim, U.S. Department of Education
Gbenimah Slopadoe, U.S. Department of Education
Aruna Miller, Maryland

The Honorable Wes Moore
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Carey M. Wright, MSDE
Trinell Bowman, PGCP
the Superintendent
the Branch Chief