



MARYLAND OFFICE OF THE INSPECTOR GENERAL FOR EDUCATION



Investigative Report Summary

OIGE Case 24-0005-I

Issued: January 27, 2025



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INSPECTOR GENERAL FOR EDUCATION
Richard P. Henry, Inspector General



January 27, 2025

To the Citizens of Maryland and Prince George's County,

The General Assembly, at its First Session after the adoption of the Maryland Constitution, established throughout the State a thorough and efficient System of Free Public Schools and shall provide by taxation, or otherwise, for their maintenance.¹ The Maryland Office of the Inspector General for Education (OIGE) plays a vital role in safeguarding State funds provided to local school systems. Our primary mission is to prevent and detect fraud, waste and abuse, and educational mismanagement within School Boards, the Maryland State Department of Education (MSDE), the Interagency Commission of School Construction (IAC), the twenty-four (24) local education agencies (LEA), and non-public schools who receive State funding throughout the State of Maryland. Except under limited exceptions, the Inspector General may not disclose the identity of the source of a complaint or information provided.

EXECUTIVE SUMMARY

On May 14, 2024, the Maryland Office of the Inspector General for Education (OIGE) initiated an investigation following an anonymous complaint regarding an improperly documented suspension at High Bridge Elementary School in Prince George's County Public Schools (PGCPS). The complaint alleged that the suspension document of a student who was present at school on the day listed for suspension was fraudulently added to the student's record. Furthermore, it was claimed that the student's parent was not informed of the suspension, nor did the required readmit conference occur as mandated.

The investigation focused on verifying the validity of the suspension documentation, the adherence to procedural safeguards, and the communication protocols followed during the disciplinary process. Evidence gathered included student cumulative folders, attendance records, transportation logs, and interviews with relevant school personnel, including the acting principal.

The findings highlight significant procedural failures:

1. **Non-Compliance with Notification Requirements:** The investigation revealed that the student's parent was not properly notified of the suspension as required by federal and state laws. Additionally, the parent was reportedly unaware of the readmit conference.

¹ Constitution of Maryland, Article VIII, Education, Section 1

2. **Inaccurate Documentation and Reporting:** Contrary to the suspension record, evidence such as transportation and meal records indicated that the student attended school on the alleged day of suspension. This discrepancy raises concerns about the integrity of record-keeping and reporting within PGCPS.
3. **Failure to Provide Procedural Safeguards:** The required procedural safeguards that ensure the rights of students with disabilities were not provided to the parent at the appropriate times, particularly at the point of suspension.
4. **Lack of Evidence for Disciplinary Action:** Interviews and record analyses showed inconsistencies in the accounts of the suspension, suggesting a failure to adhere to the standards of evidence required for disciplinary actions against students.

This investigation underscores the need for stringent adherence to procedural and regulatory requirements in student disciplinary actions to ensure fairness, transparency, and legal compliance. Recommendations will focus on improving documentation practices, training staff on procedural requirements, and enhancing oversight to prevent future occurrences of such failures.

BACKGROUND

Prince George's County Public Schools (PGCPS), one of the nation's largest school districts, has 200 schools and centers, more than 132,854 students, and nearly 22,000 employees. The school system serves a diverse student population from urban, suburban, and rural communities in the Washington, DC suburbs. PGCPS has a 2.3-billion-dollar annual budget and is the second-largest school system in Maryland. The student population comprises 52% Black/African American, 41% Hispanic/Latino of Any race, and 4% White. 62% of students are on free and reduced meals, 10% are Special education, and 26% are English Language Learners.

High Bridge Elementary is located in Bowie, Maryland, a suburb of Washington, DC. According to the Maryland Report Card², it serves 404 students. 61% of the students are on free and reduced meals, and 53% are economically disadvantaged. Their student population comprises 23% of students with disabilities, and 17% of students are considered English language learners.

Students with disabilities have the same right to K-12 public education that students without disabilities have guaranteed under the Individuals with Disabilities Education Act (IDEA), which is a federal law ensuring that services to children with disabilities are provided nationwide. IDEA requires that students with disabilities receive a free, appropriate public education, referred to as FAPE. It sets forth requirements for States and local educational agencies to provide special education and related services to children with disabilities ages 3 through 21. To receive and benefit from that education, students with disabilities may need special education and/or related

² Maryland Report Card:

<https://reportcard.msde.maryland.gov/Graphs/##/ReportCards/ReportCardSchool/1/E/1/16/1412/0>

aids and services not offered to other students.

In Maryland, local educational agencies (LEAs) must adhere to the Code of Maryland Regulations (COMAR) guidelines and procedures regarding disciplinary responses to all school student behavior. COMAR guidelines provide steps and requirements that are followed when a student who receives special education services commits an infraction in school. Students who qualify for special education have an Individualized Educational Plan (IEP) designed to provide educational benefits to the student, including goals, objectives, services, progress monitoring, and more.

In addition to their state rights, special education students are also afforded additional protections and rights under IDEA. Part of these protections is providing each family with a copy of the Procedural Safeguards outlining student and parent/guardian rights in special education in Maryland, which have been adopted by the Maryland State Department of Education (MSDE) and published in The Maryland Procedural Safeguards Handbook. Both federal and state guidelines mandate that parents of children with disabilities receive a copy of the procedural safeguards notice annually. Additional copies must be provided in the following situations:

- Upon initial referral or parent request for evaluation.
- Upon receipt of the first State or due process complaint within a school year.
- In response to a decision to take disciplinary action, specifically for those with an Individualized Education Program (IEP).
- At any time upon parent request.

These requirements ensure that parents are fully informed of their rights under special education regulations and maintain consistency in procedural safeguards across federal and state guidelines.

Disciplinary Actions and Responses

Under COMAR §13A.08.01.11-.21³ *Disciplinary Actions - Suspension and Expulsion*.

(b) The student or the student's parent or guardian promptly should be given a conference with the principal and any other appropriate personnel during the suspension period.

(c) At or before the conference, the student shall receive oral or written notice of the charges against him or her. If the student denies the charges, the student has the right to an explanation of the evidence supporting the charges and an opportunity to present the student's side of the story.

³ COMAR 13A.08.01.11-.21

PGCPS Administrative Procedure 10101, Student Rights and Responsibilities Handbook⁴ outlines disciplinary interventions and response levels. Additionally, the handbook contains matrices for student misbehaviors and recommended levels of discipline. The Matrix provides the violations, a description of each, and the grade level for which they are appropriate. Out-of-school suspension response levels range from three to five.

PGCPS describes Response Level 3 as:

If a student disrupts the school environment and/or school-related activities, the principal may give a short-term suspension of one to three days to a student committing the violation because of the severity of the behavior. The duration of the short-term removal is to be limited as much as practicable while adequately addressing the behavior through the use of interventions and responses.

The first intervention listed under Response Level 3 is to “Notify parent/guardian.”

PGCPS uses the online SchoolMax system as its official record of attendance. The system’s default setting marks all students present when attendance is submitted. Therefore, the teacher or staff of record must physically change a student to absent (found in a drop-down menu) to properly capture the student's attendance.

A readmit conference is held upon a student's return to school after an out-of-school suspension. This conference is documented on the suspension paperwork and noted in PGCPS procedures. During this conference, school personnel complete a “readmit checklist” with the administration, the student, and their family.

INVESTIGATION

The OIGE inspected cumulative folders at High Bridge Elementary on June 18, 2024. Based on the anonymous complaint received and to ensure a proper sampling across the grade level to represent all populations, the OIGE requested to inspect and analyze a sample of 15% of all 5th-grade students' folders. PGCPS prepared and provided said sample. The OIGE observed that the aforementioned IEP student had been included in the sample. That IEP Student had a suspension document in their folder; however, the Maryland Procedural Safeguards box was not checked, indicating the parent did not receive a copy of the Maryland Procedural Safeguards shared with the parent/guardian, which should be shared when a student with an IEP gets an out of school suspension.

⁴ Student Rights and Responsibilities Handbook: <https://www.pgcps.org/globalassets/offices/pupil-personnel/docs---pupil-personnel/student-rights-and-responsibilities-handbook.pdf>

Interview with PGCPs Employee #1 (PGE#1)

The OIGE interviewed PGE#1 on September 17, 2024. PGE#1 has been employed with PGCPs for over 15 years and has served in an Administrative Executive capacity for over eight years.

When asked if PGE#1 knew the student in question, they stated they did and were familiar with the student's disciplinary actions while serving as the acting principal. PGE#1 stated the student was suspended the day noted on the document, March 8, 2024. PGE#1 was unaware of why staff members would say they saw the student in school or that he was present. The OIGE provided the students' attendance from their internal system and the suspension documentation for PGE#1 and the PGCPs team to review. PGCPs General Counsel stated that there could be different reasons for an error in the student's attendance, such as a default feature in the program and human error; PGE#1 agreed with this suggestion and said they didn't know why the student would be marked present because they were sure the student was not present.

Regarding the OIGE folder inspection, PGE#1 was asked to clarify why the box indicating the Maryland Procedural Safeguards were shared with the parent was not marked. PGE#1 stated they did not remember. PGE#1 said they gave a hard copy of the Safeguards at the readmit conference after the alleged suspension was served.

For the out-of-school suspension, PGE#1 stated they made one phone call to inform the parent of the suspension, saying, "I tried to contact (student's name) mother but was unable to reach her via phone." PGE#1 could not provide any support documentation for how the parent and student were notified of the out-of-school suspension, stating,

I'm not sure how the mom found out. I don't know; I don't know if the teacher..., because everyone used their own parent communication system, so I'm not sure. But the mom knew, and I was able to speak to her when the student (identity omitted) came back from suspension.

Based on the documentation provided to OIGE, the student also had another parent listed in the system with educational rights. However, they were not contacted. PGE#1 stated at the readmit conference, "I asked if she got the message, and she said she did not." Maryland COMAR states that the student and parent should be made aware of the charges against them and given a chance to dispute them before their removal from school.

Records Analysis

The OIGE requested documentation, including PGE#1's call log, attendance records, any email correspondence regarding the incident, the readmit checklist, student contact information, transportation records, transactional meal records, and the student safety plan.

The requested transportation records showed the student having boarded the bus on March 8, 2024, at 6:40 a.m. and was discharged at school at 7:41 a.m. The student boarded the bus at High Bridge Elementary at 1:41 p.m. and was discharged at their stop at 2:15 p.m. The student's lunch account records show that the student used their lunch pin to eat breakfast and lunch that day.

Per PGCPs policy, a readmit conference occurs when a student returns from an out-of-school suspension. According to the suspension document, this meeting was scheduled for March 11, 2024. Thus, OIGE requested the Readmit Checklist, but PGCPs could not locate it.

The student's parent was contacted by the OIGE and declined to be interviewed.

FINDINGS

The OIGE found inconsistencies in the administration of disciplinary actions and documentation at High Bridge Elementary School. There is a discrepancy between the recorded suspension and the multiple records indicating the student's presence at school on the alleged date of suspension. The investigation revealed that procedural requirements, particularly those concerning the communication of disciplinary actions to the parents of students with disabilities, were not fully met. The procedural safeguards, essential for ensuring parents are informed of disciplinary actions and their rights under state and federal law, were not documented as having been provided. The OIGE makes the following findings:

1. Non-compliance with COMAR Regulations: PGE#1 did not adhere to COMAR guidelines that require informing students and parents about the charges before suspension. Although PGE#1 claimed to have contacted the parent by phone on the incident day, the parent stated at the readmit conference that they never received this message. Documentation supporting parent notification of the suspension was also lacking.
2. Failure to Provide Due Process: There was no evidence that the student or the parent was allowed to respond to the charges during the suspension period. Records show that the student was sent home on the bus without any administrative meeting, suggesting that neither the student nor the parent had the chance to discuss the events leading to the suspension.
3. Inadequate Notification of Suspension and Rights: The documentation was insufficient to demonstrate that the parent was properly informed of the suspension, the scheduled readmit conference, or their rights under the Maryland Procedural Safeguards. PGE#1's acknowledgment that the safeguards were shared only after the suspension and their inability to produce documentation for the readmit conference underscores these procedural failures.
4. Erroneous Suspension Documentation: Despite records confirming the student's attendance on the day of the alleged suspension, including bus ridership and meal transactions, an attempt was made to assert the contrary without substantiating evidence. This discrepancy raises concerns about the accuracy of the suspension documentation.
5. Incorrect Completion of Suspension Documentation for an IEP Student: The suspension documentation form for the student who receives IEP services was improperly completed. It failed to indicate that the Maryland Procedural Safeguards were shared with the parent at the time of the suspension, a critical oversight for ensuring compliance with special

education laws.

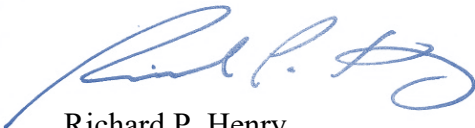
RECOMMENDATIONS

- The OIGE recommends that the PGCPSS ensure that all executive and administrative employees adhere to county and state requirements governing the documentation of students with the Individualized Educational Plan (IEP) designation. Following established COMAR and PGCPSS policies reassure trust in the education process, affording students and parents the opportunity for due process. Failure by educational staff to follow established COMAR and school policies could subject the county to unwarranted legal liabilities and place an undue financial burden on the citizens of Prince George's County.

The OIGE understands that information may be changed or updated after an investigation has been completed. The OIGE appreciates the cooperation the Prince George's County Public School system and the PGCPSS Legal Office provided.

Consistent with Education Article §9.10-104, the Inspector General has identified issues of concern and will report them to the Governor, the General Assembly, the State Board of Education, and the State Superintendent of Schools.

Respectfully,



Richard P. Henry
Inspector General

cc: Millard L. House, II, Superintendent, Prince George's County Public Schools
Darnell L. Henderson, Esq., Chief Counsel, Office of Legal Counsel
Branndon D. Jackson, Chairperson, Prince George's County Public Schools Board of Education
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