



**Karen B. Salmon, Ph.D.**  
State Superintendent of Schools

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February 8, 2019

Ms. Jessica Williams  
Education Due Process Solutions, LLC  
711 Bain Drive #205  
Hyattsville, Maryland 20785

Ms. Trinell Bowman  
Director of Special Education  
Prince George's County Public Schools  
1400 Nalley Terrace  
Landover, Maryland 20785

RE: XXXXX  
Reference: #19-082

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention/Special Education Services (MSDE), has completed the investigation of the complaint regarding special education services for the above-referenced student. This correspondence is the report of the final results of the investigation.

**ALLEGATION:**

On December 19, 2018 the MSDE received a complaint from Ms. Jessica Williams, hereafter, "the complainant," on behalf of the above-referenced student and his mother, Ms. XXXXXXXXXXXXX. 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) with respect to the above-referenced student.

The MSDE investigated the allegation that the PGCPS did not ensure that an IDEA evaluation was conducted in response to a referral made in September 2018, in accordance with 34 CFR §§300.111, .301, and .503.

**BACKGROUND:**

The student is five (5) years old and attends XXXXXXXXXXXXXXXXXXXXXXXXXXXX. He is not identified as a student with a disability under the IDEA.

**FINDINGS OF FACTS:**

1. On September 4, 2018, the student's mother made a referral to the PGCPS for an IDEA evaluation of the student. Her referral identified concerns related to the student's speech/language, cognitive, social/emotional, and academic abilities.
2. On January 3, 2019, the Individualized Education Program (IEP) team convened, in response to the referral made by the student's mother. Based on teacher reports and parental concerns of the student, the team determined that assessments would be conducting in the areas of pre-academics, cognitive functioning, social/emotional development, and an observation for sensory concerns. The student's mother provided consent for assessments at the meeting.
3. There is documentation that, on February 15, 2019, an IEP team meeting is scheduled to be held for the purpose of reviewing assessment results and determining if the student is identified as a student with a disability under the IDEA.
4. The PGCPS acknowledges that it did not ensure that an IDEA evaluation was conducted in response to a referral made on September 4, 2018. Specifically, the PGCPS acknowledges that the IEP team should have initiated the evaluation process in response to the parent's referral, but instead referred the student to the Student Intervention Team (SIT) for consideration of supports in the general education program, and did not provide prior written notice of the refusal to conduct the IDEA evaluation.

**CONCLUSION:**

Based on the Findings of Facts #1 - #4, the MSDE finds that the PGCPS did not ensure that an IDEA evaluation was conducted in a timely manner, in response to the referral made on September 4, 2018, in accordance with 34 CFR §§300.111, .301, and .503. The MSDE appreciates and concurs with this acknowledgement and therefore, this office finds that a violation occurred with respect to the allegation.

**CORRECTIVE ACTIONS/TIMELINES:**

**Student-Specific**

The MSDE requires the PGCPS to provide documentation by March 31, 2019, that the IEP team has determined whether the student is identified as a student with a disability under the IDEA. If the student is determined eligible under the IDEA, the IEP team must also determine the compensatory services or other remedy for the delay in the provision of a Free Appropriate Public Education (FAPE) to the student.

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The PGCPS must ensure that the parent is provided with written notice of the team's decisions. The parent maintains the right to request mediation or to file a due process complaint to resolve any disagreement with the team's decisions.

**School-Based**

The MSDE requires the PGCPS to provide documentation by April 30, 2019 of the steps taken to ensure that the violation identified does not recur at XXXXXXXXXXXXXXXXXXXXXXXX.

**TECHNICAL ASSISTANCE:**

Technical assistance is available to the parties by contacting Dr. Nancy Birenbaum, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE at (410) 767-7770.

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 (15) 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. 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 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,

Marcella E. Franczkowski, M.S.  
Assistant State Superintendent  
Division of Early Intervention/Special Education Services

MEF:ac

- c: Monica Goldson
- Gwen Mason
- Barbara VanDyke
- XXXXXXXXXX
- Dori Wilson
- Anita Mandis
- Albert Chichester
- Nancy Birenbaum