




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

January 12, 2021




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

RE: 
Reference: #21-042

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS), 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 18, 2020, the MSDE received correspondence from Mr.  hereafter, “the complainant,” on behalf of his son, 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) with respect to the student.

The MSDE investigated the allegation that the PGCPS did not ensure that a report was made of the student’s progress towards achievement of the annual Individualized Education Program (IEP) goals for the third (3rd) quarter of the 2019-2020 school year, as required by the IEP, in accordance with 34 CFR §§ 300.101 and .323.

BACKGROUND:

The student is fifteen (15) years old, is identified as a student with Autism under the IDEA, and has an IEP that requires the provision of special education and related services.

The student is placed by the PGCPS at [REDACTED] a nonpublic, separate, special education school, which he attended from July 1, 2019 until the Statewide closure of school buildings as a result of the national COVID-19 pandemic.

FINDINGS OF FACTS:

The IEP in effect during the 2019-2020 school year, developed on April 11, 2019, states that reports are to be made to the student's parents of the student's progress towards achievement of the IEP goals on a quarterly basis.

There is no documentation that a report was made to the complainant of the student's progress towards achievement of the IEP goals for the third (3rd) quarter of the 2019-2020 school year.

DISCUSSION/CONCLUSION:

The public agency must ensure that the special education and related services required by each student's IEP is provided (34 CFR §§.101 and .323).

Based on the Findings of Facts above, the MSDE finds that the PGCPS did not ensure that a report of student's progress towards achievement of the IEP goals was made to the complainant for the third (3rd) quarter of the 2019-2020 school year, as required by the IEP, in accordance with 34 CFR §§ 300.101 and .323. Therefore, this office finds that a violation occurred.


CORRECTIVE ACTIONS/TIMELINES:

The IDEA requires that State complaint procedures include those for 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, the MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below¹

This office will follow up with the public agency to ensure that it completes the required action consistent with the MSDE Special Education State Complaint Resolution Procedures. If the public agency anticipates that the timeframe below may not be met, or if any of the parties seeks technical assistance, they should contact Dr. Nancy Birenbaum, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.² She can be reached at (410) 767-7770 and nancy.birenbaum@maryland.gov.

¹ The OSEP states that the public agency must correct noncompliance in a timely manner, which is as soon as possible, but not later than one (1) 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 (1) 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.

² The MSDE will notify the Directors of Special Education of any corrective action that has not been completed within the required timelines.




January 12, 2021

Page 3

Student-Based

The MSDE requires the PGCPS to provide the complainant with a report of the progress made by the student towards achievement of the IEP goals for the third (3rd) quarter of the 2019-2020 school year.

School/System-Based

The MSDE requires the PGCPS to provide documentation of the steps taken to ensure that parents of the school system's students placed at  are provided with reports of student progress with the frequency required by each student's IEP.

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 Free Appropriate Public Education (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

c: Monica Goldson
Barbara Vandyke
Keith Marston

Gail Viens
Dori Wilson
Anita Mandis

Nancy Birenbaum