



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

March 24, 2021

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

RE: [REDACTED]  
Reference: # 21-053

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.

**ALLEGATIONS:**

On January 29, 2021, the MSDE received a complaint from Megan Marie Collins, Esq., hereafter, "the complainant," on behalf of the above-referenced student and his mother, Ms. [REDACTED]. 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 following allegations:

1. The PGCPS has not ensured that the student has been provided with an Individualized Education Program (IEP) that addresses his needs since January 29, 2020, in accordance with 34 CFR §§300.101, .303, .304, .323, .324 and COMAR 13A.05.01.06.
2. The PGCPS has not ensured that the student has been provided with the supports required by the Behavioral Intervention Plan (BIP) since January 29, 2020, in accordance with 34 CFR §§300.101 and .323.

3. The PGCPS did not ensure that the student has been provided with the special education and related services required by the IEP during the spring of 2020, in accordance with 34 CFR §§300.101 and .323.
4. The PGCPS has not ensured that proper procedures have been followed when disciplinarily removing the student from school since January 29, 2020, in accordance with 34 CFR §§300.324 and .530 and COMAR 13A.08.03. This includes the following
5. The PGCPS did not ensure that the parent was provided with Prior Written Notice (PWN) of the decisions made at IEP team meetings held in August 2020 and October 2020, in accordance with 34 CFR §300.503.

### **BACKGROUND:**

The student is seventeen (17) years old, is identified as a student with an Other Health Impairment under the IDEA, related to Attention Deficit Hyperactivity Disorder (ADHD), and has an IEP that requires the provision of special education instruction and related services.

The student attended [REDACTED] School until the March 2020 closure of school buildings and initiation of virtual learning due to the COVID-19 pandemic.

### **SUMMARY OF FINDINGS AND CONCLUSIONS:**

The PGCPS acknowledges that violations have occurred with respect to the allegations. Specifically, the PGCPS acknowledges that the student has not been provided with an IEP that addresses his needs, supports required by the BIP, special education and related services during the spring of 2020, and disciplinary protections. The PGCPS also acknowledges that the parent was not provided with prior written notices of the decision made at IEP team meetings.

The MSDE concurs with PGCPS' findings and appreciates the school system's response to the investigation.

### **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 below.

The 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 Dr. Nancy Birenbaum, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.<sup>2</sup> Dr. Birenbaum can be reached at (410) 767-7770 or by email at nancy.birenbaum@maryland.gov.

### **Student-Specific**

The MSDE requires the PGCPS to provide documentation that it has revised the student's IEP to address all identified areas of need, that the student is being provided with the special education and related services required by the IEP, and that the BIP is being implemented.

The PGCPS must also provide documentation that the IEP team has determined the amount and nature of compensatory services to redress the violations identified and acknowledged in the Letter of Findings.

### **School-Based**

The MSDE requires the PGCPS to provide documentation of the steps taken to ensure that the violations do not recur at [REDACTED] School.

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.

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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 (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.

<sup>2</sup> The MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

Megan Marie Collins, Esq.  
Ms. Trinell Bowman  
March 24, 2021  
Page 4

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

MEF:ac

c: Monica Goldson  
Barbara VanDyke  
Gail Viens  
Aleia Johnson  
[REDACTED]  
Dori Wilson  
Anita Mandis  
Albert Chichester  
Nancy Birenbaum