



**Mohammed Choudhury**  
State Superintendent of Schools

July 30, 2021

Ms. Ronnetta Stanley  
Loud Voices Together  
P.O. Box 1178  
Temple Hills, Maryland 20757

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

RE: [REDACTED]  
Reference: #21-110

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 June 4, 2021, the MSDE received a complaint from Ms. Ronnetta Stanley, hereafter, “the complainant,” on behalf of the above-referenced student and his parents. 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 follow proper procedures when conducting a reevaluation of the student on June 4, 2020, in accordance with 34 CFR §§300.101 and .303 - .306 and COMAR 13A.05.01.06.

**BACKGROUND:**

The student is fifteen (15) years old, is identified as a student with Autism under the IDEA, and has an Individualized Education Program (IEP) that requires the provision of special education instruction and related services. He attends [REDACTED] a non-public special education school, where he is placed by the PGCPS.

**FINDINGS OF FACTS:**

1. On June 4, 2020, the IEP team convened to conduct an IDEA reevaluation. The team reviewed the student's educational record and based on the data, determined that he continued to be a student with a disability under the IDEA. The IEP team also recommended updated assessments to determine the student's present levels of performance.
2. There is correspondence to all PGCPS principals from the PGCPS Chief Academic Officer, dated September 2, 2020, which states that the school system was contracting with a vendor to remotely conduct educational assessments, where appropriate. It states that where remote testing is not appropriate, students would be tested in-person, by appointment, at a select school-based site or PGCPS Central Office testing site. The correspondence indicates that special education teams need to work together to identify all students requiring evaluations and reevaluations and directs each special education chairperson to complete assessment data requests using a Google form that was developed. It states that remote and in-person testing would begin by October 1, 2020.
3. There is correspondence to all PGCPS principals from the PGCPS Chief Academic Officer, dated March 23, 2021, which states that in-person educational testing in school buildings could resume starting April 12, 2021.
4. The PGCPS acknowledges that the reevaluation is not yet complete and reports that there was a delay as a result of the inability to complete assessments during the closure of school buildings due to the COVID-19 pandemic. The PGCPS reports that the assessments have now been completed and an IEP team meeting is being scheduled to review the data and complete the reevaluation.
5. On July 28, 2021, the MSDE issued a Letter of Findings in State complaint #21-078 requiring the PGCPS to take corrective action for all students who, since March 2020, have experienced a delay in completion of evaluations or reevaluations.

**CONCLUSIONS:**

Based on the Findings of Facts #1 - #5, the MSDE finds that the PGCPS has not ensured that the reevaluation has been completed within the timelines, in accordance with 34 CFR §§300.101 and

.303 - .306 and COMAR 13A.05.01.06. Therefore, this office finds that a violation occurred with respect to the allegation.

Notwithstanding the violation, based on the Findings of Facts #2 - #4, the MSDE finds that the PGCPS is taking steps to complete evaluations and reevaluations without further delay. Therefore, no system-based corrective is required to ensure the future provision of appropriate services to students with disabilities.

In addition, based on the Finding of Fact #5, the MSDE finds that corrective action has already been required with respect to similarly-situated students. Therefore, no further action is required for those students.

### **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.

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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.

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### **Student-Specific**

The MSDE requires the PGCPS to provide documentation that the reevaluation has been completed and the team has determined compensatory services for the delay if the IEP requires revision based on the assessment data.

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 parents 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  
       Wendi Wallace  
       Dori Wilson  
       Anita Mandis  
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       Nancy Birenbaum