



May 13, 2022

[REDACTED]  
[REDACTED]  
[REDACTED]

Ms. Trinell Bowman  
Associate Superintendent-Special Education  
John Carroll Center  
1400 Nalley Terrace  
Landover, MD 20785

RE: [REDACTED]  
Reference: #22-109

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 March 13, 2022, the MSDE received a complaint from Ms. [REDACTED], hereafter, “the complainant,” on behalf of 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 above-referenced student.

The MSDE investigated the following allegations:

1. The PGCPS did not implement the decisions made by the Individualized Education Program (IEP) team on February 2 and 17, 2022 regarding the student’s plan to return to school, in accordance with 34 CFR §§300.101 and .323.
2. The PGCPS has not ensured that the student has been consistently provided with the special education instruction, supports, and related services required by the IEP since the start of the 2021-2022 school year, in accordance with 34 CFR §§300.101 and .323. Specifically, you allege the following:
  - a. The student was not provided with specialized instruction in reading comprehension;

- b. The student was not provided with occupational therapy services; and
  - c. The student was not provided with supplementary aids and supports of sentence starters, checklist to edit, notes, repetition of directions, monitor independent work, “encourage student to ask for assistance”, visual supports, progress reports, adult support, daily communication log, reading intervention, modified assignments, text to speech, and extended time.
3. The PGCPS has not ensured that the IEP addresses the student’s social emotional needs since the start of the 2021-2022 school year, in accordance with 34 CFR §§300.101, .320, and .324.
  4. The PGCPS has not provided the parent with an appropriate quarterly report on the student’s progress toward achieving the annual IEP goals since the start of the 2021-2022 school year, in accordance with 34 CFR §§300.320 and .323.
  5. The PGCPS has not ensured that the IEP team addressed the parent’s concerns about the student’s mental health, grading issues, and communication needs in accordance with 34 CFR §300.324.
  6. The PGCPS did not follow proper procedures when making changes to the student’s IEP during the 2021-2022 school year, in accordance with 34 CFR §300.324.
  7. The PGCPS did not follow proper procedures when responding to a request to inspect and review the student’s educational record on January 26, 2022, in accordance with 34 CFR §300.613.

### **BACKGROUND:**

The student is nine (9) years old and is identified as a student with a Specific Learning Disability under the IDEA. He attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

### **ALLEGATION #1 and #3: IMPLEMENTATION OF IEP TEAM DECISIONS AND AN IEP THAT ADDRESSES THE STUDENT’S SOCIAL EMOTIONAL NEEDS**

### **FINDINGS OF FACTS:**

1. The student’s IEP in effect at the start of the 2021-2022 school year was developed on September 29, 2020. The IEP reflects that he has identified needs in the areas of reading comprehension and phonics and written language expression. The IEP includes specialized instruction, supports, related services, and annual goals to improve the student’s skills in these areas. While the student’s IEP requires a “social/behavioral support” that provides encouragement to ask for assistance and a checklist for initiating the request for assistance, when needed, it does not identify social/emotional needs as an area of need.

2. On January 12, 2022, the IEP team convened to address the complainant's concerns including the student's behavior. The complainant expressed her concern about the student's mental health. The student's behaviors have increased since the start of the school year. The student is crying and refusing to attend class. The IEP team proposed "having the school counselor continue to meet with the student to try and figure out why he is frustrated with school." The IEP team noted the counselor and the student met a few times for "getting to know you activities."
3. On February 2, 2022, the IEP team convened to address the complainant's concerns regarding the student's transition back to school. The Prior Written Notice generated following the meeting reflects that the IEP team agreed to add movement breaks, visual schedule, visual supports, the provision of a study guide, notes, or workbook to the student's supports and supplemental aids. The IEP team also agreed that an Additional Adult Support (AAS) will meet the student upon arrival for a check-in. The student was to be provided with a "flash pass" for breaks, counseling support, and develop a non-verbal signal for breaks. The IEP team agreed to reconvene to finish addressing the complainant's concerns. While there is documentation that the student's IEP was amended to reflect many of the IEP team's decisions, there is no documentation that movement breaks were added to the student's IEP.
4. On February 17, 2022, the IEP team convened to develop an "emergency plan" to support the student's transition back to school. The complainant expressed the student is "experiencing anxiety and refusing to return to school" and the student's psychiatrist is recommending Home and Hospital Teaching due to the anxiety. The IEP team requested a release of information to communicate with the student's psychiatrist and the complainant declined to sign a release. The Prior Written Notice generated following the meeting reflects that the IEP team agreed to a modified schedule. The IEP team developed a plan for the student that would require, "increasing his time in school by thirty minutes each day." The student was to spend his first three days in the school building with the "AAS and counselor." Beginning on February 28, 2022, the student would continue to increase his day by "30 minutes and will start attending classes" including his art class. The student's teachers were to send assignments home for the student to complete that were not completed during the day, and the "Crisis Intervention Social Worker" was to contact the complainant and provide support to the staff and student on his first day.
5. In an email to the PGCPSS dated February 28, 2022, the complainant requested that the student not be marked with unexcused absences and renewed her request for the student's classwork assignments.
6. There is email correspondence dated March 1-17, 2022, between the complainant and the school staff concerning the student's incomplete assignments which were not provided to the complainant. In response, the school staff indicated that the teachers would begin updating the student's log with the classwork assignments that were not provided consistent with the IEP team decisions on February 17, 2022.

7. There is email correspondence dated March 14, 2022, between the complainant and the school staff concerning the implementation of the student's re-entry plan. The complainant expressed that the agreed upon staff members were not present to meet the student for check-in. In response, the school staff indicated "I will no longer be walking to the car to attempt to get Hasoni to walk with me in the building".
8. On March 28, 2022, the IEP team convened to discuss the student's assessments. The Prior Written Notice reflects that the complainant expressed concerns about the student's mental health and shared sections of a private assessment report. The PGCPs compliance staff explained that the team would require a "full" report and suggested the complainant obtain a redacted version of the report. The complainant agreed to provide private assessment reports before the next IEP meeting. Additionally, the IEP team agreed to start the re-entry plan to assist the student in returning to school.
9. There is no documentation that the re-entry plans developed by the IEP team on February 2, and 17, 2022 were consistently implemented.
10. There is no documentation that the IEP team considered the use of positive behavioral interventions and supports, and other strategies, to address the student's behavior caused by his emotional needs during IEP team meetings convened for the student during the 2021-2022 school year.

## **CONCLUSIONS:**

### **Allegation #1: Implementation of IEP Team Decisions**

Based on the Findings of Facts #3 - #9, the MSDE finds that decisions made by the IEP team on February 2 and 17, 2022 were not implemented regarding the student's plan to return to school, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation occurred with respect to the allegation.

### **Allegation #3: An IEP That Addresses The Student's Social Emotional Needs**

Based on the Findings of Facts #1, #2, #4, #8, and #10, the MSDE finds that the student's IEP does not address the student's social emotional needs since the start of the 2021-2022 school year, in accordance with 34 CFR §§300.101, .320, and .324. Therefore, this office finds that a violation occurred with respect to the allegation.

### **ALLEGATION #2: PROVISION OF SPECIALIZED INSTRUCTION IN READING COMPREHENSION, OCCUPATIONAL THERAPY AND SUPPLEMENTARY AIDES AND SUPPORTS**

## **FINDINGS OF FACTS:**

11. The student's IEP in place at the start of the 2021-2022 school year and the IEP dated September 24, 2021 requires specialized instruction in reading comprehension five times

- per week for twenty minutes outside of the general education classroom. Additionally, the student's IEP requires thirty minutes per day of specialized instruction in the general education classroom. There is no documentation that the student was consistently provided specialized instruction in reading comprehension as required by his IEP.
12. The student's IEP at the start of the 2021-2022 school year and the IEP dated September 24, 2021 requires that the student be provided with occupational therapy services two times per month for thirty minutes each. While there is documentation that the student was consistently provided with occupational therapy services until January 24, 2022, there is no documentation that the student was consistently provided occupational therapy services following that date, as required by his IEP.
  13. The student's IEP in effect at the start of the 2021-2022 school year and the IEP dated September 24, 2021 requires the daily provision of sentence starters, checklist to edit, notes, repetition of directions, monitor independent work, "encourage student to ask for assistance", visual supports, progress reports, adult support, daily communication log, modified assignments, text to speech, extended time, and a weekly reading intervention.
  14. In an email to the PGCPS dated November 9, 2021, the complainant expressed concern about the adult support not interacting with the student and the provision of various supplementary aides. In response, the PGCPS stated that they will "continue to work with" the AAS and "provide gentle coaching."
  15. On December 8, 2021, the IEP team convened to address the complainant's concerns regarding the provision of supports and services for the student. The complainant expressed concerns about the full implementation of the student's IEP, specifically, the provision of "sentence starters, graphic organizers, punctuation checklist, frequent check-ins, and visual supports." The IEP team confirmed that these supports "need to be used" at all times even when the special educator is not present. The IEP team agreed to have the special educator and regular educator collaborate to support the student. The complainant expressed that the student's "reading comprehension pullout services" have not occurred this school year. The school staff noted that the implementation of adult support was delayed due to COVID-19 staffing challenges.
  16. On January 12, 2022, the IEP team convened to address the complainant's concerns. The complainant stated she has not received the daily communication log since the last IEP meeting. The IEP team agreed that the "log will begin on 1/18/22."
  17. There is no documentation that the student was consistently provided with daily sentence starters, checklist to edit, notes, repetition of directions, monitor independent work, "encourage student to ask for assistance", visual supports, progress reports, adult support, daily communication log, modified assignments, text to speech, extended time, and a weekly reading intervention as required by the IEP.

**CONCLUSION:**

Based on the Findings of Facts #11 - #17, the MSDE finds that that there is no documentation that the student was consistently provided with specialized instruction in reading comprehension, occupational therapy services, and supplementary aids and supports of sentence starters, checklist to edit, notes, repetition of directions, monitor independent work, “encourage student to ask for assistance”, visual supports, progress reports, adult support, daily communication log, reading intervention, modified assignments, text to speech, and extended time required by the IEP since the start of the 2021-2022 school year, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation occurred with respect to the allegation.

**ALLEGATON #4: PROVISION OF PROGRESS REPORTS**

**FINDINGS OF FACTS:**

18. The student’s IEP at the start of the 2021-2022 school year required that the complainant be provided with the student’s goal progress reports “in writing” twice a quarter. The student’s IEP dated September 24, 2021 required that the complainant be provided with the student’s goal progress reports “in writing” on a quarterly basis. There is no documentation that the complainant was provided with the progress reports.
19. The Prior Written Notice dated September 24, 2021, December 10, 2021, and February 2, 2022 reflects the team's review of the student’s progress at the IEP team meeting.
20. The Prior Written Notice dated December 8, 2021, reflects that the complainant raised a concern with the IEP team that the twice quarterly progress reports were not provided. The IEP team reviewed the student’s progress at the IEP team meeting.

**CONCLUSION:**

Based on the Finding of Fact #18, the MSDE finds that the complainant was not provided with an appropriate quarterly report on the student’s progress toward achieving the annual IEP goals since the start of the 2021-2022 school year, in accordance with 34 CFR §§300.320 and .323. Therefore, this office finds that a violation occurred with respect to the allegation.

Notwithstanding the violation, based on the Findings of Facts #19 - #20, the MSDE finds that the IEP team convened frequently to discuss the student’s progress throughout the school year. Therefore, this office finds that the violation did not impact the complainant’s ability to participate in the IEP team process, and no further student-specific corrective action is required to remediate the violation.

**ALLEGATION #5: ADDRESS PARENTAL CONCERNS REGARDING MENTAL HEALTH, GRADING, AND COMMUNICATION NEEDS**

**FINDINGS OF FACTS:**

21. In an email to the school staff and administrators dated December 3, 2021, the complainant expressed concerns about the student's grades in "RELA." Specifically, that the PGCPS "retake" policy was not being followed and twelve assignments that the complainant questioned the grading.
22. The Prior Written Notice from the December 8, 2021 IEP team meeting reflects that the complainant expressed concerns about grading. The IEP team concluded this concern was not IEP related and should be discussed at a parent/teacher conference to be scheduled by the assistant principal. There is no documentation that the conference was scheduled.
23. The Prior Written Notice from the December 10, 2021 IEP team meeting reflects that the complainant expressed concerns about the implementation of the student's IEP. The complainant requested that the student complete what he "can", and be graded on "that." The IEP team agreed "modifications will be based on written responses and comprehension across all subject areas, 50%."
24. In an email to the school staff dated January 20, 2022, the complainant expressed concerns about a quiz grade and the testing accommodations provided.
25. In an email to the staff dated April 21 2022, the complainant expressed concerns regarding the lack of credit for completed assignments, a grade of zero on an assessment, and penalizing the student for the dedicated aide completing his work for him.
26. In an email to the complainant on April 25, 2022, the school staff explained the student was not receiving assignments due to unexcused absences. The staff acknowledged that the complainant brings the student to school but he will not go in.
27. In an email to the PGCPS dated December 3, 2021 the complainant outlined her communication concerns.
28. The Prior Written Notice dated January 12, 2022 reflects that the IEP team discussed the use of the daily communication log. The complainant stated she has not received a completed log since the prior IEP meeting. The IEP team agreed that the use of the log would begin on January 18, 2022. Additionally, the complainant expressed concern with home/school communication. The PGCPS staff agreed to continue to improve communication.

## **CONCLUSIONS:**

### **Mental Health**

Based on the Findings of Facts #1, #2, #4, #8, #10, and #26, the MSDE finds that the IEP team did not address the parent's concerns about the student's mental health in accordance with 34 CFR §300.324. Therefore, this office finds that a violation occurred with respect to this aspect of the allegation.

### **Grading**

Based on the Findings of Facts #21 - #25, the MSDE finds that the IEP team did address the parent's concerns about the student's grading by appropriately referring her to a parent and teacher conference in accordance with 34 CFR §300.324. Therefore, this office does not find a violation occurred with respect to this aspect of the allegation.

### **Communication**

Based on the Findings of Facts #27 and #28, the MSDE finds that the IEP team did address the parent's communication concerns in accordance with 34 CFR §300.324. Therefore, this office does not find a violation occurred with respect to this aspect of the allegation.

## **ALLEGATON #6: FOLLOWING PROPER PROCEDURES WHEN MAKING CHANGES TO THE IEP**

31. The Prior Written Notice from the student's annual IEP meeting dated September 24, 2021 reflects that the student was being re-evaluated to determine his present levels of performance. However, the student's annual IEP dated September 24, 2021 reflects updated present levels of performance. Additionally, the IEP team agreed that the student would continue with his present goals. However, the reading comprehension goal was revised. There is no documentation that the IEP team agreed to the changes to the student's IEP.

## **CONCLUSION:**

Based on the Finding of Fact #31, the MSDE finds that proper procedures were not followed when making changes to the student's IEP during the 2021-2022 school year, in accordance with 34 CFR §300.324. Therefore, this office finds that a violation occurred with respect to the allegation.

## **ALLEGATON #7: REQUEST TO INSPECT AND REVIEW RECORDS**

32. In an email dated January 28, 2022, the PGCPS staff responded to the complainant regarding the request to review and inspect the student's records. The email reflects a one-week time period to prepare the records.



33. In an email dated February 11, 2022, the PGCPs staff indicated the copies of the requested records were ready for pick up by the complainant.
34. In an email dated February 14, 2022, the PGCPs staff offered the complainant an opportunity to set up an appointment to review the records.

### **CONCLUSION:**

Based on the Findings of Facts #32 - #34, the MSDE finds that proper procedures were followed when responding to a request to inspect and review the student's educational record on January 26, 2022, in accordance with 34 CFR §300.613. Therefore, this office does not find a violation occurred with respect to this allegation.

### **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 non-compliance 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 Diane Eisenstadt, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.<sup>2</sup> Ms. Eisenstadt can be reached at (410) 767-7770 or by email at [Diane.Eisenstadt@maryland.gov](mailto:Diane.Eisenstadt@maryland.gov).

### **Student-Specific**

The MSDE also requires the PGCPs to provide documentation of the following actions:

- a. Implemented the IEP team decisions regarding the student's plan to return to school;

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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.

- b. Convened an IEP team meeting to review the changes to the student's IEP, social emotional needs, the parent's concerns regarding communication, and revise the IEP if appropriate;
- b. Provided the student with the specialized instruction in reading comprehension, occupational therapy services, and supplementary aids and supports of sentence starters, checklist to edit, notes, repetition of directions, monitor independent work, "encourage student to ask for assistance", visual supports, progress reports, adult support, daily communication log, reading intervention, modified assignments, text to speech, and extended time as required by the student's IEP;
- c. Convened an IEP team meeting to determine the services, or other remedy, needed to remediate the violations identified in this investigation; and
- d. Developed a plan for the implementation of the services within one (1) year of the date of this Letter of Findings.

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 of the steps taken to ensure that the violations identified do not recur at [REDACTED]. The documentation must include a description of how the PGCPS will evaluate the effectiveness of the steps taken and monitor to ensure that the violations do not reoccur. The follow-up monitoring reports must be provided to the MSDE prior to October 30, 2022 and April 30, 2023.

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,

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Ms. Trinell Bowman

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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/tg

c:     Monica Goldson  
        Barbara VanDyke  
        Robert Reese  
        ██████████  
        Diane Eisenstadt  
        Gerald Loiacono  
        Alison Barmat  
        Tracy Givens