



November 10, 2022

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

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

RE: [REDACTED]
Reference: #23-039

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 September 13, 2022, the MSDE received a complaint from Ms. Jessica Williams, 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 has not ensured that proper procedures were followed when conducting an IDEA evaluation of the student since September 22, 2021, in accordance with 34 CFR §§300.303 - .311 and COMAR 13A.05.01.06.
2. The PGCPS did not ensure that the parent was provided with progress reports toward achieving the annual Individualized Education Program (IEP) goals since the start of the 2021- 2022 school year, in accordance with 34 CFR §§300.320 and .323.
3. The PGCPS has not ensured that progress was reported towards the achievement of the annual IEP goals since the start of the 2021-2022 school year, in accordance with 34 CFR §§300.320 and .323.

BACKGROUND:

The student is eight (8) years old and was identified as a student with Speech and Language Impairment under the IDEA. He attended [REDACTED] School for the 2021-2022 school year and had an IEP that required the provision of speech and language services. The student was later identified as a student with a specific learning disability with an IEP that required the provision of special education and related services.

FINDINGS OF FACTS:

1. The PGCPs Notice and Consent for Initial Evaluation form generated on September 22, 2021, reflects that the IEP team agreed to conduct assessments in reading, math, written language, articulation, fluency, intellectual/ cognitive, social/emotional, fine motor skills, and executive functioning.
2. The Prior Written Notice (PWN) generated after the November 19, 2021, IEP team meeting reflects the PGCPs proposed to delay the eligibility decision to receive special education services “until all the requested testing has been completed”. The PGCPs was waiting for testing in the area of fine motor and the complainant requested additional academic and speech and language assessments.
3. The PGCPs Notice and Consent for Initial Evaluation form generated on November 19, 2021, reflects that the IEP team agreed to conduct additional assessments in reading, math, written language, expressive/receptive language, pragmatics, neuro-psychological, and sensory processing.
4. The PWN generated after the February 28, 2022, IEP team meeting reflects the IEP team determined the student was eligible to receive special education services as a student with a disability in the areas of “Dyslexia, Dyscalculia, Dysgraphia, and Executive Functioning”. The neuro-psychological “assessment results will be reported when the IEP team meets to discuss the initial IEP draft”. There is no documentation that the neuro-psychological assessment was completed.
5. There is documentation that the student’s IEP was developed on March 31, 2022.
6. The student’s IEP dated September 22, 2021, requires the reporting of progress towards the achievement of annual goals quarterly and in writing to the parent. There is no documentation that progress was reported towards the achievement of the annual IEP goals since the start of 2021-2022 school year until March 31, 2022.
7. The student’s revised IEP dated March 31, 2022, requires the reporting of progress towards the achievement of annual goals quarterly and in writing to the parent.
8. There is documentation of the report on the student’s progress toward achieving the annual IEP written language mechanics and articulation goals for June 23, 2022. However, there is no documentation that the special education progress report was provided to the complainant.
9. There is no documentation that progress was reported towards the achievement of the annual IEP math problem solving, written language expression, math calculation, and reading phonics goals for June 23, 2022.

10. There is documentation of the report on the student's progress toward achieving the annual IEP written language mechanics goal for July 25, 2022. However, there is no documentation that the special education progress report was provided to the complainant.
11. There is no documentation that progress was reported towards the achievement of the annual IEP math calculation, and reading phonics goals for July 25, 2022.

CONCLUSIONS:

ALLEGATION #1:

RE-EVALUATION PROCEDURES

Based on the Findings of Facts #1 to #5, the MSDE finds that the PGCPs did not follow proper procedures when conducting IDEA evaluation of the student since September 22, 2021, in accordance with 34 CFR §§300.303 - .311 and COMAR 13A.05.01.06. Therefore, this office finds that a violation has occurred with respect to this allegation.

ALLEGATION #2:

PROVISION OF PROGRESS REPORTS

Based on the Findings of Facts #6 to #11, the MSDE finds that the PGCPs has not ensured that the parent was provided with progress reports 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 has occurred with respect to this allegation.

ALLEGATION #3:

REPORTING OF WRITTEN PROGRESS

Based on the Findings of Fact #6, the MSDE finds that the PGCPs has not ensured that progress was reported towards the achievement of the annual IEP goals since the start of the 2021-2022 school year to March 31, 2022, in accordance with 34 CFR §§300.320 and .323. Therefore, this office finds that a violation has occurred with respect to this aspect of the allegation.

Based on the Findings of Fact #7 and #8, the MSDE finds that the PGCPs has ensured that progress was reported towards the achievement of the annual IEP articulation goals for June 23, 2022, in accordance with 34 CFR §§300.320 and .323. Therefore, this office finds that a violation has not occurred with respect to this aspect of the allegation.

Based on the Findings of Facts #7, #8 and #10, the MSDE finds that the PGCPs has ensured that progress was reported towards the achievement of the annual IEP written language mechanics goal for June 23, 2022 and July 25, 2022, in accordance with 34 CFR §§300.320 and .323. Therefore, this office finds that a violation has not occurred with respect to this aspect of the allegation.

Based on the Findings of Facts #7, #9, and #11, the MSDE finds that the PGCPs has not ensured that progress was reported towards the achievement of the annual IEP math problem solving, written language expression, math calculation, and reading phonics goals for June 23, 2022 and the math calculation, and reading phonics goals for July 25, 2022, in accordance with 34 CFR §§300.320 and .323. Therefore, this office finds that a violation has occurred with respect to this aspect of the 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.¹ 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.² Ms. Eisenstadt can be reached at (410) 767-7770 or by email at Diane.Eisenstadt@maryland.gov.

Student Specific:

The MSDE requires the PGCPs to provide documentation by January 16, 2023, that the school system has taken the following actions:

- a. Conducted a neuro-psychological assessment;
- b. Provided the complainant with written information about the student's progress towards their annual IEP goals indicated as violations in this Letter of Findings; and
- c. Convened an IEP team meeting to determine whether the delayed re-evaluation, the lack of provision of progress reports, and reporting of written progress violations indicated in this letter of finding had a negative impact on the student's ability to benefit from the education program. If the team determines that there was a negative impact, it must also determine the amount and nature of compensatory services or other remedy to redress the violation and develop a plan for the provision of those services within a 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.

¹ 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.

² 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.

School-Based:

The MSDE requires the PGCPS to provide documentation by February 1, 2023, of the steps it has taken to ensure that the [REDACTED] School staff properly implements the requirements for evaluating students, written report of progress reports, and the provision of progress reports to parents, and under the IDEA and COMAR. These steps must include staff development, as well as tools developed to monitor the action steps, a monitoring schedule and provision of the completed monitoring tool to MSDE by March 31, 2023. If the student has transferred to another school system, the PGCPS must coordinate with the public agency responsible for the education of the student in order to ensure that the remedy is provided.

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

MEF/tg

c: Monica Goldson
Keith Marston
Robert Reese
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[REDACTED]
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