



January 9, 2023

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 School
John Carroll Center
1400 Nalley Terrace
Landover, Maryland 20785

RE: [REDACTED]
Reference: #23-086

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 November 15, 2022, MSDE received a complaint from Ms. Williams, hereafter, "the complainant," on behalf of the above-referenced student. In that correspondence, the complainant alleged that the Prince George's County Public School System (PGCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced student.

MSDE investigated the following allegations:

1. The PGCPS has not ensured that the parent was provided with accurate quarterly progress reports toward achieving the annual Individualized Education Program (IEP) goals since November 15, 2021, in accordance with 34 CFR §§300.320 and .323.
2. The PGCPS has not ensured that the student's IEP was reviewed and revised to address his lack of expected progress toward achieving the IEP goals, since November 15, 2021, in accordance with 34 CFR §300.324.
3. The PGCPS has not ensured that the IEP team addressed parental concerns included in the March 2022, IEP parental statement in accordance with 34 CFR §324.

4. The PGCPs has not provided the student with the reading and mathematics intervention and related services required by the IEP since November 14, 2021, in accordance with 34 CFR §§300.101 and .323.
5. The PGCPs has not ensured that the student has been provided with the amount of special education instruction required by the IEP since November 15, 2021, in accordance with §§300.101 and .323.
6. The PGCPs has not implemented the decision made by the IEP team to provide compensatory education services to the student since March 2022, in accordance with 34 CFR §300.101.

BACKGROUND:

The student is eleven (11) years old and is identified as a student with a Specific Learning Disability under the IDEA. He attends [REDACTED] School and has an IEP that requires the provision of special education instruction and related services.

ALLEGATION #1:

QUARTERLY PROGRESS REPORTS

FINDINGS OF FACTS:

1. The student's IEP, developed on March 11, 2021, reflects goals in the areas of reading comprehension, math calculation, math problem solving, written language mechanics, written language content, speech and language articulation, and reading phonics.
2. The IEP progress reports, dated December 2021 (progress report 2), and February 2022 (progress report 3), do not reflect accurate quarterly progress data that align with the requirements of the student's IEP goals in the areas of reading comprehension, math calculation, math problem solving, written language mechanics, written language content, speech and language articulation, and reading phonics.
3. The student's IEP, developed on February 24, 2022 (progress report 1), reflects goals in the areas of reading comprehension, math calculation, math problem solving, written language mechanics, written language content, speech and language articulation, and reading phonics.
4. The IEP progress reports, dated May 2022 (progress report 1), reflect quarterly progress data of a newly introduced skill that was not measurable at the time in the areas of reading comprehension, math calculation, math problem solving, written language content, written language content, and reading phonics.
5. The IEP progress reports, dated June 2022 (progress report 2), do not reflect accurate quarterly progress data that align with the requirements of the student's IEP goals in the areas of reading comprehension, math calculation, math problem solving, written language mechanics, and written language content.
6. The IEP progress report, dated November 4, 2022 (progress report 1), does not reflect accurate quarterly progress data that aligns with the student's IEP goal requirement in the area of speech and language articulation.

7. There is no documentation of how the PGCPs provided the parent with quarterly progress reports since November 15, 2021.

CONCLUSION:

Based on the Findings of Facts #1 to #7, MSDE finds that the PGCPs has not ensured that the parent was provided with accurate quarterly progress reports toward achieving the annual IEP goals since November 15, 2021, in accordance with 34 CFR §300.320. Therefore, this office finds that a violation has occurred with respect to allegation #1.

ALLEGATION #2: LACK OF IEP PROGRESS

FINDINGS OF FACTS:

8. The IEP quarterly progress reports, dated December 2021, February 2022, and June 2022, reflect that the student was making progress on all IEP goals.
9. The IEP quarterly progress report, dated May 2022, reflects that the IEP goals were newly introduced, and progress was not measurable at the time.

CONCLUSION:

Based on the Findings of Facts #8 and #9, MSDE finds that because the student's IEP progress reports towards annual IEP goals indicated that the student was making sufficient progress towards his goals, the PGCPs did not need to ensure that an IEP team was convened to address any lack of expected progress, since November 15, 2021, in accordance with 34 CFR §300.324.

Notwithstanding that finding, MSDE further finds that based on the Findings of Facts #1 to #7, the progress reports completed for the student since November 15, 2021, did not appropriately report on the student's progress towards IEP annual IEP goals during this time. Therefore, this office finds that a violation occurred with respect to allegation #2.

ALLEGATION #3: CONSIDERATION OF PARENTAL CONCERNS

FINDINGS OF FACTS:

10. The student's IEP, developed on February 24, 2022, reflects the following parental concerns: "2-24-22- Mom is pleased with the SPED dept. and educational program here at EXCEL. She has no complaints. She does want to see the student showing more progress on State Assessments."
11. On March 9, 2022, the IEP team met for the student to review and revise, as appropriate, the student's IEP and consider the need for a reevaluation. During the IEP team meeting, the parent raised concerns regarding speech-to-text, written expression, daily interventions in mathematics and reading, cognitive (including memory), academic, and speech and language (articulation). The parent informed the team that she would send a copy of her "parental statement" to the team following the meeting.
12. The prior written notice (PWN) generated following the March 9, 2022, IEP team meeting reflects that the IEP team denied the request for additional speech-to-text support, stating that the student's existing PGCPs device had sufficient capabilities to translate his speech-to-text. In response to the

parent's concerns regarding the student's reading abilities, the IEP team updated his reading comprehension present levels of performance. The IEP team also recommended that a speech and language articulation, cognitive and educational assessment be completed for the student.

13. The parental input statement that was emailed to the PGCPs staff on March 10, 2022, reflects the parent's proposals that:
 - the student's reading comprehension present levels be amended,
 - for the student's Lexia and iReady reading and math diagnostic data to be emailed to them,
 - for writing samples of the student's work to be emailed to them,
 - for the student's writing language expression and mechanics to be assessed formally,
 - for additional memory and retention assessment as part of his cognitive reassessment,
 - for a speech-to-text trial.
14. The Psychological assessment report completed on May 10, 2022, reflects that the Working Memory Index (part of the WISCV), WRAML 2, and the Phonological Memory Index (part of the CTOPP) were administered to address the student's memory needs.
15. The academic assessment report reviewed on May 6, 2022, reflects that a Woodcock Johnson-IV (WJ-IV) was administered for the student. While there is documentation that the WJ-IV assessed the student's written language needs, there is no documentation that the student's written mechanics were assessed.
16. In their response to the complaint, the PGCPs acknowledges that the parental input provided to the PGCPs following the March 10, 2022, meeting was not incorporated into the student's IEP. The PGCPs also acknowledges that there is no documentation that writing samples were sent home.
17. There is no documentation that the IEP team has responded to the parent's request that Lexia and iReady reading math diagnostic data being emailed home to the parents.

CONCLUSIONS:

Based upon the Findings of Facts #10 to #15, MSDE finds that the PGCPs' IEP team addressed parental concerns, included in the March 2022, IEP parental statement in accordance with 34 CFR §300.324, with regards to the student's reading comprehension present levels, additional memory and retention assessments as part of his cognitive reassessment, and for a speech to text trial. Therefore, this office does not find a violation occurred with respect to these aspects of the allegation.

Based upon the Findings of Facts #15 to #17, MSDE finds that the PGCPs' IEP team did not address parental concerns included in the March 2022, IEP parental statement in accordance with 34 CFR §300.324, with regards to the parent's proposal that the student's Lexia and iReady reading/math diagnostic data and writing samples be emailed home to the parents. Therefore, this office finds that a violation has occurred with respect to these aspects of the allegation.

ALLEGATION #4: PROVISION OF READING AND MATHEMATICS INTERVENTIONS AND RELATED SERVICES

FINDINGS OF FACTS:

18. The student's IEP, developed on March 11, 2021, and February 24, 2022, requires that he be provided with a research-based math and reading interventions on a weekly basis.

19. The student's IEP, developed on March 11, 2021, and February 24, 2022, requires that he be provided with two hours of speech and language therapy per month.
20. While there is documentation that the student completed 12 hours and 22 minutes of I-Ready Mathematics, a research-based math intervention, from October 17, 2022, to December 1, 2022, there is no documentation that the interventions were provided to the student with the frequency required by his IEP during the time period under investigation.
21. While there is documentation that the student completed 5 hours and 58 minutes of MYLEXIA, a research-based reading intervention, as of December 14, 2022, there is no documentation that the interventions were provided to the student with the frequency required by his IEP during the time period under investigation.
22. There is no documentation that the student has received two hours of speech and language therapy since November 14, 2021.

CONCLUSION:

Based upon the Findings of Facts #18 to #22, MSDE finds that the PGCPS has not provided the student with the reading and mathematics intervention and related services required by the IEP since November 14, 2021, in accordance with 34 CFR §300.101. Therefore, this office finds that a violation has occurred with respect to allegation #4.

ALLEGATION #5:

PROVISION OF SPECIAL EDUCATION SERVICES

FINDINGS OF FACTS:

23. The student's IEPs, developed on March 11, 2021, and February 24, 2022, require that the student be provided with specialized instruction in the general education setting for ten hours per week to be provided by a general education teacher, special education teacher, or an instructional assistant.
24. The student's IEPs, developed on March 11, 2021, and February 24, 2022, require that the student be provided with specialized instruction outside of the general education setting for two hours per week to be provided by a special education teacher or an instructional assistant.
25. While there is documentation that the school staff developed a schedule reflecting the times that staff were available to provide the student with instruction outside of the general education setting, there is no documentation that the student received instruction during this time.

CONCLUSION:

Based upon the Findings of Facts #23 to #25, MSDE finds that the PGCPS has not ensured that the student has been provided with the amount of special education instruction required by the IEP since November 15, 2021, in accordance with §§300.101 and .323. Therefore, this office finds that a violation has occurred with respect to allegation #5.

ALLEGATION #6: PROVISION OF COMPENSATORY EDUCATION SERVICES

FINDINGS OF FACTS:

26. There is no documentation of a decision made by the IEP team to provide compensatory education services to the student since March 2022.

CONCLUSION:

Based upon the Findings of Fact #26, MSDE finds that the PGCPs was not required to provide compensatory education services to the student since March 2022, in accordance with 34 CFR §300.101. Because no compensatory services were required, the IEP team made no offer of compensatory services. Therefore, this office does not find that a violation occurred with respect to allegation #6.

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, MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

MSDE has established reasonable time frames below to ensure that noncompliance 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 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 Ms. 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

MSDE requires the PGCPs to provide documentation by February 1, 2023, that the student's parents have been provided with accurate quarterly progress reports for the first quarter of the 2022-2023 school year and student writing samples. In addition, documentation needs to be provided demonstrating that the student has been provided with reading and mathematics interventions, related services (specifically speech and language), and special education services as required by the IEP. Further documentation is required by March 1, 2023, that the student's parents have been provided with accurate quarterly progress reports for the second quarter of the 2022-2023 school year.

MSDE requires the PGCPs to provide documentation by March 1, 2023, that the IEP team has convened and

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, 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 MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

determined whether they will provide the parents with the Lexia and iReady diagnostic data and if the violations related to the lack of accurate quarterly progress reports, reading and mathematics interventions, related services (specifically speech and language), and special education services 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 remedies 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.

School-Based

MSDE requires the PGCPs to provide documentation by March 1, 2023, of the steps it has taken to ensure that the [REDACTED] School staff properly implements reading and mathematics interventions, related services (specifically speech and language), and special education services for students and accurately and timely provides quarterly progress reports as required by the students IEPs. 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 1, 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, consistent with the IDEA. MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Dr. Deann M. Collins
Deputy Superintendent
Office of the Deputy Superintendent of Teaching and Learning

DMC: sd

c: Monica Goldson [REDACTED]
 Keith Marston Alison Barmat
 Darnell Henderson Gerald Loiacono
 Henry Johnson Diane Eisenstadt
 Kerry Morrison Sarah Denney