



January 13, 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: #23-093

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 November 17, 2022, 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.

MSDE investigated the following allegations:

1. The PGCPS did not ensure that an IDEA evaluation initiated on February 11, 2022, was completed within the required timelines, in accordance with 34 CFR §300.301 and COMAR 13A.05.01.06.
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 Individualized Education Program (IEP) goals, since November 2021, in accordance with 34 CFR §300.324.
3. The PGCPS has not ensured that the parent was provided with accurately measured quarterly progress reports toward achieving the annual IEP goals since November 2021, in accordance with 34 CFR §300.320.

4. The PGCPs did not ensure that the student's parent was provided with reports of progress toward achieving the annual IEP goals during the Extended School Year (ESY) 2021-2022, in accordance with 34 CFR §300.320.
5. The PGCPs did not ensure that the student was provided with the special education services required by the IEP during ESY services, in accordance with 34 CFR §§300.101 and .323.

**BACKGROUND:**

The student is twelve (12) years old and is identified as a student with an Other Health Impairment under the IDEA. He attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

**ALLEGATION #1: EVALUATION TIMELINE**

**FINDINGS OF FACTS:**

1. There is email documentation from the complainant to the PGCPs staff dated February 11, 2022, reflecting a request for an IDEA evaluation.
2. On March 31, 2022, the IEP team met to conduct an initial evaluation for the student. During the IEP team meeting, the team recommended that assessments be conducted to assist the team in determining eligibility for IEP services. There is documentation that the parent provided consent to complete the assessments on the same day.
3. On June 16, 2022, the IEP team met to review assessment data collected for the student and complete the initial IDEA evaluation conducted for the student. The IEP team determined that the student met the criteria as a student with a disability related to an Other Health Impairment under the IDEA.

**CONCLUSION:**

Based upon the Findings of Facts #1- #3, MSDE finds that the PGCPs did not ensure that an IDEA evaluation initiated on February 11, 2022, was completed within the required timelines, in accordance with 34 CFR §300.301 and COMAR 13A.05.01.06. Therefore, this office finds a violation occurred with respect to allegation #1.

**ALLEGATION #2 and #3: IEP PROGRESS AND ACCURATELY MEASURED QUARTERLY PROGRESS REPORTS**

**FINDINGS OF FACTS:**

4. The student's IEP, developed on June 16, 2022, reflects goals in the areas of self-management, reading comprehension, math calculation, written language content, social interaction skills, and written language mechanics.
5. The student's IEP progress report, dated November 21, 2022, reflects the student was not making progress toward his self-management goal, math calculation, written language content, and written language mechanics.

6. The student's IEP progress report, dated November 21, 2022, does not reflect quarterly data measured in the manner that is required by the student's IEP.
7. There is no documentation, to date, that the student has not made expected progress towards his IEP goals in the second quarter.
8. There is documentation that the Quarter one progress reports created for the student on November 21, 2022, were provided to the parents on January 5, 2023.

**CONCLUSIONS:**

**Allegation 2: Addressing the Lack of Expected Progress**

Based upon the Findings of Facts #4- #5, and #7, MSDE finds that 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 June 2022, in accordance with 34 CFR §300.324. Therefore, this office finds a violation occurred with respect to allegation #2.

**Allegation #3: Provision of Appropriate Progress Reports**

Based upon the Findings of Facts #6 and #8, MSDE finds that the PGCPs has not ensured that the parent was provided with accurately measured quarterly progress reports toward achieving the annual IEP goals since June 2022, in accordance with 34 CFR §300.320. Therefore, this office finds a violation occurred with respect to allegation #3.

**ALLEGATION #4: PROVISION OF EXTENDED SCHOOL YEAR (ESY) PROGRESS REPORTS**

**FINDINGS OF FACTS:**

9. The PWN generated after the June 16, 2022, IEP team meeting, reflects that the student qualified for ESY services.
10. While there is documentation that a report was created reflecting the student's progress during ESY 2022 was generated on July 26, 2022, there is no documentation of the date it was provided to the parents.

**CONCLUSION:**

Based upon the Findings of Facts #9- #10, MSDE finds that the PGCPs has not ensured that the student's parent was provided with reports of progress toward achieving the annual IEP goals during the ESY 2021-2022, in accordance with 34 CFR §300.320. Therefore, this office finds a violation occurred with respect to allegation #4.

**ALLEGATION #5: PROVISION OF SPECIAL EDUCATION SERVICES DURING ESY**

**FINDINGS OF FACTS:**

11. The student's IEP, developed on June 16, 2022, reflects ESY services of classroom instruction to take place in the general education classroom for a total of four hours for four weeks from July 5, 2022, to July 28, 2022, to be provided by a special educator or an instructional assistant.

12. There is documentation that the student attended ESY for nine school days, and was provided classroom instruction by a special educator.

**CONCLUSION:**

Based upon the Findings of Facts #11- #12, MSDE finds that the PGCPs did ensure that the student was provided with the special education services required by the IEP during the ESY, in accordance with 34 CFR §§300.101 and .323. Therefore, this office does not find a violation occurred with respect to allegation #5.

**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.<sup>1</sup> 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.<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**

MSDE requires the PGCPs to provide documentation by March 1, 2023, that the student's parents have been provided with quarterly progress reports for the second quarter of the 2022-2023 school year measured in the manner required by the IEP.

MSDE requires the PGCPs to provide documentation by March 1, 2023, that the IEP team has convened and determined whether the violations related to the evaluation timeline, the lack of quarterly progress reports measured in the manner required by the IEP, and whether the lack of an IEP team meeting to address the student's quarterly IEP progress 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.

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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, 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> 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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**School Based**

MSDE requires the PGCPs to provide documentation by April 1, 2023, of the steps it has taken to ensure that the staff at the student's school and ESY location of services properly implements their respective obligations with regard to IDEA evaluation timelines, to conduct IEP team meetings when students are not making expected progress on IEP goals, and accurately and timely provides quarterly progress reports as required by the students IEPs and the implementation of ESY services. 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 April 1, 2023.

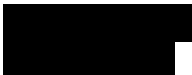
As of the date of this correspondence, this Letter of Findings is considered final. This office will not reconsider the conclusions reached in this Letter of Findings unless new, previously unavailable documentation is submitted and received by this office within fifteen (15) days of the date of this 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  
Keith Marston  
Darnell Henderson  
Henry Johnson  
Robert Reese  
  
Alison Barbat  
Gerald Loiacono  
Diane Eisenstadt  
Sarah Denney