



April 3, 2023



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: #23-142

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 February 2, 2023, 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 her grandson, the above-referenced student.

MSDE investigated the following allegations:

1. The PGCPS did not ensure that the IEP team convened to review the student's IEP before February 2, 2022, in order to ensure that the IEP was reviewed at least annually, in accordance with 34 CFR §300.324.
2. PGCPS has not ensured that the parent was provided with appropriate progress reports toward achieving the annual IEP goals since February 2, 2022¹, in accordance with 34 CFR §§300.320 and .323.
3. PGCPS has not ensured that the student has been consistently provided with special education instruction and reading and math interventions as required by the IEP since the start of the 2022-2023 school year, in accordance with 34 CFR §§300.101 and .323.

¹ The Complainant alleged the violations began more than one year ago; however, consistent with 34 CFR §300.153, MSDE only investigates allegations that occurred no more than one year prior to the date the complaint is received.

BACKGROUND:

The student is ten years old and is identified as a student with Autism under the IDEA. He attends [REDACTED] School and has an IEP that requires the provision of special education and related services.

SUMMARY OF FINDINGS AND CONCLUSIONS

In its written response, the PGCPs acknowledges that violations occurred with respect to the allegations. MSDE concurs with the PGCPs' conclusions and appreciates the school system's response to the investigation.

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 non-compliance is corrected in a timely manner.² 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 Diane Eisenstadt, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.³ 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 June 1, 2023, that the school system has taken the following actions:

- a. Provided the complainant with written information about the student's progress towards their annual IEP goals since November 2022;
- b. Provided the student with reading and math interventions as required by the IEP; and
- c. Convened an IEP team meeting to determine the amount and nature of compensatory services or other remedy to redress the delayed annual review, the lack of provision of reading and math interventions, and developed a plan for the provision of those services within one year of the date of this Letter of Findings. Additionally, the IEP team must determine whether the violation related to the provision of progress reports had a negative impact on the student's ability to benefit from the

² 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.

³ MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

education program⁴. 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 one 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 June 1, 2023, of the steps it has taken to ensure that the [REDACTED] School staff properly implements the requirements for timely annual reviews, the provision of progress reports to parents, and the provision of reading and math interventions included on IEPs 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 June 1, 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 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/tg

c:	Monica Goldson	Alison Barmat
	Keith Martson	Diane Eisenstadt
	Aleia Johnson	Tracy Givens
	Darnell Henderson	

⁴ In its written response to the allegations, the PGCPs has asserted that the IEP team has already met to consider the need for compensatory services related to the provision of progress reports and the delay in reviewing and revising the student's IEP. MSDE will consider this documentation for fulfillment of the corrective action related to these allegations.