



April 21, 2023

Ms. Kathryn Chib
Beacon Education Solutions
1901 Sulgrave Avenue
Baltimore, Maryland 21209

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

Reference: #23-156

RE: [REDACTED]

Dear Parties:

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 23, 2023, MSDE received a complaint from Ms. Kathryn Chib, hereafter, "the complainant," on behalf of her client, Ms. [REDACTED]. 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 has not ensured that the student has been provided with the special education instruction and accommodations required by the Individualized Education Program (IEP) since September 2022, in accordance with 34 CFR §§300.101 and .323. Specifically, you allege the student did not receive special education instruction required by the IEP from a certified special education teacher.
2. The PGCPS has not followed proper procedures when conducting a reevaluation of the student, since November 22, 2022, in accordance with 34 CFR §§300.303-.306.
3. The PGCPS did not follow proper procedures when disciplinarily removing the Kindergarten student from school, on October 6, 2022, as required by 34 CFR §300.530 and COMAR 13A.05.01.10.
4. The PGCPS did not provide the parent with a copy of the completed IEP documents within five business days after the IEP team meeting on October 18, 2022, in accordance with COMAR 13A.05.01.07.

5. The PGCPs did not provide proper written notice of the IEP team decisions from the team meeting on October 18, 2022, in accordance with 34 CFR §300.503.

BACKGROUND:

The student is five years old and is identified as a student with Developmental Delay under the IDEA. He attends [REDACTED] School and has an IEP that requires the provision of special education instruction 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 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 June 2, 2023, of the following actions:

1. That the student is being provided with the special education services and supports required by his IEP, by the staff identified in his IEP.
2. That the IEP team has convened to review completed assessments (FBA and speech and language), update the IEP to reflect the current data in order to meet the student's needs.

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.

3. That the parent has been provided with a written report of the incident that occurred on October 6, 2022.
4. The IEP team has convened and determined the amount and nature of compensatory services or other remedy to redress the violations identified above and developed 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 parents are provided with written notice of the team's decisions.

School Specific:

MSDE requires the PGCPs to provide documentation by June 30, 2023, of the steps it has taken to ensure that [REDACTED] School staff properly implements the requirements, including:

1. Staff development, including tools to aid in the provision of providing special education services and supports, sending families IEP documents five days after the IEP meeting and proper evaluation procedures.
2. Provide training for the administrators and related staff at [REDACTED] School on the provisions of Maryland regulations to prevent any future unlawful suspensions for students in prekindergarten through second grade.
3. Ensure that the violations do not recur and a description of the action to be taken to monitor to ensure the effectiveness of those steps.

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/sj

c: Monica Goldson
Trinell Bowman
Keith Marston
Darnell Henderson

[REDACTED]
Diane Eisenstadt
Stephanie James