



Mohammed Choudhury
State Superintendent of Schools

April 24, 2023

Ms. Kathryn Chib



Ms. Trinell Bowman

Associate Superintendent-Special Education
Prince George's County Public Schools
John Carroll Administration Building
1400 Nalley Terrace
Hyattsville, Maryland 20785

RE: [REDACTED]
Reference: #23-157

Dear Parties:

Maryland State Department of Education (MSDE), Division of Early Intervention Special Education Services (DEI/SES), 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 February 23, 2023, MSDE received a complaint from Ms. Kathryn Chib and Ms. [REDACTED], hereafter, "the complainants," on behalf of the above-referenced student. MSDE investigated the allegation that the PGCPSS has not ensured that the student is being provided with the special education classroom instruction required by the IEP, since September 2022, in accordance with 34 CFR §§ 300.101 and .323.

BACKGROUND:

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

FINDINGS OF FACTS:

1. The IEP in effect at the beginning of the 2022-2023 school year was developed on August 29, 2022. The IEP requires that the student be provided with two hours of special education instruction each

- day. The service is to be provided by the special education teacher and/or the general education teacher, inside of the general education classroom¹.
2. There is documentation that on the following dates, the student's special educator was not present, and a substitute was provided to the classroom.
 - September 12, 2022
 - September 16, 2022
 - October 12, 2022- October 14, 2022
 - October 17, 2022
 - November 2, 2022
 - November 9, 2022 - November 18, 2022
 - November 28, 2022 - January 13, 2023
 3. On December 13, 2022, the parent emailed the PGCPs staff inquiring about the status of the special education teacher. On December 16, 2022, the PGCPs staff informed the parent that the Special Education teacher had been on leave since Thanksgiving break, and that the general education teacher is monitoring and providing specialized instruction to the student.
 4. IEP progress reports completed for the student since May 2022, reflect that the student is making sufficient progress to achieve his goals, or has achieved his goals in the following domains: Speech and Language Expressive, Pre-academic (shapes sorting and identifying), Pre-academic (number recognition prompts), Behavioral-social emotional (maintain attention), Behavioral- social emotional (interactive play), Physical fine motor, and Behavioral self-management.
 5. On April 18, 2023, the IEP team met to review and revise, as appropriate, the student's IEP. The IEP team recommended that the student receive specialized instruction in the general education classroom for five hours per week and for two hours and 15 minutes per week outside of the general education setting.

DISCUSSION/CONCLUSIONS:

Based on Finding of Facts #1 to #5, MSDE finds that the PGCPs has ensured that the student is being provided with the special education classroom instruction as required by the IEP, since September 2022, in accordance with 34 CFR §§ 300.101 and .323. Therefore, this office does not find that a violation occurred with respect to this allegation.

¹The student is enrolled in a Spanish immersion program. In her complaint, the complainant alleges that the student's special education services are required to be provided to him in English. The student's IEP, however, does not include this requirement. The student's native language, as indicated on his IEP, is Spanish.

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TIMELINES:

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: ra

c: Monica Goldson
Keith Marston
Darnell Henderson
[REDACTED]
Gerald Loiacono
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