



Mohammed Choudhury  
State Superintendent of Schools

May 2, 2023



Ms. Trinell Bowman  
Associate Superintendent-Special Education  
Prince George's County Public Schools  
John Carroll Administration Building  
1400 Nalley Terrace  
Hyattsville, MD 20785

RE: [REDACTED]  
Reference: #23-167

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.

**ALLEGATIONS:**

On March 3, 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 the above-referenced student.

MSDE investigated the following allegations:

1. The PGCPS did not provide proper written notice of the Individualized Education Program (IEP) team's decisions from the IEP team meeting held on December 6, 2022, in accordance with 34 CFR §300.503.
2. The PGCPS has not ensured that the student has been consistently provided with the related services of speech/language required by the IEP since March 30, 2022, in accordance with 34 CFR §§300.101 and .323.

3. The PGCPs did not provide the student with social/emotional/behavioral services or implemented the student's Behavioral Intervention Plan (BIP), as required by the IEP since March 30, 2022, in accordance with 34 CFR §§300.101 and .323.

**BACKGROUND:**

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

**FINDINGS OF FACTS:**

1. The IEP in effect in March 2022, was developed on October 4, 2021. The student's IEP requires that he receive direct speech/language services for four 30 minute sessions per month as well as a monthly consultation with the speech/language pathologist. The IEP further requires that the student receive the following social/behavioral supports: daily adult support; daily toileting support; and strategies to initiate and sustain attention.
2. On April 29, 2022, the IEP team convened to determine appropriate behavioral strategies for the student. Following that review, the IEP team determined that the student has three identified targeted behaviors: aggression, disruptive behavior, and task refusal. The IEP team developed prevention strategies, teaching strategies, and response strategies for each targeted behavior as part of a BIP for the student. The BIP also includes data collection and implementation for targeted behaviors and the desired/replacement behaviors.
3. During the April 29, 2022, IEP team meeting, the IEP team also determined that the student would receive six 30 minute speech/language sessions per month outside of the general education setting. The IEP team further determined that the student was eligible for Extended School Year (ESY) services and would receive Speech/Language therapy services during ESY.
4. On December 6, 2022, the IEP team met to review and revise, as appropriate, the student's IEP. Prior written notice reflecting the IEP team's decisions was sent home in the student's homework journal and in his book bag.
5. Service logs of the student's speech/language services reflect that, with the exception of eight days where the student was absent, five days scheduled holidays, and one day where the school was dismissed early, the student received the speech/language services required by his IEP, since March 2022.
6. The "behavior tracker" documents the student's behaviors identified in his BIP, from November 28, 2022 to April 24, 2023. There is no documentation of these behaviors being tracked from April 21, 2022 through November 2022.

**DISCUSSION/CONCLUSIONS:**

**ALLEGATION #1**

**PROVISION OF PRIOR WRITTEN NOTICE**

Prior notice by the public agency must be provided a reasonable time before the team implements the recommendations of the IEP team. It must indicate the purpose of the meeting, a description of the action proposed or refused by the school system, an explanation of why the school system is refusing the action, a description of the record, and procedure used as the basis for the refused action. Based on the Finding of Facts #4, MSDE finds that the prior written notice by the public agency, in accordance with 34 CFR §300.503. Therefore, MSDE does not find that a violation occurred with respect to this allegation.

**ALLEGATION #2**

**PROVISION OF SPEECH/LANGUAGE RELATED SERVICES**

Based on the Finding of Fact(s) #1, #3, and #5, the student has been consistently provided with the speech/language related services required by the IEP since March 30, 2022, in accordance with 34 CFR §§300.101 and .323. Therefore, MSDE does not find that a violation occurred with respect to this allegation.

**ALLEGATION #3**

**PROVISION OF BEHAVIORAL SUPPORTS**

Based on Finding of Facts #1, #2, and #6, while there is some documentation that the PGCPs collected behavioral data for the student, as required by his BIP, there is no documentation that the student received the behavioral supports required by his IEP and BIP, consistently since March 2022, in accordance with 34 CFR §§300.101 and .323. Therefore, MSDE finds that a violation occurred with respect to this allegation.

**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. 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. 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 PGCPs to provide documentation by July 14, 2023, that it has taken the following actions:

- a. Ensured the provision of behavioral supports are being implemented as required by the IEP and BIP;  
and

- b. Provide documentation that the IEP team has determined whether the violations related to the provision of behavioral supports in his IEP 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 remedy 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.

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  
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