



**Karen B. Salmon, Ph.D.**  
State Superintendent of Schools

November 5, 2020

Ms. Jessica R. Williams M. Ed.  
Education Due Process Solutions, LLC  
711 Bain Drive, #205  
Hyattsville, Maryland 20785

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

RE: [REDACTED]  
Reference: #21-016

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services, 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 September 9, 2020, the MSDE received a complaint from Ms. Jessica Williams, hereafter “the complainant,” on behalf of the above-referenced student and her mother, 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 student.

The MSDE investigated the allegation that the PGCPS has not ensured that reports have been made of the student’s progress towards achievement of the IEP goals addressed during the provision of Extended School Year (ESY) services in summer 2020, in accordance with CFR §300.101, .103, and .323.

**BACKGROUND:**

The student is twelve (12) years old and is identified as a student with an Intellectual Disability under the IDEA. She has an IEP that requires the provision of special education and related services.

During the 2019 - 2020 school year, the student was in the fifth (5th) grade and placed in a separate special education classroom at the [REDACTED] School ([REDACTED]). The student attended the [REDACTED] until the March 16, 2020 closure of school buildings, as a result of the national COVID-19 pandemic.

On March 24, 2020, the parent filed a due process hearing request to contest the appropriateness of the March 11, 2020 placement decision by the IEP team proposing that the student attend the [REDACTED] School ([REDACTED]) for the 2020 - 2021 school year and receive instruction in a separate special education classroom using alternate curriculum standards. At the conclusion of the due process hearing, the Administrative Law Judge (ALJ) determined that the IEP team's proposed placement was appropriate and ordered the student to attend the [REDACTED] for the 2020 - 2021 school year.

The parent did not enroll the student at [REDACTED] for the 2020 - 2021 school year and on September 25, 2020, completed and submitted the "PGCPS Home Schooling Notification of Enrollment" form for the 2020 - 2021 school year.

### **FINDINGS OF FACTS:**

1. The IEP dated February 20, 2020, as amended on April 16, 2020, requires the provision of ESY services in summer 2020 on the three (3) IEP annual goals in math calculation, written language expression, and reading comprehension. The IEP also requires that the parent would be notified of the student's progress towards achievement of the annual IEP goals through quarterly progress reports.
2. The student participated in ESY services in July 2020. While a progress report was developed on July 30, 2020 with respect to the IEP math calculation goal, this report does not address progress with respect to the other two (2) IEP goals in written language expression and reading comprehension that were to be addressed during the provision of ESY services. Further, there is no documentation that the school staff has issued a progress report on these two (2) ESY services goals after the July 30, 2020 report.

### **CONCLUSION:**

Based on the Findings of Facts #1 and #2, the MSDE finds that the PGCPS did not ensure that progress was reported on all of the IEP goals to be addressed during the provision of ESY services during the summer of 2020, in accordance with 34 CFR §300.101 and .323. Therefore, the MSDE finds a violation with respect to this allegation.

### **CORRECTIVE ACTIONS/TIMELINE:**

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).

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Accordingly, the MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.<sup>1</sup> This office will follow up with the public agency to ensure that it completes the required action consistent with the MSDE Special Education State Complaint Resolution Procedures.

If the public agency anticipates that the action will not be completed within the timeframe indicated, or if either party seeks technical assistance, they should contact Dr. Nancy Birenbaum, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.<sup>2</sup> Dr. Birenbaum can be reached at (410) 767-7770 and at [nancy.birenbaum@maryland.gov](mailto:nancy.birenbaum@maryland.gov).

### **Student-Specific**

The MSDE requires that, if the parent returns the student to a school-based program during the 2020 - 2021 school year and requests it, the PGCPs shall convene an IEP team meeting. Should this occur, the MSDE requires that the PGCPs provide documentation that the IEP team has reviewed the student's progress on her written language expression and reading comprehension IEP goals during the provision of ESY services during the summer of 2020.

### **School-Based**

The MSDE requires the PGCPs to provide documentation of the steps it has taken to ensure that the school system staff comply with the IDEA requirements for IEP implementation relating to the provision of progress reports. The documentation must include a description of how the school system will evaluate the effectiveness of the steps taken and monitor to ensure that the violations do not reoccur.

Documentation of all corrective action taken is to be submitted to this office to: Attention: Chief, Family Support and Dispute Resolution Branch, Division of Early Intervention and Special Education Services, MSDE.

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

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<sup>1</sup> The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency must 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, the 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> The 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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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 student's parents and the school system 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. The MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Marcella E. Franczkowski, M.S.  
Assistant State Superintendent  
Division of Early Intervention  
and Special Education Services

MEF/ksa

c: Monica Goldson  
Trinell Bowman  
Barbara Vandyke  
Gail Viens  
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Dori Wilson  
Anita Mandis  
K. Sabrina Austin  
Nancy Birenbaum