

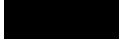


Mohammed Choudhury
State Superintendent of Schools

August 3, 2021




Ms. Trinell M. Bowman
Associate Superintendent
for Special Education
Prince George County Public Schools
John Carroll Administration Building
1400 Nalley Terrace
Landover, Maryland 20785

RE: 
Reference: # 21-113

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 June 11, 2021, the MSDE received a complaint from Ms.  hereafter, “the complainant,” on behalf of her daughter, 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 student.

The MSDE investigated the allegation that the PGCPS should have begun the evaluation process to determine if the student has a disability in need of special education and related services since August 2020, in accordance with 34 CFR §§300.111, and .301-.311 and COMAR 13A.05.02.13(A).

BACKGROUND:

The student is six (6) years old and attends  School. She is not identified as a student with a disability under the IDEA.

FINDINGS OF FACTS:

1. On August 13, 2020, the complainant sent an electronic (email) correspondence to the principal, requesting an IDEA evaluation due to concerns about her daughter's speech/language functioning.
2. There is correspondence to all PGCPS principals from the PGCPS Chief Academic Officer, dated September 2, 2020, which states that the school system was contracting with a vendor to remotely conduct educational assessments, where appropriate. It states that where remote testing is not appropriate, students would be tested in-person, by appointment, at a select school-based site or central office testing site. The correspondence indicates that special education teams need to work together to identify all students requiring evaluations and reevaluations and directs each special education chairperson to complete assessment data requests using a Google form that was developed. It states that remote and in-person testing would begin by October 1, 2020.
3. On September 8, 2020, an IEP team decided that the assessments needed to complete the evaluation could not be conducted due to health and safety concerns related to the COVID-19 pandemic and that in the meantime additional supports would be provided in the general education program.
4. There is correspondence to all PGCPS principals from the PGCPS Chief Academic Officer, dated March 23, 2021, which states that in-person educational testing in school buildings could resume starting April 12, 2021.
5. On July 1, 2021, a speech/language assessment was conducted. However, the IDEA evaluation is still pending.
6. On July 28, 2021, the MSDE issued a Letter of Findings in State complaint #21-078 requiring the PGCPS to take corrective action all students who experienced a delay in completion of evaluations or reevaluations since March 2020.

CONCLUSIONS:

Based on the Findings of Facts #1 - #6, the MSDE finds the IDEA evaluation was not initiated in a timely manner since August 2020, in accordance with 34 CFR §§300.111, and .301-.311, COMAR 13A.05.01.06 and COMAR 13A.05.02.13(A). Therefore, this office finds a violation occurred.

Notwithstanding the violation, based on the Findings of Facts #2 - #4, the MSDE finds that the PGCPS is taking steps to complete evaluations and reevaluations without further delay. Therefore, no system-based corrective action is required to ensure the future provision of appropriate services to students with disabilities.

In addition, based on Finding of Fact #6, the MSDE finds that corrective action has already been required with respect to similarly-situated students. Therefore, no further action is required for those students.

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CORRECTIVE ACTION/TIMEFRAMES:

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, the MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.¹

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 timeframe below may not be met, or if any of the parties 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.² Dr. Birenbaum can be reached at (410) 767-7770 and nancy.birenbaum@maryland.gov.

Student-Specific:

The MSDE requires the PGCPs to provide documentation that the IDEA evaluation has been completed and that the IEP team has determined the compensatory services or other remedy to redress the delay in identifying the student if the student is determined to be a student with a disability under the IDEA.

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 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 timeframes 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

¹ 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.

² The MSDE will notify the Directors of Special Education of any corrective action that has not been completed within the required timelines.

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(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/sf

c: Monica Goldson
Barbara Vandyke
Keith Marston
■
Dori Wilson
Anita Mandis
Sharon Floyd