




August 19, 2021




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

RE:   
Reference: #21-120

Dear Parties:

The 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 June 23, 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 above-referenced student.

The MSDE investigated the following allegations:

1. The PGCPS did not ensure that an IDEA, evaluation conducted in response to a February 9, 2021 referral, was completed within the required timelines, in accordance with 34 CFR §300.301 and COMAR 13A.05.01.06.
2. The PGCPS did not provide a written invitation to the Individualized Education Program (IEP) team meeting held on April 12, 2021, at least 10 days before the meeting, in accordance with 34 CFR §300.322 and COMAR 13A.05.01.07.

**BACKGROUND:**

The student is twelve (12) years old, is identified as a student with a Specific Learning Disability (SLD), under the IDEA, and attends  School. An initial IEP has not yet been developed.

### **FINDINGS OF FACTS:**

1. On February 9, 2021, the complainant made a referral for the student to be evaluated for special education services under the IDEA. The referral reflects that the complainant had concerns with the student's expressive and receptive language, phonemic awareness, reading comprehension, and written expression.
2. On March 16, 2021, the IEP team convened. At that time, the complainant informed the IEP team that she obtained private speech and hearing assessments for the student, and the team agreed to reconvene on April 12, 2021 after reviewing the assessment reports.
3. There is documentation that on March 16, 2021, an IEP team meeting invitation was generated for the meeting to be held on April 12, 2021. However, there is no documentation that the complainant was provided with the IEP team meeting invitation.
4. On April 12, 2021, the IEP team reconvened. Before the meeting began, the school staff sent the complainant a virtual link to attend the IEP meeting. The IEP team, which included the complainant, reviewed the student's medical history, private speech and auditory evaluations, previous and current academic history, attendance, and teacher and parental input. Based on this review, the team determined that academic and psychological assessments were required for the student, and that a speech classroom observation would also be conducted. The complainant provided consent at the meeting for assessments to be conducted for the student.
5. On June 29, 2021, the IEP team considered assessment results and identified the student as a student with a SLD, related to math calculation, reading comprehension and written language expression. The IEP team also determined that the audiologist would provide consultative services to support the student's use of hearing aids in the educational environment. The IEP meeting summary reflects that, "due to the delays in scheduling IEP team meetings to determine special education eligibility, the PGCPS will determine adverse impact in the areas affected by the disability as detailed within the IEP for compensatory education at the review of the initial IEP team meeting."

### **CONCLUSIONS:**

#### **Allegation #1: Eligibility Determination within the Required Timelines**

Based on the Findings of Facts #1 - #5, the MSDE finds that the PGCPS did not ensure that the IDEA evaluation that began on February 9, 2021 was completed within the required timelines, in accordance with 34 CFR §300.301 and COMAR 13A.05.01.06. Therefore, this office finds that a violation occurred with respect to the allegation.

#### **Allegation #2: The Provision of an IEP Team Meeting Invitation**

Based on the Findings of Facts #3 and #4, the MSDE finds that the PGCPS did not provide the complainant with a written invitation to the IEP team meeting held on April 12, 2021 within the

required timeline, in accordance with 34 CFR §300.322 and COMAR 13A.05.01.07. Therefore, this office finds that a violation occurred with respect to the allegation.

Notwithstanding the violation, based on Finding of Fact #4, the MSDE finds that the complainant participated in the April 12, 2021 IEP team meeting and participated in the educational decision making process for the student. Therefore, no further student-specific corrective action is required for 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, the MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

The MSDE has established reasonable time frames below to ensure that noncompliance is corrected in a timely manner.<sup>1</sup> This office will follow up with the public agency to ensure that it completes the required actions consistent with the 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 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 or by email at nancybirenbaum@maryland.gov.

### **Student-Specific**

The MSDE requires the PGCPS to provide documentation that the IEP team has convened to develop an IEP for the student, as appropriate. The IEP team must also determine the amount and nature of compensatory services or other remedy to redress the delay in determining the student's eligibility for special education services.

### **School-Based**

The MSDE requires the PGCPS to provide documentation of the steps taken to ensure that the violations do not recur at [REDACTED] School.

As of the date of this correspondence, this Letter of Findings is considered final. This office

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<sup>1</sup> 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, 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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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. 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/Special Education Services

MEF:ac

c: Monica Goldson  
Barbara VanDyke  
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