



Mohammed Choudhury  
State Superintendent of Schools

September 12, 2022

[REDACTED]  
[REDACTED]  
[REDACTED]

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: #23-005

Dear Parties:

The 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 July 14, 2022, the MSDE received a complaint from Mr. [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.

The MSDE investigated the following allegations:

1. The PGCPS has not ensured that the Individualized Education Program (IEP) team addressed the parent's concerns raised at the July 14, 2021, IEP team meeting, in accordance with 34 CFR §300.324.
2. The PGCPS has not provided Prior Written Notice of the IEP team's July 14, 2021, decisions, in accordance with 34 CFR §300.503.

**BACKGROUND:**

The student is seventeen (17) years old, is identified as a student with Autism under the IDEA, and has an IEP that requires the provision of special education and related services. The student is placed by the PGCPS at [REDACTED] school.

**FINDINGS OF FACTS:**

1. On July 14, 2021, the IEP team met to review and revise, as appropriate, the student's IEP.
2. During the IEP team meeting, the parents proposed independent living goals for the student. The IEP team agreed to one goal proposed by the parent and rejected another goal proposed by the parent.
3. During the IEP team meeting, the complainant proposed increasing the frequency of the student's "job sampling", extending the time to complete other transition activities, adding toilet training and tooth brushing as a transition activity. The IEP team agreed to increase the frequency of the "job sampling", but did not agree to extend the time to complete the transition activities.
4. During the IEP team meeting, the IEP team recommended that a transition assessment be completed for the student.
5. During the IEP team meeting, the complainant expressed concerns regarding the student's transition activities and goals, the need for increased adult supervision for the student during transition and other times outside of the school building, that staff working with the student be trained to identify seizures and follow the "seizure protocol", that the student requires a "seizure action plan", and that the student requires social stories to familiarize him with extracurricular activities.
6. The IEP team responded to the parent's concerns regarding the student's transition inventory, that it was designed to solicit input from students with multiple forms of communication. The PGCPs staff offered to share a sample of the pictorial inventory utilized with the student. The IEP team further explained that "caring for others" was selected as a possible career path for the student based on his interest.
7. The IEP team responded that the emergency care plan in place for the student addressed the parent's concern regarding the student's need for increased adult supervision, his seizure disorder and the administration of medication.
8. There is no documentation that the IEP team responded to the complainant's proposal that the student required social stories to assist him in selecting extracurricular activities.
9. There is documentation that the complainant was provided with prior written notice of the IEP team's decision to conduct a transition assessment.
10. There is no documentation that the complainant was provided with prior written notice of the IEP team's decisions regarding transition activities and goals.

**CONCLUSIONS:**

**Allegation #1: Responding to the Parent's Concerns**

Based on Findings of Facts #1 and #4 to #7 the MSDE finds that the PGCPs has not ensured that the IEP team addressed each of the parent's concerns raised at the July 14, 2021, IEP team meeting, in accordance with 34 CFR §300.324. Therefore, this office finds that a violation occurred with respect to this allegation.

**Allegation #2: Provision of Prior Written Notice**

Based on Findings of Facts #1 to #4 and #8 to #9, the MSDE finds that there is no documentation that the PGCPs has ensured that the student's parents have been provided with prior written notice of each of the IEP team's decisions made on July 14, 2021, in accordance with 34 CFR §300.503 Therefore, this office finds that a violation has 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, 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 Ms. Diane Eisenstadt, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.<sup>2</sup> Ms. Eisenstadt can be reached at (410) 767-7770 or by email at [diane.eisenstadt@maryland.gov](mailto:diane.eisenstadt@maryland.gov).

The MSDE requires the PGCPs to provide documentation that:

- The parents have been provided with prior written notice of each of the team's decisions from the July 14, 2021, IEP team meeting; and
- The IEP team has convened to consider concerns related to the student's need for social stories to assist with his understanding of extracurricular activities. The PGCPs must ensure that the parents are provided with written notice of the IEP team's decisions.

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 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.

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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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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:gl

c: Monica Goldson  
Barbara VanDyke  
Keith Marston  
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Alison Barmat  
Diane Eisenstadt  
Gerald Loiacono