



November 14, 2022

[REDACTED]  
[REDACTED]  
[REDACTED]

Ms. Trinell Bowman  
Associate Superintendent Special Education  
Prince George’s County Public School  
John Carroll Center  
1400 Nalley Terrace  
Landover, Maryland 20785

RE: [REDACTED]  
Reference: #23-047

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.

**ALLEGATION:**

On September 27, 2022, the MSDE received a complaint from Ms. [REDACTED] hereafter, “the complainant,” on behalf of her son, the above-referenced student. In that correspondence, the complainant alleged that the Prince George’s County Public School (PGCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced student.

The MSDE investigated the allegation that the PGCPS has not ensured that the student has been provided with the accommodations required by the Individualized Education Program (IEP) since the start of the 2022-2023 school year, in accordance with 34 CFR §§300.101 and .323.

**BACKGROUND:**

The student is 8 years old and is identified as a student with Autism under the IDEA. He attends [REDACTED] School and has an IEP that requires the provision of special education instruction and related services.

**FINDINGS OF FACTS:**

1. The student’s IEP, revised on June 24, 2022, requires that the student be provided with accommodations including, frequent breaks, reduced distractions to self, extended time (1.5x), use of manipulatives, alternate ways to demonstrate learning, mathematics intervention, reading intervention, individualized picture schedule, repetition of directions, visual support of

comprehension of language input and formulating oral responses, advanced preparation for schedule changes, home-school communication system, First- Then visual board, frequent changes in activities and movement breaks, visual timer, speech/ language consult, and occupational therapist consult.

2. There is documentation of the provision of the accommodations: frequent breaks, reduced distractions to self, extended time (1.5x), use of manipulatives, alternate ways to demonstrate learning, individualized picture schedule, repetition of directions, visual support of comprehension of language input and formulating oral responses, advanced preparation for schedule changes, home-school communication system, First- Then visual board, frequent changes in activities and movement breaks, visual timer, and speech/ language consult.
3. While there is documentation of the occupational therapist consultation for the month of September 2022, there is no documentation of the consultation during the month of October 2022.
4. There is no documentation of the provision of the weekly mathematics and reading intervention accommodations.

#### **CONCLUSIONS:**

Based upon the Findings of Facts #1 and #2, the MSDE finds that the PGCPs has ensured that the student has been provided with the accommodations, specifically frequent breaks, reduced distractions to self, extended time (1.5x), use of manipulatives, alternate ways to demonstrate learning, individualized picture schedule, repetition of directions, visual support of comprehension of language input and formulating oral responses, advanced preparation for schedule changes, home-school communication system, First- Then visual board, frequent changes in activities and movement breaks, visual timer, and speech/ language consult as required by the IEP since the start of the 2022-2023 school year, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that no violation has occurred with respect to this aspect of the allegation.

Based upon the Findings of Facts #3 and #4, the MSDE finds that the PGCPs has not ensured that the student has been provided with the accommodations, specifically consistent occupational therapist consultation, the mathematics intervention, and the reading intervention as required by the IEP since the start of the 2022-2023 school year, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation has occurred with respect to this aspect of the 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).

**Student Specific:**

The MSDE requires the PGCPS to provide documentation by January 2, 2023, of the provision of the occupational therapist consults, the mathematics intervention, and the reading intervention, as required by the student's IEP.

The MSDE requires the PGCPS to provide documentation by January 2, 2023, that the IEP team has convened and determined whether the violation related to the lack of consistent occupational therapist consultation, implementation of the mathematic and reading interventions, 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 remedies 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.

The PGCPS must ensure that the parent is provided with written notice of the team's decisions. The parent maintains the right to request mediation or to file a due process complaint to resolve any disagreement with the team's decisions.

**School Based:**

The MSDE requires the PGCPS to provide documentation by January 2, 2023, of the steps it has taken to ensure that the [REDACTED] School staff properly implement the accommodations for students with IEPs. These steps must include staff development, as well as tools developed to monitor the action steps, a monitoring schedule, and provision of the completed monitoring tool to MSDE by February 1, 2023.

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.

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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: sd

c:

Monica Goldson  
Keith Marston  
Aleia Johnson  
Darnell Henderson  
Alison Barmat  
Gerald Loiacono  
Diane Eisenstadt  
Sarah Denney