



Mohammed Choudhury
State Superintendent of Schools

November 29, 2022

[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- 060

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 October 6, 2022, the MSDE received a complaint from Mr. and Mrs. [REDACTED] hereafter, “the complainant,” on behalf of their son, the above-referenced student. In that correspondence, the complainant alleged that the Prince George’s 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 the student was provided with speech and language services as required by the Individualized Education Program (IEP) during the first quarter of the 2021- 2022 school year, in accordance with 34 CFR §300.101.
2. The PGCPS did not ensure that the student was provided with the specialized instruction services in mathematics and reading required by the IEP from September 5, 2021, to June 2022, in accordance with §300.101.
3. The PGCPS has not ensured that the complainants were provided reports of the student’s progress toward achieving annual IEP goals since the start of the 2021- 2022 school year, in accordance with 34 CFR §§300.320 and .323.

4. The PGCPs did not follow proper procedures when responding to a request for an IEP team meeting since June 2022, in accordance with 34 CFR §§300.503.

BACKGROUND:

The student is ten years old and is identified as a student with autism under the IDEA. He attends ██████████ School and has an IEP that requires the provision of special education instruction and related services.

ALLEGATION #1: PROVISION OF SPEECH SERVICES

FINDINGS OF FACTS:

1. The student's IEP, developed on March 2, 2021, requires that the student receive a quarterly speech/language consult and one hour and thirty minutes monthly of speech and language therapy.
2. There is documentation that the student was provided speech and language services as required by the IEP during the first quarter of the 2021- 2022 school year.

CONCLUSIONS:

Based upon the Findings of Facts #1 and #2, the MSDE finds that the PGCPs did ensure that the student was provided with speech services as required by the IEP during the first quarter of the 2021- 2022 school year, in accordance with 34 CFR §300.101. Therefore, this office does not find that a violation occurred with respect to this allegation.

ALLEGATION #2: MATHEMATICS AND READING SPECIALIZED INSTRUCTION

FINDINGS OF FACTS:

3. The student's IEP, developed on March 2, 2021, and on March 1, 2022, requires that the student receive weekly research-based reading comprehension intervention.
4. The student's IEP, developed on March 2, 2021, and March 1, 2022, does not require that the student receive specialized instruction in mathematics.
5. The Prior Written Notice (PWN) generated after the June 14, 2022, IEP team meeting reflects that the student received the reading intervention for six (6) hours from September 2021 through June 2022.
6. There is documentation that the student participated in the research-based reading intervention. However, there is no documentation that the reading intervention was provided as required by the IEP.

CONCLUSIONS:

Based upon the Findings of Facts #3, #5, and #6, the MSDE finds that the PGCPs did not ensure that the student was provided with the specialized instruction services in reading as required by the IEP from September 5, 2021, to

June 2022, in accordance with §300.101. Therefore, this office does find that a violation has occurred with respect to this aspect of the allegation.

Based upon the Finding of Fact #4, the MSDE finds that the PGCPs was not required to ensure the mathematics intervention. Therefore, this office does not find that a violation occurred with respect to this allegation.

ALLEGATION #3: PROVISION OF PROGRESS TOWARD ANNUAL GOALS

FINDINGS OF FACT:

7. There is no documentation that the complainant was provided with quarterly progress reports of the student's progress toward achieving annual IEP goals.

CONCLUSIONS:

Based upon the Findings of Fact #7, the MSDE finds that the PGCPs did not ensure that the complainants were provided reports of the student's progress toward achieving annual IEP goals since the start of the 2021- 2022 school year, in accordance with 34 CFR §§300.320 and .323. Therefore, this office does find that a violation has occurred.

ALLEGATION #4: RESPONSE TO A REQUEST FOR AN IEP TEAM MEETING

FINDINGS OF FACTS:

8. There is no documentation that the complainants requested an IEP team meeting in June 2022.
9. There is documentation that IEP team meetings were convened on June 14, 2022, and June 27, 2022.

CONCLUSIONS:

Based upon the Findings of Facts #8 and #9, the MSDE finds that the PGCPs did follow proper procedures when responding to a request for an IEP team meeting since June 2022, in accordance with 34 CFR §§300.503. Therefore, this office does not find that a violation occurred.

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.¹ 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.² Ms. Eisenstadt can be reached at (410) 767-7770 or by email at diane.eisenstadt@maryland.gov.

Student Specific

The MSDE requires the PGCPS to provide documentation that the parent has been provided with the IEP progress reports from the 2021- 2022 school year.

The MSDE requires the PGCPS to provide documentation by February 1, 2023, that the IEP team has convened and determined whether the violation related to the lack of specialized instruction services in reading, 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 of the steps taken to ensure that the violations regarding the lack of the reading intervention and the lack of the provision of the IEP progress reports do not reoccur at [REDACTED] School. Those steps must include staff development, as well as tools created to document and monitor the implementation of interventions in accordance with students' IEPs and delivery of quarterly IEP progress reports. The MSDE further requires the submission of the completed monitoring tool reflecting the results of the implementation of interventions pursuant to a random sampling of ten (10) students' IEPs and the provision of the same ten (10) student's quarterly progress reports to their families 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

¹ 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, progressive steps that could result in the redirecting, targeting, or withholding of funds, as appropriate.

² 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.

[REDACTED]
[REDACTED]
Ms. Trinell Bowman
November 29, 2022
Page 5

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: sd

c: Monica Goldson
Keith Marston
Henry Johnson
Darnell Henderson
Aleia Johnson
[REDACTED]
Alison Barmat
Gerald Loiacono
Diane Eisenstadt
Sarah Denney