



March 20, 2023

Ms. Debrah Martin
1300 Mercantile Lane
Suite 139-W
Largo, Maryland 20774

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- 130

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 January 19, 2023, MSDE received a complaint from Ms. Debrah Martin, 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.

MSDE investigated the following allegations:

1. The PGCPS has not followed proper procedures when conducting a reevaluation of the student since June 2022. Specifically, the IEP team did not review the results of a speech/language assessment in a timely manner, in accordance with 34 CFR §§300.301-.305 and COMAR 13A.05.01.06.
2. The PGCPS has not ensured that the student has been provided with the special education instruction and related services required by the IEP since June 2022. Specifically, the student was not provided with dedicated adult support, adaptive physical education, assistive technology consult, and special education instruction in science, social studies, and mathematics, in accordance with 34 CFR §§300.101 and .323.
3. The PGCPS did not ensure that an IEP team meeting convened on October 26, 2022, and November 9, 2022, included the required participants, in accordance with 34 CFR §300.321.

4. The PGCPs has not ensured that the IEP developed for the student following the June 9, 2022, and October 26, 2022, IEP team meetings reflected the decisions of the IEP team. Specifically, the IEP did not include recommendations that the team would conduct an assistive technology observation, conduct a biweekly assistive technology consultation, provide data collected from quarter one of the 2022-2023 school year, specifically for the toileting goal, and develop an Evacuation Safety Plan, in accordance with 34 CFR §300.324.
5. The PGCPs did not provide the parents with a copy of the IEP document within five business days after the IEP team meeting on October 26, 2022, November 9, 2022, and November 21, 2022, in accordance with COMAR 13A.05.01.07.
6. The PGCPs has not ensured that the student's IEP contains annual goals designed to meet the student's identified needs, specifically in math calculation, social-emotional, and speech/language, since November 9, 2022, in accordance with 34 CFR §300.320.
7. The PGCPs has not ensured that the IEP team reviewed and revised the student's goals, as appropriate, to address the lack of expected progress toward achieving the IEP goals since the start of the 2022-2023 school year, in accordance with 34 CFR §300.324.
8. The PGCPs has not ensured that the parent was provided with appropriate quarterly progress reports toward achieving the annual IEP goals since the start of the 2022- 2023 school year, in accordance with 34 CFR §§300.320 and .323.

BACKGROUND:

The student is fourteen (14) years old and is identified as a student with an intellectual disability under the IDEA. They attend [REDACTED] School and has an IEP that requires the provision of special education instruction and related services.

ALLEGATION #1: REEVALUATION

FINDINGS OF FACTS:

1. On June 6, 2022, the IEP team at the student's middle school met to consider a reevaluation for the student. As part of this review, the IEP team agreed that the student should be assessed in the area of communication (speech) for expressive and receptive language and articulation.
2. On October 26, 2022, the IEP team at the student's high school met to review the student's progress in his new setting. The prior written notice generated following the meeting reflects that the IEP team acknowledged that the middle school had completed speech assessments, it further reflects that the IEP team did not review the speech assessments with the parents at the meeting. There was a speech-language pathologist present at the IEP team meeting. The IEP team proposed scheduling a new IEP team meeting to review the assessments and update the IEP if necessary. The proposed date for the meeting was November 9, 2022.
3. On November 21, 2022, the IEP team met to review the speech language assessment and adopted the recommendations within the report for the student to continue to receive speech and language services at the rate of three thirty-minute sessions per month.

CONCLUSIONS:

Based upon the Findings of Facts #1- #3, MSDE finds that the PGCPS has not followed proper procedures when conducting a reevaluation of the student since June 2022. Specifically, the IEP team did not review the results of a speech/language assessment in a timely manner, in accordance with 34 CFR §§300.301-.305 and COMAR 13A.05.01.06. Therefore, this office does find a violation occurred with respect to allegation #1.

ALLEGATION #2: SPECIAL EDUCATION INSTRUCTION AND RELATED SERVICES

FINDINGS OF FACTS:

4. The student is enrolled in the Community Referenced Instruction Program (CRI). The CRI program supports students with significant cognitive and/or multiple disabilities, ages 6-21, whose needs cannot be met in a less restrictive environment.
5. The student's IEP, developed on May 23, 2022, and amended on June 6, 2022, and November 30, 2022, requires the student to be provided with "daily additional adult support," stating that, "The AAS (additional adult support) will also provide instructional support and accommodations whenever needed. The AAS will assist the student to transition from one classroom activity to the next. The AAS will also assist the student in navigating the stairs and other places in the school."
6. There is documentation that the student's classes are supported by Paraprofessionals and Itinerant Special Education Assistants (ISEAs).
7. There is documentation that the student was provided support by an additional adult since September 2022.
8. The student's IEP, developed on May 23, 2022, and amended on June 6, 2022, and November 30, 2022, requires the student to be provided with two thirty-minute weekly sessions of physical education outside the general education classroom provided by an adaptive physical education teacher.
9. There is documentation that the student has been provided with adaptive physical education in the manner required by the student's IEP since June 2022.
10. The student's IEP, developed on May 23, 2022, and amended on June 6, 2022, and November 30, 2022, requires the student to be provided with five, five hours and fifty-five-minute sessions per week of instruction outside of the general education setting provided by either a special education teacher or an instructional assistant. It further requires the student to be provided with five, thirty-minute sessions per week of instruction inside the general education setting provided by a special education classroom teacher.
11. There is documentation of the student receiving special education instruction in all academics, including science, social studies, and math, as required by his IEP since June 2022.
12. The student's IEP, developed on May 23, 2022, and amended on June 6, 2022, and November 30, 2022, requires the student to be provided with an assistive technology consult bi-weekly for the first quarter of the 2022- 23 school year.

13. There is documentation from the PGCPs assistive technology instructional specialist reflecting that the student's school "did not initiate a referral for support during the first quarter of the 2022- 2023 school year."

CONCLUSIONS:

Specialized Instruction, Accommodations, and Related Services

Based upon the Findings of Facts #4 - #11, MSDE finds that the PGCPs has ensured that the student was provided with the special education instruction and related services required by the IEP since June 2022. Specifically, the student was provided with additional adult support, adaptive physical education, and special education instruction in science, social studies, and math, in accordance with 34 CFR §§300.101 and .323. Therefore, this office does not find a violation occurred with respect to this aspect of allegation #2.

Assistive Technology Consultation

Based upon the Findings of Facts #12 and #13, MSDE finds that the PGCPs has not ensured that the student was provided with the special education instruction and related services required by the IEP since June 2022. Specifically, the student was not provided with the assistive technology consult, in accordance with 34 CFR §§300.101 and .323. Therefore, this office does find a violation occurred with respect to allegation #2.

ALLEGATION #3: IEP TEAM MEETING PARTICIPANTS

FINDINGS OF FACTS:

14. There is documentation reflecting that the October 26, 2022, IEP team meeting participants were the special education department chair, assistant principal, PGCPs compliance specialist, IEP case manager, speech language pathologist, occupational therapist, physical therapist, counselor, advocate, aunt, and parent.
15. There is documentation reflecting that the November 9, 2022, IEP team meeting was rescheduled for November 21, 2022.
16. There is documentation reflecting that the November 21, 2022, IEP team meeting participants were the special education department chair, assistant principal, speech language pathologist, classroom teacher, advocate, and parent.

CONCLUSIONS:

The public agency must ensure that the IEP team includes: the parent of the child, not less than one regular education teacher of the child (if the child is, or maybe, participating in the regular education environment); not less than one special education teacher of the child or provider of the child, a representative of the public agency who is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities, is knowledgeable about the general education curriculum, and is knowledgeable about the availability of resources of the public agency; and an individual who can interpret the instructional implications of evaluation results and, when appropriate, the child. At the discretion of the parent or public agency, the IEP team may include other individuals who have knowledge or special expertise regarding the child, including related services personnel, as appropriate. (34 CFR § 300.321(a)).

Based upon the Findings of Facts #14- #16, MSDE finds that the PGCPs did not ensure that the IEP team meeting convened on October 26, 2022, included a general educator. Therefore, the required participants were not present, in accordance with 34 CFR §300.321, and this office finds a violation occurred with respect to allegation #3.

ALLEGATION #4: DECISIONS OF THE IEP TEAM

ASSISTIVE TECHNOLOGY OBSERVATION

FINDING OF FACT:

17. The PWN generated after the June 6, 2022, IEP team meeting reflects that the IEP team agreed that the assistive technology instructional specialist would conduct an observation of the student during the first two weeks of the 2022- 2023 school year. This was not included in the student's IEP amendments that occurred on June 6, 2022, and November 21, 2022.

CONCLUSION:

Based upon the Finding of Fact #17, MSDE finds that the PGCPs has not ensured that the IEP developed for the student following June 6, 2022, and October 26, 2022, IEP team meetings reflected the decisions of the IEP team. Specifically, the IEP did not include recommendations that the team would conduct an assistive technology observation in accordance with 34 CFR §300.324. Therefore, this office does find a violation occurred with respect to this aspect of allegation #4.

BIWEEKLY ASSISTIVE TECHNOLOGY CONSULTATION

FINDING OF FACT:

18. The PWN generated after the June 6, 2022, IEP team meeting reflects that the IEP team agreed to the assistive technology instructional specialist conducting a biweekly assistive technology consultation. This is reflected in the amendments that occurred to the student's IEP on June 6, 2022, and November 21, 2022.

CONCLUSIONS:

Based upon the Finding of Fact #18, MSDE finds that the PGCPs has ensured that the IEP developed for the student following June 6, 2022, and October 26, 2022, IEP team meetings reflected the decisions of the IEP team. Specifically, the recommendation that the team would conduct a biweekly assistive technology consultation in accordance with 34 CFR §300.324. Therefore, this office does not find a violation occurred with respect to this aspect of allegation #4.

TOILETING GOAL AND EVACUATION SAFETY PLAN

FINDING OF FACT:

19. There is no documentation that the IEP team made the decision to provide data collected from quarter one of the 2022-2023 school year, specifically for the toileting goal to the student's parents and develop an Evacuation Safety Plan during the June 6, 2022, and October 26, 2022, IEP team meetings.
20. The PWN generated after the November 30, 2022, IEP team meeting reflects that the IEP team discussed the safety plan at the October 26, 2022, IEP team meeting but did not add it to the IEP generated following that meeting.

CONCLUSION:

Based upon the Finding of Fact #19, MSDE finds that the PGCPs has ensured that the IEP developed, with regards to data collection for the toileting goal, for the student following June 6, 2022, and October 26, 2022, IEP team meetings reflected the decisions of the IEP team, in accordance with 34 CFR §300.324. Therefore, this office does not find a violation occurred with respect to this aspect of allegation #4.

Based upon the Finding of Fact #20, MSDE finds that the PGCPs has not ensured that the IEP developed, with regards to the evacuation safety plan, for the student following June 6, 2022, and October 26, 2022, IEP team meetings reflected the decisions of the IEP team, in accordance with 34 CFR §300.324. Therefore, this office does find a violation occurred with respect to this aspect of allegation #4.

ALLEGATION #5: PROVISION OF IEP DOCUMENTS

FINDINGS OF FACTS:

21. There is documentation that the IEP team meeting scheduled for November 9, 2022, was rescheduled for November 21, 2022.
22. There is documentation of the Prior Written Notice generated after the October 26, 2022, IEP team meeting being emailed from the PGCPs staff to the student's parent on October 31, 2022.
23. While there is documentation of the Prior Written Notice and the IEP Amendment Changes document generated after the November 21, 2022, IEP team meeting being emailed from the PGCPs staff to the student's parent on November 30, 2022; there is no documentation of the completed IEP being sent home to the parents.

CONCLUSIONS:

Based upon the Findings of Facts #21- #22, MSDE finds that the PGCPs did provide the parents with a copy of the IEP document within five days after the IEP team meeting on October 26, 2022, and November 21, 2022, in accordance with COMAR 13A.05.01.07. Therefore, this office does not find a violation occurred with respect to this aspect of allegation #5.

Based upon the Findings of Facts #21 and #23, MSDE finds that the PGCPs did not provide the parents with a copy of the IEP document within five days after the IEP team meeting on November 21, 2022, in accordance with COMAR 13A.05.01.07. Therefore, this office does find a violation occurred with respect to this aspect of allegation #5.

ALLEGATION #6: ANNUAL GOALS TO MEET THE STUDENT'S NEEDS

FINDINGS OF FACTS:

24. The student's IEP, developed on May 23, 2022, and amended on June 6, 2022, and November 30, 2022, includes Present Levels of Academic Achievement and Functional Performance, stating that the student's math calculation, social-emotional/behavioral, and expressive/receptive language are areas that impact his academic achievement and/or functional performance.
25. The student has math calculation and expressive/receptive language goals that align with the student's needs. Based on informal testing, the student is on the early first-grade instructional level for math calculation. Based on a record review, progress reports, and speech-language pathologist

data, the student is significantly below age expectations for speech and language. The student's IEP includes a math calculation goal requiring him to acquire basic number and operational skills and use them in math calculations. These skills include adding one-digit numbers, telling time by the half-hour, identifying coins and bills, and subtracting one-digit numbers. The student's IEP contains an expressive/receptive language goal requiring him to be provided with models, verbal prompts, and visual support during structured language tasks. The student will identify/label people and places within the community and use relevant vocabulary and functional language tasks.

26. While the student has a social-emotional/behavioral goal, it does not align with the student's specific skills and needs as outlined in his present levels of academic achievement and functional performance. Based on classroom observations, the student is on the early first-grade level for social-emotional behavior. The student's IEP contains a social-emotional/behavioral goal that requires the student to demonstrate on-task behavior by sitting quietly on his seat, with his feet on the floor, looking at his materials, and performing the task for twenty minutes out of thirty minutes.

CONCLUSIONS:

Based upon the Findings of Facts #24- #25, MSDE finds that the PGCPs has ensured that the student's IEP contains annual goals designed to meet the student's identified needs, specifically in math calculation, and speech/language, since November 9, 2022, in accordance with 34 CFR §300.320. Therefore, this office does not find a violation occurred with respect to this aspect of allegation #6.

Based upon the Findings of Facts #24 and #26, MSDE finds that the PGCPs has not ensured that the student's IEP contains annual goals designed to meet the student's identified needs, specifically in social-emotional, since November 9, 2022, in accordance with 34 CFR §300.320. Therefore, this office does find a violation occurred with respect to this aspect of allegation #6.

ALLEGATION #7: LACK OF PROGRESS TOWARD THE IEP GOALS

FINDINGS OF FACTS:

27. The progress reports documenting the student's progress towards achieving annual IEP goals, as developed on May 23, 2022, and amended on June 6, 2022, and November 30, 2022, reflect that the student did not make sufficient progress on November 10, 2022, and January 31, 2023, on their written language mechanics goal and one of their fine motor goals.
28. The progress reports documenting the student's progress towards achieving annual IEP goals, as developed on May 23, 2022, and amended on June 6, 2022, and November 30, 2022, reflect that the student was making progress on June 23, 2022, on the social/emotional goal. It further reflects that on February 7, 2023, the social/emotional goal had not been introduced or implemented during quarter two of the 2022- 2023 school year.
29. The progress reports documenting the student's progress towards achieving annual IEP goals, as developed on May 23, 2022, and amended on June 6, 2022, and November 30, 2022, reflect that the student was making progress on June 23, 2022, and on November 22, 2022, on their reading vocabulary goal. It further reflects that on February 6, 2023, the reading vocabulary goal had not been introduced or implemented since November 22, 2022.
30. There is no documentation of an IEP team meeting being scheduled to discuss the student's lack of progress toward the written language mechanics goal and fine motor goal.

CONCLUSIONS:

Based upon the Findings of Facts #27 and #30, MSDE finds that the PGCPs has not ensured that the IEP team reviewed and revised the student's goals, as appropriate, to address the lack of expected progress toward achieving the IEP goals since the start of the 2022-2023 school year, in accordance with 34 CFR §300.324. Furthermore, based on Findings of Facts #27 and #28, MSDE finds that the IEP team did not address his social/emotional goal from June 23, 2022, to February 7, 2023, and his reading vocabulary goal from November 22, 2022, to February 6, 2023. Therefore, this office does find a violation occurred with respect to allegation #7.

ALLEGATION #8: QUARTERLY PROGRESS REPORTS

FINDINGS OF FACTS:

31. There is email documentation dated November 22, 2022, and February 8, 2023, from the PGCPs staff to the parent reflecting that the progress reports were attached to the emails.
32. While there is documentation reflecting that on June 23, 2022, and February 7, 2023, the student was making progress on their math problem-solving goal, there is no progress report for the second quarter of the 2022- 2023 school year.
33. While there is documentation reflecting that on June 23, 2022, the student was making progress on their social-emotional/behavioral goal, the progress report dated February 7, 2023, reflects that the goal had not yet been introduced to the student.
34. While there is documentation reflecting that on June 23, 2022, and November 22, 2022, the student was making progress on their reading vocabulary goal, the progress report dated February 6, 2023, reflects that the goal had "not yet been introduced to the student."

"This goal was not measured during this period because I wanted to focus on his reading comprehension skills."
35. While there is documentation reflecting that on June 23, 2022, the student was making progress on their math calculation goal, there is no progress report for the second quarter of the 2022- 2023 school year.

CONCLUSIONS:

Based upon the Findings of Facts #31- #35, MSDE finds that the PGCPs has not ensured that the parent was provided with appropriate quarterly progress reports toward achieving the annual IEP goals since the start of the 2022- 2023 school year, in accordance with 34 CFR §§300.320 and .323. Therefore, this office does find a violation occurred with respect to allegation #8.

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

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 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

MSDE requires the PGCPs to provide documentation by May 19, 2023, of the following actions:

That the assistive technology consultation and observation have been completed, that the student's social/emotional goal has been revised to address the student's current needs, and that an evacuation safety plan has been written and added to the student's IEP.

That the IEP team has convened and determined the negative impact of the violation related to the lack of proper implementation of their respective obligations with regard to IDEA reevaluation, provision of completed IEP documents timelines, lack of the AT consult and observation, lack of an evacuation safety plan, lack of development and implementation of annual goals designed to meet the student's social-emotional needs, lack of IEP team meetings to address the student's lack of IEP progress, and the lack of appropriate IEP quarterly progress reports had on the student's ability to benefit from the education program. 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. In addition, MSDE requires the PGCPs to provide documentation by May 19, 2023.

School Based

MSDE requires the PGCPs to provide documentation by May 19, 2023, of the steps taken to ensure that the violations regarding the lack of proper implementation of their respective obligations with regard to IDEA reevaluation and provision of completed IEP documents timelines, lack of the AT consult and observation, lack of development and implementation of annual goals designed to meet the student's social-emotional needs, lack of IEP team meetings to address the student's lack of IEP progress, and the lack of appropriate IEP quarterly progress reports do not recur at [REDACTED] School. Those steps must include staff development, as well as tools created to document and monitor the reevaluation procedures and timelines of students with IEPs, a monitoring schedule, and provision of the completed monitoring tool to MSDE by May 19, 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

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, 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 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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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. MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Dr. Deann M. Collins
Deputy Superintendent
Office of the Deputy Superintendent of Teaching and Learning

DMF: sd

c: Monica Goldson
Darnell Henderson
Keith Marston

Alison Barmat
Gerald Loiacono
Diane Eisenstad
Sarah Denney