



April 17, 2023

Ms. Jessica Williams
Education Due Process Solutions, LLC
711 Bain Drive #205
Hyattsville, Maryland 20785

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

RE: [REDACTED]
Reference: #23-152

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 February 22, 2023, MSDE received a complaint from Ms. Jessica Williams, hereafter, "the complainant," on behalf of her client, Ms. [REDACTED]. 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 ensured that the student has been provided with the identified social/emotional and behavioral support required by the Individualized Education Program (IEP) since February 2022, in accordance with 34 CFR §§300.101 and .323. Specifically, the following was alleged:
 - a. The student was not provided with adult support;
 - b. The student was not provided with social skills class/group;
 - c. The student was not provided with positive behavior interventions strategies from a Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP).
2. The PGCPS has not ensured that the student was provided with the transportation services required by his IEP since February 2022, in accordance with 34 CFR §§300.101 and 323.
3. The PGCPS has not ensured that the student's IEP was reviewed and revised to address his lack of expected progress toward achieving annual IEP goals since February 2022, in accordance with 34 CFR §300.324.

4. The PGCPS did not provide the parent with a copy of the completed IEP document within five business days after IEP team meetings convened April 29, 2022, in accordance with COMAR 13A.05.01.07.
5. The PGCPS did not provide proper written notice of the IEP team decisions from the IEP team meeting on April 29, 2022, in accordance with 34 CFR §300.503.
6. The PGCPS did not follow proper procedures when responding to a request for an IEP team meeting, since the start of the 2022-2023 school year, in accordance with 34 CFR §300.503.
7. The PGCPS did not ensure that proper procedures were followed when responding to a request to inspect and review the student's educational record, since February 9, 2023, in accordance with 34 CFR §300.613.
8. The PGCPS has not followed proper procedures when conducting a reevaluation in all areas of suspected disabilities since February 2022, in accordance with 34 CFR §§300.303- .306.

BACKGROUND:

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

FINDINGS OF FACTS:

ALLEGATION # 1 and 8

PROVISION OF IEP SUPPORTS AND SERVICES AND REEVALUATION PROCEDURES

1. The student's education record reflects that he was last evaluated for eligibility under the IDEA on February 25, 2021.
2. The student's IEP in effect as of February 2022, contains present levels of academic achievement and functional performance (PLAAFP) and goals that were developed on April 14 and 20, 2021. The IEP reflects that the student requires support in the areas of Behavioral - Self-management and Behavioral - Social Emotional. The student required:
 - One hour daily of support with social/emotional and behavioral goals within the general education classroom.
 - 17 hours and 55 minutes per week of special education classroom instruction within the general education classroom utilizing a co-taught model for English/ Language Arts, Math, and Science.
 - 11 hours and 40 minutes of service per month within the general education classroom utilizing a co-taught model for Social Studies on alternating A/B days.
 - Weekly access to cognitive flexibility instruction that included the mental ability to switch between thinking about two different concepts, and to think about multiple concepts simultaneously.
 - Daily coping strategies to assist students with communicating his feelings/emotions, understanding social situations, rules and expectations.

- Daily adult support provided across all settings to assist the student with staying focused, completing assignments, transitions, regulating behavior and emotions, and providing instructional support.
 - Monthly social skills/class or group inside the general education or outside of general education to partner with other peers to express his emotions and frustration and learn ways to deal with his feelings.
3. On January 24, 2023, the IEP team met to address the parents' concerns regarding implementation of the student's IEP. The parent shared with the team that as a result of not receiving the adult support required by his IEP, the student had been bullied, was not able to participate in classroom instruction, and as a result, was earning poor grades.
 4. During the meeting, the PGCPs staff informed the parent that the school was trying to hire an Additional Adult Support (AAS) and would attempt to assign alternative staff in the interim to provide the student with adult support in the classroom.
 5. On March 23, 2023, the IEP team met to discuss the parent's concerns and consider the need for an evaluation of the student. The IEP team reviewed records, parent and teacher input, the active IEP, IEPs from the past three years, grades, attendance, and student work samples. The IEP team agreed to conduct a reevaluation of the student recommended an evaluation to include assessments in the following areas:
 - Academics (Reading, Mathematics, and Writing);
 - Cognitive/intellectual autism rating scales social-emotional behavior rating scales;
 - Trauma Assessments;
 - Occupational Therapy (OT) evaluation, to include a sensory profile;
 - Functional Behavior Assessment.
 6. There is no documentation, to date, that the IEP team has met to complete the evaluation of the student.
 7. There is no documentation the student has received daily coping strategies, a monthly social skills/class or groups, or adult support in the classroom since February 2022.

CONCLUSIONS:

Provision of IEP Supports

Based on the Findings of Facts #1 to #4, #7 MSDE finds that the PGCPs did not ensure that the student has been provided with the identified social/emotional and behavioral support required by the Individualized Education Program (IEP) since February 2022, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation occurred with respect to the allegation.

Reevaluation in suspected disability

Based on finding of facts #5 and #6, MSDE finds that the PGCPs did follow proper procedures when conducting a reevaluation in all areas of suspected disabilities since February 2022, in accordance with 34 CFR §§300.303- .306. Therefore, this office finds that a violation did not occur with respect to the allegation.

#15, that the PGCPs has not ensured that the parents consistently received progress reports for the student reflecting his progress towards annual IEP goals, in accordance with 34 CFR §§300.320 and .323. Therefore, MSDE finds that a violation has occurred.

ALLEGATIONS #4 AND #5 PROVISION OF PRIOR WRITTEN NOTICE AND COMPLETED IEP DOCUMENT

18. On April 29, 2022, the IEP team met and revised the student's IEP.
19. There is no documentation the parent was provided with a copy of the completed IEP document within five business days after IEP team meetings convened on April 29, 2022.
20. There is no documentation that the PGCPs provided proper written notice of the IEP team decisions from the IEP team meeting on April 29, 2022.

CONCLUSIONS:

Provision of the completed IEP

Based on the Findings of Fact #19, MSDE finds the PGCPs did not provide the parent with a copy of the completed IEP document within five business days after IEP team meetings convened on April 29, 2022, in accordance with COMAR 13A.05.01.07. Therefore, this office finds that a violation has occurred with respect to the allegation.

Provision of Prior Written Notice

Based on the Findings of Fact #20, MSDE finds the PGCPs did not provide proper written notice of the IEP team decisions from the IEP team meeting on April 29, 2022, in accordance with 34 CFR §300.503. Therefore, this office finds that a violation has occurred with respect to the allegation.

ALLEGATION #6 PARENT RESPONSE TO IEP MEETING

21. On February 17, 2023, the student's grandmother emailed the staff at the student's school, to state she "continues to await possible times and dates for an IEP meeting." The complainant requested that the school move forward with processing the student's transfer, assist with the request for records, requested that the IEP team convene for the student, and for a copy of the district's policy for the records request.
22. On February 24, 2023, the student's grandparent emailed the school staff requesting an update on the "lack of response" to the parent's request for an IEP meeting. The parent received a response from the school stating a school staff would identify a time and date for the requested IEP meeting.
23. On March 1, 2023, the student's grandparent emailed the school staff seeking advice on the next steps or requested another administrator to handle scheduling the IEP team meeting, as she still had not received a response.
24. There is documentation on March 2, 2023, the school staff corresponded with the grandparent to arrange to ask for three dates that work for the family. The school staff proposed that the IEP team meet on March 17, 2023.

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Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.³ 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 31, 2023, that the IEP team has convened and determined the amount and nature of compensatory services or other remedy to redress the violations, specifically, the lack of implementation of certain provisions of the IEP and lack of progress reporting, and developed a plan for the provision of those services within one year of the date of this Letter of Findings.

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

DC/sj

c: Monica Goldson
Darnell Henderson
Keith Marston
Henry Johnson
[REDACTED]
Alison Barmat
Gerald Loiacono
Diane Eisenstadt
Stephanie James

³ MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.