



April 13, 2023



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

RE: [REDACTED]
Reference: #23-153

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 February 17, 2023, MSDE received a complaint from Ms. [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 her grandson, the above-referenced student.

MSDE investigated the following allegation that the PGCPS has not ensured that the student has been consistently provided with the following supplementary aids and services on his Individualized Education Program (IEP): adult support, frequent breaks, break down assignments into smaller units, and use of agenda book/progress report, as required by the IEP since February 17, 2022, in accordance with 34 CFR §§300.101 and .323.

BACKGROUND:

The student is twelve years old and is identified as a student with an Other Health Impairment under the IDEA. He attends [REDACTED] School and has an IEP that requires the provision of special education services.

FINDINGS of FACTS:

1. The student's IEP in effect on February 17, 2022, was developed on June 2, 2021. The IEP requires daily adult support to monitor the student when he works independently, daily scheduled frequent

breaks, daily breakdown of assignments, and daily use of an agenda book to communicate with the student's parents.

2. On April 29, 2022, the IEP team met to review and revise, as appropriate, the student's IEP. The IEP team determined that the student continued to require daily adult support to monitor the student when he works independently, daily scheduled frequent breaks, daily breakdown of assignments, and daily use of an agenda book to communicate with the parents.
3. There is documentation that the student was provided the daily use of the agenda book from February 17, 2022 to April 8, 2022, as required by the IEP. There is not, however, documentation that the student has been provided with the use of an agenda book since April 8, 2022.
4. There is some documentation that the student was provided daily adult support and daily scheduled frequent breaks since February 17, 2022. However, this documentation does not demonstrate that the student was receiving daily adult support to monitor independent assignments and daily scheduled frequent breaks, as required by the IEP.
5. There is no documentation that the student was provided with a daily breakdown of assignments since February 17, 2022, as required by the IEP.

CONCLUSIONS:

Based upon the Findings of Facts #1 to #3, MSDE finds that while PGCPs had ensured that the student was consistently provided with the use of an agenda book/progress report, from February 17, 2022 to April 8, 2022, there is no documentation that the student has been provided with this support since April 8, 2022, as required by the IEP, 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.

Based upon the Findings of Facts #1, #2, #4, and #5, MSDE finds that the PGCPs has not ensured that the student has been consistently provided with daily adult support, frequent breaks, daily breakdown of assignments, and scheduled frequent breaks on select assignments since February 17, 2022, 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, 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 non-compliance is corrected in a timely manner.¹ This office will follow up with the public agency to ensure that it completes the required actions

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

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 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 June 1, 2023, that the school system has taken the following actions:

- a. Provided the student with adult support; frequent breaks; break down assignments into smaller units; and use of agenda book/progress report as required by the IEP; and
- b. Convened an IEP team meeting and determined whether the violations identified in this Letter of Findings regarding provision of adult support; frequent breaks; break down assignments into smaller units; and use of agenda book/progress report 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 remedy 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:

MSDE requires the PGCPS to provide documentation by June 1, 2023, of the steps it has taken to ensure that the [REDACTED] School staff properly implements the requirements for the provision of supplementary aids and services included on IEPs under the IDEA. 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 June 1, 2023. If the student has transferred to another school system, the PGCPS must coordinate with the public agency responsible for the education of the student in order to ensure that the remedy is provided.

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.

The parties maintain the right to request mediation or to file a due process complaint if they disagree with

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.

[REDACTED]
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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,

Dr. Deann M. Collins

Deputy Superintendent

Office of the Deputy Superintendent of Teaching and Learning

DMC/tg

c: Monica Goldson
Keith Martson
Aleia Johnson
Darnell Henderson
Henry Johnson
[REDACTED]
Alison Barmat
Diane Eisenstadt
Tracy Givens