



Mohammed Choudhury
State Superintendent of Schools

June 12, 2023



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

RE: [REDACTED]
Reference: #23-199

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention Special Education Services (DEI/SES) 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 April 14, 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 the above-referenced student.

MSDE investigated the allegation that the PGCPS has not ensured that the student is being provided with the special education classroom instruction required by the IEP, since February 2023, in accordance with 34 CFR §§ 300.101 and .323.

BACKGROUND:

The student is 18 years old and attends "[REDACTED] [REDACTED]". He is identified as a student with Other Health Impairment (OHI) under the IDEA and has an Individualized Education Program (IEP) that requires the provision of special education instruction and related services.

FINDINGS OF FACTS:

1. The student's IEP in effect on February 1, 2023, requires that the student receive thirty-three hours and twenty minutes of classroom instruction weekly. The classroom instruction is provided by the "special education classroom teacher, general education teacher, IEP Team, and the Instructional Assistant." The IEP requires the student receive education services inside the general education classroom with the

support of a general educator and a special educator for science and social studies, and education services inside the general education classroom with the support of a general educator and/or a special educator for math and reading in a classroom with a “smaller teacher to student ratio”.

2. On March 29, 2023, the IEP team held an annual review meeting to review and revise, if appropriate, the student’s IEP. The IEP team determined that the student would continue to receive thirty-three hours and twenty minutes of classroom instruction weekly in the general education setting.
3. There is documentation demonstrating that the student received some math classroom instruction as required by the IEP, and that the PGCPs provided the student with some additional resources in math to use at home.
4. There is no documentation that the student received instruction as required by the IEP in his social studies, science, and reading classes.

DISCUSSION/CONCLUSIONS:

A Free Appropriate Public Education (FAPE) must be available to all children residing in the State between the ages of 3 and 21, including children with disabilities who have been suspended or expelled from school, as provided (34 CFR § 300.101 and COMAR 13A.05.01.01).

Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings. Specially designed instruction means adapting, as appropriate to the needs of an eligible child, the content, methodology, or delivery of instruction to address the unique needs of the child that result from the child's disability; and to ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children (34 CFR § 300.39).

Based on Findings of Facts #1 to #4, MSDE finds that the student was not provided with special education classroom instruction required by the IEP, since February 2023 in accordance with 34 CFR §§ 300.101 and .323. Therefore, this office finds that a violation occurred with respect to this 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 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.

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.

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 the start of the 2023-2024 school year, that the IEP team has taken the following action:

- a. If the student is enrolled, that he is provided with classroom instruction as required by the IEP; and
- b. That the IEP team has met to 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 parents are provided with written notice of the team's decisions. The parents maintain 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 August 1, 2023, of the steps taken to ensure that the violation does not recur at [REDACTED] [REDACTED]. Steps must include professional development, including how to implement and document the provision of special education services in a "non-traditional" program, and monitoring a random sample of at least 5 students with IEPs over the 2023-2024 school year to ensure they are consistently receiving the services required by their IEP. Monitoring reports must be submitted to MSDE by November 1, 2023, January 31, 2024, March 1, 2024, and May 31, 2024.

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

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

Sincerely,

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

DMC:ra

c: Monica Goldson
Keith Marston
Darnell Henderson
[REDACTED]
Gerald Loiacono
Rabiatu Akinlolu
Paige Bradford
Karla Marty