



June 23, 2023

Ms. Debra Martin
1300 Mercantile Ln
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- 207

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 April 25, 2023, MSDE received a complaint from Ms. 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 did not ensure that the student was provided with the special education instruction, accommodations, and related services required by the Individualized Education Program (IEP) since the start of the 2022- 2023 school year, in accordance with 34 CFR §§300.101 and .323.
2. The PGCPS has not developed an IEP and Behavior Intervention Plan (BIP) that addressed the student's identified behavioral needs, in accordance with 34 CFR §§300.101 and .324.
3. The PGCPS did not provide the parent with a copy of the completed IEP documents within five business days after the IEP team meeting held on December 21, 2022, in accordance with COMAR 13A.05.01.07.
4. The PGCPS did not ensure that the parent was provided with accessible copies of the documents that the IEP team planned to discuss at the March 9, 2023, IEP team meeting at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.07.

education classroom, two thirty-minute sessions per month of speech/language therapy in the general education classroom, and four thirty-minute sessions per month of speech/language therapy outside the general education classroom.

4. The student's IEP, developed on December 21, 2022, also requires that the student be provided with testing and instructional accommodations: redirect student, text to speech for mathematics, science, and government assessments, small group, time of day, frequent breaks, reduce distractions to self, text to speech for ELA/literacy assessments, assistive technology, and extended time. In addition, the IEP requires the student be provided with daily use of the use of picture communication symbols (PCS) and/or visual schedule as reference for material gathering/preparing for specific assignments, use of a dynamic, PCS-based, categorically arranged AAC device, daily monitoring of independent work, monthly program modifications and instructional consultation in physical education, daily breaking learning tasks into smaller chunks, daily simplified directions, daily provision of alternative ways for student to demonstrate learning, daily extended time to process and respond, daily functional communication, daily visuals and cord board, daily modified content, daily math intervention, daily reading intervention, other (as needed) whole body listening, daily redirection, weekly home-school communication system, daily adult support, other (as needed) mask breaks, daily preferential seating, daily reducing of distractions, weekly speech/language pathologist consult, monthly occupational therapist consult, and periodic assistive technology (AT) consultations.
5. There is no documentation that the student has been provided with the special education instruction, related services, or accommodations in the manner required by his IEP since the start of the 2022-2023 school year.

CONCLUSIONS:

Based upon Findings of Facts #1- #5, MSDE finds that the PGCPS did not ensure that the student was provided with the special education instruction, related services, or accommodations, as required by the IEP since the start of the 2022- 2023 school year, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds a violation occurred with respect to allegation #1.

ALLEGATION #2:

IEP AND BIP THAT ADDRESS THE STUDENT'S BEHAVIORAL NEEDS

FINDINGS OF FACTS:

6. The student's IEP, developed on June 17, 2022, and December 21, 2022, reflects that behavioral self-management is an area affected by the student's disability and that the student requires assistance to manage materials in the classroom; frequent and individualized prompts to follow classroom instruction; assistance to initiate, carry through, and complete assignments; and reminders to attend to whole class instructions and discussion. The student's delays with self-management skills may hinder their independence and participation in the classroom and school-wide routines without additional assistance. The student's IEP further reflects that the student has a goal in the area of behavioral self-management, "upon receiving a classroom assignment, the student will gather his materials, initiate his tasks, and complete his work, as well as perform the morning routine within a pre-designated amount of time, given no more than three verbal prompts and a visual schedule, as needed, in 3 out of 4 opportunities."
7. The student's quarterly progress reports reflect that the student was making progress on the behavioral self-management goal for quarters one, two, and three of the 2022- 2023 school year.

ALLEGATION #4:

PROVISION OF DOCUMENTS BEFORE AN IEP TEAM MEETING

FINDINGS OF FACTS:

12. There is no documentation that the student's parents were provided with copies of the documents that the IEP team intended to discuss at least five days before the IEP team meeting held on March 9, 2023.
13. The PWN generated after the March 9, 2023, IEP team meeting reflects "the student's parents did not receive a copy of the observation report prior to the meeting and requested a copy to be sent electronically. The amended IEP was sent to the family during the meeting."

CONCLUSIONS:

Based upon Findings of Facts #12- #13, MSDE finds that the PGCPs did not ensure that the parent was provided with accessible copies of the documents that the IEP team planned to discuss at the March 9, 2023, IEP team meeting at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.07. Therefore, this office finds a violation occurred with respect to allegation #4.

ALLEGATION #5:

REQUIRED IEP TEAM PARTICIPANTS

FINDINGS OF FACTS:

14. The PWN generated after the March 9, 2023, IEP team meeting reflects that "the new classroom teacher was not present at the meeting. The Perrywood team felt that the teacher did not know the student well enough to be present at the meeting." It further reflects that "the student's parents, family advocate, special education teacher, adaptive physical education teacher, speech/language pathologist, and the occupational therapist" were present at the IEP team meeting.

CONCLUSIONS:

The public agency must ensure that the IEP team for each child with a disability includes the child's parents; a regular education teacher of the child; a special education teacher of the child; a representative of the public agency who is knowledgeable about children with disabilities, general education curriculum, availability of resources of the public agency; personnel who can interpret the instructional implications of evaluations; and when appropriate, the child (34 CFR §300.321(a)).

Based upon Findings of Fact #14, MSDE finds that the PGCPs did not ensure that the IEP team meeting convened on March 9, 2023, included the required participants, specifically a general educator, in accordance with 34 CFR §300.321. Therefore, this office finds a violation occurred with respect to allegation #5.

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.

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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 August 31, 2023, that the IEP team has convened and determined the amount and nature of compensatory services or other remedies to redress the violations regarding the lack of special education instruction, related services, accommodations, the delay in addressing the student's behavioral needs, and having the required participants at an IEP team meeting and develop a plan for the provision of those services within a year of the date of this Letter of Findings.

School Based

MSDE requires the PGCPs to provide documentation by November 1, 2023, of the steps taken to ensure that the violations regarding the lack of special education instruction, related services, accommodations, addressing student's behavioral needs, provision of IEP documents prior to and after an IEP team meeting, and having the required participants at an IEP team meeting, do not recur at [REDACTED] School. Those steps must include staff development, as well as tools created to document and monitor the implementation of special education instruction and supports. A monitoring report must be submitted to MSDE on or before November 15, 2023, January 31, 2024, March 15, 2024, and May 31, 2024, for 10 randomly selected students at [REDACTED] School reflecting full compliance with the implementation of the student's special education instruction, related services, accommodations, addressing student's needs, provision of documents prior to and following the IEP team meetings, and ensuring the required participants attend the IEP team meetings for the selected students.

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.

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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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

DMC: sd

c: Monica Goldson
Darnell Henderson
Keith Marston
[REDACTED]
Alison Barmat
Gerald Loiacono
Diane Eisenstadt
Sarah Denney
Paige Bradford
Nicol Elliott