

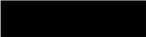


Mohammed Choudhury  
State Superintendent of Schools

June 29, 2023



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

RE:   
Reference: #23-210

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 May 1, 2023, MSDE received a complaint from Ms. , 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 the student has been consistently provided with the speech and language services required by the Individualized Education Program (IEP) during the 2022- 2023 school year, in accordance with 34 CFR §§300.101 and .323.
2. The PGCPS has not ensured that the parent was provided with quarterly progress reports toward achieving 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 five years old and is identified as a student with a Developmental Delay under the IDEA. The student attends  School. He has an IEP that requires the provision of special education instruction and related services.

**FINDINGS OF FACTS:**

1. The student's IEP, in effect at the start of the 2022- 2023 school year, was developed on January 27, 2022. The IEP requires that the student be provided with support in the areas of pre-academics, academic speech and language expressive language, academic speech and language receptive language, and social emotional/behavioral. The IEP requires that the student receive twenty hours of special education instruction monthly in addition to five hours of special education services for reading and math, per week inside of the general education classroom in a co-taught classroom. The student also receives two 30-minute sessions a month of speech and language therapy provided by a speech and language pathologist outside of the general education setting. The IEP further requires that the parent receive reports of the student's progress on annual IEP goals ("progress reports") on a quarterly basis.
2. On January 10, 2023, the IEP team met to review and revise the IEP as appropriate and discuss parent concerns. The written summary of the meeting notes that the student was not receiving his speech and language services during the 2022-2023 school year due to the unavailability of a speech and language pathologist (SLP) at the school. The team agreed that they would reconvene when the vacancy was filled to discuss how the lack of speech and language services has impacted the student's learning and determine the need for compensatory services. The school-based members of the IEP team shared that services would begin upon the hiring of an SLP that could provide the service virtually.
3. On February 21, 2023, the IEP team met to discuss the parent's concerns regarding the lack of speech and language services and review the student's present levels of performance. In response to the student's missed speech and language services, the parent proposed that the student receive these services in another school. By the time of the meeting, the student had missed twelve sessions of speech/language services. The school team rejected the parent's request and in response, stated "when a SLP is assigned to the school, the student's speech services will begin, and his make-up sessions will be scheduled."
4. There is documentation of correspondence between the parent and an IEP team member on May 4, 2023, that addresses the parent's concerns regarding not receiving the 1st, 2nd, and 3rd quarter progress reports. The email states "According to a school staff and our MD Online system, 1st quarter progress was sent home on November 7th, 2nd quarter progress was sent home on January 24th, and 3rd quarter progress was sent home on May 1st. The 3rd quarter progress report that was just sent home, includes 2nd quarter progress, dated January 24th and 3rd quarter progress dated March 31st."
5. On May 9, 2023, the IEP team met to review and revise the IEP as appropriate, review assessments, and discuss the State complaint filed by the parent. The IEP team informed the parent that a provider had not yet been identified to provide the student services, but that make-up services would be provided when possible.
6. During the meeting on May 9, 2023, the parent confirmed receipt of progress reports.
7. The parent contact log maintained by school staff reflects that the progress reports were sent home with the student on November 7, 2022, January 24, 2023, and May 1, 2023.

**CONCLUSIONS:**

**ALLEGATION #1: PROVISION OF SPEECH AND LANGUAGE SERVICES**

Based on the Findings of Facts #1 to #4, MSDE finds the PGCPs has not ensured that the student has been provided with the speech and language services required by the IEP during the 2022- 2023 school year, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation occurred with respect to the allegation.

**ALLEGATION #2: PROVISION OF PROGRESS REPORTS**

Based on the Findings of Facts #1, #4, #5 and #6, while the November and January progress reports were sent to the parent on a timely basis, the March progress reports were not provided to the parent until May. Progress reports are part of a district's responsibility to implement the student's IEP and ensure adjustments are made to the student's IEP when the student is not making adequate progress. Because the data in the March progress reporting was not provided to the parents until May, MSDE finds that the PGCPs has not ensured that the parent was provided with quarterly progress reports toward achieving annual IEP goals since the start of the 2022- 2023 school year, in accordance with 34 CFR §§300.320 and .323. Therefore, this office finds that a violation occurred with respect to the allegation.

Notwithstanding this violation, based on Finding of Fact #6, MSDE finds that the parent has received the required progress reports. Therefore, no further student-specific corrective action is required with respect to this aspect of the violations.

**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.<sup>1</sup> 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.<sup>2</sup> Ms. Eisenstadt can be reached at (410) 767-7770 or by email at [diane.eisenstadt@maryland.gov](mailto:diane.eisenstadt@maryland.gov).

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<sup>1</sup> 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.

<sup>2</sup>MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

**Student Specific:**

MSDE requires the PGCPs to provide documentation by July 31, 2023, that:

1. If a speech and language pathologist has not been assigned to the student's school, the IEP team has convened to discuss any interim options, such as contracting with private providers or deploying central office staff members to ensure the provision of the student's speech and language services without further delay. The PGCPs must provide documentation each month thereafter demonstrating the implementation of the services by the interim provider, as well as efforts made to hire additional speech and language pathologists until such time as one has been assigned to the student's school. Upon the assignment of a speech and language pathologist to the student's school, MSDE requires the PGCPs to provide documentation that the provider has initiated services to the student.
2. Determine the amount and nature of compensatory services or other remedy to redress the violation of the lack of services during the 2022-2023 school year, including reimbursement to the family for contracted services as appropriate, 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 August 1, 2023, that it has identified the students at [REDACTED] School eligible under the IDEA who during the 2022-2023 school year were required to receive but were not provided speech and language services. For those students identified, the PGCPs must convene the IEP team to discuss any service options outlined above to ensure the provision of the students' speech and language services without further delay. The team must also determine the amount and nature of compensatory services or other remedy to be provided to the students for the loss of services and develop a plan for the provision of those services within one (1) year of the date of this Letter of Findings. If a student transfers to another school system prior to the completion of the provision of the remedy, 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 (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

[REDACTED]  
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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/sj

c: Monica Goldson  
Trinell Bowman  
Keith Marston  
Darnell Henderson  
[REDACTED]  
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Gerald Loiacono  
Diane Eisenstadt  
Stephanie James  
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Paige Bradford