




July 7, 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: #23-216

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 8, 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. PGCPS did not ensure that proper notice was provided regarding the purpose and the individuals who would be attending the September 20, 2022, Individualized Education Program (IEP) team meeting in writing no less than ten days before the meeting, in accordance with 34 CFR §300.322 and COMAR 13A.05.01.07.
2. PGCPS did not follow proper procedures when the IEP team determined the placement in which the student would receive special education instruction since September 20, 2022, in accordance with 34 CFR §§300.114 and .116, and COMAR 13a.05.01.10.
3. PGCPS has not ensured that the student's Behavior Intervention Plan (BIP) was consistently implemented, and that reading and math interventions, home-school communication, social skills training, adult support, counseling, and speech and language services were consistently provided as required by the IEP since October 2022, in accordance with 34 CFR §§300.101 and .323.

4. PGCPS did not provide the parent with a copy of the completed IEP document within five business days after the IEP team meeting on September 20, 2022, in accordance with COMAR 13A.05.01.07.
5. PGCPS did not ensure that the IEP team decision from September 20, 2022, to provide monthly speech and language service logs to the parent was added to the student's IEP; and that parental agreement was obtained prior to revising the student's IEP without an IEP team meeting on September 28, 2022, and October 10, 2022, in accordance with 34 CFR §300.324.

BACKGROUND:

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

FINDINGS OF FACTS:

1. On September 20, 2022, the IEP team convened to review and revise the student's IEP and discuss educational placement. The IEP team reviewed data collection sheets, work samples, and observations. In determining the student's placement options, the IEP team considered and discussed the general education class with supplementary aids and services, regular class with itinerant, resource, or co-teaching support, and a separate class. The student's needs exceed the resources available in the boundary elementary school. The IEP team determined the student requires a more restrictive environment with a small teacher to student ratio that will provide behavioral support for students with autism and opportunities for social skills training.
2. The PGCPS acknowledges that proper notice was not provided regarding the purpose and the individuals who would be attending the September 20, 2022, IEP team meeting. Specifically, the purpose of the meeting and the prior written notice do not align, and a PGCPS staff member that participated in the meeting was not listed in the meeting notice.
3. The student's IEP in effect in October 2022, was developed on June 14, 2022 and amended on September 20, 2022. The IEP requires implementation of a BIP, daily evidence and research based interventions in reading and math, provide the parent with mid quarter progress data, weekly social skills training to include social skills group intervention/structured social time with peers and participation in an evidence based social skills curriculum or program, daily adult support that includes an additional adult in the classroom; thirty minutes per week of counseling services, and three hours per month of speech and language services.
4. The student's BIP developed on March 7, 2022, was updated on March 14 and May 4, 2023. It indicates that the student hits students and adults, is constantly out of her seat, spits, and disrupts instruction. The BIP requires the following interventions to assist the student:
 - An adult in close proximity to the student to provide support and redirection;
 - Staff will prompt the student to read/watch social narratives related to socially appropriate behaviors;
 - Consistent use of behavior chart, token system, and class Dojo points;
 - Movement Breaks every 30 to 45 minutes;
 - Use Power Cards to teach the student how to appropriately interact with peers and teachers;
 - Teach the student how to engage in appropriate classroom tasks and activities, like having a

- classroom job;
- Use visuals to remind the student of appropriate behavior and to set expectations.
- Create a schedule with pictures/prompts and implement the use of simple positive language;
- Adult check-ins in the morning and afternoon to reinforce desired behaviors by reviewing rules, providing reminders, reading social stories, and preparing the student for the next activity;
- First-then board;
- The student should first raise her hand for help or support to complete the task to receive the incentive;
- Use of Functional Communication Training/response by trained teachers/staff; and
- Establish a break and bathroom schedule with use of a visual card.

Response strategies to the student's problem behavior are:

- Staff will remain calm and use a neutral voice to respond and redirect the student's aggressive behaviors;
 - When aggressive, staff should intervene immediately, remove the student from close proximity of other students, remind the student of rules, and ask questions to determine the reason for the aggressive behavior; and
 - When the student is out of her seat, staff should promptly intervene using visual cues/verbally prompting to redirect her back to her seat or instructional area, asking what she wants or needs.
5. There is no documentation that the student's BIP was consistently implemented from October 2022 through February 2023.
 6. While there is documentation of the student's behaviors since March 2023, there is no documentation of the staff's response to the behaviors.
 7. There is documentation that the student received the reading intervention required by her IEP, weekly, since October 2022.
 8. There is documentation that the student received some math intervention since October 2022; however, it was not provided daily as required by the IEP.
 9. While there is some documentation of the provision of home-school communication since October 2022, it was not provided mid-quarter as required by the IEP.
 10. While there is some documentation that the student received social skills training that included a social skills group intervention and structured social time with peers on November 1, 2022, December 13, 2022, January 4, 2023, and April 20, 2023, there is no documentation that the student was provided weekly social skills group intervention and structured social time with peers and participation in an evidenced based social skills curriculum or program as required by the IEP.
 11. There is documentation that the student was provided adult support since October 2022 as required by the IEP.
 12. There is documentation that the student was provided counseling services as required by the IEP from November 2022 to May 2022.

13. There is no documentation that the student was provided counseling services as required by the IEP in October 2022 and June 2023.
14. There is documentation that the student was provided speech and language services since October 2022 as required by the IEP.
15. The PGCPs acknowledges that the parent was not provided a copy of the completed IEP document within five business days after the IEP team meeting on September 20, 2022.
16. The PGCPs acknowledges that the provision of monthly speech and language service logs was not added to the student's IEP after the September 20, 2022, IEP team meeting. However, there is documentation that the parent was provided the speech and language service logs from October 2022 to May 2023.
17. The IEP developed following the September 20, 2022, IEP team meeting was drafted by the student's school staff on September 28, 2022, PGCPs staff amended the student's IEP. The amendment reflects the student's Least Restrictive Environment was changed from six hours and fifteen minutes per week outside of general education to twenty-eight hours and forty-five minutes per week outside of general education. Additionally, the end date for classroom instruction outside of the general education setting was changed from August 28, 2023, to September 29, 2022.
18. On October 10, 2022, PGCPs staff amended the student's IEP to reflect that additional members participated in the September 20, 2022 IEP team meeting.
19. There is no documentation that an IEP team meeting was held on October 10, 2022, to make changes to the student's IEP.
20. There is no documentation that the parent agreed to change the student's IEP without convening an IEP team meeting on October 10, 2022.

CONCLUSIONS:

Allegation #1: IEP MEETING NOTICE

Based upon the Findings of Facts #1 and #2, MSDE finds that the PGCPs did not ensure that proper notice was provided regarding the purpose and the individuals who would be attending the September 20, 2022, IEP team meeting in writing no less than ten days before the meeting, in accordance with 34 CFR §300.322 and COMAR 13A.05.01.07. MSDE appreciates the PGCPs' acknowledgement and concurs that a violation occurred with respect to the allegation.

Allegation #2: PLACEMENT DETERMINATION

Based upon the Findings of Fact #1, MSDE finds that the PGCPs did follow proper procedures when the IEP team determined the placement in which the student would receive special education instruction since September 20, 2022, in accordance with 34 CFR §§300.114 and .116, and COMAR 13a.05.01.10. Therefore, this office finds that a violation did not occur with respect to the allegation.

Allegation #3: IMPLEMENTATION OF THE BIP, PROVISION OF READING AND MATH INTERVENTIONS, HOME-SCHOOL COMMUNICATION, SOCIAL SKILLS TRAINING, ADULT SUPPORT, COUNSELING, AND SPEECH AND LANGUAGE SERVICES

Implementation of the BIP

Based upon the Findings of Facts #3 to #6, MSDE finds that the PGCPs has not ensured that the student's BIP was consistently implemented, as required by the IEP since October 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.

Reading and Math Interventions

Based upon the Findings of Facts #3 and #7, MSDE finds that the PGCPs has ensured that reading interventions were consistently provided as required by the IEP since October 2022, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation did not occur with respect to this aspect of the allegation.

Based upon the Findings of Facts #3 and #8, MSDE finds that the PGCPs has not ensured that math interventions were consistently provided as required by the IEP since October 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.

Home-School Communication

Based upon the Findings of Facts #3 and #9, MSDE finds that the PGCPs has not ensured that home-school communication was consistently provided as required by the IEP since October 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.

Social Skills Training

Based upon the Findings of Facts #3 and #10, MSDE finds that the PGCPs has not ensured that social skills training was consistently provided as required by the IEP since October 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.

Adult Support

Based upon the Findings of Facts #3 and #11, MSDE finds that the PGCPs has ensured that adult support was consistently provided as required by the IEP since October 2022, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation did not occur with respect to this aspect of the allegation.

Counseling Services

Based upon the Findings of Facts #3 and #12, MSDE finds that the PGCPs has ensured that counseling services were consistently provided as required by the IEP from November 2022 to May 2023, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation did not occur with respect to this aspect of the allegation.

Based upon the Findings of Facts #3 and #13, MSDE finds that the PGCPs has not ensured that counseling services were consistently provided as required by the IEP in October 2022 and June 2023, 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.

Speech and Language Services

Based upon the Findings of Facts #3 and #14, MSDE finds that the PGCPs has ensured that speech and language services were consistently provided as required by the IEP since October 2022, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation did not occur with respect to this aspect of the allegation.

Allegation #4: PROVISION OF IEP DOCUMENTS

Based upon the Findings of Fact #15, MSDE finds that the PGCPs did not provide the parent with a copy of the completed IEP document within five business days after the IEP team meeting on September 20, 2022, in accordance with COMAR 13A.05.01.07. MSDE appreciates the PGCPs' acknowledgement and concurs that a violation occurred with respect to the allegation.

Allegation #5: UPDATE IEP AND IEP AMENDMENTS

Based upon the Findings of Fact #16, MSDE finds that the PGCPs did not ensure that the IEP team decision from September 20, 2022, to provide monthly speech and language service logs to the parent was added to the student's IEP; in accordance with 34 CFR §300.324. Therefore, this office finds that a violation has occurred with respect to this aspect of the allegation.

Notwithstanding the violation, based upon Findings of Fact #16, MSDE finds that the PGCPs has provided the speech and language service logs to the parent since October 2022, therefore no further student specific corrective action is required.

Based upon Findings of Facts #1 and #17 MSDE finds that the PGCPs was not required to obtain the parent's agreement when amending the student's IEP on September 28, 2022, following the September 20, 2022 IEP team meeting, in accordance with 34 CFR §300.324. Therefore, this office finds that a violation has not occurred with respect to this aspect of the allegation.

Based upon Findings of Facts #17 to #20, MSDE finds that the PGCPs did not ensure that parental agreement was obtained prior to revising the student's IEP without an IEP team meeting on October 10, 2022, in accordance with 34 CFR §300.324. 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 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 September 1, 2023, of the following actions:

- a. That the student is receiving the supports and services required by his IEP including implementation of the student's BIP, math interventions, mid-quarter home-school communication, social skills training, and counseling services.
- b. That the complainants have received a copy of the completed IEP document from the September 20, 2022, IEP team meeting.
- c. That it has convened an IEP team meeting to determine whether the violations identified in this Letter of Findings regarding insufficient notice of the IEP team meeting, lack of provision of math interventions, home-school communication, social skills training, counseling services, IEP documents, and IEP amendments without parental agreement had a negative impact on the student's ability to benefit from the education program. If the IEP 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 September 1, 2023, of the steps it has taken to ensure that the [REDACTED] School staff properly implements the requirements for the provision of IEP team meeting notices and that the [REDACTED] School staff properly implements the requirement for the provision of supplementary aids and services, related services, sending IEP documents, and IEP amendments under the IDEA and COMAR. These steps must include staff development, as well as tools developed to monitor compliance. [REDACTED] School must monitor 5 randomly selected invitations to IEP team meetings each quarter to ensure that proper notice is provided and report the results

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.

to MSDE by November 1, January 31, March 31, and June 15. The notice must include the purpose of the meeting and the appropriate staff members to attend. Full compliance is required for each submission. School must also provide monitoring for 5 randomly selected students each quarter reflecting compliance with implementation of supplementary aids and services, related services, sending IEP documents to families at least 5 days in advance of meetings, and amending IEPs outside of meetings. Full compliance with each monitoring report is required.

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

DMC/tg

c: Keith Martson
Darnell Henderson
Alison Barmat
Gerald Loiacono
Diane Eisenstadt
Nicole Elliott
Paige Bradford
Tracy Givens