



Mohammed Choudhury
State Superintendent of Schools

July 27, 2023




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

RE: 
Reference: #23- 246

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 30, 2023, MSDE received a complaint from Ms.  hereafter, "the complainant," on behalf of her son, 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 has not developed an Individualized Education Program (IEP) that has addressed the student's identified occupational therapy needs since the start of the 2022- 2023 school year, in accordance with 34 CFR §300.324.
2. The PGCPS did not ensure that the student was provided with the occupational therapy services and accommodations as required by the IEP since the start of the 2022- 2023 school year, in accordance with 34 CFR §§300.101 and .323.

BACKGROUND:

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

FINDINGS OF FACTS:

1. The student's IEPs, developed on December 6, 2021, and December 5, 2022, reflect that the student's "physical- fine motor/ handwriting" is affected by his disability.
2. On December 6, 2021, the IEP team met to review and revise, as appropriate, the student's IEP. The IEP team noted for the student's present level of academic achievement and functional performance in fine motor/handwriting that he had "difficulty writing the alphabet from memory and with automaticity, has b/d confusion, challenges with spelling, needs encouragement to ask questions and ask for assistance when needed, and decreased attention span." The IEP further reflects that "the student has made progress in his functional fine motor skills to manipulate classroom tools, written communication skills and the spatial organization of his work on paper. The student demonstrates academic difficulties and requires support in academic tasks such as reading and spelling, which are factors that can impact his written work skills. Additionally, the student's difficulty with spelling may impact his word legibility with written assignments."
3. The student's IEP requires the student to be provided with the following instructional and assessment accessibility features and instructional and assessment accommodations: text-to-speech for ELA/Literacy, human reader, notes and outlines, calculation devices, and extended time (2x). The student's IEP requires the student to be provided with supplementary aids, services, program modifications, and supports: daily use of visuals whenever possible, daily use of a Chromebook, daily use of organizational aids, speech-to-text, weekly access to reading and math interventions, daily checks for understanding, daily reduced distractions, daily preferential seating, daily use of manipulatives, daily extended wait time, daily repetition of directions, periodic speech/language consult, and monthly occupational therapy consult. The monthly occupational therapy consult "will provide consultative services 1x per month to assist the classroom teacher and/or members of the IEP [team] with developing and monitoring strategies and supports focusing on written output and organizational skills in order for the student to access and participate in classroom-based assignments/tasks." The IEP further requires the student to receive one thirty-minute session quarterly of occupational therapy provided by the occupational therapist or the certified occupational therapy assistant in the general education classroom.
4. On December 5, 2022, the IEP team met to review and revise, as appropriate, the student's IEP. The IEP team did not update the student's present levels of achievement and functional performance in occupational therapy skills. In addition to the services and accommodations previously recommended, the IEP team also recommended that the student receive weekly school-to-home communication, altered/modified assignments, and daily use of a timer.
5. There is documentation that the occupational therapy monthly consultation was provided in September 2022, May 2023, and June 2023.
6. There is documentation that the student was provided quarterly occupational therapy sessions for quarter one, quarter two, and quarter four of the 2022- 2023 school year.
7. There is no documentation that the student was provided with the accommodations required by the IEP for the 2022- 2023 school year.

CONCLUSIONS:

Allegation #1: An IEP that Addresses the Student’s Identified Occupational Therapy Needs

Based upon Findings of Facts #1- #4, MSDE finds that the PGCPs has developed an IEP that has addressed the student’s identified occupational therapy needs since the start of the 2022- 2023 school year, in accordance with 34 CFR §§300.324. Therefore, this office does not find a violation occurred with respect to allegation #1.

Allegation #2: Provision of Occupational Therapy Services and Accommodations

Based upon Findings of Facts #3- #7, MSDE finds that while there is documentation that the student received some of the occupational therapy services required by his IEP, there is no documentation that the student was provided with all of the occupational therapy services and accommodations as 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. Therefore, this office finds a violation occurred with respect to allegation #2.

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.

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 September 29, 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 occupational therapy sessions and provision of the accommodations 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 occupational therapy sessions and provision of the accommodations do

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.

not recur at [REDACTED]. 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 of students receiving occupational therapy at [REDACTED] reflecting the implementation of occupational therapy services must be submitted to MSDE by November 1, 2023, January 31, March 31, and May 31. Full compliance 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: sd

c: Millard House
Keith Marston
Darnell Henderson
Lois Jones Smith
[REDACTED]
Alison Barmat
Gerald Loiacono
Diane Eisenstadt
Sarah Denney
Paige Bradford
Nicol Elliott