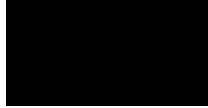





August 3, 2023




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

RE: 
Reference: #23-255

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 June 6, 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 allegation that the PGCPS has not ensured that the student has been consistently provided with the occupational therapy and speech/language services required by the Individualized Family Service Plan (IFSP) since May 2023, in accordance with 34 CFR §303.340.

BACKGROUND:

The student is 18 months and is enrolled in an early intervention program for infants and toddlers with disabilities in Prince George's County Public Schools (PGCPS). He is identified as a student with a developmental delay under the IDEA and has an Individualized Family Service Plan (IFSP) that requires the provision of related services.

FINDING OF FACTS:

1. On April 27, 2023, the student was found eligible for IFSP services. The IFSP requires two monthly forty-five minute sessions of occupational therapy (OT) and one time only speech language (SLP) consultation to determine the need for speech services.

2. The student received SLP services on:
 - May 26, 2023, for 45 minutes (consult)
 - June 12, 2023, for 60 minutes (review with parent)¹
 - July 10, 2023, for 45 minutes
3. On June 9, 2023, the OT assigned to the family spoke with the complainant to schedule services. The OT informed the complainant that make up visits for the months of May and June will be scheduled.
4. The student received OT services on:
 - June 13, 2023 for 60 minutes
 - June 20, 2023 for 60 minutes
 - July 7, 2023 for 50 minutes
 - July 10, 2023 for 45 minutes (makeup visit)
 - July 18, 2023 for 50 minutes

DISCUSSION/CONCLUSION:

Based on Finding of Facts #1 through #4, MSDE finds that the PGCPs has ensured that the student has been consistently provided with the speech/language services required by the Individualized Family Service Plan (IFSP) since May 2023, in accordance with 34 CFR §303.340. Therefore, this office finds that a violation did not occur with respect to this aspect of the violation.

Finding of Fact #2, reflects that the Speech Language provider recommended that the student receive additional SLP services “two times only” to monitor the student’s language skills. MSDE recommends that an IFSP team meeting occur to determine if the student requires SLP services.

Based on Finding of Facts #5 and #6, MSDE finds that the PGCPs has not ensured that the student has been consistently provided with the occupational therapy services required by the Individualized Family Service Plan (IFSP) since May 2023, in accordance with 34 CFR §303.340. Therefore, this office finds that a violation did occur with respect to this aspect of the violation.

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.² 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 Following the consultation of the student and in agreement with the parent, the SLP proposed that the student receive SLP services “two times only” to monitor the student’s language skills. The IFSP team should meet to discuss if the student requires SLP services.

² 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.³ Ms. Eisenstadt can be reached at (410) 767-7770 or by email at diane.eisenstadt@maryland.gov.

MSDE requires the PGCPS to provide documentation by October 1, 2023, that the IEP team has taken the following action:

- a. The IEP team has met to determine whether the delay in implementing the IFSP had a negative impact on the student's ability to benefit from the education program. If the 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 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.

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 Collins
Deputy Superintendent
Office of the Deputy Superintendent of Teaching and Learning

DMC:ra

c:	Millard House	Gerald Loiacono
	Keith Marston	Diane Eisenstadt
	Darnell Henderson	Rabiatu Akinlolu
	Alison Barmat	Paige Bradford

³ MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.