


March 7, 2024




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

RE: 
Reference: #24-123

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.

ALLEGATION:

On January 9, 2024, MSDE received a complaint from , 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 specialized instruction outside of the general education setting and speech and language services, as required by the IEP, since January 9, 2023, in accordance with 34 CFR §300.101 and .323.

BACKGROUND:

The student is six years old and is identified as a student with a developmental delay under the IDEA. He attends  in Prince George's County and has an Individualized Education Program (IEP) that requires the provision of special education services.

FINDINGS OF FACTS:

1. The student's IEPs developed on January 10, 2023, and January 5, 2024, require 4 thirty-minute sessions per week of specialized instruction outside of the general education setting and 2 thirty-minute sessions per month of speech and language services outside of the general education setting. The IEP further requires the reporting of progress towards the achievement of annual goals

quarterly, and in writing, to the parent. The IEP evaluation method of the annual reading comprehension goal requires measurement using the observation record in 4 out of 5 trials; the math problem solving goal requires measurement using classroom based assessments: milestones, test, and quizzes in 4 out of 5 trials; the two speech and language expressive language goals require measurement using the observation record in 4 out of 5 trials; and the social emotional/behavioral goal requires measurement using the observation record in 4 out of 5 trials.

2. The student's academic schedule, work samples, intervention data, and reported progress reflects that the student was consistently provided specialized instruction outside of the general education setting as required by the student's IEP.
3. The student's speech and language service log reflects that the student was not provided speech and language services from January 2023-March 2023 and in December 2023. The student received one session in April, June, September, October, November 2023, and January 2024. The student received one make-up session in September and October 2023.
4. There is no documentation that quarterly progress was reported towards the achievement of the student's annual goals in January 2023, for the second speech and language expressive language goal, as required by the IEP.
5. There is no documentation that quarterly progress was reported towards the achievement of annual goals for the reading comprehension, math problem solving, and social emotional/behavioral goals in June 2023, as required by the IEP.
6. The quarterly progress reported on the student's annual reading comprehension, math problem solving, first speech and language expressive language (goal one), social emotional/behavioral goals in March 2023, were not reported using the evaluation method as required by the IEP.
7. The progress reported on the student's two annual speech and language expressive language goals in November 2023, was not reported using the evaluation method required by the IEP.
8. The progress reported on the student's annual written language mechanic goal for January 22, 2024, reflects the student is making sufficient progress to meet the goal with 40% accuracy. Specifically, the progress report states, the student is "progressing at a slower pace for this goal. But with continued focus and practice he will achieve." There is a second entry with the same reporting date that reflects the student is making sufficient progress to meet the goal with 80% accuracy. Specifically, the student has "shown improvement, correcting errors in sentences with 80% accuracy. His continued progress is based on his continued practice."

DISCUSSION/CONCLUSIONS:

Provision of Specialized Instruction and Speech and Language Services

Based upon the Findings of Fact #1 and #2, MSDE finds that the PGCPs has ensured that the student has been consistently provided with specialized instruction outside of the general education setting as required by the IEP, since January 9, 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 Fact #1 and #3, MSDE finds that the PGCPs has not ensured that the student has been consistently provided with speech and language services, as required by the IEP, since January 9, 2023, in accordance with 34 CFR §300.101 and .323. Therefore, this office finds that a violation occurred with respect to this aspect of the allegation.

ADDITIONAL VIOLATION IDENTIFIED DURING THE COURSE OF THE INVESTIGATION

Progress Reporting

The PGCPs must ensure the provision of written information to parents about the student's progress towards their IEP goals. The student's progress toward achieving the annual goals must be measured as required by the IEP. (34 CFR §§300.101, .320, and .323).

Based on the Findings of Fact #4 and #5, MSDE finds that the PGCPs did not ensure that the parent was provided with quarterly reports of progress towards achieving the second annual speech and language expressive language goal in January 2023 and the reading comprehension, math problem solving, and social emotional/behavioral IEP goals in June 2023, in accordance with 34 CFR §§300.320 and .323. Therefore, this office finds that a violation occurred.

Based upon the Findings of Fact #6 to #8, MSDE finds that the PGCPs has not ensured that the student's progress towards achieving the student's annual reading comprehension, math problem solving, first speech and language expressive language, and social emotional/behavioral goals in March 2023; the speech and language expressive language goals in November 2023; and the written language mechanic goal in January 2024, was measured in the manner required by their IEP, in accordance with 34 CFR §§300.320 and .323. Therefore, this office finds that a violation occurred.

CORRECTIVE ACTIONS/TIMELINES:

The IDEA requires that State complaint procedures include 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.

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.

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 Alison Barmat, Branch Chief, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.² Ms. Barmat can be reached at (410) 767-7770 or by email at alison.barmat@maryland.gov.

Student-Specific

MSDE requires the PGCPs to provide documentation by May 1, 2024, of the following actions:

- Provide the student with speech and language services in accordance with his IEP;
- Convene an IEP team meeting and determine the amount and nature of compensatory services or other remedy to address the lack of provision of speech and language services, and
- Determine if the failure to properly report the student's progress 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 one year of the date of this Letter of Findings.

The PGCPs must ensure that the parent is provided with prior 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 May 1, 2024, of the steps it has taken to ensure that the [REDACTED] staff properly implements the requirements for the implementation of related services, and proper reporting of progress towards the student's annual IEP goals under the IDEA. These steps must include staff development, as well as tools developed to monitor compliance. Monitoring must include a review of at least 15 randomly selected student records to review for the provision of speech and language services and proper reporting of progress. The monitoring report must be submitted to MSDE on or before June 1, 2024.

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.

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.

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,

Antoine L. Hickman, Ed.D.
Assistant State Superintendent
Division of Early Intervention and Special Education Services

ALH/tg

c: Millard House II, Superintendent, PGCP
Keith Martson, Compliance Instructional Supervisor, PGCP
Darnell Henderson, General Counsel, PGCP
William Fields, Associate General Counsel, PGCP
Lois Jones-Smith, Special Education Compliance Liaison, PGCP
Alison Barmat, Branch Chief, Family Support and Dispute Resolution Branch, MSDE
Nicol Elliott, Section Chief, Monitoring and Accountability, MSDE
Dr. Paige Bradford, Section Chief, Specialized Instruction, MSDE
Tracy Givens, Complaint Investigator, MSDE