

March 11, 2024

Ms. Debrah Martin
1300 Mercantile Lane Ste 139-W
Largo, Maryland 20774

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

RE: [REDACTED]
Reference: #24-125

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.

ALLEGATIONS:

On January 11, 2024, MSDE received a complaint from Ms. Debrah Martin, 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 that the student was provided with the support required by the Individualized Education Program (IEP), in accordance with 34 CFR §§ 300.101 and 323. Specifically, the complainant alleges the following:
 - a. The IEP team did not provide the Additional Adult Support since March 2023; and
 - b. The IEP team did not provide sentence starters, visuals to support student’s communication/expression, and word banks since January 2023.
2. The PGCPS did not ensure the provision of reports of the student's progress towards achievement of the annual IEP goals and objectives were based on the data collection method required by the IEP since January 2023, in accordance with 34 CFR §§300.101 and 323.

3. The PGCPS did not ensure that the student's speech/language needs have been met since May 2023, in accordance with 34 CFR §§300.101, .321, .323, .324, .502, and COMAR 13A.05.01.06. Specifically, the complainant alleges the following:
 - a. The IEP team did not complete a formal assessment of oral fluency weakness as stated in the referral for Speech/Language; and
 - b. The IEP team has not developed an IEP to address speech fluency and receptive language needs since May 2023.
4. The PGCPS did not ensure that the IEP accurately reflects the team's May 2023 decisions with regard to assistive technology, supports and services, which has resulted in the supports and services not being provided, in accordance with 34 CFR §§300.320 and .323. Specifically, the complainant alleges the following:
 - a. Text to Speech extension on Google Chrome;
 - b. Speech to Text trialing; and
 - c. Typing practice.
5. The PGCPS has not ensured that the student's IEP contains a statement of the student's Present Levels of Academic Achievement and Functional Performance (PLAAFP), including how his disability affects his involvement and progress in the general curriculum since January 2023, in accordance with 34 CFR §300.324.
6. The PGCPS has not ensured that the student's fine motor needs have been identified and addressed since January 2023, in accordance with 34 CFR §§300.304 and .324.

BACKGROUND

The student is nine years old and attends [REDACTED]. He is currently identified as a student with an Other Health Impairment (OHI) under the IDEA and has an IEP that requires the provision of special education instruction and related services.

Allegation #1

Provision of Adult Support, Sentence Starters, Visual Supports, and Word Banks

FINDINGS OF FACTS:

1. The IEP in effect in January 2023 was developed on March 8, 2022. The IEP requires "during instruction and when engaged in learning activities in school, [student] will have immediate access to visual support for adults to model expectations and/or to support his verbal and nonverbal responses." Visual support is provided by the General Education Teacher, IEP Team, and Special Education Classroom Teacher. The IEP does not require the use of word banks or sentence starters.
2. There is no documentation that the student was provided with visual support since January 2023 as required by the IEP.

3. The IEP in effect in March 2023 was developed on February 28, 2023. The IEP requires daily adult close proximity control provided by the General Education Teacher and the IEP Team.
4. There is no documentation that the student was provided with adult support from March 1, 2023, to March 28, 2023, as required by the IEP.
5. On March 29, 2023, the student transferred from [REDACTED] to [REDACTED] in a Comprehensive Special Education Program (CSEP).
6. There is documentation that the student was provided with adult support since March 29, 2023, as required by the IEP.
7. On June 12, 2023, the IEP team amended the student's IEP to require:
 - the daily use of a word bank and sentence starters; and
 - report of progress towards the achievement of the annual IEP goals will be provided to the parents quarterly.
8. There is documentation that the student was provided a word bank and sentence starters since August 2023, as required by the IEP.

CONCLUSIONS:

Provision of Visual Supports Since January 2023:

Based upon the Findings of Facts #1 and #3 MSDE finds that the PGCPSS did not ensure that the student was provided with visual support as required by the IEP since January 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.

Provision of Adult Support from March 1, 2023, Through March 28, 2023

Based upon the Findings of Facts #4 and #5, MSDE finds that the PGCPSS did not ensure that the student was provided with adult support as required by the IEP from March 1, 2023, through March 28, 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.

Provision of Adult Support Since March 29, 2023

Based upon the Findings of Fact #4, #5, and #7, MSDE finds that the PGCPSS has ensured that the student was provided with adult support as required by the IEP since March 29, 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.

Provision of Sentence Starters and Word Banks from January 2023 to June 11, 2023

Based upon the Findings of Fact #1 and #8, MSDE finds that the student's IEP did not require the provision of sentence starters and word banks from January 2023 through June 11, 2023. PGCPSS has ensured the provision of sentence starters, and word banks since June 2023 as required by the IEP, 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.

Provision of Sentence Starters and Word Banks Since June 12, 2023

Based upon the Findings of Facts #8 and #9, MSDE finds that the PGCPs has ensured that the student was provided with sentence starters and word banks as required by the IEP since June 12, 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.

Allegation #2

Accurately Measured Reports of Progress of IEP Goals

FINDINGS OF FACTS:

9. The March 8, 2022, IEP requires the report of progress towards the achievement of the annual IEP goals be provided to the parent in writing twice a year. The evaluation method of the annual Math Calculation goal requires teacher made assessments in 4 out of 5 trials. The evaluation method of the Written Language Mechanics goal requires a portfolio assessment in 4 out of 4 trials. The evaluation method of the Social Emotional/ Behavioral, Social Interaction Skills, Self-Management (3 goals) requires an observation record in 4 out of 5 trials. The method of evaluation of the Reading Comprehension goal is an observation record in 4 out of 5 trials. The method of evaluation of the Reading Fluency goal is an observation record in 4 out of 5 trials. The report of progress towards the achievement of the annual IEP goals reported on February 7, 2023, reflects that the goals were measured as required by the student's IEP.
10. There is no documentation that the report of progress towards the achievement of the annual IEP goals reported on February 7, 2023, was provided to the parent.
11. The February 28, 2023, IEP requires the reporting of progress towards the achievement of annual goals twice per year, in writing to the parent. The evaluation method of the annual writing goal requires the use of the Goalbook Toolkit in 3 out of 4 trials. The evaluation method of the annual math calculation goal requires the use of classroom based and teacher made assessments in 4 out of 5 trials. The evaluation method of the annual speech and language fluency, expressive language, and receptive language goals require the use of an observation record in 4 out of 5 trials. The evaluation method of the annual reading comprehension and reading fluency goals require the use of an observation record in 3 out of 4 trials. The evaluation method of the annual self-management, social emotional/behavioral, social interaction skills (3 goals), math problem solving, and written language mechanics goals require the use of the Goalbook Toolkit in 4 out of 5 trials. The report of progress towards the achievement of the annual IEP goals on March 30, 2023, reflects that the annual goals were not yet introduced. The student's progress was reported using the evaluation method required by the IEP.
12. There is documentation that the report of progress towards the achievement of the annual IEP goals reported on March 30, 2023, was provided to the parent as required by the IEP.
13. On June 12, 2023, the IEP was amended to reflect the report of progress towards the achievement of the annual IEP goals will be provided to the parents quarterly. The report of progress towards the achievement of the annual IEP goals reported on June 13, 2023, and November 15, 2023,

reflects that the goals were measured as required by the student's IEP. The IEP further requires the reporting of progress towards the achievement of annual goals twice per year, in writing to the parent. The evaluation method of the annual writing goal requires the use of the Goalbook Toolkit in 3 out of 4 trials. The evaluation method of the annual math calculation goal requires the use of classroom based and teacher made assessments in 4 out of 5 trials. The evaluation method of the annual speech and language fluency, expressive language, and receptive language goals require the use of an observation record in 4 out of 5 trials. The evaluation method of the annual reading comprehension and reading fluency goals require the use of an observation record in 3 out of 4 trials. The evaluation method of the annual self-management, social emotional/behavioral, social interaction skills (3 goals), math problem solving, and written language mechanics goals require the use of the Goalbook Toolkit in 4 out of 5 trials.

14. There is documentation that the report of progress towards the achievement of the annual IEP goals reported on June 13, 2023, and November 15, 2023, was provided to the parent as required by the IEP.

CONCLUSIONS:

Based on the Findings of Fact #1, #4, #10, #12, and #14, MSDE finds that the PGCPs did ensure the provision of reports of the student's progress towards achievement of the annual IEP goals and objectives, were based on the data collection method required by the IEP since January 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 on the Findings of Fact #1, #4, #8, #11, #13, and #14, MSDE finds that the PGCPs has ensured the provision of reports of the student's progress towards achievement of the annual IEP goals and objectives, based on the data collection method required by the IEP, since March 2023, in accordance with 34 CFR §§300.101 and 323. Therefore, this office finds that a violation did not occur.

ADDITIONAL VIOLATION IDENTIFIED DURING THE COURSE OF THIS INVESTIGATION

Provision of Reports of Progress of IEP Goals:

A parent of a student with a disability shall be informed of the student's progress at least as often as a parent is informed of a nondisabled student's progress. COMAR 13A.05.01.09B(2). PGCPs provides parents of school aged students with report cards four times annually. Progress reporting in IEPs must also be reported at least four times annually.

Based on Finding of Fact #1 and #4, MSDE finds that the student's IEP was not developed to ensure that the parent was informed of the student's progress as often as a nondisabled student's progress from January 2023 to June 12, 2023, in accordance with COMAR 13A.05.01.09B(2).

Allegation #3

**Assessed and Developed An IEP That Addresses
Speech/Language Needs**

FINDING OF FACTS:

15. On February 28, 2023, the IEP team met to conduct the annual review meeting. The Prior Written Notice (PWN) developed on March 22, 2023, reflects the IEP team proposed and agreed to evaluate the student to determine eligibility in the areas of Assistive Technology (AT), Occupational Therapy (OT), and Speech and Language. The parent provided consent to evaluate in the areas of: Articulation, Voice, Fluency, Expressive/Receptive Language, and Pragmatics.
16. On March 16, 2023, the IEP team met to review/revise the IEP, discuss ESY, and parental concerns. The PWN developed on March 22, 2023, reflects that the parent provided consent to evaluate in the areas of Expressive/Receptive Language, Motor Skills (Fine Motor), Observation, and Assistive Technology.
17. On March 28, 2023, a Speech/Language assessment report was developed following the completion of the Listening Comprehension and Oral Expression Scales- 2nd Edition(OWLS-2). The assessment report reflects that informal speech and language samples were used to assess articulation, voice, and fluency.
18. On May 31, 2023, the IEP team met to review the Speech and Language, Occupational Therapy, and Assistive Technology assessments. The PWN drafted after the IEP team meeting reflects the IEP team agreed the student requires speech and language services to address the student's expressive and receptive language needs; and that a "Google Chrome Extension Read/Write" should be added to his supplementary aids and services as recommended by the assistive technology assessment. The PWN further reflects the student did not qualify for occupational therapy services and did not demonstrate any fine motor needs. The parent was requested to provide consent to evaluate in the areas of Communication Fluency, Fluency/Formal Stuttering Assessment, and an Observation for Fluency/Stuttering assessments.
19. On June 9, 2023, an assessment report was developed following the completion of the Test of Childhood Stuttering (TOCS). The assessment report reflects the parents' shared concerns regarding speech fluency and the teacher reported concerns regarding word-finding when discussing academic subjects. The report recommends that the school team address the student's "fluency disorder."
20. On June 12, 2023, the IEP team met to review the Speech/Language Stuttering assessment report and revise the IEP as necessary. The PWN reflects that the IEP team proposed and agreed to develop Speech and Language Expressive and Receptive Language, and fluency goals, as well as provide speech and language services at four sessions per month for thirty minutes outside of the general education classroom. The IEP further requires monthly SLP consultation to discuss progress and needs.

CONCLUSION:

In this case the complainant alleges that the PGCPs did not formally assess the student’s speech and language fluency needs, and the team did not develop an IEP that addresses the identified needs. It is not clear why the parent was requested to provide consent to evaluate the area of speech and language three times. It served to delay the provision of FAPE from February, when the concerns were first raised at the annual review meeting, until June, when goals and services were added to the student’s IEP.

Assessment of Speech/Language Needs:

Based on the Findings of Fact #15- #18, MSDE finds that the PGCPs has not ensured the IEP team completed assessments since February 28, 2023, and March 16, 2023, in accordance with 34 CFR §300.304, and COMAR 13A.05.01.06. Therefore, this office finds that a violation occurred with respect to this aspect of the allegation.

Developed An IEP That Addresses Speech/Language Needs:

Based on the Findings of Fact #18- #20, MSDE finds that the PGCPs has ensured that the speech/language needs were met by developing an IEP to address speech fluency and receptive language needs since May 31, 2023, in accordance with 34 CFR §§300.304. Therefore, this office finds that a violation did not occur with respect to this aspect of the allegation.

Allegation #4 and #6

IEP Reflects IEP Team Decisions and Identify and Addressing Fine Motor Skills

FINDINGS OF FACTS:

21. There is no documentation that the recommendations from the Assistive Technology assessment for the use of “Google Chrome Extension Read/Write” (text to speech software) were added to the supplementary aids/services section of the IEP, as agreed upon by the IEP team on May 31, 2023.
22. There is documentation that the student was provided with a text to speech extension on Google Chrome during the 2023-2024 school year.
23. There is no documentation that the student requires speech to text trialing or additional typing practice.

CONCLUSIONS:

IEP Reflects IEP Team Decisions:

Based on Finding of Fact #18 and #21, MSDE finds that the PGCPs did not ensure that the IEP accurately reflects the IEP team’s May 2023 decisions with regard to assistive technology, supports and services, specifically the text to speech extension on Google Chrome in accordance with 34 CFR §§300.320 and .323. Therefore, this office finds a violation occurred with respect to this aspect of the allegation.

Notwithstanding the violation, based upon Findings of Fact #22, the MSDE finds that the PGCPs has provided the student with the text to speech extension on Google Chrome. Therefore, no further student specific corrective action is required.

Speech to Text Trialing:

Based upon the Findings of Fact #18 and #23, MSDE finds that the IEP team did not agree to a speech to text trialing or additional typing practice, in accordance with 34 CFR §§300.320 and .323. Therefore, this office finds that a violation did not occur with respect to this aspect of the allegation.

Identify and Addressing Fine Motor Skills:

Based upon the Findings of Fact #15 and #18, MSDE finds that PGCPs has not ensured that the student's fine motor needs have been identified and addressed from January 2023 to May 31, 2023, in accordance with 34 CFR §§300.304 and .324. Therefore, this office finds that a violation occurred with respect to the allegation.

Notwithstanding the violation, based upon Findings of Fact #18, the MSDE finds that the student was determined ineligible for occupational therapy services on May 31, 2023, therefore no further student corrective action is required.

Allegation #5

Present Levels of Academic Achievement and Performance

FINDINGS OF FACTS:

24. The IEP in effect in January 2023, includes PLAAFPs in the areas of Math Calculation, Reading Comprehension, Reading Fluency, Written Language Expression, Social Emotional/Behavioral, Social Interaction Skills, and Self-Management. The PLAAFP includes a statement on how his disability affects his involvement and progress in the general education curriculum.
25. The IEP developed on February 28, 2023, IEP includes PLAAFPs in the areas of Math Calculation, Math Problem Solving, Reading Comprehension, Reading Fluency, Written Language Mechanics, Social Emotional/Behavioral, Social Interaction Skills, and Self-Management. The PLAAFP includes a statement on how his disability affects his involvement and progress in the general education curriculum.
26. The PLAAFP for Writing developed on February 28, 2023, reflects the IEP team considered classwork and input from the general educator. It further reflects that the student's current instructional level is third grade. The Summary of Assessments and Findings indicates the student is a "fifth grade student that shows difficulty in written language. He struggles with that when he writes anything. What he writes is difficult to read. [The student] is also struggling in constructing sentences using the conventions of writing." There is documentation that the student was in third grade.

CONCLUSIONS:

Statement of the Student's PLAAFPs From January 2023 to February 2023:

Based on the Findings of Fact #25, MSDE finds that the PGCPs has ensured that the student's IEP contains a statement of the student's PLAAFPs, including how his disability affects his involvement and progress in the general education curriculum from January 2023 to February 28, 2023, in accordance with 34 CFR §300.324. Therefore, this office finds that a violation did not occur with respect to this aspect of the allegation.

Statement of the Student's PLAAFPs Since February 28, 2023

Based on the Findings of Fact #26, MSDE finds that the PGCPs has ensured that the student's IEP contains a statement of the student's PLAAFPs in Math Calculation, Math Problem Solving, Reading Comprehension, Reading Fluency, Social Emotional/Behavioral, Social Interaction Skills, Self-Management, and Written Language Mechanics, including how his disability affects his involvement and progress in the general curriculum, since February 28, 2023, in accordance with 34 CFR §300.324. Therefore, this office finds that a violation did not occur with respect to this aspect of the allegation.

Based on the Findings of Fact #27, MSDE finds that the PGCPs has not ensured that the student's Writing PLAAFP contained accurate information since February 28, 2023, in accordance with 34 CFR §300.324. Therefore, this office finds that a violation occurred with respect to this aspect of the allegation.

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 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. 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.

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.

Student-Specific

MSDE requires the PGCPs to provide documentation by June 1, 2024, that the IEP team has convened an IEP team meeting to ensure the Writing domain of the IEP's PLAAFP reflects an accurate present level of performance. MSDE further requires that the IEP team convene to determine whether the violations in this Letter of Finding regarding the development of PLAAFPs, the lack of provision of visual supports since January 2023, the lack of adult support from March 1, 2023 to March 28, 2023, the provision of IEP progress reports, and the untimely completion of assessments 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.

School-Based

MSDE requires the PGCPs to provide documentation by July 1, 2024, of the steps taken to ensure that the violation does not reoccur at [REDACTED]:

- a. Provided professional development to the staff at addressing the violations found in this complaint. Specifically, the provision quarterly progress reports to parents for all Special Education teachers; for implementing all supplementary aids and services; for the purpose of developing addressing present levels of academic achievement and performance; and the completion of timely evaluations; and
- b. Provide MSDE with a monitoring report including documentation from all students with IEPs reflecting that parents were provided progress reports at least as often as a parent is informed of a nondisabled student's progress, and a sample of 10 randomly selected students with evaluations reflecting the timely completion of evaluations and/or reevaluations. Monitoring reports should be sent to MSDE by June 31, 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.

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

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recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Antoine Hickman Ed.D.
Assistant State Superintendent
Division of Early Intervention/Special Education Services

AH/ra

c: Millard House II, Superintendent, PGCPS
Lois Jones Smith, Compliance Liaison, PGCPS
Keith Marston, Coordinator, Special Education Compliance, PGCP
Darnell Henderson, General Counsel, PGCP
Henry Johnson, Compliance, PGCP
[REDACTED], Principal, [REDACTED], PGCP
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Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE
Tracy Givens, Section Chief, MSDE
Dr. Paige Bradford, Section Chief, Specialized Instruction, MSDE
Nicol Elliott, Section Chief, Monitoring and Accountability, MSDE
Rabiatu Akinlolu, Complaint Investigator, MSDE