

March 28, 2024

Ms. Jessica Williams  
Education Due Process Solutions, LLC  
711 Bain Drive #205  
Hyattsville, Maryland 20785

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

RE: [REDACTED]  
Reference: #24-138

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 January 31, 2024, MSDE received a complaint from Ms. Jessica Williams, “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 failed to comply with the corrective actions determined by the Individualized Education Program (IEP) team in providing compensatory services to the student as a result of violations determined by an MSDE investigation within the required timelines, since December 1, 2023, in accordance with 34 CFR §§300.151 and .600.

**BACKGROUND:**

The student is 10 years old and is identified as a student with a Specific Learning Disability (SLD) under the IDEA. During the 2021- 2022 school year, the student attended [REDACTED] in Prince George's County Public School. The student currently attends Crofton Meadows Elementary School in Anne Arundel County Public Schools and has an IEP that requires the provision of special education instruction and related services.

**FINDINGS OF FACTS:**

1. On May 15, 2023, the IEP team met to discuss the Student Specific Corrective Actions from MSDE Complaint #23-039, issued on November 10, 2022. The Prior Written Notice (PWN) generated after the IEP team meeting reflects that the IEP team reviewed the Letter of Findings, data, teacher progress reports, and intervention assessments to determine that there was an impact from the identified violation. As a result, the

student is to receive compensatory services to remedy the impact of the violations. The IEP team determined that the student would receive:

- a. 80 hours of Academic tutoring services (40 hours of reading and 40 hours of mathematics), provided by a vendor with Lexia and iReady support;
- b. 28 hours of Speech and Language services (provided by a contracted virtual vendor); and
- c. four 30 minute sessions, or 2 hours, of OT support (provided by a vendor).

The PWN further reflects that every attempt is to be made to complete the services by December 1, 2023. There is no documentation that the academic tutoring services and the Speech and Language services were completed prior to December 1, 2023.

2. On Feb 22, 2024, PGCPs provided the complainant with three options for the student to receive his compensatory academic services. The complainant chose a "Contracted Vendor" and requested the services to start immediately. There is documentation that the services started on March 19, 2024.
3. On March 12, 2024, PGCPs received confirmation that an approved PGCPs vendor will provide the 28 hours of compensatory Speech and Language services for the student.

**CONCLUSION:**

**ALLEGATION**

**PROVISION OF COMPENSATORY SERVICES**

Based on the Finding of Fact #1 to #3, MSDE finds the PGCPs failed to comply with the corrective actions determined by the IEP team in providing compensatory services to the student as a result of violations determined by an MSDE investigation within the required timelines, since December 1, 2023, in accordance with 34 CFR §§300.151 and .600. Therefore, this office finds that a violation occurred concerning this allegation.

Notwithstanding this violation, based on Finding of Fact #2 and #3, MSDE finds the PGCPs has initiated the compensatory services to be provided to the student. Therefore, no further student-specific corrective action is required concerning the 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.<sup>1</sup> This office will follow up with the public agency to ensure that it completes the required actions consistent with the MSDE Special Education State Complaint Resolution Procedures.

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<sup>1</sup> 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.

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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, MSDE, to ensure the effective implementation of the action.<sup>2</sup> Ms. Alison Barmat can be reached at (410) 767-7770 or by email at [alison.barmat@maryland.gov](mailto:alison.barmat@maryland.gov).

**Student Specific**

By December 1, 2024, MSDE requires documentation that the student has received all the compensatory services determined by the student's IEP team on May 15, 2023.

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,

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

ALH/sj

c: Millard House III, Chief Executive Officer, PGCP  
Keith Marston, Compliance Instructional Supervisor, PGCP  
Lois Jones Smith, Compliance Liaison, PGCP  
Darnell Henderson, Deputy General Counsel, PGCP  
William Fields, Deputy General Counsel, PGCP  
[REDACTED], [REDACTED] Principal, PGCP  
Dr. Paige Bradford, Section Chief, Specialized Instruction, MSDE  
Nicol Elliott, Section Chief, Monitoring and Accountability, MSDE  
Tracy Givens, Section Chief, Dispute Resolution, MSDE  
Stephanie James, Complaint Investigator, MSDE

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<sup>2</sup> MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.