

April 29, 2024

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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: #24-153

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 February 29, 2024, MSDE received a complaint from Mr. [REDACTED] and Ms. [REDACTED], “the complainants,” 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 has not ensured that the student was provided with special education instruction provided by a certified special education teacher and speech and language services required by the Individualized Education Program (IEP) since February 2023, in accordance with 34 FR §§300.101 and .156.
2. The PGCPS did not respond to a request for an IEP team meeting at the start of the 2023 - 2024 school year, in accordance with 34 CFR §§300.324 and .503 and COMAR 13A.05.01.08.
3. The PGCPS has not ensured that the IEP team met per the request of the parent to discuss their concerns regarding bullying, the student’s decline in behavior, and safety since December 2023, in accordance with 34 CFR §300.324.

4. The PGCPs has not ensured that the parent was provided with reports of progress toward achieving the annual speech and language IEP goals since February 2023, in accordance with 34 CFR §300.320.
5. The PGCPs did not ensure that the parent was provided with a copy of accessible copies of each document the IEP team planned to discuss at the March 5, 2024, IEP team meeting at least five (5) business days before the scheduled meeting, in accordance with Md. Code Ann., Educ., § 8-405.

BACKGROUND:

The student is 10 years old and is identified as a student with Autism under the IDEA. The student currently attends ██████████ School and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACTS:

1. The student's IEP, in effect in February 2023, was developed on June 9, 2022. The IEP requires that the student be provided with support in the areas of math calculation, reading comprehension, and speech and language - expressive language. The IEP includes goals addressing the same areas of concern. The IEP requires that the student receive two hours and 10 minutes a day of specialized instruction provided by a special education teacher inside of the general education classroom during reading and math; three hours and 25 minutes a day of specialized instruction outside of the general education classroom in a separate special education classroom for social skills, circle time, reading and math interventions; and two hours a month of speech and language therapy outside of the general education classroom to be provided by a speech pathologist.
2. There is documentation that the student has been receiving specialized instruction from a certified special education teacher since February 2023.
3. There is documentation that the student has not been consistently provided with speech and language therapy provided by a Speech and Language Pathologist as required by the IEP since February 2023.
4. On September 8, 2023, the complainants expressed concerns via "class dojo"¹ regarding the student's IEP goals, and informed the PGCPs staff that they would "request an IEP meeting soon."
5. On December 1, 2023, the complainants requested an IEP meeting to discuss concerns regarding the lack of speech and language services from the previous school year to the present time. They received confirmation of their request.

¹ ClassDojo is an online classroom management platform that allows classroom teachers to engage in school-to-home communication.

██████████
██████████
Ms. Trinell Bowman

April 29, 2024

Page 3

6. On December 4, 2023, the PGCPs IEP team member emailed the complainants and shared that the Speech and Language Pathologist who “works with the student” was not available to meet until January 15, 2024, however, if the complainant wanted to meet sooner, someone else from the Speech and Language Department could participate in the meeting.
7. On December 6, 2023, the complainants emailed the PGCPs IEP team member to clarify that the student has not received services from a Speech and Language Pathologist as outlined in her IEP since the previous school year and the lack of service was a significant factor in her needing to repeat the 3rd grade. The complainant reiterated that the original email was a request for an IEP team meeting to discuss concerns and meet with a qualified Speech and Language Pathologist, emphasizing the priority of this meeting. Availability options were requested along with any comments, questions, or concerns.
8. On December 13, 2023, the complainants emailed the PGCPs Administrator regarding the student being bullied and requested that a personalized support plan be created to address her emotional needs due to the incident to help her feel safe at school.
9. On December 13, 2023, a PGCPs Administrator emailed the complainants and informed them that the school would “adhere to all administrative procedures and the Student Rights and Responsibility Handbook when addressing students and incidents that occur with our students. Our goal is to ensure the safety of all of our students here at [the school]. We will be in contact with you shortly.”
10. On December 19, 2023, an IEP meeting was scheduled for January 29, 2024, to address the complainants’ concerns regarding the lack of speech and language services, however, it was rescheduled to a mutually agreed upon date of February 5, 2024.
11. On January 18, 2024, the PGCPs staff emailed the complainant notice of the IEP meeting scheduled for February 5, 2024. The email reflects the purpose of the meeting is to address the complainants’ concerns.
12. On February 5, 2024, the IEP team convened to address the complainants’ concerns regarding the provision of the student’s speech and language services. The summary of the IEP meeting reflects the student is receiving all of her services. She receives speech and language services on Mondays, and the student is making progress toward her IEP goals. There is no documentation that the complainant raised concerns regarding bullying or the student’s safety during the meeting.
13. On February 22, 2024, a PGCPs Administrator and school staff held a parent conference with the complainants to address concerns regarding the February 14, 2024, alleged bullying incident. Since the incident, the complaints decided to keep the student home from school.
14. On March 5, 2024, the complainants and the PGCPs school team met for a parent/teacher conference. There is no documentation that an IEP team meeting was convened.

15. While there is documentation of progress reported towards the achievement of the student's annual speech and language goal on March 30, 2023, and November 20, 2023, there is no documentation that the reports of progress were provided to the complainant, as required by the IEP.
16. There is no documentation of progress reported towards the achievement of the student's annual speech and language goals on April 25, 2023, and June 12, 2023, as required by the IEP.
17. There is documentation of progress reported towards the achievement of the student's annual speech and language goal on January 19, 2024, and was provided to the complainant on February 9, 2024, as required by the IEP.

DISCUSSIONS/CONCLUSIONS:

ALLEGATION #1: PROVISION OF SPECIAL EDUCATION INSTRUCTION FROM A CERTIFIED SPECIAL EDUCATION TEACHER

Based on the Findings of Fact #1 and #2, MSDE finds that the PGCPs has ensured that the student was provided with special education instruction by a certified special education teacher as required by the IEP since February 2023, in accordance with 34 CFR §§300.101 and .156. Therefore, this office finds that a violation did not occur concerning this allegation.

ALLEGATION #2: PROVISION OF SPEECH AND LANGUAGE SERVICES

Based on the Findings of Fact #1 and #3, MSDE finds that the PGCPs has not ensured that the student was provided with speech and language services as required by the IEP since February 2023, in accordance with 34 CFR §§300.101 and .156. Therefore, this office finds that a violation did occur concerning this allegation.

ALLEGATION #3: PROPER PROCEDURES FOR RESPONDING TO A REQUEST FOR AN IEP TEAM MEETING

In this case, the complainants allege that a request was made for an IEP team meeting in the beginning of the 2023-2024 school year. The documentation reflects that the complainants did not make a request for an IEP team meeting until December 1, 2023. The first IEP team invitation after the request for a meeting was sent on January 18, 2024, for meeting on February 5.

Based on the Findings of Fact #4 to #7 and #10 to 12, MSDE finds that the PGCPs did not receive a request for an IEP meeting at the start of the 2023- 2024 school year, and the meeting was scheduled within a reasonable timeframe, in accordance with 34 CFR §§300.324 and .503 and COMAR 13A.05.01.08. Therefore, this office finds that a violation did not occur concerning this allegation.

ALLEGATION #4: ADDRESSING PARENT CONCERN

In this case, the complainants allege that a request was made to the IEP team to discuss concerns regarding bullying, the student’s decline in behavior and safety. The request was made to the PGCPs Administrator to discuss these concerns. The PGCPs has specific policies to address bullying that is handled by the School Administrator. The PGCPs’ Administrator convened a meeting to address the matter with the complainants.

Based on the Findings of Fact #8, #9, and #13, MSDE finds that there is no documentation to support the allegation that the complainant requested an IEP team meeting to discuss their concerns regarding bullying, the student’s decline in behavior, and safety since December 2023, in accordance with 34 CFR §300.324. Therefore, this office finds that a violation did not occur concerning this allegation.

ALLEGATION #5: PROVISION OF PROGRESS REPORTS

Based on the Finding of Facts #15 and #16, MSDE finds that the PGCPs has not ensured that the parent was provided with reports of progress toward achieving the annual speech and language IEP goals on March 30, 2023, April 25, 2023, June 12, 2023, and November 20, 2023, in accordance with 34 CFR §300.320. Therefore, this office finds that a violation did occur concerning this aspect of the allegation.

Based on Findings of Fact #17, MSDE finds that the PGCPs has ensured that the parent was provided with reports of progress toward achieving the annual speech and language IEP goals on February 9, 2024, in accordance with 34 CFR §300.320. Therefore, this office finds that a violation did not occur concerning this aspect of the allegation.

ADDITIONAL VIOLATION IDENTIFIED DURING THE COURSE OF THE INVESTIGATION

REPORTING OF WRITTEN PROGRESS

The public agency must ensure the provision of written information about the student’s progress toward achieving their annual IEP goals is provided as required by the IEP (34 CFR §§300.320).

Based on the Finding of Facts #16, MSDE finds PGCPs did not ensure reports of the student's progress towards achievement of the speech and language annual IEP goals was developed on April 25, 2023, and June 12, 2023, in accordance with 34 CFR §300.320.

ALLEGATION #5: PROVISION OF IEP DOCUMENT FIVE DAYS PRIOR TO IEP MEETING

Based on the Finding of Fact #14, MSDE finds that the PGCPs did not convene an IEP team meeting on March 5, 2024, triggering the requirement to provide the parents with a copy of accessible copies of each document the IEP team planned to discuss at the March 5, 2024, IEP team meeting at least five (5) business days before the scheduled meeting, in accordance with Md. Code Ann., Educ., § 8-405. Therefore, this office finds that a violation did not occur concerning this allegation.

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██████████
Ms. Trinell Bowman
April 29, 2024
Page 6

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.

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.³ Ms. Alison 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 31, 2024, that the IEP team has convened and determined the amount and nature of compensatory services or other remedy to redress the lack of consistent speech and language services since February 2023, and developed 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 complainants are provided with written notice of the team's decisions. The complainants maintain the right to request mediation or to file a due process complaint to resolve any disagreement with the team's decisions.

Similarly Situated Students

MSDE requires the PGCPs to provide documentation by June 14, 2024, of any other students at ██████████ ██████████ School who did not receive speech-language services as required by their IEP. If there are any other similarly situated students, PGCPs must convene IEP team meetings for each student and determine the amount and nature of compensatory services or other remedy to redress the lack of consistent speech

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.

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.

██████████
██████████
Ms. Trinell Bowman
April 29, 2024
Page 7

and language services since the lapse in services started and develop a plan for the provision of those services within one year of the date of this Letter of Findings.

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

AH/sj

c: Millard House II, Chief Executive Officer, PGCP
Keith Marston, Compliance Instructional Supervisor, PGCP
Lois Jones Smith, Compliance Liaison, PGCP
Darnell Henderson, General Counsel, PGCP
William Fields, Associate General Counsel, PGCP
██████████, Principal, PGCP
Alison Barnat, Branch Chief, Family Support and Dispute Resolution, MSDE
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