

April 17, 2024

Ms. Beth Ann Hancock
Charting the Course, LLC
9057 Florin Way
Upper Marlboro, Maryland 20772

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: #24-155

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 March 1, 2024, MSDE received a complaint from Ms. Beth Ann Hancock, 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 has not followed proper procedures when identifying and evaluating the student in all areas of suspected disability, including a review of existing data, to determine if he is a student with a disability requiring special education and related services, since March 2, 2023, in accordance with 34 CFR §§300.301-.311 and COMAR 13A.05.01.06.
2. The PGCPS did not ensure that a comprehensive IDEA evaluation initiated on March 13, 2023, was conducted within the required timelines, in accordance with 34 CFR §300.301 and COMAR 13A.05.01.06.

BACKGROUND:

The student is six years old and is identified as a student with Multiple Disabilities (MD) under the IDEA. He attends [REDACTED] School and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACT:

1. In its written response to this State complaint, the PGCPs acknowledges that violations occurred with Allegations #1 and #2. Specifically, the PGCPs acknowledges that the IEP team did not ensure that proper procedures were followed when identifying and evaluating the student in all areas of suspected disability. The PGCPs further acknowledges that the private evaluation provided by the parent on March 13, 2023, was not reviewed by the IEP team.
2. On February 26, 2024, the IEP team convened to review evaluations and determine eligibility for special education services. The Prior Written Notice (PWN) generated after the meeting reflects that the IEP team determined the student is eligible for special education services as a student with MD to include Other Health Impairment for Attention Deficit Hyperactivity Disorder (ADHD) and Specific Learning Disability (SLD) in the areas of reading and written language.
3. There is documentation that the student's IEP was developed on March 22, 2024.

CONCLUSION:

Based on the Findings of Fact #1 to #3, MSDE concurs with the PGCPs conclusions that violations occurred and appreciates the school system's response to the investigation.

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.

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 August 1, 2024, that the IEP team has convened an IEP team meeting and determined the amount and nature of compensatory services, or other remedy, to

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.

address the violations identified in this Letter of Finding 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 August 1, 2024, of the steps it has taken to ensure that the [REDACTED] School staff properly implements the requirements for an initial evaluation under IDEA and COMAR. These steps must include staff development, as well as tools developed to monitor compliance. Monitoring must include a review of at least 10 randomly selected student records to review for compliance of an initial IDEA evaluation. The monitoring report must be submitted to MSDE on or before August 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.

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