

May 7, 2024

Jessica Williams  
1296 Cronson Boulevard, #4071  
Crofton, Maryland 21114

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

RE: [REDACTED]  
Reference: #24-161

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention and 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 8, 2024, MSDE received a complaint from Ms. Jessica Williams, hereafter, "the complainant," on behalf of the 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 has been provided with crisis intervention, daily social skills training, and counseling required by the Individualized Educational Program (IEP) since March 2023, in accordance with 34 CFR §§ 300.101 and .323.
2. The PGCPS has not followed proper procedures when disciplinarily removing the student from school since August 2023, in accordance with 34 CFR § 300.530-.536, and COMAR 13A.08.03.
3. The PGCPS has not ensured that the student was reevaluated in all areas of suspected disability in accordance with 34 CFR §§300.303-.311, COMAR 13A.05.01.05 and 13A.05.01.06.
4. The PGCPS did not provide the parent with a copy of the IEP document within five (5) business days after the IEP team meeting held in November 2023, in accordance with COMAR 13A.05.01.07.

**BACKGROUND:**

The student is 15 years old and is identified as a student with Other Health Impairment (OHI) under the IDEA. He attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

**ALLEGATION #1**

**PROVISION OF SUPPLEMENTARY AIDS AND RELATED SERVICES**

**FINDINGS OF FACTS:**

1. The IEP in effect in March 2023 was developed on November 21, 2022. The IEP requires the following supplementary aids, services, program modifications, and supports including:

- Crisis intervention, as needed/daily; and
- Social skills training, daily.

The IEP also required the student to receive one 30-minute counseling session weekly as a related service.

2. On November 9, 2023, the IEP team met to conduct the student’s annual review. The Prior Written Notice (PWN) generated after the meeting reflects the IEP team determined that the student would continue to receive special education services through the Social Emotional Academic Development (SEAD) program. The IEP requires the student to continue to receive crisis intervention as needed, social skills training daily, and one 30-minute counseling session weekly.
3. There is documentation that the student received the crisis intervention services required by his IEP.
4. In its written response to this State complaint, the PGCPs acknowledges that the student did not receive the daily social skills that were determined on his IEP in the 8th grade, however, he was receiving it on an “every-other-day” basis due to the high school schedule.
5. While there is some documentation of the provision of counseling services since September 7, 2023, it was not consistently provided as required by the IEP.

**CONCLUSION:**

**Provision of Crisis Intervention**

Based on the Findings of Fact #3, MSDE finds that the PGCPs has ensured that the student has been provided with crisis intervention as 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 concerning this aspect of the allegation.

**Provision of Social Skills Training and Counseling Services**

Based on the Findings of Fact #1, #2, #4, and #5, MSDE finds that the PGCPs has not ensured that the student has been provided with daily social skills training and counseling services as required by the IEP since March 2023, in accordance with 34 CFR §§ 300.101 and .323. Therefore, this office finds that a violation occurred concerning this aspect of the allegation.

**ALLEGATIONS #2 AND #3                      DISCIPLINARY PROCEDURES and REEVALUATION OF THE**

**FINDINGS OF FACTS:**

6. On February 7, 2024, there is documentation that the student received five days of out-of-school suspension.
7. At the time of the February 7, 2024, suspension, the Behavior Intervention Plan (BIP) in effect for the student was dated January 9, 2020, and is based on a Functional Behavior Assessment (FBA) dated February 11, 2016. The areas of behavior addressed in the BIP were slapping other students when upset and excessive talking.
8. On February 26, 2024, there is documentation that the student was expelled from school.
9. On March 8, 2024, the IEP team conducted a manifestation meeting. The PWN generated after the manifestation meeting reflects that the IEP team considered teacher observation notes, grades, attendance records, parent input, student input, the incident report, and a current psychological report and determined that the student's conduct was a manifestation of his disability. The IEP team agreed to conduct an updated FBA by April 22, 2024, and a BIP by May 7, 2024, and determined that the student had accumulated 13 days of out-of-school suspension for the school year. The services determined by the IEP team to be provided after the 10th day of removal included "FAPE two times per week until the student returns to school in the main office conference room" and "Canvas, daily, during the length of the suspension while at home." The discussion to support this decision states: "[The student] will continue to complete his assignments that are posted in Canvas during this suspension pending expulsion request. Per the parent request, paper copies of assignments were collected and left for her to pick up in the main office. FAPE was offered to [the student] on 3/6/24 and 3/7/24, however [,] the parent stated her schedule was full and she was unable and unavailable to bring him for FAPE services." The IEP team further determined that the student should return to school on March 11, 2024, however, the parent shared that she would not send her son back to school and requested a special transfer.
10. The student's November 9, 2023, IEP reflects December 15, 2021, as the student's most recent evaluation date. The psychological report considered by the IEP team during the March 8, 2024, manifestation meeting is dated December 15, 2021. The report states the student's ratings of hyperactivity, aggression, and conduct problems were rated in the clinically significant range, and his adaptive skills were within the extremely low range as he presented with "...many daily living skill difficulties in the school setting."
11. The documented educational services the student was to receive during his nine day out-of-school suspension were "classwork sent home assignments."
12. There is no documentation that the IEP team conducted an updated FBA for the student by April 22, 2024, as agreed upon at the March 8, 2024, IEP team meeting.
13. There is documentation that the student was suspended from school for a total of 14 days during the 2023-2024 school year.



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 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. Ms. Barmat can be reached at (410) 767-7770 or by email at [alison.barmat@maryland.gov](mailto:alison.barmat@maryland.gov).

### **Student-Specific**

MSDE requires the PGCPs to provide documentation of the following actions by August 30, 2024:

- Provide the student with the supplementary aids, services, program modifications, and supports and related services as required by the IEP;
- Convene an IEP team meeting and determine the amount and nature of compensatory services or other remedy to redress the provision of supplementary aids, services, program modifications, and supports and related services violation, the lack of reporting of IEP progress, and failure to properly follow disciplinary procedures. The team must develop a plan for the provision of those services within a year of the date of this Letter of Findings; and
- Conduct an FBA and develop an updated BIP for the student.

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 of the steps it has taken to ensure that the staff at [REDACTED] properly implements the requirements for: the provision of supplementary aids, services, program modifications, and supports, and related services; proper procedures when disciplinarily removing a student from school; and the provision of IEP documents to families within five days following an IEP team meeting. The 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 supplementary aids, services, program modifications, supports, and related services; proper procedures when disciplinarily removing a student from school and the provision of IEP documents to families within five days following an IEP team meeting. The first monitoring report must be submitted to MSDE on or before October 1, 2024. Full compliance is required for all components of the monitoring sample. If 100% compliance is not achieved, a second sample of 15 randomly selected students must be submitted on or before December 2, 2024. If full compliance is not achieved, PGCPs staff will confer with MSDE on subsequent monitoring activities.

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<sup>1</sup> The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency corrects 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 regulatory requirements are not being implemented, actions to be taken in order to ensure that the violation does not recur must be identified, and a follow-up report to document correction must be submitted within ninety (90) days of the initial date of a determination of non-compliance. Upon receipt of this report, MSDE will re-verify the data to ensure continued compliance with the regulatory requirements.

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/ebh

c: Millard House II, Chief Executive Officer, PGCPs  
Keith Marston, Compliance Instructional Supervisor, PGCPs  
Monica Wheeler, Compliance Liaison, PGCPs  
Darnell Henderson, General Counsel, PGCPs  
William Fields, Associate General Counsel, PGCPs  
██████████, Principal, ██████████, PGCPs  
Alison Barbat, Branch Chief, Family Support and Dispute Resolution, MSDE  
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE  
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Tracy Givens, Section Chief, Dispute Resolution, MSDE  
Elizabeth B. Hendricks, Complaint Investigator, MSDE