

June 10, 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: #24-193

Dear Parties:

The Maryland State Department of Education, (MSDE) 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 April 11, 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 following allegations:

1. The PGCPS did not follow 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 August 2023, in accordance with 34 CFR §§300.301-.311 and COMAR 13A.05.01.06.
2. The PGCPS did not ensure the proper procedures were followed when responding to a request to inspect and review the student’s educational record since February 2024, in accordance with 34 CFR §300.613.

**BACKGROUND:**

The student is 12 years old in a general education classroom. He attends [REDACTED].

**FINDINGS OF FACT:**

1. On September 13, 2023, the PGCPs received a copy of the completed private comprehensive neuropsychological evaluation conducted June 16, 2023.
2. On September 28, 2023, the student's father requested an IEP meeting to determine if the student was eligible for special education services. An IEP meeting was scheduled for October 4, 2023.
3. On October 4, 2023, the IEP team met at the student's father's request to discuss the student's eligibility for special education and related services. During the meeting, the school team proposed reconvening to review the assessments due to the student's mother <sup>1</sup>not receiving the private evaluation from the father beforehand and her not agreeing to move forward with the evaluation process<sup>2</sup>. The school team decided to consult the PGCPs' legal office on how to proceed due to a custody agreement. The IEP team proposed placing the student in intervention groups at the end of the first quarter with the Student Support Team (SST) monitoring his academic progress.
4. On Oct 18, 2023, the IEP team reconvened to review the private assessment provided by the student's father. During the meeting, the IEP team reviewed the private psychological evaluation, classroom observations, teacher report, iReady Reading and Math diagnostics<sup>3</sup>, and the specific learning disability team report, and determined the student did not qualify for special education services. The Prior Written Notice (PWN) generated after the meeting reflects "there is not multiple confirming data to support a learning disability at this time. Assessments are commensurate showing [the student] performing at the Low Average range. The teacher reports [the student] as having a lot of strengths and he is performing in the classroom." The IEP team determined reading and math interventions will be implemented with fidelity and the school psychologist will collect baseline data. The IEP team proposed reconvening in 8 weeks for progress monitoring.
5. On October 24, 2023, the parents received the PWN from the October 18, 2023 IEP team meeting.
6. On October 25, 2023, via email, the father expressed concerns regarding the IEP team's decision. Specifically, the father claimed the school team did not consult with the private examiner regarding their findings, the IEP team only considered the mother's determination that the student should not receive an IEP, and the school team did not provide documentation explaining why the student does not need an IEP. The father requested that the student receive an IEP.
7. On October 26, 2023, via email, a member of the IEP team provided the student's father with a response stating that PGCPs psychologists are certified to administer and interpret assessments, and they consult with private psychologists if there is a "glaring concern." The email correspondence also notes the IEP team made the determination that the student does not qualify based on data from the private assessment, the student's academic performance, and input from the school team, parents, and educational experts at the meeting.
8. On October 25, 2023, via email, the father provided the IEP team with a release form for the school psychologist to communicate with the private psychologist.

---

<sup>1</sup> The mother holds sole physical custody and is the registering parent.

<sup>2</sup> The parents hold a court order that states all parties shall consult with one another on major decisions involving the student including education.

<sup>3</sup> i-Ready is a combination of an online instruction program and a diagnostic test for students in kindergarten through eighth grade designed to help teachers understand a student's strengths and weaknesses, and to personalize their learning.

9. On February 6, 2024, via email, the student's father provided a court order to PGCPs. The January 29, 2024 court order states in part "the parties shall have the child evaluated for an Intensive Educational Plan (IEP) as soon as possible by his current school." In the email correspondence, the student's father shared that the student "must be scheduled for IEP testing as soon as possible by [REDACTED]." The father also stated, "For our meeting tomorrow, I want to make sure I have the current test scores (iReady - Middle of the Year) and discuss when the testing will take place."
10. On February 7, 2024, the IEP team convened to report on the student's progress. The school team provided an update on the student's progress. The IEP team discussed the intervention data that showed that the student is now one grade level behind in math, but he passed the majority of the lessons assigned. In math class, the student is performing at a 7th-grade level, although his iReady scores indicate a 3rd-grade level. The teaching staff reported that the student is progressing and capable, having increased his iReady score by 30 points, which is double the expected annual growth, and did not determine a need to request additional assessments.
11. On February 20, 2024, the complainant, via email, provided PGCPs with "the parent's informed signed consent to evaluate" requesting the student be evaluated in Occupational Therapy (Fine Motor and Sensory Processing), Psychological (Cognitive), Educational (Academic Reading, Writing and Math), and Speech and Language (Expressive and Receptive Language). She requested possible dates and times to conduct a meeting to discuss the parent's request.
12. On February 22, 2024, an IEP team member responded to the student's father via email, informing him that PGCPs does not accept "non-PGCPs consent documents" provided outside of a formal IEP meeting. However, they could consider the consent form as a written request for testing. The correspondence also informed the parent of the evaluation process, which requires an IEP team meeting to discuss the areas of concern and determine if there is enough data to support the need for additional assessment. It was reiterated that the IEP team had previously met and determined there was no need for additional assessment. Additionally, the email stated that since the parent had provided new areas of concern in speech and language and occupational therapy, the IEP team would meet to discuss his full request.
13. On March 1, 2024, the student's father requested the student's educational records.
14. On June 3, 2024, PGCPs provided the student's father with the student's educational records requested on March 1, 2024.
15. There is no documentation that the IEP team has met to discuss the parent's request for evaluation based upon the new information provided by the parent on February 22, 2024.

**CONCLUSION:**

**ALLEGATION #1**

**PROPER EVALUATION PROCEDURE**

Based on Findings of Fact #1-#5, #9-#13, and #14, MSDE finds that the PGCPs did not follow 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 August 2023, in accordance with 34 CFR §§300.301-.311 and COMAR 13A.05.01.06. Therefore, MSDE finds that a violation has occurred concerning this allegation.

## **ALLEGATION #2**

## **RECORDS REQUEST**

The IDEA requires public agencies to permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the agency. The public agency must comply with a request without unnecessary delay and before any meeting regarding an IEP, or any due process hearing or resolution meeting, and in no case more than forty-five (45) days after the request has been made. (34 CFR §300.613).

Based on Findings of Fact #13 and #14, MSDE finds that the PGCPs did not respond to the complainant's March 1, 2024 request to inspect and review the student's educational record within forty-five days, in accordance with 34 CFR §300.613. Therefore, MSDE finds that a violation did occur concerning this allegation.

Notwithstanding the violation based upon Finding of Fact #14, MSDE finds that the parent was provided the requested documentation on June 3, 2024, no further student specific corrective action is required.

### **CORRECTIVE ACTIONS AND 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>4</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.

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>5</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**

MSDE requires the PGCPs to provide documentation by August 15, 2024, that the IEP team has convened to determine if additional assessments are required based upon the new information provided by the parent in the areas of speech and language and occupational therapy.

The PGCPs must ensure that the parent is provided with 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.

---

<sup>4</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.

<sup>5</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.

### School-Based

MSDE requires PGCPs to provide documentation by August 15, 2024, detailing the steps taken to ensure that [REDACTED] staff properly implement the requirements for initial evaluations and responds to requests for student records within 45 days of the request. The documentation must include a description of how PGCPs will evaluate the effectiveness of these steps and how it will monitor compliance to ensure that the violations do not recur.

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 II, Chief Executive Officer, PGCPs  
Keith Marston, Compliance Instructional Supervisor, PGCPs  
Lois Jones Smith, Compliance Liaison, PGCPs  
Darnell Henderson, General Counsel, PGCPs  
William Fields, Associate General Counsel, PGCPs  
[REDACTED], [REDACTED], Principal, PGCPs  
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE  
Nicole Elliott, Section Chief, Monitoring and Accountability, MSDE  
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE  
Tracy Givens, Section Chief, Dispute Resolution, MSDE  
Stephanie James, Complaint Investigator, MSDE