

June 7, 2024

[REDACTED]
[REDACTED]
[REDACTED]

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

RE: [REDACTED]
Reference: #24-197

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services (DEI/SES), 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 [REDACTED], 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 ensured that the student has consistently been provided with the special education instruction, accommodations and modifications, and supplementary aids and services required by the Individualized Education Program (IEP) since the beginning of the 2023-2024 school year, in accordance with 34 CFR §§300.101 and .323.
2. The PGCPS has not ensured that the student's behavioral needs have been identified and addressed since the beginning of the 2023-2024 school year, in accordance with 34 CFR §§300.304 and .324.
3. The PGCPS did not follow proper procedures when responding to a request for an IEP team meeting since the beginning of the 2023-2024 school year, in accordance with 34 CFR §§300.503.
4. The PGCPS did not ensure that proper procedures were followed when determining the student's educational placement for the 2023-2024 school year, in accordance with 34 CFR §§300.114 -.116.

BACKGROUND:

The student is 16 years old and is a student with an Other Health Impairment (OHI). He attends [REDACTED] and has an IEP that requires the provision of special education instruction.

SUMMARY OF FINDINGS:

ALLEGATION #1

**PROVISION OF SPECIAL EDUCATION INSTRUCTION,
ACCOMMODATIONS AND MODIFICATIONS, AND
SUPPLEMENTARY AIDS AND SERVICES**

In its written response to this State complaint, the PGcps acknowledges that a violation occurred with Allegation #1. Specifically, the PGcps acknowledges that they did not ensure the student has consistently been provided with special education instruction, accommodations and modifications, and supplementary aids and services during the 2023-2024 school year.

PGcps proposes to provide the student with 20 hours of “Brainery” tutoring/intervention in the area of mathematics for the summer of 2024. Additionally, PGcps central office staff will work with the administration and school team to develop a tracking/monitoring document of accommodations and supplementary aids and services. PGcps central office staff will also work with the school mental health therapist to start doing check-ins with the student to support him with accessing the accommodations that are documented in his IEP. Additionally, the PGcps proposes to convene an IEP team meeting to amend the IEP as required.

MSDE concurs and appreciates the PGcps’ acknowledgment that a violation occurred concerning the allegation.

ALLEGATION #2

IDENTIFICATION OF BEHAVIORAL NEEDS

FINDINGS OF FACT:

August 2023

1. The initial IEP in effect at the beginning of the 2023-2024 school year, was developed on June 13, 2023. The IEP reflects the student’s disability impacts in the following areas: math calculation, self-management, and social-emotional/behavioral. The IEP includes assessment data completed by a private provider that was used to determine eligibility and support development of goals. The IEP’s Present Levels of Academic Achievement and Functional Performance statement (PLAAFP) reflects the student has “a diagnosis of attention deficit hyperactivity disorder, inattentive presentation. [The student] continues to demonstrate significant difficulties with attention regulation, self-monitoring, sustained mental effort, and applying executive functioning skills; these challenges may manifest themselves in the area of task completion and mathematics. Additionally, [the student] has the following additional diagnosis which may impact his access to the general education curriculum: autism spectrum disorder [and] mild major depressive disorder, with anxious distress.” The IEP does not require an FBA and BIP. The IEP reflects the IEP team considered and accepted placement in the general education setting.

2. The self-management goal reflects that "[Student] will improve organizational/task completion skills for classroom work and homework through specific, repetitive instruction, use of a checklist, use of agenda book, use of a binder/notebook with labeled sections for each subject, and a homework folder with pocket dividers inserted in main binder/notebook" measured by data and assessments with 80% accuracy.
3. The progress reports developed on November 21, 2023, and February 9, 2024, reflect that the student is making sufficient progress to meet the self-management goal.

March 2024 IEP

4. The IEP developed on March 4, 2024, reflects the student's disability impacts math calculation, self-advocacy, self-management, and social-emotional/ behavioral. The IEP requires the following supplementary aids, service, and support to address social/ behavioral needs daily: use of headphones or noise buffers, and strategies to initiate and sustain attention.

The IEP does not require an FBA and BIP. The IEP reflects "[the student] will remain in the general education setting with the provision of special education services with the support of a general educator and/or special education teacher in the classroom."
5. The self-management goal reflects "by the next annual review meeting when given an academic task such as silent reading, assignment completion, test-taking, etc., [the student] will independently remain on-task during the class period by actively working on the task, minimal disruption to self/others, asking relevant questions of peers and teachers until the task is completed as directed." The method of measurement is teacher's observation, and the rate of completion is 60% accuracy.
6. The self-advocacy goal reflects "[the student] will demonstrate self-advocacy skills in order to communicate learning styles, academic and behavioral needs to teachers, counselor, and other relevant individuals at appropriate times." The method of measurement is teacher observation with a 70% increase.
7. The progress report developed on April 18, 2024, reflects the student is making sufficient progress to meet the self- management, and self-advocacy goals.

CONCLUSION:

In this case, the complainant alleges reports indicate the student struggles with staying on task and displays behavioral issues and the team did not consider discussing the need for a Functional Behavior Assessment (FBA).

Based on the Findings of Fact #1 through #7, MSDE finds that the PGCPs has ensured that the student's behavioral needs have been identified and addressed since the beginning of the 2023-2024 school year. The student does not have a record of behaviors or disciplinary removals that require an FBA. Therefore, this office finds that a violation has not occurred concerning this allegation.

ALLEGATION #3

PARENT RESPONSE TO IEP MEETING

FINDINGS OF FACT:

8. On January 9, 2024, the complainant emailed the PGCPSS IEP team requesting “an IEP meeting prior to the April date.”
9. On January 24, 2024, the complainant emailed the following message to the PGCPSS IEP team: “It’s unfortunate that the entire group could not join us at today’s scheduled meeting. I am requesting (for the second time), to schedule this meeting as an early IEP review for my son.”
10. On Feb 9, 2024, the IEP team convened for the purpose of “a parent concern related to [the student’s] IEP and services.” The Prior Written Notice (PWN) generated after the meeting reflects that the complainant and the student participated in the IEP team meeting. The IEP team reviewed the student’s grades, report cards, attendance, and educational reports from his teachers. The complainant expressed concerns with the provision of accommodations, the student’s use of his break time, ensuring the student is understanding what is being taught, and addressing issues with his computer that prevent him from gaining access to his assignments and completing tasks. Teachers communicated concerns that the student sleeps in class. The complainant shared that the student’s sleeping in class is related to “medical issues.”

The IEP team proposed and agreed to "include details of allowing him a break in class as a supplementary aid and service"; ensure the student can access assignments; and to reconvene to “review assessment results and add accommodations and/or modifications if needed.”

11. On February 26, 2024, IEP team convened to discuss the assessment results. The PWN generated after the meeting reflects that the school Psychologist reviewed the assessment and discussed the presence of Attention Deficit Hyperactivity Disorder (ADHD) and Autism Spectrum Disorder (ASD). The complainant suggested a dedicated aide to support the student with sleeping in class, breaks, and advocacy.

Based on the assessment, the IEP team proposed and agreed to add supplementary aids and services to address: target task initialization, target attention, planning and organization, check and recheck, adjusting workload, refocusing on the task, monitoring the work, small classrooms such as supported inclusion and co-taught, and adult support for clarifying the task.

The parent was informed that there is a review process to decide if a dedicated aide is warranted. The Art teacher informed the parent that the computer is not a requirement to complete assignments. The teacher reports concern that the student uses his computer instead of completing assignments and does not refuse to put the computer away. The teacher also expressed concerns that the student often plays video games in class instead of completing assignments. The student’s Engineering teacher also shared that the student has a failing grade due to missing assignments. The IEP team proposed and rejected changing the student’s schedule to place the student in a supported English class. The IEP team determined that the schedule change would impact the student’s ability to remain in the Art and Engineering classes.

12. On March 21, 2024, IEP team convened to review/revise the IEP. The PWN generated after the meeting reflects that the student informed the IEP team that he has difficulty locating assignments in Canvas for Algebra and United States History and that he is not comfortable asking for help. The team suggested that the student inform his teachers that he needs support with accessing and/or locating assignments in the Canvas platform. To support the student with asking questions, the team agreed to develop a self-advocacy goal for the IEP.

CONCLUSION:

In this case the complaint alleges that a request for an IEP team meeting was requested on January 9, 2024. The PGCPs scheduled a parent teacher conference, and the meeting did not take place.

Based on the Findings of Fact #9 through #12, MSDE finds the PGCPs followed proper procedures when responding to a request for an IEP team meeting since the beginning of the 2023-2024 school year, in accordance with 34 CFR §300.503. Therefore, this office finds that a violation did not occur concerning this allegation.

ALLEGATION #4

PLACEMENT

FINDINGS OF FACT:

13. On June 30, 2024, the PGCPs generated a letter informing the complaint that the student was accepted into the PGCPs [REDACTED] at [REDACTED].¹
14. On July 6, 2024, the complainant sent an email confirming the student will enroll in the PGCPs [REDACTED] at [REDACTED] during the 2023-2024 school year.

CONCLUSION:

In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that the placement decision: is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and The child's placement is determined at least annually; is based on the child's IEP; and is as close as possible to the child's home. 34 CFR§300.116.

In this case, the complainant alleges that the student was supposed to attend [REDACTED], however, the student was placed at [REDACTED]. The student gained admission to the [REDACTED] [REDACTED] at [REDACTED] School prior to admission to the PGCPs [REDACTED] at [REDACTED]. The parent applied and accepted admission for the student in the program at [REDACTED].

¹ PGCPs offers specialty programs through a lottery program at various comprehensive schools. In order to participate, parents/guardians must complete an application. Applications can be completed for multiple programs simultaneously.

Based on the Findings of Fact #1, #4, #13, and #14, MSDE finds that the PGCPs followed proper procedures when the IEP team determined the placement in which the student would receive special education instruction, in accordance with 34 CFR §§300.114 and .116. Additionally, the student is enrolled in a specialty program at a location selected by the complainant. Therefore, this office finds that a violation did not occur concerning this aspect of the allegation.

CORRECTIVE ACTION AND 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 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 Branch, MSDE, to ensure the effective implementation of the action.³ Ms. Barmat can be reached at (410) 767-7770 or by email at alison.barmat@maryland.gov.

School-Based

MSDE requires the PGCPs to provide documentation by September 16, 2024, of the steps taken to ensure that the [REDACTED] staff properly implements the requirements for the consistent implementation of special education instruction, accommodations and modifications, and supplementary aids and services. These steps must include staff development, as well as tools developed to document IEP implementation and to monitor compliance. [REDACTED] must monitor 10 randomly selected students for the implementation of special education instruction, accommodations and modifications, and supplementary aids and services, over two reporting periods. The reports of the monitoring must be provided to MSDE by November 25, 2024, and January 24, 2025.

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.

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.

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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/ra

c: Millard House II, Superintendent, PGCP
Lois Jones Smith, Compliance Liaison, PGCP
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