

July 3, 2024

[REDACTED]
[REDACTED]
[REDACTED]

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

RE: [REDACTED]
Reference: #24-217

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services, 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 May 6, 2024, the 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.

1. The PGCPS has not ensured that the student has been provided with the special education instruction required by the Individualized Education Program (IEP) since September 2023, in accordance with 34 CFR §§300.101 and .323.
2. The PGCPS has not ensured that the parent was provided with reports of the student's progress toward achieving the annual IEP goals since September 2023, in accordance with 34 CFR §300.320.
3. The PGCPS has not ensured that the student was provided with a dedicated aide as required by the IEP since September 2023, in accordance with 34 CFR §§300.101 and .323.
4. The PGCPS did not ensure that the IEP team convened to review the student's IEP before March 20, 2024, in order to ensure that the IEP was reviewed at least annually, in accordance with 34 CFR §300.324.

5. The PGCPs did not ensure that the parent was provided with accessible copies of each document the IEP team planned to discuss at the April 2024, IEP team meeting at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.07.
6. The PGCPs did not provide a copy of the IEP document within five (5) business days after the IEP team meetings held since April 2024, in accordance with COMAR 13A.05.01.07.

BACKGROUND:

The student is 10 years old and is identified as a student with Intellectual Disability under the IDEA. The student attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

SUMMARY OF FINDINGS AND CONCLUSION:

The PGCPs acknowledges that violations occurred with respect to Allegations #1 - #6. Specifically, the PGCPs acknowledges that special education instruction and dedicated aide were not provided to the student, the parent was not provided with progress reports, and the IEP annual review was not conducted during the 2023-2024 school year. Additionally, the parent did not receive a copy of each document the IEP team planned to discuss at the April 2024, IEP team meeting at least five business days before the scheduled meeting, and the parent did not receive a copy of the IEP document within five (5) business days after the IEP team meetings held since April 2024.

MSDE concurs and appreciates the PGCPs' acknowledgment that violations have occurred with respect to the allegations.

CORRECTIVE ACTIONS 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. 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.¹ 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.

¹ 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.

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.

Student-Specific

By October 1, 2024, MSDE requires the PGCPs to provide documentation that the school system has:

- Provided the parents with a copy of the IEP documents;
- Provided the parent with the reports of progress towards the achievement of the IEP goals for the 2023-2024 school year; and
- Convened an IEP team meeting and determined the amount and nature of compensatory services, or other remedy, to address the lack of provision of specialized instruction; and determine if the failure to provide the student with a dedicated aide, and the failure to conduct the student's annual IEP review timely had a negative impact on the student's ability to benefit the educational program. If the IEP team determines that there was a negative impact it must also determine the amount and nature of compensatory services or other remedy to redress the violation 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

By October 1, 2024, MSDE requires PGCPs to provide documentation of the steps it has taken to ensure that the staff at [REDACTED] properly implements the requirements for ensuring the provision of special education services and supports, IEP documents before and after the IEP meeting, and reports of progress towards the achievement of IEP goals pursuant to 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 the provision of special education instruction and reports of progress towards the achievement of IEP goals. The monitoring report must be submitted to MSDE on or before October 1, 2024. Full compliance is required. If the October 1, 2024, monitoring does not reflect 100% compliance, a second sample must be submitted on or before December 1, 2024. If that sample does not meet full compliance PGCPs will confer with MSDE on steps to reach 100% compliance at this school.

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.

██████████
Ms. Trinell Bowman

July 3, 2024

Page 4

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, PGCP
Keith Marston, Compliance Instructional Supervisor, PGCP
Darnell Henderson, General Counsel, PGCP
William Fields, Associate General Counsel, PGCP
Aleia Johnson, Compliance Liaison, PGCP
██████████, Principal, ██████████, PGCP
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE
Nicol Elliott, Section Chief, Monitoring and Accountability, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Elizabeth B. Hendricks, Complaint Investigator, MSDE