

July 8, 2024

[REDACTED]

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

RE: [REDACTED]
Reference: #24-224

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services (DEI/SES), has investigated the complaint regarding special education services for the above-referenced student. This correspondence is the report on the final results of the investigation.

ALLEGATION:

On May 9, 2024, MSDE received a complaint from Ms. [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) concerning the above-referenced student.

MSDE investigated the allegation that the PGCPS has not ensured that the student has been consistently provided with speech-language services and adult support, as required by the Individualized Education Program (IEP) since the start of the 2023-2024 school year, in accordance with 34 CFR §300.101 and .323.

BACKGROUND:

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

FINDINGS OF FACTS:

1. The student's IEP in effect at the start of the 2023-2024 school year was developed on December 16, 2022. The IEP requires four, thirty-minute sessions per month of speech-language services outside the general education setting. The IEP further requires daily additional adult support solely for the student. Specifically, the adult support will monitor and follow her academic and functional performance inside the general education setting.

2. In its written response to this State complaint, the PGCPs acknowledges that the student has not been provided with speech-language services from the start of the 2023-2024 school year until November 20, 2023 as required by the IEP.
3. There is documentation that the student was provided speech and language services on November 20 and 30, 2024.
4. The student's IEP developed on December 6, 2023 continues to require four, thirty-minute sessions per month of speech-language services outside of the general education setting. The IEP further requires daily additional adult support solely for the student. Specifically, the adult support will monitor and follow her academic and functional performance inside the general education setting.
5. There is documentation that speech-language services have been consistently provided since December 7, 2023 as required by the IEP.
6. In its written response to this State complaint, the PGCPs further acknowledges that additional adult support solely for the student was not provided as required by the IEP since the start of the 2023-2024 school year.

CONCLUSION:

Based upon Findings of Fact #1 through #5, MSDE finds that the PGCPs has not ensured that the student has been consistently provided with speech-language services, as required by the IEP since the start of the 2023-2024 school year to November 20, 2023, in accordance with 34 CFR §300.101 and .323. Therefore, MSDE finds that a violation occurred concerning this aspect of the allegation.

Based upon Findings of Fact #1, #4, and #6, MSDE finds that the PGCPs has not ensured that the student has been consistently provided with adult support solely for the student, as required by the IEP since the start of the 2023-2024 school year, in accordance with 34 CFR §300.101 and .323. MSDE concurs and appreciates the PGCPs' acknowledgment that a violation occurred concerning this aspect of the allegation.

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. 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.

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.

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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 September 3, 2024, of the following actions:

- Provide the student with adult support solely for the student as required by the IEP;
- Convene an IEP team meeting and determine the amount and nature of compensatory services or other remedy to address the lack of provision of speech-language services and determine if the lack of the provision of adult support solely for the student had a negative impact on the student's ability to benefit from the education 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

MSDE requires the PGCPs to provide documentation by September 3, 2024, of the steps it has taken to ensure that the [REDACTED] staff properly implements the requirements for the implementation of related services and supplementary aids under the IDEA. These steps must include staff development, as well as tools developed to monitor compliance. PGCPs is required to provide a monitoring report on or before December 2, 2024, reflecting a random sampling of 20 students with IEPs, showing that they have received the services required by their IEPs, including direct and related services, provision of additional adult support, and consultative services. Full compliance is required.

MSDE further requires the PGCPs to inform MSDE at the start of the 2024- 2025 school year of all students at [REDACTED] that have an adult support vacancy. MSDE further requires the PGCPs to inform all parents and guardians of students who require adult support as part of their IEP of the vacancy at the start of the 2024- 2025 school year. In addition, MSDE requires the PGCPs to develop and implement an action plan at the start of the 2024- 2025 school year to provide adult support services. This plan can include contracts with private providers, or other strategies to ensure that students are provided with their adult support services.

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.

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Similarly Situated

MSDE further requires that PGCPs identify all similarly situated students at [REDACTED] that were not provided speech and language services during the 2023-2024 school year, convene IEP team meetings for those students to determine appropriate compensatory services and a plan to implement those services, and determine how their special education services will be provided moving forward for the remainder of the school year.

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