

July 11, 2024

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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: #24-227

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 14, 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 did not ensure that the IEP team convened to review the student's Individualized Education Program (IEP) before May 14, 2023, in order to ensure that the IEP was reviewed at least annually, in accordance with 34 CFR §300.324.
2. The PGCPS did not ensure that a comprehensive IDEA evaluation initiated on May 17, 2023, was conducted within the required timelines, in accordance with 34 CFR §§300.301-.306 and COMAR 13A.05.01.06.
3. The PGCPS has not ensured that the student has been consistently provided with the special education instruction, supplementary aids and supports, and related services required by the IEP since May 14, 2023, in accordance with 34 CFR §§300.101 and .323.

**BACKGROUND:**

The student is 17 years old and is identified as a student with an Other Health Impairment (OHI) under the IDEA. She attends [REDACTED] and has an IEP that requires the provision of special education instruction.

**FINDINGS OF FACT:**

1. There is documentation that a PGPCS convened an IEP team meeting on February 16, 2023; and developed an IEP with a projected annual review date of February 15, 2024.
2. On May 17, 2023, the PGPCS convened an IEP team meeting. The Prior Written Notice (PWN) generated after the meeting reflects the IEP team agreed to conduct updated assessments of the student.
3. The May 17, 2023, Notice and Consent to Evaluate reflects the IEP team agreed to conduct assessments in the following areas:
  - Academic Performance: reading, math, and written language;
  - Intellectual/Cognitive Functioning;
  - Emotional/Social/Behavior Development; and
  - Other - "rating scales as needed".
4. There is no documentation that the IEP team convened to review the assessment data within 90 days of the provision of consent on May 17, 2023.
5. There is no documentation of progress reported towards the achievement of the annual IEP goals from May 2023 to June 2023.
6. On September 22, 2023, the PGPCS convened an IEP team meeting to review assessments and revise the student's IEP. The PWN generated after the meeting reflects that the IEP team reviewed a May 2023 educational assessment, June 2023 social/emotional assessment, current grades, attendance and parental, student, and teacher input. The IEP team determined that an observation, intellectual/cognitive, and emotional/social/behavior development assessments were warranted and re-obtained consent to assess.<sup>1</sup> The PWN further reflects that the student's IEP was revised to reflect the current assessment data and student progress.
7. The February 16, 2023, IEP was amended on May 17, and September 22, 2023 by the IEP team. The IEP requires 15 hours per week of specialized instruction inside the general education setting. The IEP further requires the following supplementary aids and supports:
  - use of organizational aids;
  - frequent and/or immediate feedback;
  - repetition of directions; and
  - monitor independent work.

---

<sup>1</sup> Consent was previously provided for Intellectual/Cognitive Functioning on May 17, 2023.

There is no documentation that the student's IEP requires related services.

The IEP also requires the provision of written quarterly progress towards the achievement of the annual IEP goals.

The IEP requires the reading comprehension, written language expression, and math problem solving goals be measured using informal classroom assessments and classroom-based assessments with 60% accuracy.

- 8 The progress reported on November 2, 2023, and January 31, 2024, towards the achievement of the reading comprehension goal reflects the student was "making sufficient progress to meet [the] goal" with 60% accuracy. There is no documentation that the progress reported was measured as required by the IEP.

The progress reported on November 2, 2023, and January 31, 2024, towards the achievement of the written language expression goal reflects the student was "making sufficient progress to meet [the] goal" with 60% accuracy. There is no documentation that the progress reported was measured as required by the IEP.

The progress reported on November 2, 2023, and January 31, 2024, towards the achievement of the math problem solving goal reflects the student was "making sufficient progress to meet [the] goal" with 60% accuracy. There is no documentation that the progress reported was measured as required by the IEP.

9. On January 8, 2024, the IEP team convened to review assessments. The PWN generated after the meeting reflects that the IEP team reviewed the "most recent Behavioral Assessment System for Children". The results indicate that the student was in the "average at risk" range in the school setting and did not require counseling services in the school setting.
10. On February 12, 2024, the IEP team convened and the PWN generated after the meeting reflects that the IEP team "examined the results of her most recent psychological and academic evaluations".
11. The student's IEP developed on February 12, 2024, continues to require 15 hours per week of specialized instruction inside the general education setting. The IEP further requires the following additional supplementary aids and supports:
- use of highlighters during instruction and assignments;
  - researched based intervention for math;
  - break down assignments into smaller units;
  - reinforce positive behavior through non-verbal /verbal communication;
  - home-school communication system; and
  - psychologist consult.

The IEP requires the reading comprehension and written language expression goals be measured with informal classroom assessments and classroom-based assessments in 3 out of 4 trials.

The IEP requires the math problem solving goal be measured with informal classroom assessments and classroom-based assessments with 60% accuracy.

The IEP requires the self-management goal be measured with informal classroom assessments and/or an observation record in 3 out of 5 trials.

12. The progress reported on April 10, 2024, and June 5, 2024, towards the achievement of the written language expression goal reflects the student was “making sufficient progress to meet [the] goal” in 3 out of 4 trials. There is no documentation that the progress reported was measured as required by the IEP.

The progress reported on April 10, 2024, and June 5, 2024, towards the achievement of the reading comprehension goal reflects the student was “making sufficient progress to meet [the] goal” in 3 out of 4 trials. There is no documentation that the progress reported was measured as required by the IEP.

The progress reported on April 10, 2024, towards the achievement of the behavior management goal reflects the student was “making sufficient progress to meet [the] goal” in 3 out of 4 trials. There is no documentation that the progress reported was measured in 3 out of 5 trials as required by the IEP.

The progress reported on June 5, 2024, towards the achievement of the behavior management goal reflects the student was “not making sufficient progress to meet [the] goal” in 2 out of 4 trials. There is no documentation that the progress reported was measured in 3 out of 5 trials as required by the IEP.

13. The progress reported on April 10, 2024, towards the achievement of the math problem solving goal reflects the student was “not making sufficient progress to meet [the] goal” with 60% accuracy. There is no documentation that the progress reported was measured as required by the IEP.

The progress reported on June 5, 2024, towards the achievement of the math problem solving goal reflects the student was “making sufficient progress to meet [the] goal” with 80% accuracy. There is no documentation that the progress reported was measured as required by the IEP.

14. There is no documentation that the PGCPs convened an IEP team meeting to discuss the lack of progress reported on April 10, 2024, and June 5, 2024.

15. While there is some documentation of the provision of special education instruction, and supplementary aids and supports since May 2023, it does not demonstrate that it was consistently provided as required by the IEP.

## **CONCLUSIONS:**

### **ALLEGATION #1**

### **IEP Annual Review**

Based upon Finding of Fact #1, MSDE finds that the PGCPs met on February 16, 2023, to ensure that the IEP team convened to review the student’s IEP before May 14, 2023, in order to ensure that the IEP was reviewed at least annually, in accordance with 34 CFR §300.324. Therefore, MSDE finds that a violation did not occur concerning the allegation.

## **ALLEGATION #2**

### **Evaluation Procedures**

Based upon Findings of Fact #2 through #4, #6, #9, and #10, MSDE finds that the PGCPs did not ensure that a comprehensive IDEA evaluation initiated on May 17, 2023, and September 22, 2023, were conducted within the required timelines, in accordance with 34 CFR §300.301-.306 and COMAR 13A.05.01.06. Therefore, MSDE finds that a violation occurred concerning the allegation.

## **ALLEGATION #3**

### **Provision of Special Education Services**

Based upon Finding of Fact #7, MSDE finds that the student's IEP did not require related services, therefore, PGCPs was not required to ensure that the student has been consistently provided with related services since May 14, 2023, in accordance with 34 CFR §§300.101 and .323. Therefore, MSDE finds that a violation did not occur concerning this aspect of the allegation.

Based upon Findings of Fact #7, #11, and #15, MSDE finds that the PGCPs has not ensured that the student has been consistently provided with the special education instruction, and supplementary aids and supports required by the IEP since May 14, 2023, in accordance with 34 CFR §§300.101 and .323. Therefore, MSDE finds that a violation occurred concerning this aspect of the allegation.

## **ADDITIONAL VIOLATION IDENTIFIED DURING THE COURSE OF THE INVESTIGATION**

### **Report of Progress**

It is the public agency's responsibility to ensure that the IEP must include a description of how the student's progress toward achieving the annual goals will be measured and the data used to measure the progress and when progress will be reported and provided to the student's parents. (34 CFR §300.320).

Based upon Finding of Fact #5, MSDE finds that the PGCPs did not ensure that the student's progress towards achieving the IEP goals was reported in writing quarterly as required by the IEP, from May 2023 to November 2, 2023, in accordance with 34 CFR §§300.320. Therefore, MSDE finds that a violation occurred.

Based upon Findings of Fact #7, #8, #11 through #13, MSDE finds that the PGCPs did ensure that the student's progress reported towards the achievement of the IEP goals were reported using the data required by the IEP, since November 2, 2023, in accordance with 34 CFR §§300.320. Therefore, MSDE finds that a violation occurred.

### **Addressing the Lack of Progress**

It is the public agency's responsibility to ensure that the IEP team reviews the student's IEP to address any lack of expected progress toward the annual goals (34 CFR §300.324). In this case, the progress reported on April 10, 2024, toward the math problem solving goal reflects the student was not making progress to meet the goal. The IEP team did not meet to address the lack of progress.

Based upon the Findings of Fact #12 through #14, MSDE finds that the PGCPs did not ensure that the IEP team reviewed and revised the student's IEP to address the lack of expected progress towards achieving the math problem solving goal, since April 10, 2024, in accordance with 34 CFR §§300.324. Therefore, MSDE finds that a violation occurred.

### **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.<sup>2</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 Nicole Green, Compliance Specialist, Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.<sup>3</sup> Ms. Green can be reached at (410) 767-7770 or by email at [nicole.green@maryland.gov](mailto:nicole.green@maryland.gov).

#### **Student-Specific**

MSDE requires the PGCPs to provide documentation by October 1, 2024, of the following actions:

- Provide the student with special education instruction and supplementary aids and services as required by the IEP;
- That all evaluations were reviewed and provided to the parent; and
- Convene an IEP team meeting and determine the amount and nature of compensatory services or other remedy to address the lack of provision of special education instruction and determine if the lack of the provision of supplementary aids and services, failure to properly measure progress, and the failure to timely evaluate 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 October 1, 2024, of the steps it has taken to ensure that the [REDACTED] staff properly implements the requirements for the implementation of special education instruction, supplementary aids and services, ensuring progress reports align with goal requirements, convening IEP team meetings when students fail to make appropriate progress, and

---

<sup>2</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>3</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.

completion of evaluations under the IDEA and COMAR. These steps must include staff development, as well as tools developed to monitor compliance. Monitoring must include a review of a random sample of 25 IEPs reflecting implementation of services, supplementary aids and services, timelines for completion of reevaluations, convening IEP team meetings if students are not making progress, ensuring progress reports align with goal requirements. Full compliance is required. If 100% compliance with all requirements is not reflected, a second sample of 25 students must be completed. If the second sample does not meet 100% compliance, PGCPs staff will collaborate with MSDE to determine next steps.

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  
Nicole Green, Compliance Specialist, MSDE