

July 11, 2024

[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: #24-228

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 15, 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 follow proper procedures when conducting a comprehensive IDEA evaluation initiated on October 17, 2023, in accordance with 34 CFR §§300.301-.311 and COMAR 13A.05.01.06.
2. The PGCPS did not ensure that accessible copies of each assessment, report, data chart, draft Individualized Education Program (IEP), or other document the IEP team planned to discuss at the IEP team meetings since March 2024, were provided at least five (5) business days before each scheduled meeting, in accordance with COMAR 13A.05.01.03.
3. The PGCPS did not ensure that IEP team meetings convened since March 2024 included the required participants, in accordance with 34 CFR §300.321.
4. The PGCPS did not provide prior written notice of the IEP team's decisions from the IEP team meetings held since March 2024, in accordance with 34 CFR §300.503.

BACKGROUND:

The student is 15 years old and is identified as a student with a Specific Learning Disability (SLD) under the IDEA. He attends [REDACTED] and has an IEP that requires the provision of special education instruction.

FINDINGS OF FACT:

1. On October 17, 2023, the PGCPs convened an IEP team meeting. The Prior Written Notice (PWN) generated after the meeting reflects the IEP team proposed, and agreed to, conduct academic and psychological assessments to determine if the student was eligible for special education services.
2. The October 17, 2023, Notice and Consent to Evaluate reflects the IEP team agreed to conduct assessments in the following areas:
 - Academic Performance: reading, math, written language; and
 - Intellectual/Cognitive Functioning.
3. There is no documentation that the IEP team convened to review the assessment data within 60 days of the provision of consent on October 17, 2023.
4. There is documentation that PGCPs conducted a psychological assessment on December 5, 2023.
5. On February 8, 2024, an assessment report was generated reflecting that PGCPs administered the Woodcock-Johnson IV to the student.
6. On March 21, 2024, the PGCPs convened an IEP team meeting to review assessments and determine the student's eligibility. The PWN generated after the meeting reflects that the IEP team reviewed the PGCPs psychological and academic assessment reports, grades, attendance and teacher and counselor reports. The IEP team determined that the student did not qualify for special education services. The IEP team determined that the assessments did not support the need for special education services. The PWN reflects that the complainant disagreed with the team's decision.
7. There is no documentation that a regular education teacher participated in the March 21, 2024, IEP team meeting.
8. There is no documentation that the parent was provided accessible copies of each assessment, report, data chart, draft Individualized Education Program (IEP), or other document the IEP team planned to discuss at the IEP team meeting on March 21, 2024, April 30, 2024, and May 29, 2024.
9. On April 30, 2024, the PGCPs convened an IEP team meeting at the parent's request and to correct "wording on the WJ IV assessment". The PWN generated after the meeting reflects that after correcting the assessment the student scored in the low range for broad mathematics. The IEP team determined the student was eligible for special education services as a student with a SLD. The IEP team agreed to the following supplementary aids and supports:
 - check for understanding;
 - extended time;

- break down assignments into smaller units;
- academic resource - for organizational skills/time management;
- preferential seating;
- paraphrase instructions for understanding;
- encourage the student to ask for assistance when needed;
- allow use of organization aids;
- smaller setting for assessments; and
- calculation devices during assessments.

The IEP team determined the student requires a smaller student to teacher ratio as his least restrictive environment (LRE). The team agreed to reconvene to review the draft IEP.

There is documentation that the required IEP team participants were present.

10. On May 29, 2024, the PGCPs convened an IEP team meeting to discuss the complainant's concerns. The PWN generated after the meeting reflects that the complainant shared concerns regarding the evaluation timeline and the data used to determine the student's eligibility. The IEP team reviewed psychological and academic assessments, grades, attendance, teacher and counselor reports. The PGCPs IEP team addressed the concerns and agreed to provide 36 hours of compensatory services for math and reading.

The IEP team agreed to add a reading comprehension goal to monitor the student's reading progress. The team agreed to provide the draft IEP after the meeting. There is documentation that the required IEP team participants were present.

11. There is no documentation that the complainant was provided PWN of the IEP team's decisions from the IEP team meetings held since March 2024.

CONCLUSIONS:

ALLEGATION #1

EVALUATION PROCEDURES

Based upon Findings of Fact #1 through #6, #9, and #10, MSDE finds that the PGCPs did not follow proper procedures when conducting a comprehensive IDEA evaluation initiated on October 17, 2023, in accordance with 34 CFR §§300.301-.311 and COMAR 13A.05.01.06. Therefore, MSDE finds that a violation occurred concerning the allegation.

ALLEGATION #2

IEP DOCUMENTS BEFORE THE MEETING

Based upon Finding of Fact #8, MSDE finds that the PGCPs did not ensure that accessible copies of each assessment, report, data chart, draft IEP, or other document the IEP team planned to discuss at the IEP team meetings since March 2024, were provided at least five business days before each scheduled meeting, in accordance with COMAR 13A.05.01.03. Therefore, MSDE finds that a violation occurred concerning the allegation.

ALLEGATION #3

IEP TEAM PARTICIPANTS

Based upon Finding of Fact #7, MSDE finds that the PGCPs did not ensure that the IEP team meetings convened on March 21, 2024, included the required general education teacher, in accordance with 34 CFR §300.321. Therefore, MSDE finds that a violation occurred concerning the allegation.

ALLEGATION #4

PROVISION OF PWN

Based upon Finding of Fact #11, MSDE finds that the PGCPs did not provide prior written notice of the IEP team's decisions from the IEP team meetings held since March 2024, in accordance with 34 CFR §300.503. Therefore, MSDE finds that a violation occurred concerning 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.

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. Nicole Green, Compliance Specialist, Family Support and Dispute Resolution, MSDE, to ensure the effective implementation of the action.² Ms. Green can be reached at (410) 767-7770 or by email at nicole.green@maryland.gov.

Student-Specific

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

- Provide the complainant with the PWNs of the decisions made at the IEP team meetings since March 2024; and
- Provide documentation of the compensatory education plan from the May 29, 2024, IEP team meeting.

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.

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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School-Based

MSDE requires the PGCPs to provide documentation of the steps it has taken to ensure that the staff at [REDACTED] properly implements the requirements for conducting evaluations under IDEA, provision of IEP documents before an IEP team meeting, provision of PWN, and the participation of the required IEP team members 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 compliance with evaluation procedures, convening a duly constituted IEP team, providing documents to families before and after IEP team meetings. 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
Nicole Green, Compliance Specialist, MSDE
Nicol Elliott, Section Chief, Monitoring and Accountability, MSDE
Dr. Paige Bradford, Chief, Specialized Instruction, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE