

July 25, 2024

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

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

RE: [REDACTED]  
Reference: #24-253

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 June 3, 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 re-evaluation of the student was completed within the required timelines, in accordance with 34 CFR §§ 300.303- .306<sup>1</sup> and COMAR 13A.05.01.06.
2. The PGCPS has not ensured that the student was provided with the special education services, supplementary aids and services, and accommodations, including the reading intervention as required by the Individualized Education Plan (IEP) since the start of the 2023- 2024 school year, in accordance with 34 CFR §§ 300.101 and .323.
3. The PGCPS has not ensured that the parent was provided with quarterly progress reports toward achieving the reading annual IEP goals since January 2024, in accordance with 34 CFR §§ 300.320 and .323.

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<sup>1</sup> The original allegation cited 34 CFR §300.301.

4. The PGCPs did not provide the student's parent with a copy of the completed IEP document within five business days after the IEP team meeting on May 20, 2024, and May 22, 2024, in accordance with COMAR 13A.05.01.07.

**BACKGROUND:**

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

**FINDINGS OF FACT:**

1. The student's IEP developed on April 18, 2023, reflects a required projected annual review date of March 14, 2024. It further reflects that the most recent reevaluation date was February 16, 2022.
2. The student's IEP developed on April 18, 2023, and May 20, 2024, require the student to be provided with supplemental aids, services and accommodations:
  - Extended time (1.5);
  - Daily monitor independent work;
  - Daily check for understanding;
  - Daily allow use of manipulatives;
  - Daily frequent and/or immediate feedback;
  - Daily repetition of directions;
  - Weekly reports on goals;
  - Daily use of positive/concrete reinforcers;
  - As needed breaks;
  - Daily frequent eye contact and proximity control;
  - Daily strategies to initiate and sustain attention;
  - Periodic social stories;
  - Daily preferential seating; and
  - Monthly occupation therapy (OT) consult.

The student's IEP developed on April 18, 2023, and May 20, 2024, require the student to be provided with special education instruction and related services:

- Five one-hour weekly sessions of special education instruction in the general education classroom provided by the special, general education teacher or the instructional assistant;
- Five one-hour weekly sessions of special education instruction outside the general education classroom provided by the special education teacher instruction or the instructional assistant;
- Three 45-minute weekly sessions of special education instruction outside the general education classroom provided by the special education teacher, instructional assistant, or the IEP team;
- 30 minutes weekly of occupational therapy (OT) provided by occupational therapists;
- Four 30-minute weekly sessions of speech-language therapy provided by the speech-language pathologist.

The student's IEP developed on April 18, 2023, and May 20, 2024, requires the provision of progress towards the achievement of the annual IEP goals to be provided quarterly.

3. On November 6, 2023, the IEP team convened to review and revise the student's IEP and conduct progress monitoring. The prior written notice (PWN) generated following this IEP team meeting reflects that the student's goals and social stories were updated.
4. On January 29, 2024, the IEP team convened to review and revise the student's IEP and conduct progress monitoring. The PWN generated following this IEP team meeting reflects that the student's Present Levels of Academic Achievement and Functional Performance (PLAAFP), goals, supplemental aids and services, accommodations, and services were updated.

The student's amended IEP, dated January 29, 2024, reflects additional supplemental aids, services and accommodations:

- Daily answer masking;
  - Weekly modified spelling list;
  - Weekly evidence-based math intervention; and
  - Weekly evidence-based reading intervention.
5. On May 20, 2024, and May 22, 2024, the IEP team convened to conduct the student's annual review and Extended School Year (ESY) services. The PWN generated following this IEP team meeting reflects that the IEP team reviewed and updated the student's IEP. The PWN further reflects that the student has not been receiving his reading intervention. In addition, transportation service was added to the student's IEP. The student will be escorted to "their" car on the side of the school for dismissal to address safety concerns.
  6. The student's IEP developed on May 20, 2024, requires the student to be provided with additional supplemental aids, services and accommodations:
    - During assessments and reading activities a human reader;
    - Daily pacing;
    - Daily visual and verbal cueing; and
    - Daily scribe.

The student's IEP requires 2024 ESY services at 15 sessions of four hours per month of special education instruction outside the general education classroom provided by the special education teachers.

7. There is no documentation that the student was consistently provided with his special education services, supplementary aids and services, and accommodations, including the reading intervention as required by the IEP since the start of the 2023-2024 school year.
8. There is no documentation that a re-evaluation of the student was required during the 2023-2024 school year.
9. There is no documentation that the student's parent was provided with the quarterly progress reports as required by the IEP since the start of the 2023-2024 school year.

10. There is no documentation that the parent was provided with the completed IEP documents within five business days after the May 20, 2024, and May 22, 2024, IEP team meetings.

**CONCLUSIONS:**

**ALLEGATION #1 RE-EVALUATION TIMELINE**

Based upon the Finding of Fact #8, MSDE finds that the PGCPs was not required to conduct a re-evaluation of the student during the 2023- 2024 school year, in accordance with 34 CFR §§ 300.303- .306 and COMAR 13A.05.01.06. Therefore, this office finds a violation did not occur concerning the allegation.

**ALLEGATION #2 PROVISION OF SPECIAL EDUCATION SERVICES, SUPPLEMENTARY AIDS, SERVICES, AND ACCOMMODATIONS**

Based upon the Findings of Fact #2 through #7, MSDE finds that the PGCPs has not ensured that the student was provided with the special education services, supplementary aids and services, and accommodations, including the reading intervention as required by the IEP since the start of the 2023- 2024 school year, in accordance with 34 CFR §§ 300.101 and .323. Therefore, this office finds a violation occurred concerning the allegation.

**ALLEGATION #3 PROVISION OF PROGRESS REPORTS**

Based upon the Findings of Fact #2 and #9, MSDE finds that the PGCPs has not ensured that the parent was provided with quarterly progress reports toward achieving the annual reading IEP goals since January 2024, in accordance with 34 CFR §§ 300.320 and .323. Therefore, this office finds a violation occurred concerning the allegation.

**ALLEGATION #4 PROVISION OF THE COMPLETED IEP DOCUMENTS**

Based upon the Findings of Fact #5 and #10, MSDE finds that the PGCPs did not provide the student's parent with a copy of the completed IEP document within five business days after the IEP team meeting on May 20, 2024, and May 22, 2024, in accordance with COMAR 13A.05.01.07. Therefore, this office finds a violation occurred concerning the allegation.

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

**Annual IEP Review**

The public agency must ensure that the child's IEP is reviewed periodically, but not less than annually, to determine whether the annual goals for the child are being achieved (34 CFR § 300.324). In this case, the IEP projected annual review date was March 14, 2024; the IEP team met on May 20 and 22, 2024, to conduct the student's annual IEP review.

Based upon the Findings of Fact #1 through #5, MSDE finds that the PGCPs did not ensure that IEP annual review was completed within the required timelines, in accordance with 34 CFR § 300.324. Therefore, this office finds 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 noncompliance 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 Ms. Nicole Green, Compliance Specialist, Family Support and Dispute Resolution, 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, that the IEP team has convened and determined the amount and nature of compensatory services or other remedy to redress the violation regarding the provision of the special education services, supplementary aids, services, and accommodations. In addition the IEP team needs to determine if the lack of a timely annual review, provision of quarterly progress reports, and the provision of completed IEP documents after an IEP team meeting, had a negative impact on the student, determine the amount and nature of compensatory services or other remedy to redress the violation and developed 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 determine if the violations identified in the Letter of Findings are unique to this case or if they represent a pattern of noncompliance at [REDACTED]. Specifically, a review of student records, data, or other relevant information must be conducted in order to determine if the regulatory requirements

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<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.

are being implemented and documentation of the results of this review must be provided to MSDE. If compliance with the requirements is reported, MSDE staff will verify compliance with the determinations found in the initial report.

If the regulatory requirements are not being implemented, actions to be taken in order to ensure that the violation does not recur must be identified, and a follow-up report to document correction must be submitted within ninety (90) days of the initial date of a determination of non-compliance. Upon receipt of this report, MSDE will re-verify the data to ensure continued compliance with the regulatory requirements.

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 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/sd

c: Millard House II, Superintendent, PGCP  
Keith Marston, Compliance Instructional Supervisor, PGCP  
Lois Jones Smith, Compliance Liaison, PGCP  
Darnell Henderson, General Counsel, PGCP  
William Fields, Associate General Counsel, PGCP  
[REDACTED], Principal, [REDACTED], PGCP  
Nicol Elliott, Section Chief, Monitoring and Accountability, MSDE  
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE  
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE  
Tracy Givens, Section Chief, Dispute Resolution, MSDE  
Nicole Green, Compliance Specialist, MSDE  
Sarah Denney, Complaint Investigator, Dispute Resolution, MSDE