


November 1, 2024




Ms. Trinell Bowman
Associate Superintendent-Special Education
Prince George's County Public Schools
John Carroll Administration Building
1400 Nalley Terrace
Hyattsville, Maryland 20785

RE: 
Reference: #24-264

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 on the final results of the investigation.

ALLEGATIONS:

On June 5, 2024, and August 12, 2024,¹ MSDE received a complaint from , 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 following allegations:

1. The PGCPS has not developed and implemented an Individualized Education Program (IEP) that addresses the student’s identified social, emotional, and behavioral needs since June 2023, in accordance with 34 CFR §§ 300.101 and .324.
2. The PGCPS has not ensured that the student has been consistently provided with a dedicated aide and accommodations required by the IEP since the beginning of the 2023-2024 school year, in accordance with 34 CFR § 300.101 and .323.
3. The PGCPS has not ensured that the IEP contains a statement of measurable annual IEP goals in the area of reading phonics designed to meet the student’s needs that result from his disability and to enable him to be involved in, and make progress in, the general education curriculum, since April 17, 2024, in accordance with 34 CFR § 300.320.
4. The PGCPS did not provide a copy of the IEP documents within five business days after the IEP team meeting held on April 17, 2024, in accordance with 34 CFR § 300.322 and COMAR 13A.05.01.07.

¹ The State complaint was held in abeyance on July 10, 2024. The complainant raised new issues prior to the complaint coming out of abeyance. As a result, MSDE combined the allegations made on June 5, 2024, and the allegations made on August 12, 2024, into State complaint #24-264.

5. The PGCPS did not ensure that the student was provided with the supplementary aids and services as required by the IEP in accordance with 34 CFR §§ 300.101 and 323. Specifically, the complainant alleges the student was not provided with the following:
- social stories;
 - visuals;
 - picture schedule;
 - token economy systems/rewards;
 - positive morning check-ins;
 - noise canceling headphones;
 - social skills training;
 - alternative ways to demonstrate learning; and
 - support during dismissal.

BACKGROUND:

The student is nine years old and is identified as a student with autism under the IDEA. During the 2023-2024 school year, the student attended [REDACTED]. The student currently attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

SUMMARY OF FINDINGS AND CONCLUSIONS:

ALLEGATIONS #2 and #5

**PROVISION OF DEDICATED AIDE, ACCOMMODATIONS,
SUPPLEMENTARY AIDS AND SERVICES**

In its written response, the PGCPS acknowledged that they did not ensure that the student has been consistently provided with a dedicated aide and accommodations required by the IEP since the beginning of the 2023-2024 school year. Additionally, the PGCPS acknowledged that they did not provide the student with the supplementary aids and services required by the IEP.

MSDE concurs and appreciates the PGCPS' acknowledgement that violations occurred with respect to the allegations.

FINDINGS OF FACT:

1. The IEP in effect at the beginning of the 2023-2024 school year was developed May 8, 2023, and amended June 12, 2023. The IEP required 30 minutes of counseling per week inside the general education setting. The IEP reflects identified needs in the areas of social emotional/behavioral, and self-management.

The IEP required the following social/behavioral supplementary aids, services, program modifications and services:

- Daily - token economy system, positive morning check-ins, noise buffering headphones, additional adult support, transition warnings, provide frequent changes in activities or opportunities for movement, strategies to initiate and sustain attention; and
 - Weekly- social skills training.
2. On February 16, 2024, the Central IEP (CIEP) team convened to review and revise the IEP and discuss educational placement in response to a referral by the school-based team. The amended IEP reflects:
- The Present Level of Academic Achievement and Functional Performance (PLAAFP) was updated to reflect the referral from the school-based team;
 - The IEP requires 27 hours per week of special education instruction outside of the general education setting to be provided by the special education classroom teacher and /or instructional assistant; and

- The least restrictive environment (LRE) reflects that the team considered general education, general education with supports, separate class, and private separate day school. The IEP team determined that the student requires a private separate day school.

3. On April 17, 2024, the IEP team convened the student’s annual review meeting. The IEP developed on April 17, 2024, continues to reflect identified needs in the areas of social emotional/behavioral and self-management. The IEP continues to require supplementary aids, services, program modifications and services.

The IEP reflects the following reading phonics goal: “By April 2025, when given 20 grade-level, one-syllable or multisyllabic irregularly spelled words to read, [Student] will recall the sound that the irregular spelling pattern makes to read 16 out of 20 words aloud, without sounding out the word, on 3 out of 4 progress monitoring assessments.”

There is no documentation that the complainant was provided with the IEP document following the IEP team meeting on April 17, 2024.

4. There is documentation that the student consistently received counseling services as required by the IEP from the beginning of the school year through January 2024. However, there is no documentation that the student consistently received counseling service as required by the IEP from February 2024 through May 2024.

5. The student did not attend Extended School Year (ESY) 2024.

6. There is documentation that counseling services were available in school as required by the IEP since the beginning of the 2024-2025 school year.

7. There is documentation that the school staff called the complainant on March 8, 2024, in response to an email sent by the complainant on March 7, 2024. The PGCPs parent contact log reflects school-based staff shared the following regarding referrals to nonpublic schools:

- [REDACTED] would review the referral in anticipation with a July 2024 start date;
- [REDACTED] confirmed receipt of the referral on February 26, 2024, and a follow up email was sent to [REDACTED] requesting a status update on March 8, 2024; and
- [REDACTED] requested a speech-language assessment on March 5, 2024, and the assessment was provided to [REDACTED] the same day.

8. There is documentation that the school staff talked with the complainant on April 19, 2024. The complainant contacted the school-based staff to provide them with an update regarding their placement decisions. The PGCPs parent contact log reflects:

- The complainant shared the family declined acceptance to the [REDACTED];
- The student was accepted to the Philips School Laurel and the complainant had not yet decided if she will accept the offer; and
- The complainant was waiting to hear from [REDACTED].

9. There is documentation that on May 21, 2024, the school called the complainant in response to an email sent by the complainant and the school-based staff. The PGCPs parent contact log reflects the school-based staff shared the following:

- [REDACTED] did not accept the student for placement;
- The student’s neighborhood school nor the boundary separate class program were able to meet the student needs as required by the IEP; and
- The complainant was advised to enroll the student in one of the programs that had offered acceptance.

10. On August 27, 2024, the IEP team convened to discuss the student's educational placement. The Prior Written Notice (PWN) generated after the meeting reflects:
- The PGCPs compliance office will follow up on the status of the referral to [REDACTED];
 - The parents have declined the non-public schools that were offered; and
 - The IEP team determined that the student will attend [REDACTED] ([REDACTED]), while additional non-public options are explored.

CONCLUSIONS:

ALLEGATION #1

DEVELOPMENT AND IMPLEMENTATION OF THE IEP

Development of IEP

Based on the Findings of Fact #1 through #3, MSDE finds that the PGCPs developed an IEP that addresses the student's identified social, emotional, and behavioral needs since June 2023, in accordance with 34 CFR §§ 300.101 and .324. Therefore, this office finds that a violation did not occur concerning this allegation.

Implementation of IEP

Based on the Finding of Fact #4, MSDE finds that the PGCPs did not ensure the provision of counseling service as required by the IEP from February 2024 through May 2024, in accordance with 34 CFR §§ 300.101 and .324. Therefore, this office finds that a violation did occur concerning this allegation.

ADDITIONAL VIOLATION IDENTIFIED DURING THE COURSE OF THE INVESTIGATION

The public agency is required to ensure that the student is provided with the special education and related services in the LRE required by the IEP (34 CFR § 300.101).

In this case, the IEP team determined that the LRE is a private separate day school. To date the student is not placed in the LRE that the IEP requires.

Based on the Findings of Fact #4, and #8 through #10, MSDE finds that the PGCPs did not ensure that the student was placed in the LRE as required by the IEP since February 16, 2024, in accordance with 34 CFR §§ 300.114 and .116. Therefore, this office finds that a violation occurred.

ALLEGATION #3

DEVELOPMENT OF IEP GOALS

Based on the Finding of Fact #3, MSDE finds that the PGCPs has ensured that the IEP contains a statement of measurable annual IEP goals in the area of reading phonics designed to meet the student's needs that result from his disability and to enable him to be involved in, and make progress in, the general education curriculum, since April 17, 2024, in accordance with 34 CFR §§ 300.101 and .324. Therefore, this office finds that a violation has not occurred concerning this allegation.

ALLEGATION #4

PROVISION OF IEP DOCUMENT

Based on Finding of Fact #3, MSDE finds that the PGCPs did not provide a copy of the IEP document within five business days after the IEP team meetings held on April 17, 2024, in accordance with COMAR 13A.05.01.07. Therefore, this office finds that a violation did occur concerning this allegation.

CORRECTIVE ACTION 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.² 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.³ 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 January 6, 2025, of the steps taken to ensure that the IEP team has taken the following action:

- a. Provided the complainant with the student's April 17, 2024, IEP;
- b. Provided the student with special education and related services in the placement required by the IEP; and
- c. Convened an IEP team meeting to determine the amount and nature of compensatory services or other remedies to address the failure to provide special education and related services as required by the IEP and develop a plan for the provision of those services within a year of the date of this Letter of Findings.

The PGCPS must ensure that the parents are provided with written notice of the team's decisions. The parents maintain 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 January 6, 2025, of the steps it has taken to ensure that the [REDACTED] staff properly implements the requirements for the violations identified in this Letter of Findings under the IDEA. These steps must include staff development, as well as tools developed to document services and monitor compliance.

Monitoring must include a review of at least 10 randomly selected student records to review for the provision of special education instruction, supplementary aids, services, and accommodations. The monitoring report must be submitted to MSDE on or before February 3, 2025.

² 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.

³ MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

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 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/ra

c: Millard House II, Superintendent, PGCP
Lois Jones Smith, Compliance Liaison, PGCP
Keith Marston, Compliance Coordinator, PGCP
Darnell Henderson, General Counsel, PGCP
William Fields, Associate General Counsel, PGCP
[REDACTED], Principal, [REDACTED], PGCP
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Alison Barbat, Chief, Family Support and Dispute Resolution Branch, MSDE
Nicole Green, Compliance Specialist, MSDE
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