


August 14, 2024




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

RE: 
Reference: #24-274

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 14, 2024, 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 did not ensure that the parent was provided with accessible copies of each assessment, report, data chart, draft of the Individualized Education Program (IEP), or other document the IEP team planned to discuss at the January 2024 and June 2024, IEP team meetings at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.07.
2. The PGCPS did not provide a copy of the IEP document within five (5) business days after the January 2024 and June 2024 IEP team meetings, in accordance with 34 CFR § 300.322 and COMAR 13A.05.01.07.

3. The PGCPs did not ensure that the student was consistently provided with the special education instruction and accommodations required by the IEP during the 2023-2024 school year, in accordance with 34 CFR §§ 300.101 and .323.
4. The PGCPs did not ensure that the parent was provided with reports of the student's progress toward achieving the annual IEP goals during the 2023-2024 school year, in accordance with 34 CFR § 300.320.

BACKGROUND:

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

SUMMARY OF FINDINGS AND CONCLUSION:

In its written response, the PGCPs acknowledges that violations occurred with respect to the allegations. Specifically, the complainant was not provided with accessible copies of the documents the IEP team planned to discuss at the January 2024 and June 2024, IEP team meetings at least five business days before the scheduled meeting. The complainant did not receive a copy of the IEP document after the January 2024 and June 2024 IEP team meetings. The student was not consistently provided with special education instruction, accommodations, and reports of the student's progress toward the achievement of the annual IEP goals.

PGCPs proposes to provide all documents the IEP team discussed to develop the student's most recent IEP; a copy of the IEPs developed after the January 2024 IEP team meeting and if applicable the June 2024 IEP team meeting; and the reports of progress towards the achievement of the IEP goals for the 2023-2024 school year.

MSDE concurs and appreciates the PGCPs' acknowledgment that violations occurred with respect to the allegations.

CORRECTIVE ACTIONS AND TIMELINES:

The IDEA requires that State complaint procedures include those for 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 completion of the proposed corrective action. Additionally, the PGCPs must convene an IEP team meeting and determine the amount and nature of compensatory services or other remedies to address the lack of provision of special education instruction and the lack of the provision of accommodations; reports of progress; IEP documents before and after the IEP team meetings 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 PGCPs to provide professional development to the staff at [REDACTED] on the violations identified above on or before December 2, 2024. This is the ninth State complaint from this school since 2023. Accordingly, the PGCPs must complete ongoing monitoring and review all IEPs for students at [REDACTED] for compliance with MSDE requirements using the MSDE Monitoring rubric. The initial monitoring report must be provided to MSDE by February 3, 2025. Any corrections must be made by June 2, 2025. Full compliance is required by June 2, 2025.

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.

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.

[REDACTED]
Ms. Trinell Bowman
August 14, 2024
Page 4

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/ebh

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