

August 22, 2024

[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: #24-285

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 24, 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 School (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 implemented an Individualized Education Program (IEP) that addressed the student's identified needs since the start of the 2023-2024 school year, in accordance with 34 CFR §§ 300.101 and .324.
2. The PGCPS did not ensure that an IEP team meeting convened on February 21, 2024, and May 24, 2024, included the required participants, in accordance with 34 CFR § 300.321.

BACKGROUND:

The student is 18 years old and is identified as a student with a Specific Learning Disability (SLD), dyslexia and dyscalculia, under the IDEA. He attends [REDACTED] and has an IEP that requires special education instruction and related services.

ALLEGATION #1 IEP THAT ADDRESSES THE STUDENT'S IDENTIFIED NEEDS

FINDINGS OF FACT:

1. The student's IEPs developed on February 7, 2023, and December 5, 2023, reflect the student's disability impacts math calculation, reading comprehension, and written language expression.

The IEPs' Present Levels of Academic Achievement and Functional Performance (PLAAFP) reflect the following:

- Math calculation: The student's instructional level is fifth grade. The student "demonstrated significant weaknesses compared to typical students his age/grade level in the area of calculation. The student requires support in determining what application to apply to different mathematical problems, transference of concepts, problem solving involving more than two (2) steps;"
- Reading comprehension: The student's instructional level is fourth grade. The student "struggles with decoding the multi-syllable words, identifying the correct missing vocabulary words that would make the sentences make sense. When the passages included dates, historical information or directions to places, he could remember some of the information for example like the year and street name, but not the important information;"
- Written language expression: The student's instructional level is sixth grade. The student "struggles with decoding the multi-syllable words, identifying the correct missing vocabulary words that would make the sentences make sense. When the passages included dates, historical information or directions to places, he could remember some of the information for example like the year and street name, but not the important information;"
- The student's impact statement reads: "deficit in the area of auditory processing and auditory memory causes him to have difficulty processing problems and remembering information. This impacts his ability to follow multi-step directions, comprehend and recall complex concepts. This also impacts his academic success in reading, written language, and math, and to a lesser degree science and social studies."

The IEPs require the student to be provided with supplemental aids, services and accommodations:

- Graphic organizer;
- Frequent breaks;
- Reduced distraction to self and others;
- Monitor of test responses;
- Extended time (1.5x);
- Weekly small group instruction for math, reading, and organization provided by the general or special education teacher;
- Daily research and/or evidence-based math and reading interventions provided by the general or special education teacher;
- Daily monitor independent work provided by the instructional assistant, the general or special education teacher;
- Daily check for understanding provided by the general or special education teacher;
- Daily reinforce positive behaviors through verbal and non-verbal communication provided by the general or special education teacher; and
- Daily preferential seating provided by the general or special education teacher.

The IEPs further reflects that the student does not have a goal in a critical life skill that would warrant Extended School Year (ESY) services.

The February 7, 2024, IEP requires academic goals in the following areas:

- Math calculation: "By the next annual review, given a word problem that involves a right triangle with missing side lengths and/or angles, [the student] will solve the problem by interpreting the context, drawing or labeling a diagram, and applying right triangle trigonometry to identify the missing side lengths and/or angle measures with (75%) accuracy (i.e. 3 out of 4 problems correct) for (2 out of 3) sets of problems."
- Reading comprehension: "By the next annual review, after reading a grade-level informational text, given an idea from the text and a graphic organizer, [the student] will write (3) pieces of supporting evidence and (1) sentence explaining how each piece of evidence supports the development of the main idea to complete the graphic organizer, for (5 out of 6) rubric points, on (3 out of 4) classroom based assignment;"
- Written language expression: "By the next annual review, after selecting an informational writing prompt from (2) choices, given a writing checklist to include an introduction, body paragraphs, and a conclusion, [the student] will write a (5) paragraph essay that addresses the informational prompt, for (11 out of 13) rubric points, on (3 out of 4) classroom-based assignments."

The December 5, 2023, IEP requires academic goals in the following areas:

- Math calculation: "By the next annual review, given a word problem with at least 3 different sets of data (e.g., price, size, and amount per use) and a question that can be answered using part of the given information, [the student] will answer the question by identifying the quantities needed to answer the question and using the corresponding data to make calculations relevant to the question, for (3 out of 4) word problems, on (3 out of 4) curriculum-based assessments;"
- Reading comprehension: "By the next annual review, after reading a grade-level informational text, [the student] will explain the development of (2) central ideas by identifying (2) central ideas and (1) supporting detail for each central idea, in writing, for (5 out of 6) rubric points, on (3 out of 4) curriculum-based assessments;"
- Written language expression: "By the next annual review, after selecting an informational writing prompt from (2) choices, given an informational writing checklist to include an introduction, body paragraphs, and conclusion, [the student] will write a (5) paragraph essay that addresses the informational prompt, for (14 out of 17) rubric points, on (3 out of 4) curriculum-based assessments."

The IEPs require the student to be provided with 15 hours weekly of special education instruction in the general education classroom provided by the general or special education teacher to support reading, math, science, and social studies.

The report of progress towards the achievement of the student's annual academic IEP goals reported on November 3, 2023, January 19, 2024, March 22, 2024, and June 3, 2024, was not measured in the manner required by the IEPs.

2. There is no documentation that the student was provided supplementary aids, services, and accommodations including the daily research and/or evidence-based math and reading interventions, as required by the IEPs.

3. There is documentation that the student was enrolled in, and received special education instruction in, co-taught academic classes as required by the IEP.

DISCUSSIONS AND CONCLUSIONS:

In this case, the PGCPs provided the student with special education services and support in his academic classes as required by the IEP. However, the PGCPs did not provide the student with supplementary aids and accommodations as required by the student's IEP.

Provision of Supplementary Aids and Accommodations

Based upon the Findings of Fact #1 and #2, MSDE finds that the PGCPs has not implemented an IEP that addressed the student's identified needs by failing to provide the supplementary aids and accommodations since the start of the 2023- 2024 school year, in accordance with 34 CFR §§ 300.101 and .324. Therefore, this office finds that a violation occurred concerning this aspect of the allegation.

ADDITIONAL VIOLATIONS IDENTIFIED DURING THE COURSE OF THE INVESTIGATION

Clear Statement of the Student's PLAAFP for Written Language Expression, Reading Comprehension Goal not Aligned with PLAAFP and Impact Statement Aligned with Data

Federal regulation requires the statement of the student's PLAAFP in the IEP to include how the student's disability affects the student's involvement and progress in the general education curriculum, related to the identified area of need. The PLAAFP should integrate information from multiple sources to provide a comprehensive description of the student's characteristics as a learner, current demonstration of skills relative to grade level standards and/or age-appropriate expectations, and intervention history. (34 CFR § 300.320 and COMAR 13A.05.01.08).

In an IEP, goals should be aligned with a student's PLAAFP, which are a snapshot of the student's strengths and needs in academics, social-emotional, and physical areas. The present levels statement is based on data and formative assessments, and it includes the student's strengths and weaknesses, what helps them learn, and what limits their learning.

In this case, the student's PLAAFP for written language expression predominately contains reading data, with only one data point for written language expression and no narrative focused on written language expression. Additionally, the reading comprehension goal does not align with the need areas identified in the PLAAFP. The student's impact statement discusses needs in auditory memory and auditory processing, however, there is no mention of either in the student's PLAAFP or his evaluation information on his IEP.

Based upon the Finding of Fact #1, MSDE finds that the PGCPs has not ensured that the IEP contains a clear statement of the student's PLAAFP for written language expression or appropriate reading comprehension goals since the start of the 2023-2024 school year, in accordance with 34 CFR § 300.320. Therefore, this office finds a violation occurred.

Appropriate Math Calculation Goal

In this case, the student's PLAAFP identifies math calculation as the only area of need in math. On the student's IEPs, the math calculation goal is, in fact, a math problem solving goal.

Based upon the Finding of Fact #1, MSDE finds that the PGCPs has not ensured that the IEP contains an appropriate math calculation goal since the start of the 2023-2024 school year, in accordance with 34 CFR § 300.320. Therefore, this office finds a violation occurred.

Annual IEP Goals Measured in the Manner Required By the IEP

In this case, the progress reported towards the achievement of the annual IEP goals was not reported as required by the methods of measurement and criteria for measurement.

Based upon the Finding of Fact #1, MSDE finds that the PGCPs has not ensured that the student's progress towards achievement of his annual academic IEP goals were measured in the manner as required by the IEP during the 2023- 2024 school year, in accordance with 34 CFR §§ 300.101 and .324. Therefore, this office finds a violation occurred.

ALLEGATION #2 IEP TEAM MEETING PARTICIPANTS

FINDINGS OF FACT:

4. The Prior Written Notice (PWN) generated following the IEP team meeting that convened on February 21, 2024, reflects that the student's grandparents (guardians), the student, the IEP chair, the School Counselor, the SEIS (Special Education Instructional Staff), the Assistant Principal, the Family Support Center representative, and the case manager were present. There is no documentation that a general educator participated in the IEP team meeting.
5. On May 24, 2024, the IEP team convened with the required participants.

CONCLUSION:

The IEP team meeting convened on February 21, 2024, included the required participants, specifically a general educator, in accordance with 34 CFR § 300.321. Therefore, this office finds that a violation occurred concerning this aspect of the allegation.

Based upon the Finding of Fact #5, MSDE finds that the PGCPs did ensure that an IEP team meeting convened on May 24, 2024, included the required participants, in accordance with 34 CFR § 300.321. Therefore, this office does not find that a violation occurred concerning this aspect of 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 noncompliance 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 the 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

The MSDE requires the PGCPs to provide documentation by October 18, 2024, that the IEP team has convened and determined the amount and nature of compensatory services or other remedies to redress the violations 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 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 18, 2024, of the steps it has taken to ensure that the [REDACTED] staff properly implements the requirements for the implementation of the violations identified in this Letter of Findings under the IDEA. These steps must include staff development, as well as tools developed to monitor compliance. Professional development must include developing properly aligned IEPs and ensuring data supports appropriate goal development, progress reporting, implementation of supplementary aids and services, and convening a duly constituted IEP team. Monitoring must include a review of at least 15 randomly selected student records to review for the provision of progress reported towards the achievement of the annual IEP goals reported in the manner required by the IEP. The monitoring report must be submitted to MSDE on or before November 6, 2024, and January 31, 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, the 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.

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, Chief Executive Officer, PGCPs
- Keith Marston, Compliance Instructional Supervisor, PGCPs
- Lois Jones Smith, Compliance Liaison, PGCPs
- Darnell Henderson, General Counsel, PGCPs
- William Fields, Associate General Counsel, PGCPs
- [REDACTED], Principal, [REDACTED], PGCPs
- 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