

September 6, 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: #25- 008

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 July 10, 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) concerning the above-referenced student.

MSDE investigated the following allegations:

1. The PGCPS has not ensured that the student was provided with the special education, related services, supplementary aids, services, and accommodations as required by the Individualized Education Program (IEP) since the start of the 2023-2024 school year, in accordance with 34 CFR §§ 300.101 and .323.
2. The PGCPS has not ensured that the parent was provided with quarterly progress reports toward achieving the annual IEP goals since the start of the 2023-2024 school year, in accordance with 34 CFR §§ 300.320 and .323.
3. The PGCPS did not provide the parent with a written invitation to the May 23, 2024, and June 6, 2024, IEP team meetings, in accordance with 34 CFR § 300.322 and COMAR 13A.05.01.07D.¹

¹ The original complaint alleged May 25, 2024, and June 13, 2024.

CONCLUSIONS:

Provision of Related Services

Based upon the Findings of Fact #1, #2, and #5, MSDE finds that the PGCPs was not required to provide the student with related services since the start of the 2023- 2024 school year, in accordance with 34 CFR §§ 300.101 and .323. Therefore, this office does not find a violation occurred concerning this aspect of the allegation.

Provision of Special Education Services, Supplementary Aids, Services, and Accommodations

Based upon the Findings of Fact #1 through #3, and #4, MSDE finds that the PGCPs has not ensured that the student was provided with the special education, supplementary aids, services, and accommodations 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 this aspect of the allegation.

ALLEGATION #2

PROVISION OF PROGRESS REPORTS

FINDING OF FACT:

6. While the May 26, 2023, and May 24, 2024, IEPs require the provision of quarterly progress reports toward achieving the annual IEP goals. There is no documentation that the complainant was provided with the quarterly progress reports during the 2023-2024 school year.

CONCLUSION:

Based upon the Finding of Fact #6, MSDE finds that the PGCPs has not ensured that the parent was provided with quarterly progress reports toward achieving the annual IEP goals since the start of the 2023-2024 school year, in accordance with 34 CFR §§ 300.320 and .323. Therefore, this office finds a violation occurred concerning the allegation.

ALLEGATION #3

WRITTEN INVITATION TO IEP TEAM MEETINGS

FINDING OF FACT:

7. There is documentation of a written invitation being provided to the complainant on May 17, 2024.
8. While there is documentation that an IEP team meeting convened on June 6, 2024, there is no documentation that the complainant was provided with a written invitation to the IEP team meeting.

CONCLUSION:

Based upon the Finding of Fact #7, MSDE finds that the PGCPs did provide the parent with a written invitation to the May 23, 2024, IEP team meeting, in accordance with 34 CFR § 300.322 and COMAR 13A.05.01.07D. Therefore, this office does not find a violation occurred concerning the allegation.

Based upon the Finding of Fact #8, MSDE finds that the PGCPs did not provide the parent with a written invitation to the June 6, 2024, IEP team meeting, in accordance with 34 CFR § 300.322 and COMAR 13A.05.01.07D. Therefore, this office finds 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 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 October 21, 2024, that the IEP team has convened and determined the amount and nature of compensatory services or other remedies to redress the violation regarding the provision of the special education services, supplementary aids, services, and accommodations. In addition, the IEP team must determine if the lack of the provision of quarterly progress reports, and a written invitation to an IEP team meeting, had a negative impact on the student's ability to benefit from the education program. If the team determines there is a negative impact, it must also determine the amount and nature of compensatory services or other remedies to redress the violations 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 21, 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 20 student records must be conducted to determine if the regulatory requirements for the provision of IEP services, progress reports, and Notice of IEP Team Meetings are being implemented. Documentation of the results of this review must be provided to MSDE. Full compliance is required. MSDE staff will verify compliance with the determinations found in the initial report.

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.

If the regulatory requirements are not being implemented, the PGCPs must identify the actions to be taken to ensure that the violations do not recur, and a follow-up report to document correction must be submitted within ninety 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, 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
Nicole Green, Compliance Specialist, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Sarah Denney, Complaint Investigator, Dispute Resolution, MSDE