


September 24, 2024




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

RE: 
Reference: #25-018

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 31, 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 School System (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 Individualized Education Program (IEP) team convened to review the student's IEP before November 2, 2023, or at least annually, in accordance with 34 CFR § 300.324.
2. The PGCPS has not provided the parent with prior written notice (PWN) of the IEP team's decision to change the student's special education services and the Least Restrictive Environment (LRE) since July 31, 2023, in accordance with 34 CFR § 300.503.
3. The PGCPS did not ensure that the student's placement determination for the start of the 2023-2024 school year was based on the student's IEP and was made by the IEP team, in accordance with 34 CFR §§ 300.114-.116.

4. The PGCPS did not ensure that IEP team meetings convened on December 1¹, 2023, January 25, 2024, and June 3, 2024, included the required participants, specifically the speech-language and occupational therapists, in accordance with 34 CFR §§ 300.321.
5. The PGCPS did not ensure that the student was provided with the special education instruction, supplementary aids, services, accommodations and related services as required by the IEP since the start of the 2023- 2024 school year, in accordance with 34 CFR §§ 300.101 and .323.
6. The PGCPS has not ensured that the IEP team addressed the parent’s concerns regarding the student’s need for a dedicated aid since the start of the 2023- 2024 school year, in accordance with 34 CFR § 300.324.

BACKGROUND:

The student is 12 years old and is identified as a student with autism under the IDEA. She attends [REDACTED] and has an IEP that requires special education instruction and related services.

ALLEGATIONS #1, #2, and #3

**ANNUAL REVIEW, PROVISION OF PWN AND
PLACEMENT DETERMINATIONS**

FINDINGS OF FACT:

1. The IEP in effect at the beginning of the 2023- 2024 school year was amended on June 11, 2023, and has a projected annual review date of November 2, 2023.

There is no documentation that an IEP team meeting occurred on June 11, 2023, or that the complainant agreed to the changes made to the LRE section of the student’s IEP without convening an IEP team meeting. There is no documentation of a prior written notice (PWN) being generated reflecting the IEP amendments made on June 11, 2023.

The amendment includes a statement that “the IEP team discussed the changes on the LRE page related to the change in services, school week hours, special education placement and transportation from the 2022-2023 school year to the 2023-2024 school year to the middle school environment. The LRE page will be updated to reflect the changes at the beginning of the 2023-2024 school year. [The student’s] parent agreed that the case manager can complete an amendment without an IEP meeting to reflect the changes on the LRE page of the IEP.” There is no documentation to support the referenced discussion.

There is no documentation that the LRE section of the student’s IEP was amended at the beginning of the 2023-2024 school year.

¹ The original complaint had the dates of December 6, 2023, and June 6, 2024.

The student's LRE was amended on June 11, 2023, to reflect:

- two hours and 30-minutes weekly of special education instruction inside the general education classroom for specials and lunch;
- 20-hours of special education instruction inside the general education classroom for "English, math, and social studies in a supported inclusion classroom inside general education with a general educator and a special educator in the classroom. [The student] will receive special education instruction in science in a co-taught classroom inside general education with a general education teacher and a special educator in the classroom";
- 10-hours monthly of special education instruction outside of the general education classroom for social skills instruction; and
- Two-hours monthly of speech-language services outside of the general education classroom.

The student's LRE requires:

- "30.81% per day inside the general education" classroom or 9-hours and 30-minutes per week inside the general education classroom; and
- 21 hours and 20 minutes per week outside the general education classroom.

The IEP reflects that the IEP team accepted the student's [REDACTED]. The basis for the decision includes the challenges that the student's autism presents in the general education classroom with sustaining attention and academic awareness, which impacts processing of information, solving multi-step math problems, and working independently.

There is no documentation that the IEP team determined the student's 2023-2024 placement based on the student's IEP service needs.

There is no documentation that the student is placed in a [REDACTED].

The IEP requires the provision of supplementary aids, services, and accommodations including:

- Small group;
- Specified area or setting;
- Frequent breaks;
- Notes and outlines,
- Calculation device (on calculation and non-calculation);
- Monitor test responses;
- Extended time (x1.5);
- Daily monitor independent work;
- Daily researched based math and reading interventions;
- Daily visual supports for new vocabulary and concepts;
- Periodic use of "first-then" board;
- Daily visual supports of pictured directions, schedule, and expressive tasks;
- Daily modified content;
- Monthly social skills training;
- Daily strategies to initiate and sustain attention;
- Daily Provide frequent changes in activities or opportunities for movement;
- As needed adjustments to sensory input (i.e. light, sound);
- Daily preferential seating; and
- Monthly Occupational Therapy (OT) consult.

2. There is no documentation of a notice of IEP team meeting sent to the parent or a PWN reflecting that an annual review meeting was convened for the IEP developed on November 2, 2023.

There is no documentation that the parent participated in any IEP team meeting.

3. The November 2, 2023, IEP requires the provision of supplementary aids, services, and accommodations including:
 - Small group;
 - Specified area or setting;
 - Frequent breaks;
 - Notes and outlines,
 - Calculation device (on calculation and non-calculation);
 - Monitor test responses;
 - Extended time (x1.5);
 - Daily researched based math and reading interventions;
 - Daily modified content;
 - Daily checklists;
 - Periodic student repeat and paraphrase information;
 - Other (as determined by assignment/task) use of organizational aids;
 - Daily checks for understanding;
 - Other (as determined by assignment/task) use of highlighters during instruction and assignments;
 - Other (determined by the text) chunking of the text;
 - Daily encourage student to ask for assistance when needed; and
 - Monthly OT consult.

The IEP requires:

- 20-hours weekly of special education services inside the general education classroom;
- 10-hours monthly of special education services outside of the general education classroom; and
- Two-hours monthly of speech-language services outside of the general education classroom.

LRE section of the IEP requires:

- “80% of the time within the general education setting. [The student] will receive specialized instructions for English/language arts and math, and additional adult supports for science and social studies. [The student] will receive academic social skills outside of the general education environment with other disabled peers.”
- “[The student’s] disability of autism presents her with challenges in the general education classroom without additional adult support and specialized instructions. This impact in the classroom can be seen through difficulty in her processing information (reading comprehension), solving multi-step math problems, working independently, and sustaining attention. With supplemental support and services, modifications/accommodations and the

additional adult supports, services can be provided as described. [The student] has significant difficulty attending to tasks for more than 20-30 minutes without additional adult supports.”

- “[The student] will participate with nondisabled peers in academic, non-academic and extracurricular activities. She will participate with other students with a disability during social skills and academic resource.”

The IEP reflects that the IEP team considered “regular classes and special classes.” The IEP accepted 80% of the time within the general education setting.

The IEP does not reflect an updated present level of academic achievement and functional performance (PLAAFP) but continues the information from the previous IEP.

4. On November 6, 2023, the complainant emailed the PGPCS sharing that her advocate would participate in the November 8, 2023, IEP team meeting. On November 7, 2023, the PGPCS responded that the PGPCS needed to cancel the IEP team meeting. The email reflects that PGPCS’ policy is to have a representative from the compliance office present at IEP team meetings where an advocate is in attendance.
5. On December 1, 2023, the IEP team convened to review and revise the student’s IEP. The PWN generated following the IEP team meeting reflects that the IEP team discussed “Extended School Year (ESY) services, accommodation/supplementary aids and supports, service and the LRE.”

There is no documentation that the IEP team reviewed assessment data, updated the PLAAFP, reviewed the annual goals, or determined if additional data was needed, as required for an annual review.

The PWN reflects that the IEP team agreed to “hear about [the student’s] math performance at the next scheduled meeting” and that the team “agreed with the recommendation for consult to be requested.”

There is no explanation of why the PGPCS proposed the above actions documented in the PWN.

CONCLUSIONS:

ALLEGATION #1

ANNUAL REVIEW

The IEP team must review the student’s IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved and revise the IEP, as appropriate, to address any lack of expected progress toward the annual goals, and in the general education curriculum (34 CFR § 300.324).

In this case, there is an IEP dated November 2, 2023; however, there is no documentation that an annual review meeting occurred or that the parent was invited to participate.

Based upon the Findings of Fact #1 and #2, MSDE finds that the PGCPs did not ensure that the IEP team convened to review the student's IEP before November 2, 2023, or at least annually, in accordance with 34 CFR § 300.324. Therefore, this office finds a violation occurred concerning the allegation.

ALLEGATION #2 PRIOR WRITTEN NOTICE

The public agency is required to provide the parent of a student with a disability with written notice before proposing or refusing to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student. This notice includes a description of the action proposed or refused, an explanation of the action, a description of each evaluation procedure, assessment, record, or report used as a basis for the decision, a statement that the parents of a student with a disability have protection under the procedural safeguards and the means by which a copy of the description of the safeguards can be obtained, sources for parents to contact to obtain assistance in the understanding the provisions, a description of other options that the IEP team considered and the reasons why those options were rejected, and a description of other factors that are relevant to the agency's proposal or refusal (34 CFR § 300.503).

In this case, the complainant alleges that there was no agreement to make changes to the student's LRE without an IEP team meeting. The IEP reflects the LRE was changed on June 11, 2023. There is no documentation that an IEP team meeting was convened or that the parent agreed to the amendments without an IEP team meeting. However, this change occurred outside of MSDE's authority to investigate allegations of a violation that occur no more than one year from the date the complaint is received.

There is no documentation of a notice of IEP team meeting, or a PWN reflecting an annual review meeting was convened for the IEP developed on November 2, 2023.

Based upon the Finding of Fact #1, MSDE finds that the PGCPs did not amend or make changes to the student's IEP from July 31, 2023, to November 1, 2023; therefore, the PGCPs was not required to provide the parent with a PWN, in accordance with 34 CFR § 300.503. Therefore, this office does not find a violation occurred concerning this aspect of the allegation.

Based upon the Findings of Fact #2 and #3, MSDE finds that the PGCPs has not provided the parent with PWN of the IEP team's decision on November 2, 2023, in accordance with 34 CFR § 300.503. Therefore, this office finds a violation occurred concerning this aspect of the allegation.

Based upon the Finding of Fact #5, MSDE finds that the PGCPs has not provided the parent with PWN documenting whether the PGCPs proposed or refused the action described in the December 1, 2023, PWN, in accordance with 34 CFR § 300.503. Therefore, this office finds a violation occurred concerning this aspect of the allegation.

ALLEGATION #3 PLACEMENT DETERMINATION

In this case, the complainant alleges that the student was removed from the self-contained autism program and placed into co-taught general education classes. There is no documentation that the IEP team met at the

start of the 2023-2024 school year to determine the student's middle school LRE. The IEP at the start of the 2023-2024 school year required placement in a [REDACTED]."

During the December 1, 2023, IEP team meeting, the team discussed the student's services and updated LRE requirements.

Based up on the Findings of Fact #1 through #5, MSDE finds that the PGCPs did not ensure that the student's placement was based on the student's IEP and was made by the IEP team from the start of the 2023-2024 school year until December 1, 2023, in accordance with 34 CFR §§ 300.114- .116. Therefore, this office finds a violation occurred concerning the allegation.

ALLEGATION #4

**REQUIRED PARTICIPANTS AT THE DECEMBER 1, 2023, AND
JANUARY 25, 2024, AND JUNE 3, 2024, IEP TEAM MEETINGS**

FINDINGS OF FACT:

6. There is documentation that the December 1, 2023, IEP team meeting had the required participants.
7. There is documentation that the January 25, 2024, and June 3, 2024, IEP team meetings had the required participants. While the Speech-Language Therapist was not present at the January 25, 2024, and June 3, 2024, IEP team meetings, they were not a required participant, as speech-language was not reflected as being discussed at those IEP team meetings.

DISCUSSIONS AND CONCLUSIONS:

The IEP team must include the student's parent, at least one regular education teacher of the student if the student is, or may be, participating in the regular education environment, at least one special education teacher of the student, a representative of the public agency who is qualified to provide or supervise the provision of specially designed instruction, is knowledgeable about the general education curriculum, and about the availability of resources of the public agency, an individual who can interpret the instructional implication of evaluation results, at the discretion of the parent or public agency, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate, and the student when appropriate (34 CFR § 300.321).

In this case, the complainant alleged that the speech-language and occupational therapists were not present at the referenced IEP team meetings.

Based upon the Finding of Fact #6, MSDE finds that the PGCPs did ensure that IEP team meeting convened on December 1, 2023, included the required participants, in accordance with 34 CFR § 300.321. Therefore, this office does not find a violation occurred concerning the allegation.

Based upon the Finding of Fact #7, MSDE finds that the speech-language pathologist was not a required team member for the January 25, 2024, and June 3, 2024, IEP team meetings; therefore, the PGCPs was not required to ensure their participation in the IEP team meetings, in accordance with 34 CFR § 300.321. Therefore, this office does not find a violation occurred concerning the allegation.

ALLEGATION #5 **PROVISION OF SPECIAL EDUCATION INSTRUCTION, SUPPLEMENTARY AIDS, SERVICES, ACCOMMODATIONS, AND RELATED SERVICES**

FINDINGS OF FACT:

8. While there is some documentation that the monthly OT consult was provided, it does not demonstrate that the student was consistently provided the OT consult as required by the IEP during the 2023-2024 school year.
9. While there is some documentation that the speech-language therapy was provided, it does not demonstrate that the student was consistently provided with speech-language services as required by the IEP during the 2023-2024 school year.
10. While there is some documentation that special education instruction, supplementary aids, services, and accommodations were provided, it does not demonstrate that they were consistently provided as required by the IEP during the 2023-2024 school year.

CONCLUSION:

Based upon the Findings of Fact #1, #3, and #8 through #10, MSDE finds that the PGCPs did not ensure that the student was consistently provided with the OT services, speech-language services, special education instruction, supplementary aids, services, and accommodations as required by the IEP during 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 #6 **ADDRESSING PARENT’S CONCERNS**

FINDING OF FACT:

11. There is documentation that the parent raised concerns at the December 1, 2023, IEP team meeting regarding the student being escorted throughout the school day. The PWN reflects the IEP team addressed the concern.

CONCLUSION:

Based upon the Finding of Fact #11, MSDE finds that the PGCPs ensured that the IEP team addressed the parent’s concerns regarding the student’s need for a dedicated aid at the December 1, 2023, IEP team meeting, in accordance with 34 CFR § 300.324. Therefore, this office finds that a violation did not occur 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 November 25, 2024, that the IEP team has taken the following action:

- a. Conducted an annual review of the IEP, fully discussed the student's LRE needs, made an LRE determination; and provided PWN of the team's decisions;
- b. Provided the student with consistent OT services, speech-language services, special education instruction, supplementary aids, services and accommodations as required by the IEP;
- c. Conducted an IEP team meeting to determine the amount and nature of compensatory services or other remedy to redress the violations identified in this Letter of Finding.; and
- d. Developed a plan for the implementation of the 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.

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.

School-Based

MSDE requires the PGCPs to provide documentation by November 27, 2024, that staff development has been provided to [REDACTED] to ensure that the staff properly implements the requirements for the implementation of conducting a timely annual review, LRE determinations, provision of special education instruction, supplementary aids, services, accommodations, and related services under IDEA.

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
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