

October 10, 2024

[REDACTED]  
[REDACTED]  
[REDACTED]

Ms. Jaime Seaton  
PGS Law, LLC  
110 North Washington Street  
Rockville, Maryland 20850

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: # 25-029

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 August 12, 2024, MSDE received a complaint from [REDACTED] and Ms. Jaime Seaton, hereafter, "the complainants," 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 reevaluation of the student was completed within the required timelines since August 2023, in accordance with 34 CFR § 300.303 and COMAR 13A.05.01.06.
2. The PGCPS has not ensured that the parent was provided with reports of quarterly progress toward the achievement of the annual IEP goals since January 2024, in accordance with 34 CFR § 300.320.
3. The PGCPS did not ensure that the student was provided with supplementary aids, services, accommodations, special education instruction, and related services as required by the IEP from November 2023 to June 2024, in accordance with 34 CFR § 300.101 and .323.

**BACKGROUND:**

The student is 16 years old and is identified as a student with multiple disabilities (autism, intellectual disability and other health impairment (OHI)) under the IDEA. He attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

**ALLEGATION #1**

**REEVALUATION TIMELINE**

**SUMMARY OF FINDINGS AND CONCLUSION:**

In its written response, the PGCPs acknowledges that the reevaluation of the student was not completed within the required timelines since August 2023. Notwithstanding this violation, there is documentation that the reevaluations of the student was completed on May 1, 2024, therefore no student based corrective action is required.

MSDE concurs with the PGCPs' conclusions and appreciates the school system's response to the investigation.

**ALLEGATION #2**

**PROVISION OF IEP QUARTERLY REPORTS**

**SUMMARY OF FINDINGS AND CONCLUSION:**

In its written response, the PGCPs acknowledges that the parent was not provided with reports of quarterly progress toward the achievement of the annual IEP goals since January 2024.

MSDE concurs with the PGCPs' conclusions and appreciates the school system's response to the investigation.

**ALLEGATION #3**

**PROVISION OF SUPPLEMENTARY AIDS, SERVICES, ACCOMMODATIONS, AND SPECIAL EDUCATION**

**SUMMARY OF FINDINGS AND CONCLUSION:**

In its written response, the PGCPs acknowledges that they did not ensure that the student was provided with supplementary aids, services, accommodations, and special education instruction, as required by the IEP from November 2023 to June 2024.

MSDE concurs with the PGCPs' conclusions and appreciates the school system's response to the investigation.

**ALLEGATION #3**

**PROVISION OF SPEECH-LANGUAGE AND OT SERVICES**

**FINDINGS OF FACT:**

1. The May 11, 2023, IEP requires the provision supplementary aids, services, and accommodations:
  - Redirect student;
  - Text-to-speech for English Language Arts (ELA), math, science, and government;
  - Human reader for ELA, math, science, and government;
  - Frequent breaks;

- Calculation device for both calculation and non-calculation sections;
- Unique response accommodations;
- Extended time (1.5x);
- Daily check for understanding;
- Daily use pictures to support reading passages when possible;
- Daily strategies to initiate and sustain attention;
- Daily periodic movement breaks and access self- regulation sensory supports; and
- Quarterly OT consult.

The IEP requires:

- 30-hours weekly of special education instruction outside the general education classroom provided by the special education teacher or the instructional assistant;
  - 30-mintues monthly of occupational therapy (OT) outside the general education classroom provided by the Occupational therapist or assistant;
  - One-hour monthly of speech-language services outside the general education classroom provided by the speech-language pathologist, IEP team, or the special education teacher; and
  - Curb to curb transportation.
2. The May 1, 2024, IEP requires additional supplementary aids, services, and accommodations. The May 1, 2024, IEP requires the accommodation of “daily provision of manipulatives and/or sensory activities to promote listening and focusing skills.”

The May 1, 2024, IEP further requires:

- 33-hours weekly of special education instruction outside of the general education classroom provided by the special education teacher or instructional assistant;
  - 50-minutes daily of special education instruction inside the general education classroom provided by the special education teacher or instructional assistant;
  - 30-mintues monthly of occupational therapy (OT) outside the general education classroom provided by the Occupational therapist or assistant;
  - One-hour monthly of speech-language services outside the general education classroom provided by the speech-language pathologist, IEP team, or the special education teacher; and
  - Curb to curb transportation.
3. There is documentation that the student was provided with the speech-language services from November 2023 to June 2024, as required by the IEP.
4. There is documentation that the student was provided with the OT consult and transportation from November 2023 to June 2024, as required by the IEP.

### **CONCLUSIONS:**

Based upon the Findings of Fact #1, through #4, MSDE finds that the PGCPS did ensure that the student was provided with the Speech-Language and OT services as required by the IEP from November 2023 to June 2024, in accordance with 34 CFR § 300.101 and .323. Therefore, this office does not find 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.<sup>1</sup> 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.<sup>2</sup> Ms. Green can be reached at (410) 767-7770 or by email at [nicole.green@maryland.gov](mailto:nicole.green@maryland.gov).

### **Student-Specific**

MSDE requires the PGCPs to provide documentation, by December 16, 2024, that the IEP team has taken the following action:

- a. Provided the student with special education instruction, supplementary aids, services and accommodations as required by the IEP;
- b. Reviewed and revised the progress reports to address any lack of expected progress;
- c. Provide the parent with completed progress reports since January 2024;
- d. 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. The IEP team must consider:
  - i. The student's present levels of functioning and performance;
  - ii. The levels of functioning and performance that were projected to have demonstrated by the end of school year 2023-2024;
  - iii. The services needed to remediate the violations identified in this investigation; and
- e. Developed a plan for the implementation of the services within one year of the date of this Letter of Findings.

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<sup>1</sup> 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.

<sup>2</sup> 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 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 December 16, 2024, of the steps it has taken to ensure that the [REDACTED] staff properly implements the requirements for the implementation of conducting an reevaluation within the required timelines, provision of special education instruction, supplementary aids, services, accommodations, and related services, provision of accurately reported progress reports and the timely provision of quarterly progress reports to parents, and reviewing and revising IEPs when there is a lack of expected progress reported under the IDEA (COMAR if applicable). These steps must include staff development, as well as tools developed to monitor compliance.

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 (15) 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