

October 10, 2024

[REDACTED]
[REDACTED]
[REDACTED]

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

RE: [REDACTED]
Reference: #25-035

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 16, 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 Individualized Education Program (IEP) is written clearly and contains appropriate measurable goals and a statement of the student's present levels of academic achievement and functional performance since August 2023, in accordance with 34 CFR § 300.320.
2. The PGCPS did not ensure that the IEP team convened to review the student's IEP before May 2024 in order to ensure that the IEP was reviewed at least annually, in accordance with 34 CFR § 300.324 and COMAR 13A.05.01.08A.
3. The PGCPS has not followed proper procedures when conducting a reevaluation of the student since February 2024, in accordance with 34 CFR §§ 300.303-.306.
4. The PGCPS did not provide the parent with access to the student's education record when requested on May 12, 2024, in accordance with 34 CFR §§ 300.501 and .613.
5. The PGCPS has not ensured that the parent was provided with reports of quarterly progress toward achieving the annual IEP goals since April 2024, in accordance with 34 CFR § 300.320.

BACKGROUND:

The student is eight years old and is identified as a student with a Developmental Delay (DD) under the IDEA. The student currently attends [REDACTED] and has an IEP that requires the provision of special education instruction.

SUMMARY OF FINDINGS AND CONCLUSIONS:

In its written response, the PGCPs acknowledges that a violation occurred with respect to the following allegations:

1. The PGCPs acknowledged that they did not ensure that the IEP was written clearly and contained appropriate measurable goals and a statement of the student's present levels of academic achievement and functional performance since August 2023;
2. The PGCPs acknowledged that the IEP team did not convene to review the student's IEP before May 2024, in order to ensure that the IEP was reviewed at least annually;
3. The PGCPs acknowledged that it did not follow proper procedures when conducting a reevaluation since February 2024;
4. The PGCPs acknowledged that they did not provide the parent with access to the student's education record when requested on May 12, 2024; and
5. The PGCPs acknowledged that they did not ensure that the parent was provided with reports of quarterly progress toward achieving the annual IEP goals since April 2024.

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 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 MSDE Special Education State Complaint Resolution Procedures.

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.

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 30, 2024, that the IEP team has:

- a. Convened an annual IEP team meeting; ensured all requested assessments from the 2023-2024 school year are completed, provided the parent with a copy of all assessments, reviewed the results of any incomplete assessments to determine eligibility as well as the student's current needs, used that data to revise the student's present levels of performance;
- b. Provide the parent with progress reports for the 2023-2024 school year; and
- c. Determined the amount and nature of compensatory services or other remedies to redress the violations outlined in this letter and developed a plan for the provision of those services within one year of the date of this Letter of Findings.

School-Based

MSDE requires the PGCPs to provide documentation by December 31, 2024, that it has provided professional development to [REDACTED] staff on the following:

- Annual revision of the IEP and conducting timely IEP meetings;
- The proper procedure for conducting a reevaluation;
- The proper procedure for the provision of quarterly progress reports; and
- Monitoring the distribution of IEP documents to ensure compliance with notification deadlines.

Specifically, the PGCPs must provide a monitoring report for all students with an IEP at [REDACTED], reflecting data demonstrating compliance with the provision of timely annual review, completion of requested assessments, timely reevaluation, and the provision of quarterly progress reports. Full compliance is required. If 100% compliance is not obtained, PGCPs will confer with MSDE to determine next steps.

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.

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/sj

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
[REDACTED], [REDACTED], Principal, PGCP
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Nicol Elliott, Section Chief, Monitoring and Accountability, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Nicole Green, Compliance Specialist, MSDE
Stephanie James, Complaint Investigator, MSDE