


October 18, 2024




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

RE:   
Reference: #25-038

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 19, 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 (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 student has been provided with the special education instruction required by the Individualized Education Program (IEP) from a certified special education teacher during the 2023-2024 school year, in accordance with 34 CFR § 300.156 and COMAR 13A.12.02.
2. The PGCPS did not develop and implement an IEP that addressed the student's identified needs during the 2023-2024 school year, in accordance with 34 CFR §§ 300.101, .323 and .324.
3. The PGCPS did not ensure that the IEP team addressed the parent's concerns regarding the student's fourth quarter grades during the 2023-2024 school year in accordance with 34 § CFR 300.324.

## **BACKGROUND:**

The student is seven years old and is identified as a student with Other Health Impairment (OHI) under the IDEA. The student attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

## **FINDINGS OF FACT:**

1. In its written response, the PGCPs acknowledges that it did not ensure that the student has been provided with the special education instruction required by the Individualized Education Program (IEP) from a certified special education teacher during the 2023-2024 school year, in accordance with 34 CFR § 300.156 and COMAR 13A.12.02.
2. In its written response, the PGCPs acknowledges that it did not develop and implement an IEP that addressed the student's identified needs during the 2023-2024 school year, in accordance with 34 CFR §§ 300.101, .323 and .324.
3. There is documentation that the student received one day of out of school suspension for assaulting another student by throwing a chair and hitting the student in the head. The "Notification of Student's Suspension" reflects that the guidance procedures implemented included "Teacher/Student Conference; Teacher/Parent Conference or Contact; Teacher/Counselor Conference; Teacher/Administrator Conference; Counselor/Student Conference; Counselor/Parent Conference; and Functional Behavior Assessment/Behavior Intervention Plan." The administrative procedures followed included "Administrator/Student Conference; Administrator/Parent Conference; and Referral to Psychological Services (Behavioral therapist at school site)." The disciplinary procedure followed, included temporary removal from class. The "Suspension Checklist: Pre-Kindergarten – Grade 2" form reflects that there was "an imminent threat of serious harm that [could not] be reduced or eliminated through interventions or supports" and the student's behavior intervention plan and counseling services were unsuccessfully utilized to reduce or eliminate the threat of serious harm.
4. On June 5, 2024, the IEP team convened to discuss compensatory services for the student. The prior written notice (PWN) generated after the meeting reflects that the PGCPs compliance team proposed to provide 50 compensatory service hours "for academics to be divided between reading and math support" to address the district's failure to request additional assessments and update the student's disability code earlier in the school year. The team also proposed monetary reimbursement for the failure to provide the student with the required speech-language therapy services. Additionally, the IEP team determined to provide the student with compensatory consult services for the failure to provide the student with the required occupational therapy services during the 2023-2024 school year in the form of one consultant service per month for five months.
5. On September 11, 2024, the IEP team convened to address the complainant's concerns regarding the student's fourth quarter grades. The prior written notice (PWN) generated after the meeting reflects that the IEP team considered whether the student's fourth-quarter math grade indicated a regression in skills that would warrant the provision of Extended School Year (ESY) services. The team determined that the student's fourth quarter progress reports indicated that the student was "making progress on his IEP goal in the area of Mathematics."

The PWN reflects that the complainant shared that “she is utilizing the administrative procedure to complete the grade appeal process. The principal confirmed that the grade appeal was received and referred to the Student Intervention Team (SIT) for consideration.”

6. There is documentation that the Pre-kindergarten – Grade 2 suspension checklist was followed as required.

#### **DISCUSSIONS AND CONCLUSIONS:**

#### **ALLEGATION #1                                 Provision of Special Education Instruction by a Certified Special Education Teacher**

Based on the Finding of Fact #1, MSDE finds that the PGCPs acknowledges that it did not ensure that the student has been provided with the special education instruction required by the IEP from a certified special education teacher during the 2023-2024 school year, in accordance with 34 CFR § 300.156 and COMAR 13A.12.02. Therefore, this office finds that a violation occurred concerning the allegation.

#### **ALLEGATION #2                                 Development and Implementation of the IEP**

Based on the Finding of Fact #2, MSDE finds that the PGCPs acknowledges that it did not develop and implement an IEP that addressed the student’s identified needs during the 2023-2024 school year, in accordance with 34 CFR §§ 300.101, .323, and .324. Notwithstanding the violation, based on the Finding of Fact #4, no student-specific corrective action is required.

#### **ALLEGATION #3                                 Addressing Parent Concerns**

In developing each child's IEP, the IEP team must consider the concerns of the parents for enhancing the education of their child. (34 § CFR 300.324).

Based on the Finding of Fact #5, MSDE finds that the PGCPs did ensure that the IEP team addressed the parent’s concerns regarding the student’s fourth quarter grades during the 2023-2024 school year in accordance with 34 § CFR 300.324. Therefore, this office finds that no 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 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 Branch, 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 January 2, 2025, that the IEP team has convened and determined whether the violation related to the failure to provide special education services from a certified special education teacher had a negative impact on the student's ability to benefit from the education program. If the team determines that there was a negative impact, it must also determine the amount and nature of compensatory services or other remedies to redress the violation and develop a plan for the provision of those services within a year of the date of this Letter of Findings.

### **School-Based**

MSDE requires the PGCPs to provide documentation by January 2, 2025, of the steps it has taken to ensure that [REDACTED] staff properly implements the requirements for the development and implementation of an IEP and the certification process for special education teachers under the IDEA. 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 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.

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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 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.

<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 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/ebh

c: Millard House II, Chief Executive Officer, PGCP  
Darnell Henderson, General Counsel, PGCP  
William Fields, Associate General Counsel, PGCP  
Keith Marston, Compliance Instructional Supervisor, PGCP  
Lois Jones-Smith, Compliance Liaison, PGCP  
Aleia Johnson, Compliance Liaison, PGCP  
[REDACTED] Principal, [REDACTED], PGCP  
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE  
Nicol Elliott, Section Chief, Monitoring and Accountability, MSDE  
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE  
Tracy Givens, Section Chief, Dispute Resolution, MSDE  
Nicole Green, Compliance Specialist, MSDE  
Elizabeth B. Hendricks, Complaint Investigator, MSDE