

October 10, 2024

Ms. Debrah Martin
1300 Mercantile Lane Ste 139-W
Largo, Maryland 20774

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: #25-039

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 20, 2024, MSDE received a complaint from Debrah Martin, 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 has been provided with the special education instruction and accommodations required by the Individualized Education Program (IEP) during the 2023-2024 school year, in accordance with 34 CFR §§ 300.101 and .323.
2. The PGCPS did not ensure that the student was provided with the special education instruction from a certified special education teacher during the 2023-2024 school year, in accordance with 34 CFR § 300.156 and COMAR 13A.12.02.
3. The PGCPS has not ensured that the student's progress towards achieving the IEP goals were measured in the manner required by the IEP, since October 2023, in accordance with 34 CFR § 300.320.

4. The PGCPs did not ensure that the IEP team reviewed and revised, as appropriate, the student's IEP to address the lack of expected progress toward achieving the IEP goals, during the 2023-2024 school year in accordance with 34 CFR § 300.324.
5. The PGCPs has not followed proper procedures when conducting a reevaluation of the student since October 2023, in accordance with 34 CFR §§ 300.303-.306, 300.324(a)(1) and COMAR 13A.05.01.06.
6. The PGCPs did not provide prior written notice of the IEP team decisions from IEP team meetings held during the 2023-2024 school year in accordance with 34 CFR § 300.503.
7. The PGCPs did not ensure that the IEP team convened to review the student's IEP before June 2024, in order to ensure that the IEP was reviewed at least annually, in accordance with 34 CFR § 300.324 and COMAR 13A.05.01.08B(1).

BACKGROUND:

The student is 13 years old and is identified as a student with a Specific Learning Disability 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 had not ensured the student was provided with the special education instruction and accommodations required by the IEP during the 2023-2024 school year;
2. The PGCPs acknowledged that it did not ensure the student was provided with special education instruction from a certified special education teacher during the 2023-2024 school year;
3. The PGCPs acknowledged that the student's progress toward achieving the IEP goals was not measured in the manner required by the IEP;
4. The PGCPs acknowledged that it did not ensure that the IEP team reviewed and revised, as appropriate, the student's IEP to address the lack of expected progress toward achieving the IEP goals, during the 2023-2024 school year;
5. The PGCPs acknowledged that it did not follow proper procedures when conducting a reevaluation;
6. The PGCPs acknowledged that it did not provide prior written notice of the IEP team's decisions from meetings held during the 2023-2024 school year; and

7. The PGCPs acknowledged that the IEP team did not convene to review the student's IEP before June 2024, in order to ensure that the IEP was reviewed at least annually.

MSDE concurs and appreciates the PGCPs' acknowledgment that violations occurred with respect to the allegations.

FINDING OF FACT:

1. The IEP reflects that the parent will be provided the student's progress toward the IEP goals quarterly, however, there is no documentation that the parent has been provided a report of the student's progress since October 2023.

ADDITIONAL VIOLATION IDENTIFIED DURING THE COURSE OF THE INVESTIGATION

Provision of Progress Report

The public agency must provide the parent of a student with a disability with progress toward meeting the annual goals, as outlined in the IEP (34 CFR §§ 300.320 and .323).

Based upon Finding of Fact #1, MSDE finds that the PGCPs did not provide the parent with a report of progress as required by the IEP since October 2023, in accordance with 34 CFR §§ 300.320 and .323. Therefore, this office finds that a violation occurred.

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 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; discuss updating assessments to determine the student's current needs and to revise the present levels of performance; and
- b. 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.

The PGCPs must ensure that the parents are provided with written notice of the team's decisions. The parents maintain 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 31, 2024, that it has provided professional development to [REDACTED] staff on the following:

- The provision of special education services as required by the IEP,
- Annual revision of the IEP;
- Reporting on progress and addressing lack of expected growth;
- The proper procedure for conducting a reevaluation; and
- Monitoring the distribution of IEP documents to ensure compliance with notification deadlines.

Specifically, the PGCPs must provide a monitoring report for 10 randomly selected students at [REDACTED], reflecting data demonstrating compliance with the provision of special education services, annual review, timely reevaluation, and the provision of quarterly progress reports. Full compliance is required. If 100% compliance is not reported, a second sample will be reported by February 28, 2025. 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

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.

