

October 31, 2024

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

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

RE: [REDACTED]
Reference: #25-059

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 September 5, 2024, MSDE received a complaint from Ms. 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 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.
3. The PGCPS did not ensure that the IEP team addressed parental concerns about the student’s academic performance and behaviors since May 2024, in accordance with 34 CFR §§ 300. 301 and 324.
4. The PGCPS has not followed proper procedures when conducting a reevaluation of the student since October 2023 and January 2024, in accordance with 34 CFR §§ 300.301, 303-.306, 300.324, and COMAR 13A.05.01.06.

5. 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.05.01.08A.
6. The PGCPs did not ensure the proper procedures were followed when responding to a request to inspect and review the student's educational record since May 2024, in accordance with 34 CFR § 300.613.

BACKGROUND:

The student is 10 years old and is identified as a student with an Other Health Impairment (OHI) 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:

- they have not ensured the student has been provided with the special education instruction and accommodations required by the IEP during the 2023- 2024 school year;
- they have not ensured that the IEP team reviewed and revised the student's IEP, as appropriate, to address the lack of expected progress toward achieving the IEP goals during the 2023-2024 school year;
- they have not ensured that the IEP team addressed parental concerns regarding the student's academic performance and behaviors since May 2024;
- they have not followed proper procedures when conducting a reevaluation of the student since October 2023 and January 2024;
- they have not ensured the IEP team convened to review the student's IEP before June 2024, in order to meet the requirement of an annual review.; and
- they have not ensured proper procedures were followed when responding to a request to inspect and review the student's educational record since May 2024.

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

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 action². 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 December 15, 2024, that the IEP team has:

- a. Reviewed the academic and behavioral data collected since August 27, 2024, to ensure the implementation of the behavior intervention plan; 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.

School-Based

MSDE requires the PGCPs to provide documentation by January 15, 2025, that it has provided professional development to [REDACTED] staff on the following:

- Implementation of the proposed plan developed on October 18, 2024, to address the ongoing violations at [REDACTED]. Monthly monitoring reports will be submitted to MSDE.

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 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.

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.

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.

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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
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Dr. Brian Morrison, Branch Chief, Monitoring and Accountability, MSDE
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Ms. Nicole Green, Compliance Specialist, MSDE
Stephanie James, Complaint Investigator, MSDE