


November 4, 2024




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

RE: 
Reference: #25- 061

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 9, 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 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 Individualized Education Program (IEP) team convened to review the student's IEP before March 8, 2024, in order to ensure that the IEP was reviewed at least annually, in accordance with 34 CFR § 300.324.
2. The PGCPS has not followed proper procedures when conducting a reevaluation of the student since March 8, 2024, in accordance with 34 CFR §§ 300.303- .306.
3. The PGCPS has not ensured that the student's IEP contains an accurate statement of present levels of academic achievement and functional performance (PLAAFP) since September 2023, in accordance with 34 CFR § 300.320.
4. The PGCPS did not ensure that the student was provided with the supplementary aids, services, and accommodations, as required by the IEP since September 2023, in accordance with 34 CFR §§ 300.101 and .323.

5. The PGCPs has not ensured that the IEP team reviewed and revised, as appropriate, the student's IEP to address lack of expected progress toward achieving the IEP goals, since September 2023, in accordance with 34 CFR § 300.324.
6. The PGCPs did not ensure that the parent was provided with accessible copies of each document the IEP team planned to discuss at the April 22, 2024, June 17, 2024, and September 6, 2024, IEP team meeting at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.07.

BACKGROUND:

The student is 18 years old and is identified as a student with a specific learning disability (SLD) under the IDEA. She attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

SUMMARY OF FINDINGS AND CONCLUSIONS:

In its written response, the PGCPs acknowledges that violations occurred with respect to all of the allegations and proposes that an IEP team meeting will be convened to:

- Review assessments completed as part of the reevaluation process;
- Review and revise the student's IEP to include an accurate statement of the present levels of academic achievement and functional performance (PLAAFP);
- Address the student's lack of progress, as needed; and
- Review data to determine the negative impact on the student's ability to benefit from the education program and 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.

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

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.¹ 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.

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 January 3, 2024, that the IEP team has taken the following action:

- a. Provided the student with consistent supplementary aids, services and accommodations as required by the IEP;
- b. Provided the student's parents with the completed IEP documents from the April 22, 2024, June 17, 2024, and September 6, 2024;
- c. Provided documentation that the proposed PGCPs corrective actions have been completed;
- 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 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.

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 January 3, 2025, of the steps it has taken to ensure that the [REDACTED] staff properly reviews IEPs on an annual basis; follows proper procedures when conducting reevaluations; ensuring IEPs contain accurate statements of the PLAAFP; implements the requirements for the provision of supplementary aids, services, accommodations; convenes IEP team meetings when students are not making expected progress; and provision of IEP documents at least five days prior to an IEP team meeting under the IDEA and COMAR. These steps must include staff development, as well as tools developed to monitor compliance.

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.

These steps must include staff development and tools developed to document and monitor the implementation of special education services and instructional accommodations in accordance with students' IEP. MSDE further requires the submission of the completed monitoring tool reflecting the provision of instructional accommodations pursuant to a random sampling of ten students' IEPs by March 3, 2025, and May 5, 2025.

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.

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, PGCP
Keith Marston, Compliance Instructional Supervisor, PGCP
Lois Jones Smith, Compliance Liaison, PGCP
Darnell Henderson, General Counsel, PGCP
William Fields, Associate General Counsel, PGCP
, Principal, , PGCP
Dr. Brian Morrison, Branch 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