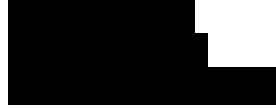



November 8, 2024




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- 066

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 13, 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 IEP team meetings convened since February 2024 included the required participants, in accordance with 34 CFR § 300.321.
2. The PGCPS did not ensure that the Individualized Education Program (IEP) team convened to review the student's IEP before June 12, 2024, in order to ensure that the IEP was reviewed at least annually, in accordance with 34 CFR § 300.324.
3. The PGCPS did not ensure that the student was comprehensively assessed in all areas of need when evaluating the student to determine if the student is a student with a disability requiring special education instruction since June 2024, in accordance with 34 CFR §§ 300.303-.311 and COMAR 13A.05.01.06. Specifically, the complainant alleges that the student was not comprehensively assessed in all areas of need, including speech-language and occupational therapy (OT).

4. The PGCPs has not developed an IEP that addresses the student's identified speech-language, OT, reading, and handwriting needs since June 14, 2024, in accordance with 34 CFR §§ 300.101 and .324.
5. The PGCPs has not ensured that the IEP contains appropriate measurable goals since June 14, 2024, in accordance with 34 CFR § 300.320.
6. The PGCPs has not ensured that the student was provided with the weekly home-school communication as required by the IEP since the start of the 2024- 2025 school year, in accordance with 34 CFR §§ 300.101 and .323.
7. The PGCPs has not ensured that the student has been provided with the special education instruction required by the IEP from a certified special education teacher since the start of the 2024-2025 school year, in accordance with 34 CFR § 300.156 and COMAR 13A.12.02.
8. The PGCPs did not ensure that the student's IEP, including special education instruction, supplementary aids and services, and accommodations, was implemented since the start of the 2024-2025 school year, in accordance with 34 CFR §§ 300.101 and .323.

BACKGROUND:

The student is six years old and is identified as a student with a developmental delay under the IDEA. He attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

ALLEGATION #1

REQUIRED PARTICIPANTS

FINDINGS OF FACT:

1. The student's IEP developed on June 12, 2023, and has a projected annual review date of June 11, 2024.
2. There is documentation that the IEP team convened on June 14, 2024, to conduct the annual review and discuss the need for Extended School Year Services (ESY). The Prior Written Notice (PWN) generated following the meeting reflects that the IEP team reviewed the current levels of performance, assessment data, proposed goals from the speech pathologist, the behavior observation, the parent observation, and the teacher's input. Based on this data the IEP team agreed to:
 - Add phonics and reading comprehension goals;
 - Revise the math calculation goal; and
 - To provide the student with ESY 2024 services.

The PWN further reflects that the following individuals were present at the meeting: the special education and general education teachers, the school principal, the compliance-instructional specialist, the parent, and the advocate.

There is no documentation that a speech-language pathologist attended the IEP team meeting.

3. The June 14, 2024, IEP reflects the areas affected by the student's disability as math calculation; reading comprehension and phonics; speech-language receptive, and behavioral social emotional.

The IEP requires the provision of supplementary aids, services, and accommodations including:

- Small group;
- Frequent breaks;
- Reduced distractions to self and others;
- Extended time (1.5x);
- Daily visuals, objects, pictures, videos, and technology;
- Daily wait time;
- Daily frequent and/or immediate feedback;
- Daily frequent eye contact/proximity control;
- Daily social stories;
- Daily advance preparation for schedule changes;
- Daily first/then statements/board as needed;
- Daily encourage/ reinforce appropriate behavior;
- Daily encourage student to ask for assistance when needed; and
- Monthly speech/language pathologist consult.

The IEP requires goals in the following areas:

- Reading phonics: "By the annual review, given a spoken sound (e.g., a short vowel or a primary consonant), a verbal prompt (e.g., "What letter says /e/?"), and letter tiles, [the student] will point to the letter and state the name of the letter that makes the given sound, for (12 out of 15) letters, on (3 out of 4) progress monitoring assessments";
- Reading comprehension: "By the annual review, after a read aloud of a familiar, instructional-level, literary story, when given a series of (4) picture cards that represent the events in the story and a verbal prompt to sequence the cards (e.g. Teacher asks "What happened first?"), [the student] will place the cards in the correct story order in (3 out of 4) sequencing activities";
- Math Calculation: "By the annual review, given a number verbally within 20, [the student] will represent the number by writing the corresponding numeral(s), for (4 out of 5) numbers, on (3 out of 4) progress monitoring assessments"; and
- Speech-language: "[The student] will increase his receptive and expressive language skills by answering questions appropriately and identifying and using descriptions using the appropriate vocabulary and grammatical structures so that he can engage in collaborative discussions with a variety of communication partners throughout the instructional day with 80% accuracy in 2 out of 3 consecutive sessions".

The IEP requires the student to be provided with:

- Two hours and thirty minutes weekly of special education instruction in the general education classroom provided by the special or general education teacher;
- Three hours monthly of special education instruction in the general education classroom provided by the special or general education teacher;
- Sixty hours monthly for special education instruction inside the general education classroom during ESY 2024 provided by the special education teacher; and
- Two hours weekly of speech-language services outside the general education classroom provided by the speech-language pathologist.

4. On June 14, 2024, the parent's advocate emailed the PGCPS as a follow-up to the IEP team meeting held on the same day. The email reflects "thank you for having the Occupational Therapist review the new educational record submitted on June 6. [The complainant] remains concerned about [the student's] fine motor needs since communicating such back in April. Do you show a record of a request for OT consult?"

There is no documentation of the referenced request for an OT consultation.

5. On August 4, 2024, the IEP team convened to review and revise the student's IEP. The PWN generated following the meeting reflects that the IEP team reviewed and considered the parent's private speech-language assessment and the OT screening results. It is further reflected that the IEP team agreed to add the following to the IEP:
 - Present levels of performance, consultation and goals in speech-language;
 - Evidence-based interventions in reading and math; and
 - Home-school communication.

In addition, the PWN reflects that the IEP team agreed to trial the following strategies to address the student's OT and sensory needs:

- Movement breaks and changing positions suggested for better comprehension;
- Using visual checklists for transitions between activities;
- Small writing utensils and visual schedules;
- Post-it notes for assignments for visually track tasks; and
- Handwriting Without Tears (explicit instruction for handwriting).

There is no documentation of who attended the IEP team meeting.

6. The June 14, 2024, IEP, which was amended on August 30, 2024, reflects the areas affected by the student's disability as math calculation; reading comprehension and phonics; speech-language articulation, pragmatics, and receptive; and behavioral social-emotional.

The IEP requires the provision of supplementary aids, services, and accommodations including:

- Extended time (1.5x);
- Weekly explicit instruction for handwriting;
- Weekly evidence-based instruction for reading;
- Daily visuals, objects, pictures, videos, and technology;
- Daily wait time;
- Daily frequent and/or immediate feedback;
- Weekly home-school communication;
- Daily frequent eye contact/proximity control;
- Daily social stories;
- Daily advance preparation for schedule changes;
- Daily first/then statements/board as needed;
- Daily encourage/ reinforce appropriate behavior;
- Daily encourage student to ask for assistance when needed; and
- Monthly speech/language pathologist consult.

The IEP requires goals in the following areas:

- Speech-language articulation: "Given no more than one visual or visual-tactile cue per attempt, [the student] will produce front sounds such as /d, t/ in a multisyllabic word within a simple sentence that he generates with 80% accuracy" on 4 out of 5 data probes";
- Speech-language receptive: "Given visual cues as needed and no more than one verbal, [the student] will answer how and why questions about the material presented to him with 80% accuracy" on "4 of 5 consecutive structured learning activities";
- Speech-language expressive: "In response to materials presented to him during a structured learning activity, [the student] will state key details and state the correct sequence of events with 80% accuracy given visual cues (i.e., graphic organizer or story maps, sentence frames and word lists such as a list of descriptive words) and verbal cues as needed" on "8/10 consecutive structured learning activities";
- Reading phonics: "By the annual review, given an evidence-based intervention for reading phonics, [the student] will point to the letter and state the name of the letter that makes the given sound, for (12 out of 15) letters, on (3 out of 4) progress monitoring assessments";
- Reading comprehension: "By the annual review, after a read aloud of a familiar, instructional-level, literary story, when given a series of (4) picture cards that represent the events in the story and a verbal prompt to sequence the cards (e.g. Teacher asks "What happened first?"), [the student] will place the cards in the correct story order in (3 out of 4) sequencing activities"; and
- Math calculation: "By the annual review, given a number verbally within 20, [the student] will represent the number by writing the corresponding numeral(s), for (4 out of 5) numbers, on (3 out of 4) progress monitoring assessments."

The IEP requires the student to be provided with:

- Two hours and thirty minutes weekly of special education instruction in the general education classroom provided by the special, general education teacher or instructional assistant;
 - One hour and thirty minutes weekly of special education instruction outside the general education classroom provided by the special education teacher or instructional assistant;
 - Two hours weekly of speech-language services outside the general education classroom provided by the speech-language pathologist; and
 - Sixty hours monthly of special education instruction inside the general education classroom during ESY 2024 provided by the special education teacher.
7. On September 17, 2024, the PGCPs informed the complainant by letter that the student's school did not have a certified special education teacher. The letter reflects that a substitute teacher would be assigned to provide special education services, and the substitute teacher would receive consultative support and guidance from qualified special education staff members.
 8. While there is documentation that a weekly home-communication log was completed, there is no documentation demonstrating the consistent weekly provision of the home-school communication log to the complainant since the start of the 2024-2025 school year, as required by the IEP.
 9. There is no documentation that the student's classes were supported by an instructional assistant.
 10. There is no documentation that the student was provided with special education instruction, supplementary aids and services, and accommodations since the start of the 2024-2025 school year, as required by the IEP.

DISCUSSIONS AND CONCLUSIONS:

Allegation #1 Required Participants

The IEP team must include the student’s parent; at least one regular education teacher of the student (if the student is, or may be, participating in the regular education environment); at least one special education teacher of the student; a representative of the public agency who is qualified to provide or supervise the provision of specially designed instruction, is knowledgeable about the general education curriculum, and about the availability of resources of the public agency; an individual who can interpret the instructional implication of evaluation results; at the discretion of the parent or public agency, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate; and the student when appropriate (34 CFR § 300.321).

In this case, the June 14, 2024, the PWN reflects that the IEP team discussed the student’s proposed speech-language goals, making a speech-language pathologist a required participant at the IEP team meeting.

In this case, there is no documentation of who was in attendance at the August 4, 2024, IEP team meeting.

Based on the Findings of Fact #2 and #5, MSDE finds that the PGCPs did not ensure that the IEP team meetings convened since February 2024, included the required participants, in accordance with 34 CFR § 300.321. Therefore, this office finds a violation occurred concerning the allegation.

Allegation #2 Annual Review

A public agency shall ensure that the IEP team meets periodically, but not less than annually, to review and revise the IEP (34 CFR § 300.324).

Based on the Findings of Fact #1 and #2, MSDE finds that the PGCPs did not ensure that the IEP team convened to review the student’s IEP before June 12, 2024, in order to ensure that the IEP was reviewed at least annually, in accordance with 34 CFR § 300.324. Therefore, this office finds a violation occurred concerning the allegation.

Allegation #3 Assessed in All Areas of Need

In this case, the complainant alleges that the student was not assessed in all areas of need, specifically speech-language and occupational therapy. There is documentation that the student’s IEP addresses the student’s speech-language and OT needs. Furthermore, there is no documentation that the complainant brought up concerns regarding OT to the IEP team prior to June 14, 2024.

Based on the Findings of Fact #2 through #6, MSDE finds that the PGCPs did ensure that the student was comprehensively assessed in all areas of need when evaluating the student to determine if the student is a student with a disability requiring special education instruction since June 2024, in accordance with 34 CFR §§ 300.303-.311 and COMAR 13A.05.01.06. Therefore, this office does not find a violation occurred concerning the allegation.

Allegation #4 Development of the IEP

Based on the Findings of Fact #2 through #6, MSDE finds that the PGCPs has developed an IEP that addresses the student’s identified speech-language, OT, reading, and handwriting needs since June 14, 2024, in accordance with 34 CFR §§ 300.101 and .324. Therefore, this office does not find a violation occurred concerning the allegation.

Allegation #5 Development of the IEP Goals

Based on the Findings of Fact #3 and #6, MSDE finds that the PGCPs has ensured that the IEP contains appropriate measurable goals since June 14, 2024, in accordance with 34 CFR § 300.320. Therefore, this office does not find a violation occurred concerning the allegation.

Allegation #6 Provision of Weekly Home-School Communication

Based on the Findings of Fact #6 and #8, MSDE finds that the PGCPs has not ensured that the student was provided with the weekly home-school communication as required by the IEP since the start of the 2024- 2025 school year, in accordance with 34 CFR §§ 300.101 and .323. Therefore, this office finds a violation occurred concerning the allegation.

Allegation #7 Certified Special Education Teacher

Based on the Findings of Fact #3, #6, #7, and #9, MSDE finds that the PGCPs has not ensured that the student has been provided with the special education instruction required by the IEP from a certified special education teacher since the start of the 2024-2025 school year, in accordance with 34 CFR § 300.156 and COMAR 13A.12.02. Therefore, this office finds a violation occurred concerning the allegation.

Allegation #8 Provision of Special Education Instruction, Supplementary Aids, Services, and Accommodations

Based on the Findings of Fact #3, #5, and #10, MSDE finds that the PGCPs did not ensure that the student’s IEP, including special education instruction, supplementary aids and services, and accommodations were implemented as required by the IEP since the start of the 2024-2025 school year, in accordance with 34 CFR §§ 300.101 and .323. Therefore, this office finds a 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.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.

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 6, 2025, that the IEP team has taken the following action:

- a. Provided the student with consistent special education instruction, supplementary aids, services and accommodations as required by the IEP;
- b. 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 levels of functioning and performance that were expected to have demonstrated by the end of school year 2023-2024 based on the student's rate of progress;
 - iii. The services needed to remediate the violations identified in this investigation; and
- c. 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 6, 2025, implementation of the steps discussed and outlined in the plan proposed on October 18, 2024, to correct the violations identified at this school.

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.

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
Aleia Johnson, Compliance Specialist, PGCP
[REDACTED], Principal, [REDACTED], 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