

November 15, 2024

[REDACTED]  
[REDACTED]  
[REDACTED]

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

RE: [REDACTED]  
Reference: # 25- 070

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 16, 2024, MSDE received a complaint from [REDACTED], 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 provide the complainant with prior written notice (PWN) of the team's decision to remove transportation from the student's Individualized Education Program (IEP) since May 2024, in accordance with 34 CFR § 300.503.
2. The PGCPS has not developed an IEP that addressed the student's identified working memory, processing speed, or social, expressive and pragmatic language needs since September 9, 2024, in accordance with 34 CFR §§ 300.101 and .324.

**BACKGROUND:**

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

**FINDINGS OF FACT:**

1. On May 16, 2024, the student enrolled in PGCPs from Baltimore County Public Schools (BCPS).
2. The student's IEP in effect on May 16, 2024, was developed on March 7, 2024, by BCPS. The IEP requires the provision of specialized transportation. The IEP further reflects that the student may get out of her seat and would benefit from a bus assistant to supervise her.
3. On June 3, 2024, the IEP team convened to review the IEP, and a parent provided psychological assessment report, discuss reevaluation, and Extended School Year (ESY) services. The PWN generated following the meeting reflects that the IEP team determined the student was eligible for ESY services, and the student's eligibility coding would remain developmental delay.
4. The IEP developed on June 3, 2024, by PGCPs requires the provision of transportation for ESY 2024. The IEP does not require specialized transportation during the regular school year.

The IEP reflects the areas affected by the disability as math calculation and reading phonics. The IEP requires the provision of supplementary aids, services, and accommodations to support the student's needs including:

- Small group;
  - Specific area or setting;
  - Frequent breaks;
  - Reduced distractions to self and other;
  - Extended time (50%);
  - Have student repeat or paraphrase information;
  - Provide frequent changes in activities or opportunities for movement; and
  - Strategies to initiate and sustain attention.
5. On September 11, 2024, the IEP team convened to discuss the complainant's request for specialized transportation. The PWN generated following the meeting reflects that the student's IEP "had transportation as a requirement for ESY due to the fact that ESY is only for students with disabilities who received in-person ESY services." In addition, the student is in "a general education setting at her neighborhood school and is not in a specialized program requiring special transportation services, nor are there any reports or data that would suggest the need for specialized transportation services as of this date." The PWN further reflects that the IEP team re-reviewed the parent provided psychological assessment report, and that the report reflected that the student's academic capabilities were in the low average to average range.
  6. The parent provided psychological assessment reflects that the student has a diagnosis of attention deficit hyperactivity disorder (ADHD) and autism spectrum disorder (ASD), type 1 mild. The assessment reflects that the student's working memory and processing speed was in the low average range. The assessment report recommended accommodations to support the student's learning.
  7. On September 11, 2024, after the IEP team meeting, the complainant emailed the PGCPs Family Support Center private assessments, including an autism report, speech-language evaluation, neurology clinic notes, "combined speech and psychological assessments", "physical assessment", and "combined educational and occupational assessments".

8. On September 23, 2024, the IEP team convened to discuss the complainant's request for a safety plan during transportation. The PWN generated following the meeting reflects that the "IEP team continues to reject the request for a specialized bus to transport [the student] to and from school. There is no data to support that [the student] needs specialized transportation. She does not display any inappropriate behaviors or needs on the bus at this time." It is further reflected that the IEP team developed and began implementing a safety plan to use during transportation which includes the following:
- Seating the student by herself behind the bus driver;
  - Having the student wear a yellow vest to identify her as a child requiring support; and
  - Having an adult escort her to the bus.

The PWN further reflects that that the IEP team previously reviewed the student's IEP completed at the June 3, 2024, IEP team meeting, including transportation needs. The IEP team also discussed scheduling an IEP team meeting to review the additional parent provided private assessments.

9. On October 7, 2024, the parent emailed the PGCPs indicating that she wanted to postpone the IEP team meeting that was scheduled for October 8, 2024. The October 8, 2024, IEP team meeting was rescheduled for October 21, 2024.
10. On October 21, 2024, the IEP team convened to review and revise the IEP as appropriate, and review the parent provided private assessments. The PWN generated following the meeting reflects that the parent provided a 2022 Occupation Therapy (OT) report, based on this report the IEP team determined that the student did not qualify for OT services. The parent provided private speech-language assessment was reviewed. The report reflects that the student was average as per the expressive/receptive testing. The PWN reflects that the IEP team meeting ended due to the PGCPs attorney having another engagement.
11. The parent provided speech-language assessment report reflects that the student's is presenting deficits in the expressive and social-pragmatic language. The report further reflects that the examiner informally observed the student's social-pragmatic language but did not formally assess the area. It is reported that the student would benefit from speech-language therapy to address these areas.
12. There is no documentation to support that social needs are an identified area of need.

### **DISCUSSIONS AND CONCLUSIONS:**

#### **Allegation #1 Provision of the PWN**

The public agency is required to provide the parent of a student with a disability with written notice before proposing or refusing to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student. This notice includes a description of the action proposed or refused, an explanation of the action, a description of each evaluation procedure, assessment, record, or report used as a basis for the decision, a statement that the parents of a student with a disability have protection under the procedural safeguards and the means by which a copy of the description of the safeguards can be obtained, sources for parents to contact to obtain assistance in the understanding the provisions, a description of other options that the IEP team considered and the reasons why those options were rejected, and a description of other factors that are relevant to the agency's proposal or refusal (34 CFR § 300.503).

There is no requirement to provide the parent of a student with a disability with a verbatim transcript of discussions that occur at the IEP team meeting. Additionally, as explained in the *Analysis of Comments and Changes* to the IDEA, there is nothing that would prohibit the public agency from using the IEP document as part of the prior written notice so long as it has all of the required content (Federal Register, Vol. 71, No. 156, August 14, 2006, p. 46691).

In this case, the complainant alleges that special transportation was removed from the student's IEP without receiving a PWN. There is documentation that the IEP team discussed the student's ESY transportation at the June 3, 2024, IEP team meeting. While the June 3, 2024, IEP requires transportation for ESY 2024; it does not require transportation for the 2024-2025 school year. The PWN does not reflect the change in specialized transportation services for the 2024-2025 school year.

Based on the Findings of Fact #1, #2, #4, and #5, MSDE finds that the PGCPD did not provide the complainant with PWN of the team's decision to remove transportation from the student's IEP on June 3, 2024, in accordance with 34 CFR § 300.503. Therefore, this office finds a violation did occur concerning the allegation.

Notwithstanding on September 11, 2024, the IEP team determined that the student did not qualify for specialized transportation services and put a safety plan in place for the student during transportation. There is documentation that the IEP team provided the complainant with PWN of the decision regarding specialized transportation services for the 2024-2025 school year. Therefore, no student-specific correction is required.

**Allegation #2 AN IEP THAT ADDRESSES THE STUDENT'S IDENTIFIED WORKING MEMORY, PROCESSING SPEED, SOCIAL, EXPRESSIVE AND PRAGMATIC LANGUAGE NEEDS**

**Working Memory and Processing Speed Needs**

In this case the complainant alleges that the student has working memory and processing speed needs. The parent provided private psychological assessment reflects that these areas are in the low average range and recommended accommodations to support the possible area of need. The IEP team has an obligation to review parent provided assessments but does not have to agree to adopt all of the findings of the private assessments. While the IEP team considered this information, the IEP team did not determine that working memory and processing speed were areas of need based on all of the data reviewed by the IEP team.

Based on the Findings of Fact #4, #6, and #7, MSDE finds that the PGCPD determined working memory and processing speed were not areas of need; therefore, they were not required to develop an IEP that addressed working memory and processing speed, in accordance with 34 CFR §§ 300.101 and .324. Therefore, this office does not find a violation occurred concerning this aspect of the allegation.

**Social Needs, Expressive and Pragmatic Language Needs**

In this case the complainant alleges that the student has social needs and expressive and pragmatic language needs. The complainant provided private assessments to support this allegation. The IEP team met on October 21, 2024, to review the private assessments; however, the meeting had to conclude early. The IEP team agreed to schedule a follow-up meeting, which did not occur at the time of this complaint.

Based on the Findings of Fact #4, #10 through #12, MSDE finds that the PGCPs has not made a determination about the student's social needs and expressive and pragmatic needs because the IEP team is still reviewing the parent provided private assessments. Therefore, this aspect of the allegation is not ripe for MSDE's review until the IEP team reviews the parent provided private assessments and makes a determination about the student's needs based on the assessments and other relevant information.

#### **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, 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).

#### **School-Based**

MSDE requires the PGCPs to provide documentation by January 31, 2025, of the steps it has taken to ensure that the [REDACTED] staff properly implements the requirements for provision of PWNs when making changes to student's IEPs. The documentation must include a description of how the PGCPs will evaluate the effectiveness of the steps taken and monitor to ensure that the violations do not recur.

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.

---

<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 (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.

<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/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  
Wendi Wallace, Compliance Specialist, PGCP  
[REDACTED], Principal, [REDACTED], PGCP  
Dr. Brian Morrison, Branch Chief, Policy 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