

November 15, 2024

Ms. Jessica Williams
Education Due Process Solutions, LLC
1296 Cronon Boulevard, #4071
Crofton, Maryland 21114

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

RE: [REDACTED]
Reference: #25- 073

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 18, 2024, MSDE received a complaint from Ms. Jessica Williams, 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 addressed the parent's concerns regarding the student's placement for the 2024-2025 school year since August 2023, in accordance with 34 CFR § 300.324.
2. The PGCPS has not ensured that the parent was provided with reports of the student's progress toward achieving the annual IEP goals since September 2023, in accordance with 34 CFR § 300.320.
3. The PGCPS has not ensured that the student's IEP contains an accurate and clear statement of present levels of performance and areas of identified weakness since September 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 since September 2023, in accordance with 34 CFR § 300.324.
5. The PGCPs did not ensure that IEP team meetings convened since September 2023 included the required participants, in accordance with 34 CFR § 300.321. Specifically, you allege that the meetings did not include the parent and the speech pathologist.
6. The PGCPs did not ensure that the IDEA evaluation of the student was completed within the required timelines since October 2023, in accordance with 34 CFR §§ 300.301 and .303, and COMAR 13A.05.01.06.
7. The PGCPs did not ensure that the student was provided with the supplementary aids and services required by the IEP during the 2023-2024 school year, in accordance with 34 CFR §§ 300.101 and .323. Specifically, the complainant alleges that the student did not receive a dedicated aid, speech-language therapy, or transportation services.
8. The PGCPs did not follow proper procedures when responding to a request for an IEP team meeting during the 2023-2024 school year, in accordance with 34 CFR § 300.503 and COMAR 13A.05.01.08.
9. The PGCPs did not ensure that the student's progress towards obtaining annual IEP goals were measured in the manner required by the IEP, during the 2023-2024 school year, in accordance with 34 CFR §§ 300.320 and .323.
10. The PGCPs has not ensured that the staff at [REDACTED] was provided with a copy of the student's IEP at the beginning of the 2024-2025 school year, in accordance with 34 CFR §§ 300.101 and .323.
11. The PGCPs did not provide the advocate with access to the student's education record prior to the July 12, 2024, IEP team meeting, in accordance with 34 CFR §§ 300.501 and .613.

BACKGROUND:

The student is 11 years old and is identified as a student with autism and is eligible for special education services under the IDEA. The student attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

SUMMARY OF FINDINGS AND CONCLUSIONS:

1. In its written response, the PGCPs acknowledges that:
 - it did not ensure that the IEP team addressed the parent's concerns regarding the student's placement for the 2024-2025 school year since August 2023;
 - it has not ensured that the parent was provided with reports of the student's progress toward achieving the annual IEP goals since September 2023;

- it has not ensured that the student's IEP contains an accurate and clear statement of present levels of performance and areas of identified weakness since September 2023;
 - 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 since September 2023;
 - it did not ensure that IEP team meetings convened since September 2023 included the parent and the speech pathologist who are required participants;
 - it did not ensure that the IDEA evaluation of the student was completed within the required timelines since October 2023;
 - it did not ensure that the student was provided with the supplementary aids and services specifically, speech-language therapy, and transportation services required by the IEP during the 2023-2024 school year;
 - it did not follow proper procedures when responding to a request for an IEP team meeting during the 2023-2024 school year;
 - it did not ensure that the student's progress towards obtaining annual IEP goals were measured in the manner required by the IEP, during the 2023-2024 school year;
 - it has not ensured that the staff at [REDACTED] was provided with a copy of the student's IEP at the beginning of the 2024-2025 school year; and
 - it did not provide the advocate with access to the student's education record prior to the July 12, 2024, IEP team meeting.
2. There is documentation that a dedicated aide is not required on the student's IEPs in effect during the 2023-2024 school year.

MSDE appreciates the PGCPS' acknowledgement and concurs that violations occurred as to allegations #1 to #6, and #8 to #11.

Allegation # 7 DEDICATED AIDE

Based upon Finding of Fact #2, MSDE finds that the student's IEP did not require a dedicated aide during the 2023-2024 school year, in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE finds that a violation did not occur concerning this 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. 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 Branch, 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

By January 15, 2025, MSDE requires the PGCPs to provide documentation that the school system has:

- Convened an IEP team meeting to discuss the need for a dedicated aid, update the IEP, determine the student's educational placement, and provide the complainant's advocate with the requested documents and access to the student's educational records; and
- Determine 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.

School-Based

MSDE requires the PGCPs to provide documentation by March 15, 2025, of the steps it has taken to ensure that the staff at [REDACTED] properly implements the requirements for the implementation of addressing parent concerns, providing the supplementary aids and services required by the IEP, providing accurate and timely reports on progress toward IEP goals in the manner required by the IEP, updated and accurate IEPs, conducting timely reevaluations, ensuring required participants at IEP meetings, addressing the lack of progress toward IEP goals, following proper procedures when responding to a request for an IEP meeting, providing timely access to student records, and providing IEP documents to transfer schools in a timely manner under the IDEA. These steps must include staff development, as well as tools developed to monitor compliance. A monitoring report for 10 randomly selected students reflecting full implementation of supplementary aids and services, updated IEPs, and quarterly progress reporting must be provided to MSDE on or before February 1, 2025. Full compliance is required.

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

¹ The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency corrects 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.

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.

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/ebh

c: Millard House II, Chief Executive Officer, PGCP
Darnell Henderson, General Counsel, PGCP
William Fields, Associate General Counsel, PGCP
Keith Marston, Compliance Supervisor, PGCP
Lois Jones Smith, Compliance Liaison, PGCP
LaRon Martin, Compliance Liaison, PGCP
██████████, Principal, ██████████, PGCP
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Nicole Green, Compliance Specialist, MSDE
Elizabeth B. Hendricks, Complaint Investigator, MSDE