

November 26, 2024

[REDACTED]

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

RE: [REDACTED]  
Reference: #25- 085

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 October 2, 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 ensure that the student's placement determination for the 2024-2025 school year was made by the Individualized Education Program (IEP) team, since August 2024, in accordance with 34 CFR § 300.116.
2. The PGCPS has not developed an IEP that addresses the student's identified transportation and behavioral needs and need for support in his general education classes since the start of the 2024-2025 school year, in accordance with 34 CFR §§ 300.101 and .324.
3. The PGCPS has not ensured that the student was provided with the special education, supplementary aids, services, and accommodations as required by the IEP since the start of the 2024-2025 school year, in accordance with 34 CFR §§ 300.101 and .323.
4. The PGCPS has not ensured that the IEP contains appropriate grade level measurable goals, including transition goals and a statement of the student's present levels of academic achievement and functional performance (PLAAFP) since the start of the 2024-2025 school year, in accordance with 34 CFR § 300.320.

5. The PGCPS has not ensured that the IEP team addressed parental concerns about the student's need for adult support since August 2024, in accordance with 34 CFR § 300.324.
6. The PGCPS did not follow proper procedures when responding to a request for an IEP team meeting since August 2024, in accordance with 34 CFR §§ 300.503.
7. The PGCPS did not ensure that the complainant was provided with accessible copies of each document the IEP team planned to discuss at the September 25, 2024, IEP team meeting at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.07.
8. The PGCPS did not provide the complainant with a copy of the IEP documents within five business days after the IEP team meeting on September 25, 2024, in accordance with COMAR 13A.05.01.07.

**BACKGROUND:**

The student is 13 years old and is identified as a student with autism under the IDEA. He attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

**FINDINGS OF FACT:**

1. On December 15, 2023, the IEP team convened to review and revise the student's IEP, discuss the Functional Behavioral Assessment (FBA), Behavior Intervention Plan (BIP), goals, supplementary aids, extended school year (ESY), Least Restrictive Environment (LRE), and transition to high school. The Prior Written Notice (PWN) generated following the meeting reflects that the IEP team considered various options for the least restrictive environment (LRE) and determined that the student required an LRE that includes "intensive classes to best support him with additional adult support. When he goes to high school in the Fall 2024, his schedule will reflect the high school program that he attends".
2. The student's IEP in effect in August 2024 was developed on December 15, 2023.

The IEP reflects the areas impacted by the student's disability as math calculation, math problem solving, reading comprehension, reading phonics, expressive language, receptive language, written language expression, self-management, and social emotional-behavioral.

The PLAAFP reflects that the student's:

- Reading phonics grade level as "first-grade level" this is based on benchmark assessment, reading inventory, the Woodcock-Johnson IV Tests of Achievement (WJ IV), and the Wechsler Intelligence Scale for Children, Fifth Edition (WISC-V);
- Reading comprehension grade level as "first-grade level" this is based on benchmark assessments, reading inventory, WJ IV, and the WISC-V;
- Math calculation grade level as "first-grade level" this is based on benchmark assessments, common assessment, the I-Ready Diagnostic assessment, the WJ IV, and the WISC-V;
- Math problem-solving grade level as "first-grade level" this is based on benchmark assessments, common assessment, the I-Ready Diagnostic assessment, the WJ IV, and the WISC-V;
- Written language expression grade level as "first-grade level" this is based on reading English language arts benchmark, Maryland Comprehensive Assessment Program (MCAP), reading inventory, teacher created rubrics, goal book progress monitoring tool, ongoing occupational therapy observation and consultation, the WJ IV, and the WISC-V;

- Speech-language: receptive grade level as “below grade level expectancies” this is based on speech-language therapy data;
- Speech-language: expressive grade level as “below grade level expectancies” this is based on speech-language therapy data;
- Social emotional-behavioral grade level as “below grade level expectancies” this is based on observation;
- Self-management grade level as “below grade level expectancies” is based on observation, ongoing occupational therapy observation, and consultation; and
- Secondary transition employment and education/training grade levels as “6th grade” this is based on a student interview.

The IEP reflects that the student requires an LRE that is “outside the general education setting with supports of an autism teacher, and paraeducator, in the Intensive Classroom, as well as with time outside of the general education setting to address autism-specific instruction... as [the student] is in the 8th grade and expected to transition to high school in Fall 2024, this placement will change to align with high school schedule for English and math classes as well as for science and social studies classes from the start of school year 2024-2025 and continue until the next IEP”.

The IEP requires the provision of:

- Ten hours monthly of specialized instruction outside the general education classroom for reading, math, science, and social studies provided by the special education teacher, IEP team, or instructional assistant;
- Five hours daily of specialized instruction outside the general education classroom for autism-specific academic resource instruction for social skills provided by the special education teacher, IEP team, or instructional assistant;
- One hour quarterly of occupational therapy (OT) inside the general education classroom;
- One hour monthly of counseling services for behavioral support provided by the school counselor or IEP team; and
- Transportation: “[the student] requires special transportation to attend the autism program for middle school”.

The IEP requires a behavior intervention plan (BIP).

The IEP requires supplementary aids, services, and accommodations including:

- Small group;
- Frequent breaks;
- Reduced distractions to self and others;
- Text-to-speech for English Language Arts (ELA);
- Calculation device;
- Speech-to-text for ELA, mathematics, science, and social studies;
- Human scribe for ELA, mathematics, science, and social studies;
- Extended time (1.5x);
- Daily alternative ways for students to demonstrate learning;
- Daily research-based intervention services in reading and math;
- Daily repetition of directions;
- Daily altered/modified assignments;
- Daily break down assignments into smaller units;

- Weekly frequent check-ins to monitor understanding and social-emotional needs;
- As needed flash pass;
- Daily adult support;
- Daily home-school communication system;
- Daily strategies to initiate and sustain attention;
- Daily provide manipulatives and/or sensory activities to promote listening and focusing skills;
- Daily preferential seating;
- Monthly speech-language pathologist consult; and
- Quarterly occupational therapist consult.

The IEP requires goals:

- Post-secondary transition for employment: “after high school, [the student] will be employed in the area of construction and/or building development. The related IEP goal is the math calculation goal, which reads “by December 14, 2024, when given a visual representation (e.g., algebra tiles) of a single variable read aloud, one-step linear equation with whole numbers within 20, [the student] will solve for the variable by using inverse operations to manipulate the visual representation on 3 out of 4 trials”;
- Post-secondary transition for education: “[the student] will pursue a degree in construction and development to have a career working in construction. The related IEP Goal is the reading comprehension goal, which reads “by December 14, 2024, when given an instructional-level informational text read aloud with 2 key details highlighted and given a central idea anchor chart, [the student] will use the highlighted details to write the central idea of the text on 3 out of 4 trials using progress monitoring tools”;
- Written language expression: “by December 14, 2024, after listening to and/or reading 1-2 grade-level articles posing differing opinions on a subject, [the student] will write a 3-5 sentence paragraph expressing his opinion on the subject containing at least 1 claim supported by at least up to 2 pieces of evidence and including 1 counter-argument in 3 out of 5 trials as measured by a teacher-created rubric or progress monitoring tools”;
- Reading comprehension: “by December 14, 2024, when given an instructional-level informational text read aloud with 2 key details highlighted and given a central idea anchor chart, [the student] will use the highlighted details to write the central idea of the text on 3 out of 4 trials using progress monitoring tools”;
- Math calculation: “by December 14, 2024, when given a visual representation (e.g., algebra tiles) of a single variable read aloud, one-step linear equation with whole numbers within 20, [the student] will solve for the variable by using inverse operations to manipulate the visual representation on 3 out of 4 trials”;
- Reading phonics: “by December 14, 2024, given a familiar word list of (10) regularly spelled, one-syllable vowel-consonant-e words (e.g., cape, side), [the student] will decode and then blend to read (8 out of 10) words aloud, using a decoding strategy (e.g., underline the phonics patterns), on 3 out of 4 progress monitoring assessments”;
- Math problem solving: “by December 14, 2024, when given a word problem read aloud involving division of whole numbers (e.g., 2 bags of candy are shared equally between 5 people) and an array, [the student] will express an answer (e.g.,  $\frac{2}{5}$ ) in the form of a fraction (e.g., writing out a fraction, verbally expressing a fraction, drawing a picture) by using a visual model or equation, with guided questions (e.g., “What is the divisor? What is the dividend?”), for 4 out of 5 word problems, on 3 out of 4 progress monitoring assessments”;

- Self-management: “by December 14, 2024, when assigned an academic task to complete during whole group instruction, [the student] will independently remain on task for at least 15 minutes or until the task is completed as directed, in 3 out of 5 academic tasks”; and
  - Social emotional-behavioral: “by December 14, 2024, during a moment of frustration, [the student] will independently select 1 pre-taught calming strategy and use it within 30 seconds, for 4 out of 5 moments of frustration”.
3. The BIP reflects work avoidance and elopement as the target behaviors. It further reflects prevention strategies, teaching strategies, response strategies, data collection and implementation strategies, and progress monitoring strategies.
  4. There is documentation that during the 2023-2024 school year the student was enrolled at [REDACTED].
  5. There is documentation that [REDACTED] is the student’s residence and service school for the 2024-2025 school year.
  6. On September 4, 2024, the complainant emailed the PGCPs requesting an IEP team meeting. On September 5, 2024, the PGCPs responded to the complainant and offered to schedule an IEP team meeting.
  7. On September 25, 2024, the complainant emailed the PGCPs informing them that she had not been provided with accessible copies of each document the IEP team planned to discuss at the September 25, 2024, IEP team meeting. On the same date, the PGCPs responded to the complainant indicating that the IEP team meeting was to address parental concerns and conduct a “program review”; therefore, they “were not required to send” documents.
  8. On September 25, 2024, the IEP team convened to conduct a program review and address parental concerns. The PWN generated following the meeting reflects that the school-based IEP team was unable to “communicate topics for discussion the IEP meeting based on a breakdown of communication in meeting norms provided the continued interruptions in conversations from the advocate to the school team to express the concerns in the case.”

There is no documentation that the IEP team planned or discussed documents that required the provision of documents five days prior to the meeting.

9. There is no documentation to support the complainant’s allegation that a parental concern for the student’s need for adult support was brought to the attention of the IEP team.

## **DISCUSSIONS AND CONCLUSIONS:**

### **Allegation #1**

### **Placement Determination**

The IDEA requires that the public agency ensure that, to the maximum extent appropriate, students with disabilities are educated with students who are not disabled. Further, the IDEA requires that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes, with the use of supplementary aids and services, cannot be achieved (34 CFR §§ 300.114 - .116).

for high school by the IEP team on December 15, 2023. Furthermore, the student is attending their residence. In this case, the complainant alleges that the student's placement determination for the 2024-2025 school year was not made by the IEP team. However, there is documentation that the LRE was determined school.

Based on the Finding of Fact #1, MSDE finds that the PGCPs determined the student's placement on December 15, 2023, in accordance with 34 CFR § 300.116. Therefore, this office does not find a violation occurred concerning the allegation.

**Allegation #2** **IEP that Addresses the Student's Identified Transportation and Behavioral Needs**

Based on the Findings of Fact #1 and #2, MSDE finds that the PGCPs has developed an IEP that addresses the student's identified transportation, behavioral, and support in his general education classes needs since the start of the 2024-2025 school year, in accordance with 34 CFR §§ 300.101 and .324. Therefore, this office does not find a violation occurred concerning the allegation.

**Allegation #3** **Provision of Special Education, Supplementary Aids, Services and Accommodations**

In its written response, the PGCPs acknowledges that a violation occurred with respect to the allegation that the PGCPs has not ensured that the student was provided with the special education, supplementary aids, services and accommodations as required by the IEP since the start of the 2024- 2025 school year.

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

**Allegation #4** **An IEP that Contains Appropriate Grade-Level Measurable Goals and a Statement of PLAAFP**

Based on the Finding of Fact #2, MSDE finds that the PGCPs has ensured that the IEP contains appropriate grade-level measurable goals, including transition goals, and a statement of the student's PLAAFP since the start of the 2024-2025 school year, in accordance with 34 CFR § 300.320. Therefore, this office does not find a violation occurred concerning the allegation. Therefore, this office does not find a violation occurred concerning the allegation.

**Allegation #5** **Addressing Parental Concern**

In this case, the complainant alleges that she raised concerns regarding the student's need for adult support with the IEP team. While there is no documentation to support this allegation, the student's IEP does require the daily provision of adult support.

Based on the Findings of Fact #2 and #9, MSDE finds that the PGCPs was not required to ensure that the IEP team addressed parental concerns about the student's need for adult support since August 2024 because there is no documentation that it was raised, in accordance with 34 CFR § 300.324. Therefore, this office does not find a violation occurred concerning the allegation.

#### **Allegation #6**

#### **Request for an IEP Team Meeting**

In this case, the complainant requested an IEP team meeting to address her concerns on September 4, 2024. The IEP team met in response to this request on September 25, 2024.

Based on the Findings of Fact #6 through #8, MSDE finds that the PGCPs did follow proper procedures when responding to a request for an IEP team meeting since August 2024, in accordance with 34 CFR §§ 300.503. Therefore, this office does not find a violation occurred concerning the allegation.

#### **Allegation #7**

#### **Provision of IEP Document Five Days Prior To IEP Meeting**

In this case, the complainant alleges that they were not provided with accessible copies of each document the IEP team planned to discuss at the September 25, 2024, IEP team meeting at least five business days before the scheduled meeting. The PGCPs was not required to provide documents prior to the IEP team meeting because it was in response to the parents' request to discuss her concerns.

Based on the Findings of Fact #7 and #8, MSDE finds that the PGCPs was not required to provide the complainant with accessible copies of each document the IEP team planned to discuss at the September 25, 2024, IEP team meeting at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.07. Therefore, this office does not find a violation occurred concerning the allegation.

#### **Allegation #8**

#### **Provision of IEP Document Five Days After an IEP Meeting**

In its written response, the PGCPs acknowledges that a violation occurred with respect to the allegation that the PGCPs did not provide the complainant with a copy of the IEP documents within five business days after the IEP team meeting on September 25, 2024.

The 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.<sup>1</sup> 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.

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<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, the 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.<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).

### **Student-Specific**

MSDE requires the PGCPs to provide documentation, by February 14, 2025, that the IEP team has taken the following actions:

- a. Provided the student with consistent special education instruction, supplementary aids, services, and accommodations as required by the IEP;
- b. Provided the student's parents with the completed IEP documents from the September 25, 2024, IEP team meeting;
- c. Conducted an IEP team meeting to determine the amount and nature of compensatory services or other remedies 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
- d. 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 February 14, 2025, of the steps it has taken to ensure that the [REDACTED] staff properly implements the requirements for the provision of special education instruction, supplementary aids, services, accommodations; and the provision of IEP documents at least five days after an IEP team meeting under the IDEA and COMAR. These steps must include staff development, as well as tools developed to monitor compliance.

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.

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<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, PGCPs  
Keith Marston, Compliance Instructional Supervisor, PGCPs  
Lois Jones Smith, Compliance Liaison, PGCPs  
Darnell Henderson, General Counsel, PGCPs  
William Fields, Associate General Counsel, PGCPs  
Aleia Johnson, Specialist, PGCPs  
[REDACTED], Principal, [REDACTED], PGCPs  
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE  
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE  
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