

December 13, 2024

Ms. Jaime Seaton  
110 N. Washington Street, Suite 404  
Rockville, Maryland 20850

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: #25-103

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 15, 2024, MSDE received a complaint from Ms. Jaime Seaton, 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.

1. The PGCPS has not ensured that the student has been provided with the related services as required by the Individualized Education Program (IEP) since October 2023, in accordance with 34 CFR §§ 300.101 and .323.
2. The PGCPS did not ensure that the student was comprehensively assessed in all areas of suspected disability, when conducting a reevaluation of the student since February 2024, in accordance with 34 CFR §§ 300.303- .306 and COMAR 13A.05.01.06.
3. The PGCPS did not follow proper procedures when determining the student’s educational placement since July 2024, in accordance with 34 CFR §§ 300.114-.116.
4. The PGCPS did not ensure that the IEP team addressed parental concerns about documentation being provided in the parent's native language, the need for a translator at IEP meetings, and the student’s need for a dedicated aide were considered since July 2024, in accordance with 34 CFR § 300.322, and .324 and Maryland Education Article § 8-405(b)(6)(i) and (ii).
5. The PGCPS has not ensured that the student has been provided with the special education instruction and related services as required by the IEP during 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 Autism under the IDEA. During the 2023-2024 school year, the student attended [REDACTED]. The student currently attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

**FINDINGS OF FACTS:**

1. The student's IEP in October 2023 was created on May 23, 2023. The IEP reflects the student's needs in pre-academics, speech-language (both expressive and receptive), and social-emotional/behavioral areas as a result of a developmental delay. The IEP includes goals that address the same areas of concern. The IEP reflects the parent did not request "native language translation."
2. The May 23, 2023, IEP reflects that the student requires:
  - 40 hours per month of specialized instruction outside the general education classroom in a separate class within an early childhood center;
  - 108 hours per month of specialized instruction outside the general education classroom in a separate class within an early childhood center; and
  - 1 hour and 30 minutes per month of speech-language services as a related service outside the general education classroom.

The IEP reflects all services will be addressed in a collaborative transdisciplinary (TD) approach that will include the IEP team and the family to the extent they are able to participate.

3. On February 23, 2024, the IEP team convened for a reevaluation meeting to determine if the student continues to be a student with a disability in need of special education and related services and/or if additional data is needed in order to make this determination.
4. The Prior Written Notice (PWN) generated after the meeting reflects that the IEP team determined that the team required additional information to determine the student's programming and placement as he prepares to exit the early childhood setting. The IEP team proposed assessments in the areas of:
  - Intellectual/Cognitive Functioning
  - Functional/Adaptive Performance
  - Emotional/Social/Behavior Development
  - Observation

The PWN reflects the parents did not attend the IEP meeting, despite receiving three IEP meeting notices and confirming their attendance. The IEP team moved forward in their absence. The parent provided consent on the same day<sup>1</sup>; however, the information she consented to was not in her native language.

5. On March 1, 2024, the parent received a copy of the PWN from the meeting held on February 23, 2024.

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<sup>1</sup> Consent was provided when the parent picked the student up from school.

6. On May 21, 2024, the IEP team reconvened to review the assessments, determine eligibility, and update the annual IEP. The PWN reflects the IEP team reviewed the psychological assessment recommended by the IEP team on February 23, 2024, and determined the student continues to require special education services under IDEA with an updated disability coding of Autism.
7. The IEP team reviewed and updated the student's Present Levels of Academic Achievement and Functional Performance (PLAAFP), goals and objectives, supplementary aids and services, and least restrictive environment (LRE) and determined the student did not qualify for extended school year (ESY) services. The IEP team proposed that the student's placement remain at [REDACTED] [REDACTED] for the remainder of the 2023-2024 school year. For the 2024-2025 school year, the student would attend his neighborhood elementary school with a 45-day review. The PWN reflects the IEP team determined they would reconvene on June 4, 2024, with the parent's educational advocate.
8. On May 22, 2024, the parents informed a member of the IEP team via email that they had been contacted by [REDACTED] [REDACTED] to register their child, causing confusion since they had not agreed to that placement. The parents requested a list of school options to review prior to their next meeting. The IEP team member clarified via email that all decisions regarding special education and related services are made collaboratively during IEP meetings and noted that PGCPs offers a range of special education services across various locations based on the student's needs and they would discuss placement on June 4, 2024.
9. On May 24, 2024, the parent emailed a request for the PWN and the IEP from the May 21, 2024, meeting. The parent was informed via email that PWNs are generated after IEP meetings, and since the May 21, 2024, meeting was not concluded, a PWN was not available. They were advised that a PWN would be provided within five days following the proposed June 4, 2024, IEP meeting.
10. The IEP meeting scheduled for June 4, 2024, was canceled due to parents wishing to acquire legal counsel.
11. On June 6, 2024, a member of the IEP team emailed the parents inquiring if they could provide dates to reschedule the IEP meeting, emphasizing the importance of continuing the meeting before the end of the school year to ensure the instructional staff could be present.
12. On July 12, 2024, the IEP team convened with the parents and parent's counsel. During the meeting, the PWN reflects that the IEP team addressed multiple concerns from the student's family, advocate, and attorney. They raised issues about the interpreter's abilities, requested changing the student's primary language on the IEP from [REDACTED] to English, and sought clarification about updating his primary disability from Developmental Delay to Autism. The school team explained that the updates would follow in a subsequent meeting.

The IEP team reviewed a private speech evaluation from [REDACTED] [REDACTED] dated April 18, 2024, recommending a "QuickTalker Freestyle device<sup>2</sup>", agreeing to trial a similar application (APP) on an iPad during ESY. Concerns were raised about the lack of consistent

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<sup>2</sup> The student's May 23, 2023, IEP reflects the student requires an Assistive Technology Device. The student requires low-tech assistive technology devices such as objects, picture symbols, and photos, to support him when answering questions, making choices, and communicating his wants and needs.

communication tools for the student and missing standardized assessments during the students' reevaluation. The family also noted they did not receive the Consent for Assessment in their native language.

The school team confirmed the student's eligibility for ESY, offering special education and speech-language services starting July 15, with transportation options provided. The family requested one-on-one speech-language sessions and wanted occupational therapy (OT) to be added to ESY, but the school team deferred the OT decision to the next meeting, set for July 17, 2024, as the student did not have OT as a service on his IEP.

13. On July 17, 2024, the IEP team reconvened to conclude the previous IEP meetings since May 21, 2024. The PWN reflects the family advocate requested an interest inventory be completed in the first quarter of the 2024-2025 school year. The OT sought consent for standardized assessments in fine motor, adaptive, and self-management skills, while the family attorney requested an OT consult be added to the student's IEP during the assessment process. The OT clarified that services require a completed assessment per Maryland State guidelines, and the family attorney expressed disagreement and requested consent in the family's native language.

The parent also requested a dedicated aide for the student due to safety and elopement concerns, citing his success in a private setting with a high staff-to-student ratio. The IEP team agreed to have a PGCPs Special Education Instructional Specialist (SEIS) conduct an observation at the start of the 2024-2025 school year to evaluate the need for additional support. The family acknowledged the process but disagreed with the decision, planning to provide further data to support their request.

The advocate expressed disagreement with the IEP's measurement methods for Expressive and Receptive Language goals, requesting a multidisciplinary approach to better foster independence.

14. On July 24, 2024, the parent received the OT Consent for Assessment in English and was informed that once the translated version was available, it would be provided to the parent.
15. On July 30, 2024, and August 12, 2024, the IEP team reconvened to conclude the IEP meeting; however, PGCPs had difficulty securing an interpreter for the meeting. Therefore, the meetings were canceled.
16. On August 2, 2024, PGCPs emailed the parent the OT Consent for Assessment in the parent's native language.
17. There is no documentation that the parent has signed the OT Consent for Assessment.
18. On August 15, 2024, the parent's advocate emailed the IEP team, expressing concerns about the apparent "predetermination of the student's placement." They noted that the IEP team had not reviewed or discussed services and the LRE. The parent questioned why the [REDACTED] staff contacted them about registration, asking who authorized this and when the decision was made outside of an IEP meeting. The parent refused to register the student at [REDACTED].
19. On September 9, 2024, the IEP team reconvened to conclude the IEP meeting and to conduct a reevaluation review meeting to discuss if the student continues to be a student with a disability in need of special education and related services, and/or if additional data is needed in order to make

this determination. The PWN generated after the meeting reflects the family, their advocate, and their attorney raised several concerns about the student's placement, curriculum, and services. They disagreed with the proposed alternative curriculum and instruction, stating that the student is too young, and that there is insufficient data to support such a placement. They requested additional time and assessments, including a new educational assessment, a cognitive assessment, and speech-language assessments for expressive/receptive language and pragmatics. It was agreed that these assessments, along with an OT assessment, would be conducted, and the IEP team would reconvene within 45 days.

The PWN reflects the student's struggles at [REDACTED] including sensory overload, urination accidents, refusal to eat, crying, and difficulty engaging with academics. The IEP team noted that the student requires intensive support, and the family reiterated the need for one-on-one assistance and requested an observation of his current placement. The SEIS agreed to approve Additional Adult Support (AAS) but stated that further data is needed to determine if instruction using the alternate academic achievement standards (AAAS) was appropriate.

The parents asked that the team consider placing the student in an autism-specific program while assessments were being completed. The school team, however, decided that the student would remain at [REDACTED]. The PWN reflects two consents for assessments, including translations, would be sent home within five days. The meeting concluded with the agreement that the student was not currently eligible to participate in the Alternate Framework, but the team would revisit the decision after additional data was gathered.

20. There is no documentation that a consent for assessment was provided to the parent in their native language, nor is there any record of a signed consent for assessment from the parent.
21. The IEP completed on September 9, 2024, reflects an IEP "approved" date of May 21, 2024. The IEP reflects the parents requested "native language translation."
22. May 21, 2024, IEP reflects the student requires:
  - 5 sessions of 6 hours of classroom instruction monthly provided by a special educator outside of the general education classroom; and
  - eight 30-minute sessions monthly of speech-language services outside of the general education classroom. Therapy will be provided 2 times a week by a speech-language Pathologist. Services may occur virtually or face-to-face.

The May 21, 2024, IEP requires the student to be provided with instructional support and social/behavioral support to access the general education curriculum. The IEP further reflects that the student requires daily AAS from the special education teacher or classroom staff to work closely with the student to provide individualized assistance tailored to his unique needs during transitions, playtime, and non-preferred activities like large group activities, and school-wide activities as outlined in the IEP.

The May 21, 2024, LRE reflects the IEP team discussed the continuum of services, inside and outside of the general education setting. The IEP reflects that the services would be provided outside of the general education environment. [The student] may have an opportunity to receive special education services in an inclusive environment. The inclusive environment will change the service location from outside the general education setting to inside the general education setting. The inclusive environment will change the student's LRE.

23. On September 30, 2024, the IEP team reconvened to “continue the discussion on placement,” “an expedited IEP meeting,” and address parental concerns. The PWN reflects that during the IEP meeting, the parent’s advocate expressed concerns about her observation of the student being “dysregulated” during most of her classroom visit and not receiving services as outlined in his IEP. The special education chair noted that the student was familiar with the pull-out room used when he became overwhelmed, though his vocalizations and behavior during the visit were atypical, as he is usually quiet and happy. The advocate stated that the parents have decided to keep the student home until a more suitable placement is identified and requested compensatory services and a referral to the (CIEP).
24. The IEP team discussed the placement for the student. The IEP team proposed an Autism placement for the student, with the closest Autism Extension Program noting that [REDACTED] was the closest location based on the student’s address. The proposed services include:
- 30 hours a week of special education services outside of the general education classroom;
  - 8 speech-language sessions per month (30 minutes each) outside of the general education classroom;
  - Specialized transportation with curb-to-curb pick-up and drop-off, requiring an adult to be present. Parents requested door-to-door service due to elopement concerns, but this is pending transportation approval;
  - A reflective safety vest for added safety; and
  - Supplementary aids: Participation in recess, lunch, specials, and assemblies with non-disabled peers unless noise sensitivity causes dysregulation, in which case removal is noted in the IEP.

The parents requested a dedicated aide with consistent individual support, which was under review. The current school utilized a schedule of available adults to support the student to the best of their ability.

The PWN reflects the family did not agree with the placement because it would mean that the student would be entering into a non-diploma seeking program. The family did not agree to the program because the Appendix A discussion was halted at the last meeting and would not be further discussed until after updated assessments were completed.

The IEP team proposed [REDACTED] as an alternate educational placement after the parents expressed disagreement with [REDACTED], citing concerns about its “non-diploma” track program. The same services, transportation, and supplementary aids outlined for the previous LRE location would be implemented at [REDACTED].

The PWN reflects the parents requested a visit to [REDACTED] before the student began the program. Arrangements for the visit would be coordinated by central office staff, involving the Autism Coordinator and the parents. The PWN reflects that all IEP revisions would be completed and shared with the parents to finalize the changes and prepare for the student’s transition to the Autism Program at [REDACTED]. In addition, a referral would be made to the CIEP Team.

25. There is documentation indicating that the IEP meetings held on May 21, 2024, June 3, 2024, July 12, 2024, July 17, 2024, July 30, 2024, and August 12, 2024, were consolidated into a single PWN dated May 21, 2024. On September 16, 2024, the parents received the translated version of the PWNs via email. Additionally, the parent received a copy of the IEP from the September 9, 2024, IEP meeting and was informed that she would receive a translated version once it was created.

26. On November 19, 2024, the parents received a copy of the updated IEP translated into their native language.
27. There is documentation that the student received speech-language services from October 2023 through June 2024. However, in February 2024, March 2024, and June 2024, the student did not receive all of the services required by the IEP.
28. There is no documentation that the student received speech-language services as required by the IEP during the 2024-2025 school year.
29. There is no documentation that the student received special education instruction and related services as required by the IEP during the 2024-2025 school year.

#### **DISCUSSIONS AND CONCLUSIONS:**

##### **ALLEGATION #1**

##### **PROVISION OF RELATED SERVICES**

Based on Findings of Fact #1, #2, #28, and #29, MSDE finds that the PGCPs has not ensured that the student has been provided with the related services as required by the IEP since October 2023, in accordance with 34 CFR §§ 300.101 and .323. Therefore, this office finds that a violation occurred concerning the allegation.

##### **ALLEGATION #2**

##### **PROPER PROCEDURES FOR CONDUCTING A REEVALUATION OF THE STUDENT IN ALL AREAS OF SUSPECTED DISABILITY**

The IDEA requires that the IEP address the needs that arise from the student's disability regardless of the category of disability determined by the IEP team. When conducting a reevaluation, the public agency must ensure that the student is assessed in all areas related to the suspected disability and that the reevaluation is sufficiently comprehensive to identify all of the student's special education and related service needs, whether or not commonly linked to the disability category in which the student has been classified. A variety of assessment tools and strategies must be used to gather relevant functional, developmental, and academic information about the student, including information provided by the parents, to assist the team in determining whether the student is a student with a disability and in determining the content of the student's IEP (34 CFR § 300.304).

In addition, if the IEP team determines the need for additional data, the results of assessment procedures shall be used by the IEP team in reviewing, and as appropriate, revising the student's IEP within 90 days of the IEP team meeting (COMAR 13A.05.01.06).

In this case, the PGCPs failed to assess the student in the areas of occupational therapy, speech-language, academics, and cognitive functioning, as agreed upon by the IEP team on July 17, 2024, and September 9, 2024.

Based on Findings of Fact #13, #14, #16, #17, and #20, MSDE finds that the PGCPs did not ensure that the student was comprehensively assessed in all areas of suspected disability, when conducting a reevaluation of the student since February 2024, in accordance with 34 CFR §§ 300.303- .306 and COMAR 13A.05.01.06. Therefore, this office finds that a violation occurred concerning this aspect of the allegation.

Based on Findings of Fact #13, #14, #16, #17, and #20, MSDE finds that the PGCPs did not follow proper procedures when conducting a timely reevaluation of the student since July 17, 2024, in accordance with 34 CFR §§ 300.303- .306 and COMAR 13A.05.01.06. Therefore, this office finds that a violation occurred concerning this aspect of the allegation.

### **ALLEGATION #3**

### **PLACEMENT DETERMINATION**

In determining the educational placement of a student with a disability, the public agency must ensure that the placement decision is made by the IEP team. The placement decision must be made in conformity with the least restrictive environment provisions, determined at least annually, based on the student's IEP, and as close as possible to the student's home (34 CFR § 300.116 and COMAR 13A.05.01.10C(1)).

In this case, the IEP team proposed placing the student in an elementary school Autism program, which required the complainant's consent due to all students in the school participating in the Alternate Framework. However, the parents disagreed with this decision. As a result, the IEP team proposed an alternate placement until the recommended assessments could be completed and recommended referring the student to the CIEP team to determine an appropriate placement.

Based on Findings of Fact #4, #7, #8, #18, #19, #20, #22 through #24, MSDE finds that the PGCPs did follow proper procedures when determining the student's educational placement since July 2024, in accordance with 34 CFR §§ 300.114 - .116. Therefore, this office finds that a violation did not occur concerning the allegation.

### **ALLEGATION #4**

### **ADDRESSING PARENT CONCERN**

Based on the Findings of Fact #12, #19, #22, and #25 MSDE finds that the PGCPs did ensure that the IEP team addressed parental concerns about documentation being provided in the parent's native language, the need for a translator at IEP meetings, and the student's need for a dedicated aid since July 2024, in accordance with 34 CFR § 300.322, and .324 and Maryland Education Article § 8-405(b)(6)(i) and (ii). Therefore, this office finds that a violation did not occur concerning the allegation.

### **ALLEGATION #5**

### **PROVISION OF SPECIAL EDUCATION INSTRUCTION AND RELATED SERVICES**

Based on the Findings of Fact #28 and #29, MSDE finds that the PGCPs has not ensured that the student has been provided with the special education instruction and related services as required by the IEP during the 2024-2025 school year, in accordance with 34 CFR §§ 300.101 and .323. Therefore, this office finds that a violation occurred concerning the allegation.

### **ADDITIONAL VIOLATION IDENTIFIED DURING THE COURSE OF THE INVESTIGATION**

#### **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 Findings of Fact #7, #10 through #13, #15, and #19, MSDE finds that the PGCPs did not ensure that the IEP team convened to review the student's IEP before May 22, 2024, in order to ensure that the IEP was reviewed at least annually, in accordance with 34 CFR §300.324. Therefore, MSDE finds that a violation occurred.



## Documentation Provided in the Native Language

Each LEA must ensure that the consent for evaluation or re-evaluation is provided to a parent in his or her native language, or other mode of communication unless it is clearly not feasible to do so. (MSDE Technical Assistance Bulletin #17-04 Translations/Native Language/Multilingual Learners, Revised April 2023)

Based on Finding of Fact # 3, MSDE finds that PGCPs did not provide the required documentation to the parent in their native language on February 23, 2024, in accordance with Md. Code, Education § 405(b)(6)(i) and (ii). Therefore, MSDE finds that a violation occurred.

## **CORRECTIVE ACTIONS and TIMELINES:**

The IDEA requires that State complaint procedures include those for 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>3</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>4</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 March 3, 2025, that the IEP team has:

- a. Reviewed outstanding assessments, determined the student's present levels of functioning and performance, updated the IEP goals to reflect the student's current needs, and updated the student's services, and LRE;
- b. Provided the student's special education services as required by the IEP; and
- c. Determined the amount and nature of compensatory services or other remedies to redress the violations outlined in this letter and developed a plan for the provision of those services within one year of the date of this Letter of Findings.

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<sup>3</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>4</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 PGCPs must ensure that the parents are provided with written notice of the team's decisions. The parents maintain 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 March 3, 2025, that it has provided professional development to [REDACTED] staff on the following:

- Annual revision of the IEP and conducting timely IEP meetings;
- The proper procedure for conducting a reevaluation;
- Provision of special education and related services; and
- Translations of documents in the parents' native language.

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 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

AH/sj

c: Millard House II, Chief Executive Officer, PGCPs  
Keith Marston, Compliance Instructional Supervisor, PGCPs  
Lois Jones Smith, Compliance Liaison, PGCPs  
Darnell Henderson, General Counsel, PGCPs  
William Fields, Associate General Counsel, PGCPs  
[REDACTED], PGCPs  
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Alison Barmat, Branch Chief, Dispute Resolution and Family Support, MSDE  
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE  
Dr. Brian Morrison, Branch Chief, Monitoring and Accountability, MSDE  
Tracy Givens, Section Chief, Dispute Resolution, MSDE  
Stephanie James, Complaint Investigator, MSDE