

December 5, 2024

Ms. Debrah Martin  
1300 Mercantile Lane Suite 139-W  
Largo, Maryland 20774

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

RE: [REDACTED]  
Reference: #25- 104

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 21, 2024, MSDE received a complaint from Ms. Debrah Martin, 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 has not ensured that the parent was provided with quarterly progress reports toward achieving the annual Individualized Education Program (IEP) goals during the 2023-2024 school year, in accordance with 34 CFR § 300.320.
2. The PGCPS did not ensure that the IEP team reviewed and revised, as appropriate, the student's IEP to address lack of expected progress toward achieving the IEP goals for quarter two and three of the 2023- 2024 school year, in accordance with 34 CFR § 300.324.
3. The PGCPS has not ensured that the student has been provided with the supplementary aids, services, and accommodations as 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 was not provided with the:
  - Assistive technology consult;
  - Altered/modified assignments;
  - Frequent eye contact;
  - Proximity control;
  - Strategies to initiate and sustain attention;

- Static display device;
  - Small group instruction;
  - Encourage/reinforce appropriate behavior in academic and nonacademic setting; and
  - Additional adult support on June 3, 2024.
4. The PGCPs did not follow proper procedures when reviewing and revising, as appropriate, the student's IEP on September 26, 2024, in accordance with 34 CFR § 300.324. Specifically, the complainant alleges that the student's need for assistive technology was not reviewed.

#### **BACKGROUND:**

The student is seven 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 AND CONCLUSION:**

1. In its written response, the PGCPs acknowledges all allegations are accurate. Specifically,
  - the parent was not provided with quarterly progress reports toward achieving the annual Individualized Education Program (IEP) goals during the 2023-2024 school year;
  - the IEP team did not review and revise, as appropriate, the student's IEP to address lack of expected progress toward achieving the IEP goals for quarter two and three of the 2023-2024 school year;
  - it has not ensured that the student has been provided with the supplementary aids, services, and accommodations as required by the IEP during the 2023-2024 school year; and
  - it did not follow proper procedures when reviewing and revising, as appropriate, the student's IEP to address the student's assistive technology needs on September 26, 2024.
2. On October 31, 2024, the IEP team convened and reviewed the student's lack of progress.

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

Notwithstanding the violation in allegation #2, MSDE finds that based upon Finding of Fact #2, the PGCPs convened and IEP team meeting to address the lack of expected progress on October 31, 2024.

#### **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.

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 3, 2025, that the IEP team has taken the following actions:

- a. Provided the student with supplementary aids, services and accommodations as required by the IEP;
- b. Provided the parent with completed progress reports for the 2023-2024 school year, as possible;
- c. Conducted an IEP team meeting to determine the need for assistive technology and 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 projected to have demonstrated by the end of school year 2023-2024;
  - iii. 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 3, 2025, of the steps it has taken to ensure that the [REDACTED] staff properly implements the requirements for the provision of quarterly progress reports to parents, reviewing and revising IEPs when there is a lack of expected progress reported, the provision of supplementary aids, services, accommodations, and following proper procedures when reviewing and revising the student's IEP to address all of the student's needs under the IDEA. These steps must include staff development, as well as tools developed to monitor compliance. Monitoring must include a random sampling of 10 students at [REDACTED] reflecting implementation of

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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.

<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.

supplementary aids and services, providing quarterly progress reports to families, and convening IEP team meetings to address a lack of expected progress. The monitoring report must be submitted to MSDE on or before February 3, 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 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, PGCPs  
Keith Marston, Compliance Instructional Supervisor, PGCPs  
Lois Jones Smith, Compliance Liaison, PGCPs  
Darnell Henderson, General Counsel, PGCPs  
William Fields, Assistant General Counsel, PGCPs  
LaRon Martin, Compliance 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  
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