

December 23, 2024

[REDACTED]
[REDACTED]
[REDACTED]

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

Re: [REDACTED]
Reference: #25-116

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 30, 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 has not ensured that a reevaluation of the student has occurred at least every three years since October 2023, in accordance with 34 CFR § 300.303.
2. The PGCPS has not developed and implemented an Individualized Education Program (IEP) that addressed the student's identified needs since August 2024, in accordance with 34 CFR §§ 300.101, .323, and .324. Specifically, you allege that the IEP does not address the student's social-emotional behavioral, speech-language, and assistive technology needs; and the student has not received the specialized instruction required by the IEP.
3. The PGCPS has not ensured that the IEP team addressed the parent's concerns regarding the student's behavior and safety since October 2024, in accordance with 34 CFR § 300.324.

BACKGROUND:

The student is 12 years old and is identified as a student with Other Health Impairment (OHI) under the IDEA. The student attends [REDACTED] ([REDACTED]) and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACT:

1. The February 8, 2023, IEP reflects a projected evaluation date of May 12, 2023. The prior written notice (PWN) from April 26, 2023, IEP meeting reflects the IEP team reviewed the Woodcock-Johnson IV Test of Achievement-Form A that was conducted as part of the three-year reevaluation for the student on February 21, 2023. The PWN from the meeting reflects that the complainant was in attendance.
2. On April 26, 2023, the student's IEP was amended to reflect the reevaluation assessment data and a new projected evaluation date of April 25, 2026. The IEP reflects a psychological assessment for the student was conducted on September 12, 2022. The tests/assessment tools included the following:
 - Reynolds Intelligence Assessment System, Second Edition (RIAS-2);
 - Developmental Test of Visual-Motor Integration – Sixth Edition;
 - Children's Depression Inventory (CDI) - Second Edition;
 - Behavior Rating Inventory of Executive Function, Second Edition (BRIEF – 2);
 - Behavior Assessment System for Children – Third Edition - (BASC –3);
 - Adaptative Behavior Assessment System – Third Edition (ABAS-III);
 - Teacher Observation; and
 - Review of Records.
3. The IEP in effect since August 2024 is dated January 24, 2024. The IEP has an annual review date of January 23, 2025, and reflects the student's primary disability as OHI with math problem solving, reading comprehension, reading phonics, written language expression, and social emotional/behavioral as the areas affected by the disability.

The IEP reflects the student as performing at the following instructional grade levels:

- Reading phonics – below grade level;
- Reading comprehension – below grade level;
- Math calculation – slightly below grade level;
- Math problem solving – grade 1;
- Written language expression – below grade level; and
- Social emotional/behavioral - below grade level.

The IEP reflects that the student's communication is not impacted by the disability, and the student does not require an assistive technology (AT) device or services.

The IEP requires the following instructional and assessment accommodations:

- General administration directions clarified;
- General administration directions read aloud and repeated as needed;
- Highlight tool;
- Redirect student;
- Graphic organizer;
- Text to speech for mathematics, science, and government assessments;

- Human reader or human signer mathematics, science, and government assessments;
- Small group;
- Frequent breaks;
- Reduce distractions to self;
- Reduce distractions to others;
- Text to speech for the ELA/literacy assessments, including times, response options, and passages;
- Human reader/human signer for ELA;
- Mathematics, science, government response human scribe;
- ELA/L response human scribe; and
- Extended time (1.5x).

The IEP required the following supplementary aids, services, program modifications, and supports to address the student's social-emotional behavioral, speech-language, specialized instruction, and assistive technology needs:

- Use of word bank to reinforce vocabulary and/or when extended writing is required, daily: "Due to [the student's] weakness in written expression and decoding, it is important [to] provide her a word bank when writing;"
- Research based intervention, weekly: "[The student] requires the use of a research-based intervention to address her weaknesses in decoding and math problem solving;"
- Monitor independent work, daily: "Due to her attention concerns, an adult should monitor her independent work to make sure she remains on task and work is completed;"
- Check for understanding, daily: "[The student] requires an adult to check for understanding with her. This will help to make sure she understands the task at hand and what is expected of her;"
- Allow use of manipulatives, daily: "[The student] is a visual and kinesthetic learner, she should be provided manipulatives to assist her in the classroom."
- Use pictures to support reading passages, whenever possible, daily: "Due to her weakness in reading, [the student] should be provided pictures to support her reading passages;"
- Break down assignments into small units, daily: "[The student] would benefit from assignments broken down into smaller chunks to assist her with task completion;"
- Provide frequent changes in activities or opportunities for movement, daily: "[The student] should be provided opportunities to move and or frequent changes/breaks when completing academic task[s];"
- Reinforce positive behavior through non-verbal/verbal communication, daily: "To assist [the student] with her executive functioning and classroom behavior, it is important to reinforce positive behavior in the classroom and various settings;"
- Encourage/reinforce appropriate behavior in academic and nonacademic settings, daily: "It is important to reinforce and encourage appropriate behavior on a daily basis to assist [the student] with her executive functioning skills;"
- Preferential seating, daily: "[The student] should be provided preferential seating to assist her with remaining on task and reducing distractions to herself and others."

The IEP required the following IEP goals:

- Reading phonics: "By annual review 2025, given a written word list of (20) one-syllable words that contain a variety of vowel teams (e.g., ai, ee, oa, etc.), [the student] will sound out each phoneme and blend to read (16 out of 20) words aloud, with use of the vowel team anchor chart, or (3 out of 4) progress monitoring assessments."

- Method of Measurement: small group, teacher created list
 - Criteria (Mastery and Retention) With: 80% Accuracy
- Reading comprehension: “By annual review 2025, after reading a grade-level literary text, given (1_ story element from the text (e.g., a character, a setting, or an event), [the student] will write (3) phrases that describe the story element and (1) piece of evidence support each descriptive phrase, for (5 out of 6) rubric points, on (3 out of 4) progress monitoring assessment.”
 - Method of Measurement: student work samples
 - Criteria (Mastery and Retention) With: 3 out of 3 trials
- Math problem solving: “By annual review 2025, when given a two-step word problem involving any of the four operations using decimals, [the student] will solve the word problem drawing pictures and writing equations to determine the final solution with an average of 75% accuracy (i.e. 3 out of 4 problems correct) for 2 out of 3 sets of words problems.”
 - Method of Measurement: worksheets
 - Criteria (Mastery and Retention) With: 75 % Accuracy
- Written language expression: “by annual review 2025, given a list with two different points of view about a topic, an opinion writing prompt, and a graphic organizer with sentence starters, [the student] will use the sentence starters to write (1) topic sentence that states an opinion and (2) sentences with reasons that support the opinion, for (4 out of 5) rubric points, on (3 out of 4) progress monitoring assessments.”
 - Method of Measurement: teacher created rubrics, analytical writing
 - Criteria (Mastery and Retention) With: 3 out of 4 trials
- Social emotional/behavioral: “By annual review 2025, when given an assignment to brainstorm positive strategies for handling conflict with a specific person (e.g. peer, neighbor, teacher), [the student] will orally state at least 3 positive strategies (e.g., speak using a calm, voice, listen to what the other person has to say) that could be used to reduce conflict for 4 out of 5 conflict resolution brainstorming sessions.”
 - Method of Measurement: Assessment worksheet
 - Criteria (Mastery and Retention) With: 4 out of 5 trials

The IEP requires the following special education services:

- Five, two hour and 20-minute sessions of classroom instruction in general education provided by the special education teacher, general education teacher, or IEP team, weekly;
- 10, one hour and 10-minute sessions of classroom instruction in general education provided by the special education teacher, general education teacher, or IEP team, monthly;
- Four one-hour sessions of classroom instruction in general education the special education teacher, general education teacher, or IEP team, weekly; and
- Three 30-minute sessions of classroom instruction outside general education provided by the special education teacher or IEP team, weekly.
- “[The student] will receive the following special education services from August 26,

2024 (the start of the 2024-2025 school year) through the date of the 2024-2025 annual review IEP meeting.”

- “[The student] will receive special education services inside the general education classroom for reading and math. Services will be provided by a special educator, general educator, and/or other member of the IEP team to include, but not limited to paraprofessional, Itinerant special education assistant for 5 days a week at 2 hours and 20 mins.”

The least restrictive environment (LRE) required by the IEP is inside general education for 80% or more of the school day.

The IEP does not reflect speech-language as an identified area of need.

4. There is documentation that from October 2024 through November 2024 the complainant communicated with PGCPs staff about her concerns regarding the student’s safety. The concerns the complainant shared were about events that were occurring in the student’s neighborhood and outside of [REDACTED]. On October 24, 2024, the complainant requested an emergency meeting “to discuss these issues and implement a behavior plan in [the student’s] IEP.” On October 30, 2024, [REDACTED] staff scheduled an IEP meeting for November 4, 2024. On November 1, 2024, the complainant requested that the meeting be rescheduled.
5. On October 29, 2024, [REDACTED] staff emailed school staff sharing that the student’s Behavior Intervention Plan (BIP) from 2019 was ended by her previous school.
6. The October 29, 2024, and October 31, 2024, reporting of the student’s progress toward the achievement of the IEP goals reflects the student was making sufficient progress to meeting the goals.
7. On November 22, 2024, the IEP team convened to discuss parental concerns and to conduct the student’s annual review. The PWN generated after the meeting reflects the IEP team considered parent and advocate input related to the draft IEP, draft IEP data (IXL, Reading Diagnostic, Grades), teacher input, and classroom performance in making its determinations. The complainant and her advocate expressed concerns with the draft IEP, and it was determined that once recommendations were shared by the complainant and her advocate changes would be made to the draft IEP and an “official review” of the draft IEP would be conducted on December 18, 2024.

The IEP team agreed to conduct an FBA for the student “to capture the frequency of [the student’s] behaviors related to ‘getting out of seat, disrupting the class, and infringing on other’s personal space.’” The IEP team agreed to implement a “home-school communication log” to keep the complainant informed of the student’s behaviors, and to provide the student with a trusted adult for daily check in “to encourage [the student] and set a positive tone for the day.”

The PWN reflects the complainant shared concerns about the student’s social-emotional behaviors, including that the student is not getting along with peers; classroom disturbances; and concerns for the student’s safety at school, “especially during transition[s].” The complainant’s advocate shared that the draft IEP was lacking in data, and that the student needs the AT services of “a calculator and a word processor” and should be required by the IEP. The complainant also shared that there should

be a present level and IEP goal for attention. The complainant and advocate shared that they would send their concerns to the IEP team in writing “for the review of the draft IEP.”

The IEP team agreed to reconvene to allow the complainant to share her IEP draft recommendations.

8. Behavior data for the student reflects the following disciplinary infractions:
- September 10, 2024 - “Hall sweep;”
 - September 27, 2024 - “Dress code violation;”
 - October 15, 2024 - “Fighting;” and
 - October 21, 2024, “Class disruption” (parents contacted and seat move).

The student was disciplinarily removed for one day on October 15, 2024, for fighting.

9. While there is some documentation that that the student received the specialized instruction required by the IEP, it does not demonstrate consistent provision.

DISCUSSIONS AND CONCLUSIONS

ALLEGATION #1 EVALUATION PROCEDURES

Based on the Findings of Fact #1, and #2, MSDE finds that the PGCPs has ensured that a reevaluation of the student has occurred at least every three years since October 2023, in accordance with 34 CFR § 300.303. Therefore, this office finds that no violation occurred concerning the allegation.

ALLEGATION #2 DEVELOPMENT AND IMPLEMENTATION OF THE IEP

Social-Emotional Behavioral

Based on the Findings of Fact#3, #6, and #7, MSDE finds that the PGCPs has developed and implemented an IEP that addressed the student’s identified social-emotional behavioral needs since August 2024, in accordance with 34 CFR §§ 300.101, .323, and .324. Therefore, this office finds that no violation occurred concerning the allegation.

Speech-Language

Based on the Findings of Fact #3, MSDE finds that speech-language is not an identified need of the student therefore, the PGCPs was not required to develop and implement an IEP that addressed speech-language needs since August 2024, in accordance with 34 CFR §§ 300.101, .323, and .324. Therefore, this office finds that no violation occurred concerning the allegation.

Assistive Technology

Based on the Findings of Fact #3, MSDE finds that the student’s IEP does not require assistive technology, therefore, the PGCPs was not required to develop and implement an IEP that addressed the student’s identified assistive technology needs since August 2024, in accordance with 34 CFR §§ 300.101, .323, and .324. Therefore, this office finds that no violation occurred concerning the allegation.

Specialized Instruction

Based on the Findings of Fact #3 and #8, MSDE finds that the PGCPs has developed but not implemented an IEP that addressed the student’s identified specialized instruction needs since August 2024, in accordance with 34 CFR §§ 300.101, .323, and .324. Therefore, this office finds that a violation occurred concerning the allegation.

ALLEGATION #3 ADDRESSING PARENT CONCERNS

Based on the Findings of Fact #4 to #6, MSDE finds that the PGCPs has ensured that the IEP team addressed the parent's concerns regarding the student's behavior and safety since October 2024, in accordance with 34 CFR § 300.324. Therefore, this office finds that no violation occurred concerning the 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, the MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

The 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 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 Branch, MSDE, to ensure the effective implementation of the action. Ms. Green can be reached at (410) 767-7770 or by email at nicole.green@maryland.gov.

Student-Specific

By March 27, 2025, MSDE requires the PGCPs to provide documentation that the school system has:

- Provided the student with the specialized instruction required by the IEP; and
- Convened an IEP team meeting and determined the amount and nature of compensatory services or other remedies to redress the violations herein and developed a plan for the provision of those services within one year of the date of this Letter of Findings.

School-Based

MSDE requires the PGCPs to provide documentation by March 27, 2025, of the steps it has taken to ensure that the [REDACTED] staff properly implements the requirements for the provision of specialized instruction under the IDEA. These steps must include staff development.

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

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, 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.

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. Request for reconsideration should be submitted to Tracy Givens, Section Chief, Dispute Resolution, at Tracy.Givens@maryland.gov. 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. The 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 III, Chief Executive Officer, PGCPs
Darnell Henderson, General Counsel, PGCPs
Trinell Bowman, Associate Superintendent for Special Education, PGCPs
Keith Marston, Compliance Instructional Supervisor, PGCPs
Lois Jones Smith, Compliance Liaison, PGCPs
[REDACTED], Principal, [REDACTED] School, PGCPs
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