


December 27, 2024




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

RE: 
Reference: #25-118

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services (DEI/SES), 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 31, 2024, MSDE received a complaint from , 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 behavior consult service was provided as required by the student's Individualized Education Program (IEP), during second quarter of 2023-2024 school year, in accordance with 34 CFR § 300.101 and COMAR 13A.05.01.09.
2. The PGCPS did not ensure that the student was provided with speech and language therapy as required by the student's IEP, from September 9, 2024 to September 13, 2024, in accordance with 34 CFR § 300.101 and COMAR 13A.05.01.09.

BACKGROUND:

The student is 19 years old, is identified as a student with Autism under the IDEA and has an IEP that requires the provision of special education and related services. The student currently attends the  in Prince George's County.

FINDINGS OF FACT:

ALLEGATION #1

Behavior Consult

1. The student's IEP in effect during the second quarter of the 2023-2024 school year was drafted on May 10, 2023, and includes a quarterly consultation from behavior services/BCBA. The manner of delivery of the service states: "[The student] will receive behavior consult services for 30 minutes per quarter during the school year to facilitate ongoing communication regarding [the student's] behavioral and wellness needs between the school team and home. Consultation services support ongoing collaboration and problem-solving which assists in individualizing programming to [the student's] needs."
2. There is documentation dated January 12, 2024, that the complainant was provided with a Behavior Consult note stating: "Onsite training was provided to staff on the student's bathroom routine and the use of his singlet, ensuring that they were well-equipped to support his daily needs and maintain a comfortable and inclusive environment for him. Training was provided on November 15, 2023, and December 6, 2023. The team has been working diligently with [the student] on using his visuals and providing prompts to go to the bathroom and prompting him to use the visuals to support completing all bathroom steps. The team will continue to monitor his progress." There is documentation that this report was provided to the complainant on February 9, 2024, with the student's progress reports.
3. The Behavior Consult note does not reflect the requirements of the IEP to collaborate between the home and school. It does not reflect the requirement to support the student's behavioral needs and does not document the time of day that the individual worked with the student.
4. The student's IEP in effect from September 9 through September 13, 2024, was drafted on May 10, 2024. It includes the provision of two, thirty-minute sessions weekly of speech/language sessions provided by the speech-language pathologist or speech and language assistant.
5. The PGCPs acknowledges they did not provide the required services during the time in question, however, there is documentation that they did provide a make-up session for the September 10, 2024, missed session on November 4, 2024, from 9:30 -10:00 a.m. The PGCPs provided a make-up session for the missed session on September 12, 2024, on October 24, 2024, from 1:00-1:30 p.m.

DISCUSSION AND CONCLUSIONS:

ALLEGATION #1

BEHAVIOR CONSULT

The IEP requires that the manner of implementation of a supplementary aid and service be clearly stated to "provide families and service providers a clear understanding of how often and under what circumstances a service is to be provided." (MOIEP Process Guide). In this case, the student's IEP provides a clear statement of the frequency and duration of the behavior consultation service, and the purpose of the service. However, the consult statement does not provide the amount of time spent on the consultation service on the two dates provided and the consultation was with school staff and not with the family, as was stated in the manner of delivery on the student's IEP.

Based on Findings of Facts #1 through #3, MSDE finds that the PGCPs did not ensure that the behavior consult service was provided as required by the student's IEP, during second quarter of 2023-2024 school year, in accordance with 34 CFR § 300.101 and COMAR 13A.05.01.09. Therefore, this office finds that a violation occurred concerning this allegation.

ALLEGATION #2 SPEECH AND LANGUAGE

In this case, there was an interruption in the provision of speech-language services to the student from September 9 through September 13, 2024. However, the services were made up minute for minute on October 24, and November 4, 2024.

Based on Findings of Fact #4 and #5, MSDE finds that the PGCPs has not ensured that the student was provided with speech/language services as required by the IEP from September 9 through September 13, 2024, in accordance with 34 CFR § 300.101 and COMAR 13A.05.01.09. Therefore, this office finds a violation concerning this allegation.

Notwithstanding, the student has received make-up sessions for the missed services. Therefore, no student specific correction is required.

Student-Specific:

By March 15, 2025, the PGCPs must convene an IEP team meeting to discuss the purpose of the behavior consult, and review and revise the student's IEP, as agreed on by the IEP team. If the IEP team determines that no changes are needed, the PWN from the meeting should reflect that determination. If the team determines changes are needed, the IEP must be revised to reflect the changes and the PWN must reflect those determinations.

Additionally, the IEP team must determine whether the violation identified resulted in a negative impact to the student's progress. If so, the IEP team must determine appropriate compensatory services and develop a plan to provide them within a year from the date of this letter.

The parents must be provided with PWN of the decisions of the IEP team. The parents retain the right to request mediation and/or a due process hearing if there are any disagreements with the decision of the IEP team.

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 (15) 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

ALH/abb

c: Millard House, II, Superintendent, PGCPs
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