

January 6, 2025

Mr. Levi Bradford
Public Justice Center
201 North Charles Street
Baltimore, Maryland 21201

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

RE: [REDACTED]
Reference: #25-128

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services has completed an 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 November 12, 2024, MSDE received a complaint from Mr. Levi Bradford, hereafter, "the complainant," on behalf of the above-referenced student. In that correspondence, the complainant alleged that 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 followed proper procedures when removing the student from school for disciplinary reasons since December 8, 2023. Specifically, the complainant alleges that a manifestation determination meeting was not conducted after the tenth day of the disciplinary removal, in accordance with 34 CFR §§ 300.530 and .531, COMAR 13A.08.03, and COMAR 13A.05.01.10.
2. The PGCPS has not provided the student with a free appropriate public education (FAPE) since their disciplinary removal from school in November 2023, in accordance with 34 CFR §§ 300.101 and .530 - .536.
3. The PGCPS has not developed an Individualized Education Program (IEP) that addresses the student's identified behavioral needs since December 8, 2023, in accordance with 34 CFR §§ 300.101 and .324.
4. The PGCPS did not follow proper procedures when determining the student's educational placement since December 8, 2023, in accordance with 34 CFR §§ 300.114 -.116.

BACKGROUND:

The student is 14 years old and is identified as a student with Emotional Disability (ED) and is eligible for special education services under the IDEA. The student attends [REDACTED] ([REDACTED]) and has an IEP that requires the provision of special education instruction and related services.

SUMMARY OF FINDINGS AND CONCLUSION:

In its written response, the PGCPs acknowledges the following:

- The PGCPs has not followed proper procedures when disciplinarily removing the student from school since December 8, 2023, when it did not conduct a manifestation determination meeting before the tenth day of the disciplinary removal;
- The PGCPs has not provided the student with FAPE since their disciplinary removal from school since November 2023;
- The PGCPs has not developed an IEP that addresses the student's identified behavioral needs Since December 8, 2023; and
- The PGCPs did not follow proper procedures when determining the student's educational placement since December 8, 2023.

MSDE concurs and appreciates the PGCPs' acknowledgment that violations occurred with respect to the allegations.

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, 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.¹ 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.

¹ 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.

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.² Ms. Green can be reached at (410) 767-7770 or nicole.green@maryland.gov.

Student-Specific

By February 21, 2025, MSDE requires the PGCPs to provide documentation that the school system has:

- Scheduled and convened an IEP meeting to review the social-emotional needs of the student, ensure the social-emotional goals of the current IEP address the student's identified needs, and review the IEP to determine the student's educational placement in the least restrictive environment to implement the IEP; and
- Determine the amount and nature of compensatory services or other remedies to redress the violations herein and develop a plan for the provision of those services within one year of the date of the letter of findings.

The PGCPs must ensure that the parent is provided with 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 March 21, 2025, of the steps it has taken to ensure that the [REDACTED] staff properly implements the requirements for the implementation of proper procedures for disciplinary removal of students, including conducting manifestation determinations; developing IEPs that address identified behavioral needs; and proper procedures for determining educational placement under the IDEA. These steps must include staff development, as well as tools developed to monitor compliance. Monitoring activities must include the submission of 10 students with IEPs who have been disciplinarily removed from their educational settings to ensure compliance with all requirements, including notice to families, manifestation meetings, appropriate services, and behavioral supports. Full compliance is required for the submission which is due on or before March 31, 2025.

Specifically, the PGCPs must provide a monitoring report for five randomly selected students at [REDACTED], reflecting data demonstrating compliance with timely convening manifestation determination meetings by February 21, 2025, and April 22, 2025.

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.

² 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 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/ebh

c: Millard House II, Chief Executive Officer, PGCPs
Darnell Henderson, General Counsel, PGCPs
William Fields, Associate General Counsel, PGCPs
Keith Marston, Compliance Instructional Supervisor, PGCPs
Lois Jones-Smith, Compliance Liaison, PGCPs
Aleia Johnson, Compliance Specialist, PGCPs
[REDACTED], Principal, [REDACTED], 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