

February 6, 2025

[REDACTED]

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

Re: [REDACTED]
Reference: #25-170

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 November 12, 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 Georges' County Public School (PGCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) and related requirements concerning the above-referenced student.

MSDE investigated the following allegations:

1. The PGCPS has not ensured that the student has been consistently provided with the speech-language related services required by the Individualized Education Program (IEP) since December 10, 2023, in accordance with 34 CFR §§ 300.101 and .323.
2. The PGCPS has not provided access to documents in the student's education record in response to a request made by the complainant since December 10, 2023, in accordance with 34 CFR § 300.613.
3. The PGCPS has not ensured that the student has been consistently provided with the bus harness¹ required by the IEP since December 10, 2023, in accordance with 34 CFR §§ 300.101 and .323.

¹ The IEP reflects a vest is required for safety. The IEP does not reflect a harness is required.

BACKGROUND:

The student is 13 years old and is a student with Multiple Disabilities (Autism and Intellectual Disability) under the IDEA. She attends [REDACTED] and has an IEP that requires the provision of special education instruction and services.

FINDINGS OF FACT:

1. The IEP in effect on December 10, 2023, was developed on October 20, 2023. This IEP reflects the following areas impacted by the student's disability: communication, math calculation, physical education, reading comprehension, reading vocabulary, self-management and social interaction skills.

The IEP required 4 - 30-minute sessions per month outside of the general education setting for speech-language therapy as a related service. The IEP also required transportation as a related service. The IEP required a safety vest and the assistance of a bus aide.

The IEP required 2- 10 minutes session per week outside of the general education setting of speech-language as a related service and transportation services during extended school year (ESY).

2. On September 20, 2024, the PGCPs transportation and central garage office issued a letter recommending the replacement of safety vests and vest attachments to ensure safe transportation. The letter stated that the safety vests are to be worn during both the morning and afternoon bus runs. The caregiver is responsible for "putting the safety vest on the student prior to boarding the bus in the morning." Additionally, the prior written notice (PWN) reflects that the complainant provided signed consent on September 20, 2024.
3. The IEP developed on October 22, 2024, continued the areas impacted by the student's disability without revision. The monthly speech and language services and bus transportation also remained the same. The IEP reflects that the student requires a MAX-II safety vest, because she is able to get out of a regular safety vest on the bus.
4. There is no documentation to support the allegation that the student was not provided with the MAX-II safety vest as required by the IEP.
5. The PWN generated following the IEP team meeting on August 28, 2024, reflects that the team convened for a re-evaluation planning meeting. The parents provided the following input:
 - The parents raised concerns regarding speech services during the ESY. The parents noted that no make-up services were provided. They requested that the PGCPs make up the hours of missed services from December 2023 to June 2024. They also requested a copy of the hours owed for their records.
 - The parents also requested to follow up with the Special Education Instructional Support (SEIS) about a designated aide.
 - The IEP team proposed and agreed that the student continues to qualify for special education services as a student with multiple disabilities, and no additional assessments were required at that time.

There is no documentation that the complainant has been provided with the requested copy of the speech-language hours owed.

6. The PWN generated following an IEP team meeting on October 23, 2024, reflects the IEP team convened to hold the student's annual review meeting and review the BIP. The PWN further reflects the following:
 - The parents inquired about the plan to make up the missed speech-language services due to the speech pathologist vacancy since December 2023. The parents shared that the student should be further along with her speech progress.
 - A school-based staff member explained that there is no correlation between missed speech services and speech production. The family was notified that services should have taken place during extended school year (ESY) services. After meeting with the summer speech pathologist, the services were not made up and the student received consult speech services during ESY. The IEP team agreed to contact the compliance office to determine how to proceed regarding the missed speech-language services.
 - The team reviewed the student's BIP.
7. The PWN was generated following an IEP team meeting on November 4, 2024, reflects the IEP team convened to address parent concerns with speech services and a dedicated aide. The IEP team proposed and agreed to provide the student with 24, 30 minutes sessions of speech-language compensatory services for service missed from December 2023 through June 2024.

The IEP team considered the speech-language service logs and the student's quarter one IEP progress report to determine the missed compensatory services. The parents requested for the compensatory services, to be completed by a private provider. The parents were directed to reach out to the PGCPs compliance office if they need help finding a provider that contracts with the PGCPs.

There is no documentation that the student consistently received speech-language services during the 2024-2025 school year.

CONCLUSIONS:

ALLEGATION #1

PROVISION OF SPEECH-LANGUAGE SERVICES

Based on the Findings of Fact #1, and #8, MSDE finds that the PGCPs has not ensured that the student has been consistently provided with the speech-language related services required by the IEP since December 10, 2023, in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE finds a violation.

Notwithstanding the violation, based on Finding of Fact #7, MSDE finds that the PGCPs convened an IEP team meeting on November 11, 2024, and determined the student required compensatory services to address missed services from December 2024 through June 2024. Therefore, no additional student-specific corrective action is required for this time period.

Additionally, the PGCPs has until the end of the 2024-2025 school year to provide make up sessions for the missed services from school year 2024-2025. Therefore, no additional student-specific corrective action is required.

ALLEGATION #2

ACCESS TO STUDENT RECORDS

Based on the Finding of Fact #4, MSDE finds that the PGCPs has not provided access to documents in the student's education record in response to a request made by the complainant on August 28, 2024, in accordance with 34 CFR § 300.613. Therefore, MSDE finds a violation.

Notwithstanding the violation, based on Finding of Fact #7, MSDE finds that the PGCPs reviewed the student's speech-language record and determined the amount of missed services during an IEP team meeting on November 4, 2024. Therefore, no additional student-specific corrective action is required.

ALLEGATION #3

PROVISION OF BUS HARNESS

Based on the Findings of Fact #1 through #4, MSDE finds that the PGCPs has ensured that the student has been consistently provided with the bus harness required by the IEP since December 10, 2023, in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE does not find a violation.

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 timeframes below to ensure that noncompliance is corrected in a timely manner.² 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.³ Ms. Green can be reached at (410) 767-7770 or by email at nicole.green@maryland.gov.

² 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.

³ MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

School-Based

MSDE requires the PGCPs to provide documentation by June 10, 2025, that it has identified all students with disabilities under IDEA at [REDACTED] who did not receive speech-language services due to SLP's unavailability since December 2023. For those students identified, the PGCPs must ensure that an IEP team convenes and determines the amount and nature of compensatory services or other remedy to be provided to the student for the loss of services and develops a plan for the provision of those services within one year of the date of this Letter of Findings. If a student transfers to another school system prior to the completion of the provision of the remedy, the PGCPs may coordinate with the public agency responsible for the education of the student in order to ensure that the remedy is provided.

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. Requests for reconsideration must be sent to Tracy Givens, Section Chief, Dispute Resolution Branch, 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. 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/ra

c: Millard House II, Superintendent, PGCPs
Lois Jones-Smith, Compliance Liaison, PGCPs
Keith Marston, Compliance Coordinator, PGCPs
Darnell Henderson, General Counsel, PGCPs
William Fields, Associate General Counsel, PGCPs
[REDACTED], Principal, [REDACTED], PGCPs
Dr. Paige Bradford, Section Chief, Specialized Instruction, MSDE
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE
Alison Barmat, Branch Chief, Family Support and Dispute Resolution Branch, MSDE
Nicole Green, Compliance Specialist, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Rabiatu Akinlolu, Complaint Investigator, MSDE