

January 30, 2025

[REDACTED]

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

RE: [REDACTED]
Reference: #25-188

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 December 20, 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 did not follow proper procedures when conducting a reevaluation of the student since March 2024, in accordance with 34 CFR §§ 300.303- .306 and COMAR 13A.05.01.06.
2. The PGCPS did not ensure that the Individual Education Program (IEP) team convened to review the student's IEP during the 2023-2024 school year in order to ensure that the IEP was reviewed at least annually, in accordance with 34 CFR § 300.324.
3. The PGCPS has not ensured that the student has been provided with the special education instruction, supports, services, and accommodations as required by the IEP since December 2023, in accordance with 34 CFR §§ 300.101 and .323.
4. The PGCPS has not ensured that the student and the parent were provided with reports of quarterly progress toward achieving the annual IEP goals since December 2023, in accordance with 34 CFR § 300.320.
5. The PGCPS did not provide the parent with prior written notice for the meeting held on December 17, 2024, in accordance with COMAR 13A.05.01.07.

6. The PGCPs did not ensure that the parent was provided with accessible copies of each document the IEP team planned to discuss on December 17, 2024, IEP team meeting at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.07.

BACKGROUND:

The student is 15 years old and is identified as a student with Multiple Disabilities under the IDEA. The student currently attends [REDACTED] and has an IEP that requires the provision of special education instruction.

SUMMARY OF FINDINGS AND CONCLUSIONS:

In its written response, the PGCPs acknowledges that violations occurred with respect to allegations #1 through #6. Specifically, the PGCPs acknowledges that proper procedures were not followed when conducting a reevaluation; did not ensure that the IEP team convened to conduct an annual review the student's IEP during the 2023-2024 school year; did not provide reports of quarterly progress, prior written notice from the December 17, 2024 IEP team meeting, accessible copies of each document the IEP team planned to discuss at the December 17, 2024 IEP team meeting, and special education instruction, supports, services, and accommodations.

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 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 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.

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

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, 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.

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.

Student-Specific

MSDE requires the PGCPs to provide documentation by February 15, 2025, that the IEP team has:

- a. Provided special education services, supports, services, and accommodations as required by the IEP;
- b. Provided all available copies of completed assessment reports and quarterly progress reports;
- c. Provided any IEP documents discussed at and the prior written notice from the December 17, 2024, IEP team meeting; and
- d. Convened an IEP team meeting to determine the amount and nature of compensatory services or other remedies to redress the violations outlined in this letter and developed a plan for the provision of those services within one year of the date of this Letter of Findings.

The PGCPs must ensure that the parents are provided with written notice of the team's decisions. The parents maintain 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 31, 2025, that it has provided professional development to [REDACTED] and [REDACTED] staff on the following:

- The provision of special education services and prior written notice;
- Annual revision of the IEP;
- Reporting on progress and addressing lack of expected growth;
- Proper procedures for conducting a reevaluation; and
- Provision of IEP documents before/after IEP team meetings.

Specifically, the PGCPs must provide a monitoring report for 10 randomly selected students at [REDACTED] and [REDACTED], reflecting data demonstrating compliance with the provision of special education services, annual review, timely reevaluation, and the provision of quarterly progress reports. Full compliance is required. If 100% compliance is not reported, a second sample will be reported by April 30, 2025. If 100% compliance is not obtained, the PGCPs will confer with MSDE to determine the next steps.

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. The written request for reconsideration should be provided to Tracy Givens, Section Chief, Dispute Resolution via email 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/sj

c: Millard House II, Chief Executive Officer, PGCPs
Keith Marston, Compliance Instructional Supervisor, PGCPs
Lois Jones-Smith, Compliance Liaison, PGCPs
Darnell Henderson, General Counsel, PGCPs
William Fields, Associate General Counsel, PGCPs
[REDACTED], Principal, PGCPs
[REDACTED], Principal, PGCPs
[REDACTED], Principal, PGCPs
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Nicole Green, Compliance Specialist, MSDE
Stephanie James, Complaint Investigator, MSDE