

February 10, 2025

Corrected Copy February 19, 2025

[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: #25-191

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 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 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 conducting a reevaluation of the student since February 2024, in accordance with 34 CFR §§ 300.303- .306. Specifically, the complainant alleged:
 - The cognitive assessment tool parent rating scale was not comprehensive; and
 - The academic assessment tool was inappropriate to use with this student.
2. The PGCPS has not developed an Individualized Education Program (IEP) that addresses the student's identified needs since May 2024, in accordance with 34 CFR §§ 300.306, and .324.

BACKGROUND:

The student is six years old and is identified as a student with Autism under the IDEA. The student previously attended [REDACTED] and currently attends [REDACTED]. The student has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACT:

1. In its written response, the PGCPs acknowledges that it has not developed an IEP addressing the student's identified needs from May 2024 to September 2024.
2. On February 27, 2024, the student's parents provided consent for the student to be assessed in the areas of functional/adaptive performance, intellectual/cognitive functioning, emotional/social/behavior development, and observation.
3. On May 6, 2024, a psychological assessment was conducted for the student. The assessment procedures included "[a] record review, teacher report, observation, [the] Wechsler Preschool and Primary Scale of Intelligence, Fourth Edition (WPPSI-IV), [the] Adaptive Behavior Assessment System – Third Edition (ABAS-3) - Parent and Teacher Forms, [and the] Autism Spectrum Rating Scales (ASRS) - Parent and Teacher Report." Background information in the assessment report reflects "A questionnaire asking for more background information was sent to [the student's] family, but it was not returned as of the writing of this report."
4. On June 28, 2024, an addendum to the student's May 2024 psychological assessment was uploaded to Maryland Online IEP system. The information in the upload reflects that student's parents completed the parent questionnaires after the original report was uploaded and sent to the parents. This subsequent report with the addendums was written and sent to the parents, following the IEP on 5/21/24 wherein the evaluation results were reviewed. The data from the parent questionnaires was supportive of the data from the teacher questionnaires, therefore, the main findings of the psychological report were unchanged." The addendum to the report reflects. "[The] primary concerns according to [the students] family include: communication, social interaction, behavioral issues, education and development, health and safety, future independence, support and recourses, and family impact." The addendum reflects that the "student strengths and interests (per parent report)" included "personality, favorite activities and interests, motivational strategies, contexts in which [the student] enjoys interacting with others, [and] resiliency characteristics" which allowed the parents to provide nuanced information that may not be garnered through other parent rating scales. The addendum also includes parent responses to the "Parent/Primary Caregiver Form Ages 0-5" and ASRS rating scales which allows a broader range of parent responses.
5. On September 9, 2024, the IEP team reconvened to conduct a reevaluation planning meeting for the student. The prior written notice (PWN) generated after the meeting reflects the IEP team considered "[a] record review, classroom observation, therapy logs, and present levels of performance" as the basis for its decisions. The IEP team determined that additional data was needed in the areas of cognitive, receptive, expressive, and pragmatic language "...to determine [the student's] programming and placement." The PWN reflects the IEP team would reconvene to review the assessment results.
6. On September 30, 2024, the IEP team reconvened to conduct a "placement continuation and expedited IEP meeting." The PWN generated after the meeting reflects the IEP team considered parental input and an observation from the educational consultant/advocate in making its determinations. The IEP team reviewed and discussed the parent's concerns following a classroom observation. The parent's advocate shared that the student was "dysregulated during most of the visit and... was not receiving services as outlined in his IEP." The advocate stated that "it was the

parent's decision to keep [the student at] home until a more appropriate placement was identified..." The PWN reflects the IEP team proposed an autism placement as the student's LRE with the following services:

- Six hours of special education services, daily;
- Eight 30-minute sessions of speech-language, monthly; and
- "Curb to curb" transportation with a reflective safety vest.

The PWN further reflects the student requires recess, lunch, and specials with non-disabled peers, including school assemblies; except when those areas cause the student to become dysregulated as a supplementary aid.

The parents requested a dedicated aide, and it was reported that this request was "in progress."

The IEP team proposed an alternate educational placement, due to the parent's disagreement with placing the student in a non-diploma program. The student's parents requested to tour the proposed placement, and it was shared that the central office staff would coordinate the visit. It was reported that a Central IEP team referral would be made to determine the best possible placement for the student.

7. The amended IEP developed at the September 30, 2024, IEP team meeting reflects the student's primary disability as autism with cognitive, pre-academics, speech-language expressive language, speech-language receptive language, self-management, and social emotional/behavioral as the areas affected by the disability.

The present level of academic achievement and functional performance (PLAAFP) reflects the student was performing on the following instructional grade levels:

- "Speech-language receptive language – 15–18-month, verbal comprehension: 21-24 month;
- Speech-language expressive language – Expressive – 6–9-month, conversational skills: 15–18-month, Grammatical structure: less than 18-21 month;
- Cognitive – extremely low;
- Pre-academics – memory: visual/spatial: 18–21-month, Blocks and Puzzles: 24-30 month, Matching and Sorting: 24-30, month, Functional use of Objects & Symbolic Play: 15–28-month, Problem Solving and Reasoning: 21–24-month, Number Concepts: emerging in the 24-30;
- Social emotional/behavioral - self-regulation – 24–30-month, Interpersonal skills: 15–18-month, Self-concept: 18-21 month; and
- Self-management – suspected below age/grade expectations."

The IEP reflects the student's communication is impacted by the disability, with communication needs in expressive and receptive language. "[The student] will benefit from the use of simple sign language, gestures, photographs, objects and a CORE vocabulary board to help him communicate." The IEP requires an assistive technology (AT) device but does not require AT services. "[The student] requires low-tech assistive technology devices such as objects, picture symbols, photos, to support him when answering questions, making choices, and communicating his wants and needs."

The IEP requires the following supplemental aids, services, program modifications, and supports:

- Daily:
 - Providing choices;
 - Use of Aided Language Stimulation (modeling of Augmentative and Alternative Communication systems without expectation);
 - Allow additional visual and/or verbal demonstrations of new/novel tasks as needed;
 - Allow sufficient wait time;
 - Picture schedule;
 - Visual support for comprehension of language input and formulating oral responses (listening and speaking);
 - Adult Support - "For the 24-25 SY, [the student] will receive support from an additional adult support (AAS) in the classroom who will assist in the classroom setting. The additional adult will work closely with [the student] to provide individualized assistance tailored to his unique needs during transitions, play time (inside and outside), and non-preferred activities like large group activities, and school wide activities as outlined in the IEP."
 - Gain student's attention prior to providing instructions/directions;
 - Frequent eye contact/proximity control;
 - Use of positive/concrete reinforcers; and
 - Strategies to initiate and sustain attention.
- Weekly:
 - Adjustments to sensory input (i.e., light, sound)

The IEP required the following IEP goals:

- Self-management: "By 5/20/2025, during table time, [the student] will focus and attend to an adult directed activity for 5 minutes to complete a task with at least 80% accuracy in 4 out of 5 opportunities."
- Speech-Language Receptive Language: "By 5/20/2025, when presented with objects and/or individual picture cards, [the student] will identify 10 or more pictures of common classroom objects by touching the correct one in a field of 3 with at least 80% accuracy in 4 out of 5 opportunities."
- Speech-Language Receptive Language: "By 5/20/2025, Provided opportunities throughout the day, [the student] will independently complete simple 2 step directions with at least 80% accuracy in 4 out of 5 opportunities."
- Speech-Language Expressive Language: "By 5/20/2025, throughout the day, using a total communication approach (i.e., objects, pictures, gestures and/or a core board 11), [the student] will independently request, comment, and/or ask for assistance, with at least 80% accuracy across three consecutive sessions."
- Pre-Academics: "By 5/20/25 during a read aloud, [the student] will answer at least one simple "wh" question (e.g., what, what-doing, and where) by pointing to a picture and/or object from a choice of three pictures, with 80% accuracy in 4 out of 5 opportunities."
- Pre-Academics: "By 5/20/2025, given a math activity, [the student] will independently count 3 objects with 1:1 correspondence with at least 80% accuracy in 4 out of 5 opportunities."
- Social Emotional/Behavioral: "By 5/20/25, given a center activity (ex.- cooperative art, math, writing, free play, etc.), [the student] will engage in sharing/exchange of materials with at least one other child for 10 or more minutes with at least 80% accuracy in 4 out of 5 opportunities."

The IEP requires the following special education and related services:

- 18, six-hour sessions of classroom instruction outside general education monthly;
- Five, six-hour sessions of classroom instruction outside general education weekly;
- Five, four hour and 30-minute sessions of classroom instruction outside general education, weekly;
- Three, 30-minute sessions of speech-language therapy outside general education, monthly;
- Eight, 30-minute sessions of speech-language therapy outside general education, monthly; and
- Transportation.

The least restrictive environment (LRE) required by the IEP is inside general education less than 40% of the school day. “[The student] requires a specialized Autism program to support his sensory, social/emotional, and communication needs at this time. This program is not in his boundary school.”

8. On January 15, 2025, the PGCPs conducted an educational assessment for the student. The assessment report, dated January 16, 2025, reflects the student was administered the “Brigance Comprehensive Inventory of Basics Skills II Standardized, or CIBS II standardized, [which] includes valid, reliable, well readiness, reading/ELA, mathematics assessments, and grade-placement tests validated on students ages 5 to 13. It is divided into two sections—Readiness and First Grade to Sixth Grade—that offer a range of information on students’ academic skill levels as demonstrated under real-life, everyday conditions.” The assessment report reflects the student was provided a communication device and “was given modeling in some subtests to get a response from him. He made unintelligible sounds at least 70% of the time during the session... [the student] scribbled some continuous lines with no specific shape or letters when given paper and pencil for written responses. He also used his communication device and selected the following: read, thirsty, yummy, give, green, and good.” Data from the assessment report reflects that the gross motor skills and articulation section subtests were not administered.

The Readiness section was administered to the student. The report reflects “the readiness set is for children aged 5 to 6 to 11.” During the assessment, the student’s “personal data response” was “discontinued after three consecutive incorrect responses, and the “understands directional and positional concepts,” “prints uppercase letters in sequence, prints personal data, and writes numerals in sequence,” and “understands quantitative concepts” subtests were all “discontinued after five consecutive incorrect responses.” During the “identifies body parts” subtest, the student “was asked to point or touch body parts as requested.” The report reflects “in most items, [the student] placed his hand over his stomach or chest.” During the “recognizes colors” subtest, the student “was shown the stimuli page from the test to identify and/or name the color of objects.” The report reflects the student “could identify the following colors by pointing or touching the pictures: blue, green, yellow, orange, purple, brown, black, pink, and white.” During the “recognizes colors,” “reads lowercase letters & A-23 read uppercase letters,” “readiness for reading,” “knows common signs,” “rote counting,” and “counts objects” subtests, the student exhibited behaviors that included “placing his head on the examiner’s leg,” turning pages, pushing down the paper, placing his hand over his face, placing his head on the book, “banging his head on the examiners arm,” putting his head down, standing up, flipping paper strips, sitting on the examiners lap, and “banging his head on the alphabet paper keyboards...”

The student's "additional adult support" person was interviewed to "identify [the student's] readiness for reading." It was reported that "at times the [the student] would select 'read' on his device, but he only rips the pages and does not read them." It was also reported that the student touched "'read' three times on his device during testing." The adult support person was also interviewed for the "oral expression" subtest, and it was reported that "[the student's] average sentence is three words or fewer...[he] is non-speaking and uses a device to communicate. He could respond to 'who' questions with prompting and visual support."

The report reflects that based on the assessment results the student's "current academic skills are slightly below kindergarten" and the "Brigance Comprehensive Inventory of Basic Skills indicated that [the student] is currently performing at the age equivalence of <5-4 to 5.5." The readiness assessment areas reflect the following:

- "General knowledge and language: No scores obtained;
- Graphomotor writing skills: No scores obtained;
- Reading: [standard score] (SS) 65, percentile 1, [age equivalence] AE 5-5; and
- Math: SS 65, percentile 1, AE 5-4."

9. On January 21, 2025, the IEP team reconvened. The PWN generated after the meeting reflects the requested interpreter did not arrive at the scheduled time and after 30 minutes the team agreed to end the meeting.

DISCUSSIONS AND CONCLUSIONS:

ALLEGATION #1

EVALUATION PROCEDURES

In evaluating each child with a disability, the evaluation must be sufficiently comprehensive to identify all of the child's special education and related service needs, whether or not commonly linked to the disability category in which the child has been classified. (34 CFR § 300.304).

Cognitive Assessment Parent Rating Scale

In this case, the cognitive assessment parent rating scales addendum includes the "student strengths and interests" parent report, allowing for parents to provide nuanced information that may not be garnered through other parent rating scales. The addendum also includes parent responses to the "Parent/Primary Caregiver Form Ages 0-5" and ASRS rating scales which allows a broader range of parent responses.

Based on the Finding of Fact #4, MSDE finds that the PGCPs has followed proper procedures when conducting a reevaluation of the student by using a comprehensive parent rating scale for the cognitive assessment. Therefore, MSDE does not find a violation.

Academic Assessment Tool

In this case, the assessment tool used is normed for students from grades K-9 and provides guidelines and modifications for students with autism and developmental disorders and students who use augmentation communication systems.

Based on the Finding of Fact #8, MSDE finds that the PGCPs has followed proper procedures when conducting a reevaluation of the student by using an appropriate academic assessment tool. Therefore, MSDE does not find a violation.

ALLEGATION #2

IEP THAT ADDRESSES THE STUDENT'S NEEDS

Based on the Findings of Fact #6 and #7, MSDE finds that the PGCPs has developed an IEP that addresses the student's identified needs since September 2024, in accordance with 34 CFR §§ 300.306, and .324. Therefore, MSDE does not find a violation.

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.


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 by email at nicole.green@maryland.gov.

Student-Specific

By April 14, 2025, MSDE requires the PGCPs to provide documentation that the school system has convened an IEP team meeting and determined the amount and nature of compensatory services or other remedies to redress the failure to develop and IEP for the student from May 2024 to September 2024 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 complainant is provided with written notice of the team's decisions. The complainant 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 **April 14, 2025**, of the steps it has taken to ensure that the  staff properly implements the requirements for developing an IEP under the IDEA. These steps must include staff development, as well as tools developed to monitor compliance.

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 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 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.

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. 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. 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
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