

██████████,  
PARENT,  
ON BEHALF OF ██████████,  
STUDENT,

BEFORE LEIGH WALDER,  
AN ADMINISTRATIVE LAW JUDGE  
OF THE MARYLAND OFFICE  
OF ADMINISTRATIVE HEARINGS

v.

PRINCE GEORGE'S COUNTY

PUBLIC SCHOOLS

OAH No.: MSDE-PGEO-OT-24-05465

**DECISION**

STATEMENT OF THE CASE  
ISSUE  
SUMMARY OF THE EVIDENCE  
FINDINGS OF FACT  
DISCUSSION  
CONCLUSION OF LAW  
ORDER

**STATEMENT OF THE CASE**

On February 26, 2024, the Office of Administrative Hearings (OAH) received a due process complaint (Complaint) filed by ██████████ (Parent) on behalf of ██████████ (Student) against the Prince George's County Public Schools (PGCPS). On March 12, 2024, the parties attempted to resolve the Complaint through a resolution meeting but were unable to resolve the Complaint. On April 8, 2024, I conducted a pre-hearing conference (First Conference) via the Webex videoconferencing platform (Webex). Code of Maryland Regulations (COMAR) 28.02.01.17; COMAR 28.02.01.20B(1)(b). The Parent participated on behalf of the Student, and William Fields, Esquire, participated on behalf of the PGCPS.<sup>1</sup>

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<sup>1</sup> At every stage of this matter, the Parent represented herself and the Student, and Mr. Fields represented the PGCPS.

At the First Conference, the Parent expressed that she filed the Complaint to address the following issue: “Did the PGCPS deny the Student a free appropriate public education (FAPE) by failing to offer extended school year (ESY) services for the summer of 2024 at the [REDACTED] program?” Mr. Fields objected to the Parent raising this as an issue to be litigated as there was nothing set out in the Complaint’s description of the problem and relevant facts that invoked the PGCPS denying the Student a FAPE by failing to offer ESY services. *See* 20 U.S.C.A.<sup>2</sup> § 1415(f)(3)(B) (2017) (“The party requesting the due process hearing shall not be allowed to raise issues at the due process hearing that were not raised in the notice filed under [20 U.S.C.A. § 1415(b)(7)], unless the other party agrees otherwise”). Mr. Fields took the position that the PGCPS did not agree to the Parent raising this issue without it being contained within the Complaint and, additionally, would not consent in writing to allow the Parent to file an amended due process complaint. Pursuant to my authority under the Individuals with Disabilities Education Act (IDEA), I granted the Parent permission to amend the Complaint as the issue she wanted to litigate was not contained within the description of the problem and relevant facts section of the Complaint. 20 U.S.C.A. § 1415(c)(2)(E)(i); *see also* 34 C.F.R.<sup>3</sup> § 300.508(d)(3) (2022).

On April 11, 2024, the Parent filed an amended due process complaint (Amended Complaint). On May 20, 2024, the parties participated in a resolution meeting, but were unable to resolve the Complaint. On May 21, 2024, I conducted a second pre-hearing conference (Second Conference) via Webex. COMAR 28.02.01.17; COMAR 28.02.01.20B(1)(b). At the Second Conference, the parties and I discussed the timeframe for issuing this decision.

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<sup>2</sup> United States Code Annotated. All citations to the U.S.C.A. are to the 2017 volume.

<sup>3</sup> Code of Federal Regulations. All citations to the C.F.R. are to the 2022 volume.

When the Amended Complaint was filed on April 11, 2024, the timeline for the parties to resolve the Amended Complaint was recommenced. *See* 20 U.S.C.A. § 1415(c)(2)(E)(ii); *see also* 34 C.F.R. § 300.508(d)(4). The resolution timeframe ran from April 11, 2024, through May 11, 2024. Although the parties participated in a resolution meeting on May 20, 2024, their participation occurred outside of the resolution timeframe.<sup>4</sup> Accordingly, the forty-five-day timeframe for conducting the hearing and issuing a decision in this matter concludes on June 25, 2024. *Id.* § 300.515(a). However, due to a motions schedule,<sup>5</sup> the PGCPS requested that I extend the timeline to allow the case to be heard on June 24-28, and July 1 and 2, 2024, and to allow sufficient time for me to consider the evidence, evaluate legal arguments, and draft a decision. *Id.* § 300.515(c). The Parent opposed that request. “A hearing or reviewing officer may grant specific extensions of time beyond the periods set out in paragraphs (a) and (b) of this section *at the request of either party.*” *Id.* (emphasis added). Accordingly, based on the motions schedule (which was shortened after the Parent opposed extending the timeline), I found good cause to extend the regulatory timeframe as requested by the PGCPS. *Id.*

The PGCPS requested that I be afforded the maximum time to issue a decision after the conclusion of the hearing.<sup>6</sup> The Parent opposed that request on the basis that the Student would already be attending the [REDACTED] program beginning the last week of June 2024, and the decision directly impacts on the Student’s attendance at the [REDACTED] program.

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<sup>4</sup> It appears the PGCPS was unaware of the amended filing until a later date and, therefore, scheduled the resolution meeting on May 20, 2024.

<sup>5</sup> The PGCPS explained at the Second Conference that it intended to file a Motion to Dismiss as well as a Motion in Limine. The motions schedule allowed the PGCPS to file a Motion to Dismiss by May 31, 2024, with the Parent filing a Response by June 10, 2024, and a ruling on the Motion to Dismiss to be issued by June 21, 2024; additionally, the motions schedule allowed the PGCPS to file a Motion in Limine by June 10, 2024, with the Parent filing a Response by June 20, 2024, and an oral ruling on the Motion in Limine to be given on the record at the first day of the hearing (June 24, 2024).

<sup>6</sup> In this type of case, if a decision is being issued outside of the regulatory timeframe, OAH policy allows for a maximum of thirty days to issue a decision.

As the hearing was being conducted outside of the regulatory timeframe with an impact on the Student's ESY program, I found it only appropriate to issue a decision within a shorter time period, as requested by the Parent. I agreed to issue a decision within fifteen days from the conclusion of the hearing. The hearing concluded on June 25, 2024; therefore, the decision in this case is due on or before July 10, 2024. As such, this decision is being issued within fifteen days after the conclusion of the hearing.

On the mornings of June 24 and 25, 2024, I held a remote hearing on Webex.<sup>7</sup> The entirety of the hearing concluded by June 25, 2024, so the hearing dates set for June 26-28, and July 1 and 2, 2024, were cancelled.

Procedure is governed by the contested case provisions of the Administrative Procedure Act; the Education Article; the Maryland State Department of Education (MSDE) procedural regulations; and the Rules of Procedure of the OAH. Educ. § 8-413(e)(1) (Supp. 2023); Md. Code Ann., State Gov't §§ 10-201 through 10-226 (2021 & Supp. 2023); COMAR 13A.05.01.15C; COMAR 28.02.01.

### **ISSUE**

Did the PGCPS deny the Student a FAPE by failing to offer ESY services for the summer of 2024 at the [REDACTED] program?

### **SUMMARY OF THE EVIDENCE**

#### **Exhibits**

Except as noted,<sup>8</sup> I admitted the following exhibits that were offered by the Parent:

Student Ex. 1 – Prior Written Notice (PWN), dated October 18, 2023

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<sup>7</sup> At the conclusions of the Parent's case, the PGCPS moved for judgment asserting that the Parent failed to meet her burden of proof. *See* COMAR 28.02.01.12E. I declined to render judgment until the close of all evidence. COMAR 28.02.01.12E(2)(b). The PGCPS's arguments about whether the Parent met her burden of proof are contained within the Discussion section of this Decision.

<sup>8</sup> Exhibits that were neither offered nor admitted into evidence are retained for the record for the purpose of judicial review. *See* COMAR 28.02.01.22C.

Student Ex. 2 – PWN, dated January 3, 2024

Student Ex. 3 – Email thread between the PGCPS, the Parent, and the Student’s grandparent, dated January 3 and 4, 2024

Student Ex. 4 – Email thread between the PGCPS, the Parent, and the Student’s grandparent, dated January 3, 4, and 22, 2024

Student Ex. 5 – Not offered

Student Ex. 6 – PWN, dated February 22, 2024

Student Ex. 7 – Not offered

Student Ex. 8 – Not admitted

Student Ex. 9 – Individual Education Program (IEP), dated December 20, 2023

Student Ex. 10 – ██████████ Summer Program information, undated

I admitted the following exhibits that were offered by the PGCPS:

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PGCPS Ex. 10 – Job Posting for ESY Classroom Teacher, emailed May 28, 2024

PGCPS Ex. 11 – Resume for ██████████, undated

PGCPS Ex. 12 – Resume for ██████████, undated

PGCPS Ex. 13 – Resume for ██████████, undated

## Testimony

The Parent testified on behalf of the Student and presented the testimony of the Student's grandparent, [REDACTED].

The PGCPS presented the testimony of the following two witnesses: (1) [REDACTED], Special Education Coordinator at the [REDACTED] ([REDACTED]), PGCPS, who – without objection – was accepted as an expert in special education; and (2) [REDACTED], Program Coordinator for ESY, PGCPS, who – without objection – was accepted as an expert in special education and ESY services.

## FINDINGS OF FACT

The parties stipulated to the following two facts:

- (1) The Student has a disability and is eligible for special education.
- (2) In January 2024, the IEP team proposed ESY services for the Student for the summer of 2024.

Based upon the evidence presented, I find the following additional facts by a preponderance of the evidence:

- (3) The Student attends [REDACTED], which is a school within the PGCPS system.
- (4) The Student's primary disability is [REDACTED].
- (5) In the summer of 2023, the Student attended the [REDACTED] ESY summer program, which was partially funded by the PGCPS as a result of a settlement agreement reached after the Parent filed a due process complaint against the PGCPS.
- (6) The [REDACTED] program, which is a seven-week comprehensive summer program, is located in [REDACTED].
- (7) The [REDACTED] program focuses on child development, especially in the areas of social, communication, motor, and educational skills.

(8) The [REDACTED] program is designed for children ages three through fifteen years of age, with mild needs such as [REDACTED].

(9) After attending [REDACTED] ESY program, the Student entered his third grade year at [REDACTED].

(10) Upon the Student's return to the PGCPs, the Student's teachers expected the Student to demonstrate negative behaviors based on the Student's historical data. However, when the Student returned, the Student's teachers commented to the Parent that the Student was not displaying any negative behaviors.

(11) The Parent and [REDACTED] were very pleased with the progress that the Student made at [REDACTED] upon his return to the PGCPs after attending the [REDACTED] summer program.

(12) On December 20, 2023, the Student's IEP team met and determined that the Student qualified for ESY for the summer of 2024, beginning on July 8, and running through July 31, 2024, for four hours a day, four days a week.

(13) The IEP team determined that the Student's ESY program would be provided by a special education teacher outside of the general education setting and focus on reading/language arts and math. The ESY program would also include transportation.

(14) In January 2024, the Parent and [REDACTED] requested that the PGCPs place the Student back into the [REDACTED] program.

(15) On February 21, 2024, the Student's IEP team met to review the Student's eligibility for ESY as well as to discuss the Parent's and [REDACTED] request that the PGCPs place the Student back into the [REDACTED] program for the summer of 2024.

(16) The IEP team determined that the Student continued to qualify for ESY services, and that – in addition to focusing on reading/language arts and math – the ESY program should also focus on math problem solving, social and emotional learning, and pragmatic speech.

(17) The school-based members of the Student's IEP team [REDACTED], [REDACTED], and [REDACTED] determined that the ESY program run through the PGCPs would meet the Student's academic, social, and speech needs. The Parent and [REDACTED] disagreed with this placement determination and indicated that they were going to file a due process complaint.

(18) The PGCPs based ESY program the Student qualified to receive services through would be held at the [REDACTED] ([REDACTED]).

(19) The PGCPs has already hired the ESY staff that would be working at the [REDACTED] for the summer of 2024. Ten of the staff members are certified to teach special education, and two of the staff members are certified to teach general education.

## DISCUSSION

### Legal Framework

The identification, evaluation, and placement of students in special education are governed by the IDEA. 20 U.S.C.A. §§ 1400-1482; 34 C.F.R. pt. 300; Md. Code Ann., Educ. §§ 8-401 through 8-417; COMAR 13A.05.01. The IDEA requires "that all children with disabilities have available to them a FAPE that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living." 20 U.S.C.A. § 1400(d)(1)(A); *see also* Md. Code Ann., § 8-403(a).

A FAPE is, in part, furnished through the development and implementation of an IEP for each disabled child. *Andrew F. v. Douglas County School District*, 137 S. Ct. 988, 999 (2017); *Bd. of Educ. of the Hendrik Hudson Cent. Sch. Dist. v. Rowley*, 458 U.S. 176, 181-82 (1982). COMAR 13A.05.01.09 defines an IEP and outlines the required content of an IEP as a written description of the special education needs of the student and the special education and related services to be provided to meet those needs.



The goals, objectives, activities, and materials must be adapted to the needs, interests, and abilities of each student. 20 U.S.C.A. § 1414(d).

The Supreme Court set forth the following “general approach” to determining whether a school has met its obligation under the IDEA:

While Rowley declined to articulate an overarching standard to evaluate the adequacy of the education provided under the Act, the decision and the statutory language point to a general approach: To meet its substantive obligation under the IDEA, a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.

The “reasonably calculated” qualification reflects a recognition that crafting an appropriate program of education requires a prospective judgment by school officials. *Id.* at 207, 102 S. Ct. 3034. The Act contemplates that this fact-intensive exercise will be informed not only by the expertise of school officials, but also by the input of the child’s parents or guardians. *Id.* at 208-209, S. Ct. 3034. Any review of an IEP must appreciate that the question is whether the IEP is reasonable, not whether the court regards it as ideal. *Id.* at 206-207, 102 S. Ct. 3034.

The IEP must aim to enable the child to make progress. After all, the essential function of an IEP is to set out a plan for pursuing academic and functional advancement. See §§ 1414(d)(1)(A)(i)(I)-(IV). This reflects the broad purpose of the IDEA, an “ambitious” piece of legislation enacted in response to Congress’ perception that a majority of handicapped children in the United States ‘were either totally excluded from schools or [were] sitting idly in regular classrooms awaiting the time when they were old enough to “drop out.”’ *Rowley*, 458 U.S., at 179, 102 S. Ct. 3034 (quoting H.R. Rep. No. 94-332, p. 2 (1975)). A substantive standard not focused on student progress would do little to remedy the pervasive and tragic academic stagnation that prompted Congress to act.

That the progress contemplated by the IEP must be appropriate in light of the child’s circumstances should come as no surprise. A focus on the particular child is at the core of the IDEA. The instruction offered must be “specially designed” to meet a child’s “unique needs” through an “[i]ndividualized education program.” §§ 1401(29), (14) (emphasis added).

*Endrew F.*, 137 S. Ct. at 998-99.

Notwithstanding the above language in *Andrew F.*, providing a student with access to specialized instruction and related services does not mean that a student is entitled to “[t]he best education, public or non-public, that money can buy” or all the services necessary to maximize educational benefits. *Hessler v. State Bd. of Educ. of Md.*, 700 F.2d 134, 139 (4th Cir. 1983) (citing *Rowley*, 458 U.S. at 176). Moreover, “once a FAPE is offered, the school district need not offer additional educational services.” *MM v. Sch. Dist. of Greenville Cnty.*, 303 F.3d 523, 537-38 (4th Cir. 2002).

Section 300.106(b) of the Code of Federal Regulations defines ESY services as special education and related services that:

- (1) Are provided to a child with a disability—
  - (i) Beyond the normal school year of the public agency;
  - (ii) In accordance with the child’s IEP; and
  - (iii) At no cost to the parents of the child; and
- (2) Meet the standards of the [State Educational Agency].

Subsection (a) further requires that “[e]ach public agency must ensure that extended school year services are available as necessary to provide FAPE[.]” 34 C.F.R. § 300.106(a)(1).

The Fourth Circuit has “articulated . . . a formal standard for determining when ESY services are appropriate under the IDEA: ‘ESY Services are only necessary to a FAPE when the benefits a disabled child gains during a regular school year will be significantly jeopardized if he is not provided with an educational program during the summer months.’” *Dibuo v. Bd. of Educ. of Worcester Cnty.*, 309 F.3d 184, 189-90 (4th Cir. 2002) (citing *MM*, 303 F.3d at 537-38).

“[U]nder this standard, ‘the mere fact of likely regression is not a sufficient basis, because all students, disabled or not, may regress to some extent during lengthy breaks from school.’”

*Dibuo*, 309 F.3d at 190. “ESY Services are required under the IDEA only when such regression will substantially thwart the goal of ‘meaningful progress.’” *MM*, 303 F.3d at 538.

COMAR 13A.05.01.08B sets forth the process for such determinations:

(2) Extended School Year Services.

(a) At least annually, the IEP team shall determine whether the student requires the provision of extended school year services in accordance with Education Article, §8-405, Annotated Code of Maryland.

(b) The IEP team shall consider:

(i) Whether the student's IEP includes annual goals related to critical life skills;

(ii) Whether there is a likelihood of substantial regression of critical life skills caused by the normal school break in the regular school year and a failure to recover those lost skills in a reasonable time;

(iii) The student's degree of progress toward mastery of IEP goals related to critical life skills;

(iv) The presence of emerging skills or breakthrough opportunities;

(v) Interfering behaviors;

(vi) The nature and severity of the disability; and

(vii) Special circumstances.

(c) Following the consideration of factors described in §B(2)(b) of this regulation, the IEP team shall determine whether the benefits the student with a disability gains during the regular school year will be significantly jeopardized if that student is not provided with an educational program during a normal break in the regular school year.

The Parent asserts that the Student was denied a FAPE based on the PGCP's failure to offer ESY services to the Student for the summer of 2024 through the [REDACTED] program.

The Supreme Court has placed the burden of proof in an administrative hearing under the IDEA upon the party seeking relief. *Schaffer ex rel. Schaffer v. Weast*, 546 U.S. 49, 56-58 (2005). The standard of proof in this case is a preponderance of the evidence. COMAR 28.02.01.21K(1). To prove an assertion or a claim by a preponderance of the evidence means to show that it is "more likely so than not so" when all the evidence is considered. *Coleman v. Anne Arundel Cnty. Police Dep't*, 369 Md. 108, 125 n.16 (2002). Accordingly, as the Parent is seeking relief on behalf of the Student, she bears the burden to prove, by a preponderance of the evidence, to demonstrate that the PGCP's denied the Student a FAPE by failing to offer ESY services for the

summer of 2024 at the [REDACTED] program. For the reasons that follow, I conclude that she has failed to meet that burden.

### Analysis

There is no dispute that the Student is eligible for ESY services for the summer of 2024; what is at dispute is whether those ESY services should be provided at the [REDACTED] program, or by the PGCPs at the [REDACTED]. The Parent disagrees with the PGCPs's determination that the Student's ESY services should be provided at the [REDACTED] and, instead, argues that the Student's ESY services should be provided at the [REDACTED].

At the hearing, it was readily apparent that the Parent and [REDACTED] are strong advocates for the Student, and want the Student to have the best education possible. The Parent and [REDACTED] were elated that the Student returned from his 2023 ESY summer program that was provided through the [REDACTED] ready to excel at the [REDACTED]. The Parent was so pleased that the Student's teachers saw a change in the Student's behavior upon his return from the [REDACTED] program. The Parent attributes the Student's success to the Student's attendance at the [REDACTED] program. The Parent testified that the Student did well at the [REDACTED] program during the summer of 2023, and he was social at the [REDACTED] program during the summer of 2023.

With that said, I agree with the PGCPs that the Parent failed to meet her burden to demonstrate that the PGCPs denied the Student a FAPE by failing to offer ESY services for the summer of 2024 at the [REDACTED] program.

On February 21, 2024, the Student's IEP team met to review the Student's eligibility for ESY as well as to discuss the Parent's and [REDACTED] request that the PGCPs place the Student back into the [REDACTED] program for the summer of 2024.

The school-based members of the Student's IEP team determined that the Student should attend the PGCPs's ESY program, which they determined would meet the Student's academic, social, and speech needs. The PGCPs ESY program that the Student qualified for would be run at the [REDACTED]. The Parent and [REDACTED] disagreed.

At the hearing, the Parent failed to establish why the Student would not be provided with a FAPE if he was to attend the PGCPs's ESY program at the [REDACTED]. The Parent raised three issues with the PGCPs's ESY program. First, the Parent argued that the Student had not been successful in the PGCPs's ESY program in the past; second, the Parent argued that the PGCPs's hires unqualified staff members to teach at the PGCPs's ESY program; and third, the Parent argued that the Student did very well at the [REDACTED] upon his return from the 2023 [REDACTED] ESY program, so he should remain at the [REDACTED] ESY program for the summer of 2024. I will address each argument.

Other than generally arguing that the PGCPs's ESY program is not appropriate for the Student, the Parent did not present any evidence on *why* the ESY program is not appropriate. It remains unknown what aspects of the PGCPs's ESY program would deny the Student a FAPE (i.e. inappropriate student teacher ratio, inappropriate programming, insufficient time allotted to attend, etc.). It was the Parent's burden to make such a showing. Frankly, neither party presented much information about what the PGCPs's ESY programming at the [REDACTED] would consist of, other than that it would take place from July 8 through July 31, 2024, for four hours a day, four days a week, with a focus on the Student's reading/language arts and math, math problem solving, social and emotional learning, and pragmatic speech. The Parent did not argue that the focus or duration of the [REDACTED] ESY program was inappropriate. Therefore, I have no basis on which to determine that the [REDACTED] ESY program is set up in a manner that would deny the Student a FAPE.

While I understand that the Parent is extremely dissatisfied with the Student's previous ESY programming run through the PGCPs, there is no evidence that the benefits the Student gained during the regular school year would be significantly jeopardized if the Student attended the [REDACTED] ESY program for the summer of 2024.

The Parent argued that the PGCPs's hires unqualified staff members to teach at the PGCPs's ESY programming. The PGCPs rebutted this assertion when it presented the testimony of [REDACTED], who is the PGCPs's Program Coordinator for ESY. [REDACTED] testified that the PGCPs has already hired the ESY staff that would be working at the [REDACTED] for the summer of 2024. Ten of the staff members are certified to teach special education, and two of the staff members are certified to teach general education. The Parent had the opportunity to cross examine [REDACTED] to probe deeper into the qualifications of these twelve staff members, but her cross examination related to the [REDACTED] staff focused on hypothetical questions like what would happen if a teacher quit or if a bus was late. There is no evidence before me that the PGCPs's ESY program at the [REDACTED] would be run by unqualified individuals.

Finally, even if I was to find that the PGCPs's ESY program at the [REDACTED] would deny the Student a FAPE, I am unable to find, on this record, that [REDACTED] would be the Student's appropriate ESY placement. Although the Student may have had a successful ESY program provided by [REDACTED] in the summer of 2023, there is no evidence that the [REDACTED] program is the Student's appropriate placement for the 2024 ESY. While the Parent initially intended to call a witness from the [REDACTED] program to testify about the program, she did not do so. Instead, the Parent provided a very generalized information packet about the programming that [REDACTED] offers to its enrollees.

There is no evidence that the [REDACTED] program would appropriately focus on the Student's unique needs in reading/language arts and math, math problem solving, social and emotional learning, and pragmatic speech, which are the areas that both parties agree the Student requires ESY services in order to impede regression.<sup>9</sup>

### **CONCLUSION OF LAW**

Based upon the foregoing Findings of Fact and Discussion, I conclude as a matter of law that the PGCPS did not deny the Student a FAPE by failing to offer ESY services for the summer of 2024 at the [REDACTED] program. 34 C.F.R. § 300.106 (2022); COMAR 13A.05.01.08B.

### **ORDER**

I **ORDER** that the Parent's request to provide the Student with Extended School Year services for the summer of 2024 at the [REDACTED] program is **DENIED**,

July 3, 2024  
Date Decision Issued

Leigh Walder  
Administrative Law Judge

LW/sh  
#212699

### **REVIEW RIGHTS**

A party aggrieved by this final decision may file an appeal within 120 days of the issuance of this decision with the Circuit Court for Baltimore City, if the Student resides in Baltimore City; with the circuit court for the county where the Student resides; or with the United States District Court for the District of Maryland. Md. Code Ann., Educ. § 8-413(j) (2022). A petition may be filed with the appropriate court to waive filing fees and costs on the ground of indigence.

A party appealing this decision must notify the Assistant State Superintendent for Special Education, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, in writing of the filing of the appeal. The written notification must include the case name, docket number, and date of this decision, and the court case name and docket number of the appeal.

The Office of Administrative Hearings is not a party to any review process.

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<sup>9</sup> In addition to arguing that the Parent failed to meet her burden, the PGCPS argued that I should deny reimbursement at the [REDACTED] program because the Parent failed to provide sufficient notice to the PGCPS of her intention to reject the [REDACTED] ESY placement and her intent to enroll the Student at the [REDACTED] program at public expense. *See* 34 C.F.R. 300.148(d). I will not address this argument considering that I do not find that the Parent met her burden.

**Copies Mailed To:**

[REDACTED]

William Fields, Esquire

[REDACTED]

Elliott Schoen, Assistant Attorney General

[REDACTED]

[REDACTED]

[REDACTED]



**██████████,**  
**PARENT,**  
**ON BEHALF OF ██████████,**  
**STUDENT,**

**BEFORE LEIGH WALDER,**  
**AN ADMINISTRATIVE LAW JUDGE**  
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**v.**

**PRINCE GEORGE'S COUNTY**

**PUBLIC SCHOOLS**

**OAH No.: MSDE-PGEO-OT-24-05465**

**FILE EXHIBIT LIST**

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PGCPS Ex. 10 – Job Posting for ESY Classroom Teacher, emailed May 28, 2024

PGCPS Ex. 11 – Resume for [REDACTED], undated

PGCPS Ex. 12 – Resume for [REDACTED], undated

PGCPS Ex. 13 – Resume for [REDACTED], undated