



November 21, 2023




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

RE: 
Reference: #24- 025

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention/Special Education Services (MSDE), has completed the investigation of the complaint regarding special education services for the above-referenced student. On October 17, 2023, MSDE, by mutual agreement of the parties extended the timeline for investigation to provide the parties with the opportunity to resolve the matter informally, however this was unsuccessful. This correspondence is the report of the final results of the investigation.

ALLEGATIONS:

On August 21, 2023, MSDE received a complaint from Ms.  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) with respect to the above-referenced student.

MSDE investigated the following allegations:

1. The PGCPS has not developed an Individualized Education Program (IEP) that addressed the student's identified needs since the start of the 2022- 2023 school year, in accordance with 34 CFR §300.324.
2. The PGCPS has not followed proper procedures when conducting a reevaluation of the student in all of the suspected areas of disability since the start of the 2022- 2023 school year, in accordance with 34 CFR §§300.303-.306.
3. The PGCPS did not ensure that the student's teachers had access to the student's IEP and, as a result, did not ensure that the student's IEP was implemented from the start of the 2022- 2023 school year, in accordance with 34 CFR §§300.101 and .323.

4. The PGCPs has not ensured that the complainant was provided with quarterly progress reports toward achieving the annual IEP goals since the start of the 2022- 2023 school year, as required by the student’s IEP, in accordance with 34 CFR §300.320.
5. The PGCPs did not ensure that the complainant was provided with accessible copies of each document the IEP team planned to discuss at the June 15, 2023, IEP team meeting at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.07.
6. The PGCPs did not provide the complainant with a completed copy of the IEP document within five business days following the IEP team meeting convened on June 15, 2023, in accordance with COMAR 13A.05.01.07.

BACKGROUND:

The student is twelve years old and is identified as a student with multiple disabilities (specific learning disability and other health impairment) under the IDEA. He attends [REDACTED] School and has an IEP that requires the provision of special education instruction and related services.

SUMMARY OF FINDINGS AND CONCLUSIONS:

In its written response, the PGCPs acknowledges that violations occurred with respect to the allegations identified. To address the violations with regard to the individual student, the PGCPs convened an IEP team meeting with the complainant on October 25, 2023. During this IEP team meeting, the IEP team agreed to conduct a comprehensive evaluation of the student to determine his continued eligibility and to assist the team in developing an appropriate IEP that addresses each of his needs. The IEP team also addressed the remaining concerns of the complainant during this meeting. To address the violations acknowledged by the PGCPs and to remedy the educational impact to the student, the IEP team further determined that the student should be awarded with 72 hours of compensatory services. MSDE appreciates the efforts of the complainant and the PGCPs to address the issues raised in the complaint.

CORRECTIVE ACTIONS/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 the 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. Diane Eisenstadt, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.² Ms. Eisenstadt can be reached at (410) 767-7770 or by email at diane.eisenstadt@maryland.gov.

In addition to the student specific remedy developed by the IEP team, MSDE requires the PGCPs to provide documentation by December 1, 2023, of the steps taken to ensure that the violations regarding the lack of an IEP that addresses the student's identified needs, delay in completing an evaluation of the student, lack of the provision of completed quarterly IEP progress reports, lack of the provision of copies of the student's IEP to teachers, lack of the provision of IEP documents five days prior to an IEP team meeting to the student's parents/guardians, and lack of the provision of completed IEP documents after an IEP team meeting to the student's parents/guardians do not recur at [REDACTED] School. Those steps must include staff development, as well as tools created to document and monitor the provision of IEP documents before and after IEP team meetings, the provision of quarterly progress reports, and the provision of copies of students' IEPs to teachers and staff. A monitoring report of 15 randomly selected students receiving quarterly progress reports at [REDACTED] School reflecting the completed quarterly progress report for each IEP goal must be submitted to MSDE by February 9, 2024, April 26, 2024, and June 21, 2024.

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 (15) 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 for 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.

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,

Dr. Deann M. Collins
Deputy Superintendent
Office of the Deputy Superintendent of Teaching and Learning

DMC: sd

c: Millard House
Trinell Bowman
Keith Marston
Lois Jones-Smith

Darnell Henderson
[REDACTED]
Antoine Hickman
Alison Barmat

Diane Eisenstadt
Sarah Denney
Nicol Elliott
Paige Bradford

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.