




October 27, 2023




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

RE: 
Reference: #24-027

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. This correspondence is the report of the final results of the investigation.

ALLEGATION:

On August 29, 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 allegation that the PGCPS has not followed proper procedures when conducting an initial evaluation of the student, since the beginning of the 2022-2023 school year, in accordance with 34 CFR §§300.301 - .306, .111, and COMAR 13A.05.01.06.

BACKGROUND:

The student is twelve years old and was referred for special education assessments while attending  School. He attends  School and is not currently eligible for special education services under the IDEA.

FINDINGS OF FACTS:

1. Since September 23, 2022, the student has received in-school social/emotional support sessions from a private mental health provider contracted by the PGCPS. During the sessions, the student raised concerns related to self-harm, feelings of anxiousness, anger, loneliness, and

- hopelessness. In response, the private mental health provider completed risk assessments on November 10, 2022, December 7, 2022, February 6, 7, and 15, 2023.
2. On March 22, 2023, the complainant's advocate emailed the PGCPs special education staff requesting an "emergency IEP team meeting to discuss evaluations to determine eligibility for special education services". The email includes information regarding the student's mental health concerns and his academic struggles in the honors program.
 3. On April 11, 2023, the PGCPs special education staff emailed the complainant's advocate and offered IEP meeting dates on April 24, May 1, 8, or 16, 2023. The complainant confirmed May 1, 2023.
 4. There is documentation that on March 21, 2023, the student was hospitalized and diagnosed as a danger to self/others. The student was discharged on March 24, 2023.
 5. On March 29, 2023, the complainant emailed the PGCPs counselor sharing the student's current mental health status, the prior request made to PGCPs for assistance with the student's academic and emotional needs and reiterated her request for a solution including consideration for special education services.
 6. The PGCPs Notice and Consent for Initial Evaluation form generated on May 1, 2023, reflects that based upon a parent referral the IEP team determined the student has concerns in the area of social/emotional/behavioral. The IEP team agreed to conduct assessments in social/emotional/behavioral, reading, mathematics, and written language.
 7. On May 1, 2023, the IEP team convened to conduct an "initial IEP meeting". The prior written notice (PWN) developed after the IEP team meeting reflects that the IEP team proposed assessments in the area of social/emotional and academics due to mental health concerns, social concerns, and severe anxiety. Since September, the student was being serviced by the private mental health provider due to depression and suicidal ideation. In early February, the student was moved from a "comprehensive section to the honors section to move away from the students that were bothering him". The student continued to have challenges with students taunting him in the hallways and was approved for home and hospital due to his mental health concerns. March 20, 2023, was the student's last day of school due to "bullying/negative peer interaction". The student was recently diagnosed with major depressive disorder by an outside clinician. The honors math teacher shared that the student presented with "gaps", and that his notebook from his prior math class was empty. His recent diagnostic data reflects that he performs on a third grade level. Previously, the student did not have academic concerns.
 8. On October 2, 2023, the IEP team convened to review assessments. The PWN developed after the IEP team meeting reflects that the IEP team reviewed the student's formal assessments, teacher observations, parent input, and academic grades. The IEP team determined that the student did not meet the eligibility criteria as a child with a disability requiring specialized instruction to access the general education curriculum. The IEP team did not consider any other options. The PWN reflects the complainant agreed with the IEP team decisions. The IEP team proposed and agreed to schedule a sixty day review of the student's progress, and that the student would check in weekly with the grade level counselor to monitor the student's mental health and social concerns.

9. The PGCPs acknowledges that proper procedures were not followed when conducting an initial evaluation of the student specifically as to the evaluation timeline.

CONCLUSIONS:

Based upon the Findings of Facts #1 to #9, MSDE finds that the PGCPs has not followed proper procedures when conducting an initial evaluation of the student, since the beginning of the 2022-2023 school year, when it did not complete the evaluation in a timely manner, in accordance with 34 CFR §§300.301 - .306, .111, and COMAR 13A.05.01.06. Therefore, this office finds that a violation occurred with respect to the allegation.

Notwithstanding the violations, based upon Finding of Fact #8, MSDE finds that the PGCPs has convened an IEP team meeting with the complainant's participation and determined that the student did not meet the eligibility criteria as a child with a disability requiring specialized instruction to access the general education curriculum. Therefore, no further student-specific corrective action is required.

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 non-compliance 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 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.

MSDE requires the PGCPs to provide documentation by February 1, 2023, of the steps it has taken to ensure that the [REDACTED] School staff properly implements the requirements for initial evaluations under the IDEA and COMAR. These steps must include staff development, as well as tools developed to monitor compliance.

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

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.

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.

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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/tg

c: Millard House II
Keith Martson
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