



Mohammed Choudhury
State Superintendent of Schools

November 10, 2021

Ms. Jessica Williams
711 Bain Drive #205
Hyattsville, Maryland 20785

Ms. Trinell Bowman
Director of Special Education
Prince George's County Public Schools
1400 Nalley Terrace
Landover, Maryland 20785

RE: [REDACTED]
Reference: #22-048

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.

ALLEGATIONS:

On September 14, 2021, the MSDE received a complaint from Ms. Jessica Williams, hereafter, "the complainant," on behalf of the above-referenced student and his mother, [REDACTED]. 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.

The MSDE investigated the following allegations:

1. The PGCPS has not provided the student with reading and math interventions as required by the Individualized Education Program (IEP) since September 14, 2020, in accordance with 34 CFR §§300.101 and .323.
2. The PGCPS has not ensured that the IEP contains annual goals designed to meet the student's identified needs since September 14, 2020, in accordance with 34 CFR §300.320.

3. The PGCPS has not ensured that reports of the student's progress towards achievement of annual IEP goals were measured using the evaluation method described by the IEP, since September 14, 2020, in accordance with 34 CFR §300.320.
4. The PGCPS has not provided the parent with quarterly reports on the student's progress toward achieving the annual IEP goals since September 14, 2020, in accordance with 34 CFR §300.320.
5. The PGCPS has not ensured that the IEP team reviewed and revised, as appropriate, the IEP to address lack of expected progress toward achieving the IEP goals since September 14, 2020, in accordance with 34 CFR §300.324.
6. The PGCPS did not follow proper procedures when determining Extended School Year (ESY) services during the 2020 - 2021 school year, in accordance with 34 CFR §300.106, COMAR 13A.05.01.07B(2) and COMAR 13A.05.01.08B(2).

BACKGROUND:

The student is nine (9) years old and is identified as a student with a Specific Learning Disability (SLD) under the IDEA. He attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

ALLEGATIONS #1 - #5: READING/MATH INTERVENTION, IEP GOALS BASED ON NEEDS, PROGRESS REPORT EVALUATION METHOD, PROVISION OF PROGRESS REPORTS, AND ADDRESSING A LACK OF PROGRESS

FINDINGS OF FACTS:

1. The PGCPS acknowledges that violations occurred with respect to allegations #1 - #5. Specifically, the PGCPS acknowledges the following: 1) the student did not receive reading and math interventions as required by the IEP; 2) the IEP does not contain annual goals designed to meet the student's identified needs; 3) reports of the student's progress towards achievement of annual IEP goals were not measured using the evaluation method described by the IEP; 4) the parent was not provided with quarterly reports on the student's progress toward achieving the annual IEP goals; and 5) the IEP team did not review and revise the IEP to address lack of expected progress toward achieving the IEP goals.
2. There is documentation that the IEP team, which included the student's parent, convened on September 30, 2020, October 14, 2020, and April 21, 2021, to discuss the student's academic progress.

CONCLUSION:

Based on the Finding of Fact #1, the MSDE concurs with the PGCPS conclusion that violations occurred, and appreciates the school system's response to the investigation.

Notwithstanding the violation, based on the Finding of Fact #2, the MSDE finds that the student's parent attended IEP team meetings during the 2020 - 2021 school year and that the student's progress was discussed. Therefore, no student-specific corrective action is required to remediate this aspect of the violations.

ALLEGATION #6: ESY SERVICES DETERMINATION:

FINDINGS OF FACTS

3. On April 21, 2021, the IEP team convened for an ESY determination for the student. The IEP team meeting summary reflects that the team reviewed the student's educational record, parental input, teachers' reports, formal/informal assessments, work samples, and grades, and determined that the student's IEP included goals related to critical life skills and that he qualified for ESY services for the 2020 - 2021 school year.
4. The IEP meeting summary, dated April 21, 2021, reflects that the complainant indicated that she did not feel comfortable sending the student for ESY services, and "instead, would work with [the student] at home during the summer break using i-Ready reading/math intervention program."

CONCLUSION:

Based on the Findings of Facts #3 and #4, the MSDE finds that the PGCPS followed proper procedures when determining ESY services for the student during the 2020 - 2021 school year, in accordance with 34 CFR §300.106, COMAR 13A.05.01.07B(2) and COMAR 13A.05.01.08B(2). Therefore, this office does not find that a violation occurred with respect to the allegation.

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, the MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below. The 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.

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 Dr. Nancy Birenbaum, 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 (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, the 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.

Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.² Dr. Birenbaum can be reached at (410) 767-7770 or by email at nancy.birenbaum@maryland.gov.

Student-Specific

The MSDE requires the PGCPS to provide documentation that the student is being provided with the reading and math interventions required by the IEP.

The MSDE also requires the PGCPS to provide documentation that the IEP team has taken the following action:

- a. Determined the student's present levels of functioning and performance;
- b. Determined the levels of functioning and performance that were expected to have been demonstrated by that time;
- c. Determined the services needed to remediate the violations identified in this investigation; and
- d. Developed a plan for the implementation of the services within one (1) year of the date of this Letter of Findings.

The PGCPS must ensure that the IEP team considers the difference between the student's present and expected levels of performance when determining the services needed to remediate the violations.

The PGCPS must ensure that the parent is provided with written notice of the team's decisions. The parent maintains the right to request mediation or to file a due process complaint to resolve any disagreement with the team's decisions.

School-Based

The MSDE requires the PGCPS to provide documentation of the steps taken to ensure that the violations do not recur at [REDACTED]

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.

² The MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.


Ms. Jessica Williams
Ms. Trinell Bowman
November 10, 2021
Page 5

The parent and the school system 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. The MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Early Intervention/Special Education Services

MEF/ac

c: Monica Goldson
Trinell Bowman
Barbara VanDyke

Brian Morrison
Albert Chichester