




Mohammed Choudhury
State Superintendent of Schools

May 24, 2022




Ms. Trinell Bowman
Associate Superintendent-Special Education
Prince George's County Public Schools
John Carroll Administration Building
1400 Nalley Terrace
Hyattsville, Maryland 20785

RE: 
Reference: #22-125

Dear Parties:


The Maryland State Department of Education (MSDE), Division of Early Intervention Special Education Services (DEI/SES), 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 March 25, 2022, the 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.

The MSDE investigated the allegation that the PGCPS has not ensured that the student has been provided with the supports and services required by the Individualized Education Program (IEP), since the start of the 2021-2022 school year, in accordance with 34 CFR §§300.101 and .323.

BACKGROUND:

The student is 12 years old and attends  He is identified as a student with an emotional disability under the IDEA and has an IEP that requires the provision of special education instruction and related services.

ALLEGATION #1:

FINDINGS OF FACTS:

1. The student's IEP, in effect at the start of the 2021-2022 school year requires that he be provided with 11 hours and 40 minutes per week of specialized instruction in the general education setting for reading and math provided by both a special and regular education teacher and 12 hours and 5 minutes of specialized per week of specialized instruction in the general education setting for science and social studies with "additional adult supports from either a special education teacher, paraprofessional or Itinerant Special Education Assistant (ISEA)." The IEP further requires that the student be provided with 30 minutes per week of counseling from either a school counselor, social worker, or resource teacher. In addition to the specialized instruction and related services, the student's IEP requires that he be provided with supplementary aids and supports including additional adult support, preferential seating, reinforcement of positive behavior, implementation of a behavioral contract, nonverbal cueing, home/school communication, check in and check out, breaking assignments into smaller chunks, modified assignments, monitoring of independent work, pairing with a peer, and the use of manipulatives on a daily basis. Additionally, the IEP requires that the student be provided with anger management training twice monthly
2. On December 1, 2021 and January 12, 2022, the IEP team met to complete an annual review for the student. The IEP team determined that the student "continues to require additional support from a dedicated aid or ISEA."
3. While there is documentation that the student received counseling services periodically from a social worker, there is no documentation that the student consistently received weekly 30 minute counseling sessions.
4. While there is documentation that the student received assistance during instruction, there is no documentation that the student consistently received the supports and specialized instruction required by his IEP.

DISCUSSION/CONCLUSIONS:

Based on the Findings of Facts, #1-4, the MSDE finds that the PGCPs has not ensured that the student has been provided with the supports and services required by his IEP since the start of the 2021-2022 school year, in accordance with 34 CFR §§300.101 and .323. Therefore, the MSDE finds that a violation occurred with respect to this 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

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(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 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.

Student-Specific

The MSDE requires the PGCPS to provide documentation by the end of the 2021-2022 school year that the student is being provided with the services and supports as required by the IEP.

Further, the MSDE requires the PGCPS to provide documentation by the end of the first quarter of school year 2022-2023 that school staff are monitoring the provision of services and supports required by the IEP on a monthly basis.

The MSDE requires the PGCPS to provide documentation by the start of the 2022-2023 school year that the IEP team has convened and determined the amount and nature of compensatory services or other remedy to redress violations identified in this letter 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 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 by the start of the 2022-2023 school year of the steps taken to ensure that the violation does not recur at [REDACTED] School.

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.

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.

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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. 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:gl

c: Monica Goldson
Barbara VanDyke
Gail Viens
Darnell Henderson
Alison Barmat
Gerald Loiacono