



October 14, 2022

Ms. Jessica Williams
Education Due Process Solutions, LLC
711 Bain Drive #205
Hyattsville, Maryland 20785

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

RE: [REDACTED]
Reference: #23-025

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

ALLEGATIONS:

On August 26, 2022, the MSDE received a complaint from Ms. Jessica Williams, hereafter, "the complainant," on behalf of the parents of [REDACTED] 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 following allegations:

1. The PGCPS has not developed and implemented an Individualized Education Program (IEP) that addressed the student's identified transportation needs since February 10, 2022, in accordance with 34 CFR §§300.101 and .324.
2. The PGCPS did not provide the parents with the Prior Written Notice (PWN) of the team's decisions related to the transportation of the student, since February 10, 2022, in accordance with 34 CFR §300.503.
3. The PGCPS has not ensured that the student's IEP was reviewed and revised to address her lack of expected progress toward achieving the IEP goals since the start of the 2021-2022 school year, in accordance with 34 CFR §300.324.
4. The PGCPS has not ensured that the parent was provided reports of the student's progress toward achieving annual IEP goals since the start of the 2021- 2022 school year, in accordance with 34 CFR §§300.320 and .323.

5. The PGCPs did not follow proper procedures when determining the student's educational placement for the 2021- 2022 school year, in accordance with 34 CFR §§300.114 - .116.

BACKGROUND:

The student is eleven (11) years old and is identified as a student with Autism under the IDEA. She attends [REDACTED] School and has an IEP that requires the provision of special education instruction and related services.

ALLEGATION: #1 Transportation Needs

FINDINGS OF FACTS:

1. The student's IEP, developed on February 10, 2022, requires transportation services.
2. The student's IEP, developed on February 10, 2022, was amended on August 31, 2022, to include the continuation of transportation services.
3. Transportation services were not provided to the student from August 29, 2022, to September 15, 2022.

CONCLUSIONS:

Based upon the Findings of Facts #1- #2, the MSDE finds that the PGCPs has developed an IEP that addressed the student's identified transportation needs since February 10, 2022, in accordance with 34 CFR §§300.101 and .324. Therefore, this office does not find that a violation has occurred with this aspect of allegation #1.

Based upon the Finding of Fact #3, the MSDE finds that the PGCPs did not implement an IEP that addressed the student's identified transportation needs from August 29, 2022, to September 15, 2022, in accordance with 34 CFR §§300.101 and .324. Therefore, this office does find that a violation has occurred with this aspect of allegation #1.

ALLEGATION: #2 Provision of Prior Written Notice

FINDINGS OF FACTS:

4. The Prior Written Notice (PWN), generated after the February 10, 2022, IEP meeting, reflects that:

The student will transition to her boundary middle school and receive instruction inside the general education classroom in a co-taught model, specialized transportation is not part of this education placement.
5. There is email documentation from the PGCPs staff to the student's parent indicating that documents were sent home in the student's backpack on February 23, 2022.
6. The PWN generated after the August 30, 2022, IEP team meeting reflects the purpose of the meeting as transportation needs and reflects the following:

The student's IEP will be amended to add transportation as a related service.

16. The student's IEP developed on February 10, 2022, reflects that on April 29, 2022, the student was not making sufficient progress in meeting her self-management goal and social interaction goal. There is no progress note for the progress report 2.
17. The student's IEP developed on February 10, 2022, reflects that on April 29, 2022, the math problem solving goal (goal 2) was newly introduced and was not measurable at the time; on June 22, 2022, the progress note reflects that the student was making progress in meeting it.
18. The student's IEP developed on February 10, 2022, reflects that on April 29, 2022, the math problem solving goal (goal 2) was newly introduced and was not measurable at the time; on June 22, 2022, the progress note reflects that the student was not making progress in meeting it.
19. The student's IEP developed on February 10, 2022, reflects that on June 16, 2022, the student was not making sufficient progress in meeting her fine motor goal.
20. There are audio recordings of the August 2022, IEP team meeting that reflect conversations regarding the student's IEP progress and transportation needs.

CONCLUSION:

Based upon the Findings of Facts #7- #20, the MSDE finds that the PGCPs has ensured that the student's IEP was reviewed and revised to address her lack of expected progress toward achieving the IEP goals since the start of the 2021-2022 school year, in accordance with 34 CFR §300.324. Therefore, this office does not find that a violation has occurred with respect to allegation #3.

ALLEGATION #4: PROVISION OF IEP PROGRESS REPORTS

FINDING OF FACT:

21. There is email documentation dated February 23, 2022, and March 4, 2022, from the PGCPs to the student's parents that IEP documents were sent home with the student and attached to the email.

CONCLUSION:

Based upon the Finding of Fact #21, the MSDE finds that the PGCPs has ensured that the parent was provided reports of the student's progress toward achieving annual IEP goals since the start of the 2021- 2022 school year in accordance with 34 CFR §§300.320 and .323. Therefore, this office does not find that a violation has occurred with respect to allegation #4.

ALLEGATION #5 EDUCATIONAL PLACEMENT

FINDING OF FACT:

22. The PWN generated following the February 10, 2022, IEP team meeting reflects:

The team refused the request for a referral to CIEP because the student was previously placed in the Least Restrictive Environment (CRI Program) but was moved due to parental refusal for her to participate in the alternate curriculum standards. Based on her lack of progress in the current LRE and current assessment data, the

team believes that the CRI program is the best learning environment to meet her needs at this time.

The IEP team determined that the student requires full time supports and services outside of general education to address her significant academic deficits in reading, math, and written language.

Parents disagreed with the team's proposal to place the student in the CRI program. They do not believe that she was making adequate progress in that placement previously.

CONCLUSION:

Based upon the Finding of Fact #22, the MSDE finds that the PGCPs did follow proper procedures when determining the student's educational placement for the 2021- 2022 school year, in accordance with 34 CFR §§300.114 - .116. Therefore, this office does not find that a violation has occurred with respect to allegation #5.

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 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 that the IEP team has convened and determined whether the violation related to the lack of transportation from August 29, 2022, to September 15, 2022, had

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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a negative impact on the student's ability to benefit from the education program. If the team determines that there was a negative impact, it must also determine the amount and nature of compensatory services or other remedies to redress the violation and develop a plan for the provision of those services within one (1) 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 December 1, 2022, of the steps it has taken to ensure that [REDACTED] and [REDACTED] School staff properly implement the requirements for the transportation services under the IDEA. These steps must include staff development, as well as tools developed to monitor the action steps, a monitoring schedule, and provision of the completed monitoring tool to MSDE by January 1, 2023.

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: sd

c: Monica Goldson
Keith Marston
Darnell Henderson
[REDACTED]
[REDACTED]
Alison Barmat
Gerald Loiacono
Diane Eisenstadt
Sarah Denney