



December 20, 2022

[REDACTED]

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- 073

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 October 31, 2022, the MSDE received a complaint from Mr. and Mrs. Johnson, hereafter, “the complainant,” on behalf of their son, the above-referenced student. In that correspondence, the complainant alleged that the Prince George’s 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 special education services and instructional accommodations required by the Individualized Education Program (IEP) since the start of the 2021- 2022 school year, in accordance with 34 CFR §300.101.

BACKGROUND:

The student is ten (10) years old and is identified as a student with autism under the IDEA. He attends [REDACTED] School and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACTS:

1. The student’s IEP, in effect at the beginning of the 2021-2022 school year, was developed on March 2, 2021, requires that the student receives special education services and instructional accommodations, specifically, small groups, reduced distractions to self, extended time, wait time rewards for task completion, use of a timer, monitor of independent work, and repetition of directions.

2. The student's IEP, developed on March 1, 2022, requires that the student receives special education services and instructional accommodations, specifically, graphic organizers, small groups, frequent breaks, reduced distractions to self, extended time, wait time, monitor of independent work, and repetition of directions.
3. There is no documentation of the provision of the instructional accommodations, specifically, graphic organizers, small groups, frequent breaks, reduced distractions to self, extended time, wait time, research-based reading comprehension interventions, monitoring of independent work, and repetition of directions.

CONCLUSIONS:

Based upon the Findings of Facts #1 - #3, the MSDE finds that the PGCPS has not ensured that the student has been provided with the instructional accommodations required by the IEP since the start of the 2021- 2022 school year, in accordance with 34 CFR §300.101. Therefore, this office 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 (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 February 15, 2023, that the student is consistently provided with the instructional accommodations, as required by his IEP.

The MSDE requires the PGCPS to provide documentation by February 15, 2023, that the IEP team has convened and determined whether the violation related to the lack of provision of instructional

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.

██████████
██████████
Ms. Trinell Bowman
December 20, 2022
Page 3

accommodations had 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 February 1, 2023, of the steps it has taken to ensure that the ██████████ School staff properly implements the accommodations for students with IEPs. These steps must include staff development and tools developed to document and monitor the implementation of special education services and instructional accommodations in accordance with students' IEP. The MSDE further requires the submission of the completed monitoring tool reflecting the provision of instructional accommodations pursuant to a random sampling of ten (10) students' IEPs by March 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 ██████████
 Trinell Bowman Alison Barmat
 Keith Marston Gerald Loiacono
 Darnell Henderson Diane Eisenstadt
 Henry Johnson Sarah Denney