




Mohammed Choudhury
State Superintendent of Schools

February 24, 2023




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

RE: 
Reference: #23- 121

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 January 6, 2023, MSDE received a complaint from Ms.  hereafter "the complainant," on behalf of her son, 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 following allegations:

1. The PGCPS has not followed proper procedures when responding to a request for an Individualized Education Program (IEP) team meeting since November 2022, in accordance with 34 CFR §§300.503.
2. The PGCPS has not ensured that the student's IEP, in effect since the start of the 2022- 2023 school year, contains measurable annual goals to address the student's needs in the areas of reading comprehension, written language expression, behavior, and "critical life skills," in accordance with 34 CFR §300.320.
3. The PGCPS has not ensured that the student has been consistently provided with the special education supports as required by the IEP since the start of the 2022- 2023 school year, in accordance with 34 CFR §§300.101 and .323. Specifically, it is alleged that the student has not been provided assistance with organization, given immediate feedback, frequent check-ins, and asked if assistance is needed within three minutes of being given a task.

4. The PGCPs did not ensure that an IEP team meeting convened on October 25, 2022, included the required participants in accordance with 34 CFR §§300.321.

BACKGROUND:

The student is eighteen (18) 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.

SUMMARY OF FINDINGS AND CONCLUSIONS:

In its written response, the PGCPs acknowledges that violations occurred with respect to the allegations. MSDE concurs with the PGCPs conclusions and appreciates the school system's response to the investigation.

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 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 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

MSDE requires the PGCPs to provide documentation that the IEP team has convened, reviewed, and revised the reading comprehension, written language expression, behavior, and "critical life skills" goals to be measurable annual goals that address the student's needs by March 13, 2023. In addition, MSDE requires the PGCPs to provide documentation of the provision of special education supports as required by the student's IEP by March 13, 2023. In addition, the IEP team must also determine whether the violation related to the lack of special education supports required by the IEP 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 a year of the date of this Letter of Findings.

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.

School Based

MSDE requires the PGCPs to provide documentation of the steps taken to ensure that the violations regarding the lack of a response to an IEP team meeting, an IEP team meeting having the required participants, and the lack of implementation of the special education supports for students with IEPs do not recur at [REDACTED] School. Those steps must include staff development, as well as tools created to document and monitor responses to a request for an IEP team meeting, tools to monitor the scheduling of annual IEP team meetings, and tools to monitor the implementation of IEP special education supports. MSDE further requires the submission of the completed monitoring tool for a random sample of 10 students by April 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. 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

DMF: sd

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