

March 6, 2025

Ms. Jaime E. Seaton, Esq. 110 N. Washington Street, Suite 404 Rockville, Maryland 20850

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

RE: Reference: #25-213

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services has completed the investigation of the complaint regarding special education services for the above-referenced student. This correspondence is the report on the final results of the investigation.

ALLEGATIONS:

On January 8, 2025, MSDE received a complaint from Ms. Jaime E. Seaton, Esq., 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) concerning the above-referenced student.

MSDE investigated the following allegations:

- 1. The PGCPS has not ensured that the parent was provided with reports of quarterly progress toward achieving the annual Individualized Education Program (IEP) goals since January 2024, in accordance with 34 CFR § 300.320.
- 2. The PGCPS did not ensure that the parent was provided with accessible copies of each document the IEP team planned to discuss at the June 10, 2024, IEP team meeting at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.07.
- 3. The PGCPS did not ensure that the parent was provided with written notice of the June 10, 2024, IEP team meeting at least 10 days in advance of the meeting, in accordance with COMAR 13A.05.01.07.
- 4. The PGCPS did not provide the parent with prior written notice (PWN) of the IEP team's decisions from the IEP team meeting held on June 17, 2024, in accordance with 34 CFR § 300.503.

- 5. The PGCPS did not ensure that the student was comprehensively assessed in all areas of suspected disability when conducting a reevaluation of the student since August 2024, in accordance with 34 CFR § 300.304. Specifically, you allege that the student was not assessed for a specific learning disability in math.
- 6. The PGCPS did not ensure that the IDEA evaluations conducted since August 2024 were completed within the required timelines, in accordance with 34 CFR § 300.301 and COMAR 13A.05.01.06.
- 7. The PGCPS has not developed and implemented an IEP that addressed the student's identified needs since November 2024, in accordance with 34 CFR §§ 300.101, .323 and .324.

BACKGROUND:

The student is 10 years old and is identified as a stu	dent with specific learning disability (SLD) under the
IDEA. The student attends) and has an IEP that requires the provision of
special education instruction and related services.	

FINDINGS OF FACT:

ALLEGATIONS #1, #2, #3, and #4

PROVISION OF PROGRESS REPORTS, PROVISION OF DOCUMENT BEFORE AN IEP TEAM MEETING, PROVISION OF IEP TEAM MEETING NOTICE, AND PROVISION OF PWN

- 1. The student's IEP in effect in January 2024 was developed on January 29, 2024. The IEP reflects the parent will be provided the student's progress toward the IEP goals quarterly.
- 2. The parent contact log reflects that on February 9, 2024, the PGCPS staff sent the progress report for the second quarter to the student's parent "via [the student]."
- 3. On June 7, 2024, the PGCPS emailed the parent a meeting notice for an IEP meeting scheduled for June 10, 2024, and the student's third quarter progress report for the student but the parent did not receive a copy of all the documents the team planned to review at the meeting. Therefore, the parent requested to reschedule the meeting.
- 4. On June 10, 2024, the parent was informed by telephone that the IEP meeting would be rescheduled for June 17, 2024. There is documentation that the complainant received the documents to be reviewed at the June 17, 2024, meeting on June 12, 2024.

5.	. On June 17, 2024, the IEP team convened to "review assessments to determine the need to	
	review/revise the IEP." The PWN generated after the meeting reflects the IEP team considered "the	
	updated information from : Weshler[sic], WISC [Wechsler Intelligence Scale for	
	Children] and rating scales in order to consider the proper primary disability." The PWN reflects the	
	IEP team utilized the information from to determine the proper primary disability	
	for the student and "proposed to keep the OHI with specific learning disability (
) as the secondary disability." The PWN reflects "the attorney disagreed [with] the	

determination]." The IEP team "reviewed updated progress, progress report information and reading inventory, Lexia and i-Ready data." It was reported that the student "did not spend adequate time on the interventions." The IEP team decided to add a social emotional and self-management goal to the student's IEP and "update the service for counseling to reflect 1 session for 30 minutes per week for 6 to 8 weeks." The IEP team determined that the occupational therapist would be invited to the next meeting "so [a] sensory component would be incorporated" into the student's IEP. It was reported that the IEP team would review a draft IEP "over the summer [and] to complete a Functional Behavior Assessment in the fall to determine the need for a Behavior Intervention Plan [BIP]." It was also reported that the student "would benefit from a peer/social group with the counselor."

The PWN does not reflect that the IEP team discussed testing the student for SLD in math.

- 6. There is no documentation that the parent was provided with prior written notice of the IEP team's decisions from the IEP team meeting held on June 17, 2024.
- 7. There is no documentation that the parent received quarterly reports of the student's progress toward the IEP goals for the fourth quarter of the 2023-2024 school year, or the first quarter of the 2024-2025 school year.

DISCUSSIONS AND CONCLUSIONS:

Provision of Progress Reports

Based on Findings of Fact #1, #2, #3, and #7, MSDE finds that the PGCPS has not ensured that the parent was consistently provided with reports of the student's quarterly progress toward achieving the annual IEP goals since April 2024, in accordance with 34 CFR § 300.320. Therefore, MSDE finds a violation.

Provision of Documents Before an IEP Team Meeting

In this case, the PGCPS provided the parent with the student's progress report on June 7, 2024, in preparation for the June 10, 2025, IEP team meeting, but failed to provide a copy of all of the documents to be reviewed at the meeting. Therefore, the parent canceled the June 10, 2024, meeting and it was rescheduled for June 17, 2024. On June 12, 2024, the complainant received all the documents to be reviewed at the June 17, 2024, IEP meeting.

Based on Finding of Fact #3, MSDE finds that the PGCPS did not ensure that the parent was provided with accessible copies of each document that the IEP team planned to discuss at the June 10, 2024, IEP team meeting at least five business days before the scheduled meeting in accordance with COMAR 13A.05.01.07. Therefore, MSDE finds a violation.

Provision of IEP Team Meeting Notice

Based on Finding of Fact #3, MSDE finds that the PGCPS did not ensure that the parent was provided with written notice of the June 10, 2024, IEP team meeting at least 10 days in advance of the meeting, in accordance with COMAR 13A.05.01.07. Therefore, MSDE finds a violation.

Provision of PWN

Based on Finding of Fact #6, MSDE finds that the PGCPS did not provide the parent with the PWN of the IEP team's decisions from the IEP team meeting held on June 17, 2024, in accordance with 34 CFR § 300.503. Therefore, MSDE finds a violation.

FINDINGS OF FACT:

ALLEGATIONS #5, #6, and #7

ASSESSING IN ALL AREAS OF SUSPECTED DISABILITY, REEVALUATION TIMELINE PROCEDURES, AND DEVELOPMENT AND IMPLEMENTATION OF THE **IEP**

- 8. On August 13, 2024, the IEP team convened to plan for reevaluation assessments for the student. The PWN generated after the meeting reflects the IEP team reviewed "previous information from 23-24 school year and consideration of an outside assessment to determine the need for Occupation therapy and Functional Behavior Assessment." During the meeting, the IEP team agreed to:
 - Create a consent for assessment to include self-management after the occupational therapist review of outside assessments; and a Functional Behavior Assessment (FBA) to determine the need for a BIP.
 - Align the outside general education hours with the time allotted for intervention.
 - Align the hours to the time allotted for the reading and math interventions.

The PWN reflects the occupational therapist was not in attendance but agreed to the occupational therapy (OT) assessment determination.

The PWN does not reflect that the IEP team discussed testing the student for SLD in math.

- 9. On August 13, 2024, a "Notice and Consent for Assessment" was generated for the student to be assessed in social/emotional/behavioral and self-management (OT).
- 10. On September 30, 2024, an OT assessment report was completed for the student. The assessment report reflects the "Test(s) and/or Procedure(s) administered" included a record review, interviews, and Assessment of Occupational Performance and Participation in Educational Program, and clinical observations of sensory neuromotor performance. The report reflects that the student was observed in the math and reading classes and provides a summary of the student's observed motor skills, process skills, social interaction skills, and performance patterns in each setting. The occupational profile included in the report provides the student's "strengths/supports to participation," "needs/barriers to participation," instructional implications of the student's participation in the general education curriculum, and recommendations.

- 11. On October 21, 2024, the IEP team reconvened to discuss the FBA. The PWN generated after the meeting reflects the IEP team considered "a review of PWNs from former meetings, reports and comments from parent, remarks from the occupational therapist, reports and observations of [the student's] teachers and school administrators." The PWN reflects the IEP team agreed to:
 - Discuss prior considerations from the summer 2024 meeting.
 - Determine the need for an OT evaluation.
 - Provide consent for a FBA.
 - Align the outside general education hours according to the time allotted for interventions.
 - Develop an FBA.
 - Obtain from the occupational therapist what process would be used to evaluate/observe the student. Intervention, reading, and math are outlined in the IEP.

The PGCPS staff shared that "Lexia and i-Ready Math, DreamBox are programs to be used for interventions." The parent requested a copy of the student's disciplinary incident. The PGCPS staff shared the FBA would be provided to the parent by November 12, 2024.

The PWN does not reflect the IEP team discussed testing the student for SLD in math.

12. The IEP for the student was developed on February 8, 2024. The IEP reflects that the student's projected annual review date as January 28, 2025. The student's primary disability is Specific Learning Disability (SLD), with math calculation, reading comprehension, reading phonics, and social emotional/behavioral as the areas impacted by the disability.

The IEP reflects the student as performing on the first-grade instructional level in reading phonics, reading comprehension, and math calculation and "below level of same age peers" in social emotional/behavioral.

The IEP requires the following instructional and assessment accommodations:

- Blank scratch paper
- General administration directions clarified
- General administration directions read aloud and repeated as needed
- Redirect student
- Graphic organizer
- Small group
- Frequent breaks
- Reduce distractions to others
- Text to speech for ELA/literacy assessments, including items, response options, and passages
- Human reader/Human signer for ELA
- Calculation device and mathematics tools (on calculation sections of the mathematics assessments)
- Calculation device and mathematics tools (on non-calculation sections of the mathematics assessments)
- Monitor test response
- Extended time (1.5x)

The IEP requires the following supplementary aids, services, program modifications and supports:

- Daily:
- Paraphrase questions & instruction
- Frequent and/or immediate feedback
- Repetition of directions
- Allow use of highlighters during instruction and assignments
- Peer tutoring/paired work arrangement
- Provide assistance w/organization
- Check for understanding
- Verbal attention cueing
- Chunking of text(s)
- Break down assignments into smaller units
- Provide frequent changes in activities or opportunities for movement
- Home-school communication system
- Provide clearly defined limits and expectations
- Strategies to initiate and sustain attention
- Encourage/reinforce appropriate behavior in academic and nonacademic settings
- Use of positive/concrete reinforcers
- Preferential seating
- Three times per week:
 - Research-based Math intervention program
 - Research-based Reading intervention program
- As needed:
 - Provide access to recorded materials

The IEP required the following IEP goals:

- Reading Phonics: "By January 28, 2025, given text at her instructional level, [the student] will know and apply grade-level phonics and word analysis skills in decoding words with 80% accuracy in 4 out of 5 consecutive trials as measured by student work samples and teacher observation record."
- Math Calculation: "By January 28, 2025, given 10 calculation problems at her instructional level involving addition or subtraction with multi-digit numbers within 100, will fluently add and subtract using strategies and algorithms based on place value, properties of operations, and/or the relationship between addition and subtraction with 80% accuracy in 4 out of 5 consecutive trials as measured by student work samples and teacher observation record."
- Reading Comprehension: "By January 28, 2025, given text at her instructional level, will ask and answer questions to demonstrate understanding of the text, referring explicitly to the text as the basis for her answers with 80% accuracy in 4 out 5 consecutive trials as measured by student work samples and teacher observation record."

The IEP does not require a social emotional/behavioral or self-management goal.

The IEP requires the following special education services:

- Four, 45-minute sessions of classroom instruction outside general education, weekly.
- Three, 30-minute sessions of classroom instruction inside general education, weekly.

- 13. On November 22, 2024, a FBA was completed for the student. The FBA reflects that parental consent was obtained on August 13, 2024, and the FBA was requested on October 21, 2024. The FBA reflects the student's learning, peer learning, and social relationships are significantly impacted by the student's behavior. "Disciplinary actions for [the student's] behaviors have warranted removal from the assigned work area in the classroom; Removal outside of the classroom to a quiet area to complete independent work and reflect on actions and choices; Conferences with Administration; Peer Mediation Sessions with the Professional School Counselor; and contact to her parent/grandparent." The FBA includes information from the student's 2022 psychological report, 2023-2024 history at and, family and trauma history, strengths, academics, protective factors, and a summarization of previous interventions. The behaviors addressed in the FBA are following directions and attention seeking. The data collection included in the FBA includes an educational record review, a report from , teacher reports, school documentation, interviews with teachers, parents/caregivers, service providers, and other school staff who are familiar with the student. The FBA also includes an analysis of behavior patterns, the function of the target behaviors, and a hypothesis statement for each behavior. The FBA reflects that a BIP is not required. "The team determined that a BIP is not needed and would like to discuss adding a goal to address social/emotional concerns to her IEP. [The student's] behaviors are not malicious, aggressive, or defiant. They are interfering [with] her learning with a lack of self-management strategies. She demonstrates typical developmental stage behaviors that are displayed by her grade-level peers." The FBA provides "plans to address off-task behavior [and] inattentiveness."
- 14. On December 2, 2024, the IEP team reconvened to review the draft FBA, consider targeted behaviors for the BIP, and to hear the OT report. The PWN generated after the meeting reflects the team considered "a review of the report. The PWN generated after the meeting reflects the team considered "a review of the report, teacher input, administration reporting, parent input, and OT data" in making its decisions. It was reported that the complainant "was not pleased with the amount of information/data and the content of data entered in the [FBA] draft" and it should have included "more of the assessment reporting from and other sources...The team discussed the targeted behavior and agreed to add 'Disruption' giving two behaviors at the time to address." It was reported that the student was moving out of her assigned area, looking for items in her handbag, and leaving the classroom without permission. The team decided to add "disturbing others" to the disruptive behaviors. The OT data was not shared during the meeting, and "due to the concerns of the parent/attorney" the meeting was rescheduled for January 10, 2025.

The team did not develop a goal to address the student's social emotional/behavioral or self-management concerns.

The PWN does not reflect the IEP team discussed testing the student for SLD in math.

- 15. There is no documentation that the student's IEP was amended to reflect the changes the IEP team agreed to at the December 2, 2024, IEP meeting.
- 16. On January 22, 2025, the IEP team reconvened to "review OT assessments and review/revise the FBA." The PWN generated after the meeting reflects the IEP team considered the "draft FBA, OT assessment report, grandparent input, teacher observations, and report card grades" in making its decisions. The PWN generated after the meeting reflects that the occupational therapist summarized the assessment report and observation of the student, background information on the student's health and development, previous standardized testing, and the supplementary aids and

services currently listed in the student's IEP. The complainant requested that orally shared information be added to the OT report. "The occupational therapist agreed to update the report by providing more specificity in the section of the report that included [the] observation." The IEP team "agreed to clarify the manner of home-school communication in the IEP." The complainant inquired regarding data that was specific to the "frequency/duration of time that [the student] was working outside of the classroom and indicated her belief that if [the student] was working outside of the classroom that she was being excluded from instruction." It was clarified that when the student works outside of the classroom it is to provide a break as required by the IEP, and it was confirmed that the student was not being removed from the classroom to work in the collaborative space as a disciplinary action. It was also reported that the FBA would clarify the statement in the FBA to make it clear that "information shared was part of the

The team decided that the occupational therapist would not develop a sensory profile of the student based on "gathered information through caregiver and teacher interviews, which allowed for input from the parents and educational staff, as well as direct interactions with [the student] and clinical classroom observations" because the information provided allowed the occupational therapist "to gain a comprehensive understanding of [the student's] sensory processing [OT] needs without the need for a full sensory profile." The complainant disagreed with the "decision not to incorporate the report into the background section, asserting that this omission reflected a bias in the therapist's interpretation of the information, rather than offering a complete overview of the most recent assessments."

The PWN reflects that the classroom teacher and school counselor shared information with the team. The complainant requested a comprehensive Independent Educational Evaluation (IEE), and the advocate requested an OT IEE. The PWN reflects that the parent reported that an initial IEP was developed for the student in January 2023 and consent to initiate services was obtained on February 12, 2023.

The team did not develop a goal to address the student's social emotional/behavioral concerns.

The PWN does not reflect the IEP team discussed testing the student for SLD in math.

- 17. There is no documentation that the student's IEP was amended to reflect the changes the IEP team agreed to at the January 22, 2025, IEP meeting.
- 18. The parent contact log reflects the occupational therapist emailed a revised occupational therapist assessment to the parent on January 27, 2025, and January 29, 2025.
- 19. There is no documentation that the IEP team convened by January 28, 2025, to ensure that the student's IEP was reviewed annually.

DISCUSSIONS AND CONCLUSIONS:

Assessing In All Areas of Suspected Disability

In this case, there is no documentation that the IEP team determined to assess the student for SLD in math at the June 17, 2024, August 13, 2024, October 21, 2024, December 2, 2024, or January 22, 2025, IEP team meetings.

Based on Findings of Fact #8, #11, #14, #17, and #19, MSDE finds that IEP team did not determine that the student should be assessed for SLD in math. Therefore, the PGCPS was not required to ensure that the student was assessed for SLD in math when conducting a reevaluation of the student since August 2024, in accordance with 34 CFR § 300.304. Therefore, MSDE finds no violation.

Reevaluation Timeline Procedures

When conducting a reevaluation, the public agency must ensure assessments are conducted, the results are considered by the IEP team, and the IEP is reviewed and revised, as appropriate, within ninety days of the date the team determines that assessments are required (COMAR 13A.05.01.06E).

In this case, the parent provided consent for assessment on August 13, 2024. Therefore, the assessments should have been reviewed, and the IEP revised no later than November 11, 2024. Although the OT assessment was completed on September 30, 2024, it was not reviewed until January 22, 2025. The FBA was not completed until November 22, 2024, and the IEP team met on December 2, 2024, and January 22, 2025, to review and revise the FBA.

Based on Findings of Fact #11 to #14, #16, #17, and #19, MSDE finds that the PGCPS did not ensure that the IDEA evaluations conducted since August 2024 were completed within the required timelines, in accordance with 34 CFR § 300.303 and COMAR 13A.05.01.06. Therefore, MSDE finds a violation.

ALLEGATION #7

DEVELOPMENT AND IMPLEMENTATION OF THE IEP

In this case, the IEP team agreed at the June 17, 2024, IEP team meeting to add social-emotional/behavioral and self-management goals and one weekly 30-minute counseling session to the student's IEP. At the December 2, 2024, IEP team meeting, the team agreed to add "disruption" as a behavior to be addressed. The team did not amend the IEP to reflect these changes, and the student did not receive these services.

Based on Findings of Fact #5, #12, #14 to #17, and #19, MSDE finds that the PGCPS has not developed and implemented an IEP that addressed the student's identified needs since November 2024, in accordance with 34 CFR §§ 300.101, .323 and .324. Therefore, MSDE finds a violation.

ADDITIONAL VIOLATION IDENTIFIED DURING THE COURSE OF THE INVESTIGATION

Annual Review

A public agency shall ensure the IEP team meets periodically, but not less than annually, to review and revise the IEP (34 CFR § 300.324).

In this case, as of the date of this Letter of Findings, an annual review of the student's IEP has not been conducted for the student.

Based on Findings of Fact #12 and #19, MSDE finds that the PGCPS has not ensured that the IEP team convened to review the IEP before January 28, 2025, in order to ensure that the IEP was reviewed at least annually, in accordance with 34 CFR § 300.324. Therefore, MSDE finds a violation.

CORRECTIVE ACTIONS AND TIMELINES:

The IDEA requires that State complaint procedures include 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. 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. 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. Nicole Green, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.² Ms. Green can be reached at (410) 767-7770 or by email at nicole.green@maryland.gov.

Student-Specific

By May 7, 2025, MSDE requires the PGCPS to provide documentation that the school system has:

- Provide the parent with the required progress reports;
- Conducted the student's annual review and made the agreed upon revisions to the student's services; and
- Convened an IEP team meeting and determined the amount and nature of compensatory services or other remedies to redress the violations herein 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 complainant is provided with written notice of the team's decisions. The complainant maintains the right to request mediation or to file a due process complaint to resolve any disagreement with the team's decisions.

School-Based

MSDE requires the PGCPS to provide documentation by May 7, 2025, of the steps it has taken to ensure that the staff properly implements the requirements for the provision of quarterly progress reports, the provision of documents prior to an IEP meeting, the provision of a written invitation to an IEP meeting, the provision of the prior written notice of the IEP team's decisions, reevaluations, and

¹ The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency corrects noncompliance in a timely manner, which is as soon as possible, but not later than one 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 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.

conducting of the annual review under the IDEA and COMAR. These steps must include staff development and tools developed to monitor compliance and document service provision. Specifically, the PGCPS must provide a monitoring report for 10 randomly selected students at demonstrating compliance with the provision of special education services and the provision of quarterly progress reports. Full compliance is required. If 100% compliance is not reported, a second sample will be reported by August 7, 2025. If 100% compliance is not obtained, the PGCPS will confer with MSDE to determine the next steps.

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 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 why the documentation was not made available during the investigation. Request for reconsideration should be submitted to Tracy Givens, Section Chief, Dispute Resolution, at Tracy.Givens@maryland.gov. 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,

Antoine L. Hickman, Ed.D.
Assistant State Superintendent
Division of Early Intervention and Special Education Services

Millard House II, Chief Executive Officer, PGCPS

ALH/ebh

c:

Darnell Henderson, General Counsel, PGCPS
Keith Marston, Compliance Instructional Supervisor, PGCPS
Lois Jones-Smith, Compliance Liaison, PGCPS
Shelly Woodson, Compliance Liaison, PGCPS

The principal, Principal, PGCPS

Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Nicole Green, Compliance Specialist, MSDE
Elizabeth B. Hendricks, Complaint Investigator, MSDE