

March 13, 2025

[REDACTED]

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

Re: [REDACTED]  
Reference: #25-225

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 15, 2025, MSDE received a complaint from [REDACTED], 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 student was provided with the specialized instruction and accommodations required by the Individualized Education Program (IEP) since August 2024, in accordance with 34 CFR §§ 300.101 and .323.
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 December 18, 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 provide the parent with a copy of the IEP document within five business days after the December 18, 2024, IEP team meeting, in accordance with 34 CFR § 300.322 and COMAR13A.05.01.07.

**BACKGROUND:**

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

**FINDINGS OF FACT:**

1. In its written response, the PGCPs acknowledges that it did not ensure that the parent was provided with accessible copies of each document the IEP team planned to discuss at the December 18, 2024, IEP team meeting at least five business days before the scheduled meeting.
2. In its written response, the PGCPs acknowledges that it did not provide the parent with a copy of the IEP document within five business days after the December 18, 2024, IEP team meeting.
3. The IEP in effect in August 2024 was amended on December 6, 2023. The IEP reflects an annual review date of December 5, 2024, and a projected evaluation date of January 30, 2025. The IEP requires that the student receive the following special considerations and accommodations:
  - An assistive technology (AT) device: “[The student] requires low-tech assistive technology devices such as objects, picture symbols, Core Vocabulary Board, photos, to support her when answering questions, making choices, and communicating her wants and needs.”
  - General Administration Directions Clarified
  - General Administration Directions Read Aloud and Repeated as Needed
  - Headphones or Noise Buffers
  - Redirect Student
  - Small group
  - Frequent breaks
  - Reduce distractions to self
  - Monitor Test Response
  - Extended Time (1.5X)

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

- Daily:
  - Core vocabulary and specific fringe vocabulary
  - Provide Wait Time
  - Use of picture/ object choices to support comprehension and responding to questions
  - Visual support for comprehension of language input and formulating oral responses (listening and speaking)
  - Extended time for work Completion
  - Additional Adult Support (AAS)
- As needed
  - Pictured directions and sentences
  - Picture schedule
  - Repetition of directions
  - Use of First/Then Board
  - Give Advanced Warning Before Offering Help/Support
  - Reinforce positive behavior through non-verbal /verbal communication
  - Reminder for Transitions
  - Feelings chart
- Monthly
  - Social skills training
- Quarterly
  - Occupational therapist consult

The IEP includes the following IEP goals:

- Speech and Language Expressive Language: “[The student] will increase expressive language by using words, phrases, and simple sentences (4–5-word utterances) in order to ask questions, make comments, give information, and describe pictures and events, given visual cues in 4 out of 5 opportunities.”
  - Method of Measurement: Observation Record
  - Criteria (Mastery and Retention) With: 4 out of 5 trials
- Social Emotional/Behavioral: “Given visuals, modeling, and scenario-based [the student] will be able to identify and understand various non-verbal social communication behaviors (i.e. Tone of voice, personal space, vocal volume, body orientation, facial expressions) by stating their implied meaning 4/5 opportunities.”
  - Method of Measurement: Other: Classroom Observation and Data Collection
  - Criteria (Mastery and Retention) With: 4 out of 5 trials
- Social Emotional/Behavioral: “During group discussion time (e.g. Community Circle or another sharing time), [the student] will follow at least (3) Community Circle Rules and verbally share (3-4) complete sentences using I-messages (e.g. "I feel..", "I think") in (4 of 5) class discussions.”
  - Method of Measurement: Other: Classroom Observation and Data Collection
  - Criteria (Mastery and Retention) With: 4 out of 5 trials
- Social Emotional/Behavioral: “When provided with visual cues, verbal modeling, and gestural prompts, [the student] will initiate and increase interactions and communication during noninstructional and instructional activities, in 3 out of 5 trials.”
  - Method of Measurement: Other: Classroom Observation and Data Collection
  - Criteria (Mastery and Retention) With: 4 out of 5 trials
- Speech and Language Articulation: “During structured activities, [the student] will produce velar sounds (i.e., /k, g/) in the initial and final position of words and phrases with 80% accuracy.”
  - Method of Measurement: Other: Therapist data collection
  - Criteria (Mastery and Retention) With: 80 % Accuracy
- Reading Comprehension: “Given a read-aloud of an illustrated grade-level sentence with a bolded unknown word, [the student] will circle the correct meaning of the unknown word from (3) choices, for (4 out of 5) sentences, on (3 out of 4) progress monitoring assessments.”
  - Method of Measurement: Observation Record
  - Criteria (Mastery and Retention) With: 4 out of 5 trials
- Reading Comprehension: “After a read aloud of a grade level nonfiction passage when verbally prompted by the teacher (e.g. Teacher says “Tell us about something important that we learned from the text.”), [the student] will verbally respond with (1) question or statement about the text (e.g. Student asks “I was wondering how bears know when to wake up from hibernation?”) during (3 out of 3) class discussions.”
  - Method of Measurement: Observation Record
  - Criteria (Mastery and Retention) With: 3 out of 3 trials

The IEP requires the following special education classroom instruction:

- Five one-hour sessions of classroom instruction inside general education provided by a special education teacher, general education teacher, other service provider, or IEP team member, weekly.

- Two, 30-minute sessions of classroom instruction outside general education provided by a special education teacher, instructional assistant, or IEP team member, weekly: “[The student] will receive 2 sessions monthly for 30 minutes each for to work on social skills, to review social stories and opportunities for social interactions and groups such as lunch bunches.”

The IEP requires the related service of four 30-minute sessions of speech-language therapy monthly.

4. On September 11, 2024, the IEP team convened to conduct reevaluation planning for the student. The prior written notice (PWN) generated after the meeting reflects “the IEP team used data from the kindergarten teacher's observations, the first-grade teacher's observations, and DIBELS Testing scores as a basis for the proposals and refusals.” The IEP team decided that the student would receive updated cognitive and academic (reading, writing, math) assessments and an updated Autism Rating Scales. The PWN reflects that an administrator confirmed that the student has “a full-time Additional Adult Support in place this school year.”
5. There is documentation that on September 11, 2024, a “Notice of Consent for Assessment” was generated for the student to be assessed in academic performance, communication, and emotional/social/behavior development.
6. On November 6, 2024, the IEP team reconvened to discuss a previous state complaint. The PWN reflects the IEP team reviewed the following to make its determinations: Teacher input, DIBELS Assessment Performance, IReady Performance, Teacher Observation, and Autism Instructional Specialist Informal Observational Data.” The student’s family reported that they did not feel that the data presented was a true reflection of the student’s performance and the student needs support with phonemic awareness. The school-based team reported that the data from the 2023-24 school year DIBELS and IReady showed the need for support in phonemic awareness and the student “was on or above grade level for all other areas in Reading on both IReady and DIBELS assessments.” The autism instructional specialist reported that an informal observation conducted showed that “[the student] handled transition very well, communicated appropriately with her peers, worked to problem solve, was engaged, independently wrote and spoke in full sentences, demonstrated a positive demeanor when speaking to the specialist about what she was doing in class, and did not have to request help from the Additional Adult Support.”
7. The November 15, 2024, report of the student’s progress toward achieving the IEP goals is as follows:
  - Speech and Language Expressive Language - Making sufficient progress to meet goal (October 31, 2024)
  - Social Emotional/Behavioral - Making sufficient progress to meet goal
  - Social Emotional/Behavioral - Achieved
  - Social Emotional/Behavioral - Achieved
  - Speech and Language Articulation: Achieved (October 31, 2024)
  - Reading Comprehension – Achieved
  - Reading Comprehension – Achieved
8. The February 14, 2025, report of the student’s progress toward achieving the IEP goals reflects the student was making sufficient progress to meet the goal in social emotional/behavioral non-verbal social communication. There is no documentation of progress reported on the speech-language expressive language IEP goal.
9. While there is documentation that the student received some of the specialized instruction and accommodations required by the IEP, it does not reflect that they have been consistently provided to the student since August 2024.

- ### DISCUSSIONS AND CONCLUSIONS:

## PROVISION OF SPECIAL EDUCATION INSTRUCTION, SUPPORTS, AND RELATED SERVICES

### ADDITIONAL VIOLATIONS IDENTIFIED DURING THE COURSE OF INVESTIGATION

Based on Findings of Fact #3 and #10, MSDE finds that the PGCPs did not ensure that the IEP team convened to review the student's IEP before December 5, 2024, in order to ensure that the IEP was reviewed at least annually, in accordance with 34 CFR §300.324. Therefore, MSDE finds a violation.

Based on Findings of Fact #4, #5, and #11, MSDE finds that the PGCPs has not followed proper procedures when conducting a reevaluation of the student since September 2024, in accordance with 34 CFR §§ 300.303-.306, 300.324(a)(1) and COMAR 13A.05.01.06. Therefore, MSDE finds a violation.

### PROVISION OF IEP DOCUMENT FIVE DAYS PRIOR TO IEP MEETING

marylandpublicschools.org

### **Allegation #3**

### **PROVISION OF IEP DOCUMENT FIVE DAYS AFTER AN IEP MEETING**

Based on Finding of Fact #2, MSDE finds that the PGCPS did not provide the parent with a copy of the IEP document within five business days after the December 18, 2024, IEP team meeting, in accordance with 34 CFR § 300.322 and COMAR 13A.05.01.07. 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.<sup>1</sup> 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.<sup>2</sup> Ms. Green can be reached at (410) 767-7770 or by email at [nicole.green@maryland.gov](mailto:nicole.green@maryland.gov).

#### **Student-Specific**

By May 14, 2025, MSDE requires the PGCPS to provide documentation that the school system has:

- Provided the student with the specialized instruction and accommodations required by the IEP; completed the student's reevaluation; and provided the complainant with a copy of the IEP; and
- Convened an IEP team meeting to conduct the student's annual review 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.

---

<sup>1</sup> 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.

<sup>2</sup> 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 by May 14, 2025, of the steps it has taken to ensure that the [REDACTED] staff properly implements the requirements for the documentation of the provision of specialized instruction and accommodations, completion of reevaluations, annual review meetings, provision of IEP progress, and provision of IEPs under the IDEA. These steps must include staff development and internal monitoring. The internal monitoring report must reflect the results of investigation for 10 randomly selected students with IEPs for timely annual reviews, reevaluations, provision of documents 5 days prior to and following IEP team meetings, and implementation of services and supplementary aids and services. The internal monitoring report is due to MSDE on or before May 30, 2025.

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](mailto: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

ALH/ebh

c: Millard House II, Chief Executive Officer, PGCPs  
Darnell Henderson, General Counsel, PGCPs  
William Fields, Associate General Counsel, PGCPs  
Keith Marston, Compliance Instructional Supervisor, PGCPs  
Lois Jones-Smith, Compliance Liaison, PGCPs  
Aleia Johnson, Compliance Liaison, PGCPs  
[REDACTED], Jr., Principal, [REDACTED] School, 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