

April 24, 2025

[REDACTED]

Ms. Trinell Bowman
Associate Superintendent - Special Education
1400 Nalley Terrace
Landover, Maryland 20785

RE: [REDACTED]
Reference: #25-291

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 March 4, 2025, MSDE received a complaint from [REDACTED], hereafter, “the complainant,” on behalf of the above-referenced student. In that correspondence, the complainant alleged the Prince George’s County Public School (PGCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) concerning the student.

MSDE investigated the following allegations:

1. The PGCPS has not provided the student with special education instruction and related services in the placement required by the Individualized Education Program (IEP) since November 19, 2024, in accordance with 34 CFR §§ 300.114 and .116.
2. The PGCPS has not ensured the student has been consistently provided with special education instruction and related services as required by the IEP since November 19, 2024, in accordance with 34 CFR §§ 300.101 and .323.

BACKGROUND:

The student is a five-year-old preschool student and is identified as a student with an Other Health Impairment (OHI) under the IDEA. His residence school is [REDACTED]; his service school is [REDACTED]. He has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACT:

1. On November 18, 2024, the IEP team convened to develop an initial IEP, determine eligibility for extended school year (ESY) and determine educational placement. The prior written notice (PWN) generated after the meeting reflects the student's residence and services school as [REDACTED] School. The PWN further reflects that the IEP team determined:

- The student is eligible as a student with a Developmental Delay (DD)
- The student has communication needs but does not require assistive technology (AT)
- The student requires Supplementary Aids, Services, Program Modifications, and Supports
- The student was not eligible for ESY services
- The student requires goals in his areas of need
- The student requires specialized transportation.

The IEP team determined that the student's least restrictive environment (LRE) is "outside of general education environment" in a separate classroom. Those services are not offered at [REDACTED] School and would necessitate a change in placement for the student.

There is no documentation that the PGCPs facilitated the change in placement or the provision of transportation to the new service school.

2. The November 18, 2024, IEP reflects the student's residence school as [REDACTED] School and the service school as [REDACTED]. The student's disability is OHI. The IEP further reflects pre-academics, speech-language expressive language, speech-language receptive language, social emotional-behavioral, health/medical, and physical-adaptive as areas that are impacted by the student's disability.

The present levels of academic achievement and functional performance (PLAAFP) reflect the student's current expressive and receptive language performance as significantly delayed.

The IEP reflects that the student does not require assistive technology (AT) devices but does require AT services.

In addition, the IEP reflects communication as an area impacted by the student's disabilities. Specifically, the IEP reflects that [the student's] "communication goals/objectives and communication supports will be implemented during specialized instruction by a Special Educator and/or Speech-Language Pathologist.

The IEP requires the implementation of supplementary aids, services and accommodations:

- Daily:
 - Visual support for comprehension of language input and formulating oral responses (speaking and listening)
 - Sufficient wait time
 - Alternative ways for students to demonstrate learning
 - Core Vocabulary Board
 - Objects/Pictures during Vocabulary/Concept Instruction

- Object/Pictured Choices
- Schedule paired with Transition Cues
- Learning/Practice of self-help skills
- Strategies to initiate and sustain attention

The IEP includes the following goals:

- Pre-academics: “By 11/21/2025, during various structured and unstructured activities throughout the school day, given a picture of an item (e.g., crayons, pencil, spoon) and a choice of (2) physical corresponding items, [the student] will select the item that has the same name, identify the item by pointing to it, and name it for (4 out of 5) items, as measured by (3 out of 4) progress monitoring assessments.”
 - Method of measurement: observational record
 - Criteria mastery and retention: four out of five trials
- Social emotional-behavioral: “By November 2025, when given an opportunity to interact with peers (i.e., during center time such as the dramatic play center or during group activities), [the student] will initiate contact with peers by vocalizing (i.e., Saying, “Hello.”) or touching (i.e., Tapping on another [the student’s] shoulder) to identify and demonstrate appropriate social skills.”
 - Method of measurement: observational record
 - Criteria mastery and retention: four out of five trials
- Academic speech-language expressive: “By June 2025, when given access to visual communication supports, the student will increase his functional communication skills in order to interact with teachers and peers during classroom activities.”
 - Method of measurement: observational record
 - Criteria mastery and retention: four out of five trials
- Academic speech-language receptive: “By June 2025, when provided with visual supports, the student will follow 1-step directions related to classroom routines.”
 - Method of measurement: observational record
 - Criteria mastery and retention: four out of five trials

The IEP requires the following services:

- 18 sessions of five hours monthly of special education classroom instruction outside the general education classroom, provided by a special education teacher, instructional assistant, and IEP team.
- Transportation including an “integrated car seat”: the student “will receive transportation services until he transfers to his boundary school” at which time transportation will no longer be a related service.

The LRE requires a separate class in an early childhood special education center with inclusion opportunities outside the general education classroom.

There is no documentation that PGCPs transferred the student to the service school based on the IEP team’s determinations.

3. There is no documentation in the IEP [the student’s] communication goals/objectives and communication supports would be implemented during specialized instruction only by a speech-language pathologist.

4. The Maryland Online IEP System reflects the student is still actively enrolled at the residence school. There is no documentation that PGCPs transferred the student to the service school as required by the November 18, 2024, IEP.
5. The student's enrollment history reflects the student was withdrawn from PGCPs on November 20, 2024. There is no clarification regarding whether this withdrawal was initiated by the parent or the PGCPs.
6. There is no documentation that the student has been provided the special education instruction and related services as required by the IEP, since November 18, 2024.
7. On March 3, 2025, the Maryland Online IEP contact log reflects PGCPs contacted the parent regarding a request to remove the student from [REDACTED]¹. The parent informed PGCPs that she was upset because the lease she submitted in January 2025 was deemed illegible and she was not informed by PGCPs that another copy was required. The parent informed the PGCPs staff that the student would be enrolled for kindergarten at the neighborhood school.

The PGCPs staff discussed with the parent "that based on the current IEP, a placement outside of the general education classroom was recommended for [the student] and that if she was to enroll/continue with the enrollment at [service school] then we could assist with facilitating the appropriate [kindergarten] placement for [the student] based on the IEP and the student needs."

The parent informed the PGCPs staff that she would discuss the matter with the neighborhood school.

8. On March 18, 2025, the PGCPs contact log reflects PGCPs staff left a voicemail for the parent inquiring about the student's enrollment at the service school.

DISCUSSIONS AND CONCLUSIONS:

ALLEGATION #1

PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES IN THE PLACEMENT REQUIRED BY THE IEP

If the public agency provides a preschool program for students without disabilities, they must ensure that students with IEPs or extended IFSPs are educated in the school or typical early childhood setting that the student would attend if they did not have a disability. COMAR 13A.05.01.10(2).

In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that the placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and is made in conformity with adherence to least restrictive environment provisions. 34 CFR §§ 300.114 and .116.

¹ [REDACTED] is PGCPs student enrollment/registration system.

In this case, on November 18, 2025, the IEP team determined the student required placement in an Early Childhood Special Education Center in a separate classroom, with inclusion opportunities. The PGCPs never transferred the student records, informed the new school of his placement, or initiated transportation for the student. Instead, the PGCPs records indicate the student was withdrawn from the residence school on November 20, 2024. There is no clarification regarding whether this withdrawal was initiated by the parent or the PGCPs. There is no documentation that the PGCPs transferred the student to the service school as required by the November 18, 2024, IEP.

Based on Findings of Fact #1 through #8, MSDE finds that the PGCPs has not ensured the student was provided with special education services in the placement required by the IEP, in accordance with 34 CFR §§ 300.114 and .116. Therefore, MSDE finds a violation.

ALLEGATION #2 PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES

Based on Findings of Fact #2 and #6, MSDE finds that the PGCPs has not ensured the student was provided with special education and related services as required by the IEP since November 18, 2024, in accordance with 34 CFR §§ 300.101 and .323. 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.

MSDE has established reasonable time frames below to ensure that noncompliance is corrected in a timely manner². 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. Nicole Green, Compliance Specialist, Family Support and Dispute Resolution, MSDE, to ensure the effective implementation of the action.³ Ms. Green can be reached at (410) 767-7770 or by email at nicole.green@maryland.gov.

² 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 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, 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.

³ MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

Student-Specific

MSDE requires the PGCPs to provide documentation by June 18, 2025, that the IEP team has convened and determined the amount and nature of compensatory services or other remedies to redress the violations identified in this Letter of Finding 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 parent is provided with prior 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.

System-Based

MSDE requires PGCPs to provide documentation by June 18, 2025, of the steps it has taken to ensure that proper documentation is provided to a receiving school to effectuate a change in placement if determined by the IEP team and ensure transportation is put in place for the student to begin services at the identified school placement. These steps must include communication with appropriate staff of the proper procedures required to effectuate a change in placement for a student with a disability.

Systemic

If there is a PGCPs policy that conflicts with the special education placement process, such as treating a current PGCPs student as a new student to the PGCPs each time an IEP team determines that a student who resides in the district, and who has proven residency at a previous PGCPs school, should be placed at a different school, that is an unnecessary roadblock to the special education placement process. Such policies should be reviewed and revised for compliance purposes.

As of the date of this correspondence this Letter of Findings is considered final unless one of the parties requests a reconsideration. Requests for reconsideration must be received by this office within fifteen days of the date that the Letter of Findings is issued. However, 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, or there was a clear mistake of law in the findings. 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. Requests for reconsideration should be sent directly to Tracy Givens, Section Chief, Dispute Resolution at Tracy.Givens@maryland.gov. There are no timelines to receive a finding after a request for reconsideration. 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 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/kt

c: Millard House II, Chief Executive Office, PGCPs
Keith Marston, Compliance Instructional Supervisor, PGCPs
Lois Jones-Smith, Compliance Liaison, PGCPs
Darnell Henderson, General Counsel, PGCPs
Diana K. Wyles, Associate General Counsel, PGCPs
[REDACTED], Principal, [REDACTED] Schools, PGCPs
Dr. Brian Morrison, Branch Chief, Accountability and Data, MSDE
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Kimberlee Taylor, Complaint Investigator, MSDE