

May 20, 2025

[REDACTED]

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

Re: [REDACTED]
Reference: #25-292

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Special Education, 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 6, 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 student.

MSDE investigated the following allegations:

1. The PGCPS did not follow proper procedures to obtain the student's educational records from the previous public agency and determine comparable services upon the student's transfer to the PGCPS since August 26, 2024, in accordance with 34 CFR § 300.323.
2. The PGCPS did not ensure that the student has been provided with the special education instruction required by the Individualized Education Program (IEP) from a certified special education teacher since August 26, 2024, in accordance with 34 CFR § 300.156 and COMAR 13A.12.02.
3. The PGCPS did not ensure that Individualized Education Program (IEP) team meetings included the required participants since August 26, 2024, in accordance with 34 CFR § 300.321.
4. The PGCPS did not provide documents to the parents before or after IEP team meetings since August 26, 2024, in accordance with 34 CFR § 300.322, COMAR 13A.05.01.07D, and 34 CFR § 300.503. Specifically, you allege the following:
 - a. The PGCPS has not provided you with written invitations to the IEP team meetings.
 - b. The PGCPS did not ensure that accessible copies of each assessment, report, data chart, draft IEP, or other document the IEP team planned to discuss at the IEP team meetings were provided at least five business days before each scheduled meeting.

- c. The PGCPs did not provide a copy of the IEP documents within five business days after the IEP team meetings.
 - d. The PGCPs did not provide timely prior written notice (PWN) and did not provide PWN that addresses the parents' issues and concerns.
- 5. The PGCPs did not follow proper procedures when revising the IEP since August 26, 2024, without convening an IEP team meeting and without an agreement to amend the IEP without convening an IEP team meeting, in accordance with 34 CFR § 300.324(a)(4).
- 6. The PGCPs has not provided the student with special education services, related services and assistive technology (AT) in the placement required by the IEP since August 26, 2024, in accordance with 34 CFR §§ 300.114, and .116.
- 7. The PGCPs has not followed proper procedures when conducting an IDEA evaluation by assessing the student in a group setting since August 2024, in accordance with 34 CFR §§ 300.303- .311, and COMAR 13A.05.01.06.
- 8. The PGCPs did not follow proper procedures conducting an IDEA evaluation since August 2024, in accordance with 34 CFR §§ 300.8, 111, .301 - .311, .321 and COMAR 13A.05.01.06. You specifically allege the following:
 - a. The PGCPs did not provide a written Specific Learning Disability (SLD) report when identifying the student as a student with ██████████
 - b. The PGCPs did not ensure that the evaluation was sufficiently comprehensive to identify all of the student's special education and related service needs.
- 9. The PGCPs did not ensure that the student's teacher and related service providers had access to the student's IEP since August 2024, in accordance with 34 CFR § 300.101 and .323.
- 10. The PGCPs did not ensure that the IEP team considered the parent information and concerns at the IEP meeting since August 2024, in accordance with 34 CFR § 300.324.
- 11. The PGCPs has not ensured that the complainant was provided with reports of the student's progress toward achieving the annual IEP goals since November 2024, in accordance with 34 CFR § 300.320 and .323.
- 12. The PGCPs has not ensured that the student's IEP was reviewed and revised to address her lack of expected progress toward achieving the IEP goals, since November 2024, in accordance with 34 CFR § 300.324.
- 13. The PGCPs did not follow proper procedures when responding to a request for an Independent Education Evaluation (IEE) for the student from January 14, 2025, to February 24, 2025, in accordance with 34 CFR § 300.502 and COMAR 13A.05.01.14.
- 14. The PGCPs did not ensure that proper procedures were followed when responding to a request for a facilitated IEP team meeting since January 2025, in accordance with 34 CFR § 300.503.
- 15. The PGCPs did not ensure that parental consent was obtained prior to conducting assessments on April 7, 2025, in accordance with 34 CFR § 300.300.

BACKGROUND:

The student is 11 years old and is identified as a student with Specific Learning Disability ([REDACTED]) under the IDEA. She attends [REDACTED] School. The student has an IEP that requires the provision of special education instruction and related services.

ALLEGATIONS #1, #2, #3, #4, #5, #6, #10, #14

COMPARABLE SERVICES, PROVISION OF INSTRUCTION FROM A CERTIFIED TEACHER, PROPER PARTICIPANTS, PROVISION OF IEP TEAM MEETING DOCUMENTS BEFORE AND AFTER THE MEETING, PARENT PARTICIPATION WHEN REVISING THE IEP, PROVISION OF SPECIAL EDUCATION INSTRUCTION, RELATED SERVICES, and AT, PARENT CONCERNS, and RESPONDING TO A REQUEST FOR AN IEP TEAM MEETING

FINDINGS OF FACT:

1. The Individualized Education Program (IEP), in effect at the beginning of the 2024-2025 school year, was developed on April 17, 2024, in [REDACTED]. The IEP reflects the most recent evaluation was completed on January 21, 2022. The IEP reflects the student will “receive special education services under the category of Other Health Impairment.”

The IEP identifies areas of need in reading, mathematics, and attention/focus, and requires goals in each area of need.

The reading goal reflects “By April 2025, [Student], will increase her encoding and decoding skills from an early fourth grade to early fifth grade level with 80% accuracy given 4 out of 5 opportunities.”

The math goal reflects “By April 2025, [Student] will use her mathematical strategies to increase her mathematics skills at least a one year's growth from an early fourth grade level to an early fifth grade level with 70% accuracy on 4 out of 5 opportunities as measured by curriculum and diagnostic assessments.”

The self-management goal reflects “By April 2025, [Student] will increase her ability to sustain attention in class for at least 20 minutes without becoming distracted, as measured by teacher observation and data collection, in 4 out of 5 opportunities for 3 consecutive weeks.”

The IEP requires the following accommodations daily:

- preferential seating ([student] is easily distracted and requires preferential seating to minimize distractions and allow for redirection as needed)
- small group testing (quizzes, tests, benchmarks, and standards of learning (sol) - all subjects)
- chunk material into manageable parts (all subjects when needed - classwork, quizzes, and tests) clarify or simplify directions (all subjects when needed)
- extended time up to 25% (all subjects when needed)
- flexible schedule
- planned breaks during test, (reading- 1 passage and question set, math/[REDACTED] ([REDACTED]) studies - 10/15 questions),
- setting: test location (small group - sols –all subjects)
- calculator and arithmetic tools (grades 3-7)
- dry erase board (math sol),

- reduce number of items on classroom assignments to demonstrate skill mastery (all subjects - classwork, quizzes, and tests)
- audio: reading ("rac" required) (classwork, tests, quizzes, benchmarks, sols)
- audio: math, science, history/social science and writing (classwork, tests, quizzes, benchmarks, sols)

The IEP requires:

- 150 minutes per week of special education instruction for reading outside the general education setting
- 150 minutes per week of special education instruction for math inside the general education setting
- 90 minutes per week of special education instruction for behavior skills outside the general education setting

The IEP does not reflect the provider for instruction to the student.

The IEP does not state the student requires AT services or devices, although she uses a calculator and audio tools for academic subjects. The student does not have any related services.

2. There is no documentation that the PGCPs requested the student's record from the ██████████ school system.
3. There is no documentation that the IEP team convened a comparable services meeting upon the student's enrollment in August 2024.
4. The September 24, 2024, IEP team meeting notice reflects the purpose of the meeting is to convene the "Initial IEP meeting," scheduled for October 2, 2024. The meeting notice reflects the following IEP team members were expected to participate in IEP team meeting: case manager, assistant principal, school counselor, general education teacher, parent, school psychologist.
5. On September 26, 2024, the following documents were emailed to the complainant in preparation for an IEP team meeting on October 2, 2024:
 - graduation requirements class of 2021 and beyond
 - parental rights Maryland procedural safeguards notice
 - Parents' Guide to Habilitative Services
 - IEP meeting notice
 - Draft IEP
6. On October 2, 2024, the IEP team convened to develop the student's IEP. The IEP reflects this is an initial Maryland IEP, however, because there was no evaluation completed, this was not an initial IEP. (See Technical Assistance Bulletin 23-01) It was an annual review meeting, and the IEP team adopted sections of the ██████████ IEP. The IEP reflects that math problem solving, organizational skills/executive functioning, reading phonics, and self-management are areas impacted by the student's disability.

The IEP requires the implementation of the following instructional and assessment accessibility features:

- text to speech for the mathematics, science and social studies assessment
- small group
- time of day

- frequent breaks
- reduced distraction to self

The IEP requires the implementation of the following Instructional and assessment accommodations:

- used to test English language arts (ELA)/literacy
- mathematics tools including calculator and non-calculator section with mathematics testing
- monitor test response,
- extended time (2.0)

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

- Daily - frequent and or immediate feedback, monitor independent work, repetition of directions, check for understanding, allow use of manipulatives, use of positive concrete reinforcers.
- Weekly - I ready reading intervention, lexia core 5, modified contents, break down assignments into smaller units.

The IEP includes goals in reading phonics, math, problem solving, self-management, organizational skills, and executive functioning.

The IEP requires three hours per week of special education instruction outside the general education setting to be provided by the special education teacher and/or instructional assistant.

The IEP requires five hours per week of special education instruction inside the general education setting to be provided by the special education teacher, general education teacher, and/or instructional assistant.

The IEP requires that progress reports towards achieving annual IEP goals be issued quarterly.

The IEP states that the student does not require AT services or devices, however, the student is provided with text to speech software and the use of a calculator, which are AT devices. The student does not require related services.

7. The PWN developed following the October 2, 2024, IEP team meeting reflects the IEP team convened for the purpose of reviewing/revising the IEP. The PWN reflects the school system proposed the following actions:
 - add organizational skills as a goal
 - update supplemental services to include an organizational checklist
 - contact occupational therapy
 - determine if reading comprehension goal is needed by November 6, 2024
 - add frequent breaks as an accommodation

The IEP team considered the possibility of including a reading comprehension goal but determined that there was not enough data to support one at this time. The team decided to postpone the decision until the end of the quarter, when additional data was available to enable a more informed choice.

There is no documentation of the participants in the October 2, 2024, IEP team meeting.

8. On October 15, 2024, the complainant sent an email to PGCPs. The email reflects the complainant:
 - requested the IEP, PWN, and meeting notes for review to consent to the services and accommodations
 - requested that the student be re-evaluated for special education services
9. On October 15, 2024, a PGCPs staff member, emailed the complainant sharing the following:
 - the PWN notice is attached
 - the IEP team will reconvene November 6, 2024, for updates
 - re-evaluation is slated for January 20, 2025
10. The October 23, 2024, IEP team meeting notice reflects the purpose of the meeting was to consider reevaluation to determine need for additional data, determine services and/or determine continued eligibility. The meeting notice reflects the following IEP team members were expected to participate in the IEP team meeting on October 28, 2024. The IEP case manager, assistant principal, counselor, general education teacher, general education teacher, complainant and psychologist.

There is no documentation that the meeting notice was provided to the complainant.

11. The PWN developed following the October 28, 2024, IEP team meeting, reflects the IEP team convened for the purpose of "identification/eligibility" The PWN reflects the IEP team proposed a comprehensive evaluation covering cognitive functioning (processing, working memory, comprehension, attention, anxiety, and executive functioning) and academic areas (reading, math, and writing). Assessments will include cognitive tests, rating scales, observations, and academic testing. The complainant requested homework support, which the IEP team agreed to implement immediately as a Homework Plan under IEP accommodations, including staff checks of the homework agenda. The PWN reflects the IEP will be amended to reflect this change.

There is documentation that the IEP was amended to include homework planning.

The October 28, 2024, IEP team meeting sign in sheet reflects the following participants: complainant, school psychologist, general education math teacher, general education English language arts, general education social science teacher, school counselor, principal designee and the special education teacher.

There is no documentation, the complainant was provided with the PWN.

12. The December 2, 2024, IEP team meeting notice reflects the purpose of the meeting was to Review Results of Comprehensive Testing. The meeting notice reflects the following IEP team members were expected to participate in the IEP team meeting scheduled for December 11, 2024. The IEP case manager, assistant principal, general education teacher, general education teacher, and parent.

There is no documentation that the meeting notice was provided to the complainant.

There is no documentation of who participated in the IEP team meeting, on December 11, 2024.

13. On December 6, 2024, the PGCPs school psychologist emailed the student's cognitive report to the complainant.

14. The PWN developed following an IEP team meeting on December 11, 2024, reflects the IEP team convened for the purpose of "evaluation/re-evaluation, assessment." The PWN reflects the IEP team agreed to the following:

- the student is eligible for specialized instruction under the disability code of specific learning disability (SLD) [REDACTED]
- the IEP goals should include executive functioning, and organizational skills
- the IEP should include writing intervention, incorporate ways to display master, and eliminate distractions
- test taking time should be extended to two hours
- the parents agreed with the discussion and assessment result and the IEP team will reconvene with thirty days to develop the IEP

There is no documentation that the special education teacher participated in the IEP team meeting on December 11, 2024.

There is no documentation, the complainant was provided with the PWN.

15. The January 15, 2025, IEP team meeting notice reflects the purpose of the meeting, was to review and if appropriate revise the IEP, and to consider extended school year (ESY). The notice reflects the following IEP team members were expected to participate in the IEP team meeting on January 29, 2025: special education teacher, assistant principal, general education teacher, general education teacher, and the complainant.

There is no documentation that the meeting notice was provided to the complainant.

16. On January 23, 2025, the PGCPs emailed the following documents to the complainant in preparation for an IEP team meeting on January 29, 2025:

- safeguards
- 2022 habilitative services guide
- graduation requirements
- draft IEP

17. On January 25, 2025, the complainant emailed the PGCPs compliance staff and requested a facilitated IEP meeting and permission to audio record the meeting starting with the January 29, 2025, meeting.

18. The PWN generated after the January 29, 2025, IEP team meeting reflects the IEP team convened for the purpose of reviewing/revising the IEP. The PWN reflects the IEP team proposed the following:

- update [student's] disability code from [REDACTED] to [REDACTED], as initially determined in December 2024 by the IEP team based on multiple confirming data points.
- ensure the eligibility page reflects the most recent re-evaluation data
- update current evaluation data accordingly
- remove text-to-speech for English language arts (ELA), remove lexia as a reading intervention. and remove "modified content" from supplementary aids
- reconvene to complete Appendix D and determine if [student] qualifies for text-to-speech in reading
- the complainant requested a research-based reading intervention focused on teacher-directed instruction
- the complainant was provided with the "Parents Guide to Resolving Disagreements"

There is no documentation of the school-based team who attended the IEP team meeting on January 29, 2025.

There is no documentation, the complainant was provided with the PWN.

While there is documentation that the complainant recorded the IEP team meeting; it was not recorded in compliance with the PGCPs' policy. Therefore, the audio recording cannot be used in this investigation.

19. The January 23, 2025, IEP team meeting notice reflects the purpose of the meeting was to review and, if appropriate revise, the IEP and to consider ESY. The notice reflects the following IEP team members were expected to participate in the IEP team meeting on February 26, 2025. The special education teacher, assistant principal, general education teacher, and parent.

There is no documentation that the meeting notice was provided to the complainant.

20. The IEP developed on February 26, 2025, reflects that math problem solving, organizational skills/executive functioning, reading comprehension, written language expression, written language mechanics, and self-management are areas impacted by the student's disability.

The IEP requires the implementation of the following instructional and assessment accessibility features:

- text-to-speech for the mathematics, science and social studies assessments (available in English only)
- graphic organizer
- small group
- time of day
- frequent breaks
- reduce distractions to self

The IEP requires implementation of the following Instructional and assessment accommodations:

- instructional and assessment accommodations used to test english literacy and. mathematics tools including calculator and non-calculator section with mathematics testing.
- monitor test response,
- extended time (2.0)

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

- Daily – use of word processor for extended writing assignments, allow use of organizational aids, other: home/school communication plan: check accuracy of recording homework by designated staff with fading assistance as student demonstrates independence, frequent and/or immediate feedback, monitor independent work, repetition of directions, check for understanding, allow use of manipulatives, use of positive/concrete reinforcers, preferential seating
- Weekly - use of word bank to reinforce vocabulary and/or when extended writing is required, researched based reading intervention, researched based math intervention, break down assignments into smaller units

The IEP includes goals in reading phonics, reading comprehension, math problem solving, written language mechanics, written language expression, organizational skills/executive functioning, self-management,

The IEP requires:

- five hours per week of special education instruction outside the general education setting to be provided by the special education teacher and/or instructional assistant.
- five hours and twenty-five minutes per week of special education instruction inside the general education setting to be provided by the special education teacher and/or instructional assistant.

The IEP requires that progress reports towards achieving annual IEP goals be provided quarterly.

The IEP states that the student does not require AT services or devices, however, the student is provided with text to speech software and the use of a calculator, which are AT devices. The student does not require related services.

21. The PWN generated after the February 26, 2025, IEP team meeting reflects the team convened for the purpose of reviewing and revising the IEP. The PWN reflects the IEP team reviewed and proposed goals, special education instruction, supplementary aids and services, least restrictive environment and accommodations.

The IEP team agreed to reconvene to review Appendix D, in order to ensure the complainant has time to review the documents.

There is no documentation of the IEP team member participants in the February 26, 2025, IEP team meeting.

There is no documentation, the complainant was provided with the PWN from the meeting.

22. There is no documentation to support the complainant's allegation that the IEP team revised the IEP outside of an IEP team meeting, since August 2024.

23. There is no documentation that the student was provided with instruction as required by the IEP. There is no documentation that the complainant was provided with reports of progress as required by the IEP.

CONCLUSIONS:

Educational Records

Based on Finding of Fact #3, MSDE finds that the PGCPs did not follow proper procedures to obtain the student's educational records from the previous public agency upon the student's transfer to the PGCPs since August 26, 2024, in accordance with 34 CFR § 300.323. Therefore, MSDE finds a violation.

Comparable Services

Based on Findings of Fact #1 through #3, MSDE finds that the PGCPs did not follow proper procedures to determine comparable services upon the student's transfer to the PGCPs since August 26, 2024, in accordance with 34 CFR § 300.323. Therefore, MSDE finds a violation.

Proper Participants

Based on Findings of Fact #4, #12, #14, and #21, MSDE finds that the PGCPs did not ensure that IEP team meetings included the special education teacher, in the IEP team meetings on October 2, 2024, and December 11, 2024, in accordance with 34 CFR § 300.321. Therefore, MSDE finds a violation.

Provision of IEP Team Meeting Notice

In this case while there is documentation of written invitations to the IEP team meetings on October 28, 2024, December 11, 2024, January 29, 2024, and February 26, 2024, there is no documentation that the complainant was provided with the written invitations.

Based on Finding of Fact #4, MSDE finds that the PGCPs did not provide the complainant with a timely written invitation to the IEP team meeting on October 2, 2024, in accordance with 34 CFR § 300.322, COMAR 13A.05.01.07D, and 34 CFR § 300.503. Therefore, MSDE finds a violation.

Notwithstanding the violation, based on Finding of Fact #7, MSDE finds that the complainant participated in the IEP team meeting. Therefore, no additional student-based corrective action is required.

Based on Findings of Fact #10, #12, #15, and #19, MSDE finds that there is no documentation that the PGCPs provided the complainant with written invitations to the IEP team meetings convened on October 28, 2024, December 11, 2024, January 29, 2024, and February 26, 2024, in accordance with 34 CFR § 300.322, COMAR 13A.05.01.07D, and 34 CFR § 300.503. Therefore, MSDE finds a violation.

Notwithstanding the violation, based on Findings of Fact #11, #14, #18 and #21, MSDE finds that the complainant participated in the IEP team meetings on October 28, 2024, December 11, 2024, January 29, 2024, and February 26, 2024. Therefore, no additional student-based corrective action is required.

Provision of IEP Documents Five Days Prior to IEP Meeting

Based on Findings of Fact #14, and #16, MSDE finds that the PGCPs did not ensure that accessible copies of each assessment, report, data chart, draft IEP, or other document the IEP team planned to discuss at the IEP team meetings, were provided at least five business days before each scheduled meeting on October 2, 2024 and January 29, 2025, in accordance with 34 CFR § 300.322, COMAR 13A.05.01.07D, and 34 CFR § 300.503. Therefore, MSDE finds a violation.

Notwithstanding the violation, MSDE finds that based on Findings of Fact #8, #9, and #18, MSDE finds that the complainant participated in the October 2, 2024, and January 29, 2024, IEP team meetings and provided input. Therefore, no student-based corrective action is required.

Based on Findings of Fact #13 and #18, MSDE finds that the PGCPs did ensure that accessible copies of each assessment, report, data chart, draft IEP, or other document the IEP team planned to discuss at the IEP team meetings, were provided at least five business days before each scheduled meeting on December 15, 2024 and February 26, 2025, in accordance with 34 CFR § 300.322, COMAR 13A.05.01.07D, and 34 CFR § 300.503. Therefore, MSDE does not find a violation.

Provision of IEP Document Following the Meeting

Based on Findings of Fact #6 and #20, MSDE finds the PGCPs did not provide a copy of the IEP documents within five business days after the IEP team meetings held on October 2, 2024, and February 26, 2025, in accordance with 34 CFR § 300.322, COMAR 13A.05.01.07D, and 34 CFR § 300.503. Therefore, MSDE finds a violation.

Provision of Proper Written Notice of the IEP Decisions

Based on Findings of Fact #11, #14, #18, and #21, MSDE finds that the PGCPs did not provide timely PWN after the October 28, 2024, December 15, 2024, January 29, 2025, and February 26, 2025, IEP team meetings, in accordance with, 34 CFR § 300.503. Therefore, MSDE finds a violation.

Based on Finding of Fact #9, MSDE finds the PGCPs did provide timely PWN after the October 2, 2024, IEP team meeting in accordance with 34 CFR § 300.503. Therefore, MSDE does not find a violation concerning this aspect of the allegation.

Provision of Instruction from a Certified Teacher

Based on Findings of Fact #1, #6, #20, and #23, MSDE finds that the PGCPs mistakenly required written consent to implement the October 2, 2024, IEP, prolonging the period of time the student was without services and without reports of progress, as required by the IEP. Because the October 2, 2025, IEP was not an initial IEP, the IEP team was required to provide the complainant with reports of the student's progress toward achieving the annual IEP goals since November 2024, in accordance with 34 CFR §§ 300.320 and .323. Therefore, MSDE does find a violation.

Provision of Related Services, AT, and Special Education Instruction in the Placement Required by the IEP

Based on Findings of Fact #1, #6, and #20, MSDE finds that the IEPs in effect since August 2024, did not require related services or AT services, but did require the use of AT devices. As a result, the PGCPs was not required to provide related services or AT services in accordance with 34 CFR § 300.323. Therefore, MSDE does not find a violation.

Based on Findings of Fact #1, #6, and #20, MSDE finds that the student is in the placement, required by the IEP since October 2, 2024, in accordance with 34 CFR § 300.323. Therefore, MSDE does not find a violation.

Parent Concerns

Based on Findings of Fact #11, #14, #18, and #21, MSDE finds that the PGCPs did address the parents concern raised during IEP team meetings since August 2024 in accordance with 34 CFR § 300.324. Therefore, MSDE does not find a violation.

Parent participation in an IEP Meeting when revising an IEP

Based on Finding of Fact #22, the MSDE finds that the MCPS did not revise the IEP without the opportunity for parent participation since January 2024, in accordance with 34 CFR § 300.322. Therefore, MSDE does not find a violation.

Responding to a request for an IEP team meeting

Based on Finding of Fact #17, MSDE finds the PGCPs did ensure that proper procedures were followed when responding to a request for a facilitated IEP team meeting since January 2025, in accordance with 34 CFR § 300.503. Therefore, MSDE does not find a violation.

ALLEGATION #7

EVALUATION PROCEDURES

FINDING OF FACT:

24. There is no documentation to support the complainant's allegation that the PGCPs assessed the student in a small group setting when completing the academic assessment.

CONCLUSION:

In this case, the complainant alleges that the PGCPs staff administered the assessment in a small group setting. As a result, the complainant raised concerns about the validity of the assessment.

Based on Finding of Fact #24, MSDE finds that there is no documentation that the student was assessed in a small group. Therefore, PGCPs did follow proper procedures when conducting an IDEA evaluation, since August 2024, in accordance with 34 CFR §§ 300.303- .311, and COMAR 13A.05.01.06. Therefore, MSDE does not find a violation.

ALLEGATION #8

IDENTIFYING PROCEDURES and ASSESSING IN ALL AREAS OF SUSPECTED DISABILITY

FINDINGS OF FACT:

25. There is documentation that the PGCPs completed the SLD Team Report on February 26, 2025. There is no documentation that the report was provided to the complainant.
26. There is no documentation that the school-based team suspected additional areas of need.

CONCLUSIONS:

Identifying procedures

Based on Finding of Fact #25, MSDE finds that the PGCPs did not provide a written SLD report when identifying the student as a student with [REDACTED] on February 26, 2025, in accordance with 34 CFR §§ 300.8, 111,.301 - .311,.321 and COMAR 13A.05.01.06. Therefore, MSDE finds a violation.

Assessing in all areas of suspected disability

Based on Findings of Fact #25 and #26, MSDE finds that the PGCPs did ensure that the evaluation was sufficiently comprehensive to identify all of the student's special education and related service needs since August 2024, in accordance with 34 CFR §§ 300.8, 111,.301 - .311, and COMAR 13A.05.01.06. Therefore, MSDE does not find a violation.

ALLEGATIONS #9, #11, #12

**ACCESS TO IEP, REPORT OF PROGRESS, REVIEW IEP TO
ADDRESS LACK of PROGRESS**

FINDINGS OF FACT:

27. There is no documentation that the student's teacher had access to the student's IEP since August 2024.
28. Because PGCPs did not determine comparable services at the start of the school year, and because they did not implement the October 2, 2024, or the following IEP that was developed on February 2, 2025, there is no progress to report.

CONCLUSIONS:

Access to IEP

Based on Finding of Fact #27, the MSDE finds the PGCPs did not ensure that the student's teachers had access to the student's IEP since August 2024, in accordance with 34 CFR § 300.101 and .323. Therefore, MSDE finds a violation.

Based on Findings of Fact #1, #6, and #20, the MSDE finds the IEP did not require related services as a result, there is no requirement to provide the IEP to additional service providers since August 2024, in accordance with 34 CFR § 300.101 and .323. Therefore, MSDE does not find a violation.

Reports of progress

The public agency must provide the parent of a student with a disability with progress toward meeting the annual goals, as outlined in the IEP (34 CFR § 300.320).

Based on Findings of Fact #6 and #23, the PGCPs mistakenly required written consent to implement the October 2, 2024, IEP. As a result, the IEP team was required to provide the complainant with reports of the student's progress toward achieving the annual IEP goals since November 2024, in accordance with 34 CFR §§ 300.320 and .323. Therefore, MSDE does find a violation.

Review IEP to address lack of progress

Based on Findings of Fact #28, there is no documentation to support the allegation.

ALLEGATION # 13

**PROPER PROCEDURES WHEN RESPONDING FOR A
REQUEST FOR AN INDEPENDENT EDUCATIONAL
EVALUATION**

FINDINGS OF FACT:

29. On January 14, 2025, the complainant emailed a request for an Independent Educational Evaluation (IEE). The email reflects the complainant raised the following concerns:
- The Woodcock-Johnson test was improperly administered, affecting its reliability.
 - Student's phonological coding difficulties, pointing to ██████████, are overlooked in her evaluation.
 - Lexia is unsuitable for her needs; research-backed methods like Orton-Gillingham and personalized instruction would be more effective.

30. There is documentation that on February 21, 2025, the PGCPs responded with an email that included a response letter to the complainant's request for an IEE made on January 14, 2025. The email reflects the following documents were included: funding letter, evaluator agreement, IEE guidelines, and list of providers.

DISCUSSION AND CONCLUSION:

Parents of a student with a disability have the right to obtain an IEE at public expense when the parent disagrees with the public agency's evaluation. The public agency shall provide a written response approving or denying the request within thirty days of the date the request was made. If the public agency approves the request, it must advise the parent of the process for arranging the evaluation at public expense. If the public agency denies the request, it must file a due process complaint within 30 days of the date of the denial. (COMAR 13A.05.01.14)

In this case, the complaint made a request for an IEE on January 14, 2025. The PGCPs responded approving the request on February 21, 2025; outside of the required thirty-day timeline.

Based on Findings of Fact #29, MSDE finds that the PGCPs did not follow proper procedures by failing to respond within thirty days a request for an IEE that was made following the IDEA evaluation, made on January 14, 2025, in accordance with 34 CFR § 300.502 and COMAR 13A.05.01.14. Therefore, MSDE finds a violation.

Notwithstanding the violation, based on Finding of Fact #30, MSDE finds the PGCPs responded to the complainant's request on February 21, 2025, and granted the request for an IEE. Therefore, no additional corrective action is required.

ALLEGATION #15

EVALUATION PROCEDURES

FINDING OF FACT:

31. There is no documentation to support the allegation that the student was evaluated on April 7, 2025.

CONCLUSION:

Based on Finding of Fact #31, MSDE finds the PGCPs did not evaluate the student on April 7, 2025, in accordance with 34 CFR § 300.300. As a result, parental consent was not required. Therefore, MSDE does not find a violation.

CORRECTIVE ACTIONS and 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.

MSDE has established reasonable timeframes below to ensure that noncompliance is corrected in a timely manner. ¹This 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 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

MSDE requires the PGCPs to provide documentation by July 7, 2025, that it has completed the following actions:

- a. Requested the student's records from the prior public agency.
- b. Ensured that the IEP reflects if AT services and/or devices are required.
- c. Provided the complainant with a copy of the SLD report.
- d. Provided the complainant with PWNs developed on October 28, 2024, December 11, 2024, January 29, 2025, and February 26, 2025.
- e. Provided the complainant with copies of the student's IEP.
- f. Ensured that the student is receiving instruction as required by the IEP
- g. Convened an IEP team meeting to determine compensatory services for the lapse in services for the 2024-2025 school year.

The PGCPs must ensure that the complainant 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.

School-Based

MSDE requires the PGCPs to provide documentation by July 7, 2025, of the steps it has taken to ensure that the [REDACTED] School staff properly implements the requirements for the provision of IEP documents before and after the IEP team meeting, providing comparable services, processes for addressing transferring students, and securing educational records from prior public education agencies under the IDEA and COMAR. These steps must include staff development, as well as tools developed to monitor compliance and document the provision of services.

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

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 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.

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.

written request must include a compelling reason for 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. 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 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 Special Education

ALH/ra

c: Millard House, II, Superintendent, PGCPs
Trinell Bowman, Associate Superintendent, Special Education PGCPs
Darnell Henderson, Chief Counsel, PGCPs
Diana Wyles, Associate General Counsel, PGCPs
William Fields, Associate General Counsel, PGCPs
Keith Marston, Supervisor of Compliance, PGCPs
Lois Smith-Jones, Compliance Liaison, PGCPs
[REDACTED], Principal, [REDACTED] School, PGCPs
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Dr. Brian Morrison, Director, Accountability and Data, MSDE
Alison Barmat, Director, Family Support and Dispute Resolution Branch, MSDE
Nicole Green, Compliance Specialist, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Rabiatu Akinlolu, Complaint Investigator, MSDE