

May 6, 2025

[REDACTED]

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

RE: [REDACTED]  
Reference: #25-294

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 3, 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 did not follow proper procedures in the identification and evaluation of the student to determine if she requires special education services under IDEA since March 6, 2024, in accordance with 34 CFR §§ 300.111, and .301-.311.
2. The PGCPS has not developed and implemented an Individualized Education Program (IEP) that addresses the student’s identified behavioral needs since the start of the 2024- 2025 school year, in accordance with 34 CFR §§ 300.101, .323 and .324.
3. The PGCPS has not ensured the IEP team addressed the complainant’s concerns about the student receiving support from a dedicated aide since the start of the 2024-2025 school year, in accordance with 34 CFR § 300.324.
4. The PGCPS has not ensured the complainant was provided with quarterly progress reports towards the achievement of the annual IEP goals since the start of the 2024-2025, in accordance with 34 CFR § 300.320.

5. The PGCPs did not ensure the complainant was provided with accessible copies of each document the IEP team planned to discuss at the October 21, 2024, IEP team meeting at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.07.
6. The PGCPs did not provide the complainant with a copy of the IEP document within five business days after the IEP meetings scheduled during the 2024-2025 school year, in accordance with COMAR 13A.05.01.07.
7. The PGCPs has not ensured the complainant was provided with prior written notice since the start of the 2024-2025, in accordance with 34 CFR § 300.503.

**BACKGROUND:**

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

**ALLEGATION #1**

**EVALUATION PROCEDURES**

**FINDINGS OF FACT:**

1. On June 6, 2024, the IEP team proposed and agreed to conduct an initial evaluation. The evaluation included assessments in the following areas: reading, mathematics, written language, intellectual/cognitive functioning, emotional social/behavioral development, observation, and autism rating scales.

The prior written notice (PWN) generated after the meeting reflects the IEP team proposed to:

- assess the student in the 2024-2025 school year as the school could not guarantee both academic and cognitive/intellectual assessments could be conducted over the summer
- resume collecting data in the 2024-2025 school year as the team only had 5 weeks of observations completed at the time of the meeting, and
- retain the student, finish the Functional Behavioral Assessment (FBA), put additional supports in place, and monitor the student's progress with the additional interventions

The IEP team did not implement the proposed actions identified in the PWN as they were in disagreement about the next steps. The IEP team agreed to reconvene after researching further options.

2. On June 22, 2024, the complainant provided written consent for the evaluation.
3. On September 17, 2024, the PGCPs convened an IEP team meeting. The PWN generated after the meeting reflects that the IEP team reviewed psychological assessments and determined the student was eligible for special education services as a student with an OHI. The IEP team further determined the student should have goals in the areas of reading phonics, math calculation, written expression, and self-management. The IEP team agreed to conduct an FBA and reconvene in thirty days to develop the student's initial IEP. There is no documentation that the FBA has been conducted.

4. On October 21, 2024, the PGCPs convened an IEP team meeting to develop the student's initial IEP. The PWN generated after the meeting reflects the complainant inquired about the FBA and Behavior Intervention Plan (BIP) and a dedicated aide or alternate placement. The team agreed to reconvene to develop the FBA and BIP. The IEP team also agreed to consult with the special education instructional specialist based on the complainant's request for a dedicated aide or alternate placement.

#### **DISCUSSIONS AND CONCLUSION:**

The IEP team shall complete an initial evaluation of a student within sixty days of parental consent for assessments and ninety days of the public agency receiving a written referral, 34 CFR § 300.301 and COMAR 13A.05.01.06(A).

In this case, the team agreed to conduct an initial evaluation on June 6, 2024, and the complainant provided written consent on June 22, 2024. The PGCPs met to review the assessments and determined eligibility on September 17, 2024. The evaluation timeline lapsed on August 21, 2024. There are no provisions in State or federal regulations to delay the completion of assessments over the summer or due to a lack of staffing during certain timeframes.

Based on Findings of Fact #1 through #4, MSDE finds that the PGCPs did not follow proper procedures in the identification and evaluation of the student to determine if the student requires special education services under IDEA since March 6, 2024, in accordance with 34 CFR §§ 300.111, and .301-.311. Therefore, MSDE finds a violation.

#### **ALLEGATIONS #2 and #3**

#### **DEVELOPMENT AND IMPLEMENTATION OF THE IEP PARENTAL CONCERNS**

#### **FINDINGS OF FACT:**

5. The October 21, 2024, IEP reflects the student is eligible for special education services as a student with OHI.

The Behavioral Self-Management goal reflects: "By October 2025, when verbally asked to demonstrate a self-selected, familiar listening behavior during a group activity, the student will independently demonstrate 1 observable aspect of a listening behavior, scoring 1 out of 1 on 8 out of 10 progress monitoring assessments."

- Method of Measurement: Informal Procedures: Observation records
- Criteria: 8 out of 10 trials

6. The IEP requires the following supplementary aids and services to support the student's behavior daily:
  - A token and reward system for positive behavior.
  - Breaks as needed
  - Use of positive/concrete reinforcers
  - Encouragement/reinforcement of appropriate behavior in academic and non-academic settings
  - Recess will not be taken as a consequence

The IEP requires weekly:

- 10 sessions of 30 minutes of specialized instruction each inside the general education classroom to address deficits in Reading Phonics, Math Calculation, Written Expression, and Self-Management. The student will receive assistance during independent or small group time so that she is able to receive support with completing her assignments.
- 5 sessions of 30 minutes each outside the general education classroom to address deficits in Reading Phonics, Math Calculation, Written Expression, and Self-Management. This time can be used for intervention, IEP goal work, and work on unfinished classroom-based assignments.

There is no documentation that the student's IEP has been consistently implemented.

## **DISCUSSIONS AND CONCLUSIONS:**

### **Development and Implementation of the IEP**

The public agency must ensure that a meeting to develop an IEP is conducted within 30 days of a determination that the child needs special education and related services (34 CFR § 300.323).

In this case, the student's initial IEP was developed on October 21, 2024. The IEP reflects self-management as an area of impact. The IEP includes goals, supplementary aids, and special education instruction to address the student's self-management needs.

Based on Findings of Fact #5 and #6, MSDE finds that the PGCPs has developed an IEP that addresses the student's identified behavioral needs since the start of the 2024-2025 school year, in accordance with 34 CFR §§ 300.101, .323 and .324. Therefore, MSDE does not find a violation.

Based on Finding of Fact #6, MSDE finds that the PGCPs has not consistently implemented an IEP that addresses the student's identified behavioral needs since the start of the 2024-2025 school year, in accordance with 34 CFR §§ 300.101, .323 and .324. Therefore, MSDE finds a violation.

### **Parental Concerns**

In developing the IEP, the team must consider the concerns of the parent for enhancing the education of the child, including the determination of supplementary aids and services (34 CFR § 300.324).

In this case, the IEP team agreed on September 17, 2024, that an FBA would be conducted. The complainant inquired about the FBA at the October 21, 2024, IEP team meeting. There is no documentation that an FBA has been completed. The complainant inquired about a dedicated aide or an alternative placement. There is no documentation that the IEP team addressed the complainant's concerns.

Based on Findings of Fact #4 through #6, MSDE finds that the PGCPs has not ensured the IEP team addressed parental concerns about the student receiving support from a dedicated aide since the start of the 2024-2025 school year. Therefore, MSDE finds a violation.

#### **ALLEGATION #4**

#### **REPORTING OF PROGRESS**

##### **FINDINGS OF FACT:**

7. The October 21, 2024, IEP requires the complainant to be notified in writing of the student's progress towards the IEP goals on a quarterly basis.
8. There is no documentation that the parent was provided with quarterly progress reports towards the achievement of the annual IEP goals as required by the IEP since the start of the 2024-2025 school year.

##### **DISCUSSION AND CONCLUSION:**

In addition, 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 #7 and #8, MSDE finds that the PGCPS has not consistently provided quarterly progress reports towards the achievement of the annual IEP goals since the start of the 2024-2025, in accordance with 34 CFR § 300.320. Therefore, MSDE finds a violation.

#### **ALLEGATION #5**

#### **PROVISION OF DOCUMENTS BEFORE THE MEETING**

##### **FINDING OF FACT:**

9. There is no documentation that the parent was provided with accessible copies of each document the IEP team planned to discuss at the October 21, 2024, IEP team meeting at least five business days before the scheduled meeting.

##### **DISCUSSION AND CONCLUSION:**

It is the public agency's responsibility to ensure that the parent of a student with a disability is provided a copy of each document the IEP team planned to discuss at the IEP team meeting at least five business days before the scheduled meeting (COMAR 13A.05.01.07).

Based on Finding of Fact #9, MSDE finds that the PGCPS did not ensure the complainant was provided with accessible copies of each document the IEP team planned to discuss at the October 21, 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.

#### **ALLEGATION #6**

#### **PROVISION OF IEP DOCUMENT AFTER THE MEETING**

##### **FINDING OF FACT:**

10. There is no documentation that the parent received a copy of the IEP document within five business days after the IEP meetings scheduled during the 2024-2025 school year.

**DISCUSSION AND CONCLUSION:**

It is the public agency's responsibility to ensure that the parent of a student with a disability is provided an accessible copy of the completed IEP not later than five business days after the scheduled IEP team meeting (COMAR 13A.05.01.07).

Based on Finding of Fact #10, MSDE finds that the PGCPs did not provide the complainant with a copy of the IEP document within five business days after the IEP meetings scheduled during the 2024-2025 school year, in accordance with COMAR 13A.05.01.07. Therefore, MSDE finds a violation.

**ALLEGATION #7**

**PROVISION OF PRIOR WRITTEN NOTICE**

**FINDING OF FACT:**

11. There is no documentation that PGCPs provided the parent with the PWN following IEP team meetings since the start of the 2024-2025 school year.

**DISCUSSION AND CONCLUSION:**

The public agency must provide parents of a child with a disability written notice within a reasonable time before proposing or refusing to initiate or change the child's identification, evaluation, educational placement, or the provision of a free appropriate public education (FAPE) (34 CFR § 300.503).

Based on Finding of Fact #11, MSDE finds that the PGCPs did not ensure the complainant was provided with prior written notice since the start of the 2024-2025 school year, in accordance with 34 CFR § 300.503. 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 manner. <sup>1</sup>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.

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<sup>1</sup> 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.

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<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 June 17, 2025, MSDE requires the PGCPs to provide documentation that the school system has:

- Conducted the FBA
- Convened an IEP team meeting to review the FBA, develop a BIP if appropriate, and address the parent's concern regarding the need for a dedicated aide.
- Provided the complainant with a copy of the October 21, 2024, IEP, quarterly progress reports towards the achievement of the annual IEP goals, and the PWNs from the start of the 2024-2025 school year.
- Convened an IEP team meeting to determine appropriate compensatory services to address the impact of the violations outlined in this letter of findings.

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 June 17, 2025, of the steps it has taken to ensure that ██████████ staff properly implements the requirements for all violations 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/documents.

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. The written request for reconsideration should be provided to Tracy Givens, Section Chief, Dispute Resolution via email [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.

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<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.

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 Special Education

ALH/kt

c: Millard House II, Chief Executive Office, PGCPs  
Trinell Bowman, Associate Superintendent for Special Education, PGCPs  
Keith Marston, Compliance Instructional Supervisor, PGCPs  
Lois Jones-Smith, Compliance Liaison, PGCPs  
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