

May 14, 2025

Ms. Kendall Eaton, Esq.
Staff Attorney, Project HEAL
Maryland Center for Developmental Disabilities
Kennedy Krieger Institute
1741 Ashland Avenue, Office 412
Baltimore, MD 21205

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

Re: [REDACTED]
Reference: #25-300

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 14, 2025, MSDE received a complaint from Ms. Kendall Eaton, Esq., hereafter, "the complainant," on behalf of the above-referenced student. In that correspondence, the complainant alleged that the Prince George's County Public Schools (PGCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) concerning the above-referenced student.

MSDE investigated the following allegations:

1. The PGCPS has not ensured that the student's progress toward achieving the Individualized Education Program (IEP) goals was measured in the manner required by the IEP since March 2024, in accordance with 34 CFR § 300.320.
2. The PGCPS has not ensured that the student was provided with special education instruction from a certified special education teacher since August 2024, in accordance with 34 CFR § 300.156 and COMAR 13A.12.02.
3. The PGCPS has not followed proper procedures when developing the student's IEP in accordance with 34 CFR §§ 300.320 and .324. Specifically, you allege that the IEP does not contain a statement of measurable annual goals in adapted physical education, speech-language expressive language, and math calculation designed to meet needs that result from the student's disability to enable the student to be involved in and make progress in the general education curriculum.

4. The PGCPs did not ensure the meeting notice for the November 2024 meeting reflected the purpose for the IEP team meeting, in accordance with 34 CFR § 300.322 and COMAR 13A.05.01.07D.
5. The PGCPs did not provide the parent with prior written notice (PWN) of the IEP team decisions from the February 6, 2025, IEP team meeting, in accordance with 34 CFR § 300.503.

BACKGROUND:

The student is 10 years old and is identified as a student with multiple disabilities (Intellectual Disability and Other Health Impairment) under the IDEA. The student attends [REDACTED] School ([REDACTED]) and has an IEP that requires the provision of special education instruction and related services.

SUMMARY OF FINDINGS AND CONCLUSION:

The PGCPs acknowledges that violations occurred with respect to Allegations #1 - #5. Specifically, the PGCPs acknowledges it:

- Has not ensured that the student's progress toward achieving the IEP goals were measured in the manner required by the IEP since March 2024
- Has not ensured that the student was provided with special education instruction from a certified special education teacher since August 2024
- Has not ensured that the IEP contains a statement of measurable annual goals in adapted physical education, speech-language expressive language, and math calculation designed to meet needs that result from the student's disability to enable the student to be involved in and make progress in the general education curriculum
- Did not ensure the meeting notice for the November 2024 meeting reflected the purpose for the IEP team meeting
- Did not provide the parent with prior written notice of the IEP team decisions from the February 6, 2025, IEP team meeting.

MSDE concurs and appreciates the PGCPs' acknowledgment that violations have occurred with respect to the allegations.

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, the 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.¹ 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.

¹ The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency corrects noncompliance in a timely manner, which is as soon as possible, but not later than one year from the date of identification of the noncompliance. The OSEP has indicated that, in some circumstances, providing the remedy could take more than one year to complete. If noncompliance is not corrected in a timely manner, 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 Branch, MSDE, to ensure the effective implementation of the action.² Ms. Green can be reached at (410) 767-7770 or by email at nicole.green@maryland.gov.

Student-Specific

By July 13, 2025, MSDE requires the PGCPs to provide documentation that the school system has:

- Reviewed and revised the IEP to ensure that it contains measurable annual goals in all areas of need;
- Measured the student's progress toward the annual goals in the manner required by the IEP;
- Provided the parent with the PWN from the February 6, 2025, IEP meeting; and
- Convened and determined whether the violation related to the failure to provide instruction from a certified special education teacher since August 2024, had a negative impact on the student's ability to benefit from the education program. If the IEP team determines that there was a negative impact; it must also determine the amount and nature of compensatory services or other remedies to redress the violation and develop a plan for the provision of those services within a year of the date of this Letter of Findings.

The PGCPs must ensure that the parents are provided with written notice of the team's decisions. The parents maintain 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 13, 2025, of the steps it has taken to ensure that the [REDACTED] staff properly implements the requirements for the violations identified in this Letter of Findings under the IDEA. These steps must include staff development, as well as tools developed to monitor compliance and documentation of the provision of services.

Additionally, the PGCPs must review at least 10 randomly selected student records to review for the provision of special education instruction from a certified special education teacher. The monitoring report must be submitted to MSDE on or before July 13, 2025. If there are other similarly situated students, PGCPs must convene IEP team meetings for those students to determine compensatory services and develop a plan for the provision of those services within a year of the date of this Letter of Findings.

As of the date of this correspondence, this Letter of Findings is considered final. This office will not reconsider the conclusions reached in this Letter of Findings unless new, previously unavailable documentation is submitted and received by this office within fifteen days of the date of this correspondence. The new documentation must support a written request for reconsideration, and the written request must include a compelling reason why the documentation was not made available during the investigation. Request for reconsideration should be submitted to Tracy Givens, Section Chief, Dispute Resolution, at Tracy.Givens@maryland.gov. Pending this office's decision on a request for reconsideration, the public agency must implement any corrective actions within the timelines reported in this Letter of Findings.

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.

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 Special Education Services

ALH/ebh

c: Millard House II, Chief Executive Officer, PGCPs
Darnell Henderson, General Counsel, PGCPs
Diana K. Wyles, Associate General Counsel, PGCPs
William Fields, Associate General Counsel, PGCPs
Keith Marston, Compliance Instructional Supervisor, PGCPs
Lois Jones Smith, Compliance Liaison, PGCPs
Mr. LaRon Martin, 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, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Nicole Green, Compliance Specialist, MSDE
Elizabeth B. Hendricks, Complaint Investigator, MSDE