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August 5, 2016

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Ms. Trinell Bowman  
Director of Special Education  
Prince George's County Public Schools  
John Carroll Elementary School  
1400 Nalley Terrace  
Landover, Maryland 20785

RE: XXXXX  
Reference: #16-115

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS), has completed the investigation of the complaint regarding special education services for the above-referenced student. This correspondence is the report of the final results of the investigation.

**ALLEGATIONS:**

On April 22, 2016, the MSDE received a complaint from Ms. XXXXXXXXXXX, hereafter, "the complainant," on behalf of her son, 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) with respect to the student.

The MSDE investigated the allegations listed below.

1. The PGCPS did not ensure that the Individualized Education Program (IEP) addressed the student's pragmatic language, written language, and social, emotional and behavioral needs since April 22, 2015, in accordance with 34 CFR §300.324.
2. The PGCPS did not provide proper written notice of IEP team decisions made on April 22, 2015, in accordance with 34 CFR §300.503.

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3. The PGCPS has not ensured that the student's seizures have been tracked as required by the IEP since April 22, 2015, in accordance with 34 §§300.101 and .323.
4. The PGCPS has not ensured that the student has been provided with special education instruction in accordance with the IEP during periods of time in which substitute teachers were assigned to provide instruction since April 22, 2015, in accordance with 34 CFR §§300.101 and .323.
5. The PGCPS did not ensure that proper procedures were followed on May 20, 2015, when determining the student's need for Extended School Year (ESY) services in accordance with 34 CFR §300.106 and COMAR 13A.05.01.08.
6. The PGCPS did not follow proper procedures on October 9, 2015, when responding to a request for an Independent Educational Evaluation (IEE) in accordance with 34 CFR §300.502.

**INVESTIGATIVE PROCEDURES:**

1. On April 22, 2016, the MSDE sent a copy of the complaint, via facsimile, to Mrs. Joan Rothgeb, former Director of Special Education, PGCPS; Dr. LaRhonda Owens, Supervisor of Compliance, PGCPS; Ms. Gail Viens, Deputy General Counsel, PGCPS; and Ms. Kerry Morrison, Special Education Instructional Specialist, PGCPS.
2. On April 26, 2016, the complainant provided the MSDE with documentation to consider.
3. On April 29, 2016 and May 3, and 5, 2016, Ms. Sharon Floyd, Education Program Specialist, MSDE, contacted the complainant by telephone and clarified the allegations to be investigated.
4. On May 6, 2016, the MSDE sent correspondence to the complainant that acknowledged receipt of the complaint and identified the allegations subject to this investigation. On the same date, the MSDE notified the PGCPS of the allegations and requested that the PGCPS review the alleged violations.
5. On May 10, 2016, Ms. Floyd discussed the allegations being investigated with Ms. Morrison, PGCPS.
6. On June 1, 2016, Ms. Floyd and Ms. K. Sabrina Austin, Education Program Specialist, MSDE, conducted a site visit and reviewed the student's educational record at the XXXXXXXXXXXXXXXXXXXX, and interviewed the following school system staff:

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- a. Ms. XXXXXXXXXXXX, Principal;
- b. Ms. XXXXXXXXXXXX, Special Educator and IEP Chairperson; and
- c. Ms. XXXXXXXXXXXX, Counselor.

Ms. Morrison, Ms. Deborah Anzelone, Instructional Supervisor, PGCPS, and Ms. Diane Reisinger, Special Education Instructional Specialist, PGCPS attended the site visit and record review as representatives of the PGCPS and to provide information on the school system's policies and procedures, as needed.

7. From June 15, 2016 to July 27, 2016, the PGCPS provided the MSDE with documentation to consider.
8. The MSDE reviewed documentation, relevant to the findings and conclusions referenced in this Letter of Findings, which includes:
  - a. IEPs, dated May 20, 2015, April 21, 2015 and May 24, 2016;
  - b. IEP progress reports, dated June 19, 2015, November 9, 2015, January 22, 2016, and April 11, 2016 and teacher collected data on the student's goals for the progress reports;
  - c. Email messages between the PGCPS and the complainant, dated September 30, 2015 to May 12, 2016;
  - d. Report of a private speech/language assessment, dated September 30, 2014;
  - e. Report of the private speech/language assessment, dated October 29, 2014;
  - f. Report of the private neuropsychological assessment, dated October 29, 2014;
  - g. IEP team summary reports, dated May 20, 2015, October 12, 2015, April 12, 2015 and May 24, 2016;
  - h. Emergency health plan dated August 25, 2015;
  - i. Notes of a classroom observation, dated December 15, 2015;
  - j. Report of a Functional Behavior Assessment (FBA), dated February 27, 2015, Behavior Intervention Plan (BIP), dated March 23, 2015, and samples of the student's behavioral data sheet and self-reminder card;
  - k. Chart of Supplementary Aids and Services, dated October 9, 2015 to June 10, 2016;
  - l. Logs of related services, dated April 14, 2015 to November 24, 2015;
  - m. Report from the complainant, dated April 21, 2015;
  - n. Report of a private Health Diagnosis and Treatment Plan, dated January 26, 2015;
  - o. Audio recordings of the IEP team meetings dated April 21, 2015, May 20, 2015, August 31, 2015 and October 26, 2015;
  - p. Email from the complainant requesting an IEE in the area of behavior, dated October 20, 2015;
  - q. Report of staff attendance during the 2015-2016 school year;

- r. Email messages between the complainant and the MSDE, dated July 22, 2016; and
- s. Correspondence from the complainant containing allegations of violations of the IDEA, received by the MSDE on April 22, 2016.

**BACKGROUND:**

The student is ten (10) years old and is identified as a student with an Other Health Impairment related to the diagnosis of Attention Deficit Hyperactivity Disorder under the IDEA. The student attends XXXXXXXXX Elementary School and has an IEP that requires the provision of special education and related services (Docs. a, f, g, and n).

There is documentation that the parent participated in the education decision-making process and was provided with written notice of the procedural safeguards during the time period addressed by this investigation (Docs. a, b, g, m, o, and p).

**ALLEGATION #1                      ADDRESSING THE STUDENT’S PRAGMATIC  
LANGUAGE, WRITTEN LANGUAGE AND SOCIAL,  
EMOTIONAL AND BEHAVIORAL NEEDS**

**FINDINGS OF FACTS:**

**Pragmatic Language Needs**

1. On April 21, 2015, the IEP team met and considered a report of the results of a privately conducted Comprehensive Assessment of Spoken Language from the Connections Therapy Center. The report states that there were “slight speech/language weaknesses identified in the assessment in the areas of nonliteral language and pragmatic judgment.” The report states that the student’s “overall language performance did not have an adverse educational impact on the student’s performance.” However, the evaluator recommended that the student receive direct speech/language services to address pragmatic language (Docs. d and i).
2. Based on the data, the team determined that the student does not require speech/language services. However, at the complainant’s request, the team agreed that the speech/language pathologist would observe the student and meet with teachers to discuss the results of the private assessment report (Docs. d and i).
3. On May 20, 2015, the IEP team reconvened and considered the results of another private speech/language assessment, the Clinical Assessment of Articulation and Phonology conducted at the Mount Washington Pediatric Hospital. The report of that assessment states that the student needs “to learn how to engage appropriately in social situations by learning to use pragmatic language, applying pragmatic judgment and

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taking turns during conversations with peers while engaging in social situations.” However, the evaluator recommended direct speech/language therapy to address “mild speech articulation difficulties,” which was not an area of need that was identified in the assessment report (Docs. d, e, g and i).

4. At the May 20, 2015 IEP team meeting, the speech/language pathologist reported on an observation of the student engaged in role play situations where he was able to use reflective listening and pragmatic language skills to solve problems with peers in the structured classroom activity. The speech/language pathologist stated that the student was able to use language effectively during the classroom observation. The speech/language pathologist did not recommend that the student receive speech services (Docs. g and i).
5. The audio recording of the IEP team meeting held on May 20, 2015 reflects that while the IEP team determined that the student does not require speech/language services, it decided to adopt the recommendations from the privately conducted speech/language assessments for supports such as allowing the student to repeat and paraphrase instructions during instruction and monitoring his social and behavioral skills during social situations (Doc. o).
6. On October 12, 2015, the IEP team met again and considered the results of another observation conducted by the speech/language pathologist that was conducted as a result of the IEP team’s recommendation from April 21, 2015. The speech/language pathologist observed the student interacting appropriately with his peers and teachers while managing transitions “seamlessly.” It was reported that, during recess, the student interacted very little with his peers. All of the student’s teachers reported that he does not have pragmatic language needs. Based on this data, the IEP team determined that the student does not need speech/language services for pragmatic language. The complainant continued to express her concerns about the student’s pragmatic language skills. As a result of the complainant’s continued concerns, the IEP team recommended that the speech/language pathologist provide pragmatic language strategies for the school counselor to use when working with the student (Doc. g and i).
7. On April 12, 2016, the IEP team met to review the results of a Functional Behavioral Assessment (FBA) conducted as a result of concerns from the complainant that the student’s behaviors were resulting in “punitive consequences” and negative social interactions with peers. The PGCPs behavioral specialist conducted the FBA to address the complainant’s concerns and provide the IEP team with the student’s current behavioral information. He determined that the student’s behaviors of picking his fingers and making comments and gestures during unstructured times are to gain attention and sensory input. The behavioral specialist recommended that the IEP team consider using

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“Pragmatic Organized Structured Activities”<sup>1</sup> when the student engages in making inquisitive comments. The behavioral specialist also recommended providing routines, check-ins, a drawing pad, books, an electronic device, movement breaks and access to a squish ball to meet the student’s sensory needs. The IEP team did not have sufficient time to consider the recommendations made by the behavioral specialist and decided to reconvene to do so (Docs. g, j, and o).

8. On May 24, 2016, the IEP team reconvened but it did not have time to consider the recommendations made by the behavioral specialist and decided to reconvene again in order to do so. However, to date, the IEP team has not yet reconvened to complete the IEP review (Docs. a, b, d, e, and g).

### **Written Language Needs**

9. At the May 20, 2015 IEP team meeting, the team reviewed a private Neuropsychological Evaluation from the Mount Washington Pediatric Hospital that included recommendations for the use of graphic organizers, external cues, multi-sensory instruction, positive prompting, frequent natural breaks and preferential seating to support the student’s attention and writing needs. The IEP team adopted these recommendations. The classroom teacher reported that the “student’s willingness to write depends upon his motivation for the topic of interest and the teacher’s proximity.” The complainant requested a dedicated aide to assist the student with his writing. The IEP team denied the complainant’s request for a dedicated aide, stating that “the student is capable of writing and does not require the services of a dedicated aide.” However the IEP team did not address the student’s interfering behavior related to a lack of motivation when writing (Docs. f, g, and o).
10. At the IEP team meeting held on October 12, 2015 the Assistive Technology Specialist conducted an observation of the student in response to the complainant’s concerns about the student’s writing. The specialist reported that the team needed additional data from the student’s teachers and time to implement recommendations that were made as a result of the observation. The recommendations include the use of graphic organizers, checklists for the writing steps and the collection of data on the student’s writing indicating when the student uses graphic organizers and when he does not use graphic organizers to be able to determine the impact of graphic organizers on the student’s writing. The IEP team adopted the recommendations but there is no documentation that it has collected and reviewed the data that was recommended (Docs. a, b, g, k, and o).

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<sup>1</sup> Pragmatic organized structured activities include, but are not limited to, social stories, role plays, and structured conversations that include practicing using language for different purposes, changing language according to the listener and following the rules of language ([www.ASHA.org](http://www.ASHA.org)).

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### **Social, Emotional, and Behavioral Needs**

11. The IEP developed on May 20, 2015 indicates that the student has social, emotional, and behavioral needs in the areas of attention, controlling impulses, and maintaining compliance with school rules (Doc. a).
12. The IEP includes annual goals for the student to improve social, emotional, and behavioral skills in order to complete his assignments and manage his own behavior with decreased verbal prompts, conflict management on a daily basis, identification of acceptable behaviors, and using appropriate language needed to engage in peer interactions (Doc. a).
13. The IEP includes supports such as the use of positive, concrete reinforcers, a communication system between school and home to improve the consistency of the student's behavior, visual cues, preferential seating, and monitoring and counseling services (Doc. a).
14. The IEP also requires the student to receive counseling support to manage his feelings of frustration and anxiety during the school day, to include understanding his classroom behaviors, the classroom expectations and the consequences for not following the expectations while at school (Doc. a).
15. At the May 20, 2015 IEP team meeting, a Behavioral Intervention Plan (BIP) was revised using the BIP from the student's previous school along with teacher reports of the student's current behavioral functioning. The BIP included strategies to increase the student's task completion and reduce conflicts with peers by using daily behavioral sheets for the student to gain insight into his own behavior and using redirection strategies by the teachers (Doc. j).
16. At the IEP team meeting held on April 12, 2016, the team considered the results of a Functional Behavioral Assessment (FBA) that was conducted as a result of the complainant's request. The two (2) behaviors of concern for the student that were identified in the assess report included picking his fingers and fingernails and making comments and "gestures of a sexually inquisitive nature." Recommendations to prevent the targeted behaviors included providing structured routines and organized activities, counseling, and replacement behaviors (Doc. j).
17. At the IEP team meeting held on April 12, 2016, the IEP team determined that the student did not require a Behavioral Intervention Plan (BIP) based on information from the school staff that he made significant progress with improving the targeted behaviors and that the behaviors were not impacting his education. The complainant did not agree and requested a Social Skills Assessment and an assessment for Depression and Anxiety. The team discussed that a Mental Health Status Evaluation had been conducted at the XXXX

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XXXXXX in May 2015 and decided to reconvene to review that data when it was made available to the IEP team. However, there is no information or documentation that, to date, this has occurred (Docs. a, b, j, and k).

### **DISCUSSION/CONCLUSIONS:**

The public agency must offer each student with a disability a Free Appropriate Public Education (FAPE) through an IEP that includes special education and related services that address the student's identified needs. In developing each student's IEP, the public agency must ensure that the IEP team considers the strengths of the student, the concerns of the parents for enhancing the education of the student, the results of the most recent evaluation, and the academic, developmental, and functional needs of the student. In the case of a student whose behavior impedes his learning or that of others, the IEP team must consider positive behavioral interventions and supports, and other strategies, to address that behavior (34 CFR §§300.101, .320 and .324).

#### **Pragmatic Language Needs Since April 22, 2015**

Based on the Findings of Facts #1 - #6, the MSDE finds that from April 2015 to April 2016 the IEP team considered the information from the school staff and complainant and developed an IEP consistent with those identified needs.

However, based on the Findings of Facts #7 and #8, however, the MSDE finds that the IEP team has not made decisions about supports recommended by the behavioral specialist since April 12, 2016. Therefore, this office finds that the PGCPS has not ensured that the IEP includes all needed supports, and that a violation occurred with respect to this aspect of the allegation.

#### **Written Language Needs Since April 22, 2015**

Based on the Findings of Facts #9 and #10, the MSDE finds the IEP team has not addressed behavior that interferes with the student's development of written language skills since May 2015.

Further, based on the Finding of Fact #10, the MSDE also finds that the PGCPS has not ensured that the data determined necessary by the IEP team on October 12, 2015, has been obtained in order to ensure that the student's writing needs are addressed. Therefore, the MSDE finds that a violation occurred with respect to this aspect of the allegation.

#### **Social, Emotional, and Behavioral Needs since April 22, 2015**

In this case, the complainant alleges that the student's social, emotional and behavioral needs require special services beyond what the IEP team has agreed to at the IEP team meetings (Docs. m, a and s).

Based on the Findings of Facts #7, #11-14, and #16, the MSDE finds that from April 2015 to April 2016, the team has developed an IEP that is consistent with the data regarding the student's needs.

However, based on the Findings of Facts #16 and #17, the MSDE finds that the PGCPS has not ensured data determined necessary by the team on April 12, 2016 has been obtained in order to ensure that all of the student's needs have been identified and addressed. Also, based on Finding of Fact #9, the MSDE finds that the PGCPS has not ensured that the IEP team has addressed the student's behavior that is interfering with development of written language skills. Therefore, this office finds a violation has occurred with respect to this aspect of the allegation.

**ALLEGATION #2                      PRIOR WRITTEN NOTICE OF IEP TEAM DECISIONS  
MADE ON APRIL 22, 2015**

**FINDINGS OF FACTS:**

18. An email, dated April 27, 2015, was sent by the IEP case manager, to the complainant forwarding the IEP and team summary that documents the decisions made by the team on April 22, 2015 (Doc. c).

**DISCUSSION/CONCLUSIONS:**

The public agency must provide the parent with written notice prior to any proposal or refusal to initiate or change the identification, evaluation, or educational placement or the provision of a FAPE. This notice must include a description of the action, and explanation of why the public agency is taking or refusing to take the action, a description of the data used as a basis for the decision, and a description of other options that were considered (34 CFR §300.503).

Based on the Finding of Fact #18, the MSDE finds that there is documentation that complainant was provided with written notice of the decisions made at the April 22, 2015 team meeting. Therefore this office does not find a violation occurred.

**ALLEGATION #3                      TRACKING OF SEIZURES SINCE APRIL 22, 2015**

**FINDINGS OF FACTS:**

19. The IEP, dated May 20, 2015, states that the student requires an emergency health care plan to provide his teachers with information about his seizure disorder, recognizing symptoms, responding to seizures, and how to monitor the seizures. The written summary of the May 20, 2015 IEP team meeting states that teachers were provided with a chart to track the student's seizures so they would be able to determine how often the symptoms of the student's seizure disorder occurred during the school day (Docs. a and g).

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20. On August 25, 2015 the emergency health care plan was developed to include a description of the symptoms of a seizure disorder the student was experiencing, a list of procedures for the teachers to follow when the student is observed to be having symptoms of a seizure and follow up procedures to ensure needed information is documented once symptoms have occurred and ended (Doc. h).
21. While there is documentation that the teachers tracked the symptoms of the student's seizure disorder through most of the 2015-2016 school year, there is no documentation that his symptoms were tracked from May 30, 2015 to the end of the 2014-2015 school year (Doc. k).

### **DISCUSSION/CONCLUSIONS:**

The public agency is required to ensure that the student is provided with the special education and related services required by the IEP (34 CFR §300.101).

In this case the complainant alleges that "the tracking form needed to document the occurrence of the student's seizure disorder was never administered to the teachers or completed by the staff" (Docs. m and s).

Based on the Findings of Facts #19 -#21, the MSDE finds that symptoms of the student's seizure disorder were tracked from the start of the 2015-2016 school year until May 30, 2015. However, there is not documentation of the monthly tracking system from May 30, 2015 to the end of the 2014-2015 school year. Therefore, this office finds that a violation occurred with respect to the allegation.

### **ALLEGATION #4**

### **SPECIAL EDUCATION INSTRUCTION WHEN SUBSTITUTE TEACHERS WERE ASSIGNED**

### **FINDINGS OF FACTS:**

22. The IEP requires that special education classroom instruction be provided primarily by the special education teacher with the assistance of the general education teacher and the instructional assistant (Doc. a).
23. There is documentation that the special education teacher was absent seven days between April 22, 2015 and the end of the 2015-2016 school year. There is also documentation that during those seven (7) days, the general education teacher and the instructional assistant provided the special education instruction to the students (Doc. q).
24. During that period of time from April 22, 2015 to the end of the 2015-2016 school year, the special education teacher was also out of the classroom sixteen (16) times to attend IEP team meetings. On those sixteen (16) occasions substitutes were provided to assist the general education teacher in providing instruction. During the special education

teacher's absence, the instructional assistant was in the classroom to provide services for the student's with IEPs (Docs. a, t and interview with school staff).

**DISCUSSION/CONCLUSIONS:**

As stated above, the public agency is required to ensure that the student is provided with the special education and related services required by the IEP (34 CFR §§300.101, and .323).

In this case the complainant alleges that the student did not receive special education services when substitute teachers provided instruction (Docs. m and s).

Based on the Findings of Facts #22-#24, the MSDE finds that because the special education instruction is not to be provided solely by the special education teacher, the documentation does not support the allegation. Therefore, this office does not find that a violation occurred.

**ALLEGATION #5                      EXTENDED SCHOOL YEAR SERVICES**

**FINDINGS OF FACTS:**

25. On May 20, 2015, the team convened to consider the student's need for Extended School Year (ESY) services. The team made the following decisions:
  - a. The student's IEP does not have annual goals related to critical life skills;
  - b. The student does not demonstrate any patterns of regression;
  - c. Because the student does not have annual goals related to critical life skills, there was no data regarding progress on such goals;
  - d. There was no presence of emerging skills or breakthrough opportunities;
  - e. There were no significant interfering behaviors exhibited by the student;
  - f. The nature and severity of the student's disability did not warrant ESY services and the team determined that the student's difficulties would not increase due to a lack of ESY; and
  - g. There were no other special circumstances that indicated a need for ESY services (Docs. a and g).
  
26. Based on the above information, at the meeting, the team determined that the benefits the student received from his educational program during the regular school year would not be significantly jeopardized if the student was not provided with ESY services (Docs. a and g).

**DISCUSSION/CONCLUSIONS:**

ESY services are the individualized extension of specific special education and related services that are provided to a student beyond the normal school year. At least annually, each public

agency must ensure that the IEP team determines whether a student requires ESY services in order to receive a FAPE (34 CFR §300.106 and COMAR 13A.05.01.03).

When determining whether ESY services are required, the IEP team must consider all of the factors below:

1. Whether the student's IEP includes annual goals related to critical life skills;
2. Whether there is a likelihood of substantial regression of critical life skills caused by the normal school break and a failure to recover those lost skills in a reasonable time;
3. The student's degree of progress toward mastery of the annual IEP goals related to critical life skills;
4. The presence of emerging skills or breakthrough opportunities;
5. Interfering behaviors;
6. The nature and severity of the disability; and
7. Special circumstances (COMAR 13A.05.01.08).

After considering the required factors, the IEP team must decide whether the benefits that a student receives from the education program during the regular school year will be **significantly jeopardized** [emphasis added] if the student is not provided with ESY services (*MM v. School District of Greenville Co. (S.C.)*, 303 F3d. 523, 37 IDELR 183 (4<sup>th</sup> Cir. 2002).

Based on the Findings of Facts #25 and #26, the MSDE finds that there is documentation that the IEP team followed proper procedures when determining that the student did not require ESY services during the summer of 2015. Therefore this office finds that a violation did not occur with respect to the allegation.

**ALLEGATION #6                      RESPONSE TO A REQUEST FOR AN INDEPENDENT  
EDUCATIONAL EVALUATION**

**FINDINGS OF FACTS:**

27. On April 22, 2016, the complainant requested that an independent FBA be completed at the PGCPSS' expense (Doc. p).
28. On June 10, 2016, the PGCPSS denied the request made by the complainant to fund an Independent Educational Evaluation (IEE) at the school system's expense and requested a due process hearing to defend its evaluation. There is no documentation of why it took forty-eight (48) days for the school system to respond to the complainant's request (Doc. c).

### **DISCUSSION/CONCLUSIONS:**

Parents have the right to request an IEE at public expense each time the public agency conducts an evaluation with which the parent disagrees. Upon receipt of a request from the parent, the public agency must, *without unnecessary delay*, either ensure that the IEE is provided or file a due process complaint to request a hearing to demonstrate that its evaluation is appropriate (34 CFR §§300.502).

Based on the Findings of Facts #27 and #28, the MSDE finds that the PGCPS filed a due process complaint to defend the FBA but there is an unexplained delay of forty-eight (48) days. Therefore, the MSDE finds that a violation did occur with respect to the allegation.

Notwithstanding the violation, based on the Finding of Fact #28, the MSDE finds that the PGCPS did ensure that a due process complaint was filed, as required. Therefore, no student specific corrective action is required to remediate the violation.

### **CORRECTIVE ACTIONS/TIMELINES:**

#### **Student Specific**

The MSDE requires the PGCPS to provide documentation by October 1, 2016 of the following:

- a. The IEP team has considered the data from the student's teachers regarding the student's assistive technology needs and reviewed and revised the IEP consistent with the data. If the IEP is revised based on the data, the team must also determine the compensatory services or other remedy for the delay in the provision of services.
- b. The IEP team has determined whether to adopt recommendations for pragmatic organized structured activities and if so, the compensatory services or other remedy for the delay in the provision of services.
- c. Determine whether the violation related to the delay in implementation of the health care plan negatively impacted the student's ability to benefit from the educational program, and if so the services needed to remediate the violation.

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.

#### **School-Based**

The MSDE requires the PGCPS to provide documentation by December 1, 2016 of the steps it has taken to ensure that the XXXXXXXXXXXX staff properly implements the requirements in the

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areas of noncompliance identified through this investigation. The documentation must include a description of how the PGCPS will evaluate the effectiveness of the steps taken and monitor to ensure that the violations do not recur.

**TECHNICAL ASSISTANCE:**

Technical assistance is available to the complainants and the PGCPS by Ms. Bonnie Preis, Compliance Specialist, MSDE, at (410) 767-0255. Please be advised that both the complainants and the PGCPS have the right to submit additional written documentation to this office, which must be received within fifteen (15) days of the date of this letter, if they disagree with the findings of facts or conclusions reached in this Letter of Findings. The additional written documentation must not have been provided or otherwise available to this office during the complaint investigation and must be related to the issues identified and addressed in the Letter of Findings.

If additional information is provided, it will be reviewed and the MSDE will determine if a reconsideration of the conclusions is necessary. Upon consideration of this additional documentation, this office may leave its findings and conclusions intact, set forth additional findings and conclusions, or enter new findings and conclusions. Pending the decision on a request for reconsideration, the school system must implement any corrective actions consistent with the timeline requirements as reported in this Letter of Findings.

Questions regarding the findings, conclusions and corrective actions contained in this letter should be addressed to this office in writing. The parent and the school system 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 FAPE for the student, including issues subject to this State complaint investigation, consistent with the IDEA. The MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Marcella E. Franczkowski, M.S.  
Assistant State Superintendent  
Division of Special Education/Early Intervention Services

MEF: sf

c:	Kevin M. Maxwell	Kerry Morrison	Anita Mandis
	Gwendolyn J. Mason	XXXXXXXXXX	Sharon Floyd
	LaRhonda R. Owens	Dori Wilson	Bonnie Preis