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June 16, 2016

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Mrs. Joan Rothgeb  
Director of Special Education  
Prince George's County Public Schools  
John Carroll Elementary School  
1400 Nalley Terrace  
Landover, Maryland 20785

RE: XXXXX  
Reference: #16-116

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 28, 2016, the MSDE received a complaint from Ms. XXXXXXXX, 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 following allegations:

1. PGCPS has not ensured that, since April 28, 2015, the Individualized Education Program (IEP) has addressed the student’s cognitive/academic skills, speech/language and communication skills, social, emotional and behavioral needs, toileting skills, and fine motor needs, in accordance with 34 CFR §§300.101 and .324.
2. The PGCPS has not ensured that the student has consistently been provided with the special education instruction required by the IEP from a certified special education teacher, during the 2015 – 2016 school year, in accordance with 34 CFR §300.156.

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3. The PGCPS has not ensured that the IEP team has addressed the complainant's concern, raised at the November 17, 2015 IEP team meeting, that the student requires a dedicated assistant, in accordance with 34 CFR §300.324.
4. PGCPS did not ensure that the IEP team meeting convened on November 11, 2015 included the required participants, in accordance with 34 CFR §§300.321.
5. The PGCPS has not ensured that the complainant was provided with the prior written notice of the decisions by the IEP team at the February 9, 2016 IEP team meeting, in accordance with 34 CFR §300.503 and COMAR 13A.05.01.12.
6. With respect to the April 12, 2016 IEP team meeting, the PGCPS did not ensure that:
  - a. The complainant was provided with notice of the IEP team meeting, in accordance with 34 CFR §300.322 and COMAR 13A.05.01.07;
  - b. The complainant was provided with the proposed IEP at least five (5) business days prior to the IEP team meeting, in accordance with 34 CFR §300.501 and COMAR 13A.05.01.07; and
  - c. The IEP team meeting included the required participants, in accordance with 34 CFR §§300.321.

#### **INVESTIGATIVE PROCEDURES:**

1. On April 29, 2016, the MSDE provided a copy of the State complaint, by facsimile, to Mrs. Joan Rothgeb, 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 May 11, 2016, Ms. K. Sabrina Austin, Education Program Specialist, MSDE, conducted a telephone interview with the complainant and her advocate, Ms. Deborah Martin, to clarify the allegations to be investigated.
3. On May 13, 2016, the MSDE sent correspondence to the complainant that 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.
4. On May 31, 2016, Ms. Austin received an electronic mail communication from the PGCPS staff acknowledging that violations occurred with respect to the allegations. On the same date, Ms. Austin conducted a telephone interview with Ms. Jodi Kaseff, Instructional Assistant, Special Education Compliance, PGCPS, to discuss the school system's acknowledgement of violations.

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5. On May 31, 2016 and June 3, 2016, the MSDE received documentation from the PGCPS.
6. The MSDE reviewed documentation, relevant to the findings and conclusions referenced in this Letter of Findings, which includes:
  - a. Correspondence from the complainant alleging violations of the IDEA, received by the MSDE on April 28, 2016;
  - b. Electronic mail communication from the school system staff to the MSDE, dated May 31, 2016; and
  - c. June 2, 2016 agenda of a training addressing the requirements of providing documents to parents at least five (5) business days before an IEP team meeting, and sign-in sheet of attendees.

#### **BACKGROUND:**

The student is nine (9) years old, is identified as a student with Autism under the IDEA, and has an IEP that requires the provision of special education and related services. The student attends XXXXXXXXX (Doc. a).

#### **SUMMARY OF FINDINGS AND CONCLUSIONS:**

The PGCPS staff acknowledge that a violation of State or federal law or regulation occurred with respect to each allegation identified for investigation in this State complaint, and report that the school staff have already convened an IEP team meeting with the complainant to discuss the violations, and have conducted training of the school staff to address the requirements of providing documents to parents at least five (5) business days before an IEP team meeting (Docs. a - c).

The MSDE concurs with the PGCPS's conclusions and appreciates the school system's response to the investigation.

#### **CORRECTIVE ACTIONS/TIMELINE:**

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

1. The IEP team has convened and taken the following actions:
  - a. Reviewed and revised the IEP to address the student's cognitive/academic skills, speech/language and communication skills, social, emotional and behavioral needs, toileting skills, and fine motor needs; and

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- b. Determined the compensatory services to be provided to the student in order to remediate the violations identified in this Letter of Findings.
2. The complainant has been provided with the Prior Written Notice of the decisions made by the IEP team at the February 9, 2016 IEP team meeting.
3. The steps that have been taken, including staff training, to ensure that the school staff comply with the requirements to ensure the following:
  - a. Notice to parents at least ten (10) days prior to an IEP team meeting;
  - b. The required members of an IEP team are invited to, and participate in, IEP team meetings;
  - c. Parents are provided with documents, including the draft IEP if it has been developed, at least five (5) business days prior to the IEP team meeting where the documents will be discussed; and
  - d. Parents are provided with prior written notice of the decisions by the IEP team following an IEP team meeting.

The MSDE also requires the PGCPS to provide documentation, by October 1, 2016, that the student is being provided with special education instruction by a certified special education teacher.

Documentation of all corrective action taken is to be submitted to this office to: Attention: Chief, Family Support and Dispute Resolution Branch, Division of Special Education/Early Intervention Services, MSDE.

**TECHNICAL ASSISTANCE:**

Technical assistance is available to the parties by contacting Dr. Nancy Birenbaum, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE at (410) 767-7770.

Please be advised that both the complainant 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

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request for reconsideration, the school system must implement any corrective actions consistent with the timeline requirement as reported in this Letter of Findings.

Questions regarding the findings and conclusions contained in this letter should be addressed to this office in writing. 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 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

c: Kevin Maxwell  
Shawn Joseph  
Gwendolyn Mason  
LaRhonda Owens  
Kerry Morrison  
Jodi Kaseff  
XXXXXXXXXXXX  
Dori Wilson  
Anita Mandis  
K. Sabrina Austin