



200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • msde.maryland.gov

June 30, 2016

XXX
XXX
XXX

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

RE: XXXXX
Reference: #16-123

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 May 9, 2016, the MSDE received a complaint from Ms. XXXXXXXXXXXX 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 above-referenced student.

The MSDE investigated the following allegations:

1. The PGCPS has not ensured that the student was provided with speech/language therapy, as required by his Individualized Educational Program (IEP) since October 2015, in accordance with 34 CFR §§300.101 and .323; and
2. The PGCPS has not ensured that the IEP has addressed the student's speech/language needs, since October 2015, in accordance with 34 CFR §§300.320 and .324.

XXX

Mrs. Joan M. Rothgeb

June 30, 2016

Page 2

INVESTIGATIVE PROCEDURES:

1. On May 9, 2016, the MSDE sent a copy of the complaint, via facsimile, to Mrs. Joan M. Rothgeb, Director of Special Education, PGCPS.
2. On May 17, 2016, Mr. Gerald Loiacono, Complaint Investigator, MSDE, conducted a telephone interview with the complainant and identified the allegations for investigation.
3. On May 20, 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 allegation and requested that the school system review the alleged violations.
4. On May 24, 2016, Mr. Loiacono contacted Ms. Kerry Morrison, Special Education Instructional Specialist, PGCPS, to request additional documentation.
5. On June 6, 2016, the PGCPS provided the MSDE with additional documentation.
6. The MSDE reviewed documentation, relevant to the findings and conclusions referenced in this Letter of Findings, which includes:
 - a. IEP, dated August 31, 2015;
 - b. IEP, dated April 18, 2016;
 - c. Prior Written Notice, dated March 14, 2016;
 - d. Prior Written Notice, dated April 20, 2016;
 - e. Speech/Language Therapy Logs, dated September 2015 to June 2016; and
 - f. Correspondence from the complainant containing allegations of violations of the IDEA, received by the MSDE on May 9, 2016.

BACKGROUND:

The student is five years old and attends XXXXXXXXXXXXXXXXXXXXXXXX. He is identified as a student with a Speech/Language Impairment under the IDEA and has an IEP that requires the provision of special education services (Docs. a and b).

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-d).

FINDINGS OF FACTS:

1. The IEP in effect in October 2015 required that the student receive speech/language therapy services outside of the general education classroom four times a month for thirty minutes per session (Doc. a).

XXX

Mrs. Joan M. Rothgeb

June 30, 2016

Page 3

2. There is documentation that the student was provided with speech/language therapy services, as required by his IEP, between October 2015 and February 2016 (Doc. e).
3. The PGCPS staff acknowledge that speech/language therapy services were not provided to the student in March 2016 and April 2016 as a result of a lack of a service provider (Docs. c and d).
4. On March 14, 2016, the IEP team met to discuss the speech/language therapy service delivery for the student. The complainant requested that the IEP specify the student would be provided services on a weekly, instead of a monthly basis. There is no documentation that the IEP team addressed the complainant's concern (Doc. c).
5. On April 18, 2016, the IEP team met to determine compensatory services and the service delivery frequency for speech/language therapy. The complainant again requested that speech services be provided on a weekly basis. The IEP team documented that it rejected the complainant's request, but did not document the basis for rejecting the parent's proposal (Docs. b and d).
6. The PGCPS began providing compensatory speech/language therapy services in May 2016 to remedy the missed speech/language therapy sessions (Doc. e).

DISCUSSION/CONCLUSIONS:

Allegations #1 IEP Implementation

The public agency must ensure that each student is provided with the special education instruction and related services required by the student's IEP (34 CFR §§300.101 and .323).

Based on Findings of Facts #1-6, the MSDE finds that the student was not provided speech/language therapy services in March 2016 and April 2016. Therefore, this office finds that a violation occurred with respect to the allegation.

Allegation #2 Addressing the Speech/Language needs of the student

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 (34 CFR §300.324).

Based on Findings of Facts #1 and #4-5, the MSDE finds that there is no documentation that the IEP team considered the complainant's concerns regarding the student's speech/language needs for service on a weekly basis, nor is there documentation that the IEP team made a determination that is consistent with the data. Therefore, this office finds that a violation occurred with respect to the allegation.

XXX

Mrs. Joan M. Rothgeb

June 30, 2016

Page 4

CORRECTIVE ACTIONS/TIMELINES:

Student Specific

The MSDE requires the PGCPS to provide documentation by September 1, 2016 that the IEP team has considered the complainant's concerns and determined the speech/language needs of the student consistent with the data.

The MSDE further requires the PGCPS to provide documentation by September 1, 2016 that the IEP team has determined the compensatory services to remediate the violations identified through this investigation.

Similarly Situated Students

The MSDE requires the PGCPS to provide documentation by September 30, 2016 that it has identified similarly-situated students and that each student is being provided with the speech/language services required by the student's IEP.

The MSDE further requires the PGCPS to provide documentation by November 1, 2016 school year that it has convened an IEP team for each similarly-situated student and determined the amount of services required to remediate the violation and developed a plan for the provision of those services within one (1) year of the date of this Letter of Findings.

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 the BCPS and the complainant have the right to submit additional written documentation to this office within fifteen (15) days of the date of this letter if they disagree with the findings of fact 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 within the timelines 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 complainant and the school system maintain

XXX

Mrs. Joan M. Rothgeb

June 30, 2016

Page 5

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 due process.

Sincerely,

Marcella E. Franczkowski, M.S.

Assistant State Superintendent

Division of Special Education/Early Intervention Services

MEF:gl

c: Kevin Maxwell
LaRhonda Owens
Gwendolyn Mason
Kerry Morrison
Jodi Kaseff
XXXXXXXXXX
Dori Wilson
Anita Mandis
Nancy Birenbaum
Gerald Loiacono