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August 3, 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: #16-147

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.

ALLEGATION:

On June 13, 2016, the MSDE received a complaint from Ms. XXXXXXXXX, 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 allegation that the PGCPS did not ensure that the student has been provided with the special education services required by the Individualized Education Program (IEP) from October, 2015 to the end of the 2015-2016 school year, in accordance with 34 CFR §§300.101 and .323.

INVESTIGATIVE PROCEDURES:

1. On June 14, 2016, the MSDE sent a copy of the complaint, via facsimile, to Mrs. Joan Rothgeb, former Director of Special Education, PGCPS;

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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 June 22, 2016, Ms. K. Sabrina Austin, Education Program Specialist, MSDE, conducted a telephone interview with the complainant to clarify the allegation to be investigated.
3. On June 27, 2016, the MSDE sent correspondence to the complainant that acknowledged receipt of the complaint and identified the allegation subject to this investigation. On the same date, the MSDE notified the PGCPs of the allegation and requested that the PGCPs review the alleged violation.
4. On July 7, 2016, the PGCPs provided information for consideration by the MSDE.
5. The MSDE reviewed documentation, relevant to the findings and conclusions referenced in this Letter of Findings, which includes:
 - a. Invitation to the May 27, 2015 IEP team meeting;
 - b. IEP, dated May 27, 2015, and written summary of the meeting;
 - c. Invitation to the April 19, 2016 IEP team meeting;
 - d. Written summary of the April 19, 2016 IEP team meeting;
 - e. Invitation to the May 25, 2016 IEP team meeting
 - f. IEP, dated May 25, 2016, and written summary of the meeting;
 - g. Electronic mail correspondence from the PGCPs staff to the MSDE staff; and
 - h. Invitation to the August 9, 2016 IEP team meeting.

BACKGROUND:

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

There is documentation that the complainant participated in the education decision-making process and was provided with notice of the procedural safeguards during the period of time covered by the investigation (Docs. a – f and h).

FINDINGS OF FACTS:

1. The IEP, developed on May 27, 2015 and revised on May 24, 2016, requires that the student be provided with special education instruction by both a special and general education teacher. On May 24, 2016, the IEP was revised to also require the provision of counseling as a related service by a guidance counselor (Docs. b and f).

2. The PGCPS staff report that the classroom teacher and guidance counselor have been on leave, resulting in the lack of provision of the IEP services (Doc. g).
3. An IEP team meeting is scheduled for August 9, 2016 to address the lack of services (Doc. h).

DISCUSSION/CONCLUSIONS:

The public agency must ensure that students with disabilities receive the special education and related services and supports required by the IEP (34 CFR §§300.101 and .323). Based on the Findings of Facts above, the MSDE finds that a violation occurred.

CORRECTIVE ACTIONS/TIMELINES:

Student-Specific

The MSDE requires the PGCPS to provide documentation by October 1, 2016 that the student has been receiving the services required by the IEP since the start of the 2016-2017 school year. The MSDE also requires the PGCPS to provide documentation by October 1, 2016 that the IEP team has determined the compensatory services or other remedy for the loss of appropriate services during the 2015-2016 school year.

Similarly-Situated Students

The MSDE requires the PGCPS to provide documentation by November 1, 2016 that similarly-situated students at XXXXXXXXXXXXXXXX have been identified and that IEP teams have been scheduled to determine the amount and nature of compensatory services or other remedy for the loss of services to similarly-situated students.

School-Based

The MSDE requires the PGCPS to provide documentation by November 1, 2016 of the steps taken to ensure that sufficient staff are obtained during the absence of assigned staff at XXXXXXXXXXXXXXXX.

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.

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Please be advised that 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 request for reconsideration, the school system must implement any corrective actions within the timelines 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 complainant 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 Free Appropriate Public Education (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/am

- c: Kevin W. Maxwell
- Shawn Joseph
- Gwendolyn Mason
- LaRhonda Owens
- Kerry Morrison
- XXXXXXXXXXXXXX
- Dori Wilson
- Anita Mandis
- Sharon Floyd
- Bonnie Preis