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April 14, 2017

Ms. Debrah Martin
1300 Mercantile Lane
Suite 129-2
Largo, Maryland 20774

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: #17-104

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 February 13, 2017, the MSDE received a complaint from Ms. Debrah Martin, hereafter, “the complainant,” on behalf of the above-referenced student, and Ms. XXXXXXXX, his mother (parent). 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. The PGCPS did not ensure that proper procedures were followed when amending the student’s Individualized Education Program (IEP) on June 21, 2016, in accordance with 34 CFR §§300.321, .324 and .503.
2. The PGCPS did not ensure that the amended IEP dated June 21, 2016, was provided to the parent within five (5) business days after the June 21, 2016 IEP team meeting, in accordance with COMAR 13A.05.01.07.

3. The PGCPS has not ensured that proper procedures were followed when disciplinarily removing the student from school since September 2016, in accordance with 34 CFR §§300.530 - .536, COMAR 13A.08.03 and .04, and COMAR 13A.05.01.10.
4. The PGCPS did not ensure that the IEP team convened in a timely manner to review and revise the student's IEP, as appropriate, to address lack of expected progress toward achieving the IEP goals identified in the November 2016 progress report, in accordance with 34 CFR §300.324.
5. The PGCPS did not ensure that proper procedures were followed when implementing behavior interventions with the student in December 2016, in accordance with COMAR 13A.08.04.
6. The PGCPS did not ensure that parental consent was obtained before conducting a Functional Behavior Assessment in December 2016, in accordance with 34 CFR §300.300 and COMAR 13A.05.01.13.
7. The PGCPS did not ensure that the parent was provided with the Prior Written Notice of the IEP team's decisions at the January 13, 2017 IEP team meeting, in accordance with 34 CFR §300.503.
8. The PGCPS did not ensure that the student was provided with adult support in all academic subjects, from the start of the 2016 – 2017 school year until January 23, 2017, 34 CFR §§300.101 and .323.
9. The PGCPS did not ensure the IEP team meeting convened on January 30, 2017 had the required participants, in accordance with 34 CFR §300.321.

On April 13, 2017, the complainant sent an electronic mail (email) correspondence to the MSDE requesting the withdrawal of Allegation #5 from the State complaint.¹ On April 14, 2017, the MSDE sent an email to the complainant confirming the withdrawal of Allegation #5 from the State complaint. On April 14, 2017, the complainant contacted Ms. Austin by telephone to request the withdrawal of Allegation #3. Therefore, this letter is the result of the investigation of Allegations #1, #2, #4, and #6 - #9 (Doc. p).

¹ The email followed a telephone conversation with Ms. Austin during which the complainant also requested to withdraw Allegation #5 from the complaint.

INVESTIGATIVE PROCEDURES:

1. On February 16, 2017, the MSDE provided a copy of the State complaint, by facsimile, to Ms. Trinell Bowman, Director of Special Education, PGCPs; Dr. LaRhonda Owens, Supervisor of Compliance, PGCPs; Ms. Gail Viens, Deputy General Counsel, PGCPs; and Ms. Deborah Anzelone, Special Education Instructional Specialist, PGCPs.
2. On February 14, 2017, Ms. K. Sabrina Austin, Education Program Specialist, MSDE, was unsuccessful in her attempt to contact the complainant by telephone to discuss the allegations to be investigated. Later, on April 12, 2017, Ms. Austin discussed the allegations with the complainant, by telephone.
3. On March 2, 2017, 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 March 21, 27, 30 and 31, 2017, and on April 13, 2017, the PGCPs provided documentation to the MSDE for consideration.
5. On March 30, 2017, Ms. Austin and Ms. Janet Zimmerman, Consultant, MSDE, conducted a site visit at XXXXXXXXXXXXXXXXXXXXXXXX (XXXXXXXXXXXX) and interviewed the following school system staff:
 - a. Ms. XXXXXXXXXXXXXXXX, Principal, XXXXXXXXXXXXXXX ;
 - b. Ms. XXXXXXXXXXXXXXX, Special Educator, XXXXXXXXXXXXXXX; and
 - c. Ms. Kristen Burley, Psychologist, PGCPs.

Ms. Kerry Morrison, Special Education Compliance Instructional Specialist, PGCPs, participated in the site visit as a representative of the PGCPs and to provide information on the school system's policies and procedures, as needed.
6. On April 12, 2017, the complainant provided documentation to the MSDE for consideration.
7. On April 12, 13 and 14, 2017, Ms. Austin conducted telephone interviews with the complainant to discuss the allegations.
8. The MSDE reviewed documentation, relevant to the findings and conclusions referenced in this Letter of Findings, which includes:
 - a. IEPs, dated April 6, 2016, June 21, 2016 and February 7, 2017;
 - b. Prior Written Notices documenting decisions made at IEP meetings held on December 15, 2016, January 13 and 30, 2017, and February 7, 2017;

- c. The student's attendance record, from June 15, 2012 to February 22, 2017;
- d. The SchoolMax report of the student's attendance history from September 7, 2017 to January 27, 2017;
- e. Electronic mail (email) communications between the school staff and the parent, dated between October 2016 and February 2017;
- f. Functional Behavior Assessment, dated December 15, 2017;
- g. Behavioral Intervention Plans, dated December 15, 2017 and January 13, 2017;
- h. The log of communications between the school staff and the parent, dated between October 2016 and February 2017;
- i. The student's disciplinary referrals, from September 2016 to December 2016;
- j. Notifications of suspensions on November 9 and 28, 2016, December 9, 2016, and January 24, 2017;
- k. The schools staff's data collection chart of the student's behavior, from September 28, 2016 to February 7, 2017;
- l. Form requesting consultation with the school system staff, dated November 8, 2017;
- m. The student's visual schedules for November 2016 and December 2016;
- n. Sign-in sheets of participants at IEP team meetings on December 15, 2016, January 13 and 30, 2017, and February 7, 2017;
- o. The student's report card for the 2016 - 2017 school year;
- p. Email exchanges between the complainant and the MSDE, dated April 13 and 14, 2017; and
- q. Correspondence from the complainant alleging violations of the IDEA, received by the MSDE on February 13, 2017.

BACKGROUND:

The student is nine (9) years old, is identified as a student with a Specific Learning Disability under the IDEA, and has an IEP that requires the provision of special education and related services. The student attended XXXXXXXXXXXXX School from the start of the 2016 - 2017 school year to February 9, 2017. The student is currently enrolled in, and attending, XXXXXXXXXXXXXXXXXXXX (Docs. a and c).

During the period of time addressed by this investigation, the parent was provided with written notice of the procedural safeguards (Doc. a).

ALLEGATIONS #1 AND #2

**PROPER PROCEDURES WHEN DEVELOPING
THE JUNE 21, 2016 IEP, AND PROVISION OF THE
JUNE 21, 2016 IEP TO THE PARENT**

FINDINGS OF FACTS:

1. The IEP in effect at the end of the 2015 - 2016 school year reflects that the IEP team deferred a decision about whether the student required Extended School Year services (Doc. a).
2. There is no documentation that the IEP team convened on June 21, 2016 to amend the student's IEP to reflect the decision that the student is not eligible for Extended Year Services (Doc. a and review of the student's record).
3. The school system staff acknowledge that the school staff unilaterally developed the Amended IEP dated June 21, 2016 without the parent's participation (Doc. a and interview with the school staff).
4. There is no documentation that the parent provided consent to amend the student's IEP on June 21, 2016 (Interview with the school staff and review of the student's record).

DISCUSSION/CONCLUSIONS

Allegation #1: Provision of the IEP

The public agency must ensure that parents are provided with a copy of the IEP within five (5) business days after the date of an IEP team meeting. If the IEP has not been finalized, a draft IEP must be provided. However, a violation of this requirement does not constitute a denial of a Free Appropriate Public Education (FAPE) (COMAR 13A.05.01.07 and Md. Code Ann., Educ., §8-405).

Based on the Findings of Facts #2 and #3, the MSDE finds that the IEP team did not have a meeting on June 21, 2016, and as a result, there was no requirement to provide the Amended IEP to the parent. Therefore, the MSDE finds that the facts do not support the allegation, and does not find a violation.

Allegation #2: Review/Revision of the IEP

In making changes to a student's IEP after the annual IEP team meeting for a school year, the parent of a student with a disability and the public agency may agree not to convene an IEP team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP (34 CFR §§300.324).

Based on the Findings of Facts #1 -#4, the MSDE finds that the PGCPs did not follow proper procedures when amending the student's IEP on June 21, 2016. Therefore, the MSDE finds that a violation occurred.

ALLEGATION #4

CONVENING AN IEP MEETING TO REVIEW AND REVISE THE STUDENT'S IEP, AS APPROPRIATE, TO ADDRESS LACK OF EXPECTED PROGRESS

FINDINGS OF FACTS:

5. There is documentation that, beginning as early as September 28, 2016, and continuing to February 7, 2017,² the school staff collected data documenting that the student's inappropriate behaviors were regularly interfering with his access to instruction. The data collection documents the student's refusals to do academic work in the classroom, noncompliance with staff directions, refusals to enter the classroom, and attempts to damage school property. The data collection also documents that the student was exhibiting following behaviors on a regular basis:
 - Eloping from the classroom, up to seven (7) times in one day;
 - Roaming and walking in the hallways for periods of time up to eighty-five (85) minutes;
 - Sleeping in class, at times for up to three (3) hours³;
 - Behaving aggressively towards students (hitting, fighting, assault);
 - Throwing objects at students and the school staff;
 - Yelling, screaming, crying;
 - Making threatening statements to the school staff and students;
 - Refusing to enter the classroom; and
 - Disrupting the classroom (Docs. e and k).
6. There is documentation indicating that, throughout October 2016, the school staff arranged after school "detention" sessions for the student "to make up for all his lost instruction time due to behavior and refusal to do work." The documentation clarifies that, during the sessions, the student would receive tutoring and complete classwork (Docs. e and k).
7. There is also documentation that the school staff regularly made attempts to redirect and "coax" the student to return to class, removed the student from the classroom, enforced consequences for inappropriate behavior including planned ignoring and loss of recess, made verbal reminders of classroom rules, and developed visual schedules for the

² The student was withdrawn from XXXXXXXXXXXX two (2) days later, on February 9, 2017 (Doc. c).

³ There is documentation that the school staff attempted to "wake the student" every thirty (30) minutes, but they were not successful (Doc. k).

student. However, the documentation indicates that these interventions were not successful (Docs. k and m).

8. There is also documentation that the school staff regularly communicated with the parent to report the student's inappropriate behavior (Docs. h and k).
9. On November 8, 2016, the school staff completed the required form to request assistance from the Central Office staff. The documentation identifies that the student's behaviors that are interfering with his learning, including eloping from his classroom "daily," sleeping in class, refusing to do academic work, refusing to accept specialized instruction in a separate classroom, refusing to make transitions to classes, and walking out of class. The documentation reflects that the school staff requested an "observation for behavioral strategy and supports," and consideration of the student's least restrictive placement (Docs. e and l and review of the student's educational record).
10. On November 15, 2016, the school staff met with the parent to discuss concerns about the student's refusals to attend class, and his refusals to attempt academic work when in the classroom. They discussed that the student "has refused all special education academic interventions." The documentation reflects that the school staff informed the parent that the student was "at risk of retention due to not completing any school work" (Doc. k).
11. On November 9, 2016, the student was suspended for three (3) days due to "Truancy -- loitering," and "class cutting" (Doc. j).
12. On November 28, 2016, the student was suspended for three (3) days due to "continued school disruption" (Doc. j).
13. On December 9, 2016, the student was suspended for five (5) days. The documentation reflects that the reason for the suspension was the student's "assault and continued class and school disruption" (Doc. j).
14. On December 15, 2016, the IEP team convened to consider the "escalation of severity and intensity of [the student's] behaviors since" September 28, 2016. The IEP team reviewed all the data, including the behavioral data collected by the school staff since September 2016. The IEP team suspected that the student may have a social/emotional disability and recommended a psychological assessment. They also agreed to conduct a functional behavior assessment (FBA) and develop a behavioral intervention plan (BIP) to address the student's elopement and classroom disruptions. In addition, the IEP team also agreed to request a formal observation by Central Office staff to collect additional information⁴ (Docs. b and n).

⁴ While there is documentation indicating that the school staff sent the parent a form, via the student's backpack, requesting her consent for a formal observation, there is no documentation that the school staff obtained the parent's consent for a formal observation (Docs. b and e).

15. In December 2016, the school staff made eleven (11) referrals documenting the student's inappropriate conduct (Doc. i).
16. On January 13, 2017, the IEP team convened. The IEP team revised the BIP to address the additional behavior of physical aggression. The IEP team agreed to reconvene to conduct the student's annual review (Docs. b, g and n).
17. On January 25, 2017, the student was suspended for three (3) days due to "continued schoolwide disruption and continued class disruption" (Doc. j).
18. On January 25, 2017, the student was suspended for three (3) days due to his "continued schoolwide disruption" and continued class "disruption" (Doc. j).
19. On January 30, 2016, the IEP team convened. The IEP team reviewed the results of the psychological assessment that was recommended in December 2016. The IEP team discussed that the student's behaviors of eloping, classroom disruptions, and fighting are a manifestation of his disability which result in the student's avoidance of academic demands (Docs. b and n).
20. On February 7, 2017, the IEP team reconvened to complete the review and revision of the student's IEP that was not completed at the January 30, 2017 meeting. The IEP team considered that the student was performing below grade level in reading, written language expression, and math calculation. The IEP team discussed that the student exhibits "poor coping strategies when frustration by the academic demands of class work or when presented with a non-preferred" activity, and that his display of inappropriate behaviors occurs when he is "feeling angry, frustrated and embarrassed due to his significant learning difficulties." The IEP team revised the IEP to include annual goals to address his self-management skills and to develop positive interactions with staff and his peers, and to require counseling services to the student once a week to address his coping skills and increase positive peer interactions (Docs. a, b and n).
21. At the February 7, 2017 IEP team meeting, the IEP team discussed that the student has not made progress in the general education classroom with specialized instruction and supports, and needs "intensive special education services to address his academic needs." The IEP team revised the IEP to reflect the determination that the student requires five and one half (5^{1/2}) hours each day of specialized instruction in a separate special education classroom. The IEP team determined that student's current placement location could not implement the revised IEP, and changed the student's location to XXXXXXXX XXXXXXXXXXXX (Docs. a and b).
22. The student's report card for the 2016 - 2017 school year reflects that he received two (2) Es in the first (1st) quarter, and five (5) Es in the second (2nd) quarter, as his final grades (Doc. o).

23. The student's attendance record documents that, on February 9, 2017, he was withdrawn from XXXXXXXXXX ES, and he began attending attending XXXXXXXXXXXXXXXXXXXX XXXXXXXXX as a result of the change in placement (Doc. c).

DISCUSSION/CONCLUSIONS

In order to provide a student with a FAPE, the public agency must ensure that an IEP is developed that addresses all of the needs that arise out of the student's disability that are identified in the evaluation data. 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 §§300.101, .320, and .324).

The IEP team must review the IEP periodically, but not less than annually, to determine whether the annual goals are being achieved. The IEP team must also revise the IEP to address any lack of expected progress toward achieving the goals, to reflect the results of any reevaluation, to reflect information about the student provided to or by the student's parent, or to address the student's anticipated needs (34 CFR §300.324).

In reviewing and revising an IEP, the team must consider the concerns of the parents, 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 the student's learning or that of others, the team must consider the use of positive behavioral interventions and supports and other strategies, to address that behavior (34 CFR §300.324).

Based on the Findings of Facts #5 - #23, the MSDE finds that, while the school staff documented numerous incidents of the student's display of behaviors interfering with his access to instruction beginning in September 2017 and continuing each month, the IEP team did not convene until December 15, 2016 to address his behavior. Therefore, the MSDE finds that the IEP team did not convene in a timely manner, and that a violation occurred.

ALLEGATION #6

**PARENTAL CONSENT TO CONDUCT A
FUNCTIONAL BEHAVIOR ASSESSMENT IN
DECEMBER 2016**

FINDINGS OF FACTS:

24. There is documentation that a Functional Behavior Assessment (FBA) was conducted by on December 15, 2016 (Docs. a and f).

25. There is no documentation that the school staff obtained the parent's consent before conducting an FBA in December 2016 (Interview with the school staff and review of the student's record).

DISCUSSION/CONCLUSIONS

The public agency must obtain informed consent from the student's parent prior to conducting assessments as part of a reevaluation or the initial provision of special education and related services to the student (34 CFR § 300.300).

In this case, the complainant alleges that the PGCPSS did not obtain parental consent for the FBA that was conducted on December 15, 2016.

Based on the Findings of Facts #24 and #25, the MSDE finds that an FBA was conducted without obtaining written consent from the parent. Therefore, the MSDE finds a violation occurred.

ALLEGATION #7

PRIOR WRITTEN NOTICE OF THE DECISIONS MADE AT THE JANUARY 13, 2017 IEP TEAM MEETING

FINDINGS OF FACTS:

26. On January 20, 2017, the school staff developed a prior written notice document to reflect the decisions made by the IEP team at the January 13, 2017 IEP team meeting (Doc. b).
27. The school staff's log of contacts with the parent reflects that the prior written notice document of the decisions made at the January 13, 2017 IEP team meeting was sent to the parent on January 20, 2017, via electronic mail (email) communication. There is documentation of this email (Docs. e and h).

DISCUSSION/CONCLUSIONS

Written notice must be provided to parents when the public agency proposes or refuses to initiate or change the identification, evaluation, or educational placement of a student or the provision of a FAPE to the student. The written notice must include a statement of the action proposed or refused, an explanation of the basis for the decision, a description of the data used in making the decision, a description of other options considered, and information on where the parents can obtain assistance in understanding the information provided (34 CFR §300.503).

Based on the Findings of Facts #26 and #27, the MSDE finds that the facts do not support the allegation. Therefore, the MSDE does not find a violation.

ALLEGATION #8

**PROVISION OF ADULT SUPPORT IN ALL
ACADEMIC SUBJECTS FROM THE START OF
THE 2016 - 2017 SCHOOL YEAR UNTIL
JANUARY 23, 2017**

FINDINGS OF FACTS:

28. The IEP in effect from the start of the 2016 - 2017 school year until January 23, 2017, does not reflect a requirement that the student be provided additional adult support (Doc. a).
29. There is documentation that, at times, a special education teacher provided support to the student in the classroom, sometimes for a full day, in an effort to provide additional support (Docs. e and k).

DISCUSSION/CONCLUSION

The public agency is required to ensure that each student with a disability is provided with the special education instruction, accommodations, supplementary supports, and services required by the student's IEP (34 CFR §§300.101 and .103).

Based on the Findings of Fact #28 and #29, the MSDE finds that the facts do not support the allegation, and therefore does not find a violation occurred.

ALLEGATION #9

**IEP PARTICIPANTS IN THE JANUARY 30, 2017 IEP
TEAM MEETING**

FINDINGS OF FACTS:

30. At the IEP team meeting convened on January 13, 2017, the parent requested tutoring services for the student. At that time, the school staff documented the decision that the parent's request would be addressed at the IEP team meeting scheduled for January 30, 2017 (Doc. b).
31. On January 30, 2017, the IEP team convened. The sign-in sheet from the meeting identifies the following individuals participated in the meeting: the parent and her advocate, the principal, a Central Office staff person, a psychologist, a special education chairperson, a special education teacher, and a general education teacher (Docs. b and n).
32. The prior written notice from the January 30, 2016 IEP team meeting documents the decision by the school staff members of the IEP team that the parent's request for tutoring services for the student was "tabled" until the IEP team could convene with the

participation of a “compliance staff member at the next IEP team meeting scheduled for February 7, 2017 (Doc. b).

33. The IEP team did not address the parent’s request for tutoring services at the IEP team meeting held on February 7, 2017 (Doc. b).
34. There is no documentation, to date, that the IEP team has addressed the parent’s request for tutoring services for the student (Doc. d and review of the student’s educational record).

DISCUSSION/CONCLUSIONS:

The IEP team must include the student’s parent, at least one (1) regular education teacher of the student if the student is, or may be, participating in the regular education environment, at least one (1) special education teacher of the student, a representative of the public agency who is qualified to provide or supervise the provision of specially designed instruction, is knowledgeable about the general education curriculum, and about the availability of resources of the public agency, an individual who can interpret the instructional implication of evaluation results, at the discretion of the parent or public agency, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate, and the student when appropriate (34 CFR §300.321).

The public agency must ensure that an IEP is developed that addresses all of the needs that arise out of the student’s disability that are identified in the evaluation data. 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 §§300.101, .320, and .324).

In this case, the complainant alleges that the IEP team did not include an individual knowledgeable about the availability of resources of the public agency in order to address tutoring services for the student, as previously agreed by the IEP team.

Based on the Findings of Facts #30 - #32, the MSDE finds that the IEP team meeting convened on January 30, 2017 did not include a required member of the team because the participants did not include an individual knowledgeable about the availability of resources of the public agency who could address the parent’s request for tutoring services. Therefore, the MSDE finds a violation occurred.

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Based on the Finding of Fact #30 - #34, the MSDE further finds that, while the parent has requested tutoring services for the student on two (2) separate occasions, the PGCPS has not addressed her concern. Therefore, the MSDE finds that the PGCPS has not ensured proper parent participation because the IEP team has not considered the parent's request for tutoring services for enhancing the education of the student. Therefore, the MSDE finds that a violation occurred with respect to this aspect of the allegation.

CORRECTIVE ACTIONS/TIMELINE:

Student-Specific

The MSDE requires the PGCPS to provide documentation by June 1, 2017, that the IEP team has convened a meeting and (1) addressed the parent's request for tutoring services, and (2) determined the amount and nature of compensatory services or other remedy to redress the violation related to the delay in convening an IEP team meeting to address the student's interfering behaviors, and (3) developed a plan for the provision of those services within one (1) year of the date of this Letter of Findings. The MSDE also requires the PGCPS to provide documentation, within one (1) year of the date of this Letter of Findings, that the compensatory services have been provided.

School-Based

The MSDE requires the PGCPS to provide documentation by July 1, 2017, of the steps taken, including training, to ensure that the XXXXXXXXXXXX ES staff comply with the IDEA and related State requirements relating to the violations identified in 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 Ms. Bonnie Preis, 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.

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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 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 parents and the PGCPs 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

c: XXXXXXXXX
 Kevin Maxwell
 Gwendolyn Mason
 Deborah Anzelone
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