



Karen B. Salmon, Ph.D.
State Superintendent of Schools

May 31, 2019

XXX
XXX
XXX
XXX

Ms. Trinell Bowman
Director of Special Education
Prince George’s County Public Schools
1400 Nalley Terrace
Landover, Maryland 20785

RE: XXXXX
Reference: #19-147

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention/Special Education Services (MSDE), 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 April 10, 2019, 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 above-referenced student.

The MSDE investigated the allegation that the PGCPS has not ensured that the student has been provided with the supports, speech/language, and Extended School Year (ESY) services required by the Individualized Education Program (IEP) since April 10, 2018, in accordance with 34 CFR §§300.101 and .323.

BACKGROUND:

The student is sixteen (16) years old and is identified as a student with a Specific Learning Disability under the IDEA, related to Dyslexia, Dysgraphia, and Dyscalculia. He attends XXXXXXXXXXXXXXXXXXXX and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACTS:

Supports and ESY Services

1. The student's IEP in effect at the start of the time period covered by this investigation required the provision of manipulatives, monitored work by teachers, chunking of text and tasks, smaller assignments for understanding, a home-school communication system for the complainant, an agenda book or performance reports, and consultation between the speech/language therapist and the student's teachers.
2. The same IEP also required the student to be provided with ESY services from July 5, 2018 to July 26, 2018. However, PGCPS transportation was not made available for the student until July 10, 2018. Once PGCPS transportation was provided for the student, the complainant chose not to send the student to ESY services for the remainder of the service period.
3. There is documentation that assignments provided to the student were broken down into smaller portions to assist him with understanding the task, and that speech/language consultations were provided to the student's teachers. However, there is no documentation that the student has been provided with manipulatives, monitored work by teachers, chunking of text and tasks, small assignments for understanding, or an agenda book or performance reports, as required by the IEP. Further, there is no documentation that a home/school communication system was provided for the complainant, which is also required by the student's IEP.
4. On November 13, 2018, the IEP team convened and revised the IEP to include additional adult support to assist the student with staying focused in class, completing class assignments, transitioning between classes, regulating his behavior and emotions, and instructional support. However, due to difficulties obtaining additional staff, the adult support was not provided until mid-January 2019.
5. On January 25, 2019, the IEP team convened to discuss compensatory services for the lack of the provision of additional adult support and transportation for ESY services. The meeting summary reflects that the team determined that the student would receive ten (10) hours of compensatory services to remediate the violations, and the complainant agreed to the offer of compensatory services.
6. On March 4, 2019, the student's IEP was revised to also include "altered assignments for length." There is documentation that the length of assignments were altered for the student.

Speech/Language Services

7. The IEP reflects that the student is to be provided with two (2) sessions of speech/language therapy, each month, for thirty (30) minutes each session. There is documentation that between May 2018 and May 2019, the student was provided with the speech/language services required by the IEP.

CONCLUSIONS:

Supports

Based on the Findings of Facts #1, and #3 - #6, the MSDE finds that there is no documentation that the PGCPS consistently provided the student with all the supports required by the IEP, from May 2018 to May 2019, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation occurred with regards to this aspect of the allegation.

Notwithstanding the violation, based on the Finding of Fact #5, the MSDE finds that the IEP team convened to determine compensatory services to remediate the violation related to the lack of additional adult support, and that the complainant agreed to the offer of compensatory services. Therefore, no further corrective action is required to remediate this aspect of the violation.

ESY Services

Based on the Findings of Facts #2 and #5, the MSDE finds that the PGCPS did not provide the student with transportation for ESY services from July 5, 2018 to July 9, 2018, as required by the IEP, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation occurred with regards to this aspect of the allegation.

Notwithstanding the violation, based on the Finding of Fact #5, the MSDE finds that the IEP team convened to determine compensatory services to remediate the violation related to the lack of transportation for ESY services, and that the complainant agreed to the offer of compensatory services. Therefore, no further corrective action is required to remediate the violation.

Speech/Language Services

Based on the Finding of Fact #7, the MSDE finds that the PGCPS provided the student with speech/language services as required by the IEP, in accordance with 34 CFR §§300.101 and .323. Therefore, this office does not find 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 the end of the first quarter of the 2019 - 2020 school year that the supports and services required by the IEP are being provided to the student.

The MSDE also requires the PGCPS to provide documentation by September 30, 2019 that the IEP team has convened and determined whether the violation related to the lack of the provision of the supports required by the IEP had a negative impact on the student's ability to benefit from the education program.

If the team determines that there was a negative impact, it must also determine the amount and nature of compensatory services or other remedy to redress the violation and develop a plan for the provision of those services within one year of the date of this Letter of Findings.

School-Based

The MSDE requires the PGCPS to provide documentation by the start of the 2019 - 2020 school year of the steps taken to ensure that the violations do not recur at XXXXXXXXXXXXXXXX
XXXXXXXXXX.

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.

As of the date of this correspondence, this Letter of Findings is considered final. This office will not reconsider the conclusions reached in this Letter of Findings unless new, previously unavailable documentation is submitted and received by this office within fifteen (15) days of the date of this correspondence.

The new documentation must support a written request for reconsideration, and the written request must include a compelling reason for why the documentation was not made available during the investigation. Pending this office's decision on a request for reconsideration, the public agency must implement any corrective actions within the timelines reported in this Letter of Findings.

XXX

Ms. Trinell Bowman

May 31, 2019

Page 5

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 (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 Early Intervention/Special Education Services

MEF:ac

c: Monica Goldson
Gwen Mason
Barbara VanDyke
XXXXXXXXXX
Dori Wilson
Anita Mandis
Albert Chichester
Nancy Birenbaum