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January 8, 2018

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Ms. Trinell Bowman
Executive Director
Department of Special Education
Prince George's County Public Schools
John Carroll Elementary School
1400 Nalley Terrace
Landover, Maryland 20785

RE: XXXXX
Reference: #18-042

Dear Parties:

The Maryland State Department of Education, Division of Special Education/Early Intervention 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.

ALLEGATIONS:

On November 14, 2017, the MSDE received a complaint from Ms. XXXXXXXXXXXXXXXXXXXX, hereafter, “the complainant,” on behalf of her daughter, 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 has consistently been provided with the following services and supports required by the Individualized Education Program (IEP) during the 2017-2018 school year, in accordance with 34 CFR §§300.101 and. 323:

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- a. Special education instruction to enable the student to advance appropriately toward attaining the annual goals to improve both academic and functional life skills;
 - b. Supplementary services of monitoring to enable the student to remain in the classroom;
 - c. Related services of transportation to provide the student with access to community-based instruction (CBI); and
 - d. Educational placement in the general education classroom to enable the student to receive instruction with nondisabled peers.
2. The PGCPS has not ensured that reports of the student's progress towards achievement of the annual IEP goals during the 2017-2018 school year have been provided based on the data required by the goals, in accordance with 34 CFR §§300.101 and. 323.

BACKGROUND:

The student is 6 years old and is identified as a student with Multiple Disabilities under the IDEA, including an Intellectual Disability and Other Health Impairments that result in a lack of impulse control, physical coordination, independent eating and toileting. She has an IEP that requires the provision of special education instruction and related services.

She attended XXXXXXXXXXXXXXXXXXXX at the beginning of the 2017-2018 school year until October 23, 2017, when she was hospitalized for health related issues. On November 20, 2017, the student was approved for Home and Hospital Teaching (HHT) and continues to receive educational services in the home.

ALLEGATION #1: PROVISION OF ADDITIONAL ADULT SUPPORT. TRANSPORTATION FOR CBI FIELD TRIPS, SPECIAL EDUCATION INSTRUCTION, AND ENSURING THE STUDENT'S OPPORTUNITY TO PARTICIPATE IN NON-ACADEMIC CLASSES WITH NON-DISABLED PEERS

FINDINGS OF FACTS:

1. The IEP in effect at the beginning of the 2017-2018 school year reflects that the student is functioning below her chronological age in the areas of reading, math, receptive language, expressive language, social/emotional behavior, and fine and gross motor skills.

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2. The IEP in effect at the beginning of the 2017-2018 school year reflects that the student is to receive special education services by a special education teacher, in a separate special education classroom, for thirty hours each week. The IEP also reflects that the student will have the opportunity to participate with her non-disabled peers during lunch, recess, “specials,” school-wide events, and community-based instruction (CBI) field trips.
3. The student’s class schedule reflects that she is placed in a separate special education classroom for core academic subjects with a special education teacher, a paraprofessional, and an itinerant special education assistant (ISEA) staff member. The schedule also reflects that non-academic classes, or “specials,” are held on five (5) school days each week.
4. There are work samples completed by the student indicating that she received special education instruction and supplementary aids and supports required by her IEP. The student’s report card also reflects that she received grades in core academic classes taught by a special education teacher.
5. Instruction in non-academic classes is provided by teachers who bring materials into other classrooms using mobile carts. Students with disabilities who receive instruction in non-academic classes in the general education classroom are sent into classrooms with non-disabled students. On October 19, 2017, the student and other students with disabilities were sent to a general education classroom for the provision of instruction in creative arts. There was not sufficient space in the room for the students with disabilities to sit with the non-disabled student, and were required to sit in a separate area of the classroom.
6. The school staff acknowledge that the disabled students were not integrated with the non-disabled students during instruction on that day, and that the structure of the class did not represent an inclusive setting. There is documentation that professional development was subsequently conducted for the school staff to address classroom inclusion practices and collaboration with special education teachers and creative arts teachers.
7. The IEP documents that as a related service, transportation will be provided to the student with “the use of an integrated car seat due to her small size.”
8. On October 17, 2017, the student was scheduled to attend a CBI field trip with her school peers. However, there is documentation that the school staff did not allow the student to attend the CBI field trip because the bus did not have the appropriate safety seat/seatbelt for the student, as requested by the IEP. There is documentation that the school staff informed the complainant that the student was not allowed to attend the CBI field trip due to the lack of appropriate transportation and that the student was provided with a CBI “simulation activity” at the school in order to replicate the experience of the field trip. There is also documentation that the student completed a CBI “simulation activity” on that same day.

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9. There is electronic correspondence (email) documenting that the school staff contacted the PGCPS transportation office to address the issue of not providing an appropriate bus to allow the student to participate in the CBI field trips.
10. The IEP documents that the student requires supervision in the following areas: playing on the playground and playing outside due to reduced motor control abilities; supervision and assistance when needed on stairs and ramps; and adult support to remind her to "walk please" or "slow down" when she is running in an unsafe manner.
11. There is documentation that the student received additional adult support in various areas of the school throughout the day and that she was provided with additional adult support in the areas required in her IEP.
12. On December 6, 2017, the student's IEP was revised to include "additional adult support at a ratio of 1 adult to 1 student across the school day" after the complainant expressed concern that the student eloped from the classroom on October 19, 2017.

DISCUSSION:

Provision Of Additional Adult Support

In this case, the complainant alleged that, on October 19, 2017, when she was observing the student in the classroom, the student eloped from the classroom because she was not being monitored. The complainant asserts that, if the student was being provided with additional adult support, she would not have been able to elope from the classroom.

Based on the Findings of Facts #10 - #12, the MSDE finds that the student was provided with additional adult support in the areas 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 allegation.

Transportation for CBI Field Trips

In this case, the complainant alleged that the student was not able to participate in the CBI field trip because the appropriate transportation, as documented in the student's IEP, was not provided.

Based on the Finding of Facts #7 - #9, the MSDE finds that the PGCPS did not provided appropriate transportation to allow the student to participate on the CBI field trip, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds a violation occurred with respect to this allegation.

Notwithstanding the violation, based on the Finding of Fact #8, the MSDE finds that the student was provided with a CBI "simulation activity" at the school in order to replicate the experience of the field trip. Therefore, no further student-specific corrective action is required.

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However, the progress reported on the goal was subsequently revised to reflect that the student was not making sufficient progress to achieve the goal. The school staff report that the original progress reported did not encompass all the data that was collected on the student, including the antecedent/behavior/consequence (ABC) data collected by the school staff. There is documentation that the progress on this goal was reported using the "evaluation method" documented on the IEP. There is no documentation that the complainant was provided with the updated progress report.

17. On December 6, 2017, the IEP team convened to review the student's progress. The meeting summary reflects that the student demonstrates behaviors that impact her access to instruction and inclusive settings. The team decided to reconvene with the PGCPS Central Office staff to reconsider the educational placement.

DISCUSSION:

Based on the Findings of Facts #13 - #17, the MSDE finds that progress on these goals were reported using the "evaluation methods" documented on 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 allegation.

Based on the Finding of Fact #16, the MSDE finds that there is no documentation that the complainant was provided with the updated progress report. Therefore, this office finds that a violation occurred with respect to this allegation.

Notwithstanding the violation, based on the Finding of Fact #17, the MSDE finds that the IEP team convened with the complainant subsequent to the report being revised in order to discuss the progress of the student. Therefore, no further student-specific corrective action is required.

CORRECTIVE ACTIONS/TIMELINES:

School-Based

The MSDE requires the PGCPS to provide documentation by March 31, 2018, of the steps taken to ensure that the XXXXXXXXXXXXXXXXXXXX staff follow proper procedures to ensure that appropriate transportation is provided to allow students to participate on CBI field trips.

The MSDE also requires the PGCPS to provide documentation by March 31, 2018, of the steps taken to ensure that the XXXXXXXXXXXXXXXXXXXX staff follow proper procedures to ensure that parents are provided with updated progress reports when the reports have been revised by school staff.

The documentation must include a description of how the PGCPS will evaluate the effectiveness of the steps taken and monitor to ensure that the violation does not recur.

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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.

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 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

MEF:ac

c: Kevin Maxwell LaRhonda Owens Dori Wilson Albert Chichester
Gwendolyn Mason XXXXXXXXXXX Anita Mandis Nancy Birenbaum