



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

June 29, 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: #18-147

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.

ALLEGATION:

On May 1, 2018, the MSDE received a complaint from Ms. XXXXXXXXXXX, 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 did not ensure that the student was provided with the supports and services required by the Individualized Education Program (IEP) from September 6, 2017 to February 2018, in accordance with 34 CFR §§300.101 and .323.

BACKGROUND:

The student is 16 years old and is identified as a student with a Specific Learning Disability (SLD) under the IDEA. He attends XXXXXXXXXXXXXXXXXXXXXXXX School and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACTS:

1. The IEP in effect requires the student to be provided with instruction in “small group co-taught” general education classes, in all core content areas. However, there is no documentation that the student was provided with instruction in “small co-taught” general education classes.
2. The IEP states that some modified assignments are to be “afforded” to the student. However, the IEP does not specify how assignments are to be modified, or the frequency which modified assignments are to be provided to the student.
3. The IEP requires the student to be provided with speech/language therapy two (2) times each month for thirty (30) minutes each session. However, there is no documentation that the student was provided with this related service.

CONCLUSION:

In this case, the complainant alleged that the student did not receive special education instruction in “small group co-taught” classes, modified assignments, and speech/language therapy between the start of the 2017-2018 school year and February 2018.

Based on the Finding of Fact #1, the MSDE finds that there is no documentation that the student was provided with special education instruction in “small group co-taught” general education classes required by the IEP, in accordance with 34 CFR §300.320.

Based on the Finding of Fact #2, the MSDE finds that the IEP is not written clearly with respect to whether modified assignments must be provided, how the assignments are to be modified, and the frequency which they are to be provided, in accordance with 34 CFR §300.320.

Based on the Finding of Fact #3, the MSDE also finds that there is no documentation that the student was provided with the speech/language therapy required by the IEP, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that violations occurred with respect to the allegation during this time period.

CORRECTIVE ACTIONS/TIMELINES:

Student-Specific

The MSDE requires the PGCPS to provide documentation by September 1, 2018 that the IEP team has reviewed and revised the IEP to provide clarification of whether modified assignments are to be provided, and, if so, how they will be provided. The MSDE also requires the IEP team to determine the amount and nature of compensatory services or other remedy to redress the violations identified.

The MSDE also requires the PGCPS to provide documentation by the end of the first quarter of the 2018-2019 school year that services are being provided as required by the IEP.

School-Based

The MSDE requires the PGCPS to provide documentation by September 30, 2018, of the steps taken to ensure that the violations do not recur at XXXXXXXXXXXXXXXXXXXX.

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 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 (FAPE) for the student, including issues subject to this State complaint investigation, consistent with the IDEA.

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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
Gwen Mason
Barbara VanDyke
XXXXXXXXXX
Dori Wilson
Anita Mandis
Albert Chichester
Nancy Birenbaum