



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

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August 27, 2018

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

RE: XXXXX  
Reference: #18-189

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 June 29, 2018 the MSDE received correspondence 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 following allegations:

1. The PGCPS has not ensured that the Individualized Education Program (IEP) has addressed the student’s behavioral and social/emotional needs, since the start of the 2017-2018 school year, in accordance with 34 CFR §300.320 and .324.
2. The PGCPS has not ensured the provision of behavioral and social/emotional supports and progress reports required by the IEP since the start of the 2017-2018 school year, in accordance with 34 CFR §§300.101 and .323.

**BACKGROUND:**

The student is sixteen (16) years old 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. The student attends XXXXXXXXXXXXXXXX School.

**FINDINGS OF FACTS:**

1. The PGCPS acknowledges that the IEP has not addressed the student's behavioral and social/emotional needs, from the start of the 2017-2018 school year until June 14, 2018.
2. The IEP team met on June 14, 2018 to begin reviewing and revising the IEP to address the student's behavioral and social/emotional needs but did not complete the process and decided to meet again prior to the start of the 2018-2019 school year to ensure academic and behavioral supports are in place for the student at the start of the school year. To date, there is no documentation that the meeting has taken place.
3. The PGCPS acknowledges that the IEP team did not ensure the provision of behavioral and social/emotional supports including daily progress reports required by the IEP during the 2017-2018 school year.
4. There is documentation that the IEP progress reports were sent to the complainant on December 12, 2017, January 30, 2018, April 11, 2018 and June 18, 2018.

**CONCLUSIONS:**

**ALLEGATION #1 ADDRESSING THE STUDENT'S NEEDS**

Based on the Findings of Facts #1 and #2, the MSDE finds that the IEP team did not address the student's behavioral and social/emotional needs as required by the IEP, in accordance with 34 CFR §§300.320 and .324. Therefore, this office finds a violation occurred with respect to this aspect of the allegation.

**ALLEGATION #2 PROVISION OF EMOTIONAL AND BEHAVIORAL SUPPORTS**

Based on the Finding of Fact #4, the MSDE finds that IEP progress reports were provided to the complainant during the 2017-2018 school year. However, based on the Finding of Fact #3, the MSDE finds that the IEP team did not provide the behavioral and social/emotional supports, as required by the IEP, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds a violation occurred with respect to the allegation.

**CORRECTIVE ACTION/TIMELINES:**

**Student-Specific**

The MSDE requires the PGCPS to provide documentation by October 1, 2018, that the IEP team has reviewed and revised the IEP to ensure it meets the student's behavioral and social/emotional needs.

Further, the PGCPS must provide documentation that the IEP team has determined the amount and nature of compensatory services or other remedy to redress the violations, and developed a plan for the provision of those services within a year of the date of this Letter of Findings.

**School-Based**

The MSDE requires the PGCPS to provide documentation by December 1, 2018 of the steps it has taken to ensure that XXXXXXXXXXXX staff properly implements the requirements for development and implementation of the IEP. The documentation must include a description of how the PGCPS will evaluate the effectiveness of the steps taken and monitor to ensure that the violations do not recur.

**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.

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 and Appropriate Public Education 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: sf

c: Monica Goldson  
Gwendolyn Mason  
Barbara Vandyke  
Robert Reese  
XXXXXX  
Dori Wilson  
Anita Mandis  
Sharon Floyd  
Nancy Birenbaum