



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

December 4, 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: #19-045

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services, 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 October 5, 2018, the MSDE received a complaint from Ms. Ashley S. VanCleaf, hereafter, “the complainant,” on behalf of XXXX and XXXXXXXXX, and their 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 student.

The MSDE investigated the allegation that the PGCPS has not ensured that the student has been provided with a Free Appropriate Public Education (FAPE) since October 5, 2017,¹ in accordance with 34 CFR §§300.101 and .320,.324, and COMAR 13A.03.05 and 13A.05.01.

¹ The complainant was informed that while she asserted the allegation occurred beyond this period of time, only those allegations of violations that occurred within one year can be addressed through a State complaint (34 CFR §§3000.153).

BACKGROUND:

The student is 12 years old, is identified as a student with an Other Health Impairment, due to Attention Deficit with Hyperactivity Disorder (ADHD) under the IDEA, and has an Individualized Education Program (IEP) that requires the provision of special education and related services.

Prior to transferring to the PGCPS, the student attended school in the XXXXXXXXXXXX (XX). The student attended XXXXXXXXXXXXXXXXXXXX, PGCPS during the 2017-2018 school year until March 2018, when he was parentally placed at XXXXXX School, a private special education school, in March 2018.

FINDINGS OF FACTS:

1. The XX IEP in effect at the start of the investigation was reviewed by the IEP team on September 12, 2017. The IEP team determined that services comparable to the XX IEP would be implemented as written. Assessments would be conducted based on the concerns reported in recently conducted private assessments and expressed by the parents and the complainant.
2. On October 31, 2017, the IEP team reviewed evaluation data and determined the student to be eligible for special education services with the disability of Other Health Impairment due to Attention Deficit with Hyperactivity Disorder (ADHD).
3. The IEP team met on November 28, 2017 and December 11, 2017 to develop an IEP for the student. The IEP team determined goals in the areas of reading comprehension, math calculation, math reasoning, self-management and executive functioning to address the needs identified in the data. The IEP required that the student's schedule change to reflect special education services for math and reading within a supported inclusion class, a smaller class with a lower student-to-teacher ratio.
4. There is documentation that the IEP has been implemented. However, the IEP progress reports were not provided for the first and second quarters of the 2017-2018 school year.
5. On March 9, 2018, an IEP team meeting was held to review the student's progress and reported that the student demonstrated progress towards the annual goals. On March 16 and 20, 2018, the IEP progress reports indicated that the student was making sufficient progress to meet the goals.
6. On March 28, 2018, the PGCPS were informed of the parents' decision to parentally place the student at XXXXXXXX, a private special education school.

DISCUSSION/CONCLUSIONS:

Based on the Findings of Facts #1 - #3 and #5, the MSDE finds that the IEP addressed the student's needs and was implemented, as required, in accordance with 34 CFR 300.101 and .320,324. Therefore, this office finds no violation occurred with respect to this aspect of the allegation.

However, based on the Findings of Facts #4, the MSDE finds that the student was not provided with the progress reports, required by the IEP for the first and second quarters of the 2017-2018 school year, in accordance with 34 CFR 300.101 and .323. Therefore, this office finds that a violation occurred with respect to this aspect of the allegation.

Notwithstanding the violation, based on the Findings of Facts # 2, #3, and #5, the MSDE finds that IEP team met frequently and discussed the student's progress. Therefore, no student-specific corrective action is required to remediate the violation.

CORRECTIVE ACTIONS/TIMELINE:

The MSDE requires the PGCPs to provide documentation by March 1, 2019, of the steps it has taken to ensure that XXXXXXXXXXXXXXXXXXXX staff properly implements the requirements for the timely provision of IEP progress reports. 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 complainant and the school system 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.

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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 Early Intervention
and Special Education Services

MEF/sf

c: XXXXXXXXX
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