



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

December 21, 2018

Ms. Ronnetta Stanley
Educational Advocate
Loud Voices Together
P.O. Box 1178
Temple Hills, Maryland 20757

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

RE: XXXXX
Reference: #19-053

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.

ALLEGATIONS:

On October 29, 2018, the MSDE received a complaint from Ms. Ronnetta Stanley, hereafter, “the complainant,” on behalf of the above-referenced student and his mother. 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 did not provide the parent with written notice of the Individualized Education Program (IEP) team’s decisions following the IEP team meetings held on December 22, 2017 and January 26, 2018, in accordance with 34 CFR §300.503.

2. The PGCPS did not ensure that proper procedures were followed when conducting an evaluation of the student during the 2017-2018 school year, in accordance with 34 CFR §§300.303 - .306.

BACKGROUND:

The student is 6 years old and attends XXXXXXXXXXXXXXXXXXXX. On November 12, 2018, he was identified as a student with Multiple Disabilities under the IDEA, including Autism, Speech/Language Impairment, and an Other Health Impairment (OHI). On December 13, 2018, an IEP was developed that requires the provision of special education instruction and related services.

FINDINGS OF FACTS:

1. There is documentation that, on December 22, 2017 and January 26, 2018, the IEP team convened. However, there is no documentation of the decisions made by the team for those IEP meetings.
2. On March 13, 2018, the parent made a referral to the PGCPS for an IDEA evaluation of the student. Her referral identified concerns related to the student's speech/language, cognitive functioning, social/emotional functioning, and academics.
3. There is documentation that, on June 20, 2018, the student's parent provided consent for assessments to be conducted. However, there is no documentation that the school staff attempted to obtain consent from the student's parent prior to this date.
4. On November 12, 2018, the IEP team reconvened to review results from PGCPS assessments and independent assessments provided by the parent. Based on the results, the IEP team determined that the student was a student with a disability under the IDEA, and required specialized instruction to access the general education curriculum.
5. On December 13, 2018, the IEP team reconvened to developed the initial IEP for the student. The team also determined that a Functional Behavior Assessment (FBA) and an occupational therapy assessment would be conducted to obtain additional data to ensure that all of the student's needs are identified and addressed. The parent provided consent for the assessments and the reevaluation is pending.

CONCLUSIONS:

Allegation #1: Provision of Prior Written Notices for the IEP Team Meetings held on December 22, 2017 and January 26, 2018

Based on the Finding of Fact #1, the MSDE finds that, PGCPS did not provide the parent with written notice of the IEP team's decisions following the IEP team meetings, in accordance with 34 CFR §300.503. Therefore, this office finds that a violation occurred with respect to the allegation.

Allegation #2: Proper Procedures for Conducting an Evaluation

Based on the Findings of Facts #1 - #5, the MSDE finds that, PGCPS did not ensure that proper procedures were followed when conducting an evaluation of the student, in accordance with 34 CFR §§300.303 - .306 and COMAR 13A.05.01.06. Therefore, this office finds that a violation occurred with respect to the allegation.

CORRECTIVE ACTIONS/TIMELINES:

Student-Specific

The MSDE requires PGCPS to provide documentation by February 28, 2019 that the IEP team has convened to review and revise the IEP, as appropriate, based on the reevaluation data.

The MSDE also requires PGCPS to provide documentation by February 28, 2019 that the IEP team has determined the compensatory services for the delay in completing the evaluation, since December 22, 2017.

The PGCPS must ensure that the parent is provided with prior written notice of the team's decisions. The parent maintains the right to request mediation or to file a due process complaint to resolve any disagreement with the team's decisions.

School-Based

The MSDE requires the PGCPS to provide documentation by March 31, 2019, of the steps taken to ensure that the violations identified do not recur at XXXXXXXXXXXXXXXXXXXX, and the documentation must include a description of how the PGCPS will evaluate the effectiveness of the steps taken.

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.

The parent and the school staff 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

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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
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XXXXXXXXXXXX
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