



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

December 28, 2018

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

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

RE: XXXXX
Reference: #19-055

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.

ALLEGATIONS:

On October 19, 2018, the MSDE received a complaint from Ms. Ronnetta Stanley, hereafter “the complainant,” on behalf of the above-referenced student. In that correspondence, the complainant alleged that the Prince George’s Public Schools (PGCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the student.

The MSDE investigated the following allegations:

1. The PGCPS has not ensured that the Individualized Education Program (IEP) team has developed an IEP that address all of the student’s reading needs, since March 2018, in accordance with 34 CFR §§300.101, .320 and .324.
2. The PGCPS did not ensure that an IEP team meeting convened in September 2018, included the required participants, in accordance with 34 CFR §300.321.
3. The PGCPS has not ensured that the student has been provided with the occupational therapy services required by the IEP, since September 2018, in accordance with 34 CFR §§300.101 and .323.

5. On November 16, 2018, the IEP team convened, with the participation of an occupational therapist. The IEP team determined that additional data was needed and recommended an assessment of the student's fine motor skills. The parent provided consent for the assessment. The reevaluation is pending.

CONCLUSION:

Based on the Findings of Facts #4 and #5, the MSDE agrees with the PGCPS that the September 2018 IEP team did not include the required team members, in accordance with 34 CFR §300.321. Therefore, this office finds that a violation occurred.

ALLEGATION #3 PROVISION OF OCCUPATIONAL THERAPY SERVICES

FINDINGS OF FACTS:

6. The IEP documents that the student requires (30) minute sessions, twice a month, of occupational therapy (OT) as a related service. The IEP also documents that an occupational therapist is required to consult with the school staff quarterly.
7. On September 28, 2018, the school staff documented that they did not have an occupational therapist and that they were working with the school system staff to hire an individual to fill the vacancy. The documentation states that there is a national shortage of occupational therapists.
8. On November 14, 2018, the school system staff documented that an occupational therapist had been hired. The documentation states that OT services will be initiated during November 2018, and that "make up services" will be provided throughout the 2018 - 2019 school year for missed services.
9. During the IEP team meeting convened in November 2018, the school staff reported that the student's missed sessions of OT would be delivered "by the end of the school year."
10. The school staff report that make up OT services, beginning in November 2018, have been scheduled for the student and for other students at XXXXXXXXXXXXXXXX whose IEPs require OT services. However, there is no documentation that the make up services have been provided.

CONCLUSION:

Based on the Findings of Facts #6 - #10, the MSDE finds that the PGCPS has not ensured that the student has been provided with the occupational therapy services required by the IEP since the start of the 2018 - 2019 school year, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation occurred.

ALLEGATION #4

**IEP STATEMENT OF THE STUDENT'S SPECIAL
EDUCATION SERVICES**

FINDINGS OF FACTS:

Specialized Instruction in a General Education Classroom

11. The IEP "services" page documents that the student requires a total of three (3) hours and twenty (20) minutes per day of specialized instruction in a general education classroom. However, the description of the service delivery indicates that the student is to be provided a total of three (3) hours and twenty (20) minutes of specialized instruction per week in a general education classroom.
12. A review of the audio recording of the September 2018 IEP team meeting documents the acknowledgement by the school staff that the IEP should reflect that the student requires three (3) hours and twenty (20) minutes of specialized instruction per week in a general education classroom, and that the student has been provided this amount of specialized instruction weekly.

Specialized Instruction in a Separate Special Education Classroom

13. The IEP documents that the student requires a total of four (4) hours and twenty (20) minutes per week of specialized instruction in a separate special education classroom.
14. A review of the audio recording of the September 2018 IEP team meeting documents the IEP team's discussion that the school staff have been providing the student with more than four (4) hours and twenty (20) minutes per week of specialized instruction in a separate special education classroom in order to meet her reading needs.
15. The audio recording documents that the complainant requested the school staff to revise the IEP to reflect the additional specialized instruction time being provided to the student. There is no documentation that the IEP has been revised to reflect an increase in the specialized instruction hours that the student requires in a separate special education classroom.

CONCLUSION:

Based on the Findings of Facts #11 - #15, the MSDE finds that the IEP does not contain a clear statement of the specialized instruction that the student requires, in accordance with 34 CFR §300.320. Therefore, this office finds that a violation occurred.

CORRECTIVE ACTION/TIMELINES:

Student-Specific

The MSDE requires the PGCPS to provide documentation by March 1, 2019, that the following actions have taken place:

1. The IEP team has convened and determined whether the student achieved the reading goals by the end of January 2019. If she did not achieve the goals, the IEP team has determined compensatory services needed to accelerate her rate of progress beyond one (1) year between January 2019 and January 2020.
2. If the IEP team identifies that the student has fine motor needs upon the completion of the pending reevaluation, the IEP team has determined compensatory services for the delay in addressing the student's fine motor needs.
3. The IEP team has reviewed and revised the IEP to ensure that it is written clearly with respect to the amount of specialized instruction that the student requires both in a general education classroom and in a separate special education classroom. If the IEP team determines that the student requires more than the additional amount of specialized instruction in a separate special education classroom than the school staff unilaterally determined that the student requires, the IEP team has determined the IEP team has determined compensatory services for the additional amount.
4. If the IEP team determines that the student is owed compensatory services, the IEP team has developed a plan for the provision of those services within one (1) year of the date of this Letter of Findings.

The MSDE also requires the PGCP to provide documentation by the end of the 2018 - 2019 school year, that the student, and all similarly situated students, have received make up sessions for all missed occupational therapy services since the start of the 2018 - 2019 school year.

School-Based

The MSDE requires the PGCPS to provide documentation by March 1, 2019, of the steps it has taken, including training, to ensure that the XXXXXXXXXXXXXXXXXXXX staff comply with the requirements related to each of the violations identified in this Letter of Findings. The documentation must include a description of how the school system will evaluate the effectiveness of the steps taken and monitor to ensure that the violations do not reoccur.

Documentation of all corrective action taken is to be submitted to this office to: Attention: Chief, Family Support and Dispute Resolution Branch, Division of Early Intervention and Special Education Services, MSDE.

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Ms. Trinell Bowman
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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 parents 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. 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/ksa

c: XXXXXXXXXXXXX
 Monica Goldson
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