



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

January 14, 2019

Ms. Debra Martin
Best Solutions Educational Services
1300 Mercantile Lane, Suite 129-2
Largo, Maryland 20774

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: #19-063

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 November 15, 2018, the MSDE received a complaint from Ms. Debra Martin, hereafter, “the complainant,” on behalf of Ms. XXXXXXXXX and Mr. XXXXXXXXXX, 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 did not implement the decisions made by the Individualized Education Program (IEP) team on July 30, 2018 to do the following, in accordance with 34 CFR §300.101:

- a. Collect academic and behavioral data to be reviewed at the end of the first quarter of the 2018-2019 school year;
- b. Determine whether a Functional Behavior Assessment (FBA) was warranted based on the data collected during the first quarter of the 2018-2019 school year; and

- c. Develop a “fade plan” for the additional adult support that has been provided during the first quarter of the 2018-2019 school year.

BACKGROUND:

The student is eleven (11) years old, is identified as a student with Autism under the IDEA, and has an IEP that requires the provision of special education and related services.

The student attends school at the XXXXXXXXXXXXXXXX, a non-public special education day school, where he was placed by the PGCPS at the start of the 2018-2019 school year.

FINDINGS OF FACTS:

1. On July 30, 2018 the IEP team decided that, although the student was being placed in a more restrictive setting of a nonpublic separate special education school for the 2018-2019 school year, he would continue to be provided with additional adult support. The team decided to collect data on the student’s behavior and to reconvene after the first quarter for the 2018-2019 school year to determine whether a FBA is required and to develop a “fade plan” for the additional adult support.
2. On November 15, 2018 and December 10, 2018, the IEP team considered the student’s behavior data. The team discussed that additional adult support had not been provided before December 10, 2018 as was required, but that a school-wide behavior modification system was implemented, with individual point sheets used based on the student’s individual needs, and that the student was responding well to this system. However, the team decided to begin providing the additional adult support and developed a “fade plan” for the support.
3. The student’s report card for the 2018-2019 school year indicates that for the first quarter and second quarter the student is achieving A’s and B’s and his conduct is satisfactory.
4. The IEP progress reports dated October 26, 2018 and November 2, 2018, indicate the student is making sufficient progress to meet his IEP goals for reading fluency, reading comprehension, speech/language pragmatics, math problem solving, communication skills, social interaction skills, and social/emotional/behavioral skills.

DISCUSSION/CONCLUSIONS:

Based on the Findings of Facts #1 and #2, the MSDE finds that the PGCPS ensured that the IEP team’s decisions to consider behavior data and determine whether a FBA is required, and to develop a “fade plan” were implemented, in accordance with 34 CFR §300.101 and .103. However, based on the Findings of Facts #1 and #2, the MSDE also finds that the PGCPS did not ensure that the student was provided with the additional adult support at the start of the 2018-2019 school year, as required by the IEP, and that as a result, a violation occurred.

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Notwithstanding the violation, based on the Findings of Facts #3 and #4, the MSDE finds that no educational impact was caused by the violation. Therefore, no corrective action is required to remediate the violation.

TIMELINE:

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 Free and Appropriate Public Education 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
and Special Education Services

MEF/sf

c: XXXXXXXXXX
 XXXXXX
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