



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

January 14, 2019

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: #19-065

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.

ALLEGATION:

On November 16, 2018, the MSDE received a complaint from Ms. Ronnetta Stanley, hereafter, “the complainant,” on behalf of the above-referenced student and his parents, Mr. XXXXXXXXXXXX and Ms. XXXXXXXXXXXXXXXXXXXX. 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 allegation that the PGCPS did not follow proper procedures when conducting an IDEA evaluation that began in August 2018, in accordance with 34 CFR §§300.304 - .306, and .323. Specifically, the complainant alleged the following:

- a. The PGCPS did not ensure that a general education teacher of the student participated in the Individualized Education Program (IEP) team meeting held on October 23, 2018;

- b. The PGCPS did not ensure that the evaluation was sufficiently comprehensive to identify the student's fine motor and behavioral needs; and
- c. The IDEA eligibility determination was not consistent with the data.

BACKGROUND:

The student is fourteen (14) years old, is not identified as a student with a disability under the IDEA, and attends XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX. He is, however, identified as a student with a disability, under Section 504 of the 1973 Rehabilitation Act, as a result of an Other Health Impairment (OHI), related to a diagnosis of Attention Deficit-Hyperactivity Disorder. The student currently has an Accommodations Plan (504 Plan).

FINDINGS OF FACTS:

1. On August 24, 2018, the student's mother made a referral to the PGCPS for an IDEA evaluation of the student. Her referral identified concerns related to the student's cognitive, social/emotional, and academic functioning. There is no documentation that concern was raised about the student's fine motor skills.
2. On August 24, 2018, the IEP team convened, with the student's mother, and recommended that teacher observations, and psychological and educational assessments be conducted, in order to determine eligibility for special education services under the IDEA with a suspected disability of OHI. The student's mother provided consent for assessments at the meeting.
3. The psychological assessment, dated October 12, 2018, reflects that the student's significant weaknesses with social/emotional behavioral functioning, specifically as it relates to inattention, hyperactivity, executive functioning, learning problems, and peer relations, may prevent him from being mentally available for learning new information. The assessment report includes recommendations for the student to be provided with reduced distractions and task requirements, non-verbal acknowledgement of compliance, and a behavioral system that rewards on-task behaviors.
4. The educational assessment, dated October 11, 2018, reflects that the student's standard scores in reading, math, and written language were in the "average" range. The assessment report includes recommendations for the student to be provided with graphic organizers, checks for understanding by school staff, and math reference sheets.
5. On October 23, 2018, the IEP team convened to determine IDEA eligibility, with the required participants at the meeting, including the student's general education science teacher. The audio recording of the meeting reflects that the team reviewed teacher observations and parental input, grades, recent assessments, curriculum assessments, and the student's educational record. Based on that review, the IEP team determined that,

although the student has social/emotional and executive functioning difficulties, as a result of ADHD, he does not require specialized instruction, and can access the general education curriculum with the provision of the recommended accommodations through his 504 Plan.

6. On November 7, 2018, the 504 team convened to review the student's 504 Plan and determined that a Functional Behavior Assessment (FBA) would be conducted for the student.

CONCLUSIONS:

Allegation #1: Proper IEP Meeting Participants

Based on the Finding of Fact #5, the MSDE finds that the PGCPS did ensure that the proper participants were in attendance at the IEP team meeting held on October 23, 2018, in accordance with 34 CFR §§300.321 and .323. Therefore, this office does not find that a violation occurred with respect to the allegation.

Allegation #2: Proper Procedures for Conducting an Evaluation

Based on the Findings of Facts #1 - #6, the MSDE finds that PGCPS did ensure that the evaluation was sufficiently comprehensive to identify the student's needs, in accordance with 34 CFR §§300.304 - .306. Therefore, this office does not find that a violation occurred with respect to the allegation.

Allegation #3: IDEA Determination Consistent with the Data

Based on the Findings of Facts #1 - #6, the MSDE finds that, when evaluating the student under the IDEA, the IEP team considered the results of the assessments, parent's concerns, and the student's educational record, and determined that his educational needs can be addressed with accommodations only, consistent with the data, in accordance with 34 CFR §§300.304 - .306, and .324. Therefore, this office does not find that a violation occurred with respect to this aspect of the allegation.

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.

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The parents 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 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: XXXXXXXXXX
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