



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

July 3, 2019

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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: #19-162

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 May 7, 2019, the MSDE received a complaint from Ms. XXXXXXXXXXX, hereafter, the complainant” on behalf of her 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 following allegations:

1. The PGCPS did not ensure that the student was consistently provided with the accommodations, supplementary aids and services required by the Individualized Education Program (IEP), from September 2018 to March 7, 2019, in accordance with 34 CFR §§300.101 and .320.

2. The PGCPS did not ensure that the reports of the student's progress towards achievement of the annual IEP goals were consistent with the data, since the start of the 2018-2019 school year, in accordance with 34 CFR §§300.101, .323 and .324.

### **BACKGROUND:**

The student is twelve (12) years old and attends XXXXXXXXXXXXXXXXXXXXXXXX. He is identified as a student with a Specific Learning Disability, under the IDEA and has an IEP that requires the provision of special education and related services.

### **ALLEGATION #1: PROVISION OF ACCOMMODATIONS, SUPPLEMENTARY AIDS AND SERVICES AND SUPPORTS**

### **FINDINGS OF FACTS:**

1. The IEP, dated May 25, 2018, in effect when the 2018-2019 school year began, required that the student use a portable electronic speaking speller to support vocabulary acquisition, reading comprehension and aspects of the writing process.
2. There is documentation within the IEP that the student is to also use a highlighting tool, and graphic organizers, and that he is to be provided with extended time and reduced distractions during instruction and when taking assessments.
3. The supplementary aids, services, program modifications, and supports for the student include the provision of the following:
  - A weekly preview of the text for unknown words;
  - A daily evidence/research based reading program;
  - A daily eye tracking tool;
  - A daily word wall and bulletin board;
  - A daily agenda book and classroom electronic communication;
  - A low technical electronic device for assistance with daily writing assignments;
  - A daily vocabulary word bank;
  - Alternative ways to demonstrate learning, as needed;
  - Daily frequent and/or immediate feedback;
  - Daily repetition of directions;
  - Breaking down texts into smaller units using a teacher-made reading frame, as needed; and
  - Preferential seating, daily.

4. On June 19, 2019, the IEP team met and determined that the student's accommodations, supplementary aids, and supports "were not implemented with fidelity." As a result of this determination, the IEP team proposed thirty (30) hours of compensatory academic tutoring to redress the academic impact of the lack of provision of the supports. There is documentation that the complainant attended the IEP team meeting and was in agreement with this decision.

#### **DISCUSSION/CONCLUSIONS:**

In this case, the complainant alleges that the PGCPS failed to consistently ensure the delivery and monitoring of the accommodations, supplementary aids, and services.

Based on the Findings of Facts #1 - #4, the MSDE finds that the PGCPS did not ensure that the student was consistently provided with the accommodations, supplementary aids and services required by the IEP, in accordance with 34 CFR §§300.101 and .320. Therefore, the MSDE finds that a violation occurred with respect to this allegation.

Notwithstanding the violation, based on the Finding of Fact #4, the MSDE finds that the IEP team identified the problem and took appropriate steps to remediate the violation. Therefore, no additional corrective action is required to remediate the violation.

#### **ALLEGATION #2: IEP PROGRESS REPORTS CONSISTENT WITH DATA FINDINGS OF FACTS:**

5. At the IEP team meeting held on November 27, 2018 and in many electronic (email) correspondences between the complainant and the school staff, the complainant expressed her concerns about the lack of clarity of the IEP progress reports and the consistency of those reports with reports of the student's classroom performance.

#### **Reading vocabulary goal**

6. The reading vocabulary goal from the IEP dated April 25, 2018 stated that by April 23, 2019, after reading a grade level and content specific literary text at the student's independent level, he will determine the meaning of (3) teacher selected words by choosing another word with a similar meaning and tone from a list of (2) options with a collaborative group of peers in (4 out of 5) trials, with 80% accuracy, as measured by a teacher-created assessment.

7. On February 8, 2019, the IEP progress report stated that the student was making sufficient progress to meet the goal. It further stated that, when directed to read a selected text at his instructional grade level, the student is able to identify and demonstrate understanding of new or unfamiliar vocabulary terms and that the student uses a variety of strategies to explore and familiarize himself with new vocabulary.
8. On April 11, 2019, the IEP progress report stated that the student was making progress towards achieving his reading vocabulary goal with approximately 84% accuracy based upon classroom work sample documents collected over the course of the 3<sup>rd</sup> marking period of the 2018-2019 school year. The student's performance on these assignments indicated that when he was provided with a grade-level text, he was able to determine the meaning of unfamiliar or unknown words both with and without direct support from the instructor or a collaborative group. The student continued to receive support with the introduction of new vocabulary through small group collaboration led by the special education teacher. The teacher monitored his comprehension through verbal questioning and through his responses to reading comprehension assignments requiring him to write about newly introduced words and concepts.
9. The documented progress showed that the reading vocabulary goal was achieved.

#### Reading comprehension goal

10. The reading comprehension goal from the IEP dated April 25, 2018 stated that by February 6, 2019, given an informational (grade level) text and a preview of the assignment, the student will use a highlighter to identify the central idea and supporting details of the text/short passage. He will then use a graphic organizer to write (5) sentence paragraph stating (4) details from the text and explaining how the details support his understanding of the text in 4 out of 5 opportunities, with 80% accuracy, as measured by a teacher-created assessment, rubric, or work samples.
11. On February 8, 2019, the IEP progress report stated that the student was making sufficient progress to meet the goal. It further stated that when independently reading a selected text at his instructional grade level, he utilized a highlighter and graphic organizer to identify the main idea and was able to extract supporting details to justify his ideas and responses. The progress report further indicated that he was able to draw from information in the text to make inferences and has not needed his eye tracking tool accommodation to read fluently and successfully derive meaning from what he reads.
12. There is documentation that the progress reports of the student's reading comprehension progress was consistent with the classroom samples of reading comprehension.

Written language expression goal

13. The written language expression goal from the IEP dated April 25, 2018 stated that by February 6, 2019, given an informational writing prompt (e.g. written or verbally) with teacher modeling and a paragraph template, the student will use his word bank and a graphic organizer to write a (5) sentence paragraph that includes a topic sentence that responds to the prompt, (2) relevant examples that explain why they are important to the topic, and a concluding sentence in (4 of 5) informational writing prompts that meet teacher listed criteria or rubric (e.g. topic sentence, relevant details, explanation, concluding sentence).
14. On February 8, 2019, the IEP progress report stated that the student was making progress towards achieving his written language expression goal. When asked to respond to a writing prompt the student responded in complete sentences with demonstrated awareness for the standard conventions of English grammar (spelling, punctuation, capitalization, etc.). The progress report indicated that he composed a well-structured paragraph that included a topic sentence which responded to the prompt, multiple relevant examples, and a concluding sentence and that he used a graphic organizer and highlighter to locate key information from the text (vocabulary, facts, and details) and supported the development of his writing when responding to a prompt.
15. There is documentation that the progress reports of the student's progress of written language expression were consistent with the classroom samples of written language expression.

Math problem solving goal

16. The math problem solving goal from the IEP dated April 25, 2018 stated that by February 6, 2019, when given grade level one-step word problems of the form  $px=q$ , the student will use a problem solving checklist and highlighter to identify key information from the problem (e.g. unit rate, variable, total), then he will use a graphic organizer to write and solve an algebraic equation with 75% accuracy in 3 out of 4 problems.
17. On February 8, 2019, the IEP progress report stated that the student has achieved his math problem solving goal since June 8, 2018. Further, the IEP progress report stated that the student is always able to identify important information from grade level mathematical word problems with or without the use of a highlighter/graphic organizer and is able to accurately solve for the correct answer 90% of the time.
18. The student's report card indicated that he received a grade of B in the first quarter, and A's for the second, third and fourth quarters of the 2018-2019 school year. There is documentation to support that the student consistently achieved a high level of success in math.

19. The documentation of progress shows the IEP math problem solving goal was achieved.

Behavioral self-advocacy goal

20. The behavioral self-advocacy goal from the IEP dated April 25, 2018 stated that by February 6, 2019, when provided with coping strategies for times of frustration, anxiety, and lack of focus the student will select and use the strategy in order to self-advocate expressing to an adult what kind of assistance he needs, with an increase of 10% from the current baseline.
21. On February 8, 2019, the IEP progress report stated that the student was making sufficient progress to meet the self-advocacy goal. The progress report indicated that he frequently communicated with all of his teachers when he needed help or clarification about the instructions/requirements of an academic task, and used the support of his teachers to stay organized and updated on the expectations and due dates for his assignments (taking the time to clarify his thinking processes and evaluate the correctness of his responses). The student remained extremely well organized and his self-advocacy practices should serve as a model example for other students.
22. On April 23, 2019 and June 19, 2019, the IEP team met and revised the student's goals.
23. There is documentation that the progress reports of the student's behavioral self-advocacy progress were consistent with the teacher reports of the student's behavior.

**DISCUSSION/CONCLUSIONS:**

Based on the Findings of Facts #5 - #23, the MSDE finds that the PGCPS ensured that the reports of the student's progress towards achievement of the annual IEP goals were consistent with the data, since the start of the 2018-2019 school year, in accordance with 34 CFR §§300.101, .323 and .324. Therefore, the MSDE finds that no violation occurred with respect to this 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.

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Questions regarding the findings and conclusions contained in this letter should be addressed to this office in writing. The student's 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 and 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 and  
Special Education Services

MEF:sf

c: Monica Goldson  
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