



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

July 26, 2019

Ms. Ronetta 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  
1400 Nalley Terrace  
Landover, Maryland 20785

RE: XXXXX  
Reference: #19-173

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 results of the investigation.

**ALLEGATIONS:**

On May 29, 2019, the MSDE received a complaint from Ms. Ronetta Stanley, hereafter “the complainant,” on behalf of the above-referenced student and her mother, Ms. XXXXXXXX. 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 has not ensured that the Individualized Education Program (IEP) has identified and addressed all areas of the student’s speech and language needs and academic needs, since the start of the 2018 – 2019 school year, in accordance with 34 CFR §§300.101, .304 - .306, .320 and .324.
2. The PGCPS has not ensured that the student has consistently been provided with the speech/language services required by the IEP, since June 4, 2018, in accordance with 34 CFR §§300.101 and .323.

3. The PGCPs did not ensure that proper procedures were followed when amending the IEP on May 2, 2019, in accordance with 34 CFR §300.324.

### **BACKGROUND:**

The student is thirteen (13) years old and is identified as a student with Autism under the IDEA. She has an IEP that requires the provision of special education and related services and attends the XXXXXXXXXXXX.

### **FINDINGS OF FACTS:**

1. The IEP in effect at the start of the 2018-2019 school year, dated June 4, 2018, was developed following an IEP team meeting held on May 31, 2018. A review of the audio recording of the meeting reflects that the IEP team, including the student's mother, discussed at length the student's present levels of performance in all areas and developed annual goals to address all areas of need, consistent with the data, including an independent neuropsychological assessment from the XXXXXXXXXXXXXXXXXXXX (XXX IEE) that was obtained by the mother. A review of the IEP that was developed reflects that it is consistent with the decisions made by the IEP team.
2. The report of the XXX IEE states that the student has a diagnosis of Autism Spectrum Disorder "with associated attention difficulties." It further states that the student demonstrates "borderline impaired intellectual functioning, across verbal and fluid reasoning abilities." In addition, it states that as a result of deficits in nonverbal reasoning abilities, the student needs supports when material is complex or more abstract, and that she needs to be "shown or told explicitly how to use her skills in other contexts, rather than expecting her to generalize what she has learned independently." The report states that, when the student is required to complete work independently, she should also receive "discrete prompting to ensure that she stays on task, attends to relevant information, and uses appropriate strategies to complete tasks."
3. The report of the XXX IEE states that expressively, the student "performed within expectations when the demand for verbal output was relatively minimal." However, it states that she "demonstrates weakness in her comprehension of complex language," which could be "due to demonstrated variability in her auditory attention and working memory skills." It also states that the student's "basic reading ability is intact," but that "she struggles with reading comprehension, which requires sustained attention, working memory, as well as inferencing and drawing conclusions about the material." It further states that the student's mathematic calculation abilities were "below expectation."
4. The report of the XXX IEE states that the student's "educational team is commended for their willingness to approach her complex needs in a flexible manner." It further states "while many of the following specific school-related supports and accommodations" recommended in the report "have already been implemented in part or in whole into [the

student's] educational programming, it is detailed again here to reinforce and/or complement areas in need of continued support.”

5. The report of the XXX IEE includes a recommendation that the student receive instruction in a small group setting that is modified to the student's level of understanding. A review of the audio recordings of the IEP team meetings reflects that the student's mother expressed concern about whether such an instructional setting is provided. The school staff reported that the student receives instruction on her instructional level in a small group setting with a significant amount of supports, which is why she is able to access the grade level curriculum despite the fact that her instructional levels are below grade level.
6. On February 14, 2019, the IEP team convened to conduct the annual IEP review. A review of the audio recording of the meeting reflects that the team discussed the student's progress and decided that goals should address math problem solving skills and recognition of inappropriate shift in pronouns when writing. While the IEP that was revised addressed math problem solving, it does not address the need for recognition of inappropriate shifts in pronouns when writing.
7. At the February 14, 2019 IEP team meeting, the team also discussed that the student requires participation in a social skills group. A review of the audio recording reflects that the school staff reported that they had not yet received written consent from the student's mother to participate, but would send the mother another form to do so.
8. At the February 14, 2019 IEP team meeting, the school-based members of the team reported that the speech/language therapist observed that the student was going to the teachers in the classroom for support that was being provided by the speech/language therapist in the classroom. Based on this information, the school-based members of the team recommended reducing the amount of speech/language services to be provided by the speech/language therapist in that setting. The complainant expressed disagreement based on the fact that the student has significant speech/language deficits and did not achieve the speech goals. Based on the information from the school-based members of the team, the amount of speech/language services to be provided by the speech/language therapist in the classroom was reduced.
9. At the February 14, 2019 IEP team meeting, the team discussed that there was no speech/language therapist available for the first (1<sup>st</sup>) quarter of the school year to provide speech/language therapy required by the IEP. The school system hired a speech/language therapist to make up services missed during the first (1<sup>st</sup>) quarter of the school year. There is documentation that services lost during that time were made up for the student.
10. At the February 14, 2019 IEP team meeting, the team increased the amount of special education instruction from eight (8) hours per week to twenty (20) hours per week. A review of the audio recording of the meeting reflects that the complainant asked about whether evidence-based math interventions were being used and that the school staff

responded that the student was not participating in such an intervention. However, there is no evidence that a request was made for the student to participate in such an intervention and no data that the student requires participation. In addition, there is no data that the student requires participation in a reading intervention or documentation that this was requested. At the meeting, the IEP team recommended that updated assessments be conducted.

11. On April 25, 2019, the IEP team considered the assessment results. A review of the audio recording of the meeting reflects that the complainant and the student's mother expressed concern that the speech/language evaluator did not conduct academic portions of the speech/language assessment. The school-based members of the team reported that they believe that the Woodcock Johnson educational assessment was the more appropriate tool to obtain information about academic performance. A review of the assessment reports and the audio recording of the IEP team meeting reflects that all areas of concern were assessed and that the team considered recommendations for supports from the educational assessment, and discussed the student's present levels of performance obtained from the data.
12. A review of the audio recording of the April 25, 2019 IEP team meeting reflects that the IEP team discussed that the student was doing well with advocating for herself, which was a skill addressed in her annual goals. However, the parents reported that the student is expressing that she experiences a great deal of stress at school and that she is not sharing this with the school staff. The IEP goal was revised for the student to express her feelings of stress and anxiety so that they can be addressed at school.
13. The IEP team also discussed that the student was utilizing the fifteen (15) minutes per week check-ins with the guidance counselor, which was currently required in the supplementary aids/services, but that this should be changed to direct counseling services. A review of the audio recording reflects that there was disagreement about the amount of counseling services to be provided. While one (1) of the school-based members of the team suggested thirty (30) minutes per week, another expressed concern that the student needs to spend more time in a social skills group than in counseling. While the audio recording does not reflect that a decision was made about the amount of related counseling services to be provided, the IEP was revised to require counseling services for fifteen (15) minutes twice per month, which was not an amount that was discussed by the team.
14. The team was unable to complete the IEP review on April 25, 2019 due to time constraints and decided to make the revisions discussed and to reconvene on another date to complete the IEP review. While attempts were made to schedule the meeting at an early date, the parties were unable to find a mutually convenient date to return to complete the review until August 15, 2019.

15. A review of audio recordings of IEP team meetings that have been held for the student reflect that the student's parents and the complainant have expressed concern about the fact that the student is performing several grade levels below her same aged peers and that the gap is closing too slowly. They have questioned whether the school staff are promoting the student from grade to grade without requiring her to demonstrate proficiency with the grade level curriculum. The school-based members of the team have explained that, while the student performs below grade level independently without the IEP supports, she is making progress consistent with her cognitive ability and progressing through the grade level curriculum with the significant amount of IEP supports provided, including the chunking of materials, which was added to the IEP.
16. The complainant and the student's parents have also expressed concern that the student has not achieved the overall goals from year to year. The school-based members of the team have explained that the goals look similar from year to year through middle school because the same types of skills are covered in the grade level curriculum each year. However, they explained that the student is achieving short-term objectives within the goals and that the expectations for the levels of her performance in each area have been increasing as she achieves the short-term objectives.
17. Neither the IEP nor the student's 2018-2019 report card reflects that the student is receiving instruction on a modified curriculum.

### **DISCUSSION/CONCLUSIONS:**

**Allegation #1                      The PGCPS has not ensured that the IEP has identified and addressed all areas of the student's speech and language need and academic needs since the start of the 2018-2019 school year.**

The following are the factual assertions upon which the allegation was based:<sup>1</sup>

1. The speech/language assessment conducted following the February 14, 2019 IEP team meeting included only oral scales and not the other core battery components of the assessment because the school system did not have the other components available in the testing office. In addition, the date placed on the report of the educational assessment that was conducted is the day before the date the report states that the testing was

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<sup>1</sup> During the course of the investigation, the PGCPS argued that the investigation exceeds the scope of the allegations identified in the letter initiating the investigation because the allegations do not include the many factual assertions raised as a basis for those allegations. The letter initiating the investigation informed the parties that this office identified the allegations based on the specific information provided in the State complaint, and provided the school system with a copy of the State complaint. The MSDE staff further clarified this information during the investigation.

The complainant also expressed concerns during the course of the investigation that the allegations identified do not address all concerns raised in the complaint. Therefore, we are separately addressing each concern raised in the State complaint as a basis for determining the identified allegations.

performed. Furthermore, the educational assessment report that was considered at the April 25, 2019 IEP team meeting did not include recommendations for supports to be provided to the student. Therefore, the student was not evaluated in all areas of suspected disability and thus, the school system did not ensure that all of her needs have been identified.

Based on the Finding of Fact #11, the MSDE finds that the IEP team addressed the complainant's concern that the academic components of the speech/language assessment were not administered. Based on that Finding of Fact, the MSDE finds that the evidence does not support the assertion that the decision to conduct only the oral scales of the speech/language assessment was based on the lack of availability of other components of the assessment.

Based on the Finding of Fact #11, the MSDE finds that the IEP team made recommendations for services based on the results of the educational testing and that data was obtained in all areas of concern in order to identify the student's needs. The MSDE finds that inconsistent dates placed on the educational assessment report do not provide sufficient evidence to find that the assessment was invalid and unreliable. Therefore, this office does not find that a violation occurred with respect to this aspect of the allegation.

2. The IEP in effect at the start of the 2018-2019 school year was revised without the parents' input.

Based on the Finding of Fact #1, the MSDE finds that the evidence does not support this assertion. Therefore, this office does not find that a violation with respect to this aspect of the allegation.

3. The student's report card documents that she is being provided instruction using a modified curriculum without the consent of the parents.

Based on the Findings of Facts #5, #15, and #17, the MSDE finds that the evidence does not support this assertion. Therefore, this office does not find a violation with respect to this aspect of the allegation.

4. The goals do not address the identified areas of need and the services are insufficient to assist the student with achieving the goals. The goals have been in effect for over one (1) year without having been achieved, and the student is promoted from grade to grade without demonstrating proficiency with the grade level curriculum by completing academic tasks independently. The IEP does not include goals for the student to improve independent academic and functional skills, nor does it include sufficient special education instruction, speech/language and counseling services needed to assist the student with achieving the goals. The IEP does not include evidence-based reading and math interventions, the need for participation in a social skills group, or other services to assist the student with functioning independently that are recommended in the data, including the reports of testing by the XXXXXXXXXXXXXXXXXXXX.

Based on the Findings of Facts #2 - #4 and #15, the MSDE finds that the IEP team considered the parents' and the complainant's concerns about the student functioning more independently, and explained that she cannot be expected to do so in light of her cognitive abilities, consistent with the IEE from the XXXXXXXXXXXXXXXXXXXX. In addition, based on the Findings of Facts #2 - #4, #15, and #16, the MSDE finds that the IEP has been developed consistent with the recommendations contained in the XXXXXXXXXXXXXXXXXXXX assessment reports and reports of the student's progress. Therefore, this office does not find that violations occurred with respect to these aspects of the allegation.

Based on the Finding of Fact #16, the MSDE finds that the IEP team considered the parents' and the complainant's concerns about the student not achieving the overall IEP goals. Based on that Finding of Fact, the MSDE finds that the school-based members of the team explained that the student was achieving the short-term objectives within the goals, and that, as they were being achieved, they were revised to increase the expectations for her levels of performance. Therefore, this office does not find that a violation occurred with respect to this aspect of the allegation.

Based on the Findings of Facts #8 and #10, the MSDE finds that the IEP team has increased the amount of special education instruction to be provided, and there was data to support the IEP team's decision to decrease the amount of speech/language services to be provided to the student in the classroom. Therefore, this office does not find that violations occurred with respect to these aspects of the allegation.

Based on the Finding of Fact #10, the MSDE finds that there is no documentation of a request for the provision of evidence-based interventions or data that the student requires such interventions. Therefore, this office does not find that a violation occurred with respect to this aspect of the allegation.

Based on the Finding of Fact #7, the MSDE finds that the IEP team has agreed that the student should participate in a social skills group. However, based on the Findings of Facts #7 and #14, the MSDE finds that the IEP team did not determine the amount of counseling services to be provided along with participation in a social skills group. Therefore, this office finds that a violation occurred with respect to this aspect of the allegation.

In addition, based on the Finding of Fact #6, the MSDE finds that the written language goal has not been revised to address the student's need for recognition of inappropriate shifts in pronouns as determined by the IEP team on February 14, 2019. Therefore, this office finds that a violation occurred with respect to this aspect of the allegation.

**Allegation #2            The PGCPS has not ensured that the student has consistently been provided with the speech/language services required by the IEP since June 4, 2018.**

The following is the factual assertion upon which the allegation was based:

1.     The school was without a speech/language therapist during the school year, and there is no documentation that the missed services were made up.

Based on the Finding of Fact #9, the MSDE finds that the documentation does not support the allegation. Therefore, this office does not find that a violation occurred.

**Allegation #3            The PGCPS did not ensure that proper procedures were followed when amending the IEP on May 2, 2019.**

The following are the factual assertions upon which the allegation was based:

1.     The IEP in effect since April 25, 2019 was revised without the parents' input. Following the April 25, 2019 IEP team meeting, the IEP was revised to include re-evaluation data and information about the student's present levels of performance that were not addressed at the IEP team meeting.

Based on the Findings of Facts #11 and #12, the MSDE finds that the documentation does not support the allegation. Therefore, this office does not find that a violation occurred with respect to this aspect of the allegation.

2.     Chunking of text was added to the IEP without discussion by the IEP team.

Based on the Findings of Facts #12 and #15, the MSDE finds that a review of the audio recording reflects that the school staff reported at the meeting that chunking of materials was an effective support for the student. Therefore, this office does not find a violation with respect to this aspect of the allegation.

3.     The IEP goal to address social interaction skills was revised without discussion at the IEP team meeting.

Based on the Findings of Facts #12 and #13, the MSDE finds that the goal was revised consistent with the student's needs as reported by both the parents and the school staff at the meeting. Therefore, this office does not find a violation with respect to this aspect of the allegation.

4.     The IEP was revised to remove guidance counselor check-ins from the supplementary aids/services section of the IEP and to replace it with a reduced amount of direct counseling services without consideration by the team.



Based on the Findings of Facts #12 and #14, the MSDE finds that, the team discussed replacing the supplementary aids/service of guidance counselor check-ins with direct counseling services. However, as stated in Allegation #1, the MSDE finds that the IEP team did not determine the amount of counseling services that was added to the IEP on May 2, 2019. Therefore, this office finds a violation with respect to this aspect of the allegation.

### **CORRECTIVE ACTIONS/TIMELINES:**

#### **Student Specific**

The MSDE requires the public agency to provide documentation by the start of the 2019-2020 school year that it has revised the IEP to reflect the IEP team's decision to address the student's need to recognize inappropriate shifts in pronouns within the written language goal.

The MSDE also requires the public agency to provide documentation by the start of the 2019-2020 school year that the IEP team has determined the amount of counseling services required along with participation in a social skills group, consistent with the data, and revised the IEP to reflect that determination.

#### **School Based**

The MSDE requires the public agency to provide documentation by October 1, 2019 of the steps taken to ensure that the IEP team at XXXXXXXXXXXXXXXX makes decisions about the amount and nature of all services to be provided and revises the IEP consistent with team decisions.

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.

### **TECHNICAL ASSISTANCE:**

Dr. Nancy Birenbaum, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, will provide the public agency with technical assistance for completing these actions within the required timelines. The parties should address any concerns about the completion of the required corrective action to Dr. Birenbaum, 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.

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

MEF/ksa

c:     XXXXXXXX  
        Monica Goldson  
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        Trinell Bowman  
        Barbara VanDyke  
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