



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

March 26, 2021

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

Ms. Trinell Bowman
Associate Superintendent-Special Education
Prince George's County Public Schools
1400 Nalley Terrace
Landover, Maryland 20785

RE: [REDACTED]
Reference: #21-057

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.

ALLEGATIONS:

On February 5, 2021, the MSDE received a complaint from Ms. Ronnetta Stanley, hereafter, "the complainant," on behalf of the above-referenced student, and his mother, Ms. [REDACTED]. 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 following allegations:

1. The PGCPS has not followed proper procedures to conduct a comprehensive evaluation of the student within the required timelines to determine if he is a student with a disability requiring special education and related services, since February 6, 2020, in accordance with 34 CFR §§300.301-.306 and COMAR 13A.05.01.06.
2. The PGCPS did not develop an Individualized Education Program (IEP) that addresses the student's identified needs, in accordance with 34 CFR §300.324.

BACKGROUND:

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

He attended [REDACTED] School until the March 2020 closure of school buildings and initiation of virtual learning due to the COVID-19 pandemic. The PGCPS has since made a public announcement that [REDACTED] School will be closing at the end of the 2020 – 2021 school year.

FINDINGS OF FACTS:

1. On January 23, 2020, the student's mother made a written referral for an evaluation of the student under the IDEA. The Child Find referral indicates concerns in the areas of cognition, social/emotional skills, reading, and math.

February 6, 2020 IEP Team Meeting

2. On February 6, 2020, the IEP team convened for an evaluation of the student. The student's mother reported that the student does not appear to be grasping or mastering the concepts presented to him, his low grades may be due to difficulty focusing and comprehending material presented, and he becomes angry and frustrated when he does not comprehend the material presented. She reported that, as a result, the student shuts down and refuses to complete assignments. The mother further reported that the student is not a fluent reader and experiences difficulty comprehending material read to him due to inattentiveness, but that he can comprehend the material when presented to him and he is focused. The mother also reported that the student experiences difficulty with solving calculation and math word problems and that he is not fluent in multiplication facts.
3. The student's teachers reported that he has difficulty focusing and remaining on task, starting or completing assignments, is easily distracted, and has difficulties following multi-step directions. The teachers reported that, as a result, assignments are often not started, incomplete, or incorrect. They further reported that adult assistance is given to assist the student with comprehension of the material presented and completion of assignments or tasks, and visual aids, graphic organizers, small group instruction, technology, and group activities are implemented in the classroom.
4. Based on this review, the team determined that cognitive, academic, social/emotional behavior, and speech and language assessments were needed to complete the evaluation because, despite interventions and strategies that had been put into place for the student, he continued to struggle with reading and mathematics. However, the team did not recommend that a classroom observation be conducted.

December 17, 2020 IEP Team Meeting

5. On December 17, 2020, the IEP team convened to review the assessment results. The educational assessment conducted by the PGPCS reflects that the student's reading skills are in the "average" range, math skills are in the "very low" range, academic fluency skills are in the "low" range, and that the student would have difficulty taking any timed assignment involving math computational and critical thinking problems. The documentation also indicated needs in broad reading, reading fluency, and written fluency. The report includes recommendations to improve the student's skills in math, such as avoiding memory overload, building retention of skills, supervised practice to prevent misconceptions, pre-teaching, visualization from drawings, real-life situations for problem solving, student progress monitoring, and the use of manipulatives and technology, such as tape recorders or calculators. The report includes recommendations to improve the student's fluency, such as extended time on class assignments and tests that involve reading, timed reading, and to address comprehension to ensure the student is not focused on the accuracy of the words.
6. There is documentation that student's mother obtained an independent speech and language assessment and provided it to the school staff prior to the December 17, 2020 IEP team meeting. The team reviewed the report, which reflects that the student demonstrated "below average" performance in the areas of receptive and expressive language, and vocabulary. However, his articulation, oral motor, fluency, and oral skills were within "normal" limits for his age and gender, and his pragmatic/social language skills were within "normal" limits for his age. The report included recommendations for speech and language services and goals to address receptive and expressive language and vocabulary skills, consultation between the school's speech and language pathologist, the student's teachers, and his mother to discuss strategies and progress. The report also included recommendations for strategies to address the student's receptive and expressive language, and vocabulary skills in the classroom setting.
7. There is documentation that the student's mother also obtained an independent psychological assessment and provided it to the school staff prior to the December 17, 2020 IEP team meeting. The team reviewed the report, which reflects that the student presents with the "constellation of symptoms" for a diagnosis of Attention Deficit Hyperactivity Disorder (ADHD), and Specific Learning Disorders in the areas of written expression and math calculation skills. The report also indicates that the student's behavior constitutes a significant area of concern, but does not meet the criteria for social, emotional, or behaviorally based mental health disorder. The report includes recommendations to address the student's weaknesses in the areas of intellectual functioning, verbal comprehension, visual spatial processing, fluid reasoning, working memory. Classroom recommendations include the need to structure the instruction and its rate and pace. Behavioral recommendations include problem-solving training, replacement behavior training, and individual therapy sessions to assist the student with anger management strategies.

8. The IEP team decided that a classroom observation would not be conducted until face-to-face instruction resumes, but did not indicate that the observation could not be conducted virtually. Despite the lack of all of the required data, the team identified the student as a student with a SLD. The team also discussed that once face-to-face instruction resumes, a Functional Behavior Assessment (FBA) would be conducted to assist in identifying and addressing the student's behavioral needs, but did not indicate why the recommendations for behavioral supports in the evaluation data were not being accepted and why his behavioral needs could not be addressed during virtual learning.

January 15, 2021 IEP Team Meeting

9. On January 15, 2021, the IEP team convened to develop an IEP for the student. The IEP reflects that the student demonstrates need in the areas of math calculation and problem solving, written language mechanics and expression, communication, and executive functioning. The team developed goals and objectives to assist the student with improving his skills in these areas, and included supplementary aids and speech and language services to assist the student with improving his skills in these areas. The team indicated that counseling services would be reconsidered once the student returned to school. The team also agreed to make a referral to the Assistive Technology Team to assist the student with his writing and writing fluency skills through technology. The summary of the IEP meeting notice reflects that the student would receive instructional services hours in the general education classroom to improve his skills in math and written language, and would also receive math intervention outside the general education classroom.
10. The audio recording of the IEP team meeting reflects that the mother raised concerns that the student's reading needs, which were reflected in the educational assessment, were not being addressed as an area of need through the IEP. Specifically, based on the data, the student demonstrated a "low average" score in reading fluency and a "low" score in sentence reading fluency, and as a result, was "struggling" to access the curriculum. She further raised concern that the student was not receiving a reading intervention to improve his skills and that goals were not developed in that area. The school staff indicated that they were unsure if the reading interventions currently being implemented at the school would be appropriate to address the student's identified needs. The team agreed to recommend the student to the Central Office Intervention Team to determine what reading intervention could be implemented to address the student's reading needs, and that the team would develop goals based on the recommendations. The documentation also reflects that the student will participate in a school-wide reading intervention available for all students. However, to date, there is no documentation that the student's IEP has been revised to address his identified reading needs, as determined by the IEP team.

CONCLUSIONS:

Allegation #1: Conduct a Comprehensive Evaluation within the Required Timelines

Based on the Findings of Facts #1 - #10, the MSDE finds that the PGCPS did not follow proper procedures to conduct a comprehensive evaluation in response to the January 23, 2020 request, within the required timelines, because there is no documentation that a classroom observation was conducted as part of the evaluation for a SLD, as required, in accordance with 34 CFR §§300.301-.306 and COMAR 13A.05.01.06. Therefore, this office finds that a violation occurred with respect to the allegation.

Allegation #2: Developing an IEP that Addresses the Student's Identified Areas of Need

Based on the Findings of Facts #1 - #5, and #8 - #10, the MSDE finds that the PGCPS has not developed an IEP that addresses the student's identified reading and behavioral needs, in accordance with 34 CFR §300.324. Therefore, this office finds that the violation is ongoing with respect to the allegation.

CORRECTIVE ACTIONS/TIMELINES:

The IDEA requires that State complaint procedures include those for effective implementation of the decisions made as a result of a State complaint investigation, including technical assistance activities, negotiations, and corrective actions to achieve compliance (34 CFR §300.152). Accordingly, the MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

The MSDE has established reasonable time frames below to ensure that noncompliance is corrected in a timely manner.¹ This office will follow up with the public agency to ensure that it completes the required actions consistent with the MSDE Special Education State Complaint Resolution Procedures.

If the public agency anticipates that any of the time frames below may not be met, or if either party seeks technical assistance, they should contact Dr. Nancy Birenbaum, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.² Dr. Birenbaum can be reached at (410) 767-7770 or by email at Nancy.birenbaum@maryland.gov.

¹ The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency correct noncompliance in a timely manner, which is as soon as possible, but not later than one (1) year from the date of identification of the noncompliance. The OSEP has indicated that, in some circumstances, providing the remedy could take more than one (1) year to complete. If noncompliance is not corrected in a timely manner, the MSDE is required to provide technical assistance to the public agency, and take tiered enforcement action, involving progressive steps that could result in the redirecting, targeting, or withholding of funds, as appropriate.

² The MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

Student-Specific

The MSDE requires the PGCPS to conduct the classroom observation virtually, if necessary, and to complete the IDEA evaluation with all required data. If the student continues to be identified as a student with a disability under the IDEA, the IEP team must develop an IEP that addresses the student's identified needs in all areas, including reading and behavior, and it must also determine the amount and nature of compensatory services or other remedy to redress the violations.

School-Based

The MSDE requires the PGCPS to provide documentation that the [REDACTED] School staff responsible for the evaluation and IEP development have been identified. The PGCPS must also provide documentation of the steps taken with the staff, including training on the IDEA requirements, to ensure that the violations do not recur at any school to which they may be reassigned after the closure of [REDACTED] School.

TECHNICAL ASSISTANCE:

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 PGCPS and student's parent 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: [REDACTED] Anita Mandis
Monica Goldson Kerry Morrison Albert Chichester
Barbara VanDyke Dori Wilson Nancy Birenbaum