



**Mohammed Choudhury**  
State Superintendent of Schools

July 19, 2021



Ms. Trinell M. Bowman  
Associate Superintendent  
for Special Education  
Prince George's County Public Schools  
John Carroll Administration Building  
1400 Nalley Terrace  
Landover, Maryland 20785

RE: [REDACTED]  
Reference: #21-102

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 May 20, 2021, the MSDE received a complaint from Ms. [REDACTED] 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 allegation that the PGCPS has not developed an Individualized Education Program (IEP) that addresses the student’s identified need for Occupational Therapy (OT), Assistive Technology (AT) math, reading comprehension, and writing needs, since May 2020, in accordance with 34 CFR §300.324.

**BACKGROUND:**

The student is fourteen (14) years old, is identified as a student with Multiple Disabilities, including Intellectual Disability and an Other Health Impairment under the IDEA, and has an IEP that requires the provision of special education services.

The student is placed by the PGCPS at [REDACTED] a nonpublic, separate, special education school, where he attended until the March 16, 2020, Statewide closure of school buildings and initiation of virtual learning as a result of the COVID-19 pandemic.

Since the start of the 2020-2021 school year, the student has been receiving instruction both in school and virtually.

**FINDINGS OF FACTS:**

1. The IEP in effect on May 20, 2020, was developed on June 7, 2019. It identifies the student as having a significant cognitive disability with needs in the areas of math, reading comprehension, written language, speech/language, and behavior. The IEP includes goals to improve skills in each area of need and accommodations and supplementary aids and services including assistive technology (AT) devices, services to support written language output, and a trial for an AT dynamic display application.<sup>1</sup> The IEP requires the provision of special education instruction to assist the student in achieving the goals. It also includes occupational therapy (OT), two (2) thirty (30) minute sessions per week, and thirty (30) minutes of consultative services quarterly to support typing and self-management skills and periodic AT consultative support to provide training and troubleshoot equipment issues.

January 21, 2020, IEP Team Meeting

2. On January 21, 2020, the IEP team convened at the request of the complainant. The complainant provided the IEP team with an assistive technology evaluation that was conducted privately and contained many program applications that were purchased for use during private tutoring sessions. The school staff recommended an updated OT assessment to include classroom observations and an AT trial of a program application to assist the student in the generation of speech. The complainant refused consent to conduct the OT assessment.

June 3, 4, and 16, 2020, IEP Team Meeting

3. On June 3, 4, and 16, 2020, the IEP team convened and conducted the annual review of the student's education program. The IEP team revised the goals to improve skills in each area of need consistent with the school staff's reports of the student's progress in each area.
4. The OT provider reported that the student's OT goals and objectives are embedded within self-management and written language goals. The OT provider reported that the student demonstrated consistent fine motor and visual motor skills in isolation and during tasks and no longer requires OT. The student's progress report stated that the student was not making sufficient progress due to the amount of prompting that was needed. The teacher described the prompting as a behavioral need that is addressed in the student's Behavior Intervention Plan (BIP).
5. The complainant stated that the student struggles with executive functioning tasks and sequencing events. The speech therapist reported that sequencing is addressed in speech goals and executive functioning skills are addressed throughout the day with planning and scheduling events. The IEP team proposed reducing OT therapy to one (1) thirty (30) minute session per week and assess the student's OT needs after the student has attended school for forty-five (45) days. The complainant stated that she does not want the student's OT services decreased. The IEP team decided to maintain the OT services until the team could reconvene to discuss further.

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<sup>1</sup> A dynamic display application is a touch screen that promotes speech-generation and vocabulary development <https://www.pgcps.org/assistive-technology>

December 14, 2020, IEP Team Meeting

6. On December 14, 2020, the IEP team met to review the student's progress on the self-management goal that is embedded with OT services. The OT provider reported that the student required more prompts to begin and persist on tasks, not to perform the actual tasks. The OT provider reiterated that the skills being measured are behavioral, and do not meet the criteria for OT intervention. The goal and objectives were revised, visual checklists were added for multi-step tasks and the OT services were reduced to thirty (30) minutes per week. The complainant reiterated her disagreement with reducing OT services.

March 11, 2021, IEP Team Meeting

7. On March 11, 2021, the IEP team considered the complainant's request for 1:1 instruction in the areas of math, reading, and written language. The school staff reported that the student was making sufficient progress in reading, writing, and math to meet the IEP goals and the complainant attributed that progress to the 1:1 support being provided by the student's sister. Based on the report of the student's progress, the IEP team decided that the student does not require 1:1 instruction.

April 26, and May 10, 2021, IEP Team Meeting

8. On April 26, 2021, the IEP team conducted an annual review and included the school staff from the high school to discuss the student's progress and needs for the 2021-2022 school year. The IEP team noted that while the student has made progress on his academic goals and objectives achieving eighteen (18) out of nineteen (19) objectives, he "struggled to demonstrate his knowledge" while learning virtually. The complainant expressed concerns about the student's independent written language and reading skills. The team recommended an additional objective to address the written language skills. The remaining goals were revised consistent with the description of skills deficits described in the present levels of performance. The teacher reported that the student made sufficient progress in all academic areas.
9. The IEP team recommended that direct OT services of one (1) thirty (30) minute session per week continue through the first quarter of the 2021-2022 school year then the IEP team is to conduct a review of the student's progress and evaluate the student's OT needs. The complainant requested additional time to evaluate the student's needs and stated her disagreement with the decision to consider discontinuing OT services. The complainant requested that AT consult services be increased to direct services per month. The IEP team refused to increase AT services, citing that the student's AT needs are currently being met given two (2) iPads, a board maker, an external keyboard, and trial applications that are supporting the generalization of skills in all content area throughout the school day.

June 14, 2021, IEP Team Meeting

10. On June 14, 2021, the IEP team considered the complainant's concern that an informal assessment of the student's reading comprehension skills reflected regression, her request for additional 1:1 teaching support, and her disagreement with the proposed decrease in OT services. The teacher reported on the student's IEP progress report that the student was making sufficient progress on the reading comprehension skills goal. Based on that information, the IEP team denied the complainant's request for 1:1 services. However, the team agreed to continue direct OT services thru the first (1<sup>st</sup>) quarter of the 2021-2022 school year and decided to reevaluate the student's needs at that time.
11. A review of the IEP and progress reports reflects that while assessment data of the student's performance without the IEP supports does not demonstrate skills growth, the student does demonstrate growth through content analysis with the provision of supports. For example, while the student continues to perform at a kindergarten level in written language on assessments conducted without

supports, he demonstrates growth in the area by being able to construct ten (10) sentence paragraphs with the provision of assistive technology.

**DISCUSSION/CONCLUSIONS:**

Based on the Findings of Facts #1 - #11, the MSDE finds the IEP addresses the identified needs in the areas of OT, AT, math, reading comprehension, and writing, and that the IEP team's decisions have been consistent with the data since May 20, 2020, in accordance with 34 CFR §300.324. Therefore, the MSDE finds that no violation occurred with respect to the allegation.

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.

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 Appropriate Public Education (FAPE) for the student, including issues subject to this State complaint investigation, consistent with the IDEA.

Sincerely,

Marcella E. Franczkowski, M.S.  
Assistant State Superintendent  
Division of Early Intervention  
and Special Education Services

MEF/sf

c: Monica Goldson  
Barbara Vandyke  
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