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State Superintendent of Schools

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Ms. Trinell Bowman
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1400 Nalley Terrace
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RE: [REDACTED]
Reference: #21-112

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 June 9, 2021, the MSDE received a complaint from Ms. Jessica Williams, hereafter, “the complainant,” on behalf of the above-referenced student and her parents, Mr. [REDACTED] and 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 student.

The MSDE investigated the following allegations:

1. The PGCPS has not ensured that the student’s Individualized Education Program (IEP) includes annual goals designed to enable the student to progress through the general education curriculum, and which are based on the student’s present levels of performance, since June 9, 2020, in accordance with 34 CFR §§300.320, and .324.

2. The PGCPS has not ensured that the student's progress towards achievement of the annual goals was measured as described in the IEP, during the 2020-2021 school year, in accordance with 34 CFR §§300.101 and .324.

BACKGROUND:

The student is eleven (11) years old and is identified as a student with a Specific Learning Disability, based on Dyslexia and Dysgraphia, under the IDEA. She has an IEP that requires the provision of special education instruction.

The student attended [REDACTED] School from the start of the 2019-2020 school year until the March 16, 2020 Statewide closure of school buildings and initiation of virtual learning as a result of the COVID-19 pandemic.

FINDINGS OF FACTS:

Reading Phonics

1. The IEP in effect on June 9, 2020 included present levels of performance in the area of reading phonics which reflected that the student was functioning at the kindergarten - first grade level in that area. The IEP reflects that, based on teacher input, and data from a research based reading intervention assessment and other assessments, the student demonstrated needs in the areas of letter word identification, spelling, and "fundamental decoding skills."
2. The student's goal in this area stated, using visual aids, the student will increase reading readiness skills in the area of decoding and word recognition as measured by classroom based assessments with 75% accuracy in three (3) out of five (5) trials. The short-term objectives consisted of supporting skills, which included locating specific words, phrases, word patterns, and sight words in familiar texts, using beginning, middle and ending letter cues to identify words, and identifying and writing words that contained short and long vowel sounds.
3. The written report of the student's progress towards achieving the annual goal, dated June 8, 2020, reflects that the student was making sufficient progress towards achievement of the goal. It states that the student was able to read words with short vowel sounds and was progressing with long vowel sounds, but was having difficulty reading multisyllabic words.
4. On June 12, 2020, the IEP team conducted the student's annual review. The present levels of performance in the area of reading phonics reflected that the student's overall reading level was equivalent to the beginning of first grade, and that, based on teacher input and assessment data, the student demonstrated needs in the areas of decoding unfamiliar words, including long vowels, prefixes and suffixes, multisyllabic words, and

irregularly spelled words. The IEP stated that the student would benefit from strategies for reading multisyllabic words as well as practicing word recognition to develop and strengthen automaticity in reading phonics.

5. The student's goal in this area stated, given an instructional text, or spelling words with common prefixes and suffixes, multisyllabic words, and irregularly spelled words, the student will read the passage or list aloud and correctly decode it as measured with 75% accuracy on classroom-based assessments. The short-term objectives for this goal reflected sequential targets of increasing proficiency and increased independence related to this skill. The short-term objectives were implementing teacher modeling strategies prior to student decoding, using familiar words that have been taught previously and using unfamiliar words to practice reading aloud.
6. On April 26, 2021, a report was made of the student's progress toward the annual goal that reflected that the student was making sufficient progress, and that the student was using a research-based intervention to assist with her needs in the area of phonics. The student was reported to be performing at the second grade level, and lessons were focused on multisyllabic words, sight word automaticity, suffixes, prefixes and root words.
7. On April 28, 2021, the IEP team met to conduct the student's annual review. The present level of performance in the area of reading phonics reflects that the student was on a second grade level and that, while the student continued to have a low accuracy rate in the areas of multisyllabic words and suffixes, she had a high accuracy rate in the area of sight word reading.
8. The student's goal in the area of reading phonics stated, given a grade level passage and ten (10) teacher selected words, the student will read the passage aloud and correctly decode the selected words with 75% accuracy in three (3) out of four (4) trials. The goal was to be evaluated based on work samples at an accuracy rate of three out of four trials.
9. The short-term objectives within the goal required sequential targets of diminishing support, including decoding directly after teacher modeling, utilizing familiar words, decoding words with a '-y' (long e sound), and decoding vowel 'r' words (-ar, -er).
10. The report of the student's progress towards achieving the annual goal, dated June 22, 2021, reflects that the student was able to read ten (10) 'r' controlled words out of ten. She also was able to self-correct and decode some suffixes and '-ly' words.

Reading Comprehension

11. The IEP, in effect on June 9, 2020, included present levels of performance in the area of reading comprehension which reflected that the student was functioning at the kindergarten - first grade level in that area. The IEP reflects that, based on teacher input, data from a research-based reading intervention assessment and other assessments, the student demonstrated needs in the areas of connecting text with visuals, determining point of view, identifying story elements, making inferences and identifying main ideas.
12. The student's goal in this area stated, given the use of graphic organizers and visual aids, the student will increase comprehension of a variety of printed materials as measured by work samples and performance assessments with 75% accuracy in three (3) out of five (5) trials. The short-term objectives to support this goal included: returning to the text to locate information, using visual information presented in text, making inferences by answering questions verbally and in writing, and identifying main ideas and supporting details in literary and informational text.
13. On June 12, 2020, the IEP team determined that the student was performing at the first grade level, and, based on teacher input and assessments, had skill deficits in many areas including: making inferences, identifying the main idea and supporting details, identifying conflict, determining cause and effect, and drawing conclusions.
14. The goal revised on June 12, 2020 states, given the use of graphic organizers and visual aids, the student will increase comprehension of a variety of printed material as measured by work samples and performance assessments with 75% accuracy in three (3) out of five (5) trials.
15. The short-term objectives within this goal required returning to the text to locate information, using visual information presented in the text, making inferences to support understanding and identifying main ideas and supporting details in literary and informational text. The short-term objectives reflect sequential targets of increasing proficiency and complexity.
16. In November of 2020, the student was working on a first grade level, as determined by the reading diagnostic provided by the reading intervention program. In February 2021, the student was performing at a second grade level, based on the reading intervention assignments.
17. On April 28, 2021, the IEP team determined that the student was performing at the first to third grade level in this area. The team documented that, based on reading intervention data and other classroom assessments, the student was developing proficiency in the areas of making inferences, comparing and contrasting, sequencing events and recognizing cause and effect relationships, however, she continued to struggle with

character analyzing, theme, plot elements, and asking and answering questions about key ideas and details.

18. The student's goal in this area stated, after reading an informational grade level text, the student will make connections with the text and illustrations, select the central idea, select three (3) supporting details, infer and explain how the details support the idea using sentence starters in a graphic organizer as measured by work sample in three (3) out of four (4) trials.
19. The short-term objectives within the goal required making inferences with teacher prompts, analyzing connections between text and visuals, and asking questions to build comprehension. The short-term objectives reflect sequential targets of increasing complexity by providing instructional level texts, as opposed to the grade level texts required by the IEP goal.

Math Problem Solving

20. The IEP in effect on June 9, 2020 included present levels of performance in the area of math problem solving, which reflected that the student was performing at the 1.3 grade level. The IEP reflects that, based on teacher input and a research-based math intervention assessment, the student demonstrated needs in the areas of locating the key details in a problem and identifying the operation necessary to solve the problem. Additionally, the student had skill deficits in the areas of addition and subtraction concepts and properties of operations.
21. The student's goal in this area stated given the use of manipulatives, teacher modeling and visual aids, the student will solve one step word problems involving addition, subtraction, multiplication and division with 75% accuracy in three (3) out of four (4) trials. The supporting short-term objectives included locating key words, choosing a strategy to solve the problem, and identifying the steps needed to solve the problem.
22. On June 12, 2020, the IEP team documented that the student was performing at the second grade level. Based on teacher input and math intervention assessments, the student demonstrated needs in the areas of identifying clue words in a problem and selecting the correct operation for the problem.
23. The student's goal in this area stated, given a grade level word problem with the use of manipulative, teacher modeling and visual aids, the student will solve multi-step word problems with 75% accuracy in three (3) out of fourth (4) trials. The short-term objectives for this goal included locating key words and identifying the correct operation for the problem, identifying the steps needed to solve the problem, choosing a strategy to solve the problem, and labeling the answers to problems correctly. The short-term objectives represented sequential targets of increasing proficiency.

24. On April 28, 2021, the IEP team documented that the student was performing at the second grade level. The IEP team documented that, based on a math diagnostic assessment provided with the math intervention, the student exhibited strengths in the areas of addition and subtraction facts; she continued to struggle with selecting the proper operation to solve real world and mathematical problems.
25. The student's goal in the area of math problem solving stated, given grade level word problems read aloud by the teacher that involves a one-step or real world (two-step) problem, and after the teacher translates or thinks aloud to translate the word problem into an equation and models the process, the student will solve the given equation in three (3) out of four (4) trials as measured with classroom assessments.
26. The short-term objectives within this goal required locating key words in the problem, drawing a model of the problem and drawing a picture of the problem.

Math Calculation

27. The IEP dated June 12, 2020, reflects that the student was "below grade level," in the area of math calculation. This was a new area of need identified on the student's IEP. Based on a math intervention, classroom performance and observation, the present levels of performance indicate that the student can perform multi-digit operations in addition and subtraction and shows an understanding that multiplication is repeated addition. She has difficulty with division and needs instruction that connects understanding of number relationships.
28. The goal in this area states given a multiplication and division equation, the student will apply strategies to answer equations with 80% accuracy as measured through informal procedures in at least four (4) out of five (5) trials. Short-term objectives that support his goal include answering multiplication and division equations.
29. On April 28, 2021, the IEP team determined that the student was performing at the second grade level. The IEP team documented that, based on math intervention data, the student is displaying weakness in the areas of adding and subtracting numbers that involve regrouping.
30. The goal in the area of math calculation states, given a math problem that requires division of two numbers with a three digit dividend, and multiplication problems up to three digits by one digit, the student will multiply and divide to correctly calculate the answer for three out of four trials with teacher support. The short-term objectives within this goal require building fluency in multiplication and division facts, solving division problems and solving multiplication problems.

31. The report of the student's progress, dated June 22, 2021, indicates that the student is able to complete single digit multiplication and division problems as well as multiple digit multiplication problems without regrouping.

Written language expression

32. The IEP dated June 12, 2020, reflects that the student was "below grade level," in the area of written language expression. This was a new area of need identified on the student's IEP. The IEP states that based on teacher input, data from classroom performance and observation, the student can copy sentences from a book or off the board. The IEP states that the student can spell words with short vowels and below level sight words, and can write simple sentences that contain four (4) to five (5) words, but struggles with analytical writing prompts and has difficulty "starting and formatting her ideas on paper with or without support."
33. The goal in this area states given a writing prompt with a specified topic, the student will write a one (1) paragraph essay with at least six (6) to eight (8) sentences that includes an introduction, supporting facts, and a concluding statement with 80% accuracy as measured by teacher made rubric in three (3) out of four (4) essays. Short-term objectives within this goal required: writing supporting details, a conclusion statement and an introduction.
34. The student's goal in this area states, given an independent writing assignment and a conventions reference sheet, the student will work with the teacher to write one paragraph of 3-6 sentences using conventions of English language, introduction, supporting details, concluding statements, as measured by work samples in three out of four trials.
35. The short-term objectives within this goal requires writing supporting details, writing an introduction and concluding statement, and responding to analytical prompts. The short-term objectives reflect a sequencing of targets beginning at a lower level of proficiency, as the writing prompts are on the student's instructional level.
36. The written reports of the student's progress towards achieving the annual goals during school year 2020-2021 do not consistently reflect that progress was measured in the manner and with the frequency and accuracy described in the IEP. Further, some of the written reports of the student's progress towards achieving the annual goals reflect that the student did not produce the amount of work that the IEP states will be reviewed when measuring progress.

DISCUSSION/CONCLUSIONS:

Allegation #1: Annual Goals Based on Present Levels of Performance

The IEP must include, among other required content, a statement of measurable annual goals, including academic and functional goals, designed to meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum in accordance with the child's present levels of performance, in accordance with 34 CFR §300.320.

An IEP team must ensure that annual IEP goals are aligned with the State academic content standards for the grade in which a child is enrolled, as those standards reflect the "general education curriculum" to which the disabled student must be provided access (USDE, OSERS, November 16, 2015. Dear Colleague Letter. Michal Yudin and Melody Musgrove).

In a situation where a child is performing significantly below the level of the grade in which the child is enrolled, the IEP team should determine annual goals that are ambitious but achievable. In other words, the annual goals need not necessarily result in the child's reaching grade-level within the year covered by the IEP, but the goals should be sufficiently ambitious to help close the gap (OSERS, 2015).

The MSDE Technical Assistance Bulletin #19-01, Improving Outcomes for Students with Disabilities - Curriculum, Instruction, and Assessment, states that short-term objectives should reflect sequential targets of increasing proficiency, accuracy, complexity - or reduced supports - across the time period covered by the IEP, or list the component skills, which when combined, lead to the achievement of the goal.

In this case, the complainant alleges that the student's goals are not based on the student's present levels of performance, because the student performs considerably below grade level and the goals require her to meet State standards which are aligned to the grade in which the student is enrolled.

Based on the Findings of Facts #1-#2, #4-#5, #7-#9, #11-#30, and #32-#35, the MSDE finds that, while the goals are aligned with grade level curriculum as required, in order to be designed to assist the student in progressing through the general education curriculum, they are achievable based on the student's present levels of performance, and the present levels of performance reflect that some progress has been made in closing the gap between the student's current skills and the expectations of the grade level standards. Therefore, the MSDE does not find that a violation occurred with respect to this allegation.

Allegation #2: Progress reports Evaluation Method

In this case, the complainant alleges that the reports of the student's progress toward achieving her annual goals were not based on the evaluation methods required by the IEP.

Based on Findings of Facts #3, #6, #10, #31, and #36, the MSDE finds that progress reports were not consistently made using the methods described in the IEP, in the areas of written language expression and math problem solving. Therefore, the MSDE finds that a violation occurred with respect to this aspect of 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

This office will follow up with the public agency to ensure that it completes the required action consistent with the MSDE Special Education State Complaint Resolution Procedures. If the public agency anticipates that the timeframe below may not be met, or if any of the parties 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. Dr. Birenbaum can be reached at (410) 767-7770 or by email at nancy.birenbaum@maryland.gov.

Student-Specific

The MSDE requires the PGCPS to provide documentation of the following:

1. The IEP team has convened to determine whether the violation found in this Letter of Findings related to progress reporting on achievement towards the student's annual goals had a negative impact on the student's ability to benefit from the education program.
2. If the team determines that there was a negative impact, it must also determine the amount and nature of compensatory services or other remedy to redress the violation and develop a plan for the provision of those services.

School-Based

The MSDE also requires the PGCPS to provide documentation of the steps taken to ensure that reports on the students' progress to achieve annual goals reflect the evaluation methods and accuracy requirements of the IEP at [REDACTED]. The documentation must

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include a description of the action that will be taken to monitor the effectiveness of the steps taken.

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 guardian 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:dee

c: Monica Goldson
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