




Mohammed Choudhury
State Superintendent of Schools

September 10, 2021




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

RE: 
Reference: #22-003

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 July 14, 2021, the MSDE received a complaint from Ms.  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 above-referenced student.

The MSDE investigated the following allegations:

1. The PGCPS has not ensured that the student's Individualized Education Program (IEP) addressed his identified needs in the areas of reading and math since the start of the 2020 - 2021 school year, in accordance with 34 CFR §§300.101 and .324.
2. The PGCPS did not ensure that the reports of the student's progress towards achievement of his annual IEP reading and math goals were consistent with the data during the 2020 - 2021 school year, in accordance with 34 CFR §300.324.

3. The PGCPS did not ensure the student was provided with the support and services required by the IEP between February 5, 2021 and June 6, 2021, in accordance with 34 CFR §§300.101 and .323.
4. The PGCPS did not follow proper procedures in responding to requests for IEP team meetings between February 16, 2021 and April 6, 2021, in accordance with 34 CFR §300.503.
5. The PGCPS did not follow proper procedures for conducting a reevaluation of the student in April 2021, in accordance with 34 CFR §§300.101, .303 - .306, and COMAR 13A.05.01.06.

BACKGROUND:

The student is eight (8) years old and is identified as a student with Autism, under the IDEA. He attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

ALLEGATIONS #1 AND #2: AN IEP THAT ADDRESSES THE STUDENT'S READING AND MATH NEEDS, AND REPORTS OF PROGRESS IN READING AND MATH CONSISTENT WITH THE DATA

FINDINGS OF FACTS:

1. The student's IEP in effect at the start of the 2020 - 2021 school year identifies reading fluency and reading comprehension as areas of need. The IEP includes specialized instruction, supports, services, and annual goals to improve the student's skills in these areas. The IEP does not identify math as an area of need for the student.
2. The student's annual reading fluency goal states that "by the end of the year, when given a list of 30-second grade sight words with regular spellings, [the student] will read the words aloud with automaticity, correctly reading 28 out of 30 words with 80% accuracy."
3. The student's annual reading comprehension goal states that "by the end of the year, after a read-aloud of a familiar, instructional-level story, when given a series of 3 picture cards that represent the events in the story and a verbal prompt to sequence the cards, [the student] will place the cards in the correct story order in 2 out of 3 sequencing activities."
4. The progress reported on the student's reading fluency goal, dated November 5, 2020, reflects that the student was making sufficient progress to achieve the goal. The report states that the student "is able to read at least 20 sight words independently, and is continuing to improve with his reading fluency in both English and Spanish."

5. The progress reported on the student's reading comprehension goal, dated November 5, 2020 reflects that the student is making sufficient progress towards achieving the goal. The report states that "when working with his speech pathologist and special educator in English, he is able to sequence 3-4 step picture sequences of daily activities independently, and can retell portions of a read-aloud story with access to visual prompts, and verbal cues."
6. The progress reported on the student's reading fluency goal, dated January 29, 2021, reflects that the student has done "very well" and has achieved the goal. The report states that, "upon being shown a list of 80 familiar English sight words that [the student] had been exposed to in class, [the student] was able to read all of the words, with only mispronouncing one or two words that, when reminded of how it was pronounced, he was able to accurately correct himself after only one reminder."
7. The progress reported on the student's reading comprehension goal, dated January 29, 2021, reflects that the student "has been making great strides in retelling stories and can usually sequence stories with and/or without the use of visual aids. He is also improving, but still needs more work, in determining problems and solutions in stories in order to better comprehend the story."

February 2021 IEP Team Meetings

8. On February 3 and 5, 2021, the IEP team convened to review the student's progress. The IEP team reviewed his educational record, quarterly classroom observations from the general and special educators, and parent observations. The school staff reported that the student "struggles with understanding what word problems are asking and therefore, gets frustrated trying to figure out what computation to do in these problems. More time is needed to process what the problem is asking for and picking out the key elements in order to solve the problems." Based on this review, the team identified math problem solving skills as an area of need for the student. The student's IEP was revised to require specialized instruction and annual IEP goals to assist with improving his skills in this area.
9. At the February 2021 IEP team meetings, the team also reviewed the student's progress with reading comprehension and revised the goal to further address his comprehension skills, stating that, "given an instructional level text, direct instruction in comprehension strategies and visual and picture support, [the student] will demonstrate understanding of the text with 80 percent accuracy 4 out 5 trials."
10. At the February 2021 IEP team meetings, the team discussed the specialized instructional service hours required for the student. The IEP team determined that the student was unable to access the education program without support inside and outside the general education classroom throughout the day, and agreed to increase his specialized instructional hours in the general and special education classrooms.

11. The progress reported on the student's reading comprehension goal, dated April 9, 2021, reflects that the student is making sufficient progress to achieve the goal. The report states that the student "is able to complete reading comprehension questions and retelling main details from a story. He has correctly answered all or most comprehension questions in his Scholastic Literacy Pro for the past several weeks."

April 23, 2021 IEP Team Meeting

12. On April 23, 2021, the IEP team convened for a review of the student's IEP. The complainant expressed concern that the student needed additional support in his classes and the amount of service hours of specialized instruction. The IEP team reviewed the student's educational record, IEP goals and services, and teacher and family observations. Based on this review, the team increased the student's specialized instructional hours in both his general and special education classes to support his annual goals. The team also updated the student's reading intervention to a "teacher-led intervention" for reading skill development that is not a computer-based program."
13. The progress reported on the student's reading comprehension goal, dated June 14, 2021, reflects that the student is making sufficient progress to achieve the goal. The report states that, "while there has been definite improvement in determining the main idea in a story and being able to provide key details, [the student] could still use work in this as he sometimes can get the main idea right away and other times it seems confusing to him. With guiding questions, he is better able to determine the main idea. He is able to answer basic comprehension questions but presents issues when he has to infer information".
14. The progress reported on the student's math problem solving goal, dated June 14, 2021, reflects that the student is making sufficient progress to achieve the goal. The report states that the student "is able to solve one-digit math problems and determine what to do with the word problems when he has the opportunity to talk it through. However, he does need time and direct instruction to determine whether a question is an addition or a subtraction problem. He also needs time to break a two-step word problem down into separate parts in order to be able to solve it. The extra time and manipulatives are important to his being able to solve these problems."

CONCLUSIONS:

Allegation #1: An IEP that Addresses the Student's Reading and Math Needs

Based on the Findings of Facts #1 - #14, the MSDE finds that the PGCPS ensured that the student's IEP addressed his identified needs in the areas of reading and math since the start of the 2020 - 2021 school year, in accordance with 34 CFR §§300.101 and .324. Therefore, this office does not find that a violation occurred with respect to the allegation.

Allegation #2: Progress Reports Consistent with the Data

Based on the Findings of Facts #1 - #7, #11, and #13 and #14, the MSDE finds that the reports of the student's progress towards achievement of his annual IEP reading and math goals were consistent with the data during the 2020 - 2021 school year, in accordance with 34 CFR §300.324. Therefore, this office does not find that a violation occurred with respect to the allegation.

**ALLEGATION #3: THE PROVISION OF IEP SUPPORTS AND SERVICES
BETWEEN FEBRUARY 16, 2021 AND APRIL 6, 2021**

FINDINGS OF FACTS:

15. The IEP required the student to be provided with supports including: modified assignments in all content areas, breakdown of assignments into smaller units, simplified sentence structure, and word banks for extended writing. The supports is to be provided to the student on a daily basis.
16. There is no documentation that the student was provided with the support required by the IEP, from February 16, 2021 to April 6, 2021.
17. The IEP requires that the student be provided with specialized instruction in reading and math, two and one-half (2.5) hours each week, in the general education classroom, by a special education teacher.
18. There is documentation that the student received some specialized instruction in reading and math in the general education setting. However, there is no documentation that the student was provided with the amount of specialized instruction in the general education classroom required by the IEP, from February 16, 2021 to April 6, 2021.
19. The IEP requires that the student be provided with math and reading interventions in a separate special education classroom, three (3) hours each week, by a special education teacher.
20. There is documentation that the student was provided with some reading and math intervention in a separate special education classroom. However, there is no documentation that the student was provided with the amount of reading and math intervention in a separate special education classroom required by the IEP, from February 16, 2021 to April 6, 2021.

CONCLUSIONS:

Supports

Based on the Findings of Facts #15 and #16, the MSDE finds that there is no documentation that the student received the supports required by the IEP, from February 16, 2021 to April 6, 2021,

in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation occurred with respect to this aspect of the allegation during this time period.

Services

Based on the Findings of Facts #1 - #14, the MSDE finds that there is documentation that the student was provided with some specialized instruction in reading and math. However, based on the Findings of Facts #17 and #18, the MSDE finds that there is no documentation that the student was provided with the amount of specialized instruction required by the IEP, from February 16, 2021 to April 6, 2021, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation occurred with respect to this aspect of the allegation during this time period.

Based on the Findings of Facts #19 and #20, the MSDE finds that there is documentation that the student was provided with some reading and math intervention. However, based on the Finding of Facts #19 and #20, the MSDE finds that there is no documentation that the student provided with the amount of reading and math intervention required by the IEP required by the IEP, from February 16, 2021 to April 6, 2021, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation occurred with respect to this aspect of the allegation during this time period.

ALLEGATION #4: PROPER PROCEDURES FOR RESPONDING TO A REQUEST FOR AN IEP TEAM MEETING ON FEBRUARY 19, 2021

FINDINGS OF FACTS:

21. The electronic mails (email) dated February 19, 2021 and February 24, 2021 reflect that, on February 16, 2021, the complainant and the school staff had an informal meeting to discuss the student. The documentation further reflects that the parties agreed to convene an IEP team meeting for the student at a later date to address the complainant's concerns.
22. The documentation reflects that, based on scheduling conflicts between the complainant and the school staff, the parties agreed to convene an IEP team meeting for the student on April 6, 2021.

CONCLUSION:

Based on the Findings of Facts #21 and #22, the MSDE finds that the documentation does not support the allegation that the PGCPSS did not follow proper procedures in responding to an IEP team meeting request by the complainant, in accordance with 34 CFR §300.503. Therefore, this office does not find that a violation occurred with respect to the allegation.

**ALLEGATION #5: PROPER PROCEDURES FOR CONDUCTING
A REEVALUATION OF THE STUDENT**

FINDINGS OF FACTS:

23. On April 6, 2021, the IEP team convened for a reevaluation of the student for special education services under the IDEA. The IEP meeting summary reflects that the team reviewed parental feedback and the student's education record, and determined that he required updated assessment in the areas of occupational and physical therapy, psychological, speech and language, and academics. The complainant provided consent for assessments to be conducted for the student.
24. On July 29, 2021, the IEP team convened to review the student's assessment results. Based on this review, the team determined that the student continued to meet the criteria of a student with a disability under the IDEA, and the IEP was revised, consistent with the data. The IEP meeting summary also reflects that the IEP team provided the complainant with an offer of compensatory services to address the delay in completing the reevaluation process for the student, which included fifty (50) hours of academic tutoring in reading and math to remediate the violation.

CONCLUSION:

Based on the Findings of Facts #23 and #24, the MSDE finds that the PGCPS did not ensure that the reevaluation of the student was completed within the timelines, in accordance with 34 CFR §§300.101, .303 - .306, and COMAR 13A.05.01.06. Therefore, this office finds that a violation occurred with respect to the allegation.

Notwithstanding the violation, based on the Finding of Fact #24, the MSDE finds that the PGCPS provided the complainant with an offer of compensatory services for the delay in completing the reevaluation process for the student. Therefore, no student-specific corrective action is required with regard to this 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

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

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.

Student-Specific

The MSDE requires the PGCPS to provide documentation that the student is being provided with the supports, services, and interventions required by the IEP.

The MSDE also requires the PGCPS to provide documentation that the IEP team has determined whether the violations identified through this investigation had a negative impact on the student's ability to benefit from the education program. 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 within a year of the date of this Letter of Findings.

The PGCPS must ensure that the complainant is provided with written notice of the team's decisions. The complainant maintains the right to request mediation or to file a due process complaint to resolve any disagreement with the team's decisions.

School-Based

The MSDE requires the PGCPS to provide documentation of the steps taken to ensure that the violations do not recur at [REDACTED]

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.

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.

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The parties 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: Monica Goldson
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