



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

October 19, 2018

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Ms. Trinell Bowman
Executive Director
Department of Special Education
Prince George's County Public Schools
John Carroll Elementary School
1400 Nalley Terrace
Landover, Maryland 20785

RE: XXXXX
Reference: #19-028

Dear Parties:

The Maryland State Department of Education, Division of Special Education/Early Intervention 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 August 29, 2018, the MSDE received a complaint from XXXXXXXXXXXXX, Esq., hereafter, "the complainant," on behalf of the above-referenced student and his 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 above-referenced student.

The MSDE investigated the following allegations:

1. The PGCPS has not ensured that the student has been provided with the supports and services required by the Individualized Education Program (IEP), since February 15, 2018,¹ in accordance with 34 CFR §§300.301 and .323.

¹ The State complaint indicated that the allegations began on January 25, 2018. However, during this investigation, it was determined that the IEP dated February 15, 2018, was developed as the student's initial IEP for the provision of special education services.

2. The PGCPS did not ensure that the decisions made regarding the student's progress towards achievement of the IEP goals from February 15, 2018¹ to the end of the 2017-2018 school year were consistent with the data, in accordance with 34 CFR §§300.101 and .324.

BACKGROUND:

The student is ten (10) years old and is identified as a student with a Specific Learning Disability (SLD) under the IDEA. She attends XXXXXXXXXXXXXXXXXXXXXXX and has an IEP that requires the provision of special education instruction and related services.

**ALLEGATIONS #1 AND #2: PROVISION OF SERVICES AND SUPPORTS AND
PROGRESS REPORTS BASED ON THE DATA**

FINDINGS OF FACTS:

1. The IEP, dated February 15, 2018, requires that the student be provided with speech/language therapy for one (1) hour each month, occupational therapy for thirty (30) minutes each month, and social skills training, periodically, with the school psychologist. There is documentation that all related services have been provided as required by the IEP.
2. The IEP also requires that the student be provided with special education instruction and supports in order to assist her in achieving the annual IEP goals. These supports include math strategies lists, a reading intervention, a word bank list to reinforce vocabulary, copies of student/teacher notes, organizational aids, and the use of an agenda book/progress reports. There is no documentation that the student has been consistently provided with these supports.
3. The progress reported on the annual IEP goals on April 20, 2018 and on June 20, 2018, reflect that the student is making sufficient progress towards achievement on all the IEP annual goals by January 3, 2019 with the provision of required supports, including the reading intervention. However, there is no documentation that the supports have been provided.
4. The IEP reflects that the student began the reading intervention in late January 2018 on level 1, and continues to remain on level 1. However, there is documentation that on the Statewide assessments, the student "met expectations" in reading and math, and is "approaching expectations" in writing. The student's 2017-2018 report card reflects that she is reading on grade level, and received "As" and "Bs" in all core content subjects during the fourth marking period of the 2017-2018 school year.

CONCLUSIONS:

Allegation #1: Provision of Supports and Services

Based on the Finding of Fact #1, the MSDE finds that there is documentation that the student has been provided with the related services required by the IEP, in accordance with 34 CFR §§300.301 and .323. Therefore, this office does not find a violation with respect to this aspect of the allegation.

Based on the Finding of Fact #2, the MSDE finds that there is no documentation that the student has been consistently provided with the supports required by the IEP, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation has occurred with this aspect of the allegation.

Allegation #2: Progress Reports Based on the Data

Based on the Finds of Facts #3 and #4, the MSDE finds that there is no documentation to support the student's reported progress towards achievement of the annual IEP goals from February 15, 2018¹ to the end of the 2017-2018 school, in accordance with 34 CFR §§300.101 and .324. The basis for this MSDE finding is because there is no documentation of the provision of the supports that were to be provided to assist her in achieving the goals. Therefore, this office finds that a violation occurred with respect to the allegation.

CORRECTIVE ACTIONS/TIMELINES:

Student-Specific

The MSDE requires the PGCPS to provide documentation by January 1, 2019 of the following:

- a. That the student is consistently being providing with the reading intervention and other supports required by the IEP;
- b. That the IEP team has determined the student's present levels of performance and reviewed and revised the IEP, as appropriate; and
- c. That the IEP team has determined the levels of performance that were expected to have been demonstrated by that time, and whether the violations identified in this Letter of Findings 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 one (1) year of the date of this Letter of Findings.

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The PGCPS must ensure that the parent is provided with written notice of the team's decisions. The parent 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 by January 31, 2019 of the steps taken to ensure that the violations does not recur at XXXXXXXXXXXXXXX School.

Documentation of all corrective action taken is to be submitted to this office to: Attention: Chief, Family Support and Dispute Resolution Branch, Division of Special Education/Early Intervention Services, MSDE.

TECHNICAL ASSISTANCE:

Technical assistance is available to the parties by contacting Dr. Nancy Birenbaum, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE 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.

The parent 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:ac

c:	Monica Goldson	Kerry Morrison	Albert Chichester
	Gwen Mason	Dori Wilson	Nancy Birenbaum
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