



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

October 12, 2018

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

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: #19-029

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 August 23, 2018, the MSDE received a complaint from Ms. Ronnetta Stanley, hereafter, “the complainant,” on behalf of the above-referenced student and his mother, Ms. XXXXXXXXXX. 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 developed an Individualized Education Program (IEP) that addresses the student’s identified academic and social/emotional and behavioral needs since the start of the 2017-2018 school year, in accordance with 34 CFR §300.324;

2. The PGCPS did not ensure that an IEP team meeting convened on August 2, 2018, included the required participants, in accordance with 34 CFR §300.321;
3. The PGCPS did not ensure that the IEP revisions made at the February 21, 2018 IEP team meeting were based on the needs of the student, in accordance with 34 CFR §§300.324; and
4. The PGCPS did not follow proper procedures when determining the student's educational placement for the 2018-2019 school year, in accordance with §34 CFR §§300.114 -.116 and .321.
5. The PGCPS did not ensure that the student was provided with counseling, math intervention, keyboarding instruction, occupational therapy (OT) and speech/language consultation required by the IEP during the 2017-2018 school year, in accordance with 34 CFR §§300.101 and .323;
6. The PGCPS did not ensure that that the student was provided with the amount of special education instruction required by the IEP during the 2017-2018 school year, in accordance with 34 CFR §§300.101 and .323;

BACKGROUND:

The student is 12 years old, is identified as a student with Autism under the IDEA, and has an IEP that requires the provision of special education and related services. During the start of the time period covered by this investigation, the student attended XXXXXXXXXXXXXXXXXXXX XXXXXX. He has been placed, by the PGCPS, at XXXXXXXXXXXXXXXXXXXX for the 2018-2019 school year.

ALLEGATIONS #1 - #4 IEP DEVELOPMENT

FINDINGS OF FACTS:

1. On January 25, 2018, an Administrative Law Judge determined that the IEP that was in effect at the start of the 2017-2018 school year offered the student a Free Appropriate Public Education (FAPE).
2. The IEP was revised on February 21, 2018. At that time, the IEP team documented that the student was not being provided with the special education instruction consistent with the IEP that was determined to offer the student a FAPE. The IEP team revised the IEP to reflect the special education instruction that was being provided to the student. The documentation of the meeting does not reflect that the revisions made to the IEP were based on the student's needs.

3. On May 8, 2018, June 1, 2018 and August 2, 2018, the IEP team met and reviewed and revised the IEP again. At those meetings, the IEP team documented that the revisions made to the IEP were based on the student's needs, including his academic and social, emotional, and behavioral needs.
4. The November 29, 2017, February 8, 2018 and April 20, 2018 reports of the student's progress towards achievement of the annual IEP goals reflect that the student is making sufficient progress to achieve the goals for written language content, written language expression, reading comprehension, self-management and functional participation, math problem solving, and social, emotional and behavioral skills.
5. On August 2, 2018, the IEP team convened with participation by the PGCPSS Central Office staff and determined the educational placement for the 2018-2019 school year. The documentation of the meeting reflects that the team considered less restrictive environments and determined the least restrictive environment in which the IEP can be implemented with the provision of supplementary aids and services. The IEP team documented that the student's parent was in disagreement with the placement decision and that the team addressed the concerns expressed by the parent. However, the documentation reflects that the IEP team did not include a teacher of the student.

DISCUSSION/CONCLUSIONS:

Allegation #1 Addressing Academic, and Social/Emotional Needs

Based on the Findings of Facts #1 and #4, the MSDE finds that the IEP in effect from the start of the 2017-2018 to February 21, 2018 and since May 8, 2018, has addressed the student's needs, in accordance with 34 CFR 300.324. Therefore, this office does not find that a violation occurred for these time periods.

However, based on the Finding of Fact #2, the MSDE finds that the IEP in effect from February 21, 2018 to May 8, 2018, was not based on the student's needs in accordance with 34 CFR 300.324. Therefore, the MSDE finds that a violation occurred with respect to this aspect of the allegation.

Allegation #2 Required Participants at the IEP Team Meeting

Based on the Finding of Fact # 5, the MSDE finds that the IEP team that convened on August 2, 2018 did not include the required participants, in accordance with 34 CFR 300.114 - .116 and .321. Therefore, this office finds that a violation occurred with respect to this aspect of the allegation.

Allegation #3 Revisions Based on Student's Needs

As stated above, based on the Finding of Fact #2, the MSDE finds that the revisions made to the IEP on February 21, 2018 were not based on the student's needs, in accordance with 34 CFR §§300.324. Therefore, the MSDE finds that a violation occurred with respect to this aspect of the allegation.

Allegation #4 Educational Placement

As stated above, based on the Finding of Fact #5, the MSDE finds that the IEP team that determined the student's educational placement for the 2018-2019 school year did not include the required participants, in accordance with 34 CFR 300.114 -.116 and .321. Therefore, this office finds that proper procedures were not followed in determining the educational placement for the 2018-2019 school year.

ALLEGATIONS #5 AND #6 IEP IMPLEMENTATION

FINDINGS OF FACTS:

6. There is documentation that the student has been provided with the special education instruction required by the IEP since May 8, 2018.
7. There is documentation that the student has been provided with the OT and speech/language consultation required by the IEP during the 2017-2018 school year.
8. There is no documentation that the student has been provided with the counseling, math intervention, and keyboarding instruction, required by the IEP during the 2017-2018 school year.

DISCUSSION/CONCLUSIONS:

Allegation #5 Provision of Related Services and Supports

Based on the Finding of Fact #7, the MSDE finds that the student was provided with the OT and speech/language consultation, required by the IEP during the 2017-2018 school year, in accordance with 34 CFR 300.101 and .323. Therefore, this office finds no violation with respect to this aspect of the allegation.

Based on the Finding of Fact #8, the MSDE finds that the student was not provided with the counseling, math intervention, and keyboarding instruction, required by the IEP during the 2017-2018 school year, 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.

Allegation #6 Provision of Special Education Instruction

Based on the Findings of Facts #2 and #6, the MSDE finds that the student was not provided with the special education instruction required by the IEP from the start of the 2017-2018 school year until May 8, 2018, in accordance with 34 CFR 300.101 and .323. Therefore, this office finds that a violation occurred for this time period.

CORRECTIVE ACTIONS/TIMELINE:

Student Specific

The MSDE requires the PGCPS to provide documentation by December 1, 2018 that an IEP team that includes the required participants has determined the educational placement. The IEP team must also determine the amount and nature of compensatory services or other remedy to redress the violations identified through this investigation and develop a plan for the provision of those services within one year of the date of this Letter of Findings.

School and System Based

The MSDE requires the PGCPS to provide documentation by January 1, 2019, of the steps it has taken to ensure that the staff at XXXXXXXXXXXXXXXXXXXXXXXX complies with the requirements for ensuring that each IEP is based on student needs and not the service delivery system.

The PGCPS must also provide documentation of steps taken to ensure that IEP teams convened with PGCPS Central Office staff include the required participants. The documentation must include a description of how the PGCPS will evaluate the effectiveness of the steps taken and monitor to ensure that the violations do not recur.

TECHNICAL ASSISTANCE:

Technical assistance is available to the parties by contacting Dr. Nancy Bierenbaum, 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.

Ms. Ronnetta Stanley
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October 12, 2018
Page 6

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 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/sf

c: XXXXXXXXXX
 Monica Goldson
 Barbara Vandyke
 Robert Reece
 XXXXXXXXXX
 XXXXXXXXXX
 Dori Wilson
 Anita Mandis
 Sharon Floyd
 Nancy Birenbaum