



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

September 10, 2019

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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: [REDACTED]
Reference: #20-003

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 July 19, 2019, the MSDE received a complaint from Ms. [REDACTED] hereafter, "the complainant," on behalf of Ms. [REDACTED] and 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 following allegations:

1. The PGCPS has not ensured that the decision made by the Individualized Education Program (IEP) team regarding the amount of research-based reading and math interventions to be provided has been based on the student's needs since September 2018, in accordance with 34 CFR§300.324.

2. The PGCPS has not ensured that the student has been provided with the amount of research-based reading intervention required by the IEP since September 2018, in accordance with 34 CFR §§300.101 and .323.
3. The PGCPS has not ensured that the student has been provided with the amount of research-based math intervention required by the IEP since March 2019, in accordance with 34 CFR §§300.101 and .323.

BACKGROUND:

The student is fourteen (14) years old, is identified as a student with a Traumatic Brain Injury, under the IDEA, due to a skull fracture he sustained when he was five (5) years old, and has an IEP that requires the provision of special education and related services.

During the 2018-2019 school year, the student attended [REDACTED] School. The student currently attends [REDACTED] School.

FINDINGS OF FACTS:

PGCPS Evidence Based Practices and Specialized Instruction

1. The MSDE has been working with the PGCPS and other school systems throughout the State to promote the adoption and implementation of evidence-based practices to narrow school readiness and achievement gaps. The MSDE is assisting school systems with utilizing an evidence-based, data-informed decision-making process to develop effective local action plans.
2. The PGCPS Department of Special Education developed a plan that addresses the improvement of academic achievement with the implementation of evidence-based practices and specially designed instruction. As part of the plan, the PGCPS has created a list of evidence-based reading and mathematics interventions that align with the school system's core curriculum to assist schools in identifying and purchasing supplemental instructional materials. Each year, the list will be updated by a team that includes staff from the PGCPS Department of Special Education.
3. Through an Intervention Selection Process (ISP), schools select targeted interventions to address individual student needs and submit them to the PGCPS Central Office, along with the data used as a basis for determining the need for the interventions. Based on the data submitted by the school, the PGCPS Central Office Staff provide recommendations on which interventions are most appropriately matched to students' needs. The PGCPS Central Office staff review the intervention data in the Maryland Online IEP System to confirm that evidence-based interventions are documented within supplementary aids and services and students have an IEP goal linked to the identified areas of need.

4. During the 2018-2019 school year, the PGCPs Division of Special Education and Student Services provided all principals with a list of professional learning opportunities for administrators, special educators, general educators, related services staff providers and paraprofessional educators on a variety of topics. These topics included training in the use of evidence-based reading and mathematics interventions, along with follow up coaching sessions. The PGCPs also provides teachers with web-based resources to assist with the use of these interventions.
5. The PGCPs' 2019-2020 school year Action Plan reflects that the PGCPs Central Office staff will attend every special education department chairperson's meeting in order to provide training on select IEP design and implementation skills to special education department chairpersons. The training will be aligned with the MSDE's guidance on the provision of specially designed instruction, and will include information on the various dimensions of research-based interventions, including:
 - a. Strength – evidence that the intervention works
 - b. Dosage – number of opportunities to respond and receive feedback and amount of time engaged in instruction specific to target skill area
 - c. Alignment – match to the skills targeted in the IEP goals and grade level standards
 - d. Transfer – connections between the intervention focus and skills learned in other contexts and environments
 - e. Comprehensiveness – comprehensive array of explicit instruction principals
 - f. Behavioral Support – strategies that support students with behaviors that impact learning; and
 - g. Individualization – ongoing use of progress monitoring data and diagnostic data sources to intensify and individualize the intervention based on student needs.
6. The descriptions of some of the evidence-based interventions that are used by the PGCPs reflect that they are to be implemented daily. Some of the PGCPs middle schools operate on schedules that make it difficult to fit daily interventions into student schedules. If the IEP team for a student with a disability in one of these schools decides that the student requires participation in a research-based intervention on a daily basis, this can be accomplished by revising the student's or the school's schedule, or considering a change in location to a school in which the IEP can be implemented.

2018-2019 School Year

7. The IEP in effect at the start of the 2018-2019 school year was written on April 27, 2018 when the student was in the seventh (7th) grade. The student's reading comprehension skills were documented to be on the fifth (5th) grade level. At that time, the IEP documented that the student required a reading intervention with a special educator within a small group general education setting for reading comprehension. The IEP required ten (10) sessions, one (1) hour ten (10) minutes per session, for a total of eleven

(11) hours and forty (40) minutes of the reading intervention monthly. The IEP documented that “the reading intervention was be provided to the student on alternative days due to the A/B day schedule.”

8. There is no documentation that the student was provided with the research-based reading intervention, required by the IEP since September 2018.
9. By November 2, 2018, the student had achieved the goal to improve his reading comprehension skills. However, his grade level performance in this area remained the same throughout the 2018-2019 school year.
10. In January 2019, the school staff began using the *Qreads*¹ reading intervention program, which requires that students cover one (1) reading passage per day, four (4) days per week.
11. There is no documentation that the consistent and concentrated number of passages (content) of the *Qreads* reading intervention program were covered during the week, per the program implementation guidelines.

February 19, 2019 and March 14, 2019 IEP Team Meetings

12. On March 14, 2019, the IEP team added a math intervention to the IEP. The IEP states that the intervention is to be provided to “match the student’s areas of weakness per the program’s recommended implementation guidelines.” The IEP team decided that the math intervention would be provided in ten (10) sessions, for one (1) hour and ten (10) minutes per month.
13. The *i-Ready Instruction Program*² was chosen by the school staff for the math intervention to be provided to the student despite the fact that the program requires forty-five (45) minutes per week of the intervention.
14. The *i-Ready Diagnostic Report* for March 2019 and May 2019, reflects that the student was not provided with the math intervention on a weekly basis and the student received no math intervention during the months of April and June 2019.

¹ The *Qreads* is a strategic reading intervention program that increases reading fluency and comprehension for students in middle and high school.

² The *i-Ready* is a research-based program that meets the criteria for the Every Student Succeeds Act (ESSA) as an intervention for accelerating student growth and progress toward proficiency in reading and math.

DISCUSSION/CONCLUSIONS:

Allegation #1: Amount of Reading and Math Interventions Based on Administrative Convenience

In this case, the complainant alleges that the IEP team's decisions to provide interventions matching the student's areas of weakness, to provide them in accordance with recommended guidelines, and to provide them on alternate days due to the school schedule were based on administrative convenience and not on the student's individualized needs.

Based on the Findings of Facts #1 - #7, the MSDE finds that there is no evidence that the student requires individualization of the interventions selected by the school staff or that the interventions selected could not be implemented within the established school schedule, in accordance with 34 CFR §300.324. Therefore, this office does not find that a violation occurred with respect to the allegation.

Allegation #2: Provision of the Reading Intervention

Based on the Findings of Facts #8 - #11, the MSDE finds that there is no documentation that a reading intervention was provided during the 2018-2019 school year, in accordance with 34 CFR §§300.101 and .323. Therefore, the MSDE finds a violation occurred and that the student was not provided with a Free Appropriate Public Education (FAPE).

Allegation #3: Provision of the Math Intervention

Based on the Findings of Facts #12 - #14, the MSDE finds that there is no documentation that the math intervention was provided in accordance with the program's implementation guidelines and the IEP requirements from March 2019 through June 2019, in accordance with 34 CFR §§300.101 and .323. Therefore, the MSDE finds a violation occurred with respect to the allegation and as stated above, that the student was not provided with a FAPE during this period.

CORRECTIVE ACTIONS/TIMELINES:

Student-Specific:

The MSDE requires the PGCPS to provide documentation by November 1, 2019 that the following actions have been taken:

- a. The IEP is being implemented per the IEP requirements and the program implementation guidelines.
- b. The IEP team determined the compensatory services or other remedy to redress the loss of FAPE identified in this Letter of Findings.

The IEP team must also have developed a plan for the provision of those services within one (1) year of the date of this Letter of Findings.

School-Based:

The MSDE requires the PGCPS to provide documentation by January 1, 2020 of the steps it has taken to determine if the violations identified in the Letter of Findings are unique to this case or if they represent a pattern of noncompliance at the [REDACTED] School. Specifically, a review of student records, data, or other relevant information must be conducted in order to determine if the regulatory requirements are being implemented and documentation of the results of this review must be provided to the MSDE. If compliance with the requirements is reported, the MSDE staff will verify compliance with the determinations found in the initial report.

If the regulatory requirements are not being implemented, actions to be taken in order to ensure that the violation does not recur must be identified, and a follow-up report to document correction must be submitted within ninety (90) days of the initial date of a determination of non-compliance. Upon receipt of this report, the MSDE will re-verify the data to ensure continued compliance with the regulatory requirements.

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

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.

Ashley S. VanCleaf, Esq.
Ms. Trinell Bowman
September 10, 2019
Page 7



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:


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