




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

October 18, 2019




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

RE:   
Reference: #20-019

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 August 19, 2019, the MSDE received a complaint from Ms.  hereafter, "the complainant," on behalf of her daughter, 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 did not follow proper procedures when responding to a request for an Individualized Education Program (IEP) team meeting during the 2018 - 2019 school year, in accordance with 34 CFR §300.503.
2. The PGCPS did not ensure that the student's IEP addressed her social/emotional needs since October 29, 2018, in accordance with 34 CFR §§300.320 and .324.

## **BACKGROUND:**

The student is thirteen (13) years old, is identified as a student with Autism under the IDEA, and has an IEP that requires the provision of special education instruction and related services. On October 17, 2018, she enrolled at [REDACTED] until January 23, 2019, when she was withdrawn from PGCPS by her mother.

## **FINDINGS OF FACTS:**

1. There is documentation that between October 28, 2018 and January 23, 2019, the complainant expressed concern about the student's placement at [REDACTED]. Specifically, she reported that the student was having "severe anxiety, panic attacks, and sickness" as a result of the school environment, and that the school staff was not addressing her social/emotional needs. There is no documentation that the complainant requested that an IEP team meeting be held, and the school staff attempted to address the complainant's concern through informal measures.
2. On November 26, 2018, the complainant decided that she was not returning the student to the school environment at [REDACTED] and "jeopardize her health over education." However, there is documentation that the complainant wanted the student attend school, but only if the PGCPS offered a placement that she believed would be able to accommodate the student's social/emotional needs.
3. An IEP team meeting was scheduled for January 24, 2019, to discuss the complainant's concerns about the student's placement. However, on January 23, 2019, the complainant informed the school staff that she was "withdrawing the student from school" in order to provide home instruction, and that they should cancel the IEP team meeting that was to be held on January 24, 2019.
4. On August 19, 2019, the complainant filed a State complaint alleging that the student's IEP did not address her social/emotional needs, and requesting a change in educational placement. There is no documentation that an IEP team meeting has been held to address the complainant's concern about the appropriateness of the program and placement.

## **DISCUSSION/CONCLUSIONS:**

### **Allegation #1: Responding to a Request for an IEP Team Meeting**

Based on the Findings of Facts #1 - #3, the MSDE finds that there is no documentation that a request for an IEP team meeting was made by the complainant during the 2018 - 2019 school year. Therefore, this office does not find that a violation occurred with respect to the allegation.

### **Allegation #2: An IEP that Addresses the Student's Social/Emotional Needs**

Based on the Findings of Facts #1 - #3, the MSDE finds that the school staff took steps to address the complainant's concerns about the student's social/emotional needs within the student's program in response to concerns expressed in October 2018.

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Based on those same Findings of Facts, the MSDE finds that, when the complainant expressed concern about the student's program and placement, the PGCPS attempted to convene an IEP team meeting to address those concerns, in accordance with 34 CFR §300.324, until the complainant indicated that she was no longer seeking a Free Appropriate Public Education (FAPE) from the student.

However, based on the Finding of Fact #4, the MSDE finds that the PGCPS has not taken steps to address concerns about the current IEP in order to ensure that it offers the student a FAPE since the complainant has indicated a desire to return the student to a school-based program through the filing of the State complaint, in accordance with 34 CFR §300.324 and *Forest Grove School District v. T.A.*, 129 S. Ct. 2484 (2009). Therefore, this office finds that a violation occurred with respect to the allegation.

#### **CORRECTIVE ACTIONS/TIMELINES:**

The MSDE requires the PGCPS to provide documentation by January 30, 2020 that the IEP team has convened, even if the school staff are unable to convince the complainant to participate, and even though the complainant may not choose to re-enroll the student in PGCPS, in order to address the concerns she has expressed about the current IEP in order to ensure that it offers the student a FAPE.

If the IEP team determines that the student requires revisions to the program or placement to address her social/emotional needs, it must also determine the compensatory services to redress the delay in offering a FAPE from the start of the 2019 - 2020 school year until an appropriate IEP is in place. These compensatory services are to be provided only if the complainant re-enrolls the student during the 2019 - 2020 school year.

The PGCPS must ensure that the complainant is provided with written notice of the IEP 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.

#### **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.

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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 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  
          Gwen Mason  
          Barbara VanDyke  
          Jeff Krew  
          Monica Wheeler  
          ■  
          Dori Wilson  
          Anita Mandis  
          Albert Chichester  
          Nancy Birenbaum