



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

May 8, 2020

Ms. Jessica Williams  
Education Due Process Solutions, LLC  
711 Bain Drive #205  
Hyattsville, Maryland 20785

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: #20-110

Dear Parties:

The Maryland State Department of Education (MSDE), Early Intervention Division 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 March 9, 2020, the MSDE received correspondence from Ms. Jessica Williams, hereafter “the complainant,” on behalf of Ms. [REDACTED] and Mr. [REDACTED] and their 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 did not follow proper procedures, until December 11, 2019, to fulfill its Child Find obligation to ensure that the student was evaluated and identified as a student with a disability under the IDEA, in accordance with 34 CFR §§300.8 and .111 and COMAR 13A.05.01.04 - .06.
2. The PGCPS has not addressed the student’s reading, math, counseling, and occupational therapy needs since January 29, 2020, to determine if the student requires additional Individualized Education Program (IEP) goals and services under IDEA, in accordance with 34 CFR §300.324.

## **BACKGROUND:**

The student is ten (10) years old. He is identified as a student with an Other Health Impairment under the IDEA, due to Attention Deficit Hyperactivity Disorder (ADHD), and has an IEP that requires the provision of special education services.

He attended [REDACTED] School until the March 16, 2020 closure of all Maryland schools, as a result of the national COVID-19 pandemic.

## **FINDINGS OF FACTS:**

1. On October 2, 2019, an IEP team considered information and data as a result of the parent's referral for an IDEA evaluation. The documentation of the meeting reflects that the student, who was at the start of the fourth (4<sup>th</sup>) grade, "was on grade level all the way through to half-way through the 3<sup>rd</sup> grade." The data considered by the IEP team included the following:
  - a. The results of a private cognitive and academic assessment that found the student's overall cognitive functioning to be in the "low average" range. The assessment also found that the student fell in the "low average" range in reading, but "demonstrated poor ability to recognize sight words and slightly better ability to read simple sentences quickly and understand information read." The assessment report found that the student's ability to accurately complete basic math calculations and solve math problems was in the "low average" range, and that his calculation skills were "within normal limits." The report noted that the student appeared to have difficulty remembering the instructions on some complex tasks and needed to have them repeated.
  - b. The results of classroom-based assessments and teacher reports of the student's classroom performance reflecting that the student had "solid foundational reading and math skills."
  - c. The student's report card grades which reflect that he was progressing through the general curriculum as well as the concerns of the parents who stated that they had to "put a lot of time and effort into providing supports to [the student] so that he can earn the grades that he receives."
  - d. The information from the parents that the student had low self-esteem and tends to shut down when angry, and that he no longer wanted to participate in sports after becoming angry with his peers after they made negative comments.
  - e. The information from both teachers and the parents that the student demonstrated needs in the areas of attention, organization, and task initiation and completion, as well as from the results of the private assessment report that he was performing "below age expectations" in the areas of attention and executive functioning.
  - f. The information from the teachers that the student's attention and organization needs could be addressed through the provision of accommodations.
2. Based on the data, the IEP team decided on October 2, 2019 that it did not suspect that the student was a student with a disability who requires special education instruction under the IDEA, and that a referral would be made for an evaluation under Section 504 of the Rehabilitation Act of 1973 in order to see if he qualified for an Accommodations Plan.

3. On November 6, 2019, the IEP team reconvened after the parents refused an evaluation under Section 504 of the Rehabilitation Act of 1973 and made another referral for an IDEA evaluation. At the November 6, 2019 IEP team meeting, the team considered the parents' continued concern about the student's inattention, confidence in school, home, and in other environments, and his reading and written language performance. The team also considered information from the student's private occupational therapist (OT) about the student's written communication and attention to task. Based on this information, the IEP team decided to conduct an IDEA evaluation, and that additional information would be obtained in the areas of fine motor skills and social/emotional functioning.
4. On January 3, 2020, the IEP team reconvened and considered the following data:
  - a. Information from the parents and teachers that the student does not exhibit problems with defiance, aggression, or peer relations, and that he displays appropriate social skills.
  - b. Information from a student interview that he has friends at school and prefers to play in a group rather than alone.
  - c. Information from the student interview that the student reported an "average level" of anxiety in all areas except for feeling tense and obsessive, which were reported in elevated levels.
  - d. The results of an assessment of the student's occupational performance and participation in the educational program that the student is able to manage school supplies independently and displayed legible writing and that difficulty with classroom performance was due to limited attention to tasks.
  - e. Information from the parents and teachers that the student demonstrates distractibility that impacts his functioning at home and school.
  - f. Information from the teachers that the student is able to focus and provide an "improved end product when in an environment with fewer distractions."
  - g. Results of educational assessments that found the student was performing in the "low average" range in reading, the "average" range in math, and "below average" range in written language.
5. At the January 3, 2020 IEP meeting, the team decided that, based on the presence of Attention Deficit Hyperactivity Disorder (ADHD) symptoms, the student meets the criteria for identification as a student with an Other Health Impairment under the IDEA.
6. At the January 29, 2020 IEP meeting, in response to the parent's request for reading, math, counseling and OT goals, the IEP team reviewed data from multi-assessment sources including reports of classroom observation which indicated that the student has an "average" level of anxiety relative to other boys his age, his reading and math skills were assessed to be in the "average" range and teachers reported the student completes grade level content. The IEP team proposed to address the student's attention and executive functioning needs with a self-management IEP goal and supplementary aids and supports.

7. On January 29, 2020, the IEP was developed to include goals for the student to improve written language expression and to independently initiate, maintain and finish tasks. It requires the provision of special education instruction for two and a half hours (2.5) inside general education and one and a half (1.5) hours in a resource special education classroom weekly to provide direct instruction to address the goals. The IEP requires the provision of supplementary aids and supports, including checking for understanding, provision of a proofreading checklist and a copy of student or teacher notes, breaking down instructions and assignments into smaller units, and monitoring independent work. The social and behavioral supports require daily checks, opportunities for movement, home/school communication and preferential seating to address deficits in executive functioning, attention, organizing, planning, and task completion.

### **DISCUSSION/CONCLUSIONS:**

#### **Allegation #1: Child Find Obligation**

In this case, the complainant alleges that the IEP team should have suspected the student had a disability and began an evaluation prior to November 6, 2019.

Based on the Findings of Facts #1 - #3, the MSDE finds that there was documentation to support the decision to not suspect that the student was a student with a disability prior to November 6, 2019, in accordance with 34 CFR §§300.324, 34 CFR §§300.8 and .111 and COMAR 13A.05.01.04 and .06. Therefore, this office does not find that a violation occurred with respect to the allegation.

#### **Allegation #2: Reading, Math, Counseling, and OT Needs**

In this case, the complainant alleges that the IEP team did not address the student's identified needs in the areas of reading, math, counseling, and OT.

Based on the Findings of Facts #6 - #7, the MSDE finds that the IEP team has considered all of the evaluation data, including the results of private assessments and parent's concerns when identifying and addressing the student's needs and the IEP team decisions are consistent with the data, in accordance with 34 CFR §300.324. Therefore, this office does not find that a violation occurred with respect to the allegation.

### **TIMELINE:**

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.

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 for the student, including issues subject to this State complaint investigation, consistent with the IDEA.

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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:

[REDACTED]

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