



200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • msde.maryland.gov

May 26, 2017

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

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

RE: XXXXX
Reference: #17-115

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS), 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 3, 2017, the MSDE received a complaint from Ms. Jessica Williams, hereafter, “the complainant,” on behalf of the above-referenced student, and Mr. XXXXXXXXXXXX, his father. 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 should have suspected, since March 2016, that the student is a student with a disability, and conducted an evaluation under the IDEA, in accordance with 34 CFR §300.111 and COMAR 13A.05.01.06.
2. The PGCPS did not ensure that, since June 2016, proper procedures were followed in conducting an initial evaluation of the student under the IDEA, in accordance with 34 CFR §§300.301 - .311, and COMAR 13A.05.01.04 - .06.

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3. The PGCPS has not ensured that the student has been provided with the special education and related services required by the Individualized Education Program (IEP), since the start of the 2016 - 2017 school year, in accordance with 34 CFR §§300.101 and .323.
4. The PGCPS did not ensure that the June 17, 2016 IEP team meeting included the required participants, in accordance with 34 CFR §300.321 and COMAR 13A.05.01.07.

INVESTIGATIVE PROCEDURES:

1. On March 3, 2017, the MSDE provided a copy of the State complaint, by facsimile, to Ms. Trinell Bowman, Director of Special Education, PGCPS.
2. On March 13, 2017, Ms. K. Sabrina Austin, Education Program Specialist, MSDE, conducted a telephone interview with the complainant to clarify the allegations to be investigated.
3. On March 20, 2017, the MSDE sent correspondence to the complainant that identified the allegations subject to this investigation. On the same date, the MSDE notified the PGCPS of the allegations and requested that the PGCPS review the alleged violations.
4. On March 24, 2017, and April 5, 2017, the MSDE requested the PGCPS to provide documentation.
5. On March 29, 2017, and May 16, 2017 the complainant provided the MSDE with documentation.
6. On April 4 - 6, 2017, the PGCPS provided the MSDE with documentation for consideration.
7. On April 6, 2017, Ms. Austin and Mr. Gerald Loiacano, Education Program Specialist, MSDE, conducted a site visit at the XXXXXXXXXXXXXXXXXXXXXXXX to review the student's educational record, and interviewed the following school staff:
 - a. Ms. XXXXXXX, Counselor;
 - b. Ms. XXXXXXXXXXXXXXX, Psychologist;
 - c. Ms. XXXXXXXXXXXXXXX, Assistant Principal;
 - d. Ms. XXXXXXX, Special Education Chairperson;
 - e. Ms. XXXXXXXXXXXXXXX, Guidance Office Staff; and
 - f. Ms. XXXXXXXXXXXXXXX, General Educator.

Mr. Keith Blackson, Compliance Specialist, PGCPS, participated in the site visit as a representative of the PGCPS and to provide information on the school system's policies and procedures, as needed.

8. The MSDE reviewed documentation, relevant to the findings and conclusions referenced in this Letter of Findings, which includes:
 - a. IEP, dated June 17, 2016;
 - b. Prior Written Notices, dated April 25, 2016, and June 13 and 17, 2016;
 - c. Child Find Referral form, dated April 25, 2016;
 - d. Notice and Consent for Assessment, dated April 25, 2016;
 - e. Report of an academic assessment, dated May 16, 2016;
 - f. Report of a psychological assessment, dated June 6, 2016;
 - g. The student's report card for the 2015 - 2016 school year;
 - h. Academy of Reading course description, undated;
 - i. The PGCPS calendars for the 2015 - 2016, and 2016 - 2017 school years;
 - j. Correspondence from the parents to the school staff, dated April 12, 2016;
 - k. Meeting agenda and notes of the Student Intervention Team meeting on December 9, 2015;
 - l. PRIDE Enrichment Program description and letter to parents, undated;
 - m. PGCPS Administrative Policy 5124: Proactive Student Services Intervention, undated;
 - n. Extended Learning Opportunity (ELO) attendance sheets, February 2016 and March 2016;
 - o. Student Registration Form completed by the student's mother on April 5, 2016;
 - p. Student Registration Form completed by the student's parents on August 18, 2016;
 - q. Shared Housing Affidavit, signed by the student's father on August 22, 2016;
 - r. The school staff's "Student Transmittal Sheet" identifying student files sent to XXXXXXXXXXXX on August 8, 2016;
 - s. The "First Notice" correspondence dated February 23, 2017, and "Second Notice" correspondence, dated March 23, 2017, from the school staff to parents;
 - t. PGCPS Administrative Procedure No. 5111, dated March 29, 2016;
 - u. Correspondence from the school staff to parents, dated February 23, 2017 and March 23, 2017;
 - v. Reports of the student's progress towards achievement of the IEP goals, dated November 14, 2016, January 24, 2017, and April 10, 2017;
 - w. The student's class assignment history for the 2015 - 2016 school year, and the student's grade report for the 2016 - 2017 school year;
 - x. The "Student Self-Inventory," dated June 2016;
 - y. The sign-in sheet of attendees at the June 17, 2017 IEP team meeting;
 - z. Administrative Procedure 5121.3, "Grading and Reporting for High Schools Grade Nine Through Grade Twelve," undated;
 - aa. The student's receipt of the Transition Planning Guide, dated June 17, 2017;
 - bb. Invitation notice for the IEP team meeting scheduled on June 17, 2016;

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- cc. The sign-in sheet of attendees at the June 17, 2016 IEP team meeting;
- dd. PGCPS Administrative Procedure No. 5124: “Proactive Student Services Intervention,” dated November 1, 2009;
- ee. Invitation notice for an IEP team meeting scheduled on June 5, 2017; and
- ff. Correspondence from the complainant alleging violations of the IDEA, received by the MSDE on March 3, 2017.

BACKGROUND:

The student is fourteen (14) years old. In June 2016, he was identified as a student with a Specific Learning Disability under the IDEA. The student is currently attending XXXXXXXXXXXXX, and has an IEP that requires the provision of special education and related services. At the start of the investigation period, the student was attending XXXXXXXXXXXXXXXXXXXXXXX and was not identified as a student with a disability (Docs. a and w).

During the period of time addressed by this investigation, the student’s parent participated in the education-making process and was provided with written notice of the procedural safeguards (Doc. a).

ALLEGATIONS #1 AND #2 SUSPECTING THAT THE STUDENT IS A STUDENT WITH A DISABILITY SINCE MARCH 2016; AND PROPER PROCEDURES WHEN CONDUCTING AN INITIAL EVALUATION SINCE JUNE 2016

FINDINGS OF FACTS:

1. In March 2016, the start of the investigation period, the student was in the eighth (8th) grade and attending XXXXXXXXXXXXXXXXXXXXXXX (XXXXXXXXXXXX) (Doc. a and g).
2. The student’s report card documents that, as of March 2016, he had failed three (3) core academic classes in the first (1st) quarter of the school year, all four (4) core academic classes in the second (2nd) quarter of the school year, and three (3) core academic classes in the third (3rd) quarter of the school year (Doc. g).
3. The school staff report that the student had been struggling since the beginning of the 2015 - 2016 school year academically and behaviorally. Several of the school staff report that they were unaware that the school staff can refer a student for an IDEA evaluation¹ (Interview with the school staff).

¹ The school staff believed that only parents can refer a student for an IDEA evaluation (Interview with the school staff).

4. The PGCPS “Proactive Student Services Intervention” policy reflects that the focus of the “Student Instruction Team” (SIT)² meeting is to develop, implement and review “pre-referral interventions for students exhibiting various difficulties in school or in need of enrichment. The PGCPS procedures require that the students be provided with intensive supports and, if necessary, with additional interventions for approximately nine (9) to twelve (12) week intervals, at which time the student’s progress is measured. Based on the student’s response to the interventions being provided, the services may be continued, discontinued if sufficient progress is made, or increased in frequency and duration. If the general education interventions are unsuccessful, the SIT team is required to make a referral to the IEP team for an evaluation under the IDEA. The policy indicates that interventions cannot be used to delay or deny a student’s access to special education services under the IDEA (Doc. dd).
5. There is documentation that, in December 2015, the school staff met as a SIT team to discuss the student’s academic performance and their shared concern about his comprehension of material. They discussed that the student was not completing assignments, was not turning in classwork, was not focused, was very unorganized, took a long time to get settled in class, and was refusing to complete work. The notes from the SIT meeting document that the SIT team recommended that the student record assignments, and to “check with [school staff] regarding the afterschool intervention program” (Docs. k and l).
6. There is documentation that, in February 2016 and March 2016, the student was provided reading and math interventions through an afterschool program (Doc. n and interview with the school staff).
7. In the third quarter of the 2015 - 2016 school year,³ the student was enrolled in a reading intervention class. The documentation reflects that the student did not complete assignments, was inattentive, and did not follow instructions in this class. The student’s third quarter grade in this class was a D, and his fourth quarter grade was an E (Docs. g and h).
8. On April 12, 2016, the parents sent correspondence to the school staff requesting an initial evaluation of the student for special education eligibility. The parents expressed concern that the student had been struggling with his academics since the past (3) school years. The correspondence indicates that the parents “initiated” several parent-teacher meetings during the current and previous three (3) school years. In their correspondence,

² SIT teams are “designed to assist school personnel in obtaining and channeling resources to students who are experiencing any type of difficulty or in need of enrichment and acceleration opportunities” within the general education program (Doc. m).

³ The third (3rd) quarter began January 22, 2016 (Doc. i).

the parents noted that the school staff have discussed with them that the student “is a well behaved student that expresses an interest in learning, wants to succeed, however, for some reason, he is having difficulty comprehending the information,” and that he “does his best when provided with individual one on one attention” (Doc. j).

9. On April 25, 2016, the IEP team convened to consider the parents’ request for an IDEA evaluation of the student. The documentation reflects that the IEP team considered academic interventions that teachers were providing to the student. They considered that the student had been reading below grade level since the third grade, and that his performances on an informal reading assessment given on four (4) occasions since March 2014 demonstrate a “significant decrease” in his scores from 815 to 400. The documentation reflects that the IEP team was also concerned about the student’s difficulties in the following areas:

- Listening comprehension and oral expression;
- Reading comprehension;
- Written expression and math;
- Attention and organization, including difficulty completing tasks and assignments, and “inadequate” note-taking skills and test-taking skills;
- Short term memory; and
- Motivation.

The IEP team agreed to conduct assessments of the student’s academic performance and cognitive functioning, and the parent provided consent. The IEP team documented that the school staff will continue to provide academic interventions to support the student in the general education program (Docs. b - d).

10. On June 13, 2016, the IEP team convened. They reviewed the results of the assessments, which include the following information:

- The report of the academic assessment reflects the student’s “low average” scores in broad reading and broad written language, and “low” score in broad math, indicating his struggle with performing grade level reading and math tasks. The evaluator noted that the student was attentive during the testing session, and that he generally persisted with difficult tasks.
- The report of the psychological assessment reflects that the student has a full scale IQ of 74, representing his overall cognitive functioning in the “very low range.” The results of a subtest given during the assessment documents that the student’s processing speed functioning is in the “very low” range. The report reflects parent concerns about the student’s ability to comprehend information provided in group settings, and his academic struggles since middle school. It also reflects teacher

reports that, although the student is provided with extended time, decreased workload and preferential seating, he does not complete classwork and assignments, puts forth limited effort, and is “often” off task. The evaluator noted that the student was attentive, “put forth good effort,” and did not demonstrate distracted or impulsive behavior during the one to one testing setting (Docs. b, e and f).

11. Based on the review of the assessment results, the IEP team determined that the student has a psychological processing disorder that impacts him in the area of math, and that he is a student with a Specific Learning Disability. However, there is no documentation that the IEP team determined that the psychological processing disorder is not primarily the result of a visual, hearing or motor disability, an intellectual disability, emotional disturbance, cultural factors, environmental or economic disadvantage, or limited English proficiency. There is also no documentation that the IEP team obtained information from a classroom observation of the student as required when making the eligibility determination (Docs. a and b).
12. On June 17, 2016, the IEP team convened to develop the initial IEP. Based on a review of all of the data, including teacher observations, formal and informal assessments, and work samples, the IEP team developed an IEP to address the math, reading, written language expression. The IEP includes goals in each of these areas. The IEP also includes a postsecondary goal for the student to complete high school and “work part time at Six Flags” (Docs. a and b).
13. The IEP developed by the team on June 17, 2016 documents that, based on classroom performance, the IEP team determined that the student’s behavioral self-management skills impact his academic performance, and identified this as an additional area of need. The IEP team developed a goal to address the student’s behavior, and also that the student requires accommodations and supplementary supports to address attention and processing speed, including extended time, frequent breaks, reduced distractions and testing in small group settings, copies of teacher notes, assignments broken into smaller units, and preferential seating (Docs. a and b).
14. To assist the student with achieving the goals, the IEP requires specialized instruction in all core academic classes, to be provided in the general education classroom by a general education teacher and a special education teacher (Doc. a).
15. There is documentation that, in June 2017, the student completed a “Student Self-Inventory” (Inventory). The Inventory includes ten (10) questions designed to obtain information about a student’s interests and preferences. The Inventory reflects the student’s response to four (4) questions. On a separate sheet of paper accompanying the Inventory, the student wrote “wants to play football,” “work at Six Flags,” and “go to XXX University - education” (Doc. a).

16. The June 2016 IEP documents that the IEP team considered information about the student's interests and preferences obtained through a student interview conducted on June 13, 2017. The IEP documents that the student expressed interest in playing professional football and attending XXX University to study education. The postsecondary goal for the student indicates that after high school, he will attend college to study education in order to become a teacher. The team decided that the student's course of study would be education, training and child studies, and the IEP includes services and activities to support the student's postsecondary goal (Doc. a).
17. The student was a participant at the June 17, 2017 IEP meeting when the team developed a postsecondary goal. There is documentation that the student received a transition planning guide on June 17, 2017 (Docs. y and aa).

DISCUSSION/CONCLUSIONS:

Allegation #1: Child Find - Suspecting That the Student is a Student with a Disability

The "Child Find" requirements of the IDEA impose an affirmative obligation on the school system to identify, locate, and evaluate all students residing within its jurisdiction who have disabilities and need special education and related services, or are suspected of having disabilities and being in need of special education and related services. It is, however, the intent of State and federal law that interventions and strategies be implemented to meet the needs of students within the regular school program, as appropriate, before referring students for special education services (34 CFR §300.111).

To meet this expectation, school staff may review a student's academic and behavioral performance and determine teaching strategies, modifications to instruction and behavior management techniques in the general education program that will appropriately assist the student (34 CFR §300.111).

Based on the Findings of Facts #1 - #3, and #5, the MSDE finds that there is documentation of the student's academic and behavioral difficulties when the SIT team convened and discussed interventions in the general education program that may address the student's poor performance. Based on the Findings of Facts #1 - #11, the MSDE finds that the PGCPS did not ensure that its procedures were followed to monitor the effectiveness of supports in the general education program, which resulted in a delay in beginning an IDEA evaluation from March 2016 to April 2016. Therefore, this office finds that a violation occurred.

Allegation #2: Initial Evaluation

Upon receipt of a referral for an IDEA evaluation, the public agency must review the existing data, including evaluations, information provided by the student's parents, classroom-based assessments, and observations conducted by teachers. On the basis of that review, the public agency must determine whether additional data is needed and if so, that assessments and other

evaluation measures needed to produce the data are conducted (34 CFR §§300.301 - .305 and COMAR 13A.05.01.04).

The evaluation must be sufficiently comprehensive to identify all of the student's special education and related services needs. The eligibility determination must be made on an individual basis and be based on the student's specific needs. The IEP team must review the evaluation data, and based on that data, determine whether the student meets the criteria for identification as a student with a disability under the IDEA (34 CFR §§300.301 - .305 and COMAR 13A.05.01.04).

Specific Learning Disability (SLD) means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia (34 CFR §300.8).

A student may be found to have a SLD if the student does not achieve adequately for his or her age or to meet grade level standards when provided with appropriate learning experiences and instruction, or exhibits a pattern of strengths and weaknesses in performance, achievement, or both relative to age, grade level standards or intellectual development, using appropriate assessments. The group making the SLD determination must determine that the decisions are not primarily the result of a visual, hearing or motor disability, an intellectual disability, emotional disturbance, cultural factors, environmental or economic disadvantage, or limited English proficiency. In addition, the group making the SLD determination must also have at least one member of the group conduct an observation of the student's academic performance in the regular classroom after the student has been referred for an evaluation and parental consent is obtained, or use information from an observation in routine classroom instruction and monitoring of the student's performance that was done before the student was referred for evaluation (34 CFR §300.309).

In order to provide a student with a Free Appropriate Public Education (FAPE), the public agency must ensure that an IEP is developed that address all of the needs that arise out of the student's disability that are identified in the evaluation data (34 CFR §300.320).

Beginning not later than the first IEP to be in effect when a student turns fourteen (14) years old, and younger, if appropriate, and updated annually, the student's IEP must include the following:

- a. Appropriate measurable postsecondary goals based on age-appropriate transition assessments related to training, education, employment, and independent living, as appropriate; and

- b. A statement of needed transition services, including course of study needed to assist the student with reaching the transition goals and, if appropriate, a statement of the public and participating agencies' responsibilities or linkages before the student leaves the secondary school setting (34 CFR §300.320 and COMAR 13A.05.01.09).

In this case, the complainant alleges that the initial evaluation was not comprehensive because it did not include an assessment of the student's interfering behaviors, or an age appropriate transition assessment.

Based on the Finding of Fact #9, the MSDE finds that there is no documentation that there was a need for additional information in the area of behavior.

Based on the Findings of Facts #12 - #14, the MSDE finds that the IEP team developed an initial IEP on June 17, 2016 that addresses the student's identified behavioral needs.

Based on the Findings of Facts #15 - #17, the MSDE finds that, while the student did not record a response to each question on the Inventory, the remaining responses along with the supplemental sheet of information that the student developed, provided sufficient information for the IEP team to develop a transition plan when developing the initial IEP.

However, based on the Findings of Facts #10 and #11, the MSDE finds that there is no documentation that the PGCPS followed proper procedures when determining that the student is a student with a Specific Learning Disability. Therefore, the MSDE finds that a violation occurred with respect to the allegation.

**ALLEGATION #3 IMPLEMENTATION OF THE STUDENT'S IEP AT THE
START OF THE 2016 - 2017 SCHOOL YEAR**

FINDINGS OF FACTS:

18. The PGCPS has developed a policy that addresses the registration of students (PGCPS Guidelines). The PGCPS Guidelines require parents to provide updated proof of residence at each transitional grade. The school staff report that parents of 8th grade students are requested to provide this updated information before the end of the school year in order to prepare for the student's transition to the appropriate high school based on their current place of residence (Docs. t and u, and interview with the school staff).
19. On August 18, 2016, the student was enrolled at XXXXXXXX (XXXXXXX) following a change in the family's residence. However, the student's records had already been transferred to XXXXXXXXXXXXXXXX, the neighborhood school that he would have attended based on the family's previous residence (Docs. p - r).

20. When the parents enrolled the student at XXXXX, they identified that the student has an IEP. However, the XXXXX staff did not have the student's IEP or his entire educational record when he began attending school at the start of the 2016 – 2017 school year. On September 14, 2016, the school staff changed the student's schedule, placing him in classes consistent with the educational placement in the IEP (Doc. w).
21. On November 11, 2016, January 24, 2017 and April 10, 2017, the school staff reported on the student's progress towards mastery of the IEP goals. The reports reflect IEP goals being addressed and sufficient progress being made towards achievement, with the exception of the April 10, 2017 progress report which reflects that the student was not making sufficient progress on the behavioral goal and the written language expression goal (Docs. v and w).
22. On February 15, 2017, the complainant requested to review the student's educational record. The parties agree that the Wise HS staff did not have the student's record at that time. The XXXXX staff subsequently obtained the student's record from XXXXXXXXXX (Doc. dd, interviews with the parties, and review of the student's educational record).

DISCUSSION/CONCLUSIONS:

The public agency must ensure that each student is provided with the special education instruction and related services required by the student's IEP (34 CFR §300.101). In order to do so, the public agency must make sure that the IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation (34 CFR §300.323).

Therefore, each public agency must have procedures to ensure that specific data is accurately maintained in the student's educational record. In Maryland, the requirements for the documents to be maintained in the educational record are contained in the *Maryland Student Records System Manual* (COMAR 13A.08.02). The *Maryland Student Records System Manual* requires schools to ensure that each student's educational record, including documents such as the IEP and related documents, are transferred to each school the student attends (*Maryland Student Records System Manual*).

Student records provide information about a student's academic and functional performance. Therefore, the proper maintenance of these records is necessary to ensure that accurate information is available to plan for a student's education (34 CFR §§300.610 - .627).

In this case, the complainant alleges that the student's IEP was not in effect at the beginning of the 2016 - 2017 school year because the XXXXX staff did not have his educational record. She further alleges the XXXXX staff were unaware that the student had an IEP at the beginning of the year, and therefore the student was not receiving the special education services required by the IEP.

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Based on the Findings of Facts #18 - #20, the MSDE finds that, while the student's educational records were transferred to XXXXXXXXXX prior to the start of the 2016 – 2017 school year, he began attending XXXXX at the beginning of the 2016 – 2017 school year.

Based on the Findings of Facts #20 and #21, the MSDE finds that, while the XXX staff did not have the student's IEP at the start of the 2016 – 2017 school year, there is documentation that the XXXX staff began implementing the IEP on September 14, 2016.

However, based on the Findings of Facts #19, #20 and #22, the MSDE finds that there is no documentation that the XXXXX staff took steps before February 15, 2017, to obtain the student's educational records. Based on the same Findings of Facts, the MSDE finds that there was a delay in the transfer of the student's educational records, and as a result, there was a delay in the implementation of the student's IEP. Therefore, this office finds a violation occurred with respect to the allegation.

ADDITIONAL ISSUE:

The IEP team must review the IEP periodically, but not less than annually, to determine whether the annual goals are being achieved. The IEP team must also revise the IEP to address any lack of expected progress toward achieving the goals, to reflect the results of any reevaluation, to reflect information about the student provided to or by the student's parent, or to address the student's anticipated needs (34 CFR §300.324).

Based on the Findings of Facts #25 and #26, the MSDE finds that, while the school staff documented in April 2017 that the student was not making sufficient progress to meet the IEP goals, there is no documentation that the IEP team has convened to address the lack of progress in a timely manner. Therefore, the MSDE finds an additional violation.

**ALLEGATION #4 IEP TEAM PARTICIPANTS AT THE JUNE 17, 2016 IEP
TEAM MEETING**

FINDINGS OF FACTS:

23. There is documentation that, on June 13, 2016, the school staff prepared an invitation notice for the IEP meeting scheduled on June 17, 2016. The notice identifies that the "IEP Chair" and the "IEP Case Manager" are the only school staff expected to attend the meeting (Doc. y).
24. The sign-in sheet of attendees at the June 17, 2016 IEP team meeting documents that the student's mother, the student, the special education chairperson, and a special education teacher were the only participants in the meeting (Doc. y).

DISCUSSION/CONCLUSIONS:

The IEP team must include the student's parent, at least one (1) regular education teacher of the student if the student is, or may be, participating in the regular education environment, at least one (1) special education teacher of the student, a representative of the public agency who is qualified to provide or supervise the provision of specially designed instruction, is knowledgeable about the general education curriculum, and about the availability of resources of the public agency, an individual who can interpret the instructional implication of evaluation results, at the discretion of the parent or public agency, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate, and the student when appropriate (34 CFR §300.321).

Based on the Findings of Facts #23 and #24, the MSDE finds that the June 17, 2016 IEP team meeting did not include the required participants. Therefore, the MSDE finds a violation.

CORRECTIVE ACTIONS/TIMELINES:

Student-Specific

The MSDE requires the PGCPS to provide documentation by August 15, 2017, that the IEP team has convened and taken the following actions:

- a. Conducted a proper initial evaluation of the student in all areas of suspected disability, including Specific Learning Disability, in order to determine the student's eligibility under the IDEA. Based on the IEP team's review of the data, if the IEP team determines that the student is a student with a Specific Learning disability, or other disability under the IDEA, and revises the student's IEP, the IEP team must have determined compensatory services or other remedy for the delay in the provision of services.
- b. If the student is identified as a student with a disability, the IEP team has determined compensatory services due to the violation related to the delay, from March 2016 to April 2016, in his identification as a student with a disability.
- c. If the student is identified as a student with a disability, the IEP team has determined compensatory services due to the violation related to the delay, from the start of the 2016 – 2017 school year to September 14, 2016, in the provision of special education services to the student at Wise HS.

The PGCPS must ensure that the parents are provided with written notice of the team's decisions. The parents and the PGCPS maintain the right to request mediation or to file a due process complaint to resolve any disagreement with the IEP team's decisions.

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The PGCPS must provide documentation, within one (1) year of the date of this Letter of Findings, that the student has been provided with the compensatory services or other remedy determined by the IEP team as a result of this investigation, or documentation of parent refusal of such compensatory services or other remedy.

School-Based

The MSDE requires the PGCPS to provide documentation by the start of the 2017 – 2018 school year, of the steps that have been taken, including staff training, to ensure that the XXXXXXXXXXXXX staff, and the XXX staff, properly implement the requirements in the areas of noncompliance identified through this investigation. 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.

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 Ms. Bonnie Preis, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE at (410) 767-7770.

Please be advised that both the complainant and the PGCPS have the right to submit additional written documentation to this office, which must be received within fifteen (15) days of the date of this letter, if they disagree with the findings of facts or conclusions reached in this Letter of Findings. The additional written documentation must not have been provided or otherwise available to this office during the complaint investigation and must be related to the issues identified and addressed in the Letter of Findings.

If additional information is provided, it will be reviewed and the MSDE will determine if a reconsideration of the conclusions is necessary. Upon consideration of this additional documentation, this office may leave its findings and conclusions intact, set forth additional findings and conclusions, or enter new findings and conclusions. Pending the decision on a request for reconsideration, the school system must implement any corrective actions consistent with the timeline requirement as reported in this Letter of Findings.

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Questions regarding the findings and conclusions contained in this letter should be addressed to this office in writing. The parents and the PGCPS 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 Special Education/
Early Intervention Services

MEF/ksa

- c: Ronald Williams
- Kevin Maxwell
- Gwendolyn Mason
- LaRhonda Owens
- Deborah Anzelone
- Keith Blackson
- XXXXXXXX
- XXXXXXXXXXXXXXXX
- Dori Wilson
- Anita Mandis
- K. Sabrina Austin
- Bonnie Preis