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November 8, 2017

Ms. Ronetta 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: #18-020

Dear Parties:

The Maryland State Department of Education, Division of Special Education/Early Intervention 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 September 15, 2017, the MSDE received a complaint from Ms. Ronetta Stanley, hereafter, “the complainant,” on behalf of 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 has not responded to the parent’s request for an Individualized Education Program (IEP) team meeting to consider an Independent Educational Evaluation (IEE), since August 3, 2017, in accordance with 34 CFR §§300.324, .502., and .503.

2. The PGCPS did not ensure that the student was provided with the amount of reading intervention services required by the IEP, during the 2016-2017 school year, and during the summer of the 2017 Extended School Year (ESY) services, in accordance with 34 CFR §§300.101 and .323.

BACKGROUND:

The student is 9 years old and is identified as a student with a Specific Learning Disability under the IDEA. He attends XXXXXXXXXXXXXXXXXXXXXXXXXX and has an IEP that requires the provision of special education instruction and related services.

ALLEGATION #1: RESPONSE TO A REQUEST FOR AN IEP TEAM MEETING

FINDINGS OF FACTS:

1. There is documentation that on August 3, 16, 21, 2017 and September 5 and 7, 2017, the student's mother requested that an IEP team meeting be held to discuss a parent-initiated evaluation, which she obtained for the student, and concerns raised regarding the student's progress in reading.
2. On September 7, 2017, the school staff responded to the parent by requesting that she identify a date between September 11- 28, 2017 for an IEP team meeting to be held. There is documentation that the parent offered September 27 or 29, 2017 as possible IEP team meeting dates, and that the school staff scheduled the IEP meeting to be held on September 29, 2017. However, the parent notified the school staff by electronic mail (email) on September 28, 2017 that she would be unavailable to attend the IEP team meeting scheduled for the following day.
3. On October 12, 2017, the parent provided the school staff with a copy of the parent-initiated evaluation, which is to be reviewed at the IEP team meeting scheduled for November 1, 2017.

DISCUSSION/CONCLUSIONS:

Based on the Findings of Facts #1 - #3, the MSDE finds that the PGCPS has followed proper procedures to ensure that the IEP team considers an IEE obtained by the parent, in accordance with 34 CFR §§300.324, .502, and .503. Therefore, this office does not find that a violation occurred.

ALLEGATION #2: THE PROVISION OF A READING INTERVENTION PROGRAM DURING THE 2016-2017 SCHOOL YEAR AND EXTENDED SCHOOL YEAR (ESY) SERVICES

FINDINGS OF FACTS:

4. The IEP in effect at the beginning of the 2016-2017 school year required that the student be provided with a researched-based reading intervention program, thirty (30) minutes each school day, in a separate special education classroom, and implemented by a general or special education teacher.
5. The special education services logs, student work samples, reading assessments, and attendance, dated between August 30, 2016 and February 14, 2017, reflect that the special education teacher provided the student with the required reading intervention program, for thirty (30) minute each school day.
6. On January 4, 2017, the IEP team met and considered whether the student required Extended School Year (ESY) services. The team determined that the student would receive ESY services during the summer of 2017 for “written language expression and reading,” from July 5 - 27, 2017.
7. On April 25, 2017, the IEP team convened to review the student’s educational progress. The team determined that the student would continue to receive the reading intervention program and that he was making sufficient progress in the general curriculum with appropriate accommodations and supplementary aids/support.
8. The email correspondence, dated between May 22, 2017 and June 1, 2017, among the student’s mother and the school staff, reflects that the mother raised concern that the reading intervention program was not provided to the student from February 28, 2017 to March 21, 2017, during which time the special education teacher was on leave.
9. The school staff provided a schedule of the time they report that the reading intervention program was provided, including additional time for the time missed. However, there is no documentation that the program was actually implemented.
10. An email correspondence, dated August 3, 2017, between the complainant and the school staff, reflects that the complainant and the student’s mother requested data regarding the student’s response to the reading intervention program during ESY services. To date, no data has been provided to demonstrate the provision of the reading intervention program for the summer of 2017 ESY services.

DISCUSSION/CONCLUSIONS:

In this case, the complainant alleged that the reading intervention services were not provided to the student during the 2016-2017 school year and during the provision of ESY services because there is no reading intervention data for the 2016-2017 school year.

Based on the Findings of Facts #4 and #5, the MSDE finds that there is documentation that the student was provided with a reading intervention program from August 30, 2016 to February 14, 2017.

However, based on the Findings of Facts #6 - #10, the MSDE finds that there is no documentation that the reading intervention program was implemented, as required by the IEP, from February 14, 2017 to July 27, 2017, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation occurred.

CORRECTIVE ACTIONS/TIMELINES:

Student-Specific

The MSDE requires the PGCPS to provide documentation by December 31, 2017, that the IEP team has determined the compensatory services to remediate the violation identified through this investigation and to provide documentation within one year of the date of this Letter of Findings that the compensatory services have been provided.

School-Based

The MSDE requires the PGCPS to provide documentation by January 31, 2018, 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 XXXXXXXXXXXXXXXXXXXXXXXX. 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.

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 the parties 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 available during the complaint investigation and there must be a substantial reason as to why it was not available during the investigation.

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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 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 parent 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 Free Appropriate Public Education 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:ac

c: XXXXXXXX
 Kevin Maxwell
 Gwen Mason
 LaRhonda Owens
 Jodi Kaseff
 XXXXXX
 Dori Wilson
 Anita Mandis
 Albert Chichester