

August 27, 2018

XXX

XXX

XXX

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

RE: XXXXX

Reference: #19-004

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.

ALLEGATION:

On July 3, 2018, the MSDE received a complaint from Ms. XXXXXXXXXX, 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 student.

The MSDE investigated the allegation that the PGCPS has not ensured that the student's speech/language needs have been addressed since January 18, 2018, in accordance with 34 CFR §§300. 320, and .324.

BACKGROUND:

XXX Ms. Trinell Bowman August 27, 2017 Page 2

FINDINGS OF FACTS:

- 1. The IEP has included a statement of the student's present levels of performance in the area of speech/language, consistent with the data that the student's hearing loss negatively impacts her speech intelligibility. It has also included an annual goal for the student to improve speech intelligibility consistent with the needs that are identified in the data, as well as speech/language therapy and supplementary aids and services to assist her in achieving the goal.
- 2. The reports of the student's progress towards achievement of the speech/language goal reflect that she is making sufficient progress to achieve the goal, and her 2017-2018 report card reflects that she earned A's and B's in her classes. However, the speech/language therapist's logs reflect that, between January 18, 2018 and the end of the 2017-2018 school year, speech services were not consistently provided in the amount and frequency required by the IEP and there is no documentation that the missed services were provided at a later date.

CONCLUSION:

Based on the Findings of Facts #1 and #2, the MSDE finds that the IEP has been designed to address the student's speech articulation needs, in accordance with 34 CFR §§300.101, .320, and .324, therefore, this office does not find a violation with respect to the allegation.

However, based on the Finding of Fact, #2, the MSDE finds that the student has not been consistently provided with the speech/language therapy required by the IEP, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation occurred.

CORRECTIVE ACTION/TIMELINES:

Student-Specific

The MSDE requires the PGCPS to provide documentation by October 1, 2018 that the student is being provided with the speech/language therapy required by the IEP. The PGCPS must also provide documentation that the IEP team has convened and determined whether the loss of speech/language therapy sessions had a negative impact on the student's ability to benefit from the educational program.

If the team determines that there was a negative impact, it must also determine the amount and nature of compensatory services or other remedy to redress the violation and develop a plan for the provision of those services within one year of the date of this Letter of Findings.

XXX Ms. Trinell Bowman August 27, 2017 Page 3

School-Based

The MSDE requires the PGCPS to provide documentation by November 1, 2018, of the steps it has taken to ensure that the students at XXXXXXXXX who require speech/language therapy are consistently provided with those services. 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.

TECHNICAL ASSISTANCE:

Technical assistance is available to the parties by contacting Dr. Nancy Bierenbaum, 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 Free Appropriate Public Education (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/sf

c: Monica E. Goldson Barbara Vandyke Dori Wilson Gwendolyn Mason XXXXX Anita Mandis