



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

September 5, 2019



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

RE: [REDACTED]  
Reference: #20-004

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention 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 July 19, 2019, the MSDE received a complaint from Ms. [REDACTED] 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 student.

The MSDE investigated the allegation that the PGCPS has not ensured that the student was provided with a Free Appropriate Public Education (FAPE) through implementation of the Individualized Education Program (IEP), during the 2018 – 2019 school year, in accordance with 34 CFR §§300.101 and .323. The complainant specifically alleged that:

- (a) The student was not provided with the special education instruction by the required provider in the area of math;
- (b) The student was not provided with modified materials/assignments in the area of math; and
- (c) The student was not provided with assistance with recording homework assignments in all areas.

**BACKGROUND:**

The student is [REDACTED] (16) years old and attends [REDACTED] School. She is identified as a student with Multiple Disabilities under the IDEA including Autism, a Specific Learning Disability (SLD), and an Other Health Impairment (OHI) related to Attention Deficit Hyperactivity Disorder (ADHD). She has an IEP that requires the provision of special education and related services and

**FINDINGS OF FACTS:**

1. The IEP in effect at the start of the 2018-2019 school year states that the student is “[REDACTED] distracted in class” and needs “consistent redirection.” It states that the student continues to be inconsistent with turning in homework and requires reminders to write down her assignments and to put papers in the correct areas of her notebook. It further states that she needs many prompts to take her papers with her and not leave her notes behind, as well as to turn in homework once it is completed.
2. The IEP includes a goal for the student to improve her self-management and organizational skills with eighty percent (80%) accuracy by keeping her materials organized, following classroom rules and directions, participating in classroom discussion, and independently turning in assignments.
3. The IEP also includes a goal for the student to improve math problem solving by solving four (4) out of (5) problems involving calculations for properties of geometric shapes with eighty percent (80%) accuracy. The IEP further includes a goal for the student to improve her social interaction skills.
4. The IEP requires the provision of special education by a special education teacher to assist her in achieving the goals. The IEP states that the student will be provided with 75 hours per month of special education instruction in English, math, science, and history, as well as in an academic resource class outside of the general education setting to address her social and organization skills needs.
5. At the meeting when the IEP was developed, the team considered the complainant’s concern that the school staff “be more proactive” with monitoring the student’s cell phone use in class and completing assignments. The IEP states that the team discussed that the teachers would assist the student with using her cell phone as a planner so that she could take photographs of assignments. The IEP also requires that the student’s teachers check with the student on a weekly basis to make sure that she is recording her assignments so that her parents are aware of what is due.
6. The IEP also states that the student and the complainant find it difficult for the student to complete worksheets in her math class because the amount of information on the page is

too much for the student to read and complete at one time. It states that information will be deleted from assignments, when possible.

7. On November 20, 2018, a report of the student's progress on the IEP goals states that the student "does not write her assignments in her calendar and that's why she does not turn in her homework on time."
8. On February 8, 2019, a report of the student's progress on the IEP goals states that the student "consistently goes to her case manager every Friday to have her calendar checked." It further states that "there are instances that 4 out of 5 of her classes does not have any information/assignment written for the week."
9. On April 11, 2019, a report of the student's progress on the IEP goals states that the student "does not always go to her case manager's room at the end of the week to have her calendar checked," but that "she would at least drop by sometime within the week to show her calendar."
10. There is documentation, including electronic mail (email) correspondence from the complainant, as well as instructional planning between the student's math teacher and a special education teacher, and progress reports, that a special education teacher provided the student with special education instruction to address the math goals. The documentation also includes the special education teacher's schedule, which reflects that there was sufficient time in her day to work with the student for the amount of time required by the IEP.
11. While the IEP goal reports for self-management and math reflect that the student was making sufficient progress throughout the 2018-2019 school year to achieve the goals by May 22, 2019, there is no documentation that they were achieved.
12. On May 15, 2019, the IEP team conducted an annual review. At the time of the meeting, there was information available to the team that the student had missing assignments, and documentation that the school staff had concerns about the student completing homework.
13. At the May 2019 meeting, the IEP team documented that the accommodations that have been used for the student include modified assignments. The IEP developed by the team at the meeting also states that the student "always copies notes on the board and most of time completes her classwork," but that she continues to need to improve completion of homework. It further states that the student's grade in geometry was a "D due to low test grades."

14. The IEP further states that the student “maintains a planner that she always brings to school where she can write her homework and projects, but she does not regularly write the assigned work.” It states that the student “would go to her teacher to have her planner checked,” but that “there will be times that there will be no entry for the week and she would say that she does not have homework.”<sup>1</sup>
15. The team revised the goal to improve self-management to require the student to write her assignments, with due dates in a planner or using Google classroom<sup>2</sup> with eighty percent (80%) accuracy, and to continue weekly checks to ensure that she is recording her assignments. However, there is no documentation that the team has considered positive behavior interventions or other services to assist the student with achieving the goal.

### **CONCLUSIONS:**

Based on the Findings of Facts #3, #4 and #10, the MSDE finds that there is documentation that the student was provided with specialized instruction in math by a special educator, as required by the IEP, in accordance with 34 CFR §§300.101 and .323. Therefore, this office does not find a violation with respect to this aspect of the allegation.

Based on the Findings of Facts #6 and #13, the MSDE also finds that there is documentation that the student was provided with modified assignments, as required by the IEP, in accordance with 34 CFR §§300.101 and .323. Therefore, this office does not find a violation with respect to this aspect of the allegation.

Based on the Findings of Facts #1, #2, #5, #7 – #9 and #14, the MSDE further finds that there is documentation that the school staff checked with the student about recording homework assignments, as required by the IEP, in accordance with 34 CFR §§300.101 and .323. Therefore, this office does not find a violation with respect to this aspect of the allegation.

However, based on the Findings of Facts #7 - #9, and #11- #14, the MSDE finds that the PGCPSS did not ensure that the IEP team addressed the student’s lack of recording homework assignments, which resulted in her not achieving the goal to improve self-management by independently turning in assignments. Based on the Findings of Facts #12 and #15, the MSDE finds that, while the goal was revised in May 2019 to focus on the student’s recording of assignments, the team has not considered positive behavior interventions or other services to assist the student with achieving the goal, in accordance with 34 CFR §300.324. Therefore, the MSDE finds that a violation occurred.

---

<sup>1</sup> A review of the student’s planner also documents that she was not writing down homework assignments.

<sup>2</sup> This is a computer-based program that teachers and students can access from any computer or mobile device in order to obtain information on assignments, course materials, and feedback (<https://edu.google.com>).

## **CORRECTIVE ACTION/TIMELINES:**

### **Student-Specific**

The MSDE requires the PGCPS to provide documentation by November 1, 2019, that the IEP team has convened and taken the following actions:

- (1) Considered supports, including positive behavior interventions, to improve the student's recording of assignments and her completion of assignments, and revised the IEP, as appropriate.
- (2) Determined whether the violation identified in this Letter of Findings had a negative impact on the student's ability to benefit from the educational program during the 2018 -2019 school year. 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 (1) year of the date of this Letter of Findings

The MSDE also requires the PGCPS to convene IEP team meetings at the end of the second (2<sup>nd</sup>) and third (3<sup>rd</sup>) quarters of the 2019 – 2020 school year to review the student's progress towards achievement of the self-management IEP goal for writing her assignments, with due dates, in a planner or using Google classroom, and her completion of assignments. The IEP team must review and revise the IEP, as appropriate, based on that progress.

### **School-Based**

The MSDE requires the PGCPS to provide documentation by November 1, 2019, of the steps it has taken to ensure that the [REDACTED] School staff comply with the IDEA requirements for the IEP team to consider positive behavioral interventions to address behavior that interferes with a student's achievement of annual IEP goals. The documentation must include a description of how the school system 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 Early Intervention and Special Education Services, MSDE.

## **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.

Ms. Trinell Bowman

September 5, 2019

Page 6

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.

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 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 and Special Education Services

MEF/ksa

c: Monica Goldson  
Gwen Mason  
Barbara VanDyke  
[REDACTED]  
Jeffrey Krew  
Dori Wilson  
Anita Mandis  
K. Sabrina Austin  
Nancy Birenbaum