




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

December 6, 2019




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

RE: 
Reference: 20-047

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention and Special Education 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 October 22, 2019, the MSDE received a complaint from Ms.  hereafter the "complainant," on behalf of the above-referenced student. In that correspondence, the complainant alleged that the Prince Georges 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 did not ensure that the Individualized Education Program (IEP) offered the student a Free Appropriate Public Education (FAPE) from October 22, 2018 until the end of the 2018-2019 school year, in accordance with 34 CFR §§300.101, .117, .320, and .324, and COMAR 13A.05.01.09, as follows:
 - a. The IEP did not contain a statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects her involvement and progress in the general education curriculum;

- b. The IEP did not include special education instruction to assist the student with improving her functional writing skills;
 - c. The IEP did not include special education instruction, supplementary aids and services, and accommodations to assist the student with improving her behavior to enable her to participate in academic and non-academic activities; and
 - d. The IEP did not include one-to-one support to address the student's health and functional life skills needs.
2. The PGCPS did not ensure that the IEP was consistently implemented from October 22, 2018 until the end of the 2018-2019 school year, in accordance with 34 CFR §§300.101 and .323, as follows:
 - a. Assignments, including homework assignments, were not sent home, as required by the IEP; and
 - b. The student was not provided with community-based activities, as required by the IEP.

BACKGROUND:

The student is twenty-two (22) years old and attended [REDACTED] until June 28, 2019. The student received a Maryland High School Certificate of Program Completion on June 28, 2019.

The student was identified as a student with an Intellectual Disability under the IDEA and had an IEP that required the provision of special education services.

ALLEGATION #1: IEP DEVELOPMENT

FINDING OF FACTS:

May 31, 2018 IEP Team Meeting

1. The IEP in effect at the start of the investigation period, dated May 31, 2018, stated that the student's disability affected her progress in reading comprehension, fluency, math calculation and math problem solving, as well as retention of information, sustained attention, visual motor integration, social judgment, expressive and receptive language and speech articulation. The IEP included information about the student's functional skills in each area addressed in the present levels of performance.

2. The student's reading fluency level was listed at a Pre-K level, based on teacher observation, quarterly progress reports, and classroom data. The IEP stated that the student had used the touchscreen monitor to answer "WH" questions or play games, but she needed at least 2 prompts to touch a designated area and she was able to activate the touchscreen with 50% accuracy.
3. The student's Speech and Language (Receptive) level was listed at below age expectancy, based on informal measures, data collection and observation. The IEP stated that the student had continued to make progress towards improving her receptive language skills. She followed multistep directions with different linguistic concepts in 70% of opportunities when given no more than two (2) verbal or visual prompts regarding spatial locations or the following step. She identified and labeled items for vocational tasks in over 60% of opportunities, and success with this task was dependent on motivation to answer the question. She consistently labeled actions and objects presented to her in pictures.
4. The student's Speech and Language (Expressive) level was listed at below age expectancy, based on informal measures, data collection and observation. The IEP stated that the student had mastered her expressive and pragmatic speech and language goal. The student independently greeted staff and gave farewells in 80% of opportunities when given wait time or an expectant glance. She participated in conversation for at least three (3) turns in 75% of opportunities when given a verbal prompt to maintain focus. She asked follow-up questions or reciprocal questions of her communication partner if it was about a topic of interest. She continued to consistently use simple grammatical forms correctly. The student could be difficult to understand to unfamiliar listeners and supports would be trialed to improve intelligibility. She continued working on improving expressive and receptive language skills.
5. The student's Social Emotion/Behavioral level was listed at below age level, based on data collection. The IEP stated that the student was seen for individual sessions for social skills. The purpose of the individual sessions was for her to improve her expression of feelings and emotions. She participated in weekly sessions and was able to identify different feelings and emotions with prompting. She was able to recognize the feelings and emotions with 75% accuracy. The document indicates that the student worked hard to complete a task and was motivated by rewards (e.g. praise and a high five). It also states the following: the student needed to improve on communicating her feelings and emotions with peers and staff, she could identify feelings and emotions with the social worker, but had difficulty appropriately expressing her feelings in the classroom, the student needed to appropriately communicate her feelings and emotions with peers and staff, she continued to need work on expressing her feelings and emotions to peers and staff, the student was able to communicate her feelings and emotions with 40% accuracy in 2 or 3 prompts.

6. The IEP included goals in the areas of need identified in the IEP need and special education instruction, social skills training, counseling, speech/language therapy, and transportation services to assist her in achieving the goals. The goals were designed to improve her functional life skills in each area. The IEP also required the provision of assistive technology devices and various other supports to assist her with accessing instruction.
7. While the student, in previous years, required a goal in the area of written language expression, there is documentation that the goal was removed due to its inappropriate nature relative to the student's present levels of performance. Additionally, the student's functional writing needs were addressed through assistive technology devices, such as an iPad and personal computer.
8. The documentation of the meeting reflects that the school staff reported that the student had not demonstrated behavioral concerns since the start of the 2018-2019 school year, and that the IEP team, including the complainant, agreed to reduce the amount of counseling services to be provided.
9. There is documentation that prior to May 31, 2018, the student had been receiving one-to-one assistance to provide constant feedback and encouragement during instruction, but the IEP team decided that service was no longer needed for that purpose. The documentation from a December 2017 meeting states:

Parent stated again that she agrees with getting rid of the dedicated aide but her concern is that [the student] is a bit visually impaired so we need to make sure we keep that in mind. The parent also stated the medical concerns [the student] has are legitimate and if she is in pain or does not want to walk, we need to honor that. The team let the parent know that she is able to take a break when not feeling well.

IEP Team Meeting February 21, 2019

10. An IEP team meeting was held on February 21, 2019, in order to review updated assessment data.
11. The team considered the report of a November 30, 2018 psychological assessment that stated that the student's overall level of cognitive ability fell within the "very low range" and "appeared consistent with the previous data." Recommendations in that report included those for the family to seek assistance from other agencies that provide adult services for individuals with disabilities as she transitions into adulthood. The report also indicated that the student would continue to require "significant support in all areas of functioning, including functional academics, self-direction, self-care communication, health and safety skills," based on adaptive behavior assessment rating scales completed by the complainant and the student's teacher.

12. Based on the data, the IEP team decided that no revisions were necessary, and that the IEP was appropriate to meet the student's needs.

April 11, 2019 IEP team meeting

13. On April 11, 2019, an IEP team meeting was held to conduct an annual review, and plan for the student's exit from school due to her age. At that meeting, the IEP team revised the student's goals based on reports of the student's progress.

CONCLUSIONS:

In this case, the complainant alleges that the IEP was not designed to provide a FAPE to the student because the IEP did not properly identify and address all of the student's needs through goals and services to assist her in achieving those goals.

Based on the Finding of Facts #1 - #13, the MSDE finds that the documentation does not support the allegation. Therefore, this office finds that a violation did not occur with respect to this allegation, in accordance with §34 CFR §§300.101, .117, .320, and .324, and COMAR 13A.05.01.09.

ALLEGATION #2: IEP IMPLEMENTATION

FINDINGS OF FACTS:

15. There is no documentation that, since October 22, 2018, the IEP has required the teacher to create worksheets to send home with the student.

16. There is no documentation that, since October 22, 2018, the IEP has required the student to participate in community outings.

CONCLUSIONS:

In this case, the complainant alleges that assignments were not sent home as requested and as documented in the IEP, and that community-based services were not provided.

Based on the Findings of Fact #15 - #16, the MSDE finds that the IEP in effect since October 22, 2018, did not require these services. Therefore, this office does not find a violation with respect to this allegation.

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

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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 parties 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:dee

c: Monica Golden
Barbara VanDyke
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