




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

May 12, 2020




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

RE:   
Reference: #20-112

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 February 27, 2020, 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 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 ensured that the Individualized Education Program (IEP) addresses the student's needs arising out of his disability in reading, written expression, math, self-management and speech, in accordance with 34 CFR §300.324, since September 3, 2019.
2. The PGCPS has not ensured that the student has been provided with the research-based reading and math interventions required by the IEP since September 3, 2019, in accordance with 34 CFR §§ 300.101 and .323.

## **BACKGROUND:**

The student is twelve (12) years old and is identified as a student with Multiple Disabilities (Specific Learning Disability and Other Health Impairment) under the IDEA. He has an IEP that requires the provision of special education instruction.

During the 2018-2019 school year, the student attended the [REDACTED] School. During the 2019-2020 school year, he attended the [REDACTED] School, until the March 16, 2020 Statewide closure of all schools, as the result of the national COVID-19 pandemic.

## **FINDINGS OF FACTS:**

1. The IEP in effect on September 3, 2019 was reviewed and revised on June 17, 2019 at an IEP team meeting held in preparation for the student's matriculation to middle school. At the time of this meeting, the IEP included goals consistent with the needs identified in the present levels of performance in the areas of reading, written expression, math, self-management and speech. It also included goals for the student to improve his functioning in all areas of need identified and special education and related services to assist him with achieving the goals. It further included a Behavioral Intervention Plan (BIP) that included strategies and supports to address the student's identified interfering behavior. The IEP further required the provision of supports such as reading and math research-based interventions, chunking of tasks, providing clear expectations, assigning explicit time to each task, utilizing teacher proximity control, frequent feedback from the teacher, use of positive incentives, instruction in coping skills, expressing feelings, and requesting breaks.
2. At the June 17, 2019 IEP team meeting, the team decided to discontinue the BIP and the use of a daily point chart for behavior as a support, based on reports by the school staff that the student was no longer demonstrating the need for such interventions. However, one of the objectives for the social emotional behavior goal continued to state, "Use a daily behavior chart to monitor behavior." There is no explanation for the continuance of this objective after discontinuing the accompanying support.
3. The documentation reflects that by the June 17, 2019 IEP team meeting, the student had achieved the speech/language goals and as a result, they were discontinued. There is no data reflecting that the student had speech/language needs by the time of the June 17, 2019 IEP team meeting.
4. The IEP developed at the June 17, 2019 IEP team meeting shows that the goals in the areas of reading, math, and written language expression were revised to demonstrate sixth grade expectations, and the date for achieving those goals was extended to June 17, 2020.
5. On November 26, 2019, the IEP team developed a new BIP after the student's teacher reported that he was again exhibiting the interfering behaviors he previously demonstrated, such as "shutting down" and not maintaining self-control.

6. On November 26, 2019, the IEP team also decided that the student requires a reduced workload. However, the IEP was not revised to reflect these decisions.
7. There is no documentation that reading and math interventions have been provided to the student since September 3, 2019.

## **CONCLUSIONS:**

### **Allegation #1:**

#### Speech Language Needs:

Based on the Findings of Facts #1 and #3, the MSDE finds that there is no documentation that the student has had identified speech/language needs that required addressing since September 3, 2019, in accordance with 34 CFR §300.324. Therefore, this office does not find that a violation occurred with respect to this aspect of the allegation.

#### Reading, Writing, and Math Needs:

Based on the Findings of Facts #1, #4, and #6, the MSDE finds that there is documentation that the student's identified reading, writing, and math needs were addressed from September 3, 2019 until November 26, 2019, in accordance with 34 CFR §300.324. Therefore, this office does not find that a violation occurred with respect to this time period.

However, based on the Finding of Fact #6, the MSDE finds that the PGCPS has not ensured that the IEP has been revised to address the student's need for a reduced workload consistent with the decision made by the IEP team on November 26, 2019, in accordance with 34 CFR §300.320. Therefore, this office finds that a violation occurred with respect to this aspect of the allegation since November 26, 2019.

#### Behavioral Needs:

Based on the Findings of Facts #1, #2, and #5, the MSDE finds that while the team's decisions about the need for a BIP were consistent with the data, the IEP did not include the support required to address the goal to improve the student's social emotional/behavioral skills since September 3, 2019, in accordance with 34 CFR §300.324. Therefore, this office finds a violation with respect to this aspect of the allegation.

### **Allegation #2:**

Based on Findings of Facts #1 and #7, the MSDE finds that there is no data that the PGCPS provided the student with the research-based reading and math interventions required by the IEP

since September 3, 2019, in accordance with 34 CFR §§ 300.101 and .323. Therefore, this office finds is a violation with respect to this allegation.

### **CORRECTIVE ACTIONS/TIMELINES:**

The IDEA requires that State complaint procedures include those for effective implementation of the decisions made as a result of a State complaint investigation, including technical assistance activities, negotiations, and corrective actions to achieve compliance (34 CFR §300.152). Accordingly, the MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below<sup>1</sup>

This office will follow up with the public agency to ensure that it completes the required action consistent with the MSDE Special Education State Complaint Resolution Procedures. If the public agency anticipates that the timeframe below may not be met, or if any of the parties seeks technical assistance, they should contact Dr. Nancy Birenbaum, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.<sup>2</sup> Dr. Birenbaum can be reached at (410) 767-7770.

### **Student Specific:**

The MSDE requires the PGCPS to provide documentation that the student is being provided with the reading and math interventions required by the IEP.

The MSDE also requires the PGCPS to provide documentation that the IEP team has reviewed and revised the IEP to ensure that it addresses the student's social emotional/behavioral needs and need for reduced workload.

The MSDE further requires that the PGCPS provide documentation that the IEP team has determined the compensatory services or other remedy for the violations identified through this investigation.

### **School Based:**

The MSDE requires the PGCPS to provide documentation that it has taken steps to ensure that the violations do not recur at [REDACTED] School.

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<sup>1</sup> The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency must correct noncompliance in a timely manner, which is as soon as possible, but not later than one (1) year from the date of identification of the noncompliance. The OSEP has indicated that, in some circumstances, providing the remedy could take more than one (1) year to complete. If noncompliance is not corrected in a timely manner, the MSDE is required to provide technical assistance to the public agency, and take tiered enforcement action, involving progressive steps that could result in the redirecting, targeting, or withholding of funds, as appropriate.

<sup>2</sup> The MSDE will notify the Directors of Special Education of any corrective action that has not been completed within the required timelines.

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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 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 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 Early Intervention/Special Education Services

MEF:dee

c: Monica Goldson  
Gwen Mason  
Barbara VanDyke  
Jeffrey Krew  
[REDACTED]  
Dori Wilson  
Anita Mandis  
Diane Eisenstadt  
Nancy Birenbaum