



April 9, 2019

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

RE: XXXXX
Reference: #19-107

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 8, 2019, the MSDE received a complaint from Ms. XXXXXX, 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 following allegations:

1. The PGCPS has not ensured that the student has consistently been provided with the accommodations and supplementary supports required by the Individualized Education Program (IEP) in every class, since the start of the 2018 – 2019 school year, in accordance with 34 CFR §§300.301 and .323.
2. The PGCPS has not ensured that the student’s Behavior Intervention Plan (BIP) required by the IEP has been consistently implemented since the start of the 2018 – 2019 school year, in accordance with 34 CFR §§300.301 and .323.
3. The PGCPS has not ensured that the IEP team reviewed and revised, as appropriate, the student’s IEP to address lack of progress towards achieving the IEP goals, during the 2018 - 2019 school year, in accordance with 34 CFR §300.101 and .324.

4. The PGCPs did not ensure that a reevaluation was conducted in a timely manner in September 2018, in accordance with COMAR 13A.05.01.06.

BACKGROUND:

The student is seventeen (17) years old, is identified as a student with an Emotional Disability under the IDEA, and has an IEP that requires the provision of special education and related services. The student is in the tenth (10th) grade. At the time the complaint was filed, the student was attending the XXXXXXXXXXXXXXXXXXXX (XXXXXX).

**ALLEGATIONS #1 AND #2 PROVISION OF ACCOMMODATIONS
AND SUPPLEMENTARY SUPPORTS, AND BIP
IMPLEMENTATION**

FINDINGS OF FACTS:

1. The school system staff acknowledge that the student was not been provided with the accommodations and supplementary supports required by the IEP during the time he attended the XXXXX during the 2018 - 2019 school year.
2. The school system staff acknowledge that the student was not consistently provided with the supports required by the BIP during the time he attended the XXXXXX during the 2018 - 2019 school year.
3. On March 22, 2019, the student transferred from the XXXXX to the XXXXXXXXXXXX (XXXXXX). There is no documentation of the provision of the accommodations and supplementary aids since the student's transfer to the XXXXXXXXXXXX on March 22, 2019. There is also no documentation of the provision of the behavioral supports required by the BIP since the student's transfer to the XXXXXXXX.

CONCLUSIONS:

Allegation #1 Provision of Accommodations and Supplementary Supports

Based on the Findings of Facts #1 and #3, the MSDE finds that the PGCPs has not ensured the provision of the accommodations and supplementary supports required by the IEP, in accordance with 34 CFR §§300.301 and .323. Therefore, this office finds a violation occurred.

Allegation #2 BIP Implementation

Based on the Findings of Facts #2 and #3, the MSDE finds that the PGCPs has not ensured the implementation of the student's BIP, in accordance with 34 CFR §§300.301 and .323. Therefore, this office finds a violation occurred.

ALLEGATION #3 IEP REVIEW

FINDINGS OF FACTS:

4. On September 24, 2018, the IEP team conducted the annual review of the student's educational program.
5. In November 2018, the school staff documented that the student was not making sufficient progress towards mastery of the annual IEP goals.
6. The school system staff acknowledge that the IEP team has not convened to address the student's lack of progress.

CONCLUSION:

Based on the Findings of Facts #4 - #6, the MSDE finds that the PGCPS has not ensured that the IEP team has reviewed and revised the student's IEP, as appropriate, in order to address his lack of progress, in accordance with 34 CFR §300.101 and .324. Therefore, this office finds a violation occurred.

ALLEGATION #4 REEVALUATION

FINDINGS OF FACTS:

7. On September 24, 2018, the IEP team convened and determined that additional information was needed about the student. Assessments in the areas of academics, intellectual functioning, emotional and social behavior development were recommended. The complainant provided written consent for the assessments on September 24, 2018.
8. The school system staff acknowledge that the IEP team has not convened to review the results of the assessments that were recommended in September 2018.

CONCLUSION:

Based on the Findings of Facts #7 and #8, the MSDE finds that the PGCPS has not completed the reevaluation that began approximately seven (7) months ago, in September 2018, in accordance with COMAR 13A.05.01.06. Therefore, this office finds a violation occurred.

CORRECTIVE ACTION/TIMELINES:

Student-Specific

The MSDE requires the PGCPS to provide documentation by June 1, 2019, that the IEP team has convened and reviewed the results of the assessments that were recommended by the team in September 2018, and the student's lack of progress towards mastery of the annual IEP goals. Based on the data, the IEP team must also revise the IEP, as appropriate.

The IEP team must also determine the amount and nature of compensatory services or other remedy to redress the violations identified through this investigation and developed 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 provide documentation by November 1, 2019, that the student is consistently receiving the accommodations and supplementary supports required by the IEP as well as the behavioral supports required by the BIP.

School-Based

The MSDE requires the to provide documentation by June 1, 2019, of the steps it has taken to ensure that the XXXXXX staff comply with the requirements for IEP implementation, including BIP implementation, review of a student's educational program when the student is not making sufficient progress towards mastery of the annual IEP goals, and conducting a reevaluation. 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 reoccur.

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.

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 complainants 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

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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
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