



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

May 7, 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: #19-128

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 March 8, 2019, the MSDE received a complaint from Ms. XXXXXXXXX, hereafter “the complainant,” on behalf of the above-referenced student and his mother, Ms. XXXXXXXXX,¹ hereafter “the parent.” 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 did not ensure the following with respect to the Individualized Education Program (IEP) meeting held on September 13, 2018:
 - a. the opportunity for the parent to participate in the meeting, in accordance with 34 CFR §§300.322 and .501 and COMAR 13A.05.01.07;
 - b. the participation of all required IEP team members, in accordance with 34 CFR §300.321;

¹ Because the MSDE did not receive written parental consent to release the results of this investigation to the complainant, as requested, this letter is addressed to the parent and the school system only.

- c. the provision of the completed IEP to the parent within five (5) business days after the meeting, in accordance with COMAR 13A.05.01.07; and
 - d. the written notice of the decisions made by the team, in accordance with 34 CFR §300.503.
2. The PGCPS has not ensured that the parent was provided with written notice of the decisions made by the team following the September 26, 2018 and January 30, 2019 IEP team meetings, in accordance with 34 CFR §300.503.
3. The PGCPS did not ensure the following with respect to the IEP meeting scheduled on February 28, 2019:
 - a. the provision of proper notice of the IEP team meeting to the parent, in accordance with 34 CFR §300.322 and COMAR 13A.05.01.07; and
 - b. the provision of the proposed IEP to the parent at least five (5) business days prior to the IEP team meeting, in accordance with 34 CFR §300.501.

BACKGROUND:

The student is eighteen (18) years old, is identified as a student with an Other Health Impairment (OHI) under the IDEA related to Attention Deficit Hyperactivity Disorder (ADHD), and has an IEP that requires the provision of special education and related services. The student is in the twelfth (12th) grade and attends the XXXXXXXX High School (XXXXXXXX HS).

**ALLEGATION #1 THE SEPTEMBER 13, 2018 IEP TEAM MEETING:
PARENT PARTICIPATION, REQUIRED IEP TEAM
MEMBERS, PROVISION OF COMPLETED IEP
DOCUMENT AFTER MEETING, AND WRITTEN NOTICE
OF DECISIONS**

FINDINGS OF FACT:

1. The PGCPS acknowledges a violation with respect to each aspect of the allegation.

CONCLUSION:

Based on the Finding of Fact #1, the MSDE concurs with the PGCPS's acknowledgement, and finds that violations occurred with respect to each aspect of the allegation.

ALLEGATION #2

WRITTEN NOTICE OF DECISIONS MADE AT THE IEP MEETINGS HELD ON SEPTEMBER 26, 2018 AND JANUARY 30, 2019

FINDINGS OF FACTS:

2. The PGCPS acknowledges a violation with respect to each aspect of the allegation.
3. There is no documentation that the IEP team convened on September 26, 2018.
4. The written summary of the January 30, 2019 IEP team meeting was provided to the parent on February 13, 2019. The summary documents the IEP team's decision to provide the student with the support of an academic resource class to assist with completing his assignments. At the time of the January 30, 2019 IEP team meeting, the student had received grades for the second (2nd) quarter of the 2018 - 2019 school year that included two (2) Fs and one (1) D.²
5. On March 18, 2019, the IEP team documented that the student had not been placed in an academic resource class and that changes in his schedule were no longer possible. The IEP team also documented that the student was projected to graduate on June 1, 2019.

CONCLUSIONS:

Based on the Findings of Facts #s and #3, the MSDE finds that the IEP team did not convene on September 26, 2018. Therefore the MSDE does not concur with the PGCPS's acknowledgement and does not find a violation with respect to this aspect of the allegation.

Based on the Findings of Facts #2, #4 and #5, the MSDE finds that, while the IEP convened on January 30, 2019 and decided to provide the student with an academic resource class, the school staff never implemented the decision. Therefore, the MSDE does not concur with the PGCPS's acknowledgement and does not find a violation with respect to this aspect of the allegation because written notice was provided before implementation.

Additional Violation Identified During the Investigation:

Based on the Findings of Facts #4 and #5, the MSDE finds that the PGCPS did not ensure that the student was provided with the support of an academic resource class that the IEP team decided in January 2019 that he needed, in accordance with 34 CFR §§300.101 and .323. Therefore, the MSDE finds a violation with respect to this additional issue.

² The student received grades that included one (1) F and two (2) Ds on his report card for the first (1st) quarter of the 2018 - 2019 school year.

ALLEGATION #3

**NOTICE OF THE FEBRUARY 28, 2019 IEP MEETING
AND PROVISION OF PROPOSED IEP AT LEAST FIVE (5)
BUSINESS DAYS PRIOR TO THE MEETING**

FINDINGS OF FACTS:

6. On February 13, 2019, the school staff developed a written invitation notice of an IEP team meeting scheduled for February 28, 2019. The parent communication log documents that the school staff also gave the meeting notice to the student to take home on February 13, 2019.
7. On February 26, 2019, two (2) days before the IEP meeting scheduled for February 28, 2019, the school staff sent the parent a draft IEP intended for discussion at the upcoming meeting.
8. The IEP team did not convene on February 28, 2019. The meeting was rescheduled and the IEP team convened on March 18, 2019.

CONCLUSIONS:

Based on the Finding of Fact #6, the MSDE finds that there is documentation that on February 13, 2019, the school staff sent the parent, via the student, an invitation notice to the IEP team meeting that was scheduled for February 28, 2019, in accordance with 34 CFR §300.322 and COMAR 13A.05.01.07. Therefore, the MSDE does not find a violation with respect to this aspect of the allegation.

Based on the Findings of Facts #7 and #8, the MSDE finds that, while the parent was not provided with the draft IEP at least five (5) business days prior to the IEP meeting scheduled for February 28, 2019, the IEP team did not convene on February 28, 2019. Therefore, the MSDE does not find a violation with respect to this aspect of the allegation.

CORRECTIVE ACTIONS/TIMELINES:

Student-Specific

The MSDE requires the PGCPS to immediately provide the student with direct daily support by the school staff to assist with his completion of all assignments required to graduate at the end of the 2018 - 2019 school year, and to provide the MSDE with documentation of the consistent provision of this support by July 1, 2019.

If the student does not graduate at the end of the 2018 - 2019 school year, the MSDE also requires the PGCPS to provide documentation by July 15, 2019 that the IEP team has convened and determined 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 compensatory services or other remedy must include any transition services necessary to assist the student with meeting graduation requirements.

School-Based

The MSDE also requires the PGCPs to provide documentation by the start of the 2019 - 2020 school year of the steps it has taken to determine if the violations identified in the Letter of Findings are unique to this case or if they represent a pattern of noncompliance at the XXXXXXXXXXXX HS.

Specifically, a review of student records, data, or other relevant information must be conducted in order to determine if the regulatory requirements are being implemented and documentation of the results of this review must be provided to the MSDE. If compliance with the requirements is reported, the MSDE staff will verify compliance with the determinations found in the initial report.

If the regulatory requirements are not being implemented, actions to be taken in order to ensure that the violation does not recur must be identified, and a follow-up report to document correction must be submitted within ninety (90) days of the initial date of a determination of non-compliance. Upon receipt of this report, the MSDE will re-verify the data to ensure continued compliance with the regulatory requirements.

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.

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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 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
Gwendolyn Mason
Barbara VanDyke
XXXXXXXXXX
Dori Wilson
Anita Mandis
K. Sabrina Austin