



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

December 23, 2019

Ms. Debrah B. Martin
Best Solutions Educational Services
1330 Mercantile Lane, Suite 129-2
Largo, Maryland 20774

Ms. Trinell Bowman
Executive Director
Department of Special Education
Prince George's County Public Schools
John Carroll Elementary School
1400 Nalley Terrace
Landover, Maryland 20785

RE: [REDACTED]
Reference: #20-050

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 October 31, 2019, the MSDE received a complaint from Ms. Debrah B. Martin, hereafter, “the complainant,” on behalf of Ms. [REDACTED] and her son, 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 Individualized Education Program (IEP) addresses the student’s math problem-solving and calculation needs since November 1, 2018,¹ in accordance with 34 CFR §§300.101, .320, .323, and .324.

¹ While it is alleged that the violation began before November 1, 2018, the complainant was informed, in writing, that only those violations that are alleged to have occurred within one year of the date of the filing of the State complaint can be addressed through the complaint investigation procedure.

2. The PGCPS did not ensure that weekly social skills training was provided, as required by the IEP, from November 1, 2018¹ to May 2019, in accordance with 34 CFR §§300.101 and .323.
3. The PGCPS has not ensured that the IEP addresses the student's behavioral self-management needs since May 9, 2019 in accordance with 34 CFR §§300.101, .320, .323, and .324.
4. The PGCPS did not ensure the provision of prior written notice (PWN) of decisions made by the IEP team on May 9, 2019, in accordance with 34 CFR §300.503.
5. The PGCPS has not ensured that the IEP developed following the June 19, 2019 IEP team meeting includes annual goals to address the student's math problem-solving and writing needs that were developed by the IEP team at that meeting, in accordance with 34 CFR §§300.320 and .324.
6. The PGCPS did not ensure that the following decisions made by the IEP team on June 19, 2019 were based on the student's needs, in accordance with 34 CFR §300.324:
 - a. To discontinue the provision of toileting support;
 - b. To discontinue the provision of a human scribe;
 - c. To discontinue the provision of a human reader;
 - d. To discontinue the provision of text-to-speech technology; and
 - e. To limit the amount of extended time for completing writing tasks.
7. The PGCPS has not ensured that the reevaluation that began on June 19, 2019 has been completed with the required timelines, in accordance with COMAR 13A.05.01.06.
8. The PGCPS did not follow proper procedures when responding to the October 4, 2019 request made by the parent through her advocate for an IEP team meeting, in accordance with 34 CFR §§300.324 and .503.

BACKGROUND:

The student is ten (10) years old and attends [REDACTED] Elementary School. He is identified as a student with Autism under the IDEA, and has an IEP that requires the provision of special education and related services.

FINDINGS OF FACTS:

June 14, 2018 IEP Team Meeting

1. The IEP in effect on November 1, 2018 was developed on June 14, 2018. The IEP includes a statement that the student's math calculation skills were impacted by his disability, and that he was performing at the first (1st) grade level in the third (3rd) grade based on formal and informal assessments. The statement reflects that the student had difficulty with double digit addition, single and two (2) digit subtraction, place values and most of the concepts taught in third (3rd) grade. It states that the student was "grasping and learning slowly but consistently and more exposure will yield more results."
2. The June 14, 2018 IEP includes a goal for the student to use place value understanding and properties of operations to add and subtract one (1) and two (2) digit numbers to ninety-nine (99) with eighty percent (80%) accuracy by June 14, 2019. The short-term objectives were for the student to add and subtract one (1) and two (2) digit numbers with or without regrouping four (4) out of five (5) times. The goal states that data will be obtained to measure this progress through "informal procedures."
3. The June 14, 2018 IEP does not contain information about the student's math problem-solving skills despite the fact that the third (3rd) and fourth (4th) grade curriculum covers both calculation and problem-solving, and there is no documentation of the basis for the team's decision to not address problem-solving.
4. The data available at the June 14, 2018 meeting, obtained during a March 21, 2017 reevaluation, included the results of an assessment by the school psychologist. The assessment report reflects that the case manager had no concerns in the area of self-regulation with adults and "moderate to significant" concerns with peers with respect to communication, unusual behaviors, and atypical language. The report reflects that the case manager indicated that the student was beginning to use language more, recognize feelings and make eye contact. The assessment report recommended that the student continue participation in a social skills group and to work within groups of peers for tasks and activities.
5. The June 14, 2018 IEP states that the student requires social skills training to be provided by the school psychologist and a special education classroom teacher. While the IEP indicates that the frequency will be monthly, it also states that the student "will participate in weekly social skills training."
6. The assessment report completed by the school psychologist also noted that the student's inattention impacts his learning. The IEP developed on June 14, 2018 required modified materials to assist in understanding, simplified directions and repetition of the directions to assist with following instructions, wait time for responses, monitoring of work to

ensure that the student is following along, extended time to complete classwork and assessments, and movement breaks between tasks to promote self-regulation and focus.

7. The June 14, 2018 IEP states that the student had been working with an occupational therapist to improve fine motor skills strengthening. It states that the student “made significant progress in the area of his handwriting” and that the team decided to decrease the occupational therapy to monthly consultation “to assure consistent use of his fine motor skills across educational settings.” It states, however, that because “of [the student’s] slow writing, he may sometimes need a scribe.”
8. The June 14, 2018 IEP states that the student requires a human reader and text-to-speech technology, “for certain parts of his assessments and class activities” because “they will allow him to be more successful.”
9. The written summary of the June 14, 2018 IEP team meeting states that the team discussed that the student was not using the restroom when needed. It reflects that the IEP team decided that toilet paper, wipes, a social story and a social sheet would be placed in the restroom to assist with toileting.
10. On November 14, 2018, a progress report was made stating that the student was making sufficient progress to achieve the math calculation goal by June 14, 2019. It states that the student was “progressing slowly but satisfactorily” with addition and “very slowly with subtraction, especially with regrouping, but he is also being consistent with the slow progress.”
11. By April 11, 2019, the student was reported to have mastered some of the short-term objectives in the math calculation goal, and the progress report stated that the student’s progress was sufficient to expect that the goal would be mastered by the June 14, 2019.

May 9, 2019 IEP Team Meeting

12. On May 9, 2019, the IEP team conducted the annual IEP review. The revised IEP states that, based on informal classroom assessments conducted in May 2019, the student was currently performing at the second (2nd) grade level in math calculation. However, the annual goal was continued, including the short-term objectives that had already been achieved, and the timeline for achieving the goal was extended out to May 8, 2020 without explanation.
13. The May 9, 2019 IEP documents that the student “is not yet independent in recognizing his frustrations and utilizing strategies to regulate himself and continue working.” A goal was added for the student to demonstrate understanding and use of strategies for effective comprehension and expression of language in social situations with visual and verbal cues. The IEP was revised to require targeted and structured self-regulation strategies to help with frustration tolerance, compliance, and attention to task. These strategies were

to include deep breathing and movement breaks. In addition, the team decided that the consultative occupational therapy services would involve the development of strategies, accommodations, and program modifications to assist the teachers with addressing the student's difficulty in the area of self-management.

14. The May 9, 2019 IEP reflects that the team decided that the special education teacher and instructional assistant would remind the student to use the restroom on an hourly basis, and that the student would be provided with wipes, bathroom tissue, and a picture communication board to "motivate and inspire him."
15. An electronic mail (email) message from the school staff to the parent, dated May 23, 2019, documents that the school staff informed the parent that written notice of the team's May 9, 2019 IEP team decisions was being sent to the parent in the student's backpack.
16. There is no documentation that the parent responded to the May 23, 2019 email.

June 19, 2019 IEP Team Meeting

17. On June 19, 2019, the IEP team reconvened at the request of the student's parent. The written summary of the meeting documents that the parent requested that an updated speech/language assessment be conducted prior to the reevaluation that is due in March 2020. The written summary of the meeting states that the team decided that an updated speech/language assessment "will be administered during the last week of September [2019]."
18. The IEP team documented through the written summary of the meeting that it decided to remove the accommodation of the use of a human scribe because the student "has the ability to write legibly and transform his thoughts into written language," and does not "need this accommodation."
19. The IEP team documented in the written summary of the meeting that it developed a goal to improve the student's independent writing and progression from sentences to paragraphs and eventually an essay. However, the revised IEP does not include such a goal.
20. The IEP team documented in the written summary of the meeting that it developed a goal to improve the student's math problem-solving skills "to address identifying the orders of operation that he has been working on within word problems." However, the revised IEP does not include such a goal.
21. The written summary of the meeting reflects that the team decided that additional adult support would be provided, and that this staff member would be required to remind the student to use the restroom. However, the written summary reflects that the toileting

assistance was removed from the IEP because there was no medical information of the need. The written summary documented it was decided that if the student's toileting issues "require him to take medication and begin to have educational impact," a health plan could be developed.

22. The IEP reflects that the team decided to address the student's self-regulation through a separate goal focused on improving his ability to use strategies to persevere through perceived challenging and non-preferred tasks. The written summary of the meeting reflects that the team clarified that social skills development is provided on an on-going basis in the classroom, but that the social skills training is to be provided on a monthly basis by the school psychologist.
23. The IEP was also revised to clarify that the student requires "at least double time" to complete class work and assessments.
24. The June 19, 2019 IEP continues to reflect that the student will be provided with text-to-speech technology, but the use of a human reader was discontinued without explanation.
25. An October 1, 2019 email correspondence from the complainant reflects that she contacted the school staff to ask about the status of the speech/language assessment that was to be conducted at the end of September 2019. On the same date, a Notice and Consent for Assessment form to complete a speech/language assessment was sent to the parent.
26. An October 4, 2019 email correspondence from the complainant to the school staff reflects that she expressed concern that the consent form sent earlier that week only indicates that the area of speech articulation is to be assessed, and not the remaining areas determined by the IEP team in June 2019. The complainant requested an IEP team meeting to discuss the need for additional areas to be assessed.
27. While the additional areas of testing were placed on the consent form consistent with the complainant's request, and sent to the parent on October 4, 2019, the school system staff informed the complainant that the request for the IEP team meeting would have to come directly from the student's parent, and copied the parent on the response.
28. There is no documentation that the parent requested an IEP team meeting following notice from the school staff that the request needed to come directly from her.

November 21, 2019 IEP Team Meeting

29. On November 21, 2019, the IEP team reconvened to conduct three (3) year reevaluation planning. The documentation of the meeting reflects that the team considered November 18, 2019 correspondence from the student's private physician, who wrote "It is medically necessary for [the student] to be allowed extra time in the

bathroom at school in order to be given the chance to empty his colon of stool as the need arises.”

30. The documentation of the November 21, 2019 IEP team meeting also reflects that the team began discussing the results of the speech/language assessment that had been conducted. The documentation reflects that, based on the parent’s concerns about the content of the assessment report, the team decided that the report would be revised to include additional information, and did not complete its review of the IEP based on the assessment results.
31. A draft IEP was developed by the school staff to revise the math calculation goal to cover multiplication and division, and to add a math-problem solving goal covering addition, subtraction, multiplication, and division and was sent to the parent on November 15, 2019. The draft IEP does not include the written language goal that the IEP team documented it developed on June 19, 2019.
32. At the November 21, 2019 IEP team meeting, the team documented that the student had achieved the math calculation goal in October 2019. The IEP team also documented its discussion that the parent expressed the concern about the student’s completion of division problems, and that this was not a skill that had been addressed through the math calculation goal.
33. There is no documentation that the draft IEP that was sent to the parent on November 15, 2019 was discussed at the November 21, 2019 IEP team meeting. On November 25, 2019, the school staff explained to the parent that this was because the November 21, 2019 IEP team meeting was not held for the purpose of reviewing the IEP. However, the school staff requested the parent’s agreement to revise the IEP to include the goals by amendment without convening the IEP team to do so, and the parent refused.
34. On December 8, 2019, the school staff informed the parent that the draft IEP would be updated based on data from assessments conducted as a result of the November 21, 2019 reevaluation planning, and that the draft IEP would be reviewed at an IEP team meeting that has been scheduled with the parent for January 30, 2020.
35. The teacher’s daily schedule reflects that social skills training is provided on a daily basis from 7:45 a.m. to 8:00 a.m.
36. The school psychologist’s service log reflects work with the student on social skills two (2) times in November 2018 and one (1) time in December 2018 between November 2018 and May 2019.

DISCUSSION/CONCLUSIONS:

Allegation #1 IEP That Addresses Math Problem-Solving and Calculation Needs Since November 1, 2018

Math Problem-Solving Needs

In this case, the PGCPS asserts that it would have been inappropriate to include a goal to address math problem-solving skills prior to the student having achieved the math calculation goal, but provides no student-specific basis for this assertion or documentation that the IEP team made the determination.

Based on the Findings of Facts #1, #3, and #20, the MSDE finds that the PGCPS did not ensure that the student's needs in the area of math problem solving was identified until the end of the 2018-2019 school year despite the fact that he was working on word problems during that school year, in accordance with 34 CFR §§300.101, .320, .323, and .324. Therefore, this office finds that a violation occurred with respect to this aspect of the allegation.

Math Calculation Needs

The public agency must ensure that the IEP team reviews each student's IEP periodically, but not less than annually, to determine whether the annual goals are being achieved. In addition, the public agency must ensure that the IEP team revises the IEP, as appropriate, to address any lack of expected progress toward achievement of the goals, the results of any reevaluation, information about the student, and the student's anticipated needs (34 CFR §300.324).

When reviewing the IEP, the team must consider the strengths of the student, the concerns of the parent, the most recent evaluation data, and the academic, developmental, and functional needs of the student (34 CFR §300.324).

In this case, the complainant alleges that the IEP team did not monitor the student's progress towards achieving the math calculation goal and revise the IEP consistent with that progress.

The PGCPS asserts that it would not be appropriate to revise the math calculation goal through the IEP team until the IEP team meets to complete the reevaluation scheduled for January 30, 2020 despite the fact that the student achieved the goal in October 2019, and the school staff attempted to obtain the parent's agreement to revise the goal in November 2019.

Based on the Findings of Facts #1, #2, and #10 - #12, the MSDE finds that the PGCPS did not ensure that the IEP team considered the student's progress on the math calculation goal and reviewed and revised the goal to address the progress made on the goal when it conducted the annual IEP review on May 9, 2019, in accordance with 34 CFR §§300.101, .320, .323, and .324.

Furthermore, the MSDE finds that there is no requirement to wait until a reevaluation is completed in order to revise IEP goals consistent with an IEP team's determination. Based on the Findings of Facts #31 - #34, the MSDE finds that the school staff attempted to revise the math calculation goal once it was achieved prior to the reevaluation through an amendment, but was unwilling to convene an IEP team meeting to do so at the parent's request. Therefore, this office finds that a violation occurred with respect to this aspect of the allegation.

Allegation #2 Provision of Weekly Social Skills Training from November 1, 2018 to May 2019

In this case, the complainant alleges that the IEP required weekly social skills training and that the service was not provided with this frequency.

Based on the Findings of Facts #4, #5, and #22, the MSDE finds that from November 1, 2018 until May 2019, the IEP required that social skills training be provided on a weekly basis by both the teacher and the school psychologist. Based on the Findings of Facts #35 and #36, the MSDE finds that this service was provided on a daily basis by the teacher and on three (3) occasions by the school psychologist during this time period, in accordance with 34 CFR §§300.101 and .323. Therefore, the MSDE does not find that a violation occurred with respect to the allegation.

Allegation #3 Addressing Behavioral Self-Management Needs Since May 9, 2019

Based on the Findings of Facts #6 and #13, the MSDE finds that the student's behavioral self-management needs were addressed through supports and the goal to improve comprehension and expression of language from May 9, 2019 to June 19, 2019.

Based on the Finding of Fact #22, the MSDE finds that student's behavioral self-management needs were addressed through the goal to improve perseverance through challenging and non-preferred tasks since June 19, 2019, in accordance with 34 CFR §§300.101, .320, .323, and .324. Therefore, the MSDE does not find that a violation occurred with respect to the allegation.

Allegation #4 Provision of Prior Written Notice of Decisions Made on May 9, 2019

Based on the Findings of Facts #15 and #16, the MSDE finds that there is documentation that the PGCPS sent prior written notice of the decisions made by the IEP team May 9, 2019, in accordance with 34 CFR §300.503. Therefore, the MSDE does not find that a violation occurred with respect to the allegation.

Allegation #5 Annual Goals to Address Math Problem-Solving and Writing Needs since June 19, 2019

The IEP must include a statement of measurable annual goals to meet the student's needs that result from the disability and enable the student to be involve in and make progress in the general education curriculum (34 CFR §300.320).

As stated above, the public agency must ensure that the IEP team revises the IEP, as appropriate, to address any lack of expected progress toward achievement of the goals, the results of any reevaluation, information about the student, and the student's anticipated needs. This can be done through the convening of the IEP team or through the agreement of the parties to amend the IEP without convening the IEP team (34 CFR §300.324).

In this case, the complainant alleges that the IEP team developed goals to address the student's identified math problem-solving and writing needs on June 19, 2019, but did not ensure that the IEP was revised to reflect the goals.

The PGCPS asserts that, while "the time was right to begin the process of drafting" the goals, "the PGCPS has pursued all legally mandated steps" to ensure that the IEP addresses the student's needs in these areas when the school staff requested the parent to agree to an amendment of the IEP to include them in November 2019.

Based on the Findings of Facts #19, #20, and #31, the MSDE finds that there is documentation that the IEP team developed the written language and math problem-solving goals at the June 19, 2019 IEP team meeting, but that they were not added to the IEP. Therefore, there was no requirement for the PGCPS to request amendment of the IEP to add those goals to the IEP in November 2019.

Based on the Findings of Facts #19, #20, and #31 - #34, the MSDE finds that the PGCPS has not ensured that the IEP includes goals developed by the IEP team on June 19, 2019, in accordance with 34 CFR §300.320, and that a violation occurred with respect to the allegation.

Allegation #6 Decisions Made on June 19, 2019 Based on the Student's Needs

Toileting Support

The public agency must ensure that all of a student's needs, whether or not commonly linked to the student's identified disability, are identified and addressed through the IEP (34 CFR §§300.101, .304, .320, and .324). It is well established that related health services needs, beyond the need for medication, which enable a student with a disability to remain in school are among these needs (34 CFR §§300.22, .34, .320, and *Irving Independent School Dist. V. Tatro*, 468 U.S. 883 (1984)).

In this case, the complainant alleges that the IEP team did not base the decision to discontinue toileting support on the student's needs.

The PGCPS reports that the IEP team did not include services to assist the student with his diagnosed medical condition because the medical condition does not relate to the student's identified disability. The PGCPS asserts that "the school nurse confirmed that his medical needs have been and continues to be appropriately addressed outside of the IEP within the education program."

Based on the Findings of Facts #9, #14, #18, #21, and #29, the MSDE finds that there is no documentation that the IEP team decided whether the toileting support continues to be needed in order to enable the student to remain in school, in accordance with 34 CFR §§300.324. Therefore, this office finds that a violation occurred with respect to this aspect of the allegation.

Human Scribe

The complainant also alleges that the IEP team did not base the decision to discontinue the use of a human scribe on the student's needs.

Based on the Findings of Facts #7 and #8, the MSDE finds that the decision to discontinue to the use of a human scribe was based on the student's needs, 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.

Human Reader

In addition, the complainant alleges that the IEP team did not base the decision to discontinue the provision of a human reader on the student's needs.

The PGCPS reports that the written summary of the IEP team meeting documents that the human scribe and reader were removed because they were not needed and were included erroneously on the previous IEP.

Based on the Findings of Facts #7, #8, and #24, the MSDE finds that the documentation does not support the PGCPS' assertion, and that there is no documentation that the decision to discontinue the provision of a human reader was based on the student's needs, in accordance with 34 CFR §§300.324. Therefore, this office finds that a violation occurred with respect to this aspect of the allegation.

Text-to-Speech Technology

The complainant further alleges that the IEP team did not base the decision to discontinue the provision of text-to-speech technology on the student's needs.

Based on the Finding of Fact #24, the MSDE finds that the requirement for the provision of text-to-speech technology has not been discontinued, 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.

Extended Time

Further, the complainant alleges that the IEP team did not base the decision to limit the amount of extended time for completing writing tasks on the student's needs.

Based on the Findings of Facts #6 and #23, the MSDE finds that the requirement for the provision of extended time has not been limited, 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.

Allegation #7 Reevaluation Timelines

At the beginning of each school year, the public agency must have in effect an appropriate IEP for each student with a disability (34 CFR §300.323). When an IEP team determines that additional data is needed to ensure that all of a student's needs are identified and addressed, the public agency must ensure that the results of assessment procedures are used by the IEP team in reviewing, and as appropriate, revising the student's IEP [Emphasis added] within ninety (90) days of the IEP team's decision (COMAR 13A.05.01.06).

The decisions made by the IEP team must be based on the student's individual needs and not solely on factors such as the configuration of the service delivery system, availability of staff, or administrative convenience (34 CFR §§300.101, .103, 116, .320, .323, .324 and *Dear Colleague Letter*, United States Department of Education, Office of Special Education and Rehabilitation Services, December 5, 2014 and *Letter to Clay*, United States Department of Education, Office of Special Education Programs, May 17, 1995).

In this case, the PGCPS asserts that it was permissible for the IEP team to delay the completion of assessment until the end of September 2019 because, when the IEP team decided the data was needed, it was the end of the school year. The PGCPS also asserts that, because the school staff also delayed providing the consent form to the parent until October 2019, it was permissible to extend the timeline for obtaining the data even further.

The MSDE finds that delaying obtaining needed data due to lack of staffing during the summer is not consistent with the requirements of the IDEA. The MSDE also finds that delaying the completion of assessments because the school staff neglected to provide the parent with the written consent form until after the time period that the IEP team decided that the assessment would be conducted is inconsistent with the IDEA requirements.

The PGCPS also asserts that, because the IEP team has reviewed the assessment results within ninety (90) days of the provision of parental consent for the assessment to be conducted, the school system is "well within the timeframe set forth in COMAR 13A.05.01.06."

The MSDE finds that the PGCPS' interpretation of the COMAR is inaccurate. The IEP team had ninety (90) days to review and revised the IEP based on the data [Emphasis added], not to merely review the data and reconvene at a later date to revise the IEP based on the data.

For these reasons, based on the Findings of Facts #17, #25 - #27, #29, #30, and #34, the MSDE finds that the PGCPS has not ensured that the reevaluation has been completed within the required timeline, in accordance with COMAR 13A.05.01.06, and that a violation occurred.

Allegation #8 Response to an October 4, 2019 Request for an IEP Team Meeting

Based on the Findings of Facts #26 - #27, the MSDE finds that the PGCPS informed the parent of the practice of requiring requests for IEP team meetings to come directly from parents and not their educational advocates.

Based on the Findings of Facts #26 - #28, the MSDE further finds that the school staff responded to the concern expressed by the parent through the complainant, and that the parent did not make a direct request for an IEP team meeting, in accordance with 34 CFR §§300.324 and .503. Therefore, the MSDE does not find that a violation occurred with respect to the allegation.

CORRECTIVE ACTIONS/TIMEFRAMES:

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.

The MSDE has established reasonable timeframes below to ensure that noncompliance is corrected in a timely manner.² This office will follow up with the public agency to ensure that it completes the required actions consistent with the MSDE Special Education State Complaint Resolution Procedures.

If the public agency anticipates that any of the timeframes below may not be met, or if either party 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.³ Dr. Birenbaum can be reached at (410) 767-7770.

Student Specific

The MSDE requires that the PGCPS provide documentation by February 15, 2020 that the IEP team has convened and taken the following actions:

² 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.

³ The MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

- a. Completed the reevaluation that began on June 19, 2019 and reviewed and revised the IEP consistent with the data collected as a result of that reevaluation and the one (1) that began on November 21, 2019;
- b. Determined whether the student needs toileting support and a human reader, and revised the IEP, as appropriate, to address the needs identified consistent with the data;
- c. Reviewed and revised the IEP to ensure that it includes goals and services to address the student's identified writing, math calculation, and math-problem solving needs; and
- d. Determined the compensatory services or other remedy for the lack of the provision of a FAPE since November 1, 2018.

System-Based

The MSDE requires that the PGCPS provide documentation by the end of the 2019-2020 school year of the steps taken at [REDACTED] Elementary School and all other PGCPS schools to ensure that proper procedures are followed within the school system as follows:

- a. That IEP teams identify and address all student needs, including health services needs, whether or not commonly linked to the student's identified disability;
- b. That if the IEP team decides that it is not appropriate to address a specific area of need that has been identified, the IEP team documents the decision and a student-based basis for the decision;
- c. That IEP teams review and revise, as appropriate, each goal, consistent with the student's progress toward achievement of the goal, at the annual IEP review;
- d. That IEP teams review and revise, as appropriate, the IEP to address each student's anticipated needs prior to the next annual review of the IEP if waiting until the next annual review will result in a delay in addressing the needs;
- e. That services and supports are not removed from the IEP without documenting that the removal is based on the student's needs;
- f. That each IEP document is revised consistent with IEP team decisions; and
- g. That when an IEP team determines that additional data is needed, the results of assessment procedures are used by the IEP team in reviewing and revising the IEP, as appropriate, within ninety (90) days of the decision that the data is needed, unless the IEP team documents that a delay is required based on a specific student need and not on administrative convenience.

Ms. Debrah B. Martin
Ms. Trinell Bowman
December 23, 2019
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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.

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 timeframes reported in this Letter of Findings.

The parent 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/am

c: [REDACTED]
Monica Goldson
Gwendolyn Mason
Barbara Vandyke
Shelly Woodson
[REDACTED]
Jeffrey Krew
Dori Wilson
Anita Mandis
Nancy Birenbaum