




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

April 16, 2020




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

RE:   
Reference: #20-097

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention/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.

**ALLEGATION:**

On February 18, 2020, the MSDE received a complaint from Ms.  hereafter, "the complainant," on behalf of your 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 above-referenced student.

The MSDE investigated the allegation that the PGCPS has not ensured that the Individualized Education Program (IEP) has been designed to meet the student's needs since February 18, 2019, in accordance with 34 CFR §§300.304, .320, and .324. This includes the following:

- a. The IEP does not require provision of assistance with remaining on task;
- b. The IEP does not require hand over hand assistance with completing classwork;
- c. The IEP does not required provision of a one-to-one dedicated aide;
- d. The IEP does not address the student's fine motor skills needs;
- e. The IEP does not address the student's needs in the area of functional skills including dressing, toileting, and feeding;

- f. The IEP does not address the student's communication needs, including his receptive and expressive speech and need for the use of American Sign Language (ASL); and
- g. The IEP does not address the student's need for physical therapy to improve his access to the school environment.

### **BACKGROUND:**

The student is seventeen (17) years old and is identified as a student with an Intellectual Disability under the IDEA. He has an IEP that requires the provision of special education instruction and related services.

The student is placed at the [REDACTED] where he attended school until a March 16, 2020 Statewide closure of all schools as a result of the national COVID-19 pandemic.

### **FINDINGS OF FACTS:**

1. The IEP identifies needs in the areas of reading comprehension, math problem solving, written language mechanics, communication, physical education, social/emotional behavior, and pre-vocational skills. The IEP includes goals for the student to improve the skills in these areas of need, and requires special education instruction and supports to assist him with achieving the goals.
2. The IEP reflects that the student requires redirection and reminders to assist him to stay on task. The IEP also requires breaks in order for him to be able to focus on the instruction and to allow him to participate fully in his educational program, reduced distraction to himself and others to keep him focused on his tasks and to allow him to fully demonstrate his learning, constant monitoring during test to refrain from being easily distracted, preferential seating near an adult, and one to one support to keep him on task. The IEP does not require that the student be provided with a one to one dedicated aide.
3. The IEP reflects that the student uses assistive technology such as "smart boards and voice output devices" to participate in reading lessons, and can complete his work independently with verbal prompting. The IEP also reflects that the student is able to go up to the overhead screen and respond by touching and by saying an answer to complete the sentence using the interactive software, and is also able to work independently on his lessons on the computers using software.
4. The IEP reflects that the student likes to "explore new things and enjoys doing tasks hands-on," especially when given the appropriate praises and incentives. It also reflects that the student is challenged with sustained attention and executive functioning which impacts his ability to consistently produce legible handwriting. It further indicates that he would benefit from continued exploration of strategies that support his success and increased practice opportunities to write his full name. The IEP requires occupational therapy (OT) to address writing his full name by "trailing strategies and supports for

improving handwriting legibility and keyboarding for this task.” It also requires OT consultation, which includes observations, staff training and collaboration to provide the student with strategies and practice opportunities to build on writing/typing his name.

5. The OT assessment reflects that the student demonstrates independence with various functional fine motor skills needed to access his educational setting. The IEP also reflects that as a strength, the student has acquired “many functional fine motor skills that assist him with accessing educational settings, such as the ability to manage his locker and school belongings, setting up/eating his lunch, using the restroom without physical assistance, and cutting shapes without physical assistance. The IEP requires the student to receive direct OT services to improve his writing skills.
6. The IEP reflects that the student has postsecondary goals to assist him to participate in pre-employment training, including practicing appropriate social skills, self-care, and self-advocacy skills. There is not evidence that concern was raised about functional skills related to dressing and feeding.
7. The IEP meeting summary, dated October 14, 2019, reflects that the parent raised concern about the student’s toileting needs. In response to the concern, at the meeting, the school staff reported that “a toileting log was forwarded home in the [student’s] communication book.” The school staff also recommended updated assessments but the complainant indicated that she was “not interested in testing” for the student.
8. The IEP reflects that the student is a verbal student who has significant expressive and receptive language impairments, and that he benefits from a “total” communication approach using picture communication symbols, voice output devices, core boards, gestures, and sign language. The IEP also includes accommodations and annual goals to support the student in these areas of need. The student is required to receive direct speech/language services to improve his communication skills.
9. The physical therapy (PT) assessment reflects that the student’s current environment supports his limitations while still fostering and developing independence within his abilities. It further states that there is no need for the student to receive PT services at this time. The IEP requires that the student be provided with monitoring and proximity to adults in unfamiliar environments, preferential seating near adults, and adaptive physical education to increase his fitness skills.

### **CONCLUSIONS:**

#### **An IEP that Requires Assistance with Remaining on Task**

Based on the Findings of Facts #1 and #2, the MSDE finds that the IEP does require the provision of assistance with remaining on task, in accordance with 34 CFR §§300.304, .320, and .324. Therefore, this office does not find that a violation occurred with respect to this aspect of the allegation.

### **An IEP that requires Hand over Hand Assistance with Completing Classwork**

Based on the Findings of Facts #1 - #3, the MSDE finds that there is no documentation to support that the student requires hand over hand assistance with completing classwork, in accordance with 34 CFR §§300.304, .320, and .324. Therefore, this office does not find that a violation occurred with respect to this aspect of the allegation.

### **An IEP that Requires a One to One Dedicated Aide**

Based on the Findings of Facts #1 - #3, the MSDE finds that there is no evidence to support that the student requires a one to one dedicated aide, in accordance with 34 CFR §§300.304, .320, and .324. Therefore, this office does not find that a violation occurred with respect to this aspect of the allegation.

### **An IEP that Addresses Fine Motor Skills Needs**

Based on the Findings of Facts #1, #4 and #5, the MSDE finds that the IEP addresses the student's fine motor skills, in accordance with 34 CFR §§300.304, .320, and .324. Therefore, this office does not find that a violation occurred with respect to this aspect of the allegation.

### **An IEP that Addresses Dressing, Toileting, and Feeding Needs**

Based on the Findings of Facts #1 and #7, the MSDE finds that the IEP team has addressed the student's toileting needs. Further, based on the Finding of Facts #1 and #6, there is no evidence to support that the student requires support with his dressing and feeding needs, in accordance with 34 CFR §§300.304, .320, and .324. Therefore, this office does not find that a violation occurred with respect to this aspect of the allegation.

### **An IEP that Addresses Communication Needs**

Based on the Findings of Facts #1, #3, and #8, the MSDE finds that the IEP is designed to address the student's communication needs, in accordance with 34 CFR §§300.304, .320, and .324. Therefore, this office does not find that a violation occurred with respect to this aspect of the allegation.

### **An IEP that Address Physical Therapy Needs for Access to the School Environment**

Based on the Findings of Facts #1, #3 and #9, the MSDE finds that there is documentation to support that the student does not require physical therapy to improve his access to the school environment, in accordance with 34 CFR §§300.304, .320, and .324. Therefore, this office does not find that a violation occurred with respect to this aspect of the allegation.

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**TIMELINE:**

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.

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/ac

c: Monica Goldson  
Gwendolyn Mason  
Barbara Vandyke  
Jeffery Krew  
[REDACTED]  
Dori Wilson  
Anita Mandis  
Albert Chichester