



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

June 18, 2020



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: #20-117

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS), 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 April 6, 2020, the MSDE received a complaint from Dr. [REDACTED] hereafter, “the complainant,” on behalf of the above-referenced student and her mother, Ms. [REDACTED]. 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 provided the student with a Free Appropriate Public Education (FAPE) since her disciplinary removal from school on May 7, 2019, in accordance with 34 CFR §300.530 and COMAR 13A.08.03.
2. The PGCPS has not ensured that the student’s social, emotional, and behavioral needs have been addressed since December 19, 2019, in accordance with 34 CFR §300.324.
3. The PGCPS has not followed proper procedures when determining educational placement since December 19, 2019, in accordance with 34 CFR §§300.114-.116.

BACKGROUND:

The student is fifteen (15) years old, is identified as a student with an Other Health Impairment under the IDEA due to Attention Deficit with Hyperactivity Disorder (ADHD), and has an IEP that requires the provision of special education and related services.

Prior to the 2019-2020 school year, the student attended [REDACTED] Middle School in the PGCPS. In September 2019, the student began attending [REDACTED] a non-public, separate, special education school, as a result of an IEP team determination, until the March 16, 2020, statewide closure of all schools due to the national COVID-19 pandemic.

FINDINGS OF FACTS:

1. On April 23, 2019, while attending [REDACTED] School, the student was disciplinarily removed from school for three (3) days for possession and distribution of drugs on school property. At this time, the student had been disciplinarily removed from school in excess of ten (10) cumulative school days in the school year.
2. On May 2, 2019, the IEP team convened after the school staff recommended expulsion. At that meeting, the team documented that the school staff had determined the services to be provided to the student following the April 23, 2019 removal and had sent work to the student's home to be completed. However, at the May 2, 2019 meeting, the student's mother reported that the student was demonstrating a "drastic increase in aggression with family members," had been running away from home, and was currently residing with relatives in the [REDACTED].
3. Based on information provided by the student's mother, the school-based members of the team proposed providing virtual instruction through the internet. However, her mother expressed concern about providing the student with access to the internet because she had a history of verbal and physical altercations as a result of interactions on social media. An alternative placement was also offered; however, her mother also expressed concerns about that recommendation. In response, the IEP team decided to provide the mother with schoolwork electronically and have the mother work with the student to complete the work if she was able to reach the student and scan the student's work back to the school staff.
4. On May 10, 2019, the expulsion request was denied, and the student received an extended disciplinary removal of thirty-seven (37) days.
5. On December 17, 2019, the IEP team convened at the nonpublic separate special education school where she had been placed since the start of the 2019-2020 school year to conduct the annual IEP review of the IEP that was in place since January 17, 2019. At that time, the IEP included goals to address the student's identified social, emotional, and behavioral needs related to inattentiveness, impulsivity, verbal, and physical aggression,

and accepting redirection, consistent with the evaluation data. The IEP required the provision of special education instruction, counseling, and various behavioral supports to assist her with achieving the annual goals. It also included the use of a Behavioral Intervention Plan (BIP) with prevention and response strategies to address targeted behavior consistent with the evaluation data.

6. At the December 17, 2019 IEP team meeting, the team had information from the student's mother that the student had run away again from home on November 6, 2019 and was again living in the [REDACTED]. It also had information from the school staff that the student had perfect attendance until she ran away from home, and that she was still attending school periodically while in the [REDACTED]. Prior to the December 17, 2019 IEP team meeting, the school staff had visited the mother's home and offered intensive truancy-focused, home-based and community support services for the family, but the mother did not accept those services.
7. At the time of the December 17, 2019 IEP team meeting, there were reports of the student's progress on the IEP goals reflected that the student had made sufficient progress towards achievement of the goal to demonstrate appropriate behavior in class, but was not making sufficient progress towards managing behaviors during times of frustration.
8. On January 6, 2020, the student returned to her mother's home.
9. On January 13, 2020, the student's mother psychiatrically hospitalized the student. The student was discharged on January 15, 2020.
10. On January 14, 2020, the IEP team reconvened and considered reports of the teachers that the student was improving her ability to self-regulate and manage her feelings. A goal to improve bus and school attendance was added to the IEP and the team decided that a daily system of monitoring and communication with the parent would be implemented to address school attendance.
11. At the January 14, 2020 IEP team meeting, the student's mother requested placement in a residential treatment center (RTC) due to the student's behavior at home. The IEP team rejected the request and found that a separate nonpublic special education school remained appropriate based on fact that when the student resided with her mother in Maryland, she attended school regularly at the nonpublic school.
12. On January 22, 2020, the IEP team reconvened and considered information from the student's mother that the student had again run away from home and was not taking her prescribed medication. The student's mother again requested placement in an RTC. The IEP team again rejected the request and found that a separate nonpublic special education school remained appropriate based on fact that when the student resided with her mother in Maryland, she attended school regularly at the nonpublic school.
13. On May 18, 2020, the IEP team again convened and considered information from the student's mother that the student had not returned home and had not participated in

virtual learning since the closure of schools due to the COVID-19 pandemic. The student's mother again requested placement in an RTC. The IEP team rejected this request based on the fact that when school was open and the student resided with her mother in Maryland, she attended school regularly at the nonpublic school.

14. There is documentation that the school staff requested that the student's mother provide contact information for the extended family where the student stays when she is in the [REDACTED]. There is no documentation that the student's mother has provided the school staff with this information. There is also documentation that the school staff have taken steps to enforce compulsory school attendance.

DISCUSSION/CONCLUSIONS:

Allegation #1: FAPE After a Disciplinary Removal

Based on the Findings of Facts #1 - #4, the MSDE finds that there is documentation that the PGCPS offered a FAPE during the period of disciplinary removal, but that the student was not made available to receive services, in accordance with 34 CFR §300.530 and COMAR 13A.08.03. Therefore, this office does not find that a violation occurred with respect to the allegation.

Allegation #2: Social, Emotional, and Behavioral Needs

Based on the Findings of Facts #5 - #10, the MSDE finds that there is documentation that the PGCPS ensured that the IEP team addressed the student's social, emotional, and behavioral needs consistent with the data, in accordance with 34 CFR §300.324. Therefore, this office does not find that a violation occurred with respect to the allegation.

Allegation #3 Placement Determination

Based on the Findings of Facts #11 - #14, the MSDE finds that the IEP team's decisions about the student's educational placement were consistent with the data, in accordance with 34 CFR §§300.114 - .116. Therefore, the MSDE does not find a violation occurred with respect to this allegation.

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.

Dr. Derek Marryshow
Ms. Trinell Bowman
June 18, 2020
Page 5

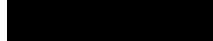

The parent and the school system maintain the right to request mediation or to file a due process complaint, if they disagree with the identification, evaluation, placement, or provision of a FAPE for the student, including issues subject to this State complaint investigation, consistent with the IDEA. 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/
Special Education Services

MEF/sf

c:


Kevin W. Maxwell
Gwendolyn Mason
Barbara Vandyke
Gail Viens

Dori Wilson
Anita Mandis
Sharon Floyd
Nancy Birenbaum