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October 26, 2016

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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: XXXXX
Reference: #17-026

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 August 29, 2016, the MSDE received a complaint from Mr. XXXXXXXXXXXXX, hereafter, “the complainant,” on behalf of his 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 did not ensure that notice was provided of the right to request an assessment during a re-evaluation in September, 2015, in accordance with 34 CFR §300.305.

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2. The PGCPS did not ensure that prior written notice of the proposal to conduct a re-evaluation was provided prior to conducting the re-evaluation in September, 2015, in accordance with 34 CFR §300.503.
3. The PGCPS did not ensure that written consent was obtained to conduct a re-evaluation in September, 2015, in accordance with 34 CFR §300.300.
4. The PGCPS did not ensure that prior written notice was provided of the September 8, 2015 Individualized Education Program (IEP) team's decision not to conduct assessments, in accordance with 34 CFR §300.503.
5. The PGCPS did not ensure that the IEP team's September 8, 2015 decision not to conduct assessments was consistent with the data, including a psychologist's recommendation for cognitive testing, in accordance with 34 CFR §300.305.
6. The PGCPS did not ensure that the re-evaluation conducted in September, 2015 was sufficiently comprehensive to identify all of the needs that arise out of the student's disability, in accordance with 34 CFR §300.304.
7. The PGCPS has not ensured that the IEP addresses all of the student's social, emotional, and behavioral needs since September, 2015, in accordance with 34 CFR §300.324.

INVESTIGATIVE PROCEDURES:

1. On August 30, 2016, Ms. Anita Mandis, Section Chief, Complaint Investigation Section, MSDE, conducted a telephone interview with the complainant to clarify the allegations to be investigated. On the same date, the MSDE sent a copy of the complaint, via facsimile, to Ms. Trinell Bowman, Executive Director, Department of Special Education, PGCPS; and Ms. Kerry Morrison, Special Education Instructional Specialist, PGCPS.
2. On August 31, 2016, the MSDE sent correspondence to the complainant that acknowledged receipt of the complaint and identified the allegations subject to this investigation. On the same date, the MSDE notified the PGCPS of the allegations and requested that the PGCPS review the alleged violations.
3. On September 1, 2016, the MSDE received documents to be considered from the complainant and the PGCPS.
4. On September 23, 2016, Ms. Mandis and Ms. Janet Zimmerman, Compliance Specialist, MSDE, conducted a site visit to XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX to review documents from the student's educational record, and conducted interviews with the following school staff:

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- a. Mr. XXXXXXXX, ACT Specialist;
- b. Ms. XXXXXXXX, Principal;
- c. Mr. XXXXXXXX, Education Director;
- d. Ms. XXXXXXXX, Occupational Therapy Manager; and
- e. Mr. XXXXXXXX, Director, School ACT Operations.

Ms. Morrison attended the site visit as a representative of the PGCPS and to provide information on the school system's policies and procedures, as required.

5. On September 25, 2016, the MSDE received additional documents to consider from the complainant.
6. On October 3, 2016, the MSDE received additional documents to consider from the PGCPS.
7. The MSDE reviewed documentation, relevant to the findings and conclusions referenced in this Letter of Findings, which includes:
 - a. Report of a psychological assessment, dated November 7, 2012;
 - b. Electronic mail message from the complainant to the school system staff, dated September 24, 2013;
 - c. IEP, dated September 16, 2014;
 - d. Behavior Resource Summary, dated August 26, 2015, with attached charts of the rates per day that the student displayed each targeted behavior by month in 2015 and 2016;
 - e. Samples of daily behavior charts from the 2014-2015 and 2015-2016 school years;
 - f. Samples of bus referrals and Red Flag Intervention Forms from the 2013-2014, 2014-2015 and 2015-2016 school years;
 - g. Behavior Intervention Plan (BIP), dated August 27, 2015;
 - h. Invitation to the September 8, 2015 IEP team meeting, dated August 20, 2015;
 - i. IEP, dated September 8, 2015, written summary of the IEP team meeting, and electronic mail message from the school staff forwarding the documents to the student's parents, dated September 8, 2015;
 - j. IEP, dated August 25, 2016 and written summary of the IEP team meeting;
 - k. Notice and Consent for Assessment, dated August 25, 2016;
 - l. Progress reports, dated October 30, 2015 to August 3, 2016; and
 - m. Correspondence from the complainant alleging IDEA violations, received by the MSDE on August 29, 2016.

BACKGROUND:

The student is eleven (11) years old, is identified as a student with Autism under the IDEA, and has an IEP that requires the provision of special education and related services. He attends XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX, a nonpublic, separate, special education school, where he was placed by the PGCPS (Doc. j).

FINDINGS OF FACTS:

1. The student's educational record includes an invitation to a September 8, 2015 IEP team meeting, dated August 20, 2015. The invitation states that one of the purposes of the meeting was to "consider re-evaluation to determine need for additional data, determine services and/or determine continued eligibility." The student's educational record includes documents that reflect that the last date on which the IEP team conducted a full and comprehensive review of all assessment materials in order to complete a re-evaluation was in November 2012, and there is no information or documentation that the school system staff and the complainant agreed that re-evaluation was not needed at the time of the September 8, 2015 IEP team meeting (Docs. a, c, h, i, and review of the educational record).
2. The IEP team documented that the complainant reported at the September 8, 2015 IEP team meeting that the student's behavior is the most concerning thing for the family. The IEP team also documented that the school psychologist reported that all past psychological assessments yielded the same consistent results and recommended that additional assessments were not needed (Doc. i).
3. The report of the last psychological assessment that was conducted, dated November 7, 2012, states that "overall, taking into account [the student's] significant difficulty focusing, following directions, and providing responses throughout the four sessions, the results of this assessment are not considered a valid estimate of his current intellectual functioning." It was noted that the previous assessment yielded the same results and it was recommended that the student be re-evaluated within 1 or 2 years to obtain more valid data regarding cognitive functioning (Doc. a).
4. The IEP developed as a result of the September 8, 2015 IEP team meeting includes information about the student's present levels of functional performance and self-management skills that was obtained from the student's classroom performance. The data about the student's classroom performance was obtained from a Behavior Resource Summary, dated August 26, 2015. This is a report of data collected on the student on a daily basis, which includes information on problem behavior, including "Red Flag" behavior, and the interventions used to address the behavior through the \Behavior Intervention Plan (BIP) (Docs. d and i).

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5. The BIP in effect on September 8, 2015 was developed after the complainant requested that a Functional Behavioral Assessment (FBA) and new BIP be developed in September 2013. The BIP targets behaviors of physical and verbal disruption, spitting, “accidents” with urinating, being outside of the designated area, and “inappropriate touching.” It requires the use of several preventative measures, including environmental and instructional modifications, supporting replacement behaviors such as asking questions to gain attention and asking for breaks, and the implementation of a rewards system for reinforcing appropriate behavior. It includes the use of intervention measures, including planned ignoring and crisis intervention if the student’s behavior becomes unsafe (Docs. b and g).
6. The Behavior Resource Summary includes charts of the rates per day that the student displays each targeted behavior by month. The chart reflects that, in August, 2015, the student’s aggression behavior had decreased from 35 times per day to between 5 and 10 times per day, that his physical disruptions had decreased from 10 times per day to between 0 and 5 times per day, that his spitting had decreased from between 0 and 5 times per day to 0 times per day, that his inappropriate touching had decreased from between 4 and 6 times per day to between 0 and 2 times per day, and that his verbal disruptions had decreased from 20 times per day to between 0 and 10 times per day. However, it reflects that the student’s being outside of the designated area increased from 5 to 10 times per day (Doc. d).
7. Samples of Red Flag Interventions Forms completed by the school staff by the date of the September 8, 2015 IEP team meeting reflect that the student demonstrated the behavior of disrobing on 3 occasions in July 2015, and that the therapist was notified (Doc. f).
8. The IEP team documented that, while the student “continued to require significant prompting to attend,” he had “shown significant improvement with terminating tasks and transitioning back to the classroom with fewer incidents of behavioral dis-control.” However, the team reported that the student requires adult support to participate in routines and transitioning throughout the school “for functional and safety purposes.” The team further documented that occupational therapy to keep the student engaged in physically active movement that helps gain his attention has been a helpful strategy to redirect the student and prompt task initiation, but that “behavioral approaches and simplifying task completion have been effective strategies more often.” The IEP includes annual goals for the student to improve these functional life and self-management skills and requires special education instruction to assist the student in achieving the goals. It also requires the provision of occupational therapy to address self-management skills needed for organization and planning needed for task completion (Doc. i).
9. The September 8, 2015 IEP documents that the IEP team discussed that the student continued to perform at below kindergarten level in math and that the subject “seems to be a less preferred, sometimes frustrating subject,” which “can lead to maladaptive

behaviors.” The IEP documents that information about the student’s performance in math was obtained from a classroom-based assessment that was administered in July, 2015, which identifies the student with needs related to solving addition and subtraction problems and problems related to money using a calculator, as well as needs related to telling and recording time to the half hour and quarter hour on an analog clock and applying the skill to his daily routine. The IEP includes annual goals for the student to improve these skills and special education instruction to assist him with achieving the goals (Doc. i).

10. The written summary of the September 8, 2015 IEP team meeting, entitled “Prior Written Notice,” states that the IEP team reviewed existing data and “no assessments were requested at this time.” It reflects that the IEP determined that there was sufficient information to determine that the student continues to meet the criteria for identification as a student with a disability under the IDEA and to identify and address his needs arising out of the disability. The document describes the assessments that were administered to the student in the past, including the prior psychological assessments, the reports of the student’s progress towards achievement of the annual IEP goals, information from the student’s parents, and the Behavior Resource Summary as the data used as the basis for the IEP team’s decisions. It also includes a statement that the parents have protection under the procedural safeguards and a resource for the parents to contact in order to obtain assistance in understanding the information (Doc. i).
11. There is documentation that, on September 8, 2015, the written summary of the September 8, 2015 IEP team meeting and the IEP that was revised on that date, were sent to the student’s parents electronically (Doc. i).
12. At the end of the first quarter of the 2015-2016 school year, progress reports were issued that reflect that the student was making sufficient progress towards achievement of all of the annual IEP goals. By the end of the second quarter of the year, the progress reports reflect that, while the student had achieved the functional life skills goal and was continuing to make sufficient progress on all other goals, he was no longer making sufficient progress towards achievement of the self-management goal. By July 2016, the student had achieved the speech/language and math problem-solving goal, but was not making sufficient progress on any of the other annual goals (Doc. l).
13. Samples of Red Flag Interventions Forms completed by the school staff following the September 8, 2015 IEP team meeting reflect that the student demonstrated the behavior of disrobing on 2 occasions in October, 2015, and that the “therapist”¹ was notified. Samples of the daily log of the student’s behavior, collected on August 31, 2016,

¹ The student receives behavioral supports from various school staff, including a behavior specialist and a school social worker (Doc. j).

September 13, 2016, and September 22, 2016, document that the student demonstrated attempts to disrobe (Docs. e and f).

14. The Behavior Resource Summary reflects the following:
 - a. The rate of aggression per day increased in December, 2015 and January, 2016, decreased in February, 2016 and March, 2016, and increased in April, 2016, and decreased from May, 2016 to July, 2016.
 - b. The rate of physical disruptions per day increased in December, 2015, January, 2016, and February, 2016, decreased in March, 2016, increased in April, 2016 and May, 2016, then decreased from May, 2016 to July, 2016.
 - c. The rate of spitting per day increased in January, 2016, decreased in February, 2016, remained the same from February, 2016 to April, 2016, increased in May, 2016, and decreased from May, 2016 to July, 2016.
 - d. The rate of inappropriate touching per day increased in February, 2016 and March, 2016, decreased in April, 2016 and May, 2016, and increased from May, 2016 to July, 2016.
 - e. The rate of verbal disruptions per day increased in December, 2015, January, 2016, and February, 2016, decreased in March, 2016, increased in April, 2016 and May, 2016, and decreased from May, 2016 to July, 2016.
 - f. The rate of being out of the assigned area per day increased in December, 2015, decreased in January, 2016, February, 2016, and March, 2016, increased in April, 2016 and May 2016, and decreased from May, 2016 to July, 2016 (Doc. d).
15. August 25, 2016, the IEP team conducted an annual review of the IEP. At that meeting, the IEP team discussed that the student had mastered all of the math problem solving objectives, including those related to telling time on an analog clock, and two of the four math calculation objectives. The complainant expressed concern that the student does not understand the concept of addition, and the team revised the math goal to focus on solving addition problems involving decimals and money amounts. The team also discussed activities to assist the student with grasping the concept of “putting together.” In addition, the IEP team revised the math problem solving goal to require the student to work on real-world activities such as purchasing items (Doc. j).
16. At the August 25, 2016 IEP team meeting, the team discussed that the student had been receiving occupational therapy to address self-management skills related to sensory needs that impact engagement and task completion. The occupational therapist reported that, while the student was able to use all of the tools that were attempted, he was unable to

use them functionally on a consistent basis, and that he continued to demonstrate lack of engagement on some days. The school-based members of the team reported that they believe that additional Discreet Trial Training² should be used to address the student's behaviors instead of occupational therapy services. The team decided to discontinue the occupational therapy services and replace it with additional special education instruction focusing on Discreet Trial Training. The team also decided that the occupational therapist would provide consultation to the student's teachers. The complainant expressed his disagreement with the discontinuation of the direct occupational therapy services. The IEP team recommended an updated Functional Behavior Assessment (FBA) and the complainant provided consent (Docs. j and k).

DISCUSSION/CONCLUSIONS:

Allegation #1 Notice of the Right to Request Assessment

If the IEP team decides that no additional data is needed to determine whether a student continues to be a student with and disability and to determine the student's educational needs, the public agency must notify the parents of that determination and the reasons for the determination. It must also notify the parent of the right to request an assessment (34 CFR §300.305).

In this case, the complainant alleges that the school system did not provide him with notice of his right to request that assessments be conducted when the IEP team decided that no new assessment data was required in order to complete the re-evaluation in September, 2015. The complainant asserts that he was unaware of his right to request assessment until a couple of days prior to the filing of the State complaint (Doc. m).

Based on the Findings of Facts #1 and #10, the MSDE finds that, while there is evidence that the IEP team discussed whether assessments were needed, there is not sufficient documentation that the complainant was informed of his right to request assessments, and that a violation occurred.

Notwithstanding the violation, based on the Finding of Fact #5, the MSDE finds that the complainant is aware of his right to request assessments at any time, and has exercised that right. Therefore, no student-specific corrective action is required to remediate the violation.

Allegation #2 Prior Written Notice

Written notice must be given to parents a reasonable time before the public agency proposes or refuses to initiate or change the identification, evaluation, or educational placement of the

² Discreet Trial Training is a method of teaching in simplified and structured steps. Instead of teaching an entire skill at one time, the skill is broken down and "built-up" using discrete trials that teach each step one at a time (www.educateautism.com).

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student or the provision of a Free Appropriate Public Education (FAPE) to the student. This notice must include a description of the action proposed or refused, an explanation of why it is being proposed or refused, a description of each evaluation procedure, assessment, record, or report used as a basis for the proposal or refusal, and a description of other options that the IEP team considered and why they were rejected. It must also include a statement that the parents have protection under the procedural safeguards, and provide sources for parents to contact to obtain assistance in understanding the IDEA requirements (34 CFR §300.503).

In the Analysis of Comments and Changes issued by the United States Department of Education, Office of Special Education Programs (OSEP) when publishing the regulations following the 2004 reauthorization of the IDEA, a comment was submitted that prior written notice should be provided in advance of an IEP team meeting so that parents can prepare for the meeting. In rejecting the proposed change, the OSEP responded that the written notice of the purpose of the IEP team meeting is sufficient for parents to prepare to discuss proposals made by the school system. The OSEP explained that the public agency is not required to convene an IEP team meeting before it proposes a change in the identification, evaluation, educational placement, or provision of a FAPE to a student, but that such a proposal triggers the obligation to convene the IEP team to consider the proposal. The public agency's obligation is to provide prior written notice after the IEP team has made a determination and prior to the implementation of the decision [Emphasis added] (Analysis of Comments and Changes to the IDEA, *Federal Register*, Vol. 71, No. 156, p.46691, August 14, 2006).

In this case, the complainant alleges that the school system was required to provide him with prior written notice of the September 8, 2015 IEP team's decision that no additional data was needed to determine the student's continued eligibility and needs prior to making the decisions about his continued eligibility and needs on that date (Doc. m).

Based on the Findings of Facts #1 - #10, the MSDE finds that the school system did not have an obligation to provide prior written notice of the IEP team's decision that no additional data was needed before determining the student's continued eligibility and needs on September 8, 2015. Based on those Findings of Facts, this office finds that the complainant was given written notice that re-evaluation was a purpose of the IEP team meeting, which provided sufficient opportunity for him to prepare for the meeting. Therefore, this office does not find that a violation occurred with respect to the allegation.

However, as stated above, the school system had the obligation to inform the complainant of the right to request additional assessments as part of the re-evaluation.

Allegation #3 Written Consent

A public agency must ensure that a re-evaluation is conducted at least once every three years, unless it determines that a re-evaluation is unnecessary and the parent agrees (34 CFR §300.303).

When conducting a re-evaluation, the IEP team must review existing evaluation data, and on the basis of that review and input from the parents, identify what additional data, if any, is needed (34 CFR §300.305).

The public agency must obtain informed parental consent prior to conducting any re-evaluation. However, parental consent is not required before reviewing existing data as part of a re-evaluation (34 CFR §300.300).

In this case, the complainant alleges that the school system was required to obtain his written consent to conduct a re-evaluation in September, 2015, even though no new assessments were recommended (Doc. m).

Based on the Findings of Facts #1 - #10, the MSDE finds that the school system was required to complete a re-evaluation, but was not required to obtain the complainant's written consent because no assessments were conducted. Therefore, this office does not find that a violation occurred with respect to the allegation.

Allegation #4 Proper Written Notice

As stated above, written notice must be given to parents a reasonable time before the public agency proposes or refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of a FAPE to the student (34 CFR §300.503).

In the Analysis of Comments and Changes issued by the OSEP when publishing the regulations following the 2004 reauthorization of the IDEA, a comment was submitted that the public agency be permitted to use the IEP document for the provision of prior written notice. In response, the OSEP stated that there is nothing in the law that would prohibit the public agency from using the IEP as part of the prior written notice (Analysis of Comments and Changes to the IDEA, *Federal Register*, Vol. 71, No. 156, p. 46691, August 14, 2006).

In this case, the complainant alleges that, written notice was given of the IEP team's decision that no additional assessments were required through the Prior Written Notice document, but that the document did not contain all of the required content, including a description of the data used as a basis for the decision (Doc. m).

Based on the Findings of Facts #4, #8, #10, and #11, the MSDE finds that the Prior Written Notice and IEP documents contained all of the information that is required, including a description of the data used as a basis for the decision. Therefore, this office does not find that a violation occurred with respect to the allegation.

Allegation #5 Decision Not to Conduct Assessments

As stated above, when conducting a re-evaluation, the IEP team must review existing evaluation data, and on the basis of that review and input from the parents, identify what additional data, if any, is needed (34 CFR §300.305).

In this case, the complainant alleges that the IEP team's decision not to conduct assessments as part of the September, 2015 re-evaluation was inconsistent with the recommendation made in a psychological assessment report for cognitive testing to be conducted (Doc. m).

Based on the Findings of Facts #2, #3, #8, and #10, the MSDE finds that the data reflects that the student continues to demonstrate the behaviors that interfered with the ability to obtain information about his cognitive functioning during the previous assessment. Therefore, this office finds that the team's decision not to make another attempt to assess the student's cognitive functioning is consistent with the data, and that a violation is not found with respect to the allegation.

Allegation #6 Comprehensive Re-evaluation

When conducting a re-evaluation, the public agency must ensure that it is sufficiently comprehensive to identify all of the student's special education needs, whether or not commonly linked to the disability category in which the student has been classified (34 CFR §300.304).

In this case, the complainant alleges that the September, 2015 re-evaluation was not sufficiently comprehensive to identify and address the student's math needs and behavioral needs related to disrobing (Doc. m).

Based on the Findings of Facts #9 and #15, the MSDE finds that the IEP team had data upon which to base its determination regarding the student's needs in the area of math and developed an IEP that includes an annual goal and services consistent with that data.

Based on the Findings of Facts #5 - #7, #13, and #14, the MSDE finds that the school staff have been monitoring the student's incidents of disrobing and there is no documentation that this behavior is occurring with the frequency of the behaviors that interfere with his learning on a regular basis. Therefore, this office finds no violation with respect to the allegation.

Allegation #7 Addressing the Student's Social, Emotional, and Behavioral Needs

In order to provide a student with a FAPE, the public agency must ensure that an IEP is developed that addresses all of the needs that arise out of the student's disability that are identified in the evaluation data. In developing each student's IEP, the public agency must ensure that it includes a statement of the student's present levels of performance, including how the disability affects the student's progress in the general curriculum. The IEP must also include

measurable annual goals designed to meet the needs that arise out of the student's disability, and the special education instruction and related services required to assist the student in achieving the goals (34 CFR §§300.101 and .320).

When reviewing the IEP, the IEP team must consider the strengths of the student, the concerns of the parents for enhancing the education of the student, the results of the most recent evaluation, and the academic, developmental, and functional needs of the student. In the case of a student whose behavior impedes the student's learning or that of others, the IEP team must consider the use of positive behavioral interventions and supports, and other strategies to address the behavior (34 CFR §300.324).

The public agency must ensure that the IEP team reviews the 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 reviews and revises the IEP, as appropriate, to address any lack of expected progress toward the annual goals (34 CFR §300.324).

In this case, the complainant alleges that the student continues to demonstrate behaviors that interfere with his learning, and that, as a result, the IEP has not addressed his social, emotional, and behavioral needs (Doc. m).

Based on the Findings of Facts #5, #8, and #16, the MSDE finds that the IEP team considered information from the most recent evaluation, the academic, developmental and functional needs of the student, and the concerns of the parents, and included behavioral supports to address the student's interfering behavior.

However, based on the Findings of Facts #12, #15, and #16, the MSDE finds that the IEP team did not convene to consider the lack of expected progress made by the student from January, 2016 until August 25, 2016. Therefore, this office finds that a violation occurred between January, 2016 and August, 2016.

CORRECTIVE ACTIONS/TIMELINE:

The MSDE requires the PGCPS to provide documentation by February 1, 2017 that the IEP team has determined the compensatory services to remediate the delay in addressing the lack of expected progress on the goals from January, 2016 until August 25, 2016 and developed a plan for the implementation of the services within one year of the date of this Letter of Findings.

The MSDE also requires the PGCPS to provide documentation by February 1, 2017 that a PGCPS staff member has worked with the IEP team to ensure that the violations identified through this investigation do not recur.

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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 Special Education/Early Intervention Services, MSDE.

TECHNICAL ASSISTANCE:

Technical assistance is available to the parties by contacting Ms. Bonnie Preis, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE at (410) 767-7770.

Please be advised that the complainant and the PGCPS have the right to submit additional written documentation to this office, which must be received within fifteen (15) days of the date of this letter, if they disagree with the Findings of Facts or Conclusions reached in this Letter of Findings. The additional written documentation must not have been provided or otherwise available to this office during the complaint investigation and must be related to the issues identified and addressed in the Letter of Findings.

If additional information is provided, it will be reviewed and the MSDE will determine if a reconsideration of the Conclusions is necessary. Upon consideration of this additional documentation, this office may leave its Findings and Conclusions intact, set forth additional Findings and Conclusions, or enter new Findings and Conclusions.

Questions regarding the Findings and Conclusions contained in this letter should be addressed to this office in writing. The complainant 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 Special Education/
Early Intervention Services

MEF/am

c:	Kevin W. Maxwell	Dori Wilson
	Gwendolyn Mason	Anita Mandis
	Kerry Morrison	Bonnie Preis
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