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January 12, 2017

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

RE: XXXXX
Reference: #17-063

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.

ALLEGATION:

On November 14, 2016, the MSDE received a complaint from Ms. XXXXXXXXXXXX, hereafter, "the complainant," on behalf of 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 above-referenced student.

The MSDE investigated the allegations that the PGCPS did not ensure that the student has been consistently provided with the accommodations and supplementary aids and supports, since the start of the 2016-2017 school year, as required by the Individualized Education Program (IEP), in accordance with 34 CFR §§300.101 and .323.

INVESTIGATIVE PROCEDURES:

1. On November 16, 2016, the MSDE sent a copy of the complaint, via facsimile, to Ms. Trinell Bowman, Executive Director of Special Education, PGCPS and Ms. Deborah Anzelone, Instructional Supervisor, Support Programs & Services and Due Process and Mediation, Department of Special Education.

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2. On November 17, 2016, Ms. Sharon Floyd, Education Program Specialist, MSDE, conducted a telephone interview with the complainant about the allegation to be investigated.
3. On November 18, 2016, the MSDE sent correspondence to the complainant that acknowledged receipt of the complaint and identified the allegation subject to this investigation. On the same date, the MSDE notified the PGCPS of the allegation and requested that the school system staff review the alleged violation.
4. On January 4, 2017, Ms. Floyd and Ms. Nicole Green, Dispute Resolution Data Specialist, Family Support & Dispute Resolution Branch, MSDE, conducted a review of the student's record at XXXXXXXXXXXXXXXXXXXX. Ms. Jeryl DeMartino, Special Education Chairperson, XXXXXXXXXXXXXXXXXXXX, Mr. Robert L. Reese, Compliance Instructional Specialist, Department of Special Education, PGCPS, and Dr. LaRhonda Owens, Special Education Supervisor, PGCPS, attended the site visit as representatives of the PGCPS and to provide information on the school system's policies and procedures, as needed.
5. The MSDE reviewed documentation, relevant to the findings and conclusions referenced in this Letter of Findings, which includes:
 - a. IEP, dated February 11, 2016;
 - b. Written summaries of the IEP team meetings held on September 28, 2016, November 16, 2016 and December 13, 2016;
 - c. Electronic mail (email) messages between the school staff and the complainant, dated August 30, 2016 to October 11, 2016, which were attached to the State complaint as Attachments #1 and #2, and A-N;
 - d. Accommodations checklist, dated September 22, 2016;
 - e. The PGCPS calendar for the 2016-2017 school year;
 - f. Memorandum from the PGCPS Deputy Superintendent for Teaching and Learning to school principals, dated September 12, 2016; and
 - g. Correspondence from the complainant containing an allegation of a violation of the IDEA, received by the MSDE on November 14, 2016.

BACKGROUND:

The student is 9 years old and is identified as a student with a Specific Learning Disability under the IDEA and has an IEP that requires the provision of special education and related services. He attends XXXXXXXXXXXXXXXXXXXX and is in the fourth (4th) grade (Docs. a and i). During the time period addressed by this investigation, the complainant was provided with notice of the procedural safeguards (Docs. a and b).

FINDINGS OF FACTS:

1. The IEP requires that the student be provided with the accommodations of extended time to complete assignments and reduced distractions in the classroom. The IEP states that this means that the student will be provided with time and one-half for processing and comprehension of reading assignments across all content subject areas. The IEP also states that the student is to be seated in close proximity to the teacher in all classes and pulled into a small group for clarification of directions to assist the student with his attention to tasks and understanding of the assignments (Doc. a).
2. The IEP also requires that the student be provided with the following supplementary aids and supports:
 - a. Vocabulary bank, provided daily, with new vocabulary pre-taught, sent home prior to lessons and provided within multiple contexts;
 - b. Graphic organizers, provided as needed in all classes;
 - c. Alternative ways to demonstrate learning, such as allowing the student to provide verbal responses and illustrations, in all classes;
 - d. Immediate feedback, provided daily, verbal/non-verbal format;
 - e. Monitoring of the student's independent work, provided daily, with clarification of directions;
 - f. Repetition of directions, provided daily;
 - g. Chunking of texts, provided daily; and
 - h. Assistive technology consultative services, provided twice yearly, for technical support to the student and staff with the use of a portable electronic speller (Doc. a).
3. While there is documentation to support that the student was provided with accommodations and supplementary aids and supports, there is no documentation that they were provided consistently prior to September 13, 2016 (Docs. b, c, e, f and g).
4. On September 22, 2016 the PGCPS conducted a system-wide professional development session ensuring the use of accommodations when supporting the instructional needs of students with IEPs (Docs. d and f).
5. There is documentation that the student had difficulty demonstrating mastery of lessons in several core subjects during the first quarter of the 2016-2017 school year (Doc. b, c, e, f and g).
6. On December 13, 2016, the IEP team convened and reviewed the various data checklists the teachers were using to document provision of the student's accommodations, and supplementary aids and supports. The IEP team decided that the student's teachers would use one checklist for consistency (Docs. b, d, f and g).

DISCUSSION/CONCLUSIONS:

The public agency must ensure that special education services, accommodations, supplementary aids and supports, are provided in accordance with each student's IEP (34 CFR §§300.101 and .323).

Based on the Findings of Facts above, the MSDE finds that, while there is documentation that the accommodations and the supplementary aids and supports have been consistently provided since September 13, 2016, there is no documentation that they were provided on a consistent basis prior to that date. Therefore, this office finds that a violation occurred.

CORRECTIVE ACTIONS/TIMELINE:

Student-Specific

The MSDE requires the PGCPS to provide documentation by April 1, 2017 that the student is being provided with special education instruction on the material previously covered in the core academic classes during the first quarter of the 2016-2017 school year, with the accommodations and supplementary aids and supports required by the IEP to assist the student with mastering the material.

The PGCPS must ensure that the complainant is provided with written notice of the team's decisions. The complainant maintains the right to request mediation or to file a due process complaint to resolve any disagreement with the team's decisions.

School-Based

The MSDE requires the PGCPS to provide documentation at the end of the third and fourth quarters of the 2016-2017 school year of the steps the school system has taken to monitor and ensure the effectiveness of the September 22, 2016 professional development for XXXXXX
XXXXXXXXXXXXXXXX.

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

Documentation of all corrective action taken is to be submitted to this office to: Attention: Chief, Family Support and Dispute Resolution Branch, Division of Special Education/Early Intervention Services, MSDE.

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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 PGCPS and the complainant have the right to submit additional written documentation to this office within fifteen (15) days of the date of this letter if they disagree with the findings of fact 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. Pending the decision on a request for reconsideration, the school system must implement any corrective actions within the timelines reported in this Letter of Findings.

Questions regarding the findings, conclusions and corrective actions 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 Free Appropriate Public Education 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 due process.

Sincerely,

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/Early Intervention Services

MEF:sf

c: Kevin Maxwell
Gwendolyn Mason
LaRhonda Owens
Deborah Anzelone
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Dori Wilson
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Sharon Floyd