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November 8, 2017

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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

Ms. Deborah Grinnage-Pulley  
Executive Director, Juvenile Services  
Education System  
Maryland State Department of Education  
200 West Baltimore Street  
Baltimore, Maryland 21201

RE: XXXXX  
Reference: #18-021

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 September 19, 2017, the MSDE received a complaint from Ms. XXXXXXXXXXXX, the student's foster parent, hereafter, "the complainant," on behalf of the above-referenced student. In that correspondence, the complainant alleged that the Prince George's County Public Schools (PGCPS) and the Maryland State Department of Education, Juvenile Services Education System (JSES) 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 should have suspected, since September 2016,<sup>1</sup> that the student is a student with a disability, and conducted an evaluation under the IDEA, in accordance with

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<sup>1</sup> The complainant has alleged that the violation has occurred since October 2015. She was informed, in writing, that only allegations of violations that occurred within one year of the filing of a State complaint can be addressed through State complaint investigation procedure (34 CFR §§300.153).

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- 34 CFR §300.111 and COMAR 13A.05.01.06.
2. The PGCPS has not followed proper procedures when disciplinarily removing the student from school since June 2017, as required by 34 CFR §§300.530, .534 and .536 and COMAR 13A.08.01.11.
  3. The JSES should have suspected, since September 2016,<sup>1</sup> that the student is a student with a disability, and conducted an evaluation under the IDEA, in accordance with 34 CFR §300.111 and COMAR 13A.05.01.06.

**BACKGROUND:**

The student is seventeen years old. He is not identified as a student with a disability under the IDEA. The PGCPS staff report that he is currently not enrolled in school but is registered in a General Educational Development (GED) program. His educational placements were as follows:

- From the start of the 2016-2017 School year until January 23, 2017, the student attended XXXXXXXXXXXXXXXX.
- From January 23, 2017 to March 28, 2017, the student was placed by the Department of Juvenile Services at the XXXXXXXXXXXXXXXX.
- From March 28, 2017 to June 2, 2017<sup>2</sup>, the student attended XXXXXXXXXXXXXXXXXXXX XXXXXXXX.

**ALLEGATIONS #1 AND #2:**

**CHILD FIND AND DISCIPLINARY PROCEDURES WITH RESPECT TO THE PGCPS**

**FINDINGS OF FACTS/CONCLUSIONS:**

1. The PGCPS staff has acknowledged that violations have occurred with respect to their Child Find obligations and the student's disciplinary removals from school.
2. The PGCPS staff has indicated that an IEP meeting has been scheduled for the purposes of conducting an IDEA evaluation for the student.

**DISCUSSION/CONCLUSIONS:**

The PGCPS staff have acknowledged that violations of 34 CFR §§300.111, .530, .534 and COMAR 13A.05.01.06 and 13A.08.01.11 have occurred. The MSDE appreciates and concurs

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<sup>2</sup> The parties report that the student was disciplinarily removed from school prior to the conclusion of the 2016-2017 school year.

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with the PGCPS acknowledgement. Therefore, this office finds that a violation has occurred with respect to these allegations.

**ALLEGATION #3: CHILD FIND PROCEDURES WITH RESPECT TO THE JSES**

3. When the student enrolled in the JSES in January 2017, the JSES obtained his educational record. JSES staff noted in the record that an IDEA evaluation was conducted for the student in October 2015, and that he was found not eligible as a student under the IDEA.
4. The progress reports for the student indicated that he earned poor grades when transitioning to the JSES program from January 23, 2017 to February 1, 2017, and that teacher reports indicated that he was disruptive and did not complete work. However, by March 10, 2017, the student was earning much higher grades, and teacher remarks indicated that he was a “good student” and participated in class.
5. There is no documentation that a referral was made to the IEP team while the student was enrolled at the XXXXXXXXXXXXXXXXXXXXXXXX.

**DISCUSSION/CONCLUSIONS:**

In this case, the complainant has alleged that the JSES should have suspected that the student was a student with a disability, and conducted an IDEA evaluation for the student.

Based on Findings of Facts #3-#5, the MSDE finds that there is no documentation that that the JSES had a basis to suspect that the student was a student with a disability during the time that he was enrolled at the XXXXXXXXXXXXXXXXXXXXXXXX in accordance with 34 CFR §300.111 and COMAR 13A.05.01.06. Therefore, this office does not find that a violation occurred with respect to the JSES.

**CORRECTIVE ACTIONS/TIMELINES:**

**Student Specific**

The MSDE requires the PGCPS to provide documentation by January 15, 2018, that it has conducted an evaluation for the student, and determined his eligibility under the IDEA.

The MSDE further requires the PGCPS to provide documentation by February 1, 2018 that it has developed an IEP on an expedited basis and determined the compensatory services necessary to remedy the delay in the provision of a Free Appropriate Public Education (FAPE) if the student

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is determined to be eligible for special education services under the IDEA, and developed a plan for the implementation of the services within one year of the date of this Letter of Findings.

**School-Based**

The MSDE requires that the PGCPs provide documentation by January 15, 2018, of the steps taken to determine if the procedural violations identified in this Letter of Findings is unique to this case or if it represents a pattern of noncompliance at XXXXXXXXXXXXXXXXXXXXXXXX.

If it is determined that a pattern of noncompliance exists, the documentation must describe the actions taken to ensure that the staff properly implement the requirements of the IDEA and COMAR, and provide a description of how the PGCPs will evaluate the effectiveness of the steps taken and monitor to ensure that the violations do not recur.

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 Consultant, 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 and conclusions contained in this letter should be addressed to this office in writing. The student's parents 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

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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/gl

c: Kevin Maxwell  
Gwen Mason  
Debrah Anzelone  
Barbara VanDyke  
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