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February 15, 2018

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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: #18-063

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.

ALLEGATIONS:

On December 19, 2017, the MSDE received a complaint from Ms. XXXXXXXXX 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 following allegations:

1. The PGCPS has not ensured that the Individualized Educational Program (IEP) has addressed the student’s academic needs and has been reviewed at least annually, since January 2017, in accordance with 34 CFR §§300.320 and .324.
2. The PGCPS has not ensured that reports of the student’s progress towards achievement of the annual IEP goals were made since January 2017, in accordance with 34 CFR §§300.320 and .324; and

3. The PGCPS has not ensured that the student has been provided with the special education supports and accommodations required by the IEP, since January 2017, in accordance with 34 CFR §§300.101 and .323.

BACKGROUND:

The student is 17 years old. The student attends XXXXXXXXXXXXXXXXXXXX. Between September 2017 and December 2017, the student attended XXXXXXXXXXXX. Prior to September 2017, the student attended XXXXXXXXXXXX.

He is identified as a student with an Other Health Impairment (OHI), related to Attention Deficit Hyperactivity Disorder (ADHD), under the IDEA, and has an IEP that requires the provision of special education instruction and related services.

ALLEGATION #1 IEP DEVELOPMENT

FINDINGS OF FACTS:

1. On December 22, 2016, the IEP team at XXXXXXXXXXXXXXXXXXXX reviewed the student's March 9, 2016¹ IEP, upon the student's transfer to that school. While the IEP was continued as written, there is no documentation of the basis for the IEP team's decision that the IEP remained appropriate. At the meeting, the complainant requested additional tutoring for the student, but the team did not document its response to the complainant's request.
2. On March 1, 2017, the IEP team met to review and revise, as appropriate, the student's IEP. The team discussed input from the student's teachers who indicated that the student was not participating in class and generally not engaging in the classroom. However, the IEP team did not determine present levels of performance, services, supports, or goals for the student or considered interventions to address his interfering behaviors.
3. On January 28, 2018, the IEP team met to review and revise, as appropriate, the student's IEP. The IEP team developed present levels of performance, services, supports, and goals for the student, but also determined that a reevaluation was necessary to better identify and address the student's needs. The results of this reevaluation are pending.

CONCLUSION:

Based on the Findings of Facts #1-#3, the MSDE finds that the student's needs were not identified and addressed by the IEP team, since January 2017, and that the IEP had not been

¹ While there is documentation that the IEP team met at XXXXXXXXXXXXXXXXXXXX and XXXXXXXXXXXX subsequent to March 9, 2016, there is no documentation that a complete review of his IEP was conducted between March 9, 2016 and December 2016.

reviewed at least annually, in accordance with 34 CFR §300.324. Therefore, the MSDE finds that a violation occurred with respect to this allegation.

ALLEGATION #2 REPORTS ON THE STUDENT’S PROGRESS

FINDINGS OF FACTS:

4. The student’s IEP requires that progress reports be made to the complainant on a quarterly basis during the school year.
5. While there is documentation that progress reports were developed for the student, there is no documentation that they were provided to the complainant.

CONCLUSION:

Based on Findings of Facts #4-#5, the MSDE finds that there is no documentation that the complainant was provided with reports on the student’s progress, since January 2017, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation occurred with respect to this allegation.

ALLEGATION #3 PROVISION OF SUPPORTS AND ACCOMMODATIONS

FINDING OF FACT:

6. There is documentation that the student was provided with the supports and accommodations required by his IEP.

CONCLUSION:

Based on the Finding of Fact #6, the MSDE finds that the student was provided with the supports and accommodations required by his IEP, in accordance with 34 CFR §300.101 and .323. Therefore, this office does not find that a violation occurred with respect to this allegation.

Notwithstanding this finding, as determined above (see Allegation #1), the PGCPs did not ensure that the IEP addressed the student needs.

CORRECTIVE ACTIONS/TIMELINES:

Student Specific

The MSDE requires, the PGCPs to provide documentation, by March 15, 2018, that the complainant has been provided with copies of progress reports prepared by the school staff since January 2017.

The MSDE further requires the PGCPS to provide documentation by May 1, 2018 that the IEP team has completed the reevaluation of the student, has developed an IEP that identifies and addresses the student's needs, and has determined the compensatory services necessary to remedy the violations identified in this Letter of Findings.

The PGCPS must provide documentation, within one (1) year of the date of this Letter of Findings, that the student has been provided with the compensatory services or other remedy determined by the IEP team as a result of this investigation, or documentation of parent refusal of such compensatory services or other remedy.

School -Based

The MSDE requires that the PGCPS provide documentation by May 1, 2018, of the steps taken to determine if the 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 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 Free Appropriate Public Education (FAPE) for the student,

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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

c: Kevin Maxwell
Gwen Mason
Barbara VanDyke
XXXXXXXX
Dori Wilson
Anita Mandis
Gerald Loiacono
Bonnie Preis