



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

May 14, 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: #18-124

Dear Parties:

The Maryland State Department of Education, Division of Special Education/Early Intervention Services (MSDE), 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 March 16, 2018, the MSDE received a complaint from Ms. XXXXXXXXXX, 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 Education Program (IEP) has been implemented since November 2017, in accordance with 34 CFR §300.101 and .323.
2. The PGCPS has not ensured that the student has been provided with disciplinary protections since November 2017, in accordance with 34 CFR §300.530 and COMAR 13A.08.03.

BACKGROUND:

The student is 17 years old, is identified as a student with an Other Health Impairment under the IDEA that impacts his academics and social/emotional behaviors, and has an IEP that requires the provision of special education instruction and related services.

On November 6, 2017, the PGCPS placed the student at the XXXXXXXXXXXXXXXXXXXXXXXX, a nonpublic, separate, special education school, where he currently attends.

FINDINGS OF FACTS:

1. The IEP includes goals for the student to develop strategies for managing his social/emotional behaviors, and to improve his self-management, organizational, math calculation, and written language skills. The IEP requires that the student be provided special education instruction, counseling services, and supports in the classroom in order to assist him with achieving the goals.
2. In January 2018 and April 2018, reports were made that document that the goals are being addressed and that the student is making sufficient progress to achieve them.
3. There is no information or documentation that the student has been disciplinarily removed from school, since November 2017.

CONCLUSIONS:

Allegation #1: IEP Implementation

Based on the Findings of Facts #1 and #2, the MSDE finds that there is documentation that the annual goals are being addressed through the services required by the IEP, since November 2017, in accordance with 34 CFR §§300.101 and .323. Therefore, this office does not find that a violation occurred with respect to the allegation.

Allegation #2: Disciplinary Procedures

Based on the Finding of Fact #3, the MSDE finds that the student has not been disciplinarily removed from school since November 2017, in accordance with 34 CFR §300.530 and COMAR 13A.08.03. Therefore, this office finds that the disciplinary procedures do not apply and does not find that a violation occurred with respect to the allegation.

TIMELINE:

Please be advised that both 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

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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 parties 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, 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:ac

c: Kevin Maxwell
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