



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

July 24, 2018

Ms. Debrah Martin
Best Solutions Educational Services, LLC
1300 Mercantile Lane, Suite 129-2
Largo, Maryland 20774

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: #18-167

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 May 25, 2018, the MSDE received a complaint from Ms. Debrah Martin hereafter, “the complainant,” on behalf of the above-referenced student and her mother, Ms. XXXXXXXX. 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, speech/language and nursing needs, since May 2017,¹ in accordance with 34 CFR §§300.320 and .324.

¹ While the allegation covered a longer time period, the complaint was informed, in writing, that only those violations of the IDEA that are alleged to have occurred within one year of the filing of a State complaint may be addressed through the State complaint procedure (34 CFR §300.153).

2. The PGCPS has not ensured that the IEP contains appropriate, measurable postsecondary goals based upon age appropriate transition assessments and transition services, including courses of study, needed to assist the student in achieving the goals, since May 2017,¹ in accordance with 34 CFR §300.320 and COMAR 13A.05.01.09.
3. The PGCPS has not ensured that the IEP team meetings convened since May 2017¹ included the required participants, in accordance with 34 CFR §300.321.
4. The PGCPS did not provide a copy of the IEP document within five (5) business days after the IEP team meeting in December 2017, in accordance with COMAR 13A.05.01.07D(3).

BACKGROUND:

The student is fifteen (15) years old and attends the XXXXXXXXXXXXXXXXXXXXXXX, a PGCPS school. She is identified as a student with an Other Health Impairment (OHI), related to lymphoma, under the IDEA and has an IEP that requires the provision of special education instruction.

ALLEGATION #1: IEP DEVELOPMENT

FINDINGS OF FACTS:

1. On May 18, 2017, the IEP team met as part of an annual review for the student. While the team identified needs related to math calculation, oral language, reading comprehension, reading fluency and written language expression, they did not document the basis for these decisions. The IEP team copied, verbatim, information from prior IEPs into the current IEP. This included present levels of performance with many of the underlying data sources dating back to the 2014-2015 school year. The IEP team decided that they would revisit the student's needs once private testing, which was being obtained by the parent, was completed for the student.
2. On December 13, 2017, the IEP team met to review the results of a private psychological and cognitive assessment. While there is documentation that the IEP team reviewed the assessments, the IEP team did not document the decisions made as a result of that review.
3. On March 29, 2018, the IEP team met to review and revise, as appropriate, the student's IEP. During this meeting, the IEP team determined that it did not have enough information to determine the student's needs. The IEP team recommended completing a reevaluation for the student, and recommended that an educational assessment be conducted. While the IEP team documented that it would include medical information in the student's IEP, there is no documentation that the IEP team made decisions related to the student's nursing needs.

4. On May 10, 2018, the IEP team convened again to continue its review and revision, as appropriate, of the IEP. The IEP team determined that it could not make decisions relating to the student's medical needs, and instead recommended that the school nurse or the PGCPS health services team review the student's medical information and make recommendations related to the student's medical needs. The IEP team discussed a possible referral to the Central office IEP (CIEP) team, but decided to reconvene to determine the need for a CIEP referral.
5. On May 30, 2018, the IEP team reconvened. While the team did revise the student's present levels of performance and include more recent medical information, the team did not discuss the pending request for a referral to the CIEP team to discuss how the student's needs would be addressed, including a possible more restrictive placement. To date, the IEP team has not met to address the CIEP referral.

DISCUSSION/CONCLUSION:

Based on the Findings of Facts #1-#5, the MSDE finds that the student's needs have not been properly identified and addressed by the IEP team, since May 2017, in accordance with 34 CFR §300.324. Therefore, the MSDE finds that a violation occurred with respect to this allegation.

ALLEGATION #2: TRANSITION PLANNING AND SERVICES

FINDING OF FACT:

6. There is no documentation that the IEP team has determined the student's transition needs or provided transition services to the student.

DISCUSSION/CONCLUSION:

Based on Finding of Fact #6, the MSDE finds that there is no documentation that the IEP team has determined the student's transition needs or provided transition services to the student, since May 2017, in accordance with 34 CFR §300.320 and COMAR 13A.05.01.09. Therefore, this office finds that a violation occurred with respect to this allegation.

ALLEGATION #3: REQUIRED IEP TEAM PARTICIPANTS

FINDING OF FACT:

7. There is no documentation that IEP teams convened for the student since May 2017 have included a general education teacher.

DISCUSSION/CONCLUSION:

Based Finding of Fact #7, the MSDE finds that there is no documentation that IEP teams convened for the student since May 2017 have included the required participants, in accordance with

34 CFR §300.321. Therefore, this office finds that a violation occurred with respect to this allegation.

ALLEGATION #4: PROVISION OF COMPLETED IEP

FINDING OF FACT:

8. There is no documentation that the student's parents have been provided with a copy of the completed IEP following the IEP team meeting in December 2017.

DISCUSSION/CONCLUSION:

Based on Finding of Fact #8, the MSDE finds that there is no documentation that the student's parents have been provided with a copy of the completed IEP following the IEP team meeting in December 2017, in accordance with COMAR 13A.05.01.07D(3). Therefore, this office finds that a violation has occurred with respect to this allegation.

CORRECTIVE ACTIONS/TIMELINES:

Student Specific

The MSDE requires, the PGCPS to provide documentation, by October 1, 2018, that the complainant has been provided with a copy of the completed IEP from December 2017.

The MSDE further requires the PGCPS to provide documentation by October 1, 2018 that the IEP team 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 November 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 the 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.

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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 Dr. Nancy Birenbaum, 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, 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: Monica E. Goldson
Gwen Mason
Barbara VanDyke
Robert Reese
XXXXXXXXXXXX
Dori Wilson

Dori Wilson
Anita Mandis
Gerald Loiacono
Nancy Birenbaum