



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

January 24, 2019

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Ms. Trinell Bowman
Director of Special Education
Department of Special Education
Prince George's County Public Schools
John Carroll Elementary School
1400 Nalley Terrace
Landover, Maryland 20785

RE: XXXXX
Reference: #19-071

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention/Special Education 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 November 27, 2018, the MSDE received a complaint from Ms. Ronnetta Stanley, hereafter, “the complainant,” on behalf of the above-referenced student and his grandmother, Ms. XXXXXXXX,¹ hereafter, “the parent.” In that correspondence, the complainant alleged that the Prince George’s County Public Schools (PCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced student.

¹ Because the MSDE did not receive written parental consent to release the results of this investigation to the complainant, as requested, this letter is addressed to the parent and the school system only.

The MSDE investigated the following allegations:

1. The PGCPS did not ensure that the Individualized Education Program (IEP) has addressed the student's needs since November 27, 2017,² 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 from November 27, 2017² to the end of the 2017-2018 school year were consistent with the data, in accordance with 34 CFR §§300.101 and .324.

BACKGROUND:

The student is eleven (11) years old and is identified as a student with a Specific Learning Disability (SLD) under the IDEA, related to Dyslexia, Dysgraphia, and Dyscalculia. He attended XXXXXXXXXXXXXXXXXXXXXXX during the 2017-2018 school year and had an IEP that requires the provision of special education instruction and related services. The student was parentally-placed at the Chelsea School for the 2018-2019 school year.

FINDINGS OF FACTS:

1. The IEP in effect on November 27, 2017, reflects that the student has identified needs in the areas of reading comprehension, fluency, phonics, written expression, math problem solving and calculation, and self-management. The IEP includes goals to improve these skills and specialized instruction and supports to assist the student in achieving the goals by January 4, 2018. At that time, the student was participating in a reading intervention to improve literacy.
2. The progress reported on the student's annual reading, fluency, phonics, written expression, math problem solving, calculation, and self-management goals state that he was making sufficient progress to achieve the goals by December 2017. The progress reported on the student's annual comprehension and self-management goals reflect that they were achieved in June 2017, but were continued for the 2018-2019 school year with the addition of new objectives.
3. On November 1 and 28, 2017, the IEP team convened to review an independent psychological assessment, and to address concerns raised by the parent that the student was not making progress with the reading intervention. The school-based members of the team reported that the student was making progress with the provision of the reading intervention, accommodations, and supports, but as the result of his disability, the rate in which he was expected to make progress was "slower" than what the parent expected. The team recommended revising the IEP to include an additional fifteen (15) minutes of reading intervention in a "small-group" separate special education classroom to address

² The State complaint indicated that the allegations began in September 2017. However, the complainant was notified 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).

- the parent's concerns. The team also recommended "small group instruction in general the education classroom, a self-monitoring goal to address organizational skills, and an increase in special instruction in the general education classroom.
4. At the same IEP team meeting, the student's parent also requested a nonpublic special education school placement for the student. The team rejected the request based on the school staff reports that the student was making sufficient progress in his current placement, and would continue to do so with the addition of increased specialized instruction inside the general and special education classrooms. However, the team did agree to reconvene with members of the PGCPs Central Office to again, consider the placement request.
 5. On December 22, 2017, the IEP team convened for an annual review of the student's IEP. The team reviewed reading and performance data, progress reports, and parental concerns. The school-based members of the team reported that, although the student did not master his goals, some of the objectives were achieved, and he continued to make progress with the provision of supports and services. The team revised the goals and objectives, and added a math intervention and supplementary aids based on his progress.
 6. On February 26, 2018, the IEP team convened for a reevaluation of the student. The team reviewed a psychological evaluation and an Functional Behavioral Assessment (FBA), which reflects that the student's behavior is consistent with Attention Deficit-Hyperactivity Disorder (ADHD). Based on the data, the team determined that the student continued to be a student with a disability under the IDEA. The team revised the IEP to include additional supports, such as "brain-breaks, prompting to slow down when rushing with work, and monitoring attention during instruction." The team also developed a goal for "sustaining attention" to address the student's inattentiveness.
 7. On March 14, 2018, the IEP team convened with participants from the PGCPs Central Office staff to review the IEP and again, discuss the parent's concerns about the student's educational placement. The team reviewed previous psychological assessment results, teacher and parental input, progress reports, and district assessments, and determined that the student's disability was consistent with a student with an Other Health Impairment (OHI). The team revised the student's IEP and recommended that additional adult support be provided to the student in the classroom. The team also determined that the student would continue in his current placement with the provision of supports and services, and that they would reconvene at a later date after monitoring the student's progress with the addition of adult support.
 8. On April 23, 2018, the IEP team reconvened to discuss progress and educational placement. Based on observations of the student, school staff reported that the student was demonstrating improvements with on-time and task work completion with the support of an adult. The team further reported that various types of data demonstrated a pattern of progress in the student's reading and math skills. The student's parent again requested that the student be placed in a nonpublic special education school because he does well in smaller class sizes. The team determined that the student would continue in

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his current placement with the addition of adult support because he was already being provided with small group instruction and was demonstrating progress in all academic areas.

9. The reports of the student's progress on the IEP goals, made in February, April, and May 2018, reflect that the student was making sufficient progress towards achieving the goals by December 2018. There is documentation that the progress was measured consistent with the description in the goals and that the reports of the student's progress on the goals were consistent with the data. The student's 2017-2018 report card reflects that he received passing grades in all content area classes.
10. There is documentation that, on August 15, 2018, the student's parent notified the PGCPs, by electronic mail, that she was parentally placing the student at the XXXXXXXXXX, a private school, for the 2018-2019 school year.
11. On September 27, 2018, the IEP team convened to review an independent educational assessment provided by the student's parent. The audio recording reflects that there was a disagreement as to whether the reading intervention that had been provided was appropriate for the student. The school-based members of the team reported that the intervention addressed the student's identified needs, and that data supported the student's progress with the reading intervention. The meeting summary reflects that the team discussed "reconvening to consider different interventions, review a draft IEP, and consider additional hours of service." However, there is no documentation that the team has reconvened.

CONCLUSIONS:

Allegation #1: IEP that Addresses the Student's Needs

Based on the Findings of Facts #1- #10, the MSDE finds that there was data to support the decisions made by the IEP team about the student's program and placement until September 27, 2018, in accordance with 34 CFR §300.324. Therefore, this office does not find that a violation occurred with respect to this time period.

However, based on the Finding of Fact #11, the MSDE finds that the PGCPs has not ensured that the IEP team has reconvened to consider other reading interventions and additional hours of services, as was determined by the IEP team on September 27, 2018, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation occurred since September 27, 2018.

Allegation #2: Progress Reported Consistent with the Data

Based on the Findings of Facts #1 - #11, the MSDE finds that the reports of the student's progress towards achievement of the annual IEP goals were consistent with the data, in accordance with 34 CFR §§300.101 and .324. Therefore, this office does not find that a violation occurred with respect to the allegation.

CORRECTIVE ACTIONS/TIMELINES:

Student-Specific

The MSDE requires the PGCPS to provide documentation by April 1, 2018 that the IEP team has convened and considered other reading interventions and additional service hours, and has revised the IEP, as appropriate, consistent with the data. The PGCPS must also ensure that, if the IEP requires revision, the team determines the compensatory services needed to remediate the delay in revising the IEP, to be provided if the student is re-enrolled in the PGCPS.

School-Based

The MSDE requires the PGCPS to provide documentation by April 1, 2019 of the steps taken to ensure that the violation identified does not recur at the XXXXXXXXXXXXXXXXXXXXXXXX.

TECHNICAL ASSISTANCE:

Technical assistance is available to the parties by contacting Dr. Nancy Birenbaum, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE at (410) 767-7770.

As of the date of this correspondence, this Letter of Findings is considered final. This office will not reconsider the conclusions reached in this Letter of Findings unless new, previously unavailable documentation is submitted and received by this office within fifteen (15) days of the date of this correspondence. The new documentation must support a written request for reconsideration, and the written request must include a compelling reason for why the documentation was not made available during the investigation. Pending this office's decision on a request for reconsideration, the public agency must implement any corrective actions within the timelines reported in this Letter of Findings.

The parent maintains 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.

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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 Early Intervention/Special Education Services

MEF:ac

c: Monica Goldson
 Gwen Mason
 Trinell Bowman
 Barbara VanDyke
 XXXXXXXXX
 Dori Wilson
 Anita Mandis
 Albert Chichester
 Nancy Birenbaum