



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

June 17, 2019

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

RE: XXXXX  
Reference: #19-152

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services, 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.

**ALLEGATION:**

On April 18, 2019, the MSDE received a complaint from Ms. XXXXXXXXXXX, 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) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the student.

The MSDE investigated the allegation that the PGCPS has not ensured that the Individualized Education Program (IEP) has addressed the student’s social skills needs, since April 18, 2018, in accordance with 34 CFR §§300.101, .320 and .324.

**BACKGROUND:**

The student is fourteen (14) years old, is identified as a student with an Intellectual Disability under the IDEA, and has an IEP that requires the provision of special education and related services. She is in the eighth (8th) grade and attends the XXXXXXXXXXXXXXXXXXXX.

**FINDINGS OF FACTS:**

1. The IEP in effect on April 18, 2018, the start of the investigation period, was developed on November 9, 2017, when the student was in seventh (7th) grade.

2. The IEP reflects that the student's social skills functioning is in the "low to average range."
3. It also reflects that the student participates "often and successfully in the classroom," and that she "typically makes comments, asks questions, answers questions, communicates ideas, and communicates well at the conversational level."
4. The IEP does not identify that the student has any needs in the area of social skills.
5. The IEP states that the student will participate with non-disabled peers during nonacademic times, including lunch, creative arts classes and extracurricular activities, and requires six (6) hours per week of participation in the general education environment.<sup>1</sup>
6. The student's class schedule includes a journalism course in a general education classroom for the first semester of the 2018 - 2019 school year, and a drama course in a general education classroom for the second (2nd) semester of the 2018 - 2019 school year. There is also documentation that the student was participating in a sixth (6th) grade English language arts course in a general education classroom on a trial basis.
7. On October 24, 2018, the IEP team convened to conduct the annual review of the student's education program and to conduct reevaluation planning. The team recommended assessments in the areas of academics, pragmatic language skills, functional and adaptive skills, and intellectual functioning.
8. On December 12, 2018, the IEP team convened and considered the following data:
  - a. The report of a speech/language assessment of the student's pragmatic language skills that documenting that she "proficiently uses oral language to communicate" and that she scored in the "average" range on the subtest where she was required to give appropriate responses to situations representing aspects of everyday life that require communication or a pragmatic judgment. The evaluator noted that the student provided long answers with more details than necessary.

The report includes teacher statements that the student has frequent "verbal outbursts" when she "perceives she has been wronged, or when she believes she is correct and the teacher/peers are incorrect." The teachers also noted that the student "frequently requires 10 minutes to an hour to be able to join the class again as a student who is available for learning."

The report states that the student's scores indicate that she understands the rules of appropriate social-pragmatic language, and that her classroom reactions "have a root in behavior rather than language." The report includes a recommendation

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<sup>1</sup> The IEP reflects that, for all academic subjects, the student requires specialized instruction in a separate special education classroom, with modifications to the general education curriculum, equal to twenty-seven (27) hours and twenty (20) minutes per week.

to use of social-emotional language strategies to support the student's emotional behavior and awareness of her emotional level.

- b. The report of a psychological assessment documenting that the student's general cognitive ability is in the "extremely low range" and that her nonverbal cognitive ability is in the "very low range." The report further documents that, while her general adaptive skills fell in the "below average" range, the student's social skills were in the "average" range.
  - c. The report of an educational assessment documenting that the student is functioning "significantly below her same aged peers," based on her scores in the areas of broad reading skills and broad math skills in the "very low" range, and her scores in the area of written expression skills in the "low" and "very low" range.
9. At the December 2018 meeting, the IEP team determined that the student continues to be eligible for special education services as a student with an Intellectual Disability. The IEP team also updated the present levels of performance based on the current data, added supplementary supports for writing tasks, made revisions to the existing goals, and continued the special education services. However, the IEP team did consider positive behavior interventions to address the student's interfering behavior.
  10. On March 28, 2019, the IEP team convened at the request of the complainant. The IEP team discussed that the student was benefiting from the social skills interactions with nondisabled peers through her trial participation in a general education English language arts course. The school staff reported, however, that the general education class was working on complex concepts relating to argumentative writing, and that the student was struggling to grasp the concepts and keep up in class. The school-based members of the team discussed that "it is anticipated" that the student could make more progress on the reading goals with the supports and modifications offered in a separate special education classroom. The IEP team recommended that the student discontinue participation in the general education English language arts class. The complainant disagreed with the recommendation due to her desire for the student to remain in the class to work on her social skills.
  11. At the March 28, 2019 meeting, the IEP team revised the IEP, adding social, emotional and behavior skills as a newly identified area of need. The IEP team documented that "on occasion," the student's emotions, actions and/or volume of voice will escalate when she becomes frustrated, does not agree with her friend, or thinks that she is right. The IEP team added an annual goal to address this area. The goal requires the student to use self-regulation and coping strategies, with reminders, to avoid engaging in inappropriate behavior when she becomes upset, frustrated or angry, on four (4) out of five (5) trials.
  12. There is daily data on the student's display of positive or negative/disruptive classroom behavior for the period from April 29, 2019 to June 5, 2019. The data reflects that there were three (3) occasions when the student demonstrated a negative or disruptive

behavior, and on each occasion, the student was able to use a self-regulation strategy. The data also reflects that, on all other dates over the course of approximately six (6) weeks, the student demonstrated positive behavior.

13. The progress reports developed on June 18, 2018, November 2, 2018, December 18, 2018, January 25, 2019, February 4, 2019, March 27 and 28, 2019, and April 11, 2019, document that the student achieved or was making sufficient progress towards achieving the annual goals.
14. The student's report card for the first (1st) through third (3rd) quarters of the 2018 - 2019 school year reflects that she received As in all courses.

**CONCLUSION:**

Based on the Findings of Facts #1 - #9, the MSDE finds that, on December 12, 2018, the IEP team had information that, while there were no concerns about the student's pragmatic language skills, she was demonstrating social and emotional behavior that was interfering with her availability for learning. However, based on the Findings of Facts #8 - #14, the MSDE finds that there is no documentation that the IEP team considered supports or interventions to address the student's interfering behavior until March 28, 2019, in accordance with 34 CFR §300.324. Therefore, this office finds a violation occurred for the period from December 12, 2018 to March 28, 2019.

**CORRECTIVE ACTIONS/TIMELINES:**

**Student-Specific**

The MSDE requires the PGCPS to provide documentation by the start of the 2019 - 2020 school year, that the IEP team has convened and determined whether the violation had a negative impact on the student's ability to benefit from the education program. If the team determines that there was a negative impact, it must also determine the amount and nature of compensatory services or other remedy to redress the violation and develop a plan for the provision of those services within one (1) year of the date of this Letter of Findings.

**School-Based**

The MSDE requires the PGCPS to provide documentation by October 1, 2019, of the steps it has taken to ensure that the violation does not recur at the XXXXXXXXXXXXXXXXXXXX.

The documentation must include a description of how the school system will evaluate the effectiveness of the steps taken and monitor to ensure that the violations do not reoccur. Documentation of all corrective action taken is to be submitted to this office to: Attention: Chief, Family Support and Dispute Resolution Branch, Division of Early Intervention and Special Education Services, MSDE.

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**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.

Questions regarding the findings and conclusions contained in this letter should be addressed to this office in writing. The complainant maintains the right to request mediation or to file a due process complaint, if she disagrees 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 Early Intervention

and Special Education Services

MEF/ksa

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