



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

June 17, 2019

Ms. Jessica Williams
Education Due Process Solutions, LLC
711 Bain Drive #205
Hyattsville, Maryland 20785

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

RE: XXXXX
Reference: #19-154

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 April 18, 2019, the MSDE received a complaint from Ms. Jessica Williams, hereafter, “the complainant,” on behalf of the above-referenced student, and her mother Ms. XXXXXXXXXXX. 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 did not ensure that the evaluation was sufficiently comprehensive to identify all suspected areas of a disability of the student during the 2018-2019 school year and that the decisions made were not consistent with the data, in accordance with 34 CFR §§300.304 - .306, .323, .324, and COMAR 13A.05.01.
2. The PGCPS has not ensured that the Individualized Education Program (IEP) addresses the student’s behavioral and phonological awareness needs, in accordance with 34 CFR §300.324.

BACKGROUND:

The student is ten (10) years old has been identified as a student with a Specific Learning Disability under the IDEA, related to Dyslexia. She has an IEP required the provision of special education instruction and related services.

The student attended XXXXXXXXXXXX, until March 25, 2019, when her mother withdrew her from the PGCPs, and enrolled her at the XXXXXXXXXXXX, a private school.

FINDINGS OF FACTS:

1. The student's IEP in effect at the start of the time period covered by this investigation reflects that she had identified needs in the areas of reading phonics, reading comprehension and vocabulary, and written language mechanics, as well as needs related to anxiety.
2. The IEP requires the provision of special education instruction in order for the student to improve her academic performance in the areas of her identified needs. It also requires counseling services to be provided by the guidance counselor, periodically, to support her management of her anxiety, and participation in social groups.
3. The IEP requires a reading intervention which addresses phonological awareness, word building, decoding and sentence reading, pre-reading, reading, sound dictation, pre-spelling, spelling, and sentence dictation.
4. On May 10, 2018, the IEP team reconvened to review the following data:¹
 - The psychological assessment reflects that the student's phonological standard score of "80 falls slightly below the average range; however, this should be confirmed with other available data in order to establish the student's phonological processing as a true weakness for her, as only one of three subtest scores within this composite falls below the average range."
 - The assessment also reflects that the student's overall cognitive ability of "99 falls well within the average range, and that this score is equal to or higher than 47% of a nation-wide sample of age-mates, and it can be expected that her true score falls between 95 and 103, which is considered average."
 - The assessment further reflects that, due to the student's "extreme" discrepancies, the short-term memory index which measures the ability to briefly retain, then recall information, and the fluid reasoning index, which measures one's abilities in applying reasoning and logic to solve novel problems, were unable to be

¹ On February 22, 2018, the IEP team determined that, based on the student making slow, but steady progress in reading that educational and psychological assessments were warranted and the student's mother provided consent for the assessments.

interpreted. However, subtest performance suggests that she should be able to demonstrate these abilities “at least as well as most others her age.”

- The educational assessment reflects that, when compared to others at her age level, the student’s broad reading and broad fluency is in the “below average” range. Her broad written language is in the “average” range of performance. Her ability to apply academic skills is in the “below average” range. Her academic fluency falls within the “average” range, and her academic applications is in the “average” range.
 - The assessment reflects that the student continues to struggle in a variety of areas to include spelling, vocabulary, word decoding, reading comprehension, and comprehending/understanding questions and directions when presented orally.
 - The assessment includes recommendations such as the chunking of text, picture supports, reading technology programs to improve fluency and comprehension, provide verbal prompting as needed, immediate feedback and examples, provide additional time to complete assignments, repeat directions throughout a task, check for understanding, quiet area free of distractions for test-taking and classwork completion, as needed, and provide frequent breaks throughout the day.
 - An observation based on the student’s behavior reflects that she “knows one way to do things and only accepts that one way, that others’ ideas are often not considered, that the student challenges authority at times, occasionally engages in attention-seeking behaviors which are disruptive to instructional time, and when corrected, she has a tendency to become upset, pout, and shut down. Despite these behaviors, all adults working with the student indicate that she has made much progress in the area of social/emotional and behavioral functioning, and no longer requires individualized counseling services as part of her IEP service provision.”
 - The student’s mother shared that she was “quite pleased” with the student’s overall progress this school year. She informed the school staff that the student was not currently taking anxiety medication, and requested that the student be provided with breaks, as needed. She also shared that they were working on the student’s behavior, and that she is being seen by a new counselor/ therapist. However, she also indicated that the student’s anxiety was increasing, but that recent behaviors may be indicative of “growth changes.”
5. The meeting summary, dated May 10, 2018, reflects that, based on the data, the IEP team determined that the student continues to qualify for special education services as a student with a Specific Learning Disability, related to Dyslexia. There is no documentation that the IEP team suspected any other disabilities when conducting the reevaluation or that there was data that would serve as the basis for suspecting other disabilities.

6. The IEP meeting summary also reflects that the IEP was revised to include recommendations to address identified needs in the areas of reading comprehension and vocabulary, and written language mechanics. The team also determined that the student no longer demonstrates a need for specialized instruction in reading phonics, and removed the reading phonics goals from the IEP, but did not document the basis for their decision.
7. The student's reading diagnostic assessment, conducted on September 25, 2018, and reported within the reading comprehension goal states that the results from the student's reading intervention "indicate that she has not acquired fundamental decoding skills and needs instruction in phonics." However, there is no documentation indicating how the IEP team intended to address the student's phonological needs.
8. On February 13, 2019, the student was disciplinarily removed from school for a period of three (3) days as a result of a disruption to the school environment.
9. On February 28, 2019, the student was disciplinarily removed from school for a period of one (1) day as a result of a disruption to the school environment.
10. On March 18, 2019, the student was disciplinarily removed from school for a period of four (4) days as a result of an assault on school staff and destruction of property.
11. On March 25, 2019, the student's mother withdrew the student from the PGCPSS, and on April 1, 2019, enrolled her in a private school.
12. On April 29, 2019, the IEP team convened for an annual review of the student's IEP. At the parent's request, the IEP team proposed reevaluating the student by completing updated assessments in her new educational placement, in the areas of social/emotional, academics, and classroom observations. The team also proposed conducting a Functional Behavioral Assessment (FBA) in order to examine the significant behaviors the student has exhibited, specifically, during February 2019 and March 2019. The team agreed to reconvene in July 2019 to review the assessment results.

CONCLUSIONS:

Allegation #1: Comprehensive Evaluation

Based on the Findings of Facts #1 - #12, the MSDE finds that the PGCPSS did ensure that the evaluation was sufficiently comprehensive to identify all suspected areas of a disability of the student during the 2018 - 2019 school year, in accordance with 34 CFR §§300.304 - .306, .323, .324, and COMAR 13A.05.01. Therefore, this office does not find that a violation occurred with respect to the allegation.

Allegation #2: An IEP that Addresses the Student's Needs

Based on the Findings of Facts #1, #3, #4, #6 and #7, the MSDE finds that the PGCPS has not addressed the student's phonological needs since May 10, 2018, in accordance with 34 CFR §300.324. Therefore, this office finds that a violation occurred with respect to this aspect of the allegation during this time period.

Based on the Findings of Facts #1 - #12, the MSDE finds that the PGCPS has ensured that the IEP has addressed the student's behavioral needs, consistent with the data, in accordance with 34 CFR §300.324. Therefore, this office does not find that a violation occurred with respect to this aspect of the allegation.

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 taken the following actions:

- a. Reviewed and revised the IEP consistent with the data to ensure that it addresses the student's decoding and phonics needs;
- b. Determined the services needed to remediate the violation identified in this investigation; and
- c. Developed a plan for the implementation of the services within one (1) year of enrollments should the student's mother decide to re-enroll the student in the PGCPS.

The PGCPS must ensure that the parent is provided with written notice of the team's decisions. The parent maintains the right to request mediation or to file a due process complaint to resolve any disagreement with the team's decisions.

School-Based

The MSDE requires the PGCPS to provide documentation by September 30, 2019 of the steps taken to ensure that the violation does not recur at XXXXXXXXXXXX.

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.

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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 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 Early Intervention/Special Education Services

MEF:ac

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