



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

June 21, 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: #19-157

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 23, 2019, the MSDE received a complaint from Ms. Jessica Williams, 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 above-referenced student.

The MSDE investigated the following allegations:

1. The PGCPS did not ensure that the evaluation was sufficiently comprehensive to identify and address the student's academic and occupational therapy needs during the 2018 - 2019 school year, in accordance with 34 CFR §§300.304 - .306, .323 and COMAR 13A.05.01.
2. The PGCPS did not ensure that the Individualized Education Program (IEP) addresses the need for personnel to assist the student during transportation, since February 2019, in accordance with 34 CFR §§300.34, .101, .320, and COMAR 13A.05.01.10.

3. The PGCPS did not ensure that the IEP addresses the student's communication needs, in accordance with 34 CFR §300.324.
4. The PGCPS did not ensure that the parent has been provided with reports of the student's progress toward achievement of the annual IEP goals in the areas of academic and fine motor skills, during the 2018 - 2019 school year, in accordance with 34 CFR §§300.101 and .323.

### **BACKGROUND:**

The student is four (4) years old and is identified as a student with a Developmental Delay under the IDEA. She attends XXXXXXXXXXXXXXXXXXXXXXXX and has an IEP that requires the provision of special education instruction and related services.

### **FINDINGS OF FACTS:**

1. The student's IEP in effect at the start of the time period covered by this investigation reflects that the student has identified needs in the areas of pre-academics, adaptive, fine and gross motor skills, receptive and expressive language, and health related to seizures. The IEP includes goals for the student to improve academic and skill performance in the areas of identified need, and special education instruction to assist her in achieving the goals. The IEP requires adaptive equipment, classroom instruction consultation, and physical and occupational consultation and therapy sessions, as a related service. The IEP also requires that the student be provided with transportation with a lift, as a related service, but does not identify a need for personnel during transportation.
2. On January 17, 2019, the IEP team convened for an annual review of the student's IEP. The meeting summary reflects that, based on reports of the student progress, the team determined that she requires special communication strategies, low-tech assistive technology, and testing accommodations due to her needs in receptive and expressive language. The IEP included visual supports for communication, such as real objects and photographs of real objects, signs paired with spoken language, visual schedules, and choice/topic boards to assist in communicating her needs. The IEP also includes support with transition, and understanding of lessons/directions. The IEP was also revised to reflect updated goals and objectives in pre-academics based on reports of the student's progress.
3. On March 14, 2019 and April 4, 2019, the IEP team convened to address parental concerns. The meeting summary reflects that the student's mother indicated that she would like for the student to begin being transported to and from school on the bus, but that she had concerns about the need for staff to be on the bus to administer "emergency"

medication to the student during transport.<sup>1</sup> In response, the school staff indicated that they would conduct a nursing assessment to determine the student's need for personal support on the bus. However, there is no documentation that consent was provided by the student's mother for the nursing assessment to be conducted. The IEP team also considered special bus transportation procedures to include an emergency care plan for the driver and aide if the student was transported by bus. However, due to concerns about the bus staff administering the medication to the student, her mother decided not to have the student transported to and from school on the bus.

4. At the same meeting, the student's mother requested that testing be conducted for the student to determine if she is making progress with the current level of support. The team determined that pre-academic testing would be conducted for the student in the areas of personal-social, adaptive, motor, communication, and cognitive skill sets. The student's mother provided consent for the assessment at the meeting. There is no documentation that concerns were raised about the student's occupational therapy needs.
5. On June 3, 2019, the IEP team reconvened to review assessment data. The meeting summary reflects that, based on classroom performance, progress reports, standardized assessments, and special educator observation, the student continues to demonstrate a significant developmental delay in the area of cognitive pre-academics and requires special education services. The student's mother requested to trial a weighted lap pad and vest for the student. The occupational therapist agreed to provide the student's mother with a permission form for the equipment. The team also proposed additional goals to address the student's need with social skills and toileting. The parent indicated that she would be providing consent for the nursing assessment "as soon as possible" in order for the student to attend Extended School Year (ESY) services with the provision of transportation.
6. At the same meeting, the team rejected the request for speech/language therapy as a related service due to a lack of data of the student's need for the service. The mother indicated that she was obtaining a private speech/language assessment. The team decided that a speech/language pathologist would review the assessment results and conduct an observation of the student, and that the team would reconvene to consider the data. The assessment report also reflects that the student's "performance and participation decreases when she does not have dedicated adult support sitting behind her chair" and that she "benefits from visuals, signing and modeling." The team revised the IEP to include "close adult support."

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<sup>1</sup> The parents have never used the PGCPSS transportation services offered during the 2018 - 2019 school year.

7. There is documentation that the student's mother was provided with reports of the student's progress toward achievement of the annual IEP goals during the 2018 - 2019 school year.

## **CONCLUSIONS:**

### **Allegation #1: Comprehensive Evaluation**

Based on the Findings of Facts #1 - #6, the MSDE finds that the PGCPS has ensured that the evaluation was sufficiently comprehensive to identify and address the student's academic and occupational therapy needs during the 2018 - 2019 school year, in accordance with 34 CFR §§300.304 - .306, .323 and COMAR 13A.05.01. Therefore, this office does not find that a violation occurred with respect to the allegation.

### **Allegations #2 and #3: An IEP that Addresses the Student's Needs**

Based on the Findings of Facts #1, #3, and #5, the MSDE finds that there is no data to support that the student requires personnel to assist her during transportation, in accordance with 34 CFR §§300.34, .101, .320, and COMAR 13A.05.01.10. Therefore, this office does not find that a violation occurred with respect to this aspect of the allegation.

Based on the Findings of Facts #1, #2, #4, and #6, the MSDE finds that the PGCPS has ensured that the IEP addresses the student's communication needs, 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.

### **Allegation #4: Provision of Progress Reports**

Based on the Findings of Facts #1 - #7, the MSDE finds that the PGCPS ensured that the parent has been provided with reports of the student's progress toward achievement of the annual IEP goals in the areas of academic and fine motor skills, during the 2018-2019 school year, in accordance with 34 CFR §§300.101 and .323. Therefore, this office does not find that a violation occurred with respect to the allegation.

## **TECHNICAL ASSISTANCE:**

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

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on a request for reconsideration, the public agency must implement any corrective actions within the timelines reported in this Letter of Findings.

The parent 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 Early Intervention/Special Education Services

MEF:ac

c:     XXXXXXXXXX  
       Monica Goldson  
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