



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

December 20, 2019

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

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: [REDACTED]
Reference: #20-056

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 November 14, 2019, the MSDE received a complaint from Ms. Jessica Williams, hereafter, “the complainant,” on behalf of Ms. [REDACTED] and her son, 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 did not take appropriate steps to ensure that the student’s Individualized Education Program (IEP) is implemented since his transfer from the District of Columbia at the start of the 2019-2020 school year, in accordance with 34 CFR §300.323, COMAR 13A.03.02, 13A.08.02, and *The Maryland Student Records Manual*.

BACKGROUND:

The student is fifteen (15) years old, is identified as a student with Multiple Disabilities under the IDEA, including a Specific Learning Disability and an Other Health Impairment related to Attention Deficit Hyperactivity Disorder, and has an IEP that requires the provision of special education services.

Since the start of the 2019-2020 school year, the student has attended [REDACTED] High School. He previously attended school in the District of Columbia prior to his family's move to Maryland.

FINDINGS OF FACTS:

1. The PGCPS acknowledges that there was a delay in taking the steps necessary to ensure that the student's IEP from the District of Columbia was implemented at the start of the 2019-2020 school year.
2. There is documentation that, on October 8, 2019, the special education coordinator informed the student's teachers of the accommodations to be provided to the student in accordance with the IEP.
3. On October 31, 2019, the IEP team convened. A review of the audio recording of the meeting reflects that the team discussed the DC IEP. It also reflects that the IEP team discussed that the student's parent had provided his transcript and other educational records to the school staff, but that there had been a delay in obtaining the entire educational record from the District of Columbia.
4. A review of the audio recording of the October 31, 2019 IEP team meeting also reflects that the IEP team discussed that, as a result of the school staff not following established procedure for class scheduling for students with disabilities, the student was initially placed in some classes in error, but that the matter had been corrected.
5. A review of the audio recording of the October 31, 2019 IEP team meeting reflects that the IEP team discussed that the teachers had been informed of the accommodations to be provided to the student, and that the teachers reported on the student's progress and which supports appeared to be effective for the student. It also reflects that the student's parent expressed concern that the school staff ensure that the teachers have a copy of the IEP goals as well.
6. A review of the audio recording and the documentation of the October 31, 2019 IEP team meeting reflects that the IEP team decided to conduct updated assessments because the latest assessment data was from 2017.
7. There is documentation that, on December 4, 2019, the special education coordinator provided the student's teachers with the student's IEP and informed them that she would meet with each of them that day to discuss the requirements of the IEP.

8. An IEP team meeting is scheduled for January 7, 2020 to review assessment data and determine whether the delay in implementing the IEP had a negative impact on the student's ability to benefit from the education program, and if so, the compensatory services needed to remediate the violation.

DISCUSSION/CONCLUSIONS:

The MSDE appreciates the PGCPs' acknowledgement, and based on the Findings of Facts #1 - #7 above, concurs with the conclusion that there was a delay in implementing the IEP at the start of the 2019-2020 school year, in accordance with 34 CFR §300.323, COMAR 13A.03.02, 13A.08.02, and *The Maryland Student Records Manual*. Therefore, this office finds that a violation occurred.

Notwithstanding the violation, based on the Finding of Fact #8, the MSDE finds that the PGCPs is taking appropriate steps to remediate the violation for the student. Therefore, no additional student-based corrective action is required.

CORRECTIVE ACTION/TIMEFRAME:

The IDEA requires that State complaint procedures include those for effective implementation of the decisions made as a result of a State complaint investigation, including technical assistance activities, negotiations, and corrective actions to achieve compliance (34 CFR §300.152). Accordingly, the MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

The MSDE has established a reasonable timeframe below to ensure that noncompliance is corrected in a timely manner.¹ This office will follow up with the public agency to ensure that it completes the required action consistent with the MSDE Special Education State Complaint Resolution Procedures.

If the public agency anticipates that any of the timeframe below may not be met, or if either party seeks technical assistance, they should contact Dr. Nancy Birenbaum, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.² Dr. Birenbaum can be reached at (410) 767-7770.

¹ The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency must correct noncompliance in a timely manner, which is as soon as possible, but not later than one (1) year from the date of identification of the noncompliance. The OSEP has indicated that, in some circumstances, providing the remedy could take more than one (1) year to complete. If noncompliance is not corrected in a timely manner, the MSDE is required to provide technical assistance to the public agency, and take tiered enforcement action, involving progressive steps that could result in the redirecting, targeting, or withholding of funds, as appropriate.

² The MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

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The MSDE requires that the PGCPs provide documentation by the end of the 2019-2020 school year of the steps taken to ensure that the violation does not recur at [REDACTED] High School.

Documentation of completion of the 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.

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 timeframes 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
and Special Education Services

MEF/am

c:

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