



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

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March 23, 2021

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

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

RE: [REDACTED]
Reference: #21-056

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS), 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 February 8, 2021, the MSDE received correspondence from Ms. Jessica R. Williams, M.Ed., hereafter, “the complainant,” on behalf of the above-referenced student and her parents, Mr. [REDACTED] and Ms. [REDACTED]. 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 following allegations:

1. The PGCPS has not ensured that the student has been provided with the amount of specialized instruction in the educational placement required by the Individualized Education Program (IEP) and the daily reading and math interventions required by the IEP since February 8, 2020 in accordance with 34 CFR §§300.101 and .323.

2. The PGCPS has not ensured that the IEP team reviewed and revised, as appropriate, the IEP to address lack of expected progress towards achieving the annual goals and in the general curriculum since February 8, 2020, in accordance with 34 CFR §300.324.

BACKGROUND:

The student is ten (10) years old, is identified as a student with a Specific Learning Disability under the IDEA, and has an IEP that requires the provision of special education instruction.

The student attends [REDACTED] School.

FINDINGS OF FACTS:

1. The IEP in effect on February 8, 2020 contained goals for the student to improve her reading comprehension, reading phonics, and math problem solving skills. It also required that she be provided with eight (8) hours and forty-five (45) minutes of special education instruction per week in the general education classroom in the areas of reading and math from both a general education teacher and a special education teacher. It required one (1) hour of special education instruction per week in a separate special education classroom from a reading resource teacher through the provision of a research-based reading intervention to address weakness in reading comprehension. The IEP did not require the use of a research-based math intervention.
2. In February 2020, reports were made on the student's progress towards achieving the annual goals. These reports document that instruction in reading comprehension was being provided by a resource teacher and reflect that the student was making sufficient progress to achieve the goals.
3. In April 2020, reports were again made on the student's progress towards achieving the annual goals. These reports reflect that, at that time, the student continued to make sufficient progress towards achievement of the reading phonics and math problem solving goals, but was no longer making sufficient progress on the goal to improve reading comprehension. With respect to reading comprehension, the report states that the student was struggling with reading multiple syllable words, which was impacting her comprehension, and that she required several verbal cues to provide correct answers when asked for details about information in passage read. The reports document that the student was being provided with instruction in reading phonics through a research-based intervention in the resource room and was receiving special education instruction in reading in both the general and separate special education classrooms. They also document that special education instruction was provided in math in a separate special education classroom.
4. There is documentation that, on April 22, 2020, the IEP was amended by agreement of the parents and school system, to include additional supports to assist the student. This included use of a human reader in order to assist with comprehension of material read.

It also included repetition of directions and monitoring of test responses to assist her with maintaining attention and focus and clarify the student's understanding of work expectations.

5. On June 12, 2020, the IEP team revised the goal to improve reading phonics from increasing decoding and word recognition for reading readiness to reading passages and correctly decoding. The goal to improve math problem solving was revised from solving one step word problems to solving multiple step problems. The goal to improve reading comprehension was continued, and new goals were developed in the areas of written language and math calculation.
6. At the June 12, 2020 IEP team meeting, the team revised the services to require five (5) hours of special education instruction in the general education classroom to address reading and math, and three (3) hours and forty-five (45) minutes of special education instruction in a separate special education classroom to work on all IEP goals and to be provided with a research-based interventions. The IEP was also revised to require the provision of daily research-based interventions, three (3) times per week in the area of reading, and two (2) times per week in the area of math.
7. In November 2020, reports were made of the student's progress towards achievement of the annual IEP goals. The reports state that sufficient progress was made towards achieving the goals to improve reading comprehension and math calculation, but that the goals to improve reading phonics, written language, and math problem solving had not been addressed during that quarter.
8. In February 2021, reports were made of the student's progress towards achievement of the annual IEP goals. The reports state that sufficient progress is being made towards achievement of the annual goals to improve written language, math problem solving and reading comprehension. While the IEP states that progress is to be reported on each goal on a quarterly basis, there are no progress reports made on the student's progress toward achievement of the annual goals to improve reading phonics and math calculation.
9. There are online samples of work that demonstrate that the *iReady* online research-based reading intervention has been used with the student since September 24, 2020 and that the *Lexia* online research-based reading intervention has been used with the student once per week since the first week of November 2020. While the school staff report that the student was previously provided with the *Spire* research-based reading intervention, which is not an online program, there is no documentation of this.
10. There are online samples of work that demonstrate that the student has been provided with the *iReady* math intervention with the frequency required by the IEP since October 15, 2020, with the exception of a three (3) week period in January 2021. However, there is no documentation of the provision of the math intervention from the start of the 2020-2021 school year until October 15, 2020.

11. There is no documentation of when special education instruction was provided in the general education classroom and when it was provided in a separate special education classroom.

DISCUSSION/CONCLUSIONS:

Allegation #1a. IEP Implementation – Daily Reading and Math Interventions

In this case, the complainant alleges that the student has not been provided with daily reading and math interventions since February 8, 2020.

February 8, 2020 to the End of the 2019-2020 School Year

Based on the Findings of Facts #1 and #6, the MSDE finds that the IEP did not require the use of a math intervention until the 2020-2021 school year. Further, based on those Findings of Facts, the MSDE finds that, while the IEP required the provision of a reading intervention, it did not require daily reading intervention during the 2020-2021 school year.

However, based on the Findings of Facts #1 and #9, the MSDE finds that there is no documentation that the student was provided with a research-based reading intervention during the 2019-2020 school year, as required by the IEP, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation occurred with respect to this aspect of the allegation for this time period.

2020-2021 School Year

Based on the Finding of Fact #6, the MSDE finds that for the 2020-2021 school year, the IEP has required the provision of a research-based reading intervention three (3) times per week.

Based on the Findings of Facts #3 and #9, the MSDE finds that there is documentation that the student has been provided with a reading intervention with the frequency required by the IEP during the 2020-2021 school year, in accordance with 34 CFR §§300.101 and .323. Therefore, this office does not find that a violation occurred with respect to this aspect of the allegation.

Based on the Finding of Fact #6, the MSDE finds that for the 2020-2021 school year, the IEP has required the provision of a research-based math intervention two (2) times per week.

Based on the Finding of Fact #10, the MSDE finds that, while there is documentation that the student has been provided with a math intervention with the frequency required by the IEP during the 2020-2021 school year, the intervention was not provided from the start of the school year until October 15, 2020, and was not provided for three (3) weeks in January 2021, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation occurred with respect to this aspect of the allegation for this time period.

**Allegation #1b. IEP Implementation – Special Education Instruction
in the Required Placement Since February 8, 2020**

Based on the Findings of Facts #1 - #3, #7, #8, and #11, the MSDE finds that, while there is documentation of the provision of special education instruction in both general and separate special education classrooms, there is no documentation that the amount of special education instruction was provided in each setting required by the IEP, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation occurred with respect to this aspect of the allegation.

Additional Violation Identified During the Course of the Investigation

Based on the Finding of Fact #8, the MSDE finds that progress has not been reported on the annual IEP goals with the frequency required by the IEP, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation occurred.

Allegation #2 IEP Review/Revision to Address Lack of Expected Progress

Based on the Findings of Facts #3 - #5, the MSDE finds that the IEP was amended to address the lack of progress reported in April 2020, in accordance with 34 CFR §300.324. Therefore, this office does not find that a violation occurred with respect to this allegation.

CORRECTIVE ACTIONS/TIMELINES:

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.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 the timeframe below may not be met, or if any of the parties 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 and nancy.birenbaum@maryland.gov

¹ The 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 Directors of Special Education of any corrective action that has not been completed within the required timelines.

Student-Based

The MSDE requires the PGCPS to provide documentation that the student is being provided with the amount of special education instruction in the educational placement required by the IEP and that progress reports are being made with the frequency required by the IEP.

The MSDE also requires the PGCPS to provide documentation that the IEP team has determined the amount and nature of compensatory services or other remedy for the violations identified.

School-Based

The MSDE requires the PGCPS to provide documentation of the steps take to ensure that the violations related to IEP implementation do not recur at [REDACTED] **School.**

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 parents and the public agency 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

c: [REDACTED] and [REDACTED]
Barbara VanDyke
[REDACTED]
Anita Mandis

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