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State Superintendent of Schools

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August 27, 2014

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1500 Union Avenue, Suite 2000
Baltimore, Maryland 21211-1982

Mrs. Joan Rothgeb
Director of Special Education
Prince George's County Public Schools
John Carroll Elementary School
1400 Nalley Terrace
Landover, Maryland 20785

RE: XXXXX
Reference: #14-113

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 June 27, 2014, the MSDE received a complaint from Nicole Joseph, Esq., hereafter, “the complainant,” on behalf of Ms. XXXXXXXXXXXX, the parents 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 allegations listed below.

1. The PGCPS did not ensure that proper procedures were followed when using physical restraint with the student on December 17, 2013, in accordance with COMAR 13A.08.04.02, .03, and .05.

2. The PGCPS did not ensure that the IEP team meeting held on January 9, 2014 included the proper participants, in accordance with 34 CFR §300.321 and COMAR 13A.05.01.07 and 13A.08.03.08.
3. The PGCPS did not ensure that the student's parents were provided with written notice of the decisions made at the January 9, 2014 IEP team meeting, in accordance with 34 CFR §300.503.
4. The PGCPS has not ensured that the student's Individualized Education Program (IEP) addresses his academic and social, emotional, behavioral needs since January 9, 2014, in accordance with 34 CFR §§300.101, .320, and .324. Specifically, the complainant alleges that the IEP does not include the following content consistent with the evaluation data:
 - a. Present levels of academic achievement and functional performance that include how the student's disability affects his involvement and progress in the general curriculum;
 - b. Measurable annual goals designed to meet the student's needs that result from the his disability to enable the him to be involved in and make progress in the general education curriculum; and
 - c. The special education instruction and related services and supplementary aids and services to enable the student to achieve the annual IEP goals and make progress in the general education curriculum.
5. The PGCPS has not ensured that the IEP addresses the student's speech/language needs since January 9, 2014, in accordance with 34 CFR §§300.101 and .324.
6. The PGCPS has not ensured that the student has been provided with special education instruction in the educational placement required by the IEP since January 9, 2014, in accordance with 34 CFR §§300. 101 and .323.
7. The PGCPS did not ensure that proper procedures were followed when disciplinarily removing the student from school from January 9, 2014 until the end of the 2013-2014 school year, in accordance with 34 CFR §300.530 and COMAR 13A.08.03.

INVESTIGATIVE PROCEDURES:

1. Ms. Koliwe Moyo, Education Program Specialist, MSDE, was assigned to investigate the complaint.

2. On July 1, 2014, the MSDE, sent a copy of the complaint, via facsimile, to Mrs. Joan Rothgeb, Director of Special Education, PGCPS; Ms. Gail Viens, Deputy General Counsel, PGCPS; and Ms. Kerry Morrison, Special Education Instructional Specialist, PGCPS.
3. On June 18, 2014, Ms. Moyo conducted a telephone interview with the complainant to clarify the allegations to be investigated.
4. On July 18, 2014, the MSDE sent correspondence to the complainant that acknowledged receipt of the complaint and identified the allegations subject to this investigation. On the same date, the MSDE notified the PGCPS of the allegations and requested that the PGCPS office review the alleged violations.
5. On July 21, 2014, the complainant provided the MSDE staff with documentation to be considered related to the allegations being investigated.
6. On August 11, 2014, Ms. Moyo and Ms. Janet Jacobs, Monitoring and Accounting Specialist, MSDE, conducted a site visit at XXXXXXXXXX to conduct a review of the student's educational record, and interviewed Ms. XXXXXXXXXX, Principal and Ms. XXXXXXXXXX, Assistant Principal. Ms. Morrison was present at the document review as a representative of the PGCPS and to provide information on the PGCPS policies and procedures, as needed. On the same date, the PGCPS provided the MSDE with documentation from the student's education record.
7. On August 19, 2014, the PGCPS staff sent documentation related to the allegations being investigated, via electronic mail (email), to the MSDE staff.
8. On August 26, 2014, Ms. Moyo conducted a telephone interview with Mr. XXXXX, XXXXXXXXX, PGCPS Department of Security Services regarding the security services policies and procedures.
9. The MSDE reviewed documentation, relevant to the findings and conclusions referenced in this Letter of Findings, which includes:
 - a. Correspondence and attachments from the complainant to the MSDE, received on June 16, 2014;
 - b. Psychological Assessment Report, dated July 2011 and September 28, 2011;
 - c. Speech and Language Assessment Report, dated September 28, 2011;
 - d. Psychological Assessment Report, dated January 4, 2012;
 - e. IEP, dated December 19, 2012;
 - f. Behavior Intervention Plan (BIP), dated May 7, 2012;
 - g. BIP, revised February 12, 2013;
 - h. IEP team meeting notice, dated December 12, 2013,

- i. IEP, dated January 9, 2014;
- j. Withdrawal, enrollment, and transfer documents, dated December 2 and 5, 2013;
- k. Incident Report, dated December 17, 2013;
- l. Notification Request of Extended Suspension, date December 17, 2013;
- m. Notification of Expulsion, dated April 22, 2014;
- n. Prior Written Notice, dated January 9, 2014;
- o. Manifestation Determination, date January 9, 2014;
- p. BIP, revised January 9, 2014;
- q. IEP team meeting sign-in sheet, dated January 9, 2014;
- r. Reports of the student's progress, dated April 9, 2014 and June 5, 6, and 11, 2014;
- s. Speech/Language services report and related service logs, dated May 2014 – June 2014;
- t. IEP team meeting sign-in sheet, dated June 5, 2014;
- u. Student's report card for the 2014-2014 school year;
- v. IEP team meeting notice, dated June 3, 2014;
- w. IEP, amended June 23, 2014; and
- x. Attendance record from January 13, 2014 until the end of the 2013-2014 school year;
- y. PGCPHS High School Course Descriptions revised for Fall 2013-2014; and
- z. Parent Contact Log maintained during the 2013-2014 school year.

BACKGROUND:

The student is fifteen (15) years old and he is identified as a student with an Emotional Disability under the IDEA and he has an IEP requiring the provision of special education instruction and related services. During the period of time addressed by this investigation, the student's parents participated in the education decision-making process and were provided with written notice of the procedural safeguards.

The student began the 2013-2014 school year at XXXXXXXXXXXXXXXX (XXXXXXXXXX). On December 2, 2013, the student's parents requested that he be transferred to XXXXXXXX XXXXXX, due to concerns about his interactions with other students at the school, and withdrew him from XXXXXXXX. The PGCPHS granted the request for administrative transfer and, on December 5, 2013, the student registered at XXXXXXX HS. The student has attended XXXXXXX since December 2013 (Docs. a, e – j, n – r, and t - w).

ALLEGATION #1: PHYSICAL RESTRAINT

Findings of Facts:

1. On December 17, 2013, a school administrator gave the student a directive to remove his hat, but he did not comply and "became very disrespectful." The school security staff were contacted to assist with the "disturbance" between the school staff member and the

student and escorted the student to the security office. At that time, the security personnel again requested that he remove his hat and the student “lunged toward the staff in an aggressive manner.” In response, another security staff member then “restrained the student after a brief scuffle,” handcuffed him, and placed him under arrest¹ (Docs. a, k and interviews with school staff).

2. Both a school staff member and the complainant report that the student was hit with a chair while he was being restrained in the school security office. However, the documentation of the incident does not include any mention of the use of a chair by security staff during the incident (Docs. a, k, and interviews with school staff).
3. A Security Incident Report that was completed by the school security staff includes a brief narrative about the incident that occurred. The report includes the names of the school security staff that restrained and arrested the student² (Doc. k).
4. The documentation does not include specific information, such as the type of restraint hold that was used with the student, the position of the student’s body, when or how the student’s parents were informed of the use of physical restraint with the student, and the amount of time the student was restrained (Doc. k and review of the educational record).
5. There is no documentation that physical restraint was used with the student on any other occasions during the 2013-2014 school year (Review of the educational record).

Discussion/Conclusions:

Physical restraint means the use of physical force, without the use of any device or material, that restricts the free movement of all or a portion of the student’s body. The use of physical restraint is prohibited in public agencies and nonpublic schools unless there is an emergency situation and physical restraint is necessary to protect a student or another person from imminent, serious physical harm after other less intrusive, nonphysical interventions have failed, or been determined inappropriate. Physical restraint is also permitted if the student’s BIP or IEP describes specific behaviors and circumstances in which physical restraint may be used (COMAR 13A.08.04.02 -.05A(1)(a)).

Physical restraint must be discontinued as soon as the student is calm and its use may not exceed thirty (30) minutes (COMAR 13A.08.04.05A(1)(d)). When utilizing physical restraint, school

¹ In this instance an “investigative counselor” handcuffed and arrested the student. The “investigative counselors” are commissioned and certified police officers with powers of arrest on Board of Education properties only. They are responsible for investigating and prosecuting all criminal acts occurring on school grounds (www.pgcps.org).

² The PGCPS security staff must use the Prince George’s County Police to transport students to the holding area following an arrest because the school security staff do not have transportation services of their own (interview with PGCPS staff).

personnel may not place a student in a face-down position or any other position that will obstruct the student's airway or otherwise impair the student's ability to breathe. School personnel may not place a student in a position that will obstruct a staff member's view of the student's face, restrict the student's ability to communicate distress, or place pressure on the student's head, neck, or torso. School personnel may not straddle the student's torso (COMAR 13A.08.04.05A(1)(e)).

Each time physical restraint is used, school staff must document the incident, which must include specific information about the type of restraint used and the length of time in restraint (COMAR 13A.08.04.05(3)). The parents must also be provided with either verbal or written notification of the incident within twenty-four (24) hours unless otherwise provided for in the IEP or behavior intervention plan (COMAR 13A.08.04.05).

Based on the Finding of Fact #1 - #5, the MSDE finds that there is documentation that physical restraint was used to protect other staff members from physical injury during an emergency situation that arose on December 17, 2013 after he was escorted to the security office. However, based on the Finding of Fact #1 - #5, the MSDE further finds that there is no documentation that the physical restraint was used in accordance with State requirements, including provision of notice to the student's parents of the use of restraint with the student, the type of restraint that was used, and the length of time the student was restrained. Therefore, the MSDE finds that a violation occurred with respect to this allegation.

ALLEGATION #2: PARTICIPANTS AT THE JANUARY 9, 2014 IEP TEAM MEETING

Findings of Facts:

6. At the January 9, 2014, IEP team meeting, the team included the student, the student's father, a pupil personnel worker from the PGCPs Central Office, the school psychologist, the school counselor, and two individuals who served as the student's special education teachers from XXXXXXXX (Doc. i).
7. There is no documentation that a general education teacher who taught the student from either school was invited to, or participated in, the IEP team meeting nor is there documentation that the speech/language therapist responsible for providing the student with speech/language services participated or attended the meeting even though meeting was also convened to conduct the annual review of the student's IEP (Docs. h, i, and review of the educational record).
8. There is no documentation indicating that the student's parents and the public agency agreed that members of the team could be excused from attending the IEP team meeting (review of the educational record.).

Discussion/Conclusions:

The IEP team must include at least one (1) special education teacher of the student and not less than one (1) regular education teacher of the student if the student is, or may be, participating in the general education environment (34 CFR §300.321). The United States Department of Education, Office of Special Education Programs (OSEP) emphasizes that it is the public agency that determines the specific personnel to fill the roles for the public agency's required participants at an IEP team meeting. The only direction the OSEP gives is that this individual must be someone who "is or may be responsible for implementing a portion of the IEP so that the teacher can participate in discussions about how best to instruct the child" (Analysis of Comments and Changes to IDEA, *Federal Register*, Vol. 71, No. 156, pp.46674-5, August 14, 2006).

A member of the IEP team is not required to attend an IEP team meeting, in whole or in part, if the parents and the public agency agree, in writing, that the attendance of that member will not be necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. A member of the IEP team may be excused from attending the IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services if the parents, in writing, and the public agency consent to the excusal and the member submits written input to the parents and the public agency prior to the meeting (34 CFR §300.321).

Based on the Findings of Facts #6 - #8, the MSDE finds the IEP team did not include all of the required team members because neither a general education teacher of the student nor the speech/language therapist participated in the meeting and there is no documentation that the student's parents agreed to the excusal of the general education teacher or speech/language therapist from the meeting. Therefore, this office finds that a violation occurred with respect to this allegation.

ALLEGATION #3: PROVISION OF WRITTEN NOTICE OF THE IEP TEAM'S DECISIONS FROM THE JANUARY 9, 2014 IEP MEETING

Findings of Facts:

9. The parent contact log which was maintained by the school staff from the start of the 2013-2014 school year until June 9, 2014, includes information about phone calls made to the student's parents as well as correspondence that was sent by school staff to the student's parents. However, there is no documentation included in the log indicating if the student's parents were provided with written notice of the decisions made at the January 9, 2014 IEP team meeting, nor is there any other documentation in the educational record indicating that written notice was provided to the student's parents (review of educational record).

Discussion/Conclusions:

Written notice must be provided to parents before the public agency proposes or refuses to initiate or change the identification, evaluation, or educational placement of a student or the provision of a Free Appropriate Public Education (FAPE) to the student. The written notice must include a statement of the action proposed or refused, an explanation of the basis for the decision, a description of the data used in making the decision, a description of other options considered, and information on where the parents can obtain assistance in understanding the information provided (34 CFR §300.503).

Based on the Finding of Fact #9, the MSDE finds that there is no documentation that the student's parents was provided with written notice of the team's decisions. Therefore, the MSDE finds that a violation occurred with respect to this allegation.

ALLEGATION #4: ADDRESSING THE STUDENT'S ACADEMIC AND SOCIAL/EMOTIONAL/BEHAVIORAL NEEDS SINCE JANUARY 9, 2014

Findings of Facts:

Social, Emotional, and Behavioral Needs

10. The IEP reviewed at the January 9, 2014 IEP team meeting contains present levels of performance which identify social, emotional, and behavioral needs related to social skills, adaptability, exhibiting inappropriate behaviors, and difficulty with self-advocacy to issues with attendance and completing assignments (Docs. e and i).
11. At the January 9, 2014, IEP team meeting, the team discussed the student's continued behavioral concerns and reviewed his Functional Behavioral Assessment (FBA) and Behavioral Intervention Plan (BIP). Despite these concerns, the IEP team did not revise the IEP. The team indicates in the written notice of the meeting that the BIP needs to be "updated" to address the student's behaviors since transferring to XXXXXX HS. However, on the same document, the team also indicated that the BIP would continue to be implemented in its current form to determine if it addresses the student's behavioral needs (Docs. e, g, and p).

Reading, Math, and Written Language Needs

12. At the January 9, 2014, IEP team meeting the team reviewed the present levels of performance which identify needs in the areas of reading comprehension, math problem solving, and written language mechanics. The team reviewed the instructional and testing accommodations and a supplementary aid and support which requires providing

the student with frequent and immediate feedback to assist him with remaining on task while completing assignments (Doc i).

13. The annual goal included in the IEP to assist the student with improving his reading skills, does not provide information about the activities the student will use to demonstrate that he is making progress toward achieving the goal and the objectives (Doc. i).
14. The annual goals included in the IEP state that the student's progress will be measured by the percentage of accuracy he demonstrates while participating in particular activities on a specified number of occasions. The IEP also indicates that the data that will be used to measure progress on the goals will be obtained from classroom based assessments and classroom observations (Doc. i).
15. The reports of the student's progress towards achieving the annual IEP goals do not consistently reflect that progress is being measured as described in the IEP, and there is no documentation of the collection of the data that the IEP indicates will be used in order to determine the student's progress (Docs. i, r, and review of the educational record).
16. The IEP indicates that the student will receive special education instruction in "Reading and Written Language" from the special education teacher, general education teacher, or a speech/language pathologist "outside the general education" classroom. However, the IEP also states that the least restrictive environment (LRE) in which the student can receive special education instruction in "Math and English/Language Arts" is in the general education classroom using a "co-teaching model" (Docs. e and i).

Discussion/Conclusions:

In order to provide a student with a FAPE, the public agency must ensure that an IEP is developed that includes a statement of the student's present level of academic achievement and functional performance, including how the disability affects the student's progress in the general curriculum, which is based on the evaluation data. The IEP must also include measurable annual goals designed to meet the needs that arise out of the student's disability, and the special education instruction and related services required to assist the student in achieving the goals (34 CFR §§300.101 and 320).

Therefore, in order to ensure that the IEP is designed to provide the student with the special education instruction and related services needed to enable the student to make progress in the general curriculum, the annual IEP goals must be aligned with the student's present level of academic achievement and functional performance (34 CFR §§300.101, .320 and Analysis of Comments and Changes to the IDEA Regulations Fed. Reg., Vol. 71, No. 156, August 14, 2006 p. 46662). In order to ensure that the student receives the services required, the IEP must be written in a manner that is clear to all who are involved in its development and implementation

(Analysis of Comments and Changes, Federal Register, Vol. 64, No. 48, p.12479, March 1999 and 34 CFR §§300.101 and 323 and COMAR 13A.05.01.09D(5).

Social, Emotional, and Behavioral Needs

Based on the Findings of Facts #10 and #11, the MSDE finds that the team indicated that the student continued to display interfering behaviors. However, based on the Finding of Fact #11, the MSDE finds that the team did not make any revisions to the student's IEP or BIP to address these behaviors. Therefore, the MSDE finds that a violation occurred with respect to this aspect of the allegation.

Reading, Math, and Written Language Needs

Based on the Finding of Fact #12, the MSDE finds that the IEP does not clearly state the activities that will be used to measure the student's progress toward achieving the all of the annual goals. Based on the Findings of Facts #12 - #16, the MSDE finds that the IEP does not include a clear statement of how the student's progress towards achievement of the annual IEP goals will be measured, which is clear to those with the responsibility for implementing the IEP. Therefore, this office finds that a violation occurred with respect to this aspect of the allegation.

ALLEGATION #5: ADDRESSING THE STUDENT'S SPEECH LANGUAGE NEEDS SINCE JANUARY 9, 2014

Findings of Facts:

17. The IEP in effect when the student transferred into the XXXXXXXXX was dated December 19, 2012 and required that the student be provided with thirty (30) minutes per month of speech/language therapy (Doc. e).
18. On January 9, 2014 the IEP team convened and reviewed the student's program, including his articulation needs. The team noted that because of his "excessive absenteeism," he has been unable to benefit from speech/language therapy. No changes were made to the student's speech/language services at the IEP meeting (Docs. e and i).
19. Although the student continued to require thirty (30) minutes per month of speech/language therapy, there is documentation that the student did not receive any speech/language therapy services until May 2014 (Doc. s and review of the educational record).

Discussion/Conclusions:

In order to provide a student with a FAPE, the public agency must ensure that the student is provided with the special education instruction and related services required by the IEP (34 CFR §§300.101, .323, and.324).

In this case, the complainant alleges that the student's speech/language needs were not being addressed because the speech/language services were reduced when the student transferred schools, in December 2013. Based on the Findings of Facts #17 and #18, the MSDE finds that there is no documentation that the IEP team reduced the speech/language services to be provided to the student.

However, based on the Finding of Fact #19, the MSDE finds that the student was not provided with the speech/language services required by the IEP. Therefore, this office finds that a violation occurred with respect to the allegation.

ALLEGATION #6: PROVISION OF SPECIAL EDUCATION INSTRUCTION IN THE PLACEMENT REQUIRED BY THE IEP

Findings of Facts:

20. The IEP in effect when the student transferred to XXXXXX in December 2013 required that the student be provided with special education instruction for six (6) hours per week "outside the general education" classroom in reading and written language. There is no additional information to clarify the manner in which the services will be delivered to the student following the information regarding the type, location, and amount of services to be provided (Doc. e).
21. The same IEP document also states that the Least Restrictive Environment (LRE) in which the student can receive special education instruction is the general education classroom with supports. The document further indicates that the student will receive special education instruction in math and English/language arts in a "co-teaching" classroom. However, the IEP also includes information that the student will spend thirteen (13) hours and thirty (30) minutes per week "outside of the general education" classroom (Doc. e).
22. At the January 9, 2014 IEP team meeting, the team revised the student's IEP to include information that the student would receive special education instruction in reading and written language in the "co-taught continuum." However, the IEP continues to reflect the location of services as "outside the general education" classroom (Docs. i).
23. At the January 9, 2014 IEP meeting, the team revised the LRE to reflect that the student would only receive services in the general education classroom with supports. However, the student's class schedule indicates that the student received special education instruction in English/Language Arts, Science, and government in a "co-teaching" classroom. The student also received support in an "academic resource class," which was provided in a separate special education classroom to provide the student assistance with his work (Docs. i and y).

Discussion/Conclusions:

Each public agency must ensure that each student with a disability receives the special education instruction and related services required by the IEP. In order to ensure that the student receives the services required, the IEP must be written in a manner that is clear to all who are involved in its development and implementation (Analysis of Comments and Changes, Federal Register, Vol. 64, No. 48, p.12479, March 1999 and 34 CFR §§300.101 and 323 and COMAR 13A.05.01.09D(5)).

Based on the Findings of Facts #20 - #23, the MSDE finds that the IEP is not written clearly with respect to the manner, location, or the amount of special education instruction to be provided to the student. Therefore, this office finds that the PGCPs has not ensured that the student's IEP is written clearly and as a result, finds a violation with respect to this allegation.

ALLEGATION #7: DISCIPLINARY PROCEDURES FROM JANUARY 2013 UNTIL THE END OF THE 2013-2014 SCHOOL YEAR

Findings of Facts:

24. The student's attendance record for the 2013-2014 school year is not complete and there is no documentation of attendance prior to December 17, 2013 (Docs. x).
25. There is no documentation that a discipline log has been maintained to track the student's discipline removals during the 2013-2014 school year (Review of the educational record).
26. On December 17, 2013, the student was disciplinarily removed from school for ten (10) school days (Docs. k and o).
27. On January 9, 2014, the IEP team convened to discuss the student's behavior that resulted in the disciplinary removal. At the meeting, the team determined that the student's behavior was a result of his disability and determined that he could return to school the following day (Doc. o).
28. On April 22, 2014, there is documentation indicating that the school staff made a request to the Office of the Superintendent that the student be "permanently removed" from the school due to an incident related to the use of an illegal substance. However, there is no documentation of the outcome of this request and the student's attendance record documents that the student continued to attend school after April 22, 2014 (Doc. m and review of the educational record).

Discussion/Conclusions:

The IDEA and COMAR provide protections to students with disabilities who are removed from school in excess of ten (10) school days in a school year (34 CFR §300.530). In order to ensure that students are provided with disciplinary removal protections and special education services in accordance with the requirements of IDEA, each public agency must accurately record information, including student attendance and disciplinary removals, as specified in the Maryland Student Records System Manual (COMAR 13A.08.02.04).

Based on the Findings of Facts #24 - #28, the MSDE finds that there is no documentation ensuring that the school system has maintained accurate records of the student's attendance and disciplinary removals, which is required in order to ensure that the student will be provided with the protections afforded by the IDEA if he is disciplinarily removed for more than ten (10) days in a school year. Therefore, the MSDE finds that a violation occurred with regard to this allegation.

CORRECTIVE ACTIONS/TIMELINES:

Student-Specific

The MSDE requires that the PGCPS convene an IEP team meeting no later than September 30, 2014 and review the IEP to identify the student's needs, revise the IEP as necessary, and ensure that it is written in a manner that can be understood by all who are required to provide the student with special education instruction and related services. The team must also determine the services necessary to compensate the student for the loss of services during the 2013-2014 school resulting from the violations identified in this Letter of Findings.

The PGCPS must provide to the MSDE, by November 1, 2014 documentation that the above actions have been taken and that the IEP team has determined the services to be provided to the student to remediate the loss of services during the 2013-2014 school year within one (1) year of the date of this Letter of Findings.

The PGCPS must provide the student's parents with proper written notice of the determinations made at the IEP team meeting, including a written explanation of the basis for the determinations, as required by 34 CFR §300.503. If the parents disagree with the IEP team's determinations, they maintain the right to request mediation or to file a due process complaint, in accordance with the IDEA.

School-Based

The MSDE requires the PGCPS provide documentation by January 1, 2015, of the steps it has taken to determine if the violations identified in the Letter of Findings are unique to this case or if they represent a pattern of noncompliance at XXXXXXXX and XXXXXXXX. Specifically, the

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school system is required to conduct a review of student records, data, or other relevant information to determine if the regulatory requirements are being implemented and must provide documentation of the results of this review to the MSDE. If the school system reports compliance with the requirements, the MSDE staff will verify compliance with the determinations found in the initial report.

If the school system determines that the regulatory requirements are not being implemented, the school system must identify the actions that will be taken to ensure that the violations do not recur. The school system must submit a follow-up report to document correction within ninety (90) days of the date of its determination.

Upon receipt of this report, the MSDE will verify the data to ensure continued compliance with the regulatory requirements, consistent with the requirements of the US Department of Education, Office of Special Education Programs. Additionally, the findings in the Letter of Findings will be shared with the MSDE's Policy and Accountability Branch for its consideration during present or future monitoring of the PGCPS.

Documentation of all Corrective Actions taken is to be submitted to this office to the attention of the Chief of the Family Support and Dispute Resolution Branch, Division of Special Education/Early Intervention Services, MSDE.

TECHNICAL ASSISTANCE:

Technical assistance is available to the complainant and the PGCPS by the Family Support and Dispute Resolution Branch, MSDE. This office may be contacted at (410) 767-7770.

Please be advised that both the complainant and the PGCPS have the right to submit additional written documentation to this office, which must be received within fifteen (15) days of the date of this letter, if they disagree with the findings of facts or conclusions reached in this Letter of Findings. The additional written documentation must not have been provided or otherwise available to this office during the complaint investigation and must be related to the issues identified and addressed in the Letter of Findings.

If additional information is provided, it will be reviewed and the MSDE will determine if a reconsideration of the conclusions is necessary. Upon consideration of this additional documentation, this office may leave its findings and conclusions intact, set forth additional findings and conclusions, or enter new findings and conclusions. Pending the decision on a request for reconsideration, the school system must implement any corrective actions consistent with the timeline requirements as reported in this Letter of Findings.

Questions regarding the findings, conclusions and corrective actions contained in this letter should be addressed to this office in writing. The complainant and the school system maintain the right to request mediation or to file a due process complaint, if they disagree with the

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identification, evaluation, placement, or provision of a 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 Special Education/
Early Intervention Services

MEF/km

c: Kevin W. Maxwell
Monique Whittington Davis
Gail Viens
LaRhonda Owens
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