



October 17, 2014

XXX
XXX
XXX
XXX

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

RE: XXXX
Reference: #15-011

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 August 26, 2014, the MSDE received a complaint from Mr. XXXXXXXXXXXXX, hereafter, “the complainant,” on behalf of his 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 allegations listed below:

1. The PGCPS has not ensured that the student has been consistently provided with transportation services, as required by the Individualized Education Program (IEP), since August 26, 2013, in accordance with 34 CFR §§300.101 and .323. The complainant specifically alleged:

XXX

Mrs. Joan Rothgeb

October 17, 2014

Page 2

- a. The student has not been provided with transportation services during times when his safety could not be ensured due to the lack of support to address his behavioral needs during transportation;
 - b. The student has not been provided with transportation services as a result of changes made to the bus schedule without prior notification to the complainant;
 - c. The student has lost instruction because the bus has not consistently transported him to school in time for the beginning of instruction at the start of the school day; and
 - d. The complainant was informed that it is the school system's policy to provide transportation for students placed in nonpublic schools only for the time period in which the public schools are open, even when this is inconsistent with the school day schedule for the nonpublic schools.
2. The PGCPs has not ensured that the student has been provided with a safety vest during transportation, as required by the IEP, since June 2, 2014, in accordance with 34 CFR §§300.101 and .323.
 3. The PGCPs has not ensured that proper procedures were followed to provide the complainant with access to the student's educational record since May 2014, in accordance with 34 CFR §300.613.

INVESTIGATIVE PROCEDURES:

1. On August 26, 2014, the MSDE sent a copy of the complaint, via facsimile, to Mrs. Joan Rothgeb, Director of Special Education, PGCPs; Ms. LaRhonda Owens, Supervisor of Compliance, PGCPs; Ms. Gail Viens, Deputy General Counsel, PGCPs; and Ms. Kerry Morrison, Special Education Instructional Specialist, PGCPs.
2. On August 28, 2014, Ms. Anita Mandis, Section Chief, Complaint Investigation Section, MSDE, conducted a telephone interview with the complainant to clarify the allegations to be investigated.
3. On September 2 and 8, 2014 and October 13 and 14, 2014, the complainant provided the MSDE with documentation to consider.
4. On September 4, 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 review the alleged violations.

XXX

Mrs. Joan Rothgeb

October 17, 2014

Page 3

5. On September 5, 2014, Dr. Kathy Aux, State Complaint Investigator Consultant, MSDE, requested documents from the PGCPS.
6. On September 18, 2014, Dr. Aux reviewed the student's educational record at the PGCPS Central Office. Ms. Morrison and Ms. Angela Tolson, Nonpublic Specialist, PGCPS, attended the record review as a representative of the PGCPS.
7. On September 26, 2014, Dr. Aux and Ms. Sandi Marx, State Complaint Investigator Consultant, MSDE, conducted a site visit at the XXXXXXXXXXXXXXXXXXXXXXXXXXXX to obtain additional documents to complete the investigation. Ms. Morrison and Ms. Tolson attended the site visit, along with the following XXXXXXXXXXXXXXXXXXXX XXXXXXXX staff: Ms. XXXXXXXX, Social Worker; Mr. XXXXXXXXXXX, Education Director; Ms. XXXXXXXXXXX, Behavior Resources Coordinator; Ms. XXXXXXXXXXX, Assistant Principal; and Ms. XXXXXXXXXXX, Manager, XXXXXXX.
8. The MSDE reviewed documentation, relevant to the findings and conclusions referenced in this Letter of Findings, which includes:
 - a. IEP, dated November 12, 2012;
 - b. IEP, dated January 15, 2013;
 - c. Electronic mail (email) messages between the complainant and the school system staff, dated between January 17, 2013 and February 28, 2013;
 - d. Correspondence from the XXXXXXXXXXXXXXXXXXXXXXXXXXXX staff to the complainant, dated February 22, 2013;
 - e. Registration forms signed by the complainant and dated February 26, 2013;
 - f. The general PGCPS Administrative Procedures, dated July 1, 2013;
 - g. The PGCPS Transportation Department Administrative Procedures, dated August 2013;
 - h. IEP, dated September 26, 2013;
 - i. Documentation of bus referrals received by the XXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXX staff as a result of the student's behavior, dated May 8, 9, 16, and 19, 2014;
 - j. Email messages between the complainant and the XXXXXXXXXXXXXXXXXXXX staff, dated May 15 and 16, 2014;
 - k. Email messages between the complainant and the XXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXX staff, dated May 27, 2014;
 - l. Correspondence from the XXXXXXXXXXXXXXXXXXXX staff to the complainant, and copied to the school system, dated June 30, 2014;
 - m. Email message from the complainant to the PGCPS staff, dated July 3, 2014;
 - n. Correspondence from the complainant to the PGCPS Nonpublic Coordinator, dated July 22, 2014;
 - o. Email messages between the complainant and the XXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXX staff, dated from August 25, 2014 through September 9, 2014;
 - p. Correspondence from the complainant alleging violations of the IDEA, received by the MSDE on August 26, 2014;
 - q. IEP, dated September 16, 2014;

XXX

Mrs. Joan Rothgeb

October 17, 2014

Page 4

- r. Email messages among the PGCPS staff, dated September 19, 2014;
- s. The student's schedule for the 2013-2014 and 2014-2015 school years;
- t. The student's attendance data for the 2013-2014 and 2014-2015 school years;
- u. Speech/language therapy provider's log of the provision of services to the student during the 2013-2014 and 2014-2015 school years;
- v. XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX 2014-2015 Student Academic Calendar; and
- w. XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX Home Handbook for the 2014-2015 school year.

BACKGROUND:

The student is nine (9) years old, is identified as a student with Autism under the IDEA, and has an IEP that requires the provision of special education and related services. He attends The XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX, a nonpublic, separate, special education school, where he was placed by the PGCPS (Docs. a, b, d, e, h, and s - u).

During the time period covered by this investigation, the complainant was provided with notice of the procedural safeguards (Docs. a, b, h, and q).

ALLEGATIONS #1 AND #2 CONSISTENT PROVISION OF TRANSPORTATION SERVICES SINCE AUGUST 26, 2013 AND THE PROVISION OF A SAFETY VEST SINCE JUNE 2, 2014

FINDINGS OF FACTS:

IEP Requirements

1. On March 11, 2013, the student, who resides with the complainant in Prince George's County, was placed by the PGCPS at XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX, a nonpublic, separate, special education school that is located in Baltimore City. This placement was made as a result of a decision made by the IEP team on January 15, 2013 that the IEP would be implemented in a nonpublic separate special education school (Docs. b, d, e, and p).
2. While the IEP does not reflect that the student requires the provision of special education and related services through an eleven (11) month program, he is participating in an eleven (11) month educational program at the XXXXXXXXXXXXXXXXXXXXXXX XXXXX (Docs. b, m, q, and v).
3. While the IEP states that the student requires twenty-nine and one-half (29.5) hours of special education services per week, it also states that he requires thirty (30) hours of special education services per week. The student's class schedule reflects that the school operates for only one half (.5) of a day on Wednesdays, and the school calendar reflects

that the school operated only four (4) days per week during the Summer Session at the start of the 2014-2015 school year (Docs. b, m, q, s, and v).

Ensuring the Student's Safety During Transportation

4. There is documentation that, following the January 15, 2013 IEP team meeting, the complainant expressed concerns to the school system staff about the need to address the student's behavior on the bus in order to ensure that he could be safely transported to the school¹ (Doc. c).
5. On February 11, 2013, the school system staff agreed to amend the IEP without convening an IEP team meeting to include preferential seating and adult supervision on the bus in order to address the complainant's concerns (Doc. c).
6. On February 18, 2013, the complainant explained to the school system staff that the student unbuckles his seatbelt and gets out of his seat while riding in the car with his parents, and requested that additional supports be provided to ensure that the student is secured in his seat during bus transportation (Doc. c).
7. On February 19, 2013, the school system staff replied to the complainant that they could not consider his request because there was no data that the preferential seating and adult supervision were insufficient to ensure the student's safety on the bus. The school staff instructed the complainant to request an IEP team meeting to consider the provision of additional support if the supports added on February 11, 2013 proved to be ineffective once the student began riding the bus (Doc. c).
8. The student's bus driver provided the complainant with copies of six (6) bus referrals that she made between May 8, 2014 and May 19, 2014 as a result of the student demonstrating unsafe behavior on the bus, such as climbing out of his seat. Some of these referrals are numbered. A May 8, 2014 referral reflects that it was the fourth (4th) referral made. The bus driver has not provided the complainant with copies of the first (1st) three (3) referrals that were made prior to the May 8, 2014 referral, and the school staff and the PGCPs staff report that they do not have a record of the referrals made prior to May 8, 2014 (Docs. k, i, and interviews with the school and school system staff).
9. Each of the six (6) bus referrals received by the complainant reflects that the school administration notified the student's therapist in response to the referral (Doc. i).
10. The PGCPs Nonpublic Office staff report that, while they informed the XXXXXXXX XXXXXXXXXXXXXXXXXXXX staff that they expect to be notified of bus referrals that are made, they were not aware of the bus referrals until the complainant expressed concerns

¹ At that time, the complainant was providing transportation due to the complainant's concerns about the student's safety on the bus. However, the plan was for the student to begin receiving bus transportation services (Docs. c and p).

about the situation on July 22, 2014. However, on June 2, 2014, the IEP was amended by the agreement of the parties without convening the IEP team to require that the student be provided with a safety vest during transportation to and from school (Docs. n, p, q, and interviews with the school system staff).

11. There is no documentation that XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX staff have been notified of the expectation to inform the PGCPs Nonpublic Office staff of bus referrals.
12. The PGCPs Administrative Procedures require bus drivers to complete bus referrals when students demonstrate inappropriate behavior on the bus and to submit them to the school administration. The school principal or designee is responsible for taking action and informing the bus drivers of the action taken. If, after three (3) bus referrals are made, no action is taken by the school administration, the supervisor of the bus lot is to contact the bus lot foreman and transportation supervisor to seek assistance. However, there is no documentation that these steps were taken (Docs. f and g).

Consistent Provision of Transportation to the Student

13. On February 22, 2013, XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX staff sent the complainant correspondence indicating that school starts at 7:55 a.m. and ends at 2:20 p.m. The student's schedule reflects that from 7:55 a.m. to 8:30 a.m., the student works with school staff on getting settled, addressing any hygiene needs, and working on IEP goals, as needed. However, XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX staff report that the bus drop off time in the morning is between 7:55 a.m. and 8:20 a.m. (Docs. d, s, w, and interviews with the school staff).
14. Neither the school staff nor the transportation staff maintain documentation of the actual times when buses arrive at the school in the morning (Doc. r and interviews with the school and the school system staff).
15. The student's attendance data reflects that, between August 26, 2013 and July 27, 2014, he was tardy for school on twelve (12) occasions, and that he was absent from school on three (3) days due to lack of transportation (Doc. t).
16. On June 30, 2014, The XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX staff provided information to the PGCPs about the student's absences due to lack of transportation during the 2013-2014 school year (Doc. l).
17. The XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX staff have documented that, since the start of the 2014-2015 school year on July 1, 2014, the student has arrived to school after the start of the school day on four (4) days (Doc. t).

Timely Provision of Information to the Complainant About the Transportation Schedule

- 18. The PGCPS Administrative Procedures state that parents are contacted by telephone the week before school begins with information about the bus schedules (Docs. f and g).
- 19. On July 3, 2014, the complainant sent an email message to the PGCPS staff complaining that the student has had to wait for the bus between one and one half hours (1.5) and two (2) hours. In that email message, the complainant also informed the school system staff that he had been receiving conflicting information by telephone about the bus schedule, and he requested clarification in writing. However, there is no documentation that the school system staff responded to the complainant (Doc. m).

Consistent Provision of Transportation to Students Placed by the PGCPS in Nonpublic Schools

- 20. The PGCPS Administrative Procedures state that students are not provided with transportation to nonpublic schools when the PGCPS schools are not in operation due to reasons such as inclement weather (Docs. f and g).
- 21. XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX follows the Baltimore City Public Schools (BCPS) schedule in the event of inclement weather since the school is located in Baltimore City. The BCPS schedule is not always consistent with that of the PGCPS. When XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX is open but the PGCPS is closed, parents are required to transport students to The XXXXXXXXXXXXXXXXXXXXXXXX (Doc. w and interviews with the school staff).

Provision of the Safety Vest to the Student

- 22. There is documentation that a safety vest that was agreed upon on June 2, 2014 was made available for the student's use on August 29, 2014. However, there is documentation that the complainant subsequently expressed concern to the school staff that the safety vest does not properly fit the student, and there is no evidence that the matter has been resolved (Doc. o).

DISCUSSION/CONCLUSIONS:

Allegation #1 Consistent Provision of Transportation Since August 26, 2013

The IDEA requires that a Free Appropriate Public Education (FAPE) be provided to students with disabilities. This is achieved through the development and implementation of an IEP that requires the provision of special education and related services that are designed to meet the needs that result from each student's disability. In the case of a student whose behavior interferes with his learning or the learning of others, the public agency must ensure that the IEP team considers positive behavioral interventions and supports to address the behavior (34 CFR §§300.101, .103, .320, and .323).

XXX

Mrs. Joan Rothgeb

October 17, 2014

Page 8

The special education services that are provided are to be based on the decisions made by the IEP team about the student's individual needs and not solely on factors such as the configuration of the service delivery system, availability of staff, or administrative convenience. When developing the IEP, the IEP team must consider the most recent evaluation data, information about the student's classroom performance, and parent concerns about the student's education (34 CFR §§300.101, .320, .323, and .324).

The public agency must ensure that the IEP team reviews the IEP periodically, but not less than annually, to determine whether the annual goals are being achieved. In addition, the public agency must ensure that the IEP team reviews and revises, as appropriate, the IEP to address any information from the parents and the student's anticipated needs (34 CFR §300.324).

The United States Department of Education, Office of Special Education Programs (OSEP), requires that, during the investigation of an allegation that a student has not been provided with an appropriate educational program under the IDEA, the State Educational Agency (SEA) review the procedures that were followed to reach determinations about the program. The SEA must also review the evaluation data to determine if decisions made by the IEP team are consistent with the data. While the SEA may not overturn the IEP team's decisions, when it is determined that the public agency has not followed proper procedures, the SEA may require the public agency to ensure that the IEP team follows proper procedures to review and revise, as appropriate, the program to ensure that it addresses the needs identified in the data. (OSEP Letter #00-20, July 17, 2000 and *Analysis of Comments and Changes to the IDEA*, Federal Register, Vol. 71, No. 156, p.46601, August 14, 2006).

Based on the Findings of Facts #1 and #4 - #12, the MSDE finds that, despite information provided by the complainant in the past about the student's anticipated safety needs, and the fact that the student demonstrated unsafe behaviors on the bus from at least the beginning of May 2014,² the PGCPSS did not ensure that the student's need for specialized equipment during transportation was addressed until June 2014.

A FAPE means that special education and related services are provided at public expense without charge to parents (34 CFR §300.17). Related services includes transportation and such developmental, corrective, and other supportive services that are required to assist a student to benefit from special education (34 CFR §300.34). Therefore, each local education agency must provide or arrange for the transportation of each student with a disability who is placed in a nonpublic school through a decision of the IEP team (Md. Educ. Code Ann. §8-410).

Based on the Findings of Facts #15 - #21, the MSDE finds that the PGCPSS has not ensured that the student has been provided with bus transportation on a consistent basis.

² Although the documentation reflects that the PGCPSS did not ensure that the IEP team considered the concerns about the student's anticipated need for specialized equipment during transportation, which had been expressed by the complainant in the past, these events took place more than one (1) year before the State complaint was filed. Therefore, they may not be addressed through the State complaint investigation procedure.

XXX

Mrs. Joan Rothgeb

October 17, 2014

Page 9

Based on the Findings of Facts #13 - #15, and #17, the MSDE further finds that when bus transportation has been provided, the student has not been consistently transported to school in a timely manner.

In addition, based on the Findings of Facts #20 and #21, the MSDE finds that the PGCPS has not ensured that transportation services are consistently available at public expense to students with disabilities who are placed by the school system in nonpublic schools. Therefore, this office finds that violations have occurred with respect to the allegation.

Allegation #2 Provision of a Safety Vest since June 2, 2014

As stated above, the public agency is required to ensure that the student is provided with the special education services required by the IEP (34 CFR §§300.101, .320, and .323).

Based on the Findings of Facts #10 and #22, the MSDE finds that the student has not been provided with safety equipment during transportation in a timely manner and that a violation occurred with respect to the allegation.

ALLEGATION #3 ACCESS TO THE EDUCATIONAL RECORD SINCE MAY 2014

FINDINGS OF FACTS:

23. There is documentation that, on May 15, 2014, the complainant requested copies of the three (3) bus referrals made prior to May 8, 2014 that had not been provided by the bus driver (Doc. j).
24. There is no documentation that the complainant has received a response to his request (Review of the educational record).

DISCUSSION/CONCLUSIONS:

The IDEA requires that each public agency permit parents to inspect and review any educational records regarding their children that are “collected, maintained, or used by the agency,” consistent with the requirements of the Family Educational Rights and Privacy Act (FERPA) (34 CFR §99.10 and 34 CFR §300.613). The public agency must comply with a request for access to the educational record without unnecessary delay, and before any meeting regarding an IEP, or any due process hearing or resolution session. However, in no case should the response be provided more than 45 days after the request has been made (34 CFR §300.613).

Based on the Findings of Facts #8, #23, and #24, the MSDE finds that the PGCPS has not responded to the complainant's request in a timely manner. Therefore, this office finds that a violation occurred with respect to the allegation.

ADDITIONAL ISSUES: THE FOLLOWING ISSUES WERE IDENTIFIED DURING THE COURSE OF THE INVESTIGATION:

IEP Content and Implementation

As stated above, the public agency is required to ensure that the student is provided with the special education services required by the IEP. In order to do so, the IEP must contain a statement of the special education and related services that are required that is written in a manner that is clear to those individuals who developed and have responsibility for implementation of the IEP (34 CFR §§300.101, .320, and .323).

Based on the Findings of Facts #1 - #3 and #13, the MSDE finds that the PGCPS has not ensured that the IEP is written clearly with respect to the amount of special education and related services required in order to make sure that the student is provided with those services in accordance with the IEP team's decisions. Therefore, this office finds that a violation has occurred since August 26, 2013.³

Records Maintenance

Student records provide information about a student's academic and functional performance. Therefore, the proper maintenance of these records is necessary to ensure that accurate information is available to plan for a student's education. The IDEA requires that all student educational records are be maintained in accordance with the Family Educational Rights and Privacy Act (FERPA) (34 CFR §§300.610 - .627).

In order to ensure proper student records management, the local public agencies in Maryland are required to maintain educational records consistent with the Maryland Student Records System Manual (COMAR 13A.08.02.01 and .02). The Maryland Student Records System Manual requires that records, including those related to attendance and discipline, be maintained in the educational record (*Maryland Student Records System Manual*, 2011).

Based on the Finding of Fact #8, the MSDE finds that the PGCPS has not ensured that information has been maintained in the educational record, as required. Therefore, this office finds that a violation has occurred.

³ While the IEP was developed on January 15, 2013, the violation can only be addressed through the State complaint procedure for the time period of one (1) year prior to the filing of the State complaint.

CORRECTIVE ACTIONS/TIMELINES:

Student-Specific

The MSDE requires the PGCPS to provide documentation, by November 1, 2014, that the student has been provided with the use of an appropriate safety vest for bus transportation.

The MSDE also requires the PGCPS to provide documentation, by December 1, 2014, that the following actions have been taken:

- a. The student is being provided with bus transportation on a consistent basis and that he is being transported to and from school in a timely manner;
- b. The IEP team, including an administrator from the nonpublic school, has reviewed and revised the IEP to ensure that it is written clearly with respect to the amount of special education and related services that the student requires;
- c. The complainant has been provided with a written response to his request for access to records; and
- d. That the complainant has been reimbursed for any expenses incurred in the provision of transportation for the student since August 26, 2013.

The MSDE requires the PGCPS to provide documentation, by February 1, 2015, that the IEP team, including an administrator from the nonpublic school, has taken the following action:

- a. Determined the student's present levels of functioning and performance;
- b. Determined the levels of functioning and performance that were expected to have been demonstrated by that time;
- c. Determined the services needed to remediate the violations identified in this investigation; and
- d. Developed a plan for the implementation of the services within a year of the date of this Letter of Findings.

The PGCPS must ensure that the IEP team considers the difference between the student's present and expected levels of performance when determining the services needed to remediate the violations.

Similarly-Situated Students

The MSDE requires the PGCPS to provide documentation, by February 1, 2015, that it has identified similarly-situated students that have been placed in nonpublic separate special

XXX

Mrs. Joan Rothgeb

October 17, 2014

Page 12

education schools by the school system, and that the parents of each student that is identified are reimbursed for any expenses incurred in providing transportation services since August 26, 2013.

The PGCPS must also provide documentation that for each student identified, an IEP team has been convened and taken the following action:

- a. Reviewed and revised the IEP, as appropriate, to ensure that it addresses the student's transportation needs and is written clearly with respect to the amount of special education and related services that the student requires;
- b. Determined the student's present levels of functioning and performance;
- c. Determined the levels of functioning and performance that were expected to have been demonstrated by that time;
- d. Determined the services needed to remediate the violations identified based on the difference between the student's present and expected levels of performance; and
- e. Developed a plan for the implementation of the services within a year of the date of this Letter of Findings.

System-Based

The MSDE requires the PGCPS to provide documentation, by April 1, 2015, of the steps that have been taken to ensure the following with respect to students with disabilities who are placed by the school system in nonpublic schools:

- a. That students are provided with specialized transportation equipment in a timely manner;
- b. That students are provided with consistent and timely transportation services whenever school is open, regardless of whether the school's schedule is consistent with that of the PGCPS;
- c. That each student's IEP accurately reflects the amount of special education and related services required and that the students are provided with the amount of special education and related services in accordance with the IEP; and
- d. That parents are provided with timely responses to requests for access to student educational records;

XXX

Mrs. Joan Rothgeb

October 17, 2014

Page 13

The PGCPS must also provide documentation by April 1, 2015 that procedures have been developed to ensure that the following occurs with respect to students with disabilities who are placed by the school system in nonpublic schools:

- a. That the school system receives referrals made as a result of student behavior, including bus referrals;
- b. That an IEP team is convened, which includes transportation staff and nonpublic school staff, to consider information about anticipated transportation needs and parent concerns for the safety of students during transportation; and
- c. That parent concerns about bus pick up and drop off times are resolved.

The PGCPS must also provide documentation that the nonpublic schools and parents of students placed in nonpublic schools are informed of these procedures.

In addition, the results of this investigation are being shared with the MSDE's Policy and Accountability Branch for their use in monitoring of the PGCPS' compliance with the requirements for providing transportation services to students placed in nonpublic schools.

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 Ms. Bonnie Preis of the Family Support and Dispute Resolution Branch, MSDE, at (410) 767-0255.

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.

XXX

Mrs. Joan Rothgeb

October 17, 2014

Page 14

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 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/am

cc: Kevin W. Maxwell
Monique Whittington Davis
Gail Viens
LaRhonda Owens
Kerry Morrison
XXXXXXXX
Dori Wilson
Donna Riley
Sarah Spross
Nancy Fitzgerald
Anita Mandis
Bonnie Preis