



Lillian M. Lowery, Ed.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

September 2, 2015

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: XXXXX
Reference: #16-014

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.

ALLEGATION:

On August 11, 2015, the MSDE received a complaint from Ms. XXXXXXXXX, hereafter, “the complainant,” on behalf of 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 ensure that the student was provided with Extended School Year (ESY) services during the summer of 2015, as required by the Individualized Education Program (IEP), in accordance with 34 CFR §§300.101 and .323.

XXX

Mrs. Joan Rothgeb

September 2, 2015

Page 2

INVESTIGATIVE PROCEDURES:

1. On August 13, 2015, Ms. Anita Mandis, Section Chief, Complaint Investigation Section, MSDE, conducted a telephone interview with the complainant to clarify the allegation to be investigated. On the same date, the MSDE sent a copy of the complaint, via facsimile, to Mrs. Joan Rothgeb, Director of Special Education, PGCPS; Dr. 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 14, 2015, the MSDE sent correspondence to the complainant that acknowledged receipt of the complaint and identified the allegation subject to this investigation. On the same date, the MSDE notified the PGCPS of the allegation and requested that the PGCPS review the alleged violation.
3. On August 28, 2015, the PGCPS provided information for consideration by the MSDE.
4. The MSDE reviewed documentation, relevant to the findings and conclusions referenced in this Letter of Findings, which includes:
 - a. IEP, dated February 11, 2015;
 - b. Electronic mail (email) correspondence between the complainant and the school system staff between February 27, 2015 and June 18, 2015;
 - c. Correspondence from the complainant containing an allegation of a violation of the IDEA, received by the MSDE on August 13, 2015; and
 - d. Email correspondence from the PGCPS to the MSDE, dated August 28, 2015.

BACKGROUND:

The student is nine (9) years old and attends the XXXXXXXXXXXXXXXXXXXX. The student is identified as a student with Autism under the IDEA, and has an IEP that requires the provision of special education and related services (Doc. a).

There is documentation that the complainant was provided with notice of the procedural safeguards during the period of time covered by the investigation (Doc. a).

FINDINGS OF FACTS:

1. The IEP, dated February 11, 2015, states that the IEP team determined that the student requires ESY and related transportation services (Doc. a).

XXX

Mrs. Joan Rothgeb

September 2, 2015

Page 3

2. On March 1, 2015, the complainant was informed by the school staff at the XXXXXX XXX that the ESY services would be provided from July 6, 2015 through July 31, 2015, and that one (1) week before ESY would begin, she would be contacted with transportation information and the location for ESY services. However, this did not occur (Doc. b).
3. On June 18, 2015, the complainant contacted the PGCPS ESY services office and was informed that the student was scheduled to receive ESY services at XXXXXXXXXXX XXXXX, and that someone would be contacting her about transportation services. However, this did not occur (Doc. b).
4. After unsuccessfully attempting to reach the PGCPS ESY services office again, the complainant was contacted on July 23, 2015 by the ESY services staff at the XXXXXX XXXXXXXXXXXXXXX and informed that the student was scheduled to receive services at that location (Doc. b).
5. The complainant has been unsuccessful in reaching staff from the PGCPS ESY services office to obtain an explanation for why she was contacted with information about ESY services the week before the ESY services were to end (Docs. b and c).
6. The PGCPS staff acknowledges that the violation occurred and report that, while the student was assigned to a class and a bus for ESY services, there is no indication that the complainant was informed of this information. The PGCPS proposes to provide the student with "one-on-one" tutoring in order to compensate him for the loss of ESY services (Doc. d).

DISCUSSION/CONCLUSIONS:

The public agency must ensure that students with disabilities receive the special education and related services and supports required by the IEP (34 CFR §§300.101 and .323). Based on the Findings of Facts #1 - #6 above, the MSDE finds that the PGCPS did not ensure that the student was provided with the ESY services, as required by the IEP, and that a violation occurred.

CORRECTIVE ACTIONS/TIMELINES:

Student-Specific

The MSDE concurs with the PGCPS proposal to provide the student with tutoring services to compensate him for the loss of ESY services, and requires the PGCPS to provide documentation by November 1, 2015 of the plan to provide these services within one (1) year of the date of this letter.

XXX

Mrs. Joan Rothgeb

September 2, 2015

Page 4

School-Based/Systemic

The MSDE requires the PGCPS to provide documentation by December 1, 2015 of the steps it has taken to determine if the violation identified in the Letter of Findings is unique to this case or if it represents a pattern of noncompliance at XXXXXXXXXXXXXXXXXXXXXXXXXX, XXXXXX XXXXXXXXXXXXXXX, or within the school system. Specifically, a review of student records, data, or other relevant information must be conducted in order to determine if the regulatory requirements are being implemented and documentation of the results of this review must be provided to the MSDE. If compliance with the requirements is reported, the MSDE staff will verify compliance with the determinations found in the initial report.

If the regulatory requirements are not being implemented, actions to be taken in order to ensure that the violation does not recur must be identified, and a follow-up report to document correction must be submitted within ninety (90) days of the initial date of a determination of non-compliance. Upon receipt of this report, the MSDE will re-verify the data to ensure continued compliance with the regulatory requirements.

Documentation of all corrective action taken is to be submitted to this office to: Attention: Chief, Family Support and Dispute Resolution Branch, Division of Special Education/Early Intervention Services, MSDE.

TECHNICAL ASSISTANCE:

Technical assistance is available to the parties by contacting Ms. Bonnie Preis, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE at (410) 767-7770.

Please be advised that 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.

Questions regarding the findings and conclusions 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 Free Appropriate Public Education (FAPE) for the student, including issues subject to this State complaint investigation, consistent with the IDEA. The

XXX

Mrs. Joan Rothgeb

September 2, 2015

Page 5

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

c: Kevin W. Maxwell
Shawn Joseph
Gwendolyn Mason
LaRhonda Owens
Kerry Morrison
Gail Viens
XXXXXXXXXXXX
XXXXXXXXXX
Dori Wilson
Anita Mandis
Bonnie Preis