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November 17, 2015

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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: #16-030

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 October 8, 2015, the MSDE received a complaint from Ms. XXXXXXXXXXXXXXXXXXXX, 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 the services of an adult assistant who is assigned to work exclusively with the student on a one-to-one basis since April 30, 2015, as required by the Individualized Education Program (IEP), in accordance with 34 CFR §§300.101 and .323.

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INVESTIGATIVE PROCEDURES:

1. On October 9, 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 October 13, 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 October 20, 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 May 8, 2015;
 - b. Correspondence from the school staff to the complainant, dated September 1, 2015;
 - c. Electronic mail (email) correspondence from the PGCPs staff to the MSDE staff, dated October 20, 2015; and
 - d. Invitation to an IEP team meeting scheduled for November 19, 2015.

BACKGROUND:

The student is seven (7) 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 instruction (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 requires that the student be provided with “a dedicated aide daily to provide support during both academic and non-academic activities” effective April 30, 2015 (Doc. a).

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2. On September 1, 2015, the complainant was informed by the school staff at the XXXXXXXXXXXXXXXXXXXX that they “are still waiting to receive information regarding the dedicated aide vacancies” (Doc. b).
3. The PGCPS staff acknowledges that the violation occurred and report that they will provide compensatory services to remediate the violation from April 30, 2015 to present, and ensure that additional adult support is being provided in the manner required by the IEP (Doc. c.).
4. An IEP team meeting is scheduled for November 19, 2015 in order to determine compensatory services to remediate the violation (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 - #4 above, the MSDE finds that the PGCPS did not ensure that the student was provided with the services of a dedicated aide, 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 compensatory services, and requires the PGCPS to provide documentation by February 1, 2015 of the plan to provide these services within one (1) year of the date of this letter, as well as documentation that a dedicated aide has been provided to the student.

Similarly-Situated Students

The MSDE requires the PGCPS to provide documentation by April 1, 2015 that it has identified similarly-situated students within the school system who were not provided with the services of a dedicated aide as required by the IEP. For each student identified, the school system must provide documentation that a dedicated aide is currently being provided and that compensatory services are being offered for the loss of services.

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.

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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 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
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Dori Wilson
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