



Jack R. Smith, Ph.D.  
Interim State Superintendent of Schools

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December 22, 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: #16-037

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 October 23, 2015, the MSDE received a complaint from Mr. XXXXXXXXX and Mrs. XXXXXXXXX, hereafter, "the complainants," on behalf of the above-referenced student. In the correspondence, the complainants 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 Individualized Education Program (IEP) has been implemented as required, in accordance with 34 CFR §§300.101 and .323, specifically:

XXX

Mrs. Joan Rothgeb

December 22, 2015

Page 2

- a. The PGCPS has not ensured that the student has been provided with the services required by the addendum to the Behavior Intervention Plan (BIP), developed on October 20, 2014, that addresses the elimination of edible rewards for the student;
  - b. The PGCPS has not ensured that the electronic mail (email) regarding the student's Occupational Therapy (OT) progress has been provided on a weekly basis, as required by the IEP team decision on November 5, 2014;
  - c. The PGCPS has not provided the student with a voice output device since October 28, 2014, as required by the IEP; and
  - d. The PGCPS has not ensured that the student has been provided with transition services in the form of a weekly community transitional job, since August 26, 2015.
2. The PGCPS has not developed an IEP that addresses the student's identified OT needs since October 28, 2014, in accordance with 34 CFR §300.324.
  3. The PGCPS did not permit the student's parents to fully participate in the IEP Team meeting on October 19, 2015, in accordance with 34 CFR §§300.321 and .322.
  4. The PGCPS did not provide prior written notice of the IEP Team's decisions from the IEP team meeting on October 28, 2014, in accordance with 34 CFR §300.503.

#### **INVESTIGATIVE PROCEDURES:**

1. On October 27, 2015, 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 29, Ms. Sharon Floyd, Education Program Specialist, Complaint Investigation Section, MSDE, conducted a telephone interview with the complainants and clarified the allegations for investigation.
3. On November 5, 2015, 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

December 22, 2015

Page 3

4. On October 30 and November 4, and 5, 2015, the complainant provided documents to the MSDE for consideration.
5. On December 4, 2015, Ms. Floyd and Mr. Albert Chichester, Education Program Specialist, MSDE, conducted a site visit at XXXXXXXXXXXX to review the student's educational record, and interviewed the following:
  - a. Ms. XXXXXXXX, Transition Coordinator;
  - b. Ms. XXXXXXXXXXXX, Related Services Manager;
  - c. Ms. XXXXXXXXXXXX, Speech and Language Pathologist;
  - d. Mr. XXXXXXXX, Director of Day Schools, XXXXXXXX;
  - e. Ms. XXXXXXXX, IEP Coordinator;
  - f. Ms. XXXXXXXXXXXX, Senior School Administrator;
  - g. Mr. XXXXXXXX, Behavior Specialist;
  - h. Ms. XXXXXXXXXXXX, Occupational Therapist; and
  - i. Mr. XXXXXXXX, Principal.

Ms. Jodi Kaseff, Special Education Compliance, attended the site visit as a representative of the PGCPs and to provide information on the PGCPs policies and procedures, as needed.

6. On December 10, 11, and 18, 2015, the PGCPs provided documents to the MSDE for consideration.
7. The MSDE reviewed documentation, relevant to the findings and conclusions referenced in this Letter of Findings, which includes:
  - a. Two (2) audio cassette tapes of the IEP team meeting held on October 19, 2015;
  - b. IEP, dated September 17, 2015, amended on December 7, 2015 and progress reports;
  - c. IEP, dated October 28, 2014, amended on December 16, 2014, and progress reports;
  - d. IEP amendments dated October 26, 2015, September 21, 2015, and November 5, 2014;
  - e. Written summary of the October 20, 2015 IEP team meeting;
  - f. Written summary of the September 21, 2015 IEP team meeting;
  - g. Written summary of the October 30, 2014 IEP team meeting;
  - h. XXXXXXXXXXXX schedule of weekly student trips;
  - i. XXXXXXXXXXXX year calendar for the 2014-2015 and 2015-2016 school years;
  - j. XXXXXXXXXXXX classroom schedule for the 2015-2016 school year;

XXX

Mrs. Joan Rothgeb

December 22, 2015

Page 4

- k. Email correspondence from the school system staff to the complainant;
- l. Email correspondence from the complainant to the school system staff;
- m. Email correspondence from the complainant and school system staff to the MSDE;
- n. Parent input for the IEP team meeting dated September 17, 2015;
- o. ABC data from August 3, 2015 through October 29, 2015;
- p. Functional Behavior Assessment (FBA) and Behavior Intervention Program (BIP) dated September 15, 2014;
- q. Voice Output Device (VOD) trial documentation dated September 5, 2013 through November 30, 2015;
- r. Log of IEP service provider report, Occupational Therapy (OT), dated October 6, 2014 through April 15, 2015;
- s. Report of private OT Evaluation, dated October 28, 2015, report of OT Assessment, PGCPS, dated September 28, 2014, and private OT progress report, dated October 28, 2015;
- t. Email correspondence from the OT to the complainants, weekly OT progress reports on consultative services;
- u. Documentation of parental rights, procedural safeguards notice, and explanation, to the complainants dated December 7, 2015;
- v. Student lanyard pictures of reward choices;
- w. Correspondence from the complainant alleging violations of the IDEA, received by the MSDE on October 23, 2015; and
- x. Student daily behavior incidents data collection sheet, dated January 6, 2014 through September 10, 2015.

### **BACKGROUND:**

The student is twenty (20) years old and attends XXXXXXXXXXXX, a non-public, separate special education school where he was placed by the PGCPS. He is identified as a student with Autism under the IDEA, and has an IEP that requires the provision of special education and related services (Docs. b, c, and w).

There is documentation that, during the time period covered by this investigation, the complainants participated in the education decision-making process and was provided with notice of the procedural safeguards (Doc. u).

### **ALLEGATION #1A**

### **REVISED BIP REQUIREMENTS**

### **FINDINGS OF FACTS:**

1. The IEP in effect in October 2014 included a Behavior Intervention Plan (BIP) that was revised to address the parent's concerns about "gradual reducing and hopefully

eliminating” the use of edible reinforcers due to medical concerns for the student. The BIP included a six week schedule for reducing edible rewards for the student:

- At the onset, the student earned between three (3) and four (4) edible rewards per day, in addition to his end of the day edible reward;
- For the first two (2) weeks, the student will continue to earn the same amount of edible rewards;
- For the third week, the student’s edible rewards will be reduced to two-three (2-3) rewards per day, including the end of the day edible reward;
- For the fourth week, the edible rewards for the student will be reduced to one (1) to two (2) per day, in addition to the end of the day edible reward;
- For the fifth week, the edible rewards for the student will be reduced to one (1) per day, in addition to the end of the day edible reward; and
- By the sixth week, the edible rewards for the student should be reduced to the end of the day edible reward.

The BIP further stated that the school staff will review the student’s behavior to ensure his behavioral progress. A social story, rewards that the student values and a variable interval schedule of positive reinforcement would be included, if needed (Docs. b, c, d and p).

2. The behavioral intervention data collection indicates that the student did not receive edible rewards for nine weeks after the IEP team met and revised the student’s BIP to include a schedule for extinguishing the edible rewards. However, the student was given edible rewards thereafter. The student did not receive edible rewards from January 2015 through June 2015. The student was given edible rewards in July 2015 through September 2015 (Docs. b, p and x).
3. The current BIP developed on September 14, 2015 does not include edible rewards (Docs. b, c, d, j, p and interview with school staff).
4. At an IEP team held on October 20, 2015, a food protocol was developed which requires that the complainants be informed of any field trips in which food is to be provided in advance of the trips (Doc. e).

## **ALLEGATION #1B                      OT WEEKLY PROGRESS REPORT REQUIREMENT**

### **FINDINGS OF FACTS:**

5. At the IEP team meeting held on November 5, 2014, the team determined that OT consultation services and weekly emails would be provided to the complainants by the school’s occupational therapist (Docs. c, g, r, s, t and w).

XXX

Mrs. Joan Rothgeb

December 22, 2015

Page 6

6. A log of OT consultative services documents that services were provided to the student weekly from November 5, 2014 through November 6, 2015 with the exception of six (6) weekly consultation sessions missed by the service provider (Docs. r and t).
7. The weekly emails were sent to the complainants beginning on November 7, 2014 per the IEP requirement. However, the weekly emails were not sent to the complainants from February 9, 2014 through April 27, 2015. The email correspondence resumed on May 1, 2015 and continued through November 4, 2015 (Docs. t and w).

#### **ALLEGATION #1C      PROVISION OF A VOICE OUTPUT DEVICE**

##### **FINDINGS OF FACTS:**

8. The IEP dated October 28, 2014, required the Speech and Language Pathologist (SLP) to train classroom staff and collaborate with them on the use of the Voice Output Device (VOD) during a trial period for the duration of the IEP. The SLP was to monitor and guide the use of the VOD, as needed, to determine the viability of this communication option for the student (Docs. c, d, g, and q).
9. The IEP Progress Reports dated January 9, 2015 indicate that the student was making sufficient progress to meet the goal for him to be able to show or tell what his wants are given a verbal cue. He was able to request preferred items using the voice output device. The student continued to make sufficient progress to meet the goal as reported on March 27, 2015 and June 19, 2015. However, as of September 17, 2015 the student was not making sufficient progress to meet the goal (Docs. c, d, g, and q).
10. At the IEP team meeting held on September 17, 2015, the SLP reported that the VOD trial began on October 28, 2014 and ended on January 9, 2015. It was reported that the student demonstrated emerging skills initially and that the student increased his verbal output, showing improvement during mass trials but showed inconsistent progress over time. However, the SLP determined that the VOD was not a viable means of communication for the student due to inconsistent progress, limited motivation to use the VOD, and prompt dependency displayed by the student (Docs. c, d, g, and q).
11. On October 19 and 21, 2015, the IEP team convened after the complainants expressed concern that the trial of VOD ended in January 2015. The SLP reported that while the student demonstrated emerging skills initially and showed improvement during mass trials, he then showed inconsistent progress over time. In response to the complainants concerns, the IEP team decided to provide the student with an additional 90-day period with the VOD based on the lack of communication with the complainants about the student's progress with the equipment (Docs. b, e, q and w).

**ALLEGATION #1D                      TRANSITION SERVICES: ATTENDING THE  
COMMUNITY JOBSITE**

**FINDINGS OF FACTS:**

12.     The IEP in effect at the start of the 2015-2016 school year reflects that the student was given a Vocational Interest Inventory on August 27, 2015. Information about the student's interests and preferences was obtained through classroom and community-based observations of the student. The IEP states that the student wipes his table and sweeps around his desk to keep his work area clean and has a school-based job where he performs clerical skills of shredding and creating transition folders. The IEP further states that "he currently now goes out in the community at a jobsite called Just For Us Foundation and currently performs the clerical task of shredding documents" (Docs. a and b).
13.     The IEP indicates that the school-based services are to assist the student in preparing to achieve post secondary goals to become employed as an office clerk and receive training on business management and daily living skills, after graduating with a Maryland high school certificate of completion. The IEP team identified transition activities to assist the student in preparing for becoming an office clerk, which included identifying making purchases in the community, demonstrating safety in the community and being able to communicate his wants and needs in the community. However, while there is documentation that indicates that, to date, the off campus jobsite outings that have been scheduled for the 2015-2016 school year have not occurred or were cancelled (Docs. a and j, and interview with the school staff).

**DISCUSSION/CONCLUSION:**

**Legal Framework**

The public agency is required to ensure that the student is provided with the special education and related services required by the IEP (34 CFR §300.101).

**BIP Requirements**

In this case the complainants allege that they were not aware that their son was continuing to receive edible reinforcers for behavior. They report that they understood that the edible rewards were gradually discontinued the year prior, in accordance with the IEP.

Based on the Findings of Facts #1-#4, the MSDE finds that the school system did not implement the BIP as required by the IEP. Therefore, the MSDE finds a violation occurred with respect to this aspect of the allegation.

### **Weekly OT Progress Reports**

Based on the Findings of Facts #5 and #6, the MSDE finds that OT consultation sessions were missed. Further, based on the Findings of Facts #5 and #7, the MSDE finds that weekly emails were not provided between July 2014 through November 2014 and February 2015 through May 2015 as required by the IEP. Therefore the MSDE finds that a violation occurred with respect to this aspect of the allegation.

### **Provision of a Voice Output Device (VOD)**

Based on Findings of Facts #8-#11, the MSDE finds that the trial of the VOD was not implemented as required by the IEP. Therefore, the MSDE finds that a violation occurred with respect to the allegation.

### **Transition Services: Community Jobsite**

In this case the complainants allege that the student is to attend a jobsite off campus on a weekly basis but he has only attended the jobsite twice, once in July and August. Based on the Findings of Facts #12 and #13, the MSDE finds a violation occurred with respect to this aspect of the allegation.

## **ALLEGATION #2            OCCUPATIONAL THERAPY NEEDS**

### **FINDINGS OF FACTS:**

14. On October 28, 2014 the IEP team considered information from teachers and the OT that the student demonstrates an overt sensitivity to auditory input. He is easily distracted by noise and escalates or becomes more hyperactive when noise in the classroom escalates. He covers his ears when not wearing noise cancelling headphones. The complainants expressed concern that the student is experiencing sensory overload in the classroom and has become dependent on the noise cancelling headphones. The student's teacher reported that "the student is able to participate in functional activities for two to three (2 to 3) minutes at a time with one-to-one adult support, and participates more readily when provided with noise cancelling headphones to prepare him for functional and educational activities." The teacher further reported that "the student appears to accept the noise cancelling headphones; however, he does not appear to initiate their use on his own" (Docs. c, d, g, r, s, t and w).
15. At the IEP team meeting held on October 28, 2014 the IEP team determined the goal for the student was to choose and utilize appropriate sensory-behavior calming strategies to aid with self-regulation of behaviors. This included verbal/visual/physical prompting, for the student to accept noise cancelling headphones as a sensory-based strategy, for the

student to respond with “yes” or “no” when asked if he wants or needs the headphones, and for the student to request his headphones. The progress reports indicate that the student achieved the goal of choosing and utilizing appropriate sensory-behavior calming strategies to aid with self-regulation of behaviors. However, the complainants reported that the student has now become dependent upon the headphones and use the headphones most of the time while at school (Docs. c, d, g, r, s, t and w).

16. On October 28, 2014 the IEP team decided that consultation would be provided between the OT and teachers on how to assist the student in handling sensory needs related to noise without the use of noise cancelling headphones. The IEP team determined consultative OT services would be provided for fifteen (15) minutes per week to support the student by providing training, explore current sensory behavior based strategies and accommodations to the teacher and support staff. The decision was based on an OT assessment that indicated that the student is able to complete many functional tasks with prompts to initiate, engage, and continue participation in the educational tasks. The IEP team also determined that the goals for the student no longer required the OT as the service provider. The IEP team determined that having the classroom teacher and support staff implement the skills within the classroom environment would increase the generalization of the strategies for the student (Docs. c, d, g, r, s, t and w).
17. At the IEP team meeting held on September 17 and 21, 2015, the team considered information from the teacher that the student had been working to decrease headphone usage. The OT reported that “she has taught the student self-calming techniques to be used when he’s not wearing the headphones.” The SLP reported that the student is not able to “get through a session without wearing the headphones.” The IEP team determined the goal would increase the student’s time without headphones by fifteen (15) minutes a day. The consultative services with the OT remained the same. The complainants expressed their concern that the student “cannot have total silence, and there will always be some level of background noise” (Docs. c, d, g, r, s, t and w).
18. On October 19 and 20, 2015 the IEP team convened and considered the results of a private OT evaluation obtained by the complainants which addresses the complainants’ concerns regarding sensory integration impacting the student’s daily participation and independence in a variety of environments. The report indicates that the “student is overly sensitive to auditory and oral input and he tends to be emotionally reactive and distractible to the stimuli.” The student has high thresholds for movement and has the tendency to seek it. A short period of four to five (4 to 5) weeks of weekly OT services were recommended within the report. It was also recommended that the student have increased opportunities for motion and movement input during the day at school and when at home with the use of noise-cancelling headphones to be reduced as much as possible (Docs. c, d, g, r, s, t and w).

XXX

Mrs. Joan Rothgeb

December 22, 2015

Page 10

19. The student's teachers report that the student has increased his ability to maintain a calm demeanor without the use of headphones to calm him for five to ten (5 to 10) minutes in a school day. The IEP goal and consultative services from the OT remained the same (Docs. c, d, g, r, s, t and w).
20. The school-based members of the IEP team refused to adopt the recommendations to provide direct OT services to the student from the private OT report citing documentation from the PGCPs and XXXXXXXXXXXX assessments which previously determined the sensory areas impacting the student educationally. It was discussed that the school-based treatment is determined by the educational recommendations and the private assessment recommendations use a medical model that may be implemented in therapy provided outside of the school. The IEP team recommended that "the student continue to use the headphones to assist in the buffering of sounds in his educational environment." The IEP team determined that the goal to decrease the student's use of headphones would continue but not at the expense of the student's behavior and educational progress (Docs. c, d, g, r, s, t and w).
21. The complainants agreed to an amendment of the student's IEP without having an IEP team meeting to correct "inconsistencies" found after they listened to the audio recording of the IEP team meeting held on October 19 and 20, 2015. This documentation included that the complainants have continued concerns regarding the amount of time the student wears the noise reducing headphones while at school (Docs. b and w).

## **DISCUSSION/CONCLUSIONS:**

The public agency must offer each student with a disability a Free Appropriate Public Education (FAPE) through an IEP that includes special education and related services that address the student's identified needs. In developing each student's IEP, the public agency must ensure that the IEP team considers the strengths of the student, the concerns of the parents for enhancing the education of the student, the results of the most recent evaluation, and the academic, developmental, and functional needs of the student. In the case of a child whose behavior impedes his or her learning or that of others, the IEP team must consider positive behavioral interventions and supports, and other strategies, to address that behavior (34 CFR §§300.101, .320 and .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 (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).

When it is determined that the public agency has not followed proper procedures, the SEA can require it 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. The SEA may not, however, overturn an IEP team's decisions when proper procedures have been followed and there is data to support the team's decisions. The OSEP indicates that parents may challenge an IEP team's decisions by filing a due process complaint or requesting mediation to resolve the dispute (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).

The parent of a student with a disability and the public agency may agree not to convene an IEP team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child's current IEP (34 CFR §300.324(a)(4)).

In this case the complainant alleges that the PGCPs has failed to provide direct services for the student's disability which includes processing sensory input, severe sensory overload and hypersensitivity to sound. By failing to provide direct services, the complainants assert that the student has not progressed in this area.

Based on the Findings of Facts, #14-#21, the MSDE finds that the PGCPs has ensured that the IEP team at XXXXXXXXXXXX has considered all of the evaluation data, including the results of private assessments and the complainants' concerns, when identifying and addressing the student's needs. Based on those Findings of Facts, this office finds that, while the private assessments and the public agency data are not consistent with each other, the public agency data supports the team decision. Therefore, this office does not find that a violation occurred with respect to the allegation.

### **ALLEGATION #3                      MEANINGFUL PARENT PARTICIPATION**

#### **FINDINGS OF FACTS:**

22.        A review of the audio recording of the IEP team meeting held on October 19, 2015 reflects that the complainants participated in the meeting (Docs. a and e).

#### **DISCUSSION/CONCLUSION:**

The public agency is required to take steps to ensure a parent of a student with a disability is present or is afforded the opportunity to attend and participate in IEP team meetings (34 CFR §§300.321 and .322).

The Courts have held that this participation should include consideration of parents' suggestions and, to the extent appropriate, incorporating them into the IEP, answering parents' questions and coming to the meeting with an open mind and was "receptive and responsive" to the parents'

position at all stages, rather than cutting the conversation short when parents express their concerns (42 IDELR109 (6<sup>th</sup> Cir. 2004) 46 IDELR 45, 49 IDELR 123 (6<sup>th</sup> Cir. 2008)).

In this case the complainants allege that they were not afforded equal participation at the IEP team that was held on October 19, 2015 because one person “led the discussion” and team members appeared “limited in discussion” at the meeting. Based on the Finding of Fact #22, the MSDE finds the documentation does not support the allegation. Therefore, this office does not find that a violation occurred with respect to the allegation.

**ALLEGATION #4                      PROVISION OF THE IEP TEAM SUMMARY FOR  
OCTOBER 28, 2014**

**FINDINGS OF FACTS:**

23. An IEP team meeting was held on October 28, 2014 in which the parents participated (Docs. g and w and interview with school staff).
24. The complainants were not provided with the IEP team meeting summary for the October 28, 2014 IEP team meeting until November 18, 2015 (Docs. g and w and interview with school staff).

**DISCUSSION/CONCLUSION:**

The public agency is required to provide the parent of a student with a disability with written notice before proposing or refusing to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student (34 CFR §300.503).

Based on the Findings of Facts #23 and #24, the MSDE finds that there is documentation to support the complainants’ allegation that the prior written notice/team summary was not provided to them until over one (1) year after the IEP team met. Therefore, this office finds that a violation occurred with respect to the allegation.

**CORRECTIVE ACTIONS/TIMELINES:**

**Student-Specific**

The MSDE requires the PGCPs to provide documentation by February 1, 2016 that the IEP team has convened and determined the amount and nature of compensatory services or other remedy to redress the violations and develop a plan for the provision of those services within one (1) year of the date of this Letter of Findings.

The PGCPS must ensure that the complainants are provided with written notice of the team's decisions. The complainants maintain the right to request mediation or to file a due process complaint to resolve any disagreement with the IEP team's decisions.

### **School-Based**

The MSDE requires the PGCPS to provide documentation by March 1, 2016, of the steps it has taken to ensure that the violations do not recur with respect to the PGCPS students placed at the XXXXXXXXXX to determine if the remaining violations identified in the Letter of Findings are unique to this case or if they represent a pattern of noncompliance at XXXXXXXXXX.

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 Dr. Nancy Birenbaum, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE at (410) 767-7770. Please be advised that both the complainants 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

XXX

Mrs. Joan Rothgeb  
December 22, 2015  
Page 14

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 and conclusions contained in this letter should be addressed to this office in writing. The complainants 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/sf

c: Kevin W. Maxwell  
Gwendolyn Mason  
Kerry Morrison  
XXXXXXXXXX  
Anita Mandis  
Cynthia Amirault  
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