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March 2, 2016

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

RE: XXXXX  
Reference: #16-066

Dear Parties:

The Maryland State Department of Education, Division of Special Education/Early Intervention Services (MSDE), 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 January 7, 2016, the MSDE received a complaint from Ms. XXXXXXXX, hereafter, "the complainant," on behalf of her son. 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 above-referenced student.

The MSDE investigated the following allegations:

1. The PGCPS has not ensured that the student has been provided with graphic organizers for instruction in social studies class during the 2015-2016 school year, as required by the Individualized Education Program (IEP), in accordance with 34 CFR §§300.101 and .323.
2. The PGCPS has not provided academic and social development strategies to be used outside of the classroom during the 2015-2016 school year, as required by the IEP, in accordance with 34 CFR §§300.101 and .323.

**INVESTIGATIVE PROCEDURES:**

1. On January 7, 2016, the MSDE sent a copy of the complaint, via facsimile, to Mrs. Joan Rothgeb, Director of Special Education, PGCPS.

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2. On January 7, 2016, the complainant provided the MSDE with documentation to be considered.
3. On January 8, 2016, Mr. Albert Chichester, Complaint Investigator, MSDE, conducted a telephone interview with the complainant to discuss the allegations.
4. On January 15, 2016, the MSDE sent correspondence to the complainant that acknowledged receipt of the complaint and identified the allegations subject to this investigation. The MSDE also notified Mrs. Rothgeb of the allegations to be investigated and requested that her office review the alleged violations.
5. On February 10, 2016, Mr. Chichester and Mr. Gerald Loiacono, Complaint Investigator, MSDE, conducted a site visit to the XXXXXXXXXXXXXXXX to review the student's educational record, and interviewed the following school staff:
  - a. Ms. XXXXXXXX, Principal;
  - b. Ms. XXXXXXXX, Special Education Chairperson;
  - c. Ms. XXXXXXXX, Special Education Resource Teacher;
  - d. Ms. XXXXXXXX, General Educator; and
  - e. Mr. XXXXXXXX, General Educator.

Ms. Jodi Kaseff, Special Education Instruction Specialist, PGCPs, attended the site visit as a representative of the PGCPs and to provide information on the school system's policies and procedures, as needed.

6. Documentation provided by the parties was reviewed. The documents referenced in this Letter of Findings include:
  - a. IEP, dated January 16, 2015;
  - b. IEP, dated January 11, 2016;
  - c. Prior written notice, dated October 12, 2015;
  - d. Prior written notice, dated January 15, 2016;
  - e. Student work samples, dated between October 14, 2015 and February 3, 2016;
  - f. *ClassDojo* communication log, dated from April 2015 to February 2016, between the complainant and the school staff;
  - g. Student Planner communication log, dated between September 17, 2015 and October 9, 2015, kept by the student's "dedicated aide;"
  - h. Correspondence (email) between the complainant and the school staff, dated between September 1, 2015 and February 10, 2016; and
  - i. Correspondence from the complainant containing allegations of a violation of the IDEA, received by the MSDE on January 7, 2016.

## **BACKGROUND:**

The student is eleven (11) years old and is identified as a student with Autism under the IDEA. He attends the XXXXXXXXXXXXXXXXXXXX and has an IEP that requires the provision of special education instruction and related services

During the time period covered by this investigation, the complainant participated in the education decision-making process and was provided with written notice of the procedural safeguards (Docs. a and b).

## **ALLEGATION #1: THE PROVISION OF GRAPHIC ORGANIZERS**

### **FINDINGS OF FACTS:**

1. The IEP in effect at the start of the 2015-2016 school year requires that the student be provided with graphic organizers on a “daily” basis when inside the general education classroom and across content areas, “as appropriate” (Doc. a).
2. There is documentation that graphic organizers were used with the student inside the general education classroom and across content areas. However, there is no documentation that graphic organizers were provided to the student on a “daily” basis (Doc. e).
3. The school staff reports that while they intended to use graphic organizers with the student on a regular basis, it was also their intent to utilize discretion in how and when best to provide the student with graphic organizers, based on the classroom instruction (Interview with the school staff).
4. On January 11, 2016, the IEP team convened to review the student’s IEP and to address the complainant’s concern about the lack of the provision of graphic organizers on a daily basis. In response, the team revised the IEP to require that the graphic organizers be provided “daily”, “as appropriate”, and “as needed” (Docs. b, d, and i).

### **DISCUSSION/CONCLUSIONS:**

The public agency must ensure that special education services, accommodations, and supplementary aids and services, are provided in accordance with each student’s IEP (34 CFR §§300.101 and .323).

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).<sup>1</sup>

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<sup>1</sup> In the 2004 reauthorization of the IDEA, no changes were made to this requirement.

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Based on the Finding of Fact #2, the MSDE finds that the student has been provided with graphic organizers inside the general education classroom and across content areas. However, based on the Findings of Facts # 2 and #3, the MSDE further finds that there is no documentation that graphic organizers have been provided to the student on a daily basis, as stated in the IEP.

Further, based on the Finding of Fact #1, the MSDE finds that the IEP is not written clearly with respect to the frequency with which the graphic organizers are to be provided to the student. Based on the Finding of Fact #4, while the IEP team met on January 11, 2016 to address this concern, the MSDE finds that the IEP continues to be written unclearly with regard to this issue. Therefore, this office finds that a violation occurred with regard to this allegation.

## **ALLEGATION #2: THE PROVISION OF STRATEGIES AND INTERVENTIONS**

### **FINDINGS OF FACTS:**

5. The IEP in effect at the start of the 2015-2016 school year requires that the special education teacher and other service providers share with the complainant, “weekly,” the successful strategies and interventions that have been used in school, in order to help foster the student’s academic and social development at home (Docs. a, c, i, and interview with the complainant).
6. There is documentation that the school staff provided the complainant with strategies and interventions to be used with the student in the home environment. However, there is no documentation that strategies and interventions were provided to the complainant on a “weekly” basis (Docs. h and i).
7. The *ClassDojo*<sup>2</sup> log and the Student Planner log document that the school staff provided regular feedback to the complainant about the structure of the student’s school day, homework assignments, student progress, and other school-related issues. However, the logs do not consistently contain information about strategies and interventions to be used by the complainant at home (Docs. f and g).
8. On January 11, 2016, the IEP team convened and discussed the complainant’s concern about the lack of strategies and interventions being provided to her in order to help foster the student’s academic and social development at home. The school-based members of the IEP team agreed to continue to provide the complainant with strategies and interventions, on a “weekly” basis, to be used with the student at home (Docs. b and d).

### **DISCUSSION/CONCLUSIONS:**

The public agency must ensure that special education services, accommodations, and supplementary aids and services, are provided in accordance with each student’s IEP (34 CFR §§300.101 and .323).

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<sup>2</sup> ClassDojo is a digital classroom management tool used by the school, which is designed to help teachers improve student behavior and communicate more effectively with parents ([www.gettingsmart.com](http://www.gettingsmart.com)).

Based on the Findings of Facts #6 and #7, the MSDE finds that the complainant has been provided with strategies and interventions by the school staff. However, based on the Findings of Facts #5 and #8, the MSDE finds that there is no documentation that the complainant has been provided with strategies and interventions consistent with the frequency required by the IEP. Therefore, this office finds that a violation occurred with regard to this allegation.

### **CORRECTIVE ACTIONS/TIMELINES:**

#### **Student-Specific**

The MSDE requires the PGCPS to provide documentation by April 30, 2016 that the IEP team has convened and clarified the IEP in regard to the frequency with which the provision of graphic organizers are to be provided to the student. The PGCPS must also determine the amount and nature of compensatory services or other remedy to redress the violations related to the lack of the provision of graphic organizers, and study strategies and interventions, and developed a plan for the provision of those services within one year of the date of this Letter of Findings.

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

#### **School-Based**

The MSDE requires the PGCPS to provide documentation by May 31, 2016, 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 the XXXXXXXXXXXXXXXXXXXX. 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.

### **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 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

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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 within the timelines 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 parties 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:ac

c: Kevin Maxwell  
LaRhonda Owens  
Jodi Kaseff  
XXXXXXX  
Dori Wilson  
Anita Mandis  
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