



Bernard J. Sadusky, Ed.D.
Interim State Superintendent of Schools

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August 5, 2011

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

RE: XXXXX
Reference: #11-102

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 June 8, 2011, MSDE received a complaint from Ms. XXXXXXXXXXXXXXXX, hereafter, "the complainant," on behalf of her son. In that correspondence, the complainant alleged that 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. This office investigated the following allegations:

1. PGCPS has not ensured that the student's Individualized Education Program (IEP) addresses his reading and writing needs since June 2010,¹ in accordance with 34 CFR §300.324;
2. PGCPS did not ensure that the student was consistently provided with the special education instruction, assistive technology, and supplementary aids, accommodations,

¹ The complaint included allegations of violations that occurred more than a year before the date it was received. On June 16, 2011, the complainant was advised, in writing, that this office may only investigate allegations of violations which occurred not more than one year prior to the receipt of the State complaint (34 CFR §300.153).

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and services required by the IEP, since the start of the 2010-2011 school year, in accordance with 34 CFR §§300.101 and .323; and

3. PGCPS has not ensured that the complainant has been provided with reports of the student's progress towards achieving his IEP goals since June 2010,¹ in accordance with 34 CFR §300.320.

INVESTIGATIVE PROCEDURES:

1. Ms. Koliwe Moyo, Education Program Specialist, MSDE, was assigned to investigate the complaint.
2. On June 9, 2011, a copy of the complaint was provided by facsimile to Ms. Joan Rothgeb, Director of Special Education, PGCPS; Ms. Gail Viens, Deputy General Counsel, Office of Legal Counsel, PGCPS; and Ms. Kerry Morrison, Special Education Instructional Specialist, PGCPS.
3. On June 10 and 14, 2011, Ms. Moyo spoke with the complainant by telephone to clarify the allegations to be investigated.
4. On June 16, 2011, MSDE sent correspondence to the complainant that acknowledged receipt of the complaint and identified the allegations subject to this investigation. On the same date, MSDE notified Ms. Rothgeb of the allegations and requested that her office review the alleged violations.
5. On June 30, 2011, Ms. Moyo reviewed the student's education record at XXXXXXXXXXXXXXXXXXXX (XXXXXXXXXXXX) and obtained documentation from the student's record. Ms. XXXXXXXX, Principal, XXXXXXXX and Ms. Morrison were present at the record review.
6. Documentation provided by the parties was reviewed. The documents referenced in this Letter of Findings include:
 - a. IEP, dated May 26, 2010;
 - b. Reports of progress, dated June 16, 2010;
 - c. Correspondence between the complainant and school staff, dated August 30, 2011;
 - d. IEP, dated September 8, 2010;
 - e. Consent for assessment, dated September 8, 2010;
 - f. Correspondence between the complainant and school staff, dated September 20, 2010;
 - g. Correspondence between the complainant and school staff, dated September 21, 2010;
 - h. Psychological Assessment Report, dated September 21, 2010;
 - i. Education Assessment report, dated September 23, 2010;

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- j. Correspondence between the complainant and school staff, dated October 4, 2010;
- k. Correspondence between the complainant and school staff, dated October 6, 2010;
- l. Correspondence between the complainant and school staff, dated October 8, 2010;
- m. IEP meeting summary, dated November 5, 2010;
- n. Reports of progress, dated November 10, 2010;
- o. Correspondence between the complainant and school staff, dated December 20, 2011;
- p. IEP, dated December 22, 2010;
- q. Private neurodevelopment assessment, dated November 30, 2010;
- r. Correspondence between the complainant and school staff, dated January 7, 2011;
- s. Reports of progress, dated January 31, 2011;
- t. Correspondence between the complainant and school staff, dated February 7, 2011;
- u. Correspondence between the complainant and school staff, dated February 10, 2011;
- v. Correspondence between the complainant and school staff, dated February 15, 2011;
- w. Correspondence between the complainant and school staff, dated February 18, 2011;
- x. IEP, dated February 23, 2011;
- y. Student's daily log from March 7, 2011 to June 16, 2011;
- z. IEP, dated March 29, 2011;
- aa. Correspondence between the complainant and school staff, dated April 7, 2011;
- bb. Correspondence between the complainant and school staff, dated April 9, 2011
- cc. Reports of progress, dated April 13, 2011;
- dd. Assistive technology consultation report, dated May 2, 2011;
- ee. IEP, dated May 3, 2011;
- ff. IEP, dated May 25, 2011;
- gg. Correspondence between the complainant and school staff, dated May 31, 2011;
- hh. Correspondence between the complainant and school staff, dated June 7, 2011;
- ii. Complainant's correspondence to MSDE, received June 8, 2011;
- jj. Reports of progress, dated June 17, 2011; and
- kk. IEP team meeting notice, dated July 27, 2011.

BACKGROUND:

The student is nine (9) years old and attends XXXXXXXXXXXXXXXXXXXX (XXXXXXXXXX). He is identified as a student with a specific learning disability under IDEA and receives special education instruction. During the time period covered by this investigation, the complainant participated in the education decision-making process and was provided with procedural safeguards as required (Docs. a, d, e, m, p, x, z, ee, and ff).

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ALLEGATION #1: IEP THAT ADDRESSED THE STUDENT'S READING AND WRITING NEEDS SINCE THE START OF THE 2010-2011 SCHOOL YEAR

Findings of Fact:

1. The IEP in effect at the start of the 2010-2011 school year was developed on May 26, 2010. A review of the IEP indicates that, when developing the IEP, the team considered the following:
 - a. An educational assessment report, dated June 1, 2008, which indicates that the student's academic skills are in the "low average" range, that his reading and writing scores are in the "low to very low" range, which indicates that the student processes information very slowly, and that the student's math scores are in the "average range" across all areas of math. Specifically, the report indicates that the student scored "low to very low" in the following areas:
 - i. broad reading;
 - ii. "brief reading;"
 - iii. basic reading skills;
 - iv. letter word identification;
 - v. fluency;
 - vi. passage comprehension;
 - vii. word attack;
 - viii. phoneme/grapheme knowledge; and
 - ix. spelling;
 - b. The report of the psychological assessment obtained by the complainant, dated May 28, 2008, which indicates that the student is "capable of performing well," but that he processes information slowly;
 - c. The reports of the student's teachers, which indicate that the student is "struggling in math," specifically with place value, numeric patterns and problem solving. Additionally, they report that the student's inattention, impulsivity, frustration, anger and social problems are impacting his academic performance; and
 - d. Reports from the complainant that, while she has seen the student making progress with reading comprehension and reading motivation, she is concerned that his reading skills are still below grade level. Additionally, the team considered the complainant's reports that the student has a "great deal of difficulty with math problem solving" (Doc. a).

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2. Based on their review of the assessment data, the IEP determined that the student has needs in the following areas:
 - a. Reading, specifically in the areas of phonemic awareness, vocabulary, phonics, decoding; and
 - b. Written language, specifically in the areas of writing mechanics, spelling, written fluency, and written expression (Doc. a).
3. In order to address the student's identified needs, the IEP team developed annual goals in reading and written language. The team also determined that the student required special education instruction in the areas of reading and writing in a separate special education classroom and that the student required supports, including the following:
 - a. preferential seating;
 - b. simplified directions; and
 - c. availability of lists of commonly used vocabulary words to assist the student during writing activities (Doc. a).
4. On September 8, 2010, the IEP team convened to review the student's progress, discuss his "difficulties in reading," and conduct a re-evaluation. At that meeting the team considered the following:
 - a. Information from the reading specialist that the student was approximately two (2) years below grade level in reading;
 - b. Reports from the student's teacher indicating that the student is willing to read aloud in class, that he struggles with writing, and that graphic organizers help him organize his thoughts; and
 - c. Reports from the complainant that she believes that the student's reading levels are so low because he attended a XXXXXXXXXX school for the early part of his education and that the student is beginning to "shutdown" when they complete school work at home (Doc. d).
5. Based on their review of the data on September 8, 2010, the team determined that the student continues to have needs related to reading comprehension, decoding and phonemic awareness and determined that an educational assessment and a psychological assessment were necessary to obtain updated information on the student's reading and writing needs (Docs d and e).
6. At the September 8, 2010 meeting, the IEP team revised the IEP to require that the student be provided with special education instruction in a separate special education classroom in written language, reading, and math. Additionally, the team decided that the student would be provided with additional supports, such as:

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- a. The opportunity to provide answers orally during tests to decrease the amount of writing required of the student;
 - b. Assistance with homework from the special education teacher at school to prevent the student from feeling overwhelmed while completing work at home;
 - c. Repetition, on a daily basis, of directions or simplified directions to assist the student with understanding how to complete assignments, on a daily basis; and
 - d. Modified spelling lists that are appropriate to the student's level of phonemic awareness, which would be provided on a weekly basis (Doc. d).
7. On November 5, 2010 the IEP team convened again. The written summary of the meeting documents that the complainant expressed concern that the student's IEP "is not meeting his classroom needs" and that he is not provided with enough time to obtain the support he needs. However, there is no documentation of the discussion that the team had at the meeting in response to the complainant's concerns (Doc. m and review of the student's education record).
8. On December 22, 2010, the IEP team re-convened to review the results of the assessments determined necessary at the September 8, 2010 IEP team meeting. The data indicated the following:
- a. An educational assessment report, dated September 23, 2010, which indicates that the student scored in the "average range" in reading in the areas of comprehension, broad reading and letter word identification. The report indicates that the student scored in the "below average range" in the area of reading fluency. The report also indicates that the student scored in the "low to low average range" in written language, specifically in the areas of broad written language, brief writing, written expression, spelling, writing fluency, and writing samples. He scored in the "poor or below average range" in overall writing;
 - b. The report of the psychological assessment, dated September 21, 2010, which indicates that the student has "processing weaknesses with the potential to impede his learning and progress." Additionally, the report indicates that the student has a short attention span, is easily distracted and has problems with his executive functioning. The report further states that the student's recall of letter sequences is "below age expectations." The report states that the student would continue to "benefit from instructional support and curricular adjustments designed to accommodate his learner difficulties," and includes suggestions to address his needs, such as:
 - i. Presenting the student with new information in small steps;
 - ii. Providing the student with guided practice for new skills;
 - iii. Increasing wait time and prompting for responses during class discussions;

- iv. Allowing the student to determine when he needs to take a break;
 - v. Providing flexibility regarding the time allowed for completing assignments and tests; and
 - vi. Allowing the student to preview vocabulary and “story maps” to aid comprehension;
- c. Information from the student’s teacher that the student has made some progress in the area of reading vocabulary, that he has demonstrated that he learns new vocabulary words with the use of visual aids, and that he continues to struggle with writing and spelling. The teacher noted that the provision of graphic organizers and lists of words assist the student with writing;
- d. The complainant’s belief that the student has issues with focusing, maintaining information and planning; and
- e. Information from the complainant that she was obtaining a neurodevelopment assessment (Docs. h, i, n and p).
9. At the December 22, 2010 IEP team meeting, the IEP team revised the student’s goals and objectives in the areas of reading phonics, reading comprehension, reading vocabulary, and written language mechanics based on the data regarding his progress. Additionally, the IEP team added a goal for the student to improve written language expression. In order to assist the student in achieving the goals, the team determined that the student would be provided with instruction in a separate special education classroom for reading, writing, and math. Additionally, the team revised the student’s IEP to include the provision of the following supports:
- a. Use of manipulatives in the general and special education classroom;
 - b. Use of a graphic organizer;
 - c. Limitation of the amount of information that the student would be required to copy from the board;
 - d. Paraphrasing questions and instructions;
 - e. Provision of a set of textbooks to use at home;
 - f. Provision of teachers notes;
 - g. Provision of altered or modified assignments;
 - h. Use of the *istation*² computer program to assist with improving his reading; and
 - i. Provision of a dedicated aide to assist the student throughout the school day with accessing the curriculum by scribing and helping the student with organization during the time the class prepares for dismissal (Doc. p).
10. At the December 22, 2010 IEP team meeting, the team determined that the student would be referred for occupational therapy and assistive technology consultations (Doc. p).

² The *istation* is a “data driven reading intervention program” that provides research-based reading instruction to students with a focus on phonemic awareness, phonics, fluency, and comprehension (www.istation.com).

11. On February 23, 2011, the IEP team convened at the complainant's request to review the student's progress. At the meeting, the team discussed that, since the dedicated aide began working with the student, the student has been more attentive and focused. Additionally, the student has been more focused since he began taking medication for attention hyperactivity disorder (ADHD), which was diagnosed through a neurodevelopment assessment obtained by the complainant on December 30, 2010. At the meeting, school staff reported that the student continues to struggle with writing (Docs. q, s, v, and x).
12. At the February 23, 2011 IEP team meeting, the team determined, based on the recommendation of the occupational therapist, to provide the student with the trial use of an *Alpha Smart*³ device to assist with writing and the team agreed. There is no documentation, however, that the assistive technology consultation, which was recommended at the December 22, 2010 IEP team meeting, had been completed (Doc. x and review of the student education record).
13. On March 29, 2011, the IEP team convened at the complainant's request to review the student's progress, and address her concerns about the student's workload, and the provision of testing accommodations (Doc. z).
14. At the March 29, 2011 meeting, in order to address the complainant's concerns, the team revised the IEP to provide the student with the following:
 - a. Increased the amount of math instruction;
 - b. Opportunities for movement on a daily basis;
 - c. Instruction using a "multi sensory approach";
 - d. Daily study guide;
 - e. Shortened the student's assignments on a daily basis; and
 - f. Graph paper for computation on a daily basis.

Additionally, the team again recommended that an assistive technology consultation be conducted (Doc. z).

15. On May 3, 2011, the IEP team reconvened to review the student's progress. At the meeting, the school staff indicated that the student is "on grade level for overall reading ability" with use of *istation*². Additionally, the school staff reported that the use of graph paper has greatly assisted the student with organizing his numbers in math. There is no documentation that the IEP team considered the results of the assistive technology consultation that occurred on April 15, 2011 (Docs. cc, ee and review of the student education record).
16. Based on their review of the data at the May 3, 2011 IEP team meeting, the team decided to increase the special education instruction being provided to the student from eight (8)

³ *Alpha Smart* is a portable word processing device with a keyboard and a small screen that is used to assist students with writing (www.alphasmart.com)

hours per week to ten (10) hours per week and to continue providing the student with breaks and extra time (Doc. ee).

17. The meeting notes from the May 3, 2011 IEP team meeting document that the student has been provided with supports such as shortened assignments, use of flash cards, a list of commonly used vocabulary words, limiting his tests to one per day, and providing him with multiple choice options during tests (Doc. ee).
18. On May 25, 2011, the IEP team convened to review the results of the assistive technology consultation report and discuss the student's placement. At the meeting the IEP team considered the following:
 - a. Results from classroom based reading assessments which indicate that the student is reading slightly below or on grade level;
 - b. Assistive technology consultation report dated May 2, 2011, which indicates that the student's difficulty with written language expression impacts the student's ability to keep pace with instruction and academic requirements. Additionally, the student's challenges with the physical mechanics of writing impact his ability to maintain fluency while writing, spell words correctly, and "initiate and self generate written language content." The report recommends that the student be provided with supports, such as, among other things, the following:
 - i. Utilization of the handwriting style that is most effective to facilitate writing;
 - ii. Utilization of carbon paper for peer support in note taking;
 - iii. Separate grades for content and mechanics, so the student is not penalized for mechanical errors;
 - iv. Opportunities to practice keyboarding;
 - v. Utilization of a speaking speller or dictionary to assist with spelling;
 - vi. Utilization of a portable electronic note taker; and
 - vii. Additional time to accommodate the use of assistive technology;
 - c. Reports from the student's teacher which indicate that the student continues to struggle in class when reading grade level texts despite the supports that have been put in place. The teacher also reports that the student continues to have difficulty with writing and spelling. She further reports that the student continues to need additional time, a multi-sensory approach, and step-by-step assistance from the teacher in order to solve his math problems;
 - d. Information from school staff that the use of graphic organizers has helped the student with writing short sentences; and
 - e. The complainant's concerns about "how the student will get through the remainder of the school year" (Docs. dd and ff).

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19. Based on their review of the data at the May 25, 2011 IEP team meeting, the team determined that they would reconvene to consider whether the student requires a change in education placement. In the meantime, the team determined that the student would be provided with the following additional supports:
 - a. The use of graph paper to assist the student with hand-writing;
 - b. Provision of a talking dictionary and a portable electronic note-taker to assist with spelling and writing;
 - c. Provision of a spelling word book to provide the student with a list of commonly used vocabulary words to assist him with spelling;
 - d. Provision of space outside of the classroom in order to take tests with the dedicated aide;
 - e. Provision of a checklist to guide the editing process; and
 - f. Use of a keyboard to practice typing as an alternative to hand-writing, which the student can access on the internet or through keyboarding software (Doc. ff).
20. There is documentation that the IEP team is scheduled to meet on August 3, 2011 (Doc. kk).

Discussion/Conclusions:

The public agency must ensure that each student is provided with an IEP that addresses all of the needs that arise from the student's disability. In order to identify those needs, the public agency must consider all functional, developmental, and academic information about a student. When determining the levels of academic achievement and functional performance, the team must consider information from evaluations conducted, concerns of the parents, and information from the student's teachers (34 CFR §300.324). When conducting a reevaluation, the public agency must ensure that assessments are conducted, the results considered by the IEP team, and the IEP is reviewed and revised, as appropriate, within ninety (90) days of the date the team determines that assessments are required (COMAR 13A.05.01.06E).

In this case, the complainant alleges that the IEP team has not developed an IEP that addresses the student's reading and writing needs. Based on Findings of Fact #1-19, MSDE finds that the IEP team met on seven (7) occasions during 2010-2011 the school year. Further, based on the same Findings of Fact, MSDE finds that, in response to the data and information provided by the student's teacher and the complainant, the IEP team continued to revise the IEP to address the student's identified needs.

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However, based on Findings of Fact #7, MSDE finds that school staff did not document their response to the complainant's concerns regarding the student's need for additional support at the November 5, 2010 IEP team meeting. Despite this finding, based on Findings of Fact #8 and 9, MSDE further finds that the IEP team met on December 22, 2010 and addressed these concerns.

Additionally, based on Findings of Fact #10, 12, 14, 15 and 18, MSDE finds that PGCPs did not ensure an assistive technology consultation that was recommended on December 22, 2011 was obtained and the results considered by the IEP team until May 25, 2011. Further, based on Findings of Fact #5 and 8, MSDE finds that school staff did not complete the re-evaluation that was begun on September 8, 2010 until December 22, 2010 and as a result MSDE finds that the re-evaluation was not completed within the ninety (90) day timeline, as required. Therefore, MSDE finds that a violation occurred with regard to this aspect of the allegation.

ALLEGATION #2: THE PROVISION OF SPECIAL EDUCATION INSTRUCTION, ASSISTIVE TECHNOLOGY, AND SUPPLEMENTARY AIDS, ACCOMMODATIONS, AND SERVICES SINCE THE START OF THE 2010-2011 SCHOOL YEAR

Findings of Fact:

21. Correspondence between the complainant and school staff document that the complainant expressed concern that the student's IEP was not being implemented, as required. However, the correspondence also documents that, when the complainant expressed concern regarding specific supports that she believed were not being implemented, school staff responded and provided documentation indicating that the student was being provided with the supports required by the IEP (Docs. c, f, g, j-l, r, u, aa and bb).
22. There is documentation that the student was being provided with additional time to complete assignments, individual directions, assistance with completing his work and a modified spelling list on a daily basis (Docs. f and g).
23. A review of the student's daily activity log, which was maintained by the student's dedicated assistant from March 7, 2011 until on June 16, 2011, documents the daily provision of the student's supports which included, among other things, the following:
 - a. Assistance with spelling provided by the dedicated assistant;
 - b. Assistance with worksheets from the special educator, the dedicated assistant and the classroom teacher;
 - c. "Movement breaks" when he became frustrated with his academic work;
 - d. Provision of pre-tests in spelling before taking tests;
 - e. Daily tracking of the student's behaviors and attempts to complete work;
 - f. Use of the computer lab;
 - g. Provision of reading instruction with the special educator on a daily basis;

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- h. Provision of math instruction with the special educator on a daily basis; and
- i. Provision of lined/graph paper for the student to complete math computation.

Additionally, an excerpt from the student's activity log documents that the complainant requested that the student be helped "only when he requested assistance" and that there should be "no unsolicited help" provided to the student (Doc. v).

- 24. Reports of progress for the 2010-2011 school year document that the student was making sufficient progress towards achievement all of his IEP goals. Additionally, April 13, 2011 and June 17, 2011 reports of progress state, among other things, that the student's overall reading ability is on grade level and that the student is "able to write correct spelling, punctuation and language when writing short simple sentences" (Docs. b, n, cc and jj).
- 25. Correspondence between the complainant and the classroom teacher document that the student was provided with the use of an *Alpha Smart*³ since February 2011 (Doc. t).
- 26. There is documentation that the student's dedicated aide was absent on three (3) days and left early on two (2) days. There is no documentation that a substitute was provided to the student on these occasions (Doc. y and review of the student's education record).
- 27. There is correspondence between the complainant and the classroom teacher that indicates that the teacher provides the student with notes regarding his assignments on a daily basis (Doc. c).
- 28. There is documentation that the student has been provided with copies of notes, outlines, modified work to assist him with keeping pace with the instruction being provided in the classroom, additional time to complete assignments, individual directions, assistance with completing his work and a modified spelling list on a daily basis, as required by the IEP (Docs. c, f, j-l and t).

Discussion/Conclusions:

The public agency is required to ensure that the student is provided with the special education and related services as stated in the IEP (34 CFR §§300.101 and .323). In this case, the complainant alleges that the student was not consistently provided with the instruction, assistive technology, and supports required by the IEP because even after the addition of the services the student continued to receive poor grades (Docs. o, u, aa, and ii).

Based on Findings of Fact #21-25 and 26-28, MSDE finds that the student was provided with special education instruction, assistive technology and other supports during the 2010-2011 school year, as required by the IEP. However, based on Finding of Fact #26, MSDE finds that there is documentation that the services of the dedicated aide were not provided throughout the school day on five (5) occasions, during the 2010-2011 school year, as required by the IEP. Therefore, MSDE finds that a violation has occurred.

**ALLEGATION #3: THE PROVISION OF QUARTERLY PROGRESS REPORTS
SINCE JUNE 2010**

Findings of Fact:

2009-2010 School Year

29. The only documentation of progress towards achieving the IEP goals for the fourth (4th) quarter of the 2009-2010 school year provided information regarding the student's progress on only two (2) of his nine (9) IEP goals (Doc. b and review of the student's education record).

2010-2011 School Year

30. The student's education record contains copies of quarterly reports of progress indicating the student made sufficient progress towards achieving the goals in the IEP during all four (4) quarters of the 2010-2011 school year (Docs. n, s, cc and jj).

Discussion/Conclusion:

The IEP must include, among other things, a description of how the student's progress toward achieving the annual goals will be measured and when reports will be made of the student's progress to the parent (34 CFR §300.320). In this case, the complainant alleges that she was not provided with quarterly reports of the student's progress since June 2010.

Based on Finding of Fact #30, MSDE finds that there is documentation that progress reports indicating the student's progress towards achieving the IEP goals were made on a quarterly basis since the start of the 2010-2011 school year, as required. However, based on Finding of Fact #29, MSDE finds that there is no documentation that the complainant was provided with the reports of the student's progress toward achievement for some of the annual goals in June 2010. Therefore, MSDE finds a violation with regard to this allegation for the fourth quarter of the 2009-2010 of the school year.

CORRECTIVE ACTIONS/TIMELINES:

Student-Specific

MSDE requires PGCPS convene an IEP team meeting by September 30, 2011 to determine the impact of the violations identified in this Letter of Findings on the student's ability to benefit from his educational program. Based on this determination, the team must then determine the amount and nature of *compensatory services*⁴ or other remedy necessary to redress the violations

⁴ *Compensatory services*, for the purposes of this letter mean the determination by the IEP team as to how to remediate the denial of appropriate services to the student (34 CFR §300.151).

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found in this letter. PGCPS must provide MSDE with documentation of the decisions made at this meeting no later than October 30, 2011.

PGCPS must provide the complainant with proper written notice of the team's determinations, as required by 34 CFR §300.503, including a written explanation of the basis for the determinations. If the complainant disagrees with the IEP team's determinations, she maintains the right to request mediation or file a due process complaint to resolve the dispute consistent with IDEA.

School-Based

MSDE requires that PGCPS take steps to determine if the procedural violations identified in this Letter of Findings are unique to this case or if they represent a pattern of noncompliance at XXXXXXXXXXXX. If it is determined that a pattern of noncompliance exists, the documentation must describe the actions taken to ensure that staff properly implement the requirements of IDEA and COMAR, and provide a description of how PGCPS will evaluate the effectiveness of the steps taken and monitor to ensure that the violations do not recur.

By copy of this Letter of Findings, the MSDE Office of Quality Assurance and Monitoring is being informed of the violations identified through this investigation for use in its monitoring for continuous improvement activities.

Documentation of completion of the required actions is to be submitted to this office to:
Attention: Chief, Complaint Investigation/Due Process Branch, Division of Special Education/Early Intervention Services, MSDE.

TECHNICAL ASSISTANCE:

Technical assistance is available to the parties through Mrs. Martha J. Arthur, Education Program Specialist, MSDE. Mrs. Arthur may be contacted at (410) 767-0255. Please be advised that both parties 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 fact 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 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.

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Questions regarding the findings of fact, conclusions, and corrective actions contained in this Letter of Findings 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 for the student, including issues subject to a State complaint investigation, in accordance with IDEA. MSDE recommends that this Letter of Findings be included with any request for mediation or the filing of a due process complaint.

Sincerely,

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MEF/km

c: William R. Hite
Bonita Coleman-Potter
Joan Rothgeb
Gail Viens
LaRhonda Owens
Kerry Morrison
XXXXXXXXXXXX
Dori Wilson
Anita Mandis
Koliwe Moyo