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State Superintendent of Schools

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March 20, 2013

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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: #13-041

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 January 29, 2013, the MSDE received correspondence from Ms. XXXXXXXXX, hereafter “the complainant,” filed 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) and related State requirements with respect to the above-referenced student.

This office investigated the allegation that the PGCPS did not provide the complainant with the opportunity to participate in an Individualized Education Program (IEP) team meeting held on January 16, 2013, in accordance with 34 CFR §300.322 and COMAR 13A.05.01.07.

XXX

Mrs. Joan Rothgeb

March 20, 2013

Page 2

INVESTIGATIVE PROCEDURES:

1. Ms. Tyra Williams, Education Program Specialist, MSDE, was assigned to investigate the allegation in the complaint.
2. On January 29, 2013, Ms. Anita Mandis, Section Chief, Family Support and Dispute Resolution Branch, MSDE, conducted a telephone interview with the complainant to clarify the allegation to be investigated.
3. On January 31, 2013, the MSDE sent a copy of the complaint, via facsimile, to Mrs. Joan Rothgeb, Director of Special Education, PGCPS; Ms. Gail Viens, Deputy General Counsel, Office of the General Counsel, PGCPS, and Ms. Kerry Morrison, Special Education Instructional Specialist, PGCPS.
4. On February 7, 2013, the MSDE sent correspondence to the complainant that acknowledged receipt of the complaint and identified the allegation subject to this investigation. On that same date, the MSDE also notified the PGCPS of the allegation to be investigated and requested that the PGCPS review the alleged violation.
5. On February 20, 2013, the PGCPS provided the MSDE with documentation to be considered during the investigation, via electronic correspondence.
6. Documentation provided by the parties was reviewed. The documents referenced in this Letter of Findings are listed below.
 - a. Correspondence from the complainant to the MSDE, received on January 29, 2013;
 - b. Electronic Correspondence (email) from the school staff to the complainant, dated January 3, 2013;
 - c. IEP Team Meeting Invitation, dated January 3, 2013;
 - d. IEP, dated January 17, 2013; and
 - e. IEP Team Meeting Notes, dated January 17, 2013.

BACKGROUND:

The student is nine (9) years old, is identified as a student with a specific learning disability under the IDEA, and receives special education instruction. He attends the PGCPS XXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXX (Docs. a and g).

FINDINGS OF FACTS:

1. On January 3, 2013, the school staff sent an email to the complainant, to inform her of the IEP team meeting scheduled for January 16, 2013, at the student's school. The email

XXX

Mrs. Joan Rothgeb

March 20, 2013

Page 3

indicates that the purpose of the IEP team meeting was to review information obtained from an observation that was conducted and “to go over [the student’s] testing accommodations” (Doc. b).

2. On the same date, an IEP team meeting invitation was sent home from school containing the same information that was provided in the email. The meeting invitation states that the IEP team would convene to discuss the informal speech observation, “amend testing accommodations for verbatim reader,” and review and revise the IEP, if appropriate (Docs. b and c).
3. On January 16, 2013, the IEP team, including the complainant, reviewed data from the speech observation and revised the IEP with respect to the required testing accommodations (Docs. a, d, and e).

DISCUSSION/CONCLUSIONS:

In accordance with the IDEA, the school system is required to take steps to ensure that parents have the opportunity to participate in IEP team meetings. In Maryland, the school system must provide parents with written notice indicating the purpose, time, date, and location of the meeting at least ten (10) days in advance of the meeting (34 CFR §300.322 and COMAR 13A.05.01.07).

In this case, the complainant believes that the PGCPS “did not provide enough notice” that a purpose of the January 16, 2013 IEP team meeting was to consider the student’s testing accommodations. As a result, the complainant alleges that she was unprepared to provide input into the decisions made about testing accommodations and therefore did not have the opportunity to fully participate in the IEP team meeting (Doc. a and interview with the complainant).

Based on the Finding of Fact #2, the MSDE finds that the PGCPS provided the complainant with a written invitation on January 3, 2013, to the January 16, 2013 IEP team meeting. Based on the Findings of Facts #1-#3, the MSDE further finds that the complainant was informed of the purpose of the meeting, consistent with the regulations, including that the IEP team intended to consider the student’s testing accommodations at the January 16, 2013 IEP team meeting. Therefore, the MSDE does not find that a violation occurred.

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 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

XXX

Mrs. Joan Rothgeb

March 20, 2013

Page

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 due process.

Sincerely,

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

MEF/tw

cc: Alvin Crawley
Duane Arbogast
Gail Viens
LaRhonda Owens
Kerry Morrison
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Dori Wilson
Anita Mandis
Tyra Williams