



Karen B. Salmon, Ph.D.
State Superintendent of Schools

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Ms. Trinell Bowman
Executive Director
Department of Special Education
Prince George's County Public Schools
John Carroll Elementary School
1400 Nalley Terrace
Landover, Maryland 20785

RE: [REDACTED] and
Similarly-Situated Students
Reference: #20-127

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 May 6, 2020, the MSDE received a complaint from Ms. Michele Hall, hereafter, "the complainant," on behalf of the above-referenced student, her mother, Ms. [REDACTED] and similarly situated students. 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 and similarly-situated students.

The MSDE investigated the allegation that the PGCPS has not offered a Free Appropriate Public Education (FAPE) to Prince George's County residents attempting to transfer into the school system from the Maryland State Department of Education, Juvenile Services Education System (JSES) since the closure of school buildings due to the nationwide COVID-19 pandemic, in accordance with

34 CFR §§300.101, .111, *Supplemental Fact Sheet Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities*, United States Department of Education, March 21, 2020, and the MSDE Technical Assistance Bulletin, *Serving Children with Disabilities Under IDEA During School Closures Due to the COVID-19 Pandemic*, March 30, 2020.

BACKGROUND:

The student is eighteen (18) years old, is identified as a student with an Other Health Impairment under the IDEA due to Attention Deficit with Hyperactivity Disorder (ADHD), and has an Individualized Education Program (IEP) that requires the provision of special education and related services.

From February 29, 2020 to April 20, 2020, the student was placed by the Maryland Department of Juvenile Services (DJS) at the [REDACTED] ([REDACTED]) where the education program is provided by the JSES.

Prior to being detained with DJS, the student attended [REDACTED] School in Prince George's County. The student's release from DJS on April 20, 2020, occurred during the statewide closure since March 16, 2020, of all schools due to the national COVID-19 pandemic.

From April 20, 2020, until May 7, 2020, the student did not receive educational services. On May 7, 2020, she began receiving instruction from the PGCPS through distance learning.

FINDINGS OF FACTS:

1. The PGCPS *Administrative Procedure 5111, Registration and Withdrawal of Students*, requires parents to enroll students in the school system and register them with the school they will attend before educational services are provided.
2. On March 30, 2020, the PGCPS *Administrative Procedure 5111, Registration and Withdrawal of Students* was revised to include virtual enrollment during the closure of school buildings due to the COVID-19 pandemic.
3. On April 6, 2020, the complainant contacted the legal counsel for the PGCPS and informed her that the student would be returning to the school system upon her release from [REDACTED].
4. A Court memorandum from the DJS reflects that, on April 20, 2020, the student was released from [REDACTED].
5. The school enrollment data reflects that, on April 30, 2020, the student's mother virtually enrolled her in the PGCPS.

6. The parent contact log reflects that, on May 6, 2020, the student's special education teacher unsuccessfully attempted to contact the student's parent to arrange for distance learning. On the same date, the PGCPS informed the complainant by email that the student was re-enrolled on April 30, 2020 and that the parent needed to contact the school staff to get information about distance learning.
7. The parent contact log reflects that, on May 7, 2020, the student's special education teacher spoke with the student's mother by telephone and discussed how distance learning would be provided to the student. The document reflects that the student's special education teacher was informed that the student had access to technology while at home, including a computer and internet services to enable her to access distance learning.
8. A document entitled "Continuity of Learning log" reflects that, on May 21, 2020, the student informed the teacher by telephone that her computer was broken. The log also reflects that the teacher contacted PGCPS' Information Technology office (IT) to obtain computer support for the student.
9. The parent contact log reflects that, on June 1, 2020, the student's special education teacher spoke to the student by telephone and that the teacher provided student with a new password to access distance learning using a different technology device.

DISCUSSION/CONCLUSIONS:

In this case, the complainant alleges that the PGCPS has not ensured that the student and similarly-situated students being released from the custody of the DJS have the ability to enroll in the school system because the enrollment process must be conducted in person and the school buildings have been closed since March 16, 2020 due to the COVID-19 pandemic.

Based on the Findings of Facts #1 - #9, the MSDE finds that there is documentation that the PGCPS has a process for enrolling students virtually, and that the named student was enrolled has been provided with distance learning, in accordance with 34 CFR §§300.101, .111, *Supplemental Fact Sheet Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities*, United States Department of Education, March 21, 2020, and the MSDE Technical Assistance Bulletin, *Serving Children with Disabilities Under IDEA During School Closures Due to the COVID-19 Pandemic*, March 30, 2020. Therefore, this office does not find that a violation occurred with respect to the allegation.

As of the date of this correspondence, this Letter of Findings is considered final. This office will not reconsider the conclusions reached in this Letter of Findings unless new, previously unavailable documentation is submitted and received by this office within fifteen (15) days of the date of this correspondence. The new documentation must support a written request for reconsideration, and the written request must include a compelling reason for why the documentation was not made available during the investigation.


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The parent 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 Early Intervention/
Special Education Services

MEF/sf

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