



**Mohammed Choudhury**  
State Superintendent of Schools

November 30, 2021



Ms. Trinell Bowman  
Associate Superintendent-Special Education  
Prince George's County Public Schools  
John Carroll Elementary School  
1400 Nalley Terrace  
Landover, Maryland 2078

RE: [REDACTED]  
Reference: #22-037

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention/Special Education 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 October 1, 2021, the MSDE received correspondence from Mr. [REDACTED] hereafter, “the Complainant,” on behalf of his 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) with respect to the student.

The MSDE investigated the following allegations:

1. The PGCPS did not ensure that the Individualized Education Program (IEP) team meeting convened on October 1, 2020 included the required participants, in accordance with 34 CFR §300.321;
2. The PGCPS did not provide the parents with an IEP within five (5) business days of the IEP team meeting held on October 1, 2020.

**BACKGROUND:**

The student is sixteen (16) years old, is identified as a student with Autism under the IDEA, and has an IEP that requires the provision of special education and related services.

The student is placed by the PGCPs at [REDACTED] a nonpublic, separate, special education school.

**FINDINGS OF FACTS:**

1. A review of the documentation and audio recording of the October 1, 2020 IEP team meeting reflects that during the IEP meeting, the Complainant requested information regarding the specific extracurricular activities that were available at the school the student would attend if not disabled.
2. In response, the PGCPs staff provided the Complainant information regarding the Special Olympics and offered to provide the Complainant with information regarding the specific activities available at the student's home school at a later date.
3. A representative from the PGCPs Nonpublic Office and additional PGCPs central office staff members participated in the October 1, 2020 IEP team meeting.
4. There is documentation that the Complainant was provided with a copy of the revised IEP on October 7, 2020, but was provided with an outdated copy of the accompanying Behavior Intervention Plan (BIP).
5. There is documentation that a corrected copy of the BIP was provided to the Complainant on October 16, 2020.

**DISCUSSION/CONCLUSIONS:**

**Allegation 1: Required IEP Team Members**

The public agency must ensure that the IEP team includes a representative of the public agency who is knowledgeable about the availability of resources of the public agency (34 CFR §300.321). In promulgating the IDEA regulations, the United States Department of Education, Office of Special Education Programs (OSEP) explained that the purpose of this requirement is to ensure that the IEP team includes a representative with the authority to commit agency resources and be able to ensure that whatever services are described in the IEP will actually be provided (Federal Register, Vol. 71, No. 156, August 14, 2006, p. 46670).

In this case, the Complainant alleges that the PGCPs did not ensure that the IEP team that convened on October 1, 2020 included participation by a representative of the public agency who was knowledgeable about the extracurricular activities at the student's home school.

Based on the Findings of Facts #1- #3, the MSDE finds that the school system representative's inability to list the specific activities available at the student's home school does not demonstrate that the staff lacked knowledge about the availability of district resources. Based on those Findings of Facts, the MSDE finds that the IEP team included participants who could address the concerns raised by the Complainant during the October 1, 2020 IEP team meeting, in accordance with 34 CFR §300.321. Therefore, this office does not find that a violation occurred with respect to this allegation.

**Allegation #2: Provision of the Completed IEP**

The public agency must ensure that the IEP is provided to the parent not later than five (5) business days after the IEP team meeting (COMAR 13A.05.01.07).

In this case, the Complainant alleges that he was not provided with an IEP and accompanying documents within the required timelines following an IEP team meeting held on October 1, 2020.

Based on Finding of Fact #4, the MSDE finds that the Complainant was not provided with a copy of the completed IEP and accompanying documents within five business days of the IEP meeting, in accordance with COMAR 13A.05.01.07. Therefore, this office finds that a violation occurred with respect to this allegation. Notwithstanding that violation, the MSDE further finds, based on Finding of Fact #5, that the Complainant was provided with a corrected copy of the completed IEP and accompanying documents shortly after an error was discovered in the documentation. Therefore, this office finds that no corrective action is required to address this violation.

**TIMELINE:**

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. Pending this office's decision on a request for reconsideration, the public agency must implement any corrective actions within the timelines reported in this Letter of Findings.

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 FAPE for the student, including issues subject to this State complaint investigation, consistent with the IDEA. The



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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

c:     Monica Goldson  
       Barbara Vandyke  
       Keith Marston  
       Gail Viens  
       Nancy Birenbaum



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