



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

May 15, 2018

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District 5, Prince George's County
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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: XXXXX
Reference: #18-134

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 March 30, 2018, the MSDE received a complaint from Nabanita Pal, Esq. hereafter, “the complainant,” on behalf of the above-referenced student and his aunt and legal guardian, hereafter “the parent,” Ms. XXXXXXXX. 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 allegation that the PGCPS has not followed proper procedures to respond to requests for an IDEA evaluation that were made in November 2017, in accordance with 34 CFR §§300.301 and .503.

Nabanita Pal, Esq.
Ms. Trinell Bowman
May 15, 2018
Page 2

BACKGROUND:

The student is seventeen (17) years old and is not identified as a student with a disability under the IDEA.

Since October 2, 2017, the student has not been permitted to attend school following a disciplinary removal. On April 23, 2018, the PGCPs informed the student's parent in writing that he is now permitted to register at XXXXXXXXXXXXXXXX.

FINDINGS OF FACTS:

1. On September 25, 2017, the student was disciplinarily removed from XXXXXXXXXXXXXXXX XXXXXX, a PGCPs alternative school.
2. On October 3, 2017, the PGCPs assigned the student to XXXXXXXXXXXXXXXXXXXXXXXX, another alternative school.
3. On November 2 and 7, 2017, the student's former legal counsel sent the school system's legal counsel an electronic mail (email) message requesting assistance with enrollment of the student in an alternative school following his September 25, 2017 disciplinary removal, and "help to get an [Individualized Education Program] meeting scheduled to reconsider eligibility."¹
4. There is no documentation that the school system responded to the request.
5. On March 20, 2018, the Maryland State Board of Education (MSBOE) issued an Opinion after hearing an appeal of the student's expulsion. The MSBOE found that, despite attempts by the parent to enroll the student at XXXXXXXXXXXXXXXXXXXXXXXX, the school system had not taken appropriate steps to enroll him in school. The MSBOE directed the Prince George's County Board of Education to provide documentation by April 24, 2018 that a plan has been put into place to return the student to school (MSBOE Opinion No. 18-10, dated March 20, 2018).
6. On April 16, 2018, the PGCPs held a meeting with the student's parent and the complainant. At that time, the school system agreed to expunge the expulsion and to enroll the student at XXXXXXXXXXXXXXXX School. The PGCPs also agreed to provide compensatory services to address the loss of educational services during the 2017-2018 school year, to provide the student with tutoring for the remainder of the 2017-2018 school year and during summer school at no cost to the parent, and to convene an Individualized Education Program (IEP) team meeting to consider the request for another IDEA evaluation.

¹ As a result of an evaluation conducted in January 2018, the student was found to not meet the criteria for identification as a student with a disability under the IDEA.

Nabanita Pal, Esq.
Ms. Trinell Bowman
May 15, 2018
Page 3

CONCLUSIONS:

Based on the Finding of Facts above, the MSDE finds that the PGCPS did not follow proper procedures to respond in a timely manner to requests for an IDEA evaluation in November 2017, in accordance with 34 CFR §§300.301 and .503. Therefore, this office finds that a violation occurred with respect to the allegation.

Notwithstanding the violation, based on the Finding of Fact #6, the MSDE finds that the PGCPS has offered an appropriate remedy. Therefore, no further corrective action is required.

TIMELINE:

Please be advised that the PGCPS and the complainant have the right to submit additional written documentation to this office 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 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.

Questions regarding the findings and conclusions contained in this letter should be addressed to this office in writing. The student's parents 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 a due process complaint.

Sincerely,

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

c: Kevin Maxwell
Gwendolyn Mason
Barbara VanDyke
Gail Viens

Dori Wilson
Anita Mandis