



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

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September 7, 2018

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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: #19-007

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.

**ALLEGATION:**

On July 10, 2018, the MSDE received a complaint from Ms. XXXXXXXXXXXX, hereafter, “the complainant,” 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) with respect to the above-referenced student.

The MSDE investigated the allegation that the PGCPS has not maintained the student’s educational record since July 10, 2017,<sup>1</sup> in accordance with 34 CFR §§300.101, .323, .610-.627, COMAR 13A.08.02 and the *Maryland State Records System Manual*.

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<sup>1</sup> The complainant indicated that the violation has occurred since September 2015. However, she was notified that only allegations of violations that occurred within one year of the filing of a State complaint can be addressed through State complaint investigation procedure (34 CFR §300.153).

**BACKGROUND:**

The student is ten (10) years old and is identified as a student with Autism under the IDEA. He has an Individualized Education Program (IEP) that requires the provision of special education instruction and related services.

In the summer of 2015, the student moved to Maryland from XXXXX and enrolled in the PGCPs. The student attended the XXXXXXXXXXXX during the 2015-2016 school year through the end of the 2017-2018 school year, before moving to Howard County in August 2018.

**FINDINGS OF FACTS:**

1. There is documentation that in September 2015, PGCPs staff completed a request to have the student's previous school in XXXXX transfer his educational record to PGCPs.
2. On April 23, 2018, the IEP team convened to review the student's PGCPs updated assessments. The school staff reported that during the meeting, the complainant requested to review a previous assessment maintained in the student's educational record, and that the assessment requested was not available for review at that time. It was later determined that the assessment was located in the student's folder which was not brought to the IEP team meeting that day.
3. In review of the educational record, there is documentation that the student's previous assessment is maintained in the educational record, and there is evidence that additional documentation from the 2017-2018 school year has been maintained in the student's educational record.

**CONCLUSION:**

In this case, the complainant alleged that the student's educational record has been "missing" since the student enrolled in the PGCPs in September 2015.

Based on the Findings of Facts #1 - #3, the MSDE finds that the documentation does not support the allegation. Therefore, this office does not find that a violation occurred with respect to the allegation.

**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.

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Questions regarding the findings and conclusions contained in this letter should be addressed to this office in writing. 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 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

MEF:ac

c:     Monica Goldson  
       Gwen Mason  
       Barbara VanDyke  
       XXXXXXXX  
       XXXXXXXX  
       Dori Wilson  
       Anita Mandis  
       Albert Chichester  
       Nancy Birenbaum