




**Mohammed Choudhury**  
State Superintendent of Schools

January 21, 2022




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

RE:   
Reference: #22-066

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.

**ALLEGATION:**

On November 24, 2021, the MSDE received correspondence from Mr.  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 allegation that the PGCPS has not ensured that written parental consent has been obtained to conduct a functional behavioral assessment (FBA) for the student, since February 2021, in accordance with 34 CFR §300.300.

**BACKGROUND:**

The student is sixteen (16) years old, is identified as a student with Autism under the IDEA, and has an Individualized Education Program (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. On February 26, 2020, prior to a planned IEP team meeting for the student, the school staff sent a “Notice and Consent for Assessment” form to the parent that included a proposed FBA for the student.
2. On June 16, 2020, during the time that the student was receiving virtual services as a result of the COVID-19 pandemic, the IEP team recommended that a FBA be conducted for the student upon his return to in-person learning. The IEP team documented the following in the prior written notice generated following the IEP team meeting:

“The IEP team agrees the FBA will be updated to address current behaviors of need. The parent has received the consent form. The school will obtain the signed consent form from the parent when school re-opens in order to update the FBA.”

3. To date, there is no documentation that the complainant has signed and returned the February 26, 2020 consent form.
4. On February 26, 2021, the IEP team met for the student and again recommended that an FBA be conducted for the student.
5. On March 15, 2021, the complainant sent correspondence to the PGCPS staff informing them that he would provide consent for the assessments in question, stating:

“I provide consent for the following assessments and evaluation that will include the following assessments:

1. Psychological assessment. This includes assessments in the areas of Functional/Adaptive Performance and Intellectual/Cognitive Functioning;
2. Speech/Language assessment. This includes assessments in the areas of Communication, Articulation and Expressive/Receptive Language; and
3. Functional Behavioral Assessment (FBA).”

6. There is documentation that the PGCPS has started conducting the FBA for the student following his return to in-person learning.

**DISCUSSION/CONCLUSIONS:**

Based on Findings of Facts #1-#5, the MSDE finds that the PGCPS has ensured that written parental consent has been obtained to conduct a functional behavioral assessment for the student, since February 2021, in accordance with 34 CFR §300.300. Therefore, this office does not find that a violation occurred with respect to this allegation.

**TIMELINES:**

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 Free Appropriate Public Education 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

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