

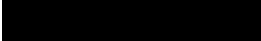


Mohammed Choudhury
State Superintendent of Schools

June 24, 2022




Ms. Trinell Bowman
Associate Superintendent-Special Education
Prince George's County Public Schools
John Carroll Administration Building 1400 Nalley Terrace
Hyattsville, Maryland 20785

RE: 
Reference: #22-138

Dear Parties:


The Maryland State Department of Education (MSDE), Division of Early Intervention Special Education Services (DEI/SES), 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 April 26, 2022, the MSDE received a complaint from Mr.  hereafter, "the complainant," on behalf of 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 did not follow proper procedures when responding to a request for access to the student's educational record on March 21, 22, 23, 25, and 29, 2022, and April 5, 18, and 19, 2022, in accordance with 34 CFR §300.613.

BACKGROUND:

The student is sixteen (16) years old and is placed by the PGCPS at  a nonpublic, separate, special education school. He is identified as a student with Autism under the IDEA and has an Individualized Education Program (IEP) that requires the provision of special education instruction and related services.

FINDINGS OF FACTS:

1. On March 21, 2022, the complainant sent correspondence to the PGCPs requesting access to video of the student during transportation on the mornings of March 16, and 21, 2022, and the afternoon of March 17, 2022.
2. On March 22, 2022, the complainant sent correspondence to the PGCPs requesting access to video of the student during transportation on the afternoon of March 21, 2022.
3. On March 23, 2022, the complainant sent correspondence to the PGCPs requesting access to occupational therapy logs, speech/language logs, mental health and/or social work consultation logs, records related to transition activities, behavioral data collected for the student, attendance records for the student, records related to the student's participation in extracurricular activities, documents related to training for school staff, records related to meetings convened for the student, records related to communication between PGCPs staff and the student's parents, records related to instructions for transportation staff, video recordings of IEP team meetings, sign in sheets for IEP team meetings, documents related to restraint, exclusion, and seclusion of the student, documents related to the behavior of the student and other students, disciplinary records of the student and documentation related to the student's participation in out-of-school events.
4. On March 25, 2022, the complainant sent correspondence to the PGCPs requesting access to video of the student during transportation on the afternoon of March 24, 2022.
5. On March 29, 2022, the complainant sent correspondence to the PGCPs requesting access to video of the student during transportation on the afternoon of March 28, 2022.
6. On April 5, 2022, the complainant sent correspondence to the PGCPs requesting access to video of the student during transportation on the afternoon of April 4, 2022.
7. On April 18, 2022, the complainant sent correspondence to the PGCPs requesting access to documents related to the student's behavior.
8. On April 19, 2022, the complainant sent correspondence to the PGCPs requesting access to and explanation of behavioral supports included in the student's IEP and behavioral intervention plan.
9. On April 21, 2022, the IEP team met to respond to the complainant's concerns regarding transportation and the student's behavior.

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10. There is documentation that on April 21, 2022, the complainant was provided with copies of records requested on April 18, 2022.
11. There is documentation that on April 21, 2022, the complainant was provided with an explanation of the records requested on April 19, 2022.
12. There is documentation that on May 2, 2022, the complainant was provided with copies of records requested on March 23, 2022.
13. On May 4 and 6, 2022, the complainant sent correspondence to the PGCPs staff proposing a date to review the requested bus videos. On April 28, 2022, and May 5 and 10, 2022, the PGCPs staff proposed alternative dates to the complainant to “review outstanding bus video requests” and “review the requested footage”. While the complainant did not directly respond to the proposed dates and times, he did send correspondence to the PGCPs requesting access to, and explanation of, records related to the meaning of “requested footage”, “outstanding video requests”, and “any and all records the District used to determine [the complainant’s] availability”.
14. On May 18, 2022, the IEP team met to conclude a reevaluation for the student. During this meeting, the complainant was provided with an opportunity to provide input into the student's IEP. During the May 18, 2022 IEP team meeting, the PGCPs staff informed the parent that they had proposed dates and times for the complainant to review videos of the student on the bus, but had not received a response.

DISCUSSION/CONCLUSIONS:

Based on Findings of Facts #1 to #9, the MSDE finds that the PGCPs did not afford the parent the opportunity to access the student’s record prior to the IEP team meeting convened on April 21, 2022, in accordance with 34 CFR §300.613. Therefore, this office finds that a violation has occurred.

Notwithstanding that violation, based on Findings of Facts #10-#12 and #14, the MSDE finds that the complainant was provided with access to records requested on March 23, 2022, and April 18 and 19, 2022 and was provided the opportunity to participate in an IEP team meeting following his opportunity to access the records. Therefore, no further corrective action is necessary to remediate the violations related to these requests. Furthermore, based on Findings of Fact #13 and #14, the MSDE finds that the complainant has requested an explanation of the words used in subsequent correspondence related to the requests made on March 21, 22, 25, and 29, 2022, and April 5, 2022. Therefore, no corrective action is necessary to remediate the violations related to these requests, at this time.

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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 (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:gl

c: Monica Goldson
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