



Mohammed Choudhury
State Superintendent of Schools

May 15, 2023



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

RE: [REDACTED]
Reference: #23-175

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.

ALLEGATIONS:

On March 16, 2023, the MSDE received a complaint from Mr. [REDACTED], 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.

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 sent on January 31, 2023, to the student's social worker, in accordance with 34 CFR §300.613.

BACKGROUND:

The student is seventeen 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. On January 5, 2023, the student's mother sent correspondence to PGCPS staff requesting access to behavioral data collected for the student in December 2022.

2. On January 27, 2023, PGCPs staff sent correspondence to the student's mother and father indicating that "I am available for you to review [REDACTED] records on Tuesday, January 31, 2023, from 10 am to 11 am or Thursday, February 2, 2023, from 11 am to 12 noon".
3. On January 31, 2023, at 9:40 AM, the student's father sent correspondence to the PGCPs staff requesting clarification regarding which records would be available for review and in what location.
4. On January 31, 2023, at 10:03 AM, the student's mother sent correspondence to the student's social worker requesting copies of the behavioral data requested on January 5, 2023.
5. On January 31, 2023, at 10:17 AM the student's mother sent correspondence to the student's social worker requesting access to behavioral data collected for the student in December 2022 and January 2023.
6. On February 2, 2023 and March 20, 2023, the IEP team convened for the student.
7. On April 18, 2023, the PGCPs staff sent correspondence to the student's mother indicating that educational records related to the student could be reviewed on April 28, 2023.
8. On April 19, 2023, the student's mother responded to the PGCPs requesting copies of the information requested on January 31, 2023.¹
9. There is no documentation, to date, that the PGCPs has responded to the April 19, 2023, request from the student's mother to access behavioral data collected for the student during December 2022 and January 2023.

DISCUSSION/CONCLUSIONS:

Based on Findings of Facts #1 to #9, MSDE finds that the PGCPs has not followed proper procedures when responding to the request made to access the student's educational records on January 31, 2023, in accordance with 34 CFR §300.613. Therefore, this office finds that a violation occurred with respect to this allegation.

CORRECTIVE ACTIONS/TIMELINES:

The IDEA requires that State complaint procedures include those for effective implementation of the decisions made as a result of a State complaint investigation, including technical assistance activities, negotiations, and corrective actions to achieve compliance (34 CFR §300.152). Accordingly, MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

MSDE has established reasonable time frames below to ensure that noncompliance is corrected in a timely manner.² This office will follow up with the public agency to ensure that it completes the required actions

¹ The student's IEP also requires that the student's parents be provided copies of this information.

² The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency correct noncompliance in a timely manner, which is as soon as possible, but not later than one (1) year from the date of identification of the noncompliance. The OSEP has indicated that, in some circumstances, providing the remedy could take more than one (1) year to complete. If noncompliance is not corrected in a timely manner, MSDE is required to provide technical assistance to the public agency, and take tiered enforcement action, involving progressive steps that could result in the redirecting, targeting, or withholding of funds, as appropriate.

consistent with MSDE Special Education State Complaint Resolution Procedures.

If the public agency anticipates that any of the time frames below may not be met, or if either party seeks technical assistance, they should contact Ms. Diane Eisenstadt, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.³ Ms. Eisenstadt can be reached at (410) 767-7770 or by email at diane.eisenstadt@maryland.gov.

MSDE requires PGCPs to provide documentation by June 1, 2023, that it has provided the student's mother with copies of the behavioral data collected for the student in December and January 2023.⁴

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. MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Dr. Deann M. Collins
Deputy Superintendent
Office of the Deputy Superintendent of Teaching and Learning

DC/gl

c: Monica Goldson
Keith Marston
Darnell Henderson
Alison Barmat
Diane Eisenstadt
Gerald Loiacono

³ MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

⁴ The information regarding the student's behavioral data must be shared in conformity with the corrective action required in State complaint #23-091 requiring that the PGCPs to develop a system for sharing this data with the student's parents.