



200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • msde.maryland.gov

June 15, 2016

Ms. Jessica Williams
711 Bain Drive #205
Hyattsville, Maryland 20785

Mrs. Joan Rothgeb
Director of Special Education
Prince George's County Public Schools
John Carroll Elementary School
1400 Nalley Terrace
Landover, Maryland 20785

RE: XXXXX
Reference: #16-109

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 April 19, 2016, the MSDE received a complaint from Ms. Jessica Williams, the complainant, on behalf of the above-referenced student and her parents, Mr. XXXXXXXXX and Ms. XXXXXXXXX. 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 did follow proper procedures in response to a request to amend the student's record, in accordance with 34 CFR §§300.618-.620.

INVESTIGATIVE PROCEDURES:

1. On April 20, 2016, the MSDE sent a copy of the complaint, via facsimile, to Mrs. Joan Rothgeb, former Director of Special Education, PGCPs; Dr. LaRhonda Owens, Supervisor of Compliance, PGCPs; Ms. Gail Viens, Deputy General Counsel, PGCPs; and Ms. Kerry Morrison, Special Education Instructional Specialist, PGCPs.
2. On April 28, 2016, Ms. Sharon Floyd, Education Program Specialist, MSDE, contacted the complainant by telephone and clarified the allegation to be investigated.
3. On May 6, 2016, the MSDE sent correspondence to the complainant that acknowledged receipt of the complaint and identified the allegation subject to this investigation. On the same date, the MSDE notified the PGCPs of the allegation and requested that the PGCPs review the alleged violation.
4. On May 12, 16, 2016, Ms. Floyd discussed the allegation being investigated with Ms. Morrison, PGCPs.
5. On May 12, 2016, the complainant provided the MSDE with documentation to consider.
6. On May 16, 2016, the PGCPs provided the MSDE with documentation to consider.
7. The MSDE reviewed documentation, relevant to the findings and conclusions referenced in this Letter of Findings, which includes:
 - a. Individualized Education Program (IEP), dated September 9, 2015 and progress reports;
 - b. Amended IEP, dated April 20, 2016 and progress reports;
 - c. Prior written notice (PWN) to the September 11, 2015 IEP team meeting;
 - d. PWN to the September 30, 2015 IEP team meeting;
 - e. Email correspondence, between the complainant and the PGCPs, dated October 14, 2015 through March 9, 2016;
 - f. Email correspondence, between the complainant and the MSDE, dated April 28, 2015 through January 19, 2016;
 - g. Email correspondence, between the MSDE and the PGCPs, dated October 8, 2015 through May 12, 2016;
 - h. PGCPs Administrative Procedure No. 5125 and
 - i. Correspondence containing allegations of violations of the IDEA, received by the MSDE on April 19, 2016.

BACKGROUND:

The student is seventeen (17) years old and attends XXXXXXXXXXXXXXXX (XXXXXXX). She is identified as a student with Autism under the IDEA, and has an IEP that requires the provision of special education and related services (Doc. a).

FINDINGS OF FACTS:

1. On March 8, 2016 and April 28, 2016, the complainant sent a written request, to the PGCPS staff, to amend the student's record. Specifically, the complainant states that the "prior written notice, dated September 30, 2015, and the progress reports, dated September 9, 2015, contain inaccurate information" (Doc. e).
2. There is no documentation that the school system responded to the complainant's request to amend the student's record (Doc. g).

DISCUSSION/CONCLUSIONS:

A parent who believes that information in the student's educational record is inaccurate or misleading may request that the public agency amend the information. Upon receipt of such a request, the public agency must decide, within a reasonable period time of the receipt of the request, whether to amend the information. If the public agency refuses to amend the information, it must inform the parent of the refusal and advise the parent of the right to a hearing before school system personnel to challenge the information (34 CFR §§300.618 and .619).

Based on the Findings of Facts #1 and #2, the MSDE finds that the PGCPS did not respond to the complainant's request to amend the student's record in a timely fashion, and that, as a result, a violation occurred.

CORRECTIVE ACTION/TIMELINE:

The MSDE requires the PGCPS to provide documentation by July 15, 2016, that the school system has responded to the complainant's request to amend the student's record.

TECHNICAL ASSISTANCE:

Technical assistance is available to the complainants and the PGCPS by Dr. Nancy Birenbaum, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, at (410) 767-0255.

Please be advised that both the complainants and the PGCPS have the right to submit additional written documentation to this office, which must be received within fifteen (15) days of the date of this letter, if they disagree with the findings of facts or conclusions reached in this Letter of

Ms. Jessica Williams
Mrs. Joan Rothgeb
June 15, 2016
Page 4

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. Pending the decision on a request for reconsideration, the school system must implement any corrective actions consistent with the timeline requirements as reported in this Letter of Findings.

Questions regarding the findings, conclusions and corrective actions contained in this letter should be addressed to this office in writing. The parent 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 and 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 Special Education/
Early Intervention Services

MEF/sf

c: XXXXXXXXXXXXXXXXXX
 Kevin W. Maxwell
 Gwendolyn Mason
 LaRhonda Owens
 Kerry Morrison
 Gail Viens
 XXXXXXXXXX
 Dori Wilson
 Anita Mandis
 Nancy Birenbaum
 Sharon Floyd