



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

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August 6, 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: #18-184

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 June 20, 2018, the MSDE received a complaint from Ms. XXXXXXXXXXXX, hereafter, “the complainant,” on behalf of the above-referenced student and his parent, Ms. XXXXXXXXXXXX. 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 ensured access to the student’s educational record, in accordance with 34 CFR §300.613.

**BACKGROUND:**

The student is ten (10) years old and attends XXXXXXXXXXXXXXXXXXXXXXXX. He is identified as a student with an Other Health Impairment under the IDEA as a result of Attention Deficit Hyperactivity Disorder (ADHD). He has an IEP that requires the provision of special education instruction.

**FINDINGS OF FACTS:**

1. On February 26, 2018, March 13, 2018, and March 26, 2018, the complainant sent the school staff an electronic mail (email) message forwarding a document that states that the student's mother provided consent for the complainant to review the student's educational records. The document was dated February 23, 2018 and contained the electronic signature of the student's mother and of the complainant. The emails from the complainant contained a request that the school staff provide her electronically with copies of documents from the last three (3) years of the student's educational record. The emails were not signed by the complainant, nor did they contain information that the failure to provide copies of the documents would effectively prevent the inspection and review of those documents.
2. The parties report that the school principal informed the complainant and the student's mother that an original signature was required in order to provide access to the student's educational record.
3. While the complainant alleges that the student's mother provided the school staff with the original signature that was requested, the school staff deny this assertion, and there is no documentation to support the assertion.

**DISCUSSION/CONCLUSIONS:**

In this case, the complainant alleges that the school system was required to provide her with copies of the student's educational record.

Based on the Finding of Facts #1 - #3 above, the MSDE finds that there is no documentation that copies of the documents are required in order to provide access to the record, in accordance with 34 CFR §300.613, or that proper consent was provided in order to disclose the record to the complainant, in accordance with 34 CFR §300.622. Therefore, this office does not find that a violation occurred with respect to the allegation.

**TIMELINE:**

Please be advised that the PGCPs and the complainant have the right to submit additional written documentation to this office within fifteen (15) days of the date of this letter if they

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disagree with the findings of fact or conclusions reached in this Letter of Findings. The additional written documentation must not have been available to this office during the complaint investigation and a substantial reason must be provided for not submitting the documentation during the investigation. If additional documentation 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.

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

c: Monica Goldson  
Gwendolyn Mason  
Barbara VanDyke  
XXXXXXXXXX  
Dori Wilson  
Anita Mandis  
Nancy Birenbaum