



Mohammed Choudhury
State Superintendent of Schools

August 31, 2021

Ms. Jessica Williams
Education Due Process Solutions, LLC
711 Bain Drive, #205
Hyattsville, Maryland 20785

Ms. Trinell Bowman
Associate Superintendent – Special Education
Prince Georges County Public Schools
1400 Nalley Terrace
Landover, Maryland 20785

RE: [REDACTED]
Reference: #22-016

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services, 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 August 23, 2021, the MSDE received a complaint from Ms. Jessica Williams, hereafter, “the complainant,” on behalf of the above-referenced student and her parents, Mr. [REDACTED] and Ms. [REDACTED]. 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 followed proper procedures when responding to a request to amend the student’s education record, since June 6, 2021, in accordance with 34 CFR §§300.618 - .621.

BACKGROUND:

The student is eleven (11) years old, attends [REDACTED] and is identified as a student with a Specific Learning Disability, based on Dyslexia and Dysgraphia, under the IDEA. She has an IEP that requires the provision of special education instruction.

FINDINGS OF FACTS:

1. On June 6, 2021, the student’s father contacted school administrative staff by electronic

mail (email) to request that reports of the student's progress towards achieving her annual goals for school year 2020-2021 be amended to reflect that the student was not making sufficient progress. He believed those progress reports to be "inaccurate," and therefore, "fraudulent."

2. By email from the PGCPs to MSDE, dated August 25, 2021, the PGCPs acknowledged that the school staff did not follow administrative procedures when they responded to the parent's request. Their email stated that they did not respond in writing after considering a request to amend the student's educational record or inform the parents of their right to a hearing in the event of a denial of that request.
3. By email dated August 26, 2021, the school administrative staff contacted the student's parents and responded, in writing, to their request to amend the student's education record. The response stated that the request to amend reports of the student's progress towards achieving the annual IEP goals was denied based on a conversation between school administrative personnel and other school staff, as well as reviewing the supporting data in the progress reports in question. The email informs the parents of the right to "appeal" the denial of the request to amend the student's educational record to the Office of Student Records.

DISCUSSION/CONCLUSIONS:

Based on Findings of Facts #1 and #2, the MSDE appreciates the PGCPs acknowledgment and concurs that the PGCPs did not follow proper procedures when responding to a request to amend the student's education record, since June 6, 2021, in accordance with 34 CFR §§300.618 - .621. Therefore, this office finds that a violation occurred with respect to the allegation.

Notwithstanding the violation, based on Finding of Fact #3, the MSDE further finds that the PGCPs has remediated the violation for this student. Therefore, no student-based corrective action is required.

CORRECTIVE ACTION/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, the MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.¹ This office will follow up with the public agency to

¹ The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency must 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, the 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.

ensure that it completes the required action consistent with the MSDE Special Education State Complaint Resolution Procedures. If the public agency anticipates that the timeframe below may not be met, or if any of the parties seeks technical assistance, they should contact Dr. Nancy Birenbaum, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.² Dr. Birenbaum can be reached at (410) 767-7770 or by email at nancy.birenbaum@maryland.gov.

School-Based

The MSDE requires the PGCPS to provide documentation of the steps taken to ensure that proper procedures are followed when responding to a request to amend the student's education record at [REDACTED]. The documentation must include a description of the action that will be taken to monitor the effectiveness of the steps taken.

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 parents 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 Early Intervention/Special Education Services

c: Monica Goldson
Barbara VanDyke
[REDACTED]
Dori Wilson
Anita Mandis
Diane Eisenstadt

² The MSDE will notify the Directors of Special Education of any corrective action that has not been completed within the required timelines.