




Mohammed Choudhury  
State Superintendent of Schools

April 8, 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: #22-093

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 February 11, 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 December 7, 21, and 23, 2021, 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 a Autism under the IDEA and has an IEP that requires the provision of special education instruction and related services.

**FINDINGS OF FACTS:**

1. On December 7, 2021, the student's mother sent correspondence to the PGCPs staff requesting access to videos of the student on the bus during transportation on the afternoon of October 11, 2021, the afternoon of October 28, 2021, the afternoon of October 29, 2021, the afternoon of November 18, 2021, and the morning and afternoon of November 19, 2021.
2. On December 21, 2021, the complainant sent correspondence to the PGCPs staff requesting access to videos of the student on the bus during transportation on the afternoon of October 11, 2021, the afternoon of October 28, 2021, the afternoon of October 29, 2021, the afternoon of November 18, 2021, and the morning and afternoon of November 19, 2021.
3. On December 23, 2021, the complainant sent correspondence to the PGCPs staff requesting access to videos of the student on the bus during transportation on the morning of December 16, 2021.
4. There is no documentation that the student's mother has had the opportunity to review the documents that she requested on December 7, 2021.
5. There is documentation that the complainant was previously afforded the opportunity to view the documents that he requested on December 21, 2021.
6. There is documentation that the complainant has been afforded the opportunity to review the documents that he requested on December 23, 2021 on March 1, 2022.

**DISCUSSION/CONCLUSIONS:**

Based on the Findings of Facts, #1 and #4, the MSDE finds that the student's mother was not provided with access to the student's educational record in a timely manner, following her request on December 7, 2021, in accordance with 34 CFR §300.613. Therefore, this office finds that a violation occurred with respect to this aspect of the allegation.

Based on the Findings of Facts, #2 and #5, the MSDE finds that the complainant was previously provided with access to the records requested on December 21, 2021, in accordance with 34 CFR §300.613. Therefore, this office does not find that a violation occurred with respect to this aspect of the allegation.

Based on the Findings of Facts, #3 and #6, the MSDE finds that the complainant was not provided with access to the student's educational record in a timely manner, following his request on December 23, 2021, in accordance with 34 CFR §300.613. Therefore, this office finds that a violation occurred with respect to this aspect of the allegation. Notwithstanding that violation, based on those same Findings of Facts, the MSDE finds that the complainant was afforded the

opportunity to review the records in question and that no corrective action is required to remedy the violation.

**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, the MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

The MSDE has established reasonable time frames below to ensure that noncompliance is corrected in a timely manner.<sup>1</sup> This office will follow up with the public agency to ensure that it completes the required actions consistent with the 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.<sup>2</sup> Ms. Eisenstadt can be reached at (410) 767-7770 or by email at [diane.eisenstadt@maryland.gov](mailto:diane.eisenstadt@maryland.gov).

The MSDE requires the PGCPS to provide documentation by May 15, 2022 that it has afforded the student's mother with an opportunity to review the records requested on December 7, 2021.

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,

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<sup>1</sup> 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, 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.

<sup>2</sup> The MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

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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  
Barbara VanDyke  
Keith Marston  
Gail Viens  
Darnell Henderson  
Gerald Loiacono  
Diane Eisenstadt