



Mohammed Choudhury
State Superintendent of Schools

July 15, 2022

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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: #22-157

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 28, 2022, the MSDE received a complaint from Ms. [REDACTED] and [REDACTED] hereafter, “the complainants,” on behalf of the above-referenced student. In that correspondence, the complainants 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 following allegations:

1. The PGCPS did not follow proper procedures when responding to a request for access to the student's record since May 2021, in accordance with 34 CFR §300.613.
2. The PGCPS has not ensured that the Individualized Educational Program (IEP) has addressed the concerns of the student's parents since May 2021, in accordance with 34 CFR §300.324.

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BACKGROUND:

The student is seven years old and attends ██████████ ██████████ School. He is identified as a student with Autism under the IDEA and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACTS:

1. On March 17, 2021, the IEP team convened for the student to review his out-of-state IEP and conduct an evaluation for the student. The IEP team determined that the student met the eligibility requirements under Maryland law and qualified as a student with a disability under the IDEA. The IEP team proposed reconvening to develop an IEP.
2. On May 6, 2021, the IEP team met to develop an IEP for the student.
3. Documentation from the student's "parent contact log" from start of the 2021-2022 school year reflects that the student was not consistently participating in instruction or present to receive related services.
4. Progress reports completed for the student related to his reading comprehension goal indicate that the goal was "not currently introduced" by November 23, 2021 and that the student "has not been introduced to this goal this year." By June 17, 2022, the progress report indicated that the student was not making progress because he "withdrew from school on March 28, 2022". Progress reports completed for the student related to his communication goals indicate that skills were not introduced due to the student's absences or that the student was not making sufficient progress towards achieving his IEP goals in November 2021.
5. On March 14, 2022, the student's biological parents sent correspondence to the PGCPs staff expressing concern related to the student's attendance and need for special education services. They also requested access to the student's record.
6. There is documentation that the student's grandmother, who had "primary physical and legal custody" of the student, determined that the student would be home schooled starting on January 31, 2022. She determined on May 28, 2022 to discontinue homeschooling for the student.
7. There is no documentation that the PGCPs convened an IEP team meeting to review the student's lack of expected progress or attendance concerns prior to the student receiving home school instruction on January 28, 2022.

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8. On June 13, 2022, the PGCPS convened an IEP team meeting for the student to review and revise, as appropriate, the student's IEP. There is no documentation that the IEP team considered the student's lack of expected progress or attendance concerns during this IEP team meeting.
9. There is documentation that the student's biological parents were able to access parts of the student's record, but were not afforded access to each of the records requested.

DISCUSSION/CONCLUSIONS:

Allegation #1: Development of the IEP

Based on Findings of Facts #1 to #8, the MSDE finds that there is no documentation that PGCPS ensured that the student's IEP was reviewed to address the lack of expected progress or information provided by the student's parents since May 2021, in accordance with 34 CFR §300.324. Therefore, this office finds that a violation occurred with respect to this allegation.

Allegation #2: Access to the Student's Record

Based on Findings of Facts #5 and #9, the MSDE finds that the PGCPS has not ensured that the student's biological parents were not afforded access to the student's record since May 2021, 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, 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 manner¹. This office will follow up with the public agency to ensure that it

¹ 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.

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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 action². Ms. Eisenstadt can be reached at (410) 767-7770 or by email at diane.eisenstadt@maryland.gov.

Student-Specific

The MSDE requires the PGCPS to provide documentation by October 1, 2022, of the following:

- a. That the student's biological parents have been afforded access to his educational record;
- b. That the IEP team has convened to address the student's attendance concerns and lack of expected progress towards achieving IEP goals during the 2021-2022 school year;
- c. That the IEP team had determined the amount and nature of compensatory services or other remedy to redress the delay in addressing the student's needs and lack of expected progress;
- d. That it has developed a plan for the implementation of the services within one (1) year of the date of this Letter of Findings.

School-Based

The MSDE requires the PGCPS to provide documentation by October 1, 2022, of the steps it has taken to ensure that the staff at the student's school properly implements the requirements for developing and revising student's IEPs to address information provided by parents and the student's lack of expected progress. Those steps must include staff development. Additionally, Please note that any documentation that is submitted related to steps that will be undertaken in the future must be supplemented with a signed acknowledgement by those staff members responsible for implementing those steps.

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

² 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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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. 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
 Shelly Woodson
 Darnell Henderson
 Albert Chichester
 Alison Barmat
 Diane Eisenstadt
 Gerald Loiacono