



July 29, 2022

[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: #22-170

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 April 26, 2022, the MSDE received a complaint from Mr. [REDACTED] 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 allegation that the PGCPS did not follow proper procedures when responding to a request for access to the student's record on May 4 ,5, 6, 7, 8, 9, 10, 11, 13, 16 and 17, 2022, in accordance with 34 CFR §300.613..

BACKGROUND:

The student is seventeen years old, is identified as a student with Autism under the IDEA, and has an IEP that requires the provision of special education and related services. The student is placed by the PGCPS at [REDACTED] a nonpublic, separate, special education school.

FINDINGS OF FACTS:

1. On May 4, 2022, the complainant sent correspondence to the PGCPS requesting access to records related to an email provided to him by the PGCPS.

2. On May 5, 2022, the complainant sent correspondence to the PGCPs requesting access to behavioral records and psychological assessments related to the student.
3. On May 6, 2022, the complainant sent correspondence to the PGCPs requesting access to video of the student during transportation during the afternoon of March 21, 2022, the afternoon of March 24, 2022, the afternoon of March 28, 2022 and April 4, 2022.
4. On May 7, 2022, the complainant sent correspondence to the PGCPs requesting access to records related to an email provided to him by the PGCPs.
5. On May 9, 2022, the complainant sent correspondence to the PGCPs requesting access to behavioral records related to the student.
6. On May 11, 2022, the complainant sent correspondence to the PGCPs again requesting access to video of the student during transportation during the afternoon of March 21, 2022, the afternoon of March 24, 2022, the afternoon of March 28, 2022, and April 4, 2022.
7. On May 13, 2022, the complainant sent correspondence to the PGCPs requesting access to behavioral records and psychological assessments related to the student.
8. On May 13, 2022, the complainant sent correspondence to the PGCPs requesting access to video of the student during transportation during the afternoon of March 21, 2022, the afternoon of March 24, 2022, the afternoon of March 28, 2022, and April 4, 2022, and requesting access to video of the student during transportation during the afternoon of March 15, 2022, the morning of March 16, 2022, the afternoon of March 17, 2022, and the morning of March 21, 2022.
9. On May 16, 2022, the complainant sent correspondence to the PGCPs requesting access to assessment data related to the student.
10. On May 17, 2022, the complainant sent correspondence to the PGCPs requesting access to records related to an email provided to him by the PGCPs.
11. On May 12, 2022, and May 18, 2022 the IEP team met for the student to review and revise, as appropriate, the student's IEP.
12. On June 1, 2022, the PGCPs sent correspondence to the complainant indicating that any records that may be responsive to his requests made on May 4, 2022 and May 7, 2022 were privileged.
13. On June 3, 2022, the PGCPs sent correspondence to the complainant indicating that there were no responsive records to his May 17, 2022 request.
14. On July 29, 2022, the PGCPs sent copies of the student's educational records requested by the complainant on May 5, 2022, May 9, 2022, May 13, 2022, and May 16, 2022.

Ms. Trinell Bowman

July 29, 2022

Page 3

15. On May 8, 2022, the complainant sent correspondence to the PGCPs requesting interpretation of records related to the scheduled times for the complainant to access video recordings of the student..
16. On May 11, 2022, the complainant sent correspondence to the PGCPs requesting interpretation of records related to the scheduled times for the complainant to access video recordings of the student.

DISCUSSION/CONCLUSIONS:

Based on Findings of Facts #1 to #11 and #14 to #16, the MSDE finds that there is no documentation that the PGCPs followed proper procedures when responding to requests to access the student's record, on May 4, 5, 6, 7, 8, 9, 10, 11, 13, 16 and 17, 2022, in accordance with 34 CFR §300.613. Therefore, the MSDE finds that a violation occurred with respect to the allegation.

Notwithstanding that violation, based on Findings of Facts #12 and #13, the MSDE finds that the parent was provided a response to his May 4, 7, and 17, 2022, requests. Therefore, no further corrective action is required to remedy this aspect of the violation.

Notwithstanding that violation, based on the Findings of Facts #15 and #16, the MSDE finds that the complainant has requested interpretation of records related to the scheduled dates for him to access video records of the student. Therefore, no further corrective action is required, at this time, related to his May 6, 2022, May 11, 2022, and May 13, 2022, requests to access video records of the student.

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

The MSDE requires the PGCPs to provide documentation that it has convened an IEP team meeting and provided the opportunity for the complainant to share his concerns related to the information contained in the student's records requested on May 5, 9, 16 and 16, 2022. The MSDE further requires the PGCPs to provide documentation that it has provided the complainant with a response to his May 8 and 11, 2022 requests for interpretation of the student's record.

Ms. Trinell Bowman

July 29, 2022

Page 4

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, 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
Darnell Henderson
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