



April 14, 2023



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: #23-149

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 15, 2023, 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.

MSDE investigated the allegation that the PGCPS did not follow proper procedures when responding to requests for access to the student's educational record on January 31, 2023, 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 day school.

FINDINGS OF FACTS:

1. On January 31, 2023, the complainant sent correspondence to the PGCPS requesting access to a recording of the student on the bus on the afternoon of March 21, 2022, and other records related to the student. Identical requests for the same records or video recordings were sent to multiple PGCPS staff members on the same date.

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2. On February 3, 2023, the IEP team met to review and revise, as appropriate, the student's IEP.
3. On February 9, 2023, the complainant was provided with the opportunity to review some of the educational records related to the student's behavior, responsive to his January 31, 2023, request.
4. On March 8, 2023, the complainant was afforded the opportunity to view video of the student on the bus in the afternoon of March 21, 2022.

DISCUSSION/CONCLUSIONS:

Based on Findings of Facts #1 to #4, MSDE finds that the PGCPs did not afford the parent the opportunity to access the student's record prior to the IEP team meeting convened on February 3, 2023, in accordance with 34 CFR §300.613. Therefore, this office finds that a violation has occurred.

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

MSDE has established reasonable time frame 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 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.

Student Specific

MSDE requires that the PGCPs provide documentation by July 1, 2023, that it has provided the parent with access to the student's educational records requested on January 31, 2023. The PGCPs must ensure that the parent has the opportunity to participate in an IEP team meeting following this review.

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

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student, including issues subject to this State complaint investigation, consistent with the IDEA. Msde recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Dr. Deann M. Collins
Deputy Superintendent
Office of the Deputy Superintendent of Teaching and Learning

DC/gl

c: Monica Goldson
Keith Marston
Darnell Henderson
Alison Barmat
Diane Eisenstadt
Gerald Loiacono