



Karen B. Salmon, Ph.D.
State Superintendent of Schools

May 8, 2020

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

Ms. Trinell Bowman
Director of Special Education
Prince George's County Public Schools
1400 Nalley Terrace
Landover, Maryland 20785

RE: [REDACTED]
Reference: #20-114

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention/Special Education Services (MSDE), 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 March 23, 2020, the MSDE received a complaint from Ms. Jessica Williams, hereafter, "the complainant," on behalf of the above-referenced student and his mother, 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 above-referenced student.

The MSDE investigated the following allegations:

1. The PGCPS did not follow proper procedures when conducting an evaluation of the student in response to a January 30, 2020 referral, in accordance with 34 CFR §§300.301 - .311 and COMAR 13A.05.01.04 - .06.
2. The PGCPS did not follow proper procedures to ensure that the student was evaluated and identified as a student with a disability under the IDEA, since March 2019, in accordance with 34 CFR §§300.111, .301 - .311, and COMAR 13A.05.01.04 - .06

Exceptional Circumstance Timeline Extension

While the IDEA requires that complaint investigations be completed within sixty (60) days of receipt of the State complaint, it permits an extension of the timeline if exceptional circumstances exist with respect to a particular complaint.

In this case, the MSDE has determined that exceptional circumstances exist with respect to Allegation #2, which requires the extension of the timelines for completion of this Allegation. Specifically, the PGCPs has indicated that documentation exists to demonstrate compliance with the requirements related to Allegation #2, but that the school system does not currently have access to the documentation due to the closure of schools in response to the COVID-19 outbreak.

Therefore, the timelines for completion of Allegation #2 are being extended to thirty (30) days after the reopening of schools within the PGCPs. Because there is sufficient documentation to complete the investigation of the remaining allegation, this report contains the results of the investigation into that allegation. A separate Letter of Findings addressing Allegation #2 will be issued within thirty (30) days after the reopening of schools within the PGCPs.

BACKGROUND:

The student is seven (7) years old and has not been identified as a student with a disability under the IDEA. The student is placed at the [REDACTED] where he attended school until a March 16, 2020 Statewide closure of all schools as a result of the national COVID-19 pandemic.

ALLEGATION #1: RESPONSE TO A JANUARY 30, 2020 REFERRAL FOR AN IDEA EVALUATION

FINDING OF FACT:

1. There is no documentation reflecting that, on January 30, 2020, the student's mother made a written referral requesting that he be evaluated for special education services under the IDEA.

CONCLUSION:

Based on the Finding of Fact #1, the MSDE finds that there is no documentation that a written referral for an IDEA evaluation was made on January 30, 2020, and thus the requirements of 34 CFR §§300.301 - .311 and COMAR 13A.05.01.04 - .06 do not apply. Therefore, this office does not find that a violation occurred with respect to the allegation.

TIMELINE:

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.

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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

MEF/ac

c: [REDACTED]
Monica Goldson
Gwendolyn Mason
Barbara Vandyke
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