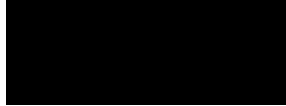





May 16, 2023




Ms. Trinell Bowman
Associate Superintendent-Special Education
Prince George's County Public Schools
John Carroll Administration Building
1400 Nalley Terrace
Hyattsville, Maryland 20785

RE: 
Reference: #23-176

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 17, 2023, 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.

MSDE investigated the following allegations:

1. The PGCPS did not follow proper procedures when responding to a requests for access, amendment, and/or clarification to the student's educational records sent on January 3, January 30, and February 1, 2023, to the student's social worker, in accordance with 34 CFR §§300.613 and .618.
2. The PGCPS did not ensure that the student's social worker was "available via email for parent questions or concerns" as required by his Individualized Education Program (IEP) since January 30, 2023, in accordance with 34 CFR §§300.101 and .323.

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  , a nonpublic, separate, special education school.

FINDINGS OF FACTS:

1. The student's IEP, in effect on January 20, 2023, requires that "School staff will provide school to home communication via [the student's] communication book which is provided daily and are available via email for parent questions or concerns."
2. On January 3, 2023, the complainant sent correspondence to PGCPs staff requesting amendment to the student's IEP, to include his proposed parent input in the student's IEP. The parent requested a copy of the student's IEP effective December 19, 2022 and the proposed revised IEP.
3. On January 30, 2023, the complainant sent correspondence to the student's social worker requesting access to and interpretation and explanation of the student's behavioral data collected between December 2022 and January 2023 and access to and interpretation and explanation of the records related to the students required mental health consultation between March 2022 and January 2023. In the correspondence, the complainant requested that the social worker "explain" when the student exhibited targeted behaviors, and how and when data was collected and services provided to the student.
4. On February 1, 2023, the complainant sent correspondence to staff at the student's school requesting access to and interpretation and explanation of educational records related to an IEP team meeting scheduled on February 2, 2023.
5. On February 2, 2023 and March 20, 2023, the IEP team convened for the student.
6. On May 15, 2023, the PGCPs provided a partial response to the complainant's January 3, 2023 and January 30, 2023 responses, including copies of the student's behavioral data, services logs, IEP effective December 19, 2023 and amended IEP. To date, the PGCPs has not provided the complainant with a response to his questions and requests for interpretation and explanation made on January 3, 2023 and January 30, 2023, or access to the student's records and explanation and interpretation made on February 1, 2023.

DISCUSSION/CONCLUSIONS:

Allegation#1: Requests for Access, Amendment, and/or Clarification to the Student's Educational Records

Based on Findings of Facts #2 to #6, MSDE finds that the PGCPs did not follow proper procedures when responding to a requests for access, amendment, and/or clarification to the student's educational records sent on January 3, January 30, and February 1, 2023, in accordance with 34 CFR §§300.613 and .618. Therefore, MSDE finds that a violation has occurred with respect to this allegation.

Allegation #2: Implementation of the Student's IEP

Based on Findings of Facts #3 and #6, MSDE finds that the PGCPs has not ensured that the student's social worker was "available via email for parent questions or concerns" as required by his IEP since January 30, 2023, in accordance with 34 CFR §§300.101 and .323. Therefore, MSDE finds that a violation has 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,

Ms. Trinell Bowman

May 16, 2023

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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 frames below to ensure that noncompliance is corrected in a timely manner.¹ 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.² Ms. Eisenstadt can be reached at (410) 767-7770 or by email at diane.eisenstadt@maryland.gov.

MSDE requires the PGCPS to provide documentation by July 1, 2023, that it has provided a complete response to the complainant's requests for access, amendment, and/or clarification to the student's educational records and emailed questions sent to the school staff.

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. 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 Alison Barmat
 Keith Marston Diane Eisenstadt
 Darnell Henderson Gerald Loiacono

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, 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.

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