

February 6, 2024

[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: #24-107

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 December 20, 2023, MSDE received a complaint from [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 following allegation:

1. The PGCPS did not follow proper procedures when responding to requests for access to the student's educational record on March 17, 2023, in accordance with 34 CFR §300.613.

BACKGROUND:

The student is 18 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 FACT:

Allegation #1: Response to Request for Access to Records

1. On March 17, 2023, the complainant wrote to [REDACTED], Transportation Operations Supervisor, Prince George's County Public Schools (PGCPS), requesting that access to certain documents relating to the student be provided to the student's brother, [REDACTED] for inspection and review.

2. The complainant made this request based on his assertion that “The Brother will serve (sic) as my representative under one or more of the laws and/or regulations described in this letter, for the purpose of the review and inspection of the Records described in this letter.” The complainant further alleges that the student’s brother is knowledgeable about the student and assists the complainant in understanding the information in the record because “English is not his native language.”
3. The complainant was provided the opportunity to review the requested documents on March 14, 2022. There is no documentation that the complainant requested interpretation of the documents from that review until the March 17, 2023, letter to [REDACTED].
4. There is no documentation that [REDACTED] has attended an Individualized Education Program (IEP) team meeting for the student since March 2022, when the complainant viewed the documents.

DISCUSSION/CONCLUSIONS:

Pursuant to 34 CFR 300.613, each local education agency “must permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency under this part.”

It is essential that parents fully understand the proceedings of IEP team meetings. Accordingly, LEAs must ensure that trained and qualified interpreters are present when needed. IEP teams cannot rely on untrained interpreters (see e.g. *DC Public Schools*, 121 LRP 11760; *HP, et al v. Bd. of Educ. of City of Chicago*, 74 IDELR 128 N.D. Ill. 2019). Similarly, if a parent has questions about documents that they are reviewing in preparation for an IEP team meeting that require translation or interpretation, trained and qualified individuals must be used.

In this case, there is no obligation to provide access to the student record to a family member who does not participate in IEP team meetings, nor is there any basis to provide access to the record for the student’s brother for the purpose of acting as an interpreter or a translator when he is not trained to do so.

Based on Findings of Fact #1 through #4, PGCPs followed proper procedures when responding to requests for access to the student's educational record on March 17, 2023, in accordance with 34 CFR §300.613.

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 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 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. Sarah Denney, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action. Ms. Denney can be reached at (410) 767-7770 or by email at sarah.denney@maryland.gov.

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. Antoine Hickman
Assistant State Superintendent
Division of Early Intervention/Special Education Services

ALH/abb

C: Mr. Millard House, III, Superintendent, PGCP
Mr. Keith Marston, Instructional Supervisor, Compliance, PGCP
Ms. Lois Jones Smith, Compliance Liaison, PGCP
Mr. Darnell Henderson, Deputy General Counsel, PGCP
Ms. Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE
Ms. Rabiatu Akinlolu, Complaint Investigator, MSDE
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Ms. Nicol Elliott, Section Chief, Monitoring and Accountability, MSDE