

March 22, 2024

[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: #24-135

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 January 25, 2024, 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.

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 October 26, 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 Individualized Education Program (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:

1. The complainant sent a letter to Ms. Trena Bowlding, Instructional Specialist, PGCPS and Dr. Anthony Wright, Supervisor, PGCPS, dated October 26, 2023, requesting an opportunity to inspect and review certain educational records pertaining to the student.
2. There is documentation that the PGCPS responded to the complainant's request for access on October 27, 2023, informing him that he would be provided with potential dates to review the student's educational record before November 6, 2023.

3. On November 8, 2023, the complainant was sent an email offering the following dates:

Monday, November 27, 2023 from 10:00 am - 11:00 am.

Wednesday, November 29, 2023 from 1:00 pm - 2:00 pm

Friday, December 1, 2023, from 1:00 pm- 2:00 pm

The complainant was requested to respond prior to November 13, 2023.

4. On November 15, 2023, the complainant was sent an email including the following information:

“The date of Wednesday, November 29, 2023, from 1:00- 2:00 pm is no longer available.

At this time, we are still available to provide you with access to records on Monday, November 27, 2023, from 10:00 am- 11:00 am or Friday, December 1, 2023, from 1:00 pm - 2:00 pm. Please let us know your availability regarding the two remaining dates by November 20, 2023. If these dates are not suitable for you, please let us know if you would like us to offer additional dates.”

5. On December 1, 2023, the complainant was sent an email including the following communication:

“At this time, the three opportunities that we offered to provide you access to records are no longer available. Feel free to contact us moving forward in regards to this request.”

6. There is documentation that on January 3, 2024, the complainant was sent the therapeutic behavior aide (TBA) logs.
7. There is documentation that on January 26, 2024, the complainant was sent the speech therapy logs.
8. There were IEP team meetings convened for the student on November 8, 2023, December 6, 2023, December 18, 2023, and January 17, 2024.
9. The complainant was in receipt of the records he requested access to by January 24, 2024, in order to prepare for any subsequent IEP team meetings which occurred in February and March of 2024.

DISCUSSION/CONCLUSIONS:

Each participating 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. The agency must comply with a request without unnecessary delay and before any meeting regarding an IEP, or any hearing pursuant to 34 CFR §300.507 or §300.530 through §300.532, or resolution session pursuant to §300.510, and in no case more than 45 days after the request has been made. 34 CFR § 300.613

In this case, the complainant made a request to access the student’s records approximately eight days prior to an IEP team meeting. The PGCPs provided a prompt response; however, none of the dates offered were prior to the first IEP team meeting. The next dates the PGCPs offered were well within the next IEP dates and provided the complainant with a reasonable opportunity to access, inspect and review the student’s records. Finally, the PGCPs provided the complainant with copies of the documents he requested the right to inspect and review, as he did not avail himself of any of the opportunities the PGCPs provided him to access the records.

Ms. Trinell Bowman

March 22, 2024

Page 3

Based on Finding of Fact #1 through #9, MSDE finds that the PGCPs did follow proper procedures when responding to requests for access to the student's educational record on October 26, 2023, in accordance with 34 CFR 300.613, with the exception of the complainant's ability to review and inspect the requested documents prior to an IEP team meeting convened on November 8, 2023.

Notwithstanding, the PGCPs held multiple IEP team meetings for the student following the November 8, 2023, IEP team meeting and the complainant was provided with reasonable opportunities to review and inspect the documents he requested, and finally, was provided with copies of the requested documents. Therefore, no student-specific correction is required.

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,

Antoine L. Hickman, Ed.D.
Assistant State Superintendent
Division of Early Intervention/Special Education Services

ALH/abb

c: Millard House, II, Superintendent, PGCPs
Keith Marston, Supervisor, Special Education Compliance, PGCPs
Lois Smith Jones, Liaison, Special Education Compliance, PGCPs
Darnell Henderson, General Counsel, PGCPs
William Fields, Assistant General Counsel, PGCPs
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE
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