



Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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September 16, 2013

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Mrs. Joan Rothgeb
Director of Special Education
Prince George's County Public Schools
John Carroll Elementary School
1400 Nalley Terrace
Landover, Maryland 20785

RE: XXXXX
Reference: #14-006

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS), 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 July 19, 2013, the MSDE received a complaint from Mr. Robert Berlow, hereafter, "the complainant," on behalf of the above-referenced student and his parents, Mr. XXXXXXXX and Mrs. XXXXXXXX. 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 student.

The MSDE investigated the allegation that the PGCPS did not follow proper procedures when responding to a June 21, 2013 request to amend the student's educational record, in accordance with 34 CFR §§300.618-.621.

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INVESTIGATIVE PROCEDURES:

1. Ms. Tyra Williams, Education Program Specialist, MSDE, was assigned to investigate the complaint.
2. On July 22, 2013, the MSDE sent a copy of the complaint, via facsimile, to Mrs. Joan Rothgeb, Director of Special Education, PGCPs; Ms. LaRhonda Owens, Supervisor of Compliance, PGCPs; Ms. Gail Viens, Deputy General Counsel, PGCPs; and Ms. Kerry Morrison, Special Education Instructional Specialist, PGCPs.
3. On July 30, 2013, Ms. Williams conducted a telephone interview with the complainant to clarify the allegation to be investigated.
4. On August 7, 2013, the MSDE sent correspondence to the complainant that acknowledged receipt of the complaint and identified the allegation subject to this investigation. On the same date, the MSDE notified Mrs. Rothgeb of the allegation and requested that her office review the alleged violation.
5. On August 12 and 29, 2013, the PGCPs sent electronic mail (email) correspondence to the MSDE with documentation to be considered for the investigation.
6. On August 27 and 28, 2013, and September 9, 2013, the MSDE sent email correspondence to the PGCPs requesting information for the investigation.
7. On September 2 and 10, 2013, the PGCPs sent email correspondence to the MSDE with documentation to be considered for the investigation.
8. The MSDE reviewed the documentation, relevant to the findings and conclusions referenced in this Letter of Findings, listed below.
 - a. Email correspondence from the complainant to the MSDE, received July 19, 2013;
 - b. Correspondence and attachments from the complainant to the MSDE, received July 23, 2013;
 - c. Correspondence from the complainant to school staff, dated June 21, 2013;
 - d. Written summary of the IEP team decisions, dated May 30, 2013;
 - e. Revised summary of the IEP team decisions, dated May 30, 2013;
 - f. IEP, revised May 30, 2013;
 - g. Email correspondence from the PGCPs to the MSDE, received August 29, 2013;
 - h. IEP, amended August 30, 2013;
 - i. Email correspondence from the PGCPs to the MSDE, received September 2, 2013;

- j. Email correspondence from the PGCPS to the MSDE, received September 10, 2013; and
- k. Email correspondence from the PGCPS to the complainant and the student's parents, dated September 10, 2013.

BACKGROUND:

The student is thirteen (13) years old and attends XXXXXXXXXXXXXXXXXXXX. He is identified as a student with an Other Health Impairment under the IDEA, related to a diagnosis of Attention Deficit/Hyperactivity Disorder, and has an IEP that requires the provision of special education instruction and related services. During the period of time addressed by this investigation, the student's parents participated in the education decision-making process and were provided with written notice of the procedural safeguards (Docs. a, b, and f).

FINDINGS OF FACTS:

- 1. On June 21, 2013, the complainant sent correspondence to the school staff on behalf of the student's parents, requesting that the student's educational record be amended (Doc. b).
- 2. On September 10, 2013, the school system staff sent an email to the complainant and the student's parents informing them that they were making some, but not all, of the requested amendments to the student's educational record. In that correspondence, the school system staff also notified them of their right to request a hearing to challenge the information that the school staff was unwilling to amend (Docs. c - k).

DISCUSSION/CONCLUSION:

A parent who believes that information in the student's educational record is inaccurate or misleading may request that the public agency amend the information. Upon receipt of such a request, the public agency must decide, within a reasonable period of time from the receipt of the request, whether to amend the information. If the public agency refuses to amend the information, it must inform the parent of the refusal and advise the parent of the right to a hearing before school system personnel to challenge the information (34 CFR §§300.618 and .619).

Based on the Findings of Facts #1 and #2, the MSDE finds that there is documentation that school staff followed proper procedures in response to the request to amend the student's educational record. Therefore, the MSDE does not find that a violation has occurred.

Please be advised that the complainant and the school system have the right to submit additional written documentation to this office, which must be received within fifteen (15) days of the date of this letter, if they disagree with the Findings of Facts or Conclusion reached in this Letter of Findings. The additional written documentation must not have been provided or otherwise

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available to this office during the complaint investigation and must be related to the issues identified and addressed in the Letter of Findings.

If additional information is provided, it will be reviewed and the MSDE will determine if a reconsideration of the Conclusion is necessary. Upon consideration of this additional documentation, this office may leave its Findings and Conclusion intact, set forth additional Findings and Conclusions, or enter new Findings and Conclusion.

Questions regarding the Findings and Conclusion contained in this letter should be addressed to this office in writing. The student's 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 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 due process.

Sincerely,

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/Early Intervention Services

MEF/tw

cc : XXXXXXXX
 XXXXXXXX
 Kevin M.Maxwell
 Duane Arbogast
 Gail Viens
 LaRhonda Owens
 Kerry Morrison
 XXXXXX
 Dori Wilson
 Anita Mandis
 Tyra Williams