

December 16, 2020

Ms. Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Maryland State Department of Education
Division of Special Education/Early Intervention Services
200 West Baltimore Street
Baltimore, Maryland 21201

Re: Special Education State Complaint

Dear Ms. Franczkowski:

I am writing to file a complaint against the Prince George's County Public Schools (the District) regarding the education of children with disabilities in the District. I believe that the District is in violation of certain requirements in the Individuals with Disabilities Education Act (IDEA), its regulations and related Code of Maryland Regulations (COMAR). The details about the complaint are as follows:

Complainant Information:

Name of the Complainant: HAMEED JAMARUSSADIQ

Address:

Telephone Number(s):

Violation #1:

The District did not ensure that an Individualized Education Program (IEP) was in effect for all children with disabilities, in accordance with 34 CFR §300.101 and COMAR 13A.05.01.09.

Date(s) violation(s) occurred or duration of the violation: March 30, 2020 to May 15, 2020 (the Period).

For children with disabilities in the District whose services in the IEP expired during the Period, the District did not ensure that an IEP was in effect during all of the Period. During the Period, the District refused to conduct IEP meetings and insisted that IEP meetings would be conducted only after school reopening citing COVID-19. The District provided Distance Learning to non-disabled children during the Period.

Violation #2:

The District did not ensure that the IEP was reviewed and revised at least annually for all children with disabilities, in accordance with 34 CFR §300.324 and COMAR 13A.05.01.08.

Date(s) violation(s) occurred or duration of the violation: March 30, 2020 to May 15, 2020.

For children with disabilities in the District whose annual IEP review was due during the Period, the District failed to ensure that their IEP was revised at least annually. During the Period, the District refused to conduct IEP meetings and insisted that IEP meetings would be conducted only after school reopening citing COVID-19. The District provided Distance Learning to non-disabled children during the Period.

Please note the the District is still required to provide Free Appropriate Public Education (FAPE) for all children with disabilities during COVID-19.

Proposed Resolution:

1. Within five (5) days of the date of this letter, the District should provide written confirmation to you and me that it has identified all children with disabilities in the District whose services in the IEP expired during the Period and notified the parents of respective children with disabilities that compensatory services will be provided to remediate the lapse in services in the IEP, consistent with facts;
2. Within fifteen (15) days of the date of this letter, the District should provide written confirmation to you and me that compensatory services described in the previous step has been identified by the IEP team of the respective children with disabilities, consistent with facts;
3. Within thirty (30) days of the date of this letter, the District should provide written confirmation to you and me that compensatory services described in the previous step has been provided to respective children with disabilities, consistent with facts; and
4. The District should identify the steps it has taken to ensure that the each and every issues identified in this letter would not reoccur. Documentation of the steps identified should be provided to you and me within fifteen (15) days of the date of this letter.

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All of the above must be implemented. The District must comply with all requirements in the IDEA, its implementing regulations, and COMAR for each of the steps described above.

By copy of this letter I am requesting the District to review the matters in this letter with appropriate school system and school personnels and resolve the issues per the proposed resolution as soon as possible but not later than the timelines provided in the proposed resolution.

By copy of this letter, I also would like to remind the District that federal laws and regulations prohibit public entities and recipients of Federal Financial Assistance (FFA) from taking actions, towards me or any of my immediate family members, to harass, intimidate, threaten, coerce or discriminate them, because I filed a complaint with you asserting the rights of children with disabilities to receive FAPE and their right to not being discriminated based on their disabilities. I request the District to take proactive measures to ensure that violations described in this paragraph do not occur.

I request you to ensure that this complaint is processed in accordance with the IDEA and its implementing regulations complying with all procedural requirements. I also request you to provide procedures for effective implementation of corrective actions to achieve compliance as required by the IDEA and its implementing regulations.

Please contact me to confirm the receipt of this request, to talk with me to clarify the allegations before starting the investigation, to set up times for your investigators to talk to me and to establish timelines for completing the investigation. If you need further information or clarification, I can be reached at the contact numbers provided in this letter.

Sincerely,

A black rectangular redaction box covering the signature of Hameed Jamarussadiq.

Hameed Jamarussadiq

c: Trinell Bowman, Director of Special Education, PGCPS