

February 19, 2021

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 for [REDACTED]

Dear Ms. Franczkowski:

I am writing to file a complaint on behalf of my son [REDACTED] (the Student) regarding his education in the Prince George's County Public Schools (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:

Student Information:

Name of the Student: [REDACTED]

Date of Birth: [REDACTED]

Address: [REDACTED]

Student Identification Number: [REDACTED]

Local Education Agency (LEA): PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS (PGCPS)

School(s) where alleged violation(s) occurred: [REDACTED]
[REDACTED]

School the Student Currently Attending: [REDACTED]
[REDACTED]

Complainant Information:

Name of the Requester: HAMEED JAMARUSSADIQ

Relationship to the Student: FATHER

Address: [REDACTED]

Telephone Number(s): [REDACTED]

Student Background:

The Student is a fifteen (15) years old boy with Autism and Epilepsy, and is a child with disability under the IDEA. The District has placed the Student at the [REDACTED], [REDACTED] (the School), a non-public separate day school, to receive Free Appropriate Public Education (FAPE).

Participants Information:

The individuals participated in the violation(s) described in this complaint include, but not limited to, the following:

1. Ms. Trinell Bowman, Associate Superintendent for Special Education, PGCPs;
2. Mr. Keith Marston, Compliance Specialist, Department of Special Education, PGCPs;
3. Ms. Erica White, Associate General Counsel, Legislative Programs; and
4. Ms. Demetria T. Tobias, General Counsel, PGCPs.

The above individuals conducted the operations under the leadership of Dr. Monica Goldson, Chief Executive Officer (CEO), PGCPs.

Violation:

The District has not provided me with access to all of the Student's education records for which I requested access on November 10, 2020 (the Record Request), in accordance with 34 CFR §300.613 and COMAR 13A.08.02.13.

Date(s) violation(s) occurred or duration of the violation: December 26, 2020

The Record Request was addressed to Ms. Bowman. A copy of the Record Request was also provided to Mr. Marston.

Additional Background Information:

As you are aware, this is not the first time Ms. Bowman was involved in a similar violation. In the past several years Ms. Bowman and Ms. Kerry Morrison, Previous Compliance Specialist were involved in similar violations. On October 01, 2020, Mr. Marston informed me that Compliance Specialists are responsible for ensuring compliance with IDEA and COMAR. On the same date, Mr. Marston indicated that he was being coached by Ms. Morrison. You recently indicated to me that you did not believe Ms. Bowman had problem with her communication skills. I too believe the same. You also informed me that you notified Dr. Goldson regarding similar violations in which Ms. Bowman was involved. As I shared with you earlier, I had requested Dr. Goldson to assign a supervisor to Ms. Bowman. As I also shared with you, Dr. Goldson responded asking me whether there was anything that she could do. When I asked her whether it was the responsibility of the County Executive or Board of Education to assign a supervisor for the Superintendent, there was no communication from her.

When the Record Request was received, Ms. Bowman called it as “Public Information Request” and informed me that the request will be processed by “our” General Counsel's Office. Several years ago when I made a similar request to Ms. Joan Rothgeb, Previous Director of Special Education, PGCPS; she made similar claim. Ms. Morrison was assigned to the position of Compliance Specialist at that time. At that time I had to seek direct help from U.S. Department of Education. A federal law enforcement official was looking for Ms. Rothgeb. The federal agent informed me that he/she was not sure whether Ms. Rothgeb understood what Ms. Rothgeb wrote, as I requested information related to my son, how Ms. Rothgeb could turn me away calling it as public information. As you are aware Ms. Tobias was also involved in a previous similar violation.

Proposed Resolution:

1. Within five (5) days of the date of this letter, the District should provide me with copy of all of the records for which I requested access in the Record Request and were not provided to me by the District;
2. Within five (5) days of the date of this letter, the District should provide me with a written confirmation consistent that responsible individuals are appointed in the positions of Associate Superintendent for Special Education, Compliance Specialist, Associate General Counsel, General Counsel and CEO;

3. Within ten (10) days of the date of this letter, the District should provide me with a written explanation of the steps it has taken to ensure that access to the records of the students will be provided to all parents who oppose disability discrimination in a timely manner consistent with requirements in federal and state laws and their regulations;
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 me within ten (10) days of the date of this letter.

All of the above must be implemented. All confirmations referred above must be consistent with facts. 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 the Student or any of his immediate family members, to harass, intimidate, threaten, coerce or discriminate them, because I filed a complaint with you asserting the Student's right to receive FAPE and the Student's right to not being discriminated based on his disability. 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.

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Sincerely,

A black rectangular box redacting the signature of Hameed Jamarussadiq.

Hameed Jamarussadiq

c: Trinell Bowman, Associate Superintendent for Special Education, PGCPs