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February 15, 2017

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Ms. Sheila Myers
Infants and Toddlers Specialist
Calvert County Public Schools
Hunting Creek Annex
4105 Old Town Road
Huntingtown, Maryland 20639

RE: XXXXX
Reference: #17-086 (Part C)

Dear Parties:

The Maryland State Department of Education, Division of Special Education/Early Intervention Services (MSDE), has completed the investigation of the complaint regarding early intervention services for the above-referenced child. This correspondence is the report of the final results of our investigation.

ALLEGATION:

On January 23, 2017, MSDE received correspondence from Mr. XXXXXXXXXXXX, hereafter the “complainant,” alleging that the Calvert County Infants and Toddlers Program (CCITP) violated certain provisions of Part C of the Individuals with Disabilities Education Act (IDEA) and the corresponding federal and State regulations with respect to his son. This office investigated the allegation that the CCITP did not ensure that parental consent was obtained to conduct evaluations and assessments, in accordance with 34 CFR §§303.321 and .420.

INVESTIGATIVE PROCEDURES:

1. On January 31, 2017, the MSDE sent a copy of the complainant’s correspondence, via facsimile, to Ms. Sheila Myers, Infants and Toddlers Specialist, CCITP. On the same date, Ms. Anita Mandis, Section Chief, Complaint Investigation Section, MSDE, conducted a telephone interview with the complainant to clarify the allegation to be investigated.

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2. On February 2, 2017, MSDE sent correspondence to the complainant that acknowledged receipt of the complaint and identified the allegation subject to this investigation. On that same date, MSDE notified Ms. Myers of the allegation to be investigated and requested that her office review the alleged violation.
3. On February 6, 2017, Ms. Mandis conducted a telephone conversation with Ms. Myers.

BACKGROUND:

The child is 44 months old, and will turn 4 years old in May, 2017. He is identified as a child with a disability under Part C of the IDEA based on a developmental delay in the area of communication, and has an Extended Individualized Family Service Plan (IFSP) that requires the provision of early intervention services. The child participates in a preschool program at Sunderland Elementary School (Review of Extended IFSP).

SUMMARY OF FINDINGS AND CONCLUSIONS:

The CCITP staff acknowledge that, while reviewing the child's progress at a November 4, 2016 IFSP team meeting, the team discussed that the information was obtained through assessments of the student's present levels of development, which had been conducted without parental consent, and that a violation occurred. The CCITP staff report that, although training has been conducted to ensure compliance with the requirements, the school staff who serve infants and toddlers with disabilities through an Extended IFSP have not consistently obtained parental consent when required under Part C of the IDEA. The CCITP staff further report that this requirement will continue to be addressed through regular professional development activities (Interview with the CCITP staff). The MSDE appreciates the CCITP's response and concurs with the conclusion that a violation occurred.

CORRECTIVE ACTIONS/TIMELINE:

The MSDE requires the CCITP to provide documentation by February 1, 2018 that it has conducted training since November 4, 2016 that covers the requirement to obtain parental consent under Part C of the IDEA to all school system staff who serve infants and toddlers with disabilities through an Extended IFSP. The CCITP must also provide documentation of the steps taken to evaluate the effectiveness of the training and monitor to ensure that the violation does not recur.

TECHNICAL ASSISTANCE:

Technical assistance is available to the parties through Dr. Brian Morrison, Maryland Infants and Toddlers Program Director, MSDE. He may be contacted at (410) 767-0249.

Please be advised that the parties have the right to submit additional written documentation to this office within fifteen (15) days of the date of this letter if they disagree with the conclusions. The additional written documentation must not have been provided or otherwise been available

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to this office during the complaint investigation and must be related to the issues identified and addressed in the Letter of Findings. Upon consideration of this additional documentation, this office may leave its findings and conclusions intact, amend its findings and conclusions, set forth additional findings and conclusions, or enter new findings and conclusions.

Questions regarding the findings of fact, conclusions, or corrective actions contained in this letter should be addressed to this office in writing. The parties maintain the right to initiate mediation or a due process hearing if they disagree with the identification, evaluation, placement, or provision of early intervention services for the child, including issues subject to an early intervention system complaint investigation. The MSDE recommends that this Letter of Findings be included with any request for mediation or a due process hearing.

Sincerely,

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

MEF/aam

c: Daniel D. Curry
Christina Harris
XXXXXXXX
Dori Wilson
Anita Mandis
Brian Morrison
Nancy Vorobey