



Karen B. Salmon, Ph.D.
State Superintendent of Schools

May 3, 2018

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Dr. Arden Sotomayor
Director of Special Education
Charles County Public Schools
5980 Radio Station Road
La Plata, Maryland 20646

RE: XXXXX
Reference: #18-127

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 March 16, 2018, the MSDE received a complaint from Mr. XXXXXXXXXXXX, hereafter, “the complainant,” on behalf of the above-referenced student, and his father, Mr. XXXXXXXXXXXX. In that correspondence, the complainant alleged that the Charles County Public Schools (CCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced student.

The MSDE investigated the allegation that the CCPS did not ensure that the student was provided with transportation services required by his Individualized Education Program (IEP) on March 1, 2018, in accordance with 34 CFR §§300.101 and .323.

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BACKGROUND:

The student is nine (9) years old and attends XXXXXXXXXXXXXXXXXXXX. He is identified as a student with an Other Health Impairment (OHI) related to XXXXXXXXXXXXXXXXXXXX under the IDEA, and has an IEP that requires the provision of special education instruction and related services

FINDINGS OF FACTS:

1. The student's IEP, developed on May 9, 2017, requires that the student be provided with a "XXXXXXXXXX available at school if needed when he gets off the bus."
2. There is no documentation that a XXXXXXXXXXXX was available to assist the student with moving from the school bus to the school building, when the student arrived at school on March 1, 2018.

DISCUSSION/CONCLUSION:

Based on the Findings of Facts #1 and #2, the MSDE finds that there is no documentation that the student was provided with the assistance of a XXXXXXXXXXXX on March 1, 2018, as required by his IEP, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation occurred.

CORRECTIVE ACTION/TIMELINE:

The MSDE requires the CCPS to provide documentation by June 1, 2018, of the steps taken to ensure that a XXXXXXXXXXXX is available to the student each day.

Documentation of all corrective action taken is to be submitted to this office to: Attention: Chief, Family Support and Dispute Resolution Branch, Division of Special Education/Early Intervention Services, MSDE.

TECHNICAL ASSISTANCE:

Technical assistance is available to the parties by contacting Dr. Nancy Birenbaum, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE at (410) 767-7770.

Please be advised that the CCPS and the complainant 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 findings of fact or conclusions reached in this Letter of Findings. The additional written documentation must not have been provided or otherwise 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 conclusions is necessary.

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Upon consideration of this additional documentation, this office may leave its findings and conclusions intact, set forth additional findings and conclusions, or enter new findings and conclusions. Pending the decision on a request for reconsideration, the school system must implement any corrective actions within the timelines reported in this Letter of Findings.

Questions regarding the findings, conclusions and corrective actions contained in this letter should be addressed to this office in writing. The student's parent 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:gl

c: Kimberly A. Hill
Nancy Pirner
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XXXXXXXXXXXXXXXX
Dori Wilson
Anita Mandis
Gerald Loiacono
Nancy Birenbaum