



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

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December 28, 2018

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Mr. Nicolas Shockney  
Director of Special Education  
Carroll County Public Schools  
125 North Court Street  
Westminster, Maryland 21157

RE: XXXXX  
Reference: #19-056

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services (DEI/SES), 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.

**ALLEGATIONS:**

On November 2, 2018, the MSDE received a complaint from Ms. XXXXXXXXXXXXX, hereafter, “the complainant,” on behalf of her son, the above-referenced child. In that correspondence, the complainant alleged that the Carroll County Public Schools (CCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the child.

The MSDE investigated the allegations listed below.

1. The CCITP did not ensure that parental consent was obtained in March 2018, prior to conducting screening procedures, in accordance with 34 CFR §303.420.
2. The CCITP did not ensure that the child was provided with the speech/language services required by the Individualized Family Service Plan (IFSP) from April 2018 to September 2018, in accordance with 34 CFR §303.340.
3. The CCITP did not ensure a seamless transition between services under Part C and Part B of the IDEA, from April 2018 to September 2018, in accordance with 34 CFR §303.209.

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## **BACKGROUND:**

The student is three (3) years old and is identified as a student with a Speech/Language Impairment under the IDEA and has an Individualized Education Program (IEP) that requires the provision of special education and related services.

## **FINDINGS OF FACTS:**

1. On June 19, 2017, the complainant completed an initial referral to the Carroll County Infants and Toddlers Program (CCITP) due to concerns about her child's speech/language skills. The child transferred from Frederick County Infants and Toddlers Program at twenty-three (23) months of age after the family moved to Carroll County, where he had an Individualized Family Service Plan (IFSP) that required the provision of physical therapy. The complainant gave consent for the child to be evaluated by the CCITP in the areas of cognition, fine motor development, gross motor development, social/emotional development and communication. The report of speech/language assessment indicated that the child demonstrated a greater than 25% delay in the development of receptive and expressive language skills, and currently produces minimal spontaneous speech. Speech/language service was suggested to promote the student's overall communication skills for thirty (30) minute sessions twice per month. The CCITP began collecting data from family members, including the babysitter, to determine progress on the IFSP.
2. On January 8, 2018, when the child was twenty-nine (29) months of age, a six (6) month review was held where transition planning, an explanation of the difference between an IEP and an IFSP, assessments for eligibility determination, and the school system registration were discussed. The complainant expressed her agreement to consider Part B services for the child.
3. On March 19, 2018, the complainant signed consent for a Part B evaluation. There is no documentation that a Part C screening was conducted by the CCITP in March 2018.
4. On April 8, 2018, at the six (6) month review, the IFSP was revised to include goals for the child to use three word phrases, for requests to be at least 75% intelligible on the first try and to answer "what" questions to get his needs met, which was suggested by the complainant. Transition planning from an IFSP to an IEP was again discussed and information provided, including school system registration requirements.
5. On April 30, 2018, updated assessments were reviewed. The results of the speech/language assessment indicated that the child demonstrated a moderate delay (greater than 25%) in the development of receptive and expressive language skills with articulation skills appearing to be essentially within normal limits for his age. The student was found to be eligible under Part B as a student with a Speech/Language

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Impairment. The complainant elected to receive services for the child through an IEP, requesting the termination of services under an IFSP. On April 30, 2018, the complainant “declined to schedule speech/language therapy sessions from April 30, 2018 until the child’s third (3<sup>rd</sup>) birthday.”

6. The complainant cancelled the next two (2) IEP meetings which were scheduled for May 18, 2018 and June 1, 2018, to develop an IEP.
7. On June 5, 2018, the child turned three (3) years old. On June 11, 2018, the IEP team meeting written summary documents that the IEP team proposed that the student receive speech/language therapy two (2) times per week for thirty (30) minutes for expressive and receptive language skills through an IEP. The complainant did not complete the registration packet or sign consent for the initiation of the IEP.
8. The complainant signed consent for the initiation of services to begin for the child through an IEP prior to the start of the 2018-2019 school year.

### **DISCUSSION/CONCLUSIONS:**

#### **Allegation #1: Parental Consent for Assessments**

Based on the Finding of Fact #3, the MSDE finds that the complainant signed consent for an evaluation to be conducted, in accordance with 34 CFR §303.420. Therefore, the MSDE finds no violation occurred with respect to this allegation.

#### **Allegation #2: Provision of Speech/Language Services**

Based on the Findings of Facts #6 - #8, the MSDE finds that there is documentation that the speech/language services were offered but that the complainant declined scheduling the remaining speech/language sessions, in accordance with 34 CFR §303.340. Therefore, the MSDE finds no violation occurred with respect to this allegation.

#### **Allegation #3: Transitioning from Part C to Part B**

Based on the Findings of Facts #2 - #8, the MSDE finds that the CCITP ensured a seamless transition between services under Part C and Part B, in accordance with 34 CFR §303.209. Therefore, the MSDE finds no violation occurred with respect to this allegation.

### **TIMELINE:**

As of the date of this correspondence, this Letter of Findings is considered final. This office will not reconsider the conclusions reached in this Letter of Findings unless new, previously unavailable documentation is submitted and received by this office within fifteen (15) days of the

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date of this correspondence. The new documentation must support a written request for reconsideration, and the written request must include a compelling reason for why the documentation was not made available during the investigation. Pending this office's decision on a request for reconsideration, the public agency must implement any corrective actions within the timelines reported in this Letter of Findings.

Questions regarding the findings and conclusions contained in this letter should be addressed to this office in writing. The complainant 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 and Appropriate Public Education for the child, 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 a due process complaint.

Sincerely,

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

MEF/sf

c: Steven A. Lockard  
Wayne Whalen  
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