




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

October 1, 2019




Dr. Arden Sotomayor
Director of Special Education
Charles County Public Schools
5980 Radio Station Road
P.O. Box 2770
La Plata, Maryland 20646

RE: 
Reference: 20-022

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention and Special Education Services (MSDE), 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 August 28, 2019, the MSDE received a complaint from Ms.  hereafter the “complainant,” on behalf of her daughter, the above-referenced student. 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 following allegations:

1. The CCPS did not ensure that the student was provided with the accommodations, instructional supports, program modifications, and services required by the Individualized Education Program (IEP) during the 2018-2019 school year, in accordance With 34 CFR §§ 300.101 and .323.
2. The CCPS did not ensure that the complainant was provided with a report of the student’s progress toward achieving the annual IEP goals for the fourth quarter of the 2018-2019 school year in accordance with 34 CFR §§300.101 and .323.

BACKGROUND:

The student is fifteen (15) years old and attends [REDACTED] School. She is identified as a student with Specific Learning Disability under the IDEA and has an IEP that requires the provision of special education services.

ALLEGATION #1: PROVISION OF ACCOMMODATIONS, INSTRUCTIONAL SUPPORTS, PROGRAM MODIFICATIONS AND SERVICES

FINDING OF FACTS:

1. The IEP requires the provision of numerous accommodations, instructional supports and program modifications and services, including access to notes prior to class, small group setting for assessments, reduced distractions, visual supports for vocabulary, alternative ways to demonstrate learning, and a formula assistance sheet for math problem solving. It also requires a human reader for math, science, and government assessments, frequent breaks, and extended time. It further requires the use of graphic organizers, use of a word bank, checks for understanding, chunking of text and meetings between the case manager and the student every two weeks to discuss progress and any concerns.
2. The IEP team met on September 28, 2018, October 11, 2018, March 20, 2019 and June 3, 2019. The documentation of these meetings reflects that the team, including the complainant, discussed the student's progress. At the March 20, 2019 meeting, the team discussed that the student was refusing to accept the supports being offered because it made her feel different than her peers. The team has attempted to address the student's interfering behavior by determining ways in which the supports can be provided in a less obvious manner, while also agreeing to the complainant's requests for IEP revisions.
3. There is documentation that the student was offered the supports required by the IEP, including that access to notes and assignments was provided in a variety of ways and bi-weekly meetings were held between the student and the case manager when the student agreed to meet.

Discussions/Conclusion:

In this case, the complainant alleges that the CCPS did not ensure that the student was provided with the accommodations, instructional supports, program modifications, and services required by the IEP.

Based on the Findings of Fact #1-#3, the MSDE does not find a violation with respect to IEP implementation, in accordance with 34 CFR §300.101 and .323. Based on those Findings of Fact, the MSDE also finds that the IEP team continues to meet to address the student's interfering behavior of refusing to accept the IEP supports, in accordance with 34 CFR §300.324.

ALLEGATION #2: PROVISION OF 2018-2019 FOURTH QUARTER PROGRESS REPORT

FINDING OF FACT:

4. There is documentation that the 4th quarter progress report was mailed to the parent on June 13, 2019.

Discussion/Conclusion:

In this case, the complainant alleges that she did not receive a progress report for the fourth quarter of the 2018-2019 school year.

Based on the Finding of Fact #4, the MSDE finds that there is documentation that the progress report was mailed on June 13, 2019. Therefore, this office does not find that a 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 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

The parties 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 a due process complaint.

Sincerely,

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

MEF:dee

c: LeWan Jones
Dori Wilson
Anita Mandis
Diane Eisenstadt