




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

December 23, 2020




Ms. Christina Harris
Director of Special Education
Calvert County Public Schools
1305 Dares Beach Road
Prince Frederick, Maryland 20678

RE: 
Reference: #21-032

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services, 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 November 4, 2020, the MSDE received a complaint from Ms.  hereafter “the complainant,” on behalf of the above-referenced student. In that correspondence, the complainant alleged that the Calvert County Public Schools (CCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the student.

The MSDE investigated the allegation that the CCPS has not followed proper procedures to ensure that the student was evaluated and identified as a student with a disability under the IDEA since September 2019, in accordance with 34 CFR §§300.8, .111, .301 - .311, and .503, and COMAR 13A.05.01.04 - .06.

BACKGROUND:

The student is seven (7) years old and was not identified as a student with a disability under the IDEA when the complaint was filed. On November 20, 2020, the student was identified as a student with a Specific Learning Disability (SLD) under the IDEA.

During the 2019 - 2020 school year, the student attended the [REDACTED] ([REDACTED] until the March 16, 2020 closure of school buildings and initiation of virtual learning, as a result of the COVID-19 pandemic.¹ Since the start of the 2020 -2021 school year, the student has been enrolled in the [REDACTED] ([REDACTED] the school she would attend based on her neighborhood.

FINDINGS OF FACTS:

November 2019 Referral

1. On November 19, 2019, at the request of the student’s pediatrician, the student’s teacher completed a questionnaire documenting that the student “often” fails to give attention to details or makes careless mistakes in her work, and is “often” easily distracted by extraneous stimuli. It also reflects that the student’s writing is “somewhat of a problem” because she makes “lots of [letter] reversals,” forms letters from bottom to top, and has difficulty with attention to complete independent writing assignments. The teacher also documented that the student “is not disruptive to the learning environment, BUT she seems often in her own world.”
2. On November 20, 2019, the complainant sent an electronic mail (email) message to the administrative school staff. The email documents that it was a follow up to a telephone conversation between the parties “several weeks” earlier in which the complainant reported “signs of ADHD [Attention Deficit Hyperactivity Disorder] and dyslexia” that the student was exhibiting. The email also reflects that, during a parent conference, the student’s teacher also expressed the same concerns. The email also documents that the complainant referred the student for an IDEA evaluation.
3. On December 17, 2019, the IEP team convened to review existing information and determine the need for additional data. The complainant reported that the student received early intervention services from 2015 to 2017 through an Individualized Family Service Plan (IFSP) due to deficits in her expressive language.
4. The complainant also reported that the student is “unusually hyper” at football practice in comparison with her teammates, and that “she can’t keep her body still.” She also informed the team that the student was scheduled for a consultation on January 10, 2020 with a private neurologist to discuss her possible ADHD. The IEP team discussed that the student “isn’t physically active at school but loses focus frequently” and “has difficulty attending and slowing down without reminders” when working alone.
5. The complainant also expressed concern that the student reverses her letters and numbers, reads backwards and reverses and rearranges letters in words when she reads (such as top/pot and left/felt), and may possibly have dyslexia. She informed the team that the

¹ The complainant reports that the student had been granted an administrative transfer to the [REDACTED] ES due to childcare circumstances.

upcoming consultation with the private neurologist was also to consider whether the student has dyslexia.

6. The IEP team discussed that the student “often reverses numbers,” and on recent informal assessments of her phonological skills and spelling, the student struggled with decoding digraphs, read slowly and made reversals in reading which impacted her comprehension. However, the IEP team also documented that the student’s errors were age and grade appropriate and she has shown “some improvement” since the start of the school year.
7. The IEP team documented that the student “has to work harder than her peers to form numbers facing the correct way.” They further documented that the student has experienced more difficulty with learning because she “is impacted” by inattention and reversals.
8. The IEP team also considered information that the student does not follow correct handwriting formation, but rather writes from bottom to top and from right to left, produces “backwards handwriting formations,” and switches letter ordering of words when writing. They discussed that, while independent writing is a challenge for the student and “she has to slow down a lot in comparison with her peers,” the student is able to correctly form letters and interrupt her backwards writing formation with teacher feedback, and her handwriting has improved since the start of the school year.
9. The school staff reported that the student was receiving supports and evidence-based practices in the classroom. These included small group reading instruction three to four (3-4) days per week, since September 2019, addressing decoding, blending and phonology. The IEP team also discussed that since October 2019, the student was receiving group practice in phonemic awareness for thirty (30) minutes each day, as well as daily instruction on a one-to-one basis to address reading reversals. The IEP team further discussed the student’s first (1st) quarter grades that included a 92 in math, 76 in language arts, and 85 in reading, and her current second (2nd) quarter grades that included a 71 in math, 76 in language arts, and 79 in reading.
10. The Prior Written Notice (PWN) of the decisions made at the December 2019 meeting documents that the IEP team determined that, with the existing classroom supports and intervention that the student has been receiving, she is making progress and meeting grade level expectations, and documented that “there is no significant education[al] impact at this time.”
11. The PWN documents that as a result, the IEP team did not suspect a disability and that no additional information was needed at that time because the student was meeting grade level expectations and making progress. However, the IEP team decided to continue the current classroom supports and instruction, monitor the student, and reconvene to consider additional informal information and the results of any private evaluations if obtained by the complainant.
12. On December 19, 2019, following receipt of the PWN from the December 17, 2019 meeting, the complainant sent an email to the school staff. She requested a meeting due to her concern that the information in the documentation reflecting that the team did not

suspect a disability was inaccurate, and her belief that “everyone agreed that she showed signs of disability and wasn’t performing at grade level.”

13. On January 8, 2020, the school staff sent the complainant a revised PWN of the decisions made at the December 17, 2019 IEP meeting. The revised PWN states that the IEP team determined that the student exhibits weaknesses in the areas of reading, spelling, and attention, but does not suspect “an IDEA disability that requires special education and related services.”

January 2020 IEP Meeting

14. On January 15, 2020, the IEP team convened, per the request of the complainant. The invitation notice for the meeting reflects that the purpose of the meeting was to also review existing information and determine the need for additional data.
15. The complainant reported that the student was scheduled to be assessed for ADHD, and that she was also considering additional assessments by private providers to determine whether the student has dyslexia due to her continued concerns in these areas. The complainant also “inquired” about assessing the student’s speech.
16. The IEP team documented that the school staff had no concerns about the student’s speech or expressive/receptive language skills, and had no data of an educational impact in these areas. The IEP team also documented that the student “uses class time effectively,” is attentive during instruction, and is able to regain focus with reminders or redirection when she loses attention during independent work.
17. The IEP team considered the student’s performance on recent informal testing demonstrating that she mastered seven (7) out of eight (8) of phonological awareness skills at the kindergarten level, was at varying degrees of mastery at first (1st) grade level of phonological awareness skills, correctly answered seven (7) out of eight (8) questions on a listening comprehension assessment, earned a score of 87% on a spelling test, and correctly wrote fourteen (14) out of sixteen (16) requirements on the dictation portion of an assessment.
18. The IEP team further considered that, since December 2019, the student’s grades in reading, language and math had improved. The IEP team reviewed the supports and evidence-based practices addressing decoding, blending, phonemic awareness and reversals that the student continued to receive, and documented that these classroom interventions were “yielding measurable improvement across content areas as noted through her grades and reduction in reversals.”
19. The PWN of the decisions made at the January 2020 IEP meeting documents the team’s decision to conduct an evaluation for a Specific Learning Disability (SLD) based on the complainant’s continued concerns.

March 2020 IEP Team Meeting

20. On March 9, 2020, the IEP team reconvened to review the results of assessments recommended at the January 2020 meeting, as well as the reports of private assessments obtained by the complainant.
21. The IEP team considered the February 4, 2020 report of the results of private cognitive and behavioral assessments of the student conducted by [REDACTED] (the “[REDACTED]” consisted of questionnaires and rating scales completed by the complainant and four (4) members of the school staff, as well as the results of an electroencephalogram (EEG).² Clinically significant scores were reported by the complainant in areas including behavioral regulation, emotional control and inhibition, in addition to several areas relating to temperament and focus. However, only one (1) of the four (4) school staff raters reported any clinically significant score, which was in the area of behavior regulation.
22. [REDACTED] documents the evaluator’s conclusion that “clinical presentation, medical history, reported areas of academic challenge, and assessment findings suggest diagnoses of Attention Deficit Hyperactivity Disorder - Predominantly Inattentive Type, Executive Functioning Impairment, Sensory/Language processing Dysfunction, Poor Sleep Hygiene, and Intermittent Difficulty with Self-Regulation.” It also includes twelve (12) recommendations for supports and accommodations for consideration between the student’s family and the school staff.
23. The IEP team also reviewed the February 7, 2020 report of an audiology assessment of the student conducted by the [REDACTED] ([REDACTED] Audiology Assessment). They discussed that the student performed “within the normal limits” for her age on the test for auditory processing disorder and the test that examined her ability to discriminate, remember, and blend phonemes.
24. When reviewing the [REDACTED] Audiology Assessment, the IEP team also considered the student’s performance on a test which measures the auditory skills to determine her ability to listen and follow speech in the classroom. On this test, the evaluator concluded that the student’s scores reflect weakness in her auditory processing and are “indicative of a spatial listening disorder.” The evaluator noted that the disorder may contribute to difficulty in the classroom and with concentration due to an impaired ability to separate desired speech from concurrent distracting sounds. The IEP team considered that, within the subtests of this test, the student scored “within normal limits” on four (4) of the five (5) subtests. They also discussed that the student does not appear to have difficulty discriminating between instruction and distractions in the classroom, but also documented that the team cannot rule out the possibility that the spatial processing disorder has an impact on the student’s inattention. The [REDACTED] Audiology Assessment

² An EEG is a test that detects abnormalities in brain waves or the electrical activity of the brain (<https://www.hopkinsmedicine.org>).

- contains six (6) recommendations, including a speech/language assessment. The IEP team documented that the recommendations would “be considered at a later time.”
25. The results of a CCPS Psychological Assessment conducted on February 25, 2020 (CCPS Psychological”) were also considered by the IEP team. The results of this assessment reflect that the student earned a full scale intelligence quotient (FSIQ) of 110 which represents that her cognitive functioning is in the “high average” range. The student also earned scores indicating her functioning in the “average” to “high average” ranges in the areas of verbal comprehension, visual spatial, fluid reasoning, working memory, and processing speed. The CCPS Psychological includes five (5) recommendations for classroom accommodations.
 26. The IEP team also considered the February 28, 2020 report of a CCPS Educational Assessment (CCPS Educational) documenting that, in the area of reading, the student was functioning in the “average” range. They discussed that the student demonstrated strengths in areas including syllable deletion, blending real words and nonsense words, isolating beginning and ending letter sounds, identifying high frequency words and one (1) syllable words in context, and answering comprehension questions after being read a story with pictures. The IEP team also discussed the student’s demonstrated weaknesses in areas including segmenting phonemes, decoding one (1) syllable nonsense words, reading words consisting of two (2) or more syllables in connected text, reading unfamiliar words and producing synonyms, antonyms or analogies, and answering comprehension questions after listening to a story without a picture.
 27. The report of the CCPS Educational also documents that, in the area of written language, the student was functioning in the “superior and average” ranges. Here, the student demonstrated strengths in beginning sentences with a capital letter and ending with a period, correctly spelling high frequency words, and writing dictated sentences and sentences using a target word or with a picture prompt. She also demonstrated weaknesses in applying correct grammar skills, and in writing sentences with the use of a topic sentence, using characters, and a developed plot.
 28. The report of the CCPS Educational further documents that the student was functioning in the “average to above average” ranges in the area of math. Counting by tens (10s), adding and subtracting equations to thirty (30), completing a partially filled 100 number chart, mentally computing addition and subtraction of one (1) digit numbers were among her strengths. Areas of weakness for the student included answering questions about a bar graph and solving word problems involving multiplication or division.
 29. The report of the CCPS Educational documents the evaluator’s conclusion that, in all academic areas, “given [the student’s] identified strengths and weaknesses, she should be able to access, participate in and progress in the general curriculum without supports and/or accommodations.” However, it also includes the evaluator’s statement that “In order for [the student] to access, participate in, and progress in the general education curriculum, she may benefit from accommodations, supplementary aids, services, and/or program modifications.”

30. Both reports of the CCPS Psychological and CCPS Educational include specific recommendations. The IEP team documented that “while [the student] could benefit from the recommendations detailed in the educational and psychological reports to address attention and phonology, her educational program is not significantly impacted.”
31. The IEP team also considered the report of a classroom observation of the student that was conducted on February 13, 2020. They discussed the observation findings that the student demonstrated “no problem” in any of the areas observed, which included listening comprehension, basic reading skills, reading comprehension, attention, activity level, task completion and speech. The observer also noted that on several occasions, when the student was unable to read a word, or was unsure of the correct reading of a word, she requested the assistance of a peer.
32. The complainant informed the team that the student was scheduled for a private speech/language evaluation and expressed concern that the team had previously decided that no assessment was needed in this area. The IEP team reviewed the existing data, including formal assessments relating to her early intervention services due to a speech/language delay. They also considered the teacher’s report that the student has shown difficulty “at times” with the sounds of /th and /f. The IEP team determined that the student’s speech development was appropriate for her age, and that based on all of the information, no additional information was needed. They agreed to monitor the student’s speech on an informal basis.
33. The PWN of the March 2020 meeting, along with the “Specific Learning Disability Team Report” (SLD Report) from the meeting, document that the IEP team reviewed the eligibility criteria for SLD. The documentation reflects that the team considered the student’s achievement relative to her age or to meeting State approved grade level standard levels and found that she was achieving adequately. The documentation also reflects that the team did not find a pattern of strengths and weaknesses in her performance, achievement, or both relative to age, State-approved grade level standards or intellectual development.
34. Based on the data, the IEP team determined that the student is not a student with a SLD who requires special education services under the IDEA. The complainant signed the SLD Report and confirmed her disagreement with the team’s decision.

May 2020 IEP Team Meeting

35. On May 4, 2020, the IEP team convened virtually to review the results of a private speech/language evaluation conducted by KKI on March 23, 2020 (KKI Speech/Language Evaluation).
36. The report of the [REDACTED] Speech/Language Evaluation reflects that the student’s receptive language ability is “above average” at the 96th percentile rank, but her expressive language ability is “average” at the 55th percentile rank. The evaluator found this gap between the student’s receptive and expressive language skills to be “statistically significant.” While the evaluator partially attributed the difference in skills to the student’s “reduced attention and impulsive responding,” the evaluator stated that “More

notable, however, are [the student's] subtle difficulties in expressive tasks that reflect deficits in applying grammatical forms and vocabulary to spoken and written language."

37. The report of the [REDACTED] Speech/Language Evaluation also provides information about the student's reading ability. It reflects that the student achieved composite scores in the "average" range in the areas of phonological awareness and oral reading, and a comprehension score in the "average" range. The evaluator noted that the student used her "strong receptive language skills" to assist her reading difficulty, including context clues that allowed her to correctly answer comprehension questions despite misreading multiple words in a story.
38. The report also documents that the student struggled with decoding, accurately reading only 40% of first (1st) grade level words and needing "several seconds" to sound out each word. It further documents that the student's independent reading level was at the pre-primer 1 level, representing three (3) levels below her grade level, and that her oral reading rate was "below average."
39. The report of the [REDACTED] Speech/Language Evaluation reflects the conclusion of the evaluator diagnosing the student with an expressive language disorder, and the recommendation for outpatient speech/language therapy at KKI. The evaluator also documented that the student is "at risk" for a SLD in reading and writing, and recommended several supports to assist the student's skills in these areas.
40. The PWN of the May 2020 meeting states that the IEP team "partially accepted" the report of the [REDACTED] Speech/Language Evaluation. The school-based members of the team "clarified" that the student's errors reflected in the report were age appropriate, and documented disagreement with the recommendations. The IEP team decided that additional information was needed to determine if the student "is impacted by a speech language impairment." The IEP team recommended a formal assessment of the student's receptive and expressive language skills.
41. The complainant expressed concern that her previous requests, in December 2019 and January 2020, for a speech/language assessment had been refused by the IEP team. The IEP team discussed that they had considered her prior requests and determined, based on a review of existing data at each time, that no additional data was needed.
42. On May 8, 2020, the complainant provided written consent for the recommended speech/language assessment, and the CCPS staff conducted the assessment on July 27, 2020 and August 8 and 10, 2020.

August 2020 IEP Team Meeting

43. On August 31, 2020, the IEP team convened virtually to review the August 10, 2020 report of the CCPS Speech/Language Evaluation. The IEP team discussed that the student achieved scores in the "average" range in all areas of speech/language evaluated, including expressive language. They also considered that, on an informal language task, the student made "a few language errors," including not using full sentences, using verbal fillers (such as um, uh), and needed extra time to retell a sequence of events.

44. The IEP team documented its determination that, based on the data, the student is not a student with a speech/language impairment. The complainant noted her concern that the CCPS Speech/Language Evaluation did not find the expressive language disorder that was found in the KKI Speech/Language Evaluation.

October 2020 and November 2020 IEP Team Meetings

45. On October 2, 2020, the IEP team convened virtually. The complainant informed the IEP team that the student's private providers have identified concerns about the student's attention, memory, and executive functioning. Based upon this discussion, the IEP team documented the concern that the student has an Other Health Impairment (OHI), and decided that additional information was needed in this area.
46. On November 20, 2020, the IEP team convened virtually to review the results of the assessment recommended by the IEP team at the October 2020 meeting, as well as the results of Independent Education Evaluations (IEEs) that the CCPS had agreed to fund, of the student's speech/language, auditory processing, academics and cognitive functioning skills.
47. The IEP team reviewed the report of an independent speech/language evaluation conducted on September 15, 2020 by the Children's National Health Systems Hearing and Speech Department. The report documents that the student's core language functioning is in the "average" range. However, it also documents that the student has a mixed expressive-receptive language disorder in narrative language, and that she "presents with language concerns" in reading, decoding and writing, which require further assessment.
48. The IEP team also reviewed the report of an independent Developmental Evaluation that was conducted on October 26, 2020 by the Children's Hearing and Speech Center Children's National Hospital (Children's Developmental Evaluation). The report includes the following information:
- The student's composite score on a test measuring her phonological awareness skills was in the 25th percentile, which represents that she was performing "below expectations" in comparison with her same-aged peers. Individual subtest scores reflect her functioning at the first (1st) and second (2nd) grade levels in this area.
 - The student's scores on a test measuring her reading fluency and comprehension abilities was in the 13th percentile, which represents that she was performing "below expectations" in comparison with her same-aged peers. Individual subtest scores reflect her functioning below the first (1st) grade level in reading rate, accuracy, fluency and comprehension.
 - The student's score on a test measuring her spelling ability was in the 24th percentile rate, and below the first (1st) grade level.
49. The evaluator of the Children's Developmental Evaluation concluded that the student's demonstrated difficulties with segmenting sounds in words, decoding words in passages,

and answering comprehension questions from passages are consistent with developmental dyslexia. The report includes several recommendations to support the student's reading, including "an intensive research-based reading intervention program at least 4 times per week" and delivered in a small group of no more than two (2) students, as well as a "multi-modal learning environment" providing instruction through kinesthetic, visual, tactile and auditory information.

50. Additionally, the IEP team reviewed the report of an independent psychoeducational evaluation conducted on October 19 and November 3, 2020 (IEE Psychoeducational Evaluation). This report includes the following information:
- Existing formal assessments have diagnosed the student with ADHD, a Mixed Expressive-Receptive Language Disorder, specifically Narrative Language, and an Auditory Processing Disorder relating to spatial listening skills.
 - The student's general cognitive functioning skills are in the "above average" range, as reflected in her FSIQ of 120. However, the evaluator noted variability between and within the domains due to the student's performance in the "above average" range in the area of visual reasoning skills, "high average" range in the areas of processing speed and verbal comprehension skills, and "average" range in the areas of visual spatial skills and working memory. The evaluator stated that the variability reflected in the student's performance reflects "a general weakness in working memory and sustained attention."
 - The student scored in the "average" range in the areas of broad reading and basic reading skills, but her scores also represent that her functioning in reading is below her expected grade level. Her scores in the areas of academic skills and academic fluency also represent functioning below her expected grade level, and "weak" fluency skills were noted to impact the student's comprehension ability.
 - The student scored in the "high average" range in broad math and in the "average" range in math calculation skills. These scores represent that the student's functioning is above expected grade level, and therefore areas of strength for her.
 - The student scored in the "high average" range in written expressions, representing her functioning above grade level, and in the "average" range in written language. However, the evaluator noted "caution" in interpreting the student's scores here due to the number of spelling errors not accounted for in calculating her writing scores.
51. Based on the findings, the evaluator of the IEE Psychoeducational Evaluation diagnosed the student with a SLD in reading and written expression. The evaluator stated that, "in contrast to her strong cognitive abilities and math skills, despite additional reading supports, [the student] is not making progress." The report includes several recommendations to address the student's needs, including the provision of "specialized interventions" through an IEP.

52. The report of a psychological assessment conducted on October 24, 2020 by the CCPS (CCPS Psychological) was also reviewed by the IEP team at the November 2020 meeting. The report includes information from observations of the student during in person classroom instruction and in her virtual classroom environment. During both observations the student demonstrated some inattentive behaviors and appeared distracted. However, the evaluator noted that the student was easily redirected, was able to correctly answer questions by her teacher, and was able to complete an independent task within the time allotted. Similarly, during an in-person interview, the evaluator reported that the student “appeared restless” and “quite often” was inattentive and distracted, but was able to appropriately answer questions when questions were repeated and with reminders about attention.
53. The report of the CCPS Psychological includes the results of behavioral ratings by the complainant and the student’s teacher. The complainant’s ratings reflect that the student demonstrates “a high degree” of externalizing problems and internalizing problems, including restlessness, impulsivity, anxiety and depression. However, the teacher rated the student as demonstrating “average” levels of behaviors in these areas in comparison with same aged children.
54. The report of the CCPS Psychological also reflects that the complainant rated the student as having a “high degree of difficulty” in the area of executive functioning, including skills related to attention, behavior and emotional control, planning and organization. While the teacher rated the student in the “average” range of executive functioning, the evaluator noted that the student’s behavior during all three (3) of the observation settings was consistent with the complainant’s ratings in this area.
55. The evaluator of the CCPS Psychological concluded that, while the student demonstrates “significantly more concerns” in the home environment, she demonstrates “expected attention and executive functioning for children her age in the school setting.”
56. The PWN of the decisions made at the November 20, 2020 meeting, along with the SLD Report from the meeting, document the IEP team’s decision that the student was no longer adequately achieving in the areas of reading and written language relative to her age or to meet State approved grade level standards. The documentation also reflects that the IEP team determined that there is a pattern of strengths and weaknesses in the student’s cognitive profile and her achievement. The IEP team identified the student as a student with a SLD in reading and written language eligible for special education services under the IDEA.

CONCLUSIONS:

Based on the Findings of Facts #1 - #56, the MSDE finds that the IEP team followed proper procedures in response to the complainant’s referral for an IDEA evaluation, and that there was data to support the team’s decisions, in accordance with 34 CFR §§300.8, .111, .301 - .311, and .503, and COMAR 13A.05.01.04 - .06. Therefore, the MSDE does not find a violation with respect to this aspect of the allegation.

However, based on the Findings of Facts #40 - #44, the MSDE finds that the CCPS did not ensure that the results of the speech/language assessment recommended in May 2020 were considered by the IEP in a timely manner, in accordance with COMAR 13A.05.01.06. Therefore, the MSDE finds a violation with respect to this aspect of the allegation.

Notwithstanding the violation, based on the Finding of Fact #44, the MSDE finds that the IEP team determined that the student did not have a speech/language impairment. Therefore, the MSDE finds that the violation did not have a negative impact and no student-specific action is required.

CORRECTIVE ACTION/TIMELINES:

The IDEA requires that State complaint procedures include those for effective implementation of the decisions made as a result of a State complaint investigation, including technical assistance activities, negotiations, and corrective actions to achieve compliance (34 CFR §300.152). Accordingly, the MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

The MSDE has established reasonable time frames below to ensure that noncompliance is corrected in a timely manner.³ This office will follow up with the public agency to ensure that it completes the required action consistent with the MSDE Special Education State Complaint Resolution Procedures.

If the public agency anticipates that the action will not be completed within the timeframe indicated, or if either party seeks technical assistance, they should contact Dr. Nancy Birenbaum, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.⁴ Dr. Birenbaum can be reached at (410) 767-7770 and at nancy.birenbaum@maryland.gov.

School-Based

The MSDE requires the CCPS to provide documentation of the steps it has taken to ensure that evaluations are completed within the required timelines. The documentation must include a description of how the school system will evaluate the effectiveness of the steps taken and monitor to ensure that the violations do not reoccur. Documentation of all corrective action

³ The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency must correct noncompliance in a timely manner, which is as soon as possible, but not later than one (1) year from the date of identification of the noncompliance. The OSEP has indicated that, in some circumstances, providing the remedy could take more than one (1) year to complete. If noncompliance is not corrected in a timely manner, the MSDE is required to provide technical assistance to the public agency, and take tiered enforcement action, involving progressive steps that could result in the redirecting, targeting, or withholding of funds, as appropriate.

⁴ The MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

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

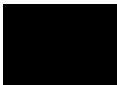
As of the date of this correspondence, this Letter of Findings is considered final. This office will not reconsider the conclusions reached in this Letter of Findings unless new, previously unavailable documentation is submitted and received by this office within fifteen (15) days of the date of this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

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 Appropriate Public Education (FAPE) 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/ksa

c: Daniel D. Curry
Matthew Layton

Dori Wilson
Anita Mandis
K. Sabrina Austin
Nancy Birenbaum