



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

June 17, 2021



Ms. Brandy Brady  
Supervisor of Special Education  
Somerset County Public Schools  
7982A Tawes Campus Drive  
Westover, Maryland 21871

RE: [REDACTED]  
Reference: #21-088

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 April 21, 2021, the MSDE received a complaint from Ms. [REDACTED] hereafter “the complainant,” on behalf of her daughter, the above-referenced student. In that correspondence, the complainant alleged that the Somerset County Public Schools (SCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the student.

The MSDE investigated the allegation that the September 2020 SCPS decision not to suspect that the student has a disability requiring special education and related services was not consistent with the data, in accordance with 34 CFR §§300.8, and .301 - .306.

**BACKGROUND:**

The student is four (4) years old and attends preschool at [REDACTED] She is not identified as a student with a disability under the IDEA.

### **FINDINGS OF FACTS:**

1. On September 30, 2020, the Learning Support Team (LST)<sup>1</sup> convened after the complainant contacted the Child Find Office on August 17, 2020, expressing concerns about the student's academic performance. At the LST meeting, the complainant provided reports of private assessments reflecting that the student was diagnosed with behavior, mood, and anxiety disorders. The student's teacher reported observing no problems with the student's behavior. The teacher reported that she was pleased with the student's progress, and was not showing any delays in skills development. The LST also considered information that the complainant had previously contacted the Child Find Office in December 2019, and at that time, the student was not suspected of being a student with a disability based on information that she demonstrated no delay in skills development.
2. Based on the data at the September 30, 2020, meeting, the LST again decided that the student was not suspected of being a student with a disability. The LST decided to monitor the student's progress and to reconvene in sixty (60) days to review that progress.
3. On November 23, 2020, the LST reconvened and considered information from the student's teacher that, while the student was experiencing challenges with retention of letters and comprehension of directions, these are pre-academic skills that typically developing students of the student's age are developing. Further, the teacher reported that she had not observed any behaviors that would interfere with continued skills development. The complainant provided reports of additional private assessments she had obtained and reported that she would continue to have private assessments conducted.
4. Based on the data at the November 23, 2020, meeting, the LST again decided that the student was not suspected of being a student with a disability.
5. On May 21, 2021, the complainant made a written referral for an IDEA evaluation.
6. On June 11, 2021, the IEP team began the IDEA evaluation, which is pending.

### **CONCLUSIONS:**

Based on the Findings of Facts #1 -#5, the MSDE finds that the decisions made about not suspecting a disability and the decision not to conduct an IDEA evaluation were consistent with the data. Further, based on the Finding of Fact #6, the MSDE finds that the SCPS followed

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<sup>1</sup> This is a team of school staff, with participation of the parent, that determines whether supports can be provided in the general education program for struggling students.

[https://www.somerset.k12.md.us/apps/pages/index.jsp?uREC\\_ID=282299&type=d&pREC\\_ID=677368](https://www.somerset.k12.md.us/apps/pages/index.jsp?uREC_ID=282299&type=d&pREC_ID=677368)

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proper procedures to fulfill its obligation to evaluate the student once the complainant made a written referral for an IDEA evaluation, in accordance with 34 CFR §§300.08, .111, and .301 - .306. Therefore, this office does not find that a violation occurred.

**TIMEFRAME:**

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 (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/sf

c: John B. Gaddis  
Brandy Brady  
■  
Dori Wilson  
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