



Mohammed Choudhury
State Superintendent of Schools

October 14, 2022

[REDACTED]
[REDACTED]
[REDACTED]

Ms. Windy Phillips
Supervisor of Special Education
Worcester County Public Schools
6270 Worcester Highway
Newark, Maryland 21841

RE: [REDACTED]
Reference: #23-055

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.

ALLEGATION:

On October 3, 2022, the MSDE received a complaint from Ms. [REDACTED] hereafter, “the complainant,” on behalf of the above-referenced student. In that correspondence, the complainant alleged that the Worcester County Public Schools (WCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced student.

The MSDE investigated the following allegation:

1. The WCPS has not ensured that the student has been provided with assessment and services from a qualified specialist in Orientation and Mobility, in accordance with COMAR 13A.05.01.08A(6)(c)-(d) and Md. Code Ann., Educ. §8-408(c)(5)(i).

BACKGROUND:

The student is twenty (20) years old and attends [REDACTED] School. He is eligible for special education and related services as a student with multiple disabilities and has an IEP.

FINDINGS OF FACTS:

1. The student’s most recent Orientation and Mobility assessment was conducted in February 2017. It is beyond the scope of this investigation to consider information over one (1) year old.

2. The student has two (2) orientation and mobility goals on his IEP: By 6/1/2023, [REDACTED] will utilize public transportation (bus and paratransit) to travel to a variety of community settings with 95% accuracy; and; By 6/1/2023, [REDACTED] will develop the skills necessary to travel and interact with the appropriate individuals in three or more community job development settings with 75% accuracy.
3. The student's IEP, dated September 14, 2022, requires that he receive eight (8) hours of orientation and mobility services monthly, outside of the general education setting. The provider for these services is the Orientation and Mobility specialist.
4. In the State of Maryland, individuals conducting Orientation and Mobility assessments and providing Orientation and Mobility services must be qualified pursuant to COMAR. In Maryland, to be qualified, an individual must: i) hold a Bachelor's degree from an accredited college or university; and ii) have completed any one of the credentialing options listed below:
 - Hold a certificate as a Certified Orientation and Mobility Specialist (COMS) from the Academy for Certification of Vision Rehabilitation and Education Professionals (ACVREP);
 - Hold National Orientation and Mobility Certification (NOMC) from the National Blindness Professional Certification Board (NBPCB); or
 - Complete all requirements of a university-based program in orientation and mobility, including a supervised internship or externship in orientation and mobility. (COMAR 13A.05.01.08A(6)(c)-(d)). (Md. Code Ann., Educ. §8-408(c)(5)(i)).
5. There is documentation that the individual providing the Orientation and Mobility services to the student meets the Maryland State criteria as a qualified provider.

DISCUSSION/CONCLUSIONS:

Based on the Findings of Facts, #4 and #5, the MSDE finds that an assessment was not conducted since 2017, however WCPS has ensured that the student has been provided with services from a qualified specialist in Orientation and Mobility, in accordance with COMAR 13A.05.01.08A(6)(c)-(d) and Md. Code Ann., Educ. §8-408(c)(5)(i). Therefore, the MSDE does not find a violation with respect to the allegation.

If either party seeks technical assistance, they should contact Ms. Diane Eisenstadt, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.¹ Ms. Eisenstadt can be reached at (410) 767-7770 or by email at diane.eisenstadt@maryland.gov.

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.

¹ 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.

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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/Special Education Services

MEF:ab

c: Louis Taylor
[REDACTED]
Gerald Loiacono
Alison Barmat