



Mohammed Choudhury
State Superintendent of Schools

February 17, 2023



Dr. Jennifer Webster
Acting Director of Special Education
Washington County Public Schools
10435 Downsville Pike
Hagerstown, Maryland 21740

RE: [REDACTED]
Reference: #23-117

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 December 22, 2022, MSDE received a complaint from Ms. [REDACTED] and Ms. [REDACTED] hereafter, “the complainants,” on behalf of the above-referenced student. In that correspondence, the complainants alleged that the Washington County Public Schools (WCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced student.

MSDE investigated the following allegations:

1. The WCPS has not ensured that an Individualized Education Program (IEP) that addressed the student’s academic and speech language needs was developed for the student since June 1, 2022, in accordance with 34 CFR §300.324.
2. The WCPS did not follow proper procedures when conducting an evaluation of the student since December 2021, in accordance with 34 CFR §§300.301-.306 and COMAR 13A.05.01.06.
3. The WCPS did not provide the complainants with accessible copies of each assessment, report, data chart, draft IEP, or other documents that the IEP team planned to discuss at the student’s IEP team meetings at least five business days before the scheduled meeting, since June 2022, in accordance with COMAR 13A.05.01.07.

4. The WCPS did not provide the complainants with a copy of the completed IEP document within five business days following the IEP team meetings convened since June 1, 2022, in accordance with COMAR 13A.05.01.07.
5. The WCPS did not provide the complainants with an explanation of their procedural safeguards, including an explanation of dispute resolution procedures, since June 2022, in accordance with 34 CFR §300.504.
6. The WCPS has not ensured that the IEP team considered parent information and concerns at the IEP meetings held on June 1, 2022, October 13, 2022, and December 2, 2022, in accordance with 34 CFR §300.324.

BACKGROUND:

The student is eight years old and attends [REDACTED] School. He is identified as a student with Autism under the IDEA and has an IEP that requires the provision of special education instruction and related services.

SUMMARY OF FINDINGS AND CONCLUSIONS:

In its written response, the WCPS acknowledges that violations occurred with respect to the allegations and mediation occurred on January 17, 2023. The WCPS has proposed the following remedies:

Allegation #1

Per the mediation agreement, the student will receive compensatory speech-language services. The student will receive sixteen 30-minute compensatory “push-in” sessions to be completed by the end of the present school year in both reading/language arts and “language-based” math.

Allegation #2

Per the mediation agreement, an assessment of the student’s speech/language expressive and receptive skills will be done by the school system within 30 days of the mediation agreement.

Allegation #3, #4, #5, and #6

It was mutually agreed that an identified WCPS specialist will conduct all future IEP meetings during the 2022-2023 school year to ensure that all documentation is completed in compliance with the law, including provision of documents five days prior to a meeting and five days following a meeting, as well as provision and explanation of parental rights and the procedural safeguards. WCPS remains willing to utilize the services of a facilitator if necessary.

Additionally, WCPS has taken the following steps to provide the remedies sought by the complainants in their complaint letter:

1. WCPS agrees to review the IEP, to accept the Autism classification, and include multiple recommendations from the April 16, 2022 independent educational evaluation and the psychological evaluation completed by the independent evaluator on October 4, 18, and 20, 2022.

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2. WCPS agrees to the request that future IEP meetings can be audio recorded.
3. As there was an agreement to have one identified WCPS specialist conduct future IEP meetings this year, WCPS foresees that this will remedy concerns regarding the “stacking” of IEP team meetings.
4. WCPS personnel who attended the December 2022 IEP meeting for the first time will not attend future meetings in the 2022-2023 school year.
5. WCPS will comply with the request that all IEP records and IEP-related documents be sent to the complainants via email and/or U.S. mail and to stop sharing any such records via that student’s backpack.
6. WCPS will provide training to the staff at the student’s school regarding strategies and best practices for working with students with Autism.

MSDE concurs with the WCPS’ findings and proposed corrective action, and appreciates the school system’s efforts to resolve the matter prior to the filing of the State complaint. Therefore, no further corrective action is required.

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. 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 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. MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Dr. Deann Collins
Deputy Superintendent
Office of the Deputy Superintendent of Teaching and Learning

DMC:ra

c: Brenna Creedon
[REDACTED]
Diane Eisenstadt
Gerald Loiacono
Rabiatu Akinlolu