



Mohammed Choudhury  
State Superintendent of Schools

July 20, 2023



Dr. Tia McKinnon  
Director of Special Education  
Charles County Public Schools  
P. O. Box 2770  
La Plata, Maryland 20646

RE: [REDACTED]  
Reference: #23-243

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention/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 May 23, 2023, 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 Charles County Public Schools (CCPS) 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 CCPS has not ensured that the parent was provided with appropriate quarterly progress reports toward achieving the annual Individualized Education Program (IEP) goals since the start of the 2022-2023 school year, in accordance with 34 CFR §§300.320 and .323.
2. The CCPS has not ensured that the student has been consistently provided with the special education instruction required by the IEP since the start of the 2022- 2023 school year, in accordance with 34 CFR §§300.101 and .323.

**BACKGROUND:**

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

**FINDINGS OF FACTS:**

1. On February 16, 2023, the IEP team met to review and revise the student's IEP. The IEP team determined that the student did not receive specialized math instruction "with fidelity" during the 2022-2023 school year and there is a lack of data to determine IEP goal progress. The IEP team further determined the student would receive compensatory service hours.
2. On June 7, 2023, the IEP team met to review and revise the student's IEP and discuss the educational placement. The complainant expressed concerns regarding the data used to determine the student's progress in math. The CCPS team determined that the student's third and fourth quarter math goals were not monitored and offered compensatory services.
3. There is no documentation that the parent was provided with appropriate quarterly progress reports toward achieving the annual IEP goals as required by the IEP.
4. There is no documentation that the student has been consistently provided with the special education instruction as required by the IEP.

**CONCLUSIONS:**

**Allegation #1: Provision of Quarterly Progress Reports**

Based upon the Findings of Facts #1 to #3, MSDE finds that the CCPS has not ensured that the parent was provided with appropriate quarterly progress reports toward achieving the annual Individualized Education Program (IEP) goals since the start of the 2022-2023 school year, in accordance with 34 CFR §§300.320 and .323. Therefore, this office finds that a violation occurred with respect to the allegation.

**Allegation #2: Implementation of the Student's IEP**

Based upon the Findings of Facts #1, and #4, MSDE finds that the CCPS has not ensured that the student has been consistently provided with the special education instruction required by the IEP since the start of the 2022- 2023 school year, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation occurred with respect to the allegation.

Based upon Findings of Fact #1, MSDE finds that the CCPS convened an IEP team meeting on February 16, 2023 and determined compensatory services for the lack of provision of specialized math instruction from the start of the 2023-2023 school year until February 16, 2023. Therefore, student specific corrective action is limited to February 16, 2023 through the end of the school year.

**CORRECTIVE ACTIONS/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, MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

MSDE has established reasonable time frames below to ensure that non-compliance is corrected in a timely manner.<sup>1</sup> This office will follow up with the public agency to ensure that it completes the required actions consistent with MSDE Special Education State Complaint Resolution Procedures.

If the public agency anticipates that any of the time frames below may not be met, or if either party seeks technical assistance, they should contact Diane Eisenstadt, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.<sup>2</sup> Ms. Eisenstadt can be reached at (410) 767-7770 or by email at Diane.Eisenstadt@maryland.gov.

### **Student Specific**

MSDE requires the CCPS to provide documentation by November 1, 2023, that the school system has taken the following actions:

- a. Provided the student with specialized instruction, and appropriate progress reports as required by his IEP; and
- b. Convened an IEP team meeting to determine the amount and nature of compensatory services or other remedy to redress the lack of provision of specialized instruction since February 16, 2023 and developed a plan for the provision of those services within one year of the date of this Letter of Findings.

The CCPS must ensure that the parent is provided with written notice of the team's decisions. The parent maintains the right to request mediation or to file a due process complaint to resolve any disagreement with the team's decisions.

### **School-Based**

MSDE requires the CCPS to provide documentation by November 1, 2023, of the steps taken to ensure that the staff at [REDACTED] School properly execute the requirements of the IDEA related to IEP implementation and the provision of progress reports. Steps must include professional development and ongoing monitoring. Monitoring activities must include quarterly submission of reports for 15 randomly selected students with IEPs reflecting documentation that parents were provided with quarterly progress reports, or progress reporting as required by their IEPs, and that they were provided with the special education and related services as required by their IEPs. Monitoring reports and documentation of compliance must be submitted to MSDE by November 1, 2023, January 31, March 31, and June 15, 2024. Substantial compliance (at least 95%) each reporting period is required.

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

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<sup>1</sup> The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency 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, 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.

<sup>2</sup> 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 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 M. Collins  
Deputy Superintendent  
Office of the Deputy Superintendent of Teaching and Learning

DC/tg

c: Maria Navarro  
Tia McKinnon  
LeWan Jones  
  
Alison Barmat  
Gerald Loiacono  
Diane Eisenstadt  
Nicole Elliott  
Paige Bradford  
Tracy Givens