



Mohammed Choudhury
State Superintendent of Schools

July 28, 2023



Ms. Joeleen Smith
Supervisor of Special Education
Queen Anne's County Public School District
212 Chesterfield Avenue
Centreville, Maryland 21617

RE: [REDACTED]
Reference: #23-250

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 31, 2023, MSDE received a complaint from Mr. and Mrs. [REDACTED] hereafter, "the complainants," on behalf of their daughter. In that correspondence, the complainant alleged that the Queen Anne's County Public Schools 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 QACPS has not developed an Individualized Education Program (IEP) that addresses the student's identified academic, behavioral, communication, and occupational therapy needs since March 16, 2023, in accordance with 34 CFR §300.324.
2. The QACPS has not ensured that the student is receiving special education services in the setting required by the IEP, since June 2022, in accordance with 34 CFR §§300.101 and §300.323.
3. The QACPS has not ensured that the student's IEP contains a statement of measurable annual IEP goals in the areas of reading comprehension and speech/language services, since March 16, 2023, in accordance with 34 CFR §300.320.

4. The QACPS did not follow proper procedures when the IEP team determined the placement in which the student would receive special education instruction since June 2022, in accordance with 34 CFR §§300.114 and .116.

BACKGROUND:

The student is 13 years old and is identified as a student with Autism under the IDEA. She attends ██████████ School. The student has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACTS:

March 2022 IEP

1. The student's IEP, in effect in June 2022, was developed at an IEP team meeting on March 23, 2022. During this IEP team meeting, the IEP team determined that the areas affected by her disability include: Academic - Communication, Academic - Math Problem Solving, Academic - Reading Comprehension, Academic - Written Language Expression, Behavioral - Social Emotional/Behavioral, Physical - Sensory Profile. The IEP provides the following explanation for how the student's disability affects her involvement in the general education curriculum: "[The student] is a child with autism whose cognitive ability is below that of her same-aged peers. [The student's] decreased desire to interact with others affects her ability to communicate and interact effectively across the educational setting. She also demonstrates atypical social interactions. These areas of impact necessitate the need for direct and systematic instruction in a specialized classroom setting with a low [student-to-teacher] ratio as well as behavioral and communication support." With regard to behavior concerns, the IEP states, "[The student] engages in interfering behaviors that are addressed through the BIP. The strategies outlined in the BIP are necessary for [the student] to reduce the frequency of interfering behaviors and increase replacement behaviors."
2. The IEP team determined that the student would be provided with the following supplemental aids and services:
 - Visual supports, Daily;
 - picture symbols, Daily;
 - repetition of directions, Daily;
 - alternative ways for learning, Daily;
 - picture schedule, Daily;
 - frequent and/or immediate feedback, Daily;
 - encourage conventional means of communication, Daily;
 - embedded expressive and receptive language, Daily;
 - use pictures to support reading passages when possible, Daily;
 - break down assignments, Daily;
 - altered/modified assignments, Daily;
 - staff wear see through masks when possible, Daily;

- frequent breaks from wearing headphones, Daily;
 - clear and concise language, Daily;
 - provide manipulatives and/or sensory activities to promote listening, Daily;
 - provide frequent changes in activities and opportunities for movement, Daily;
 - home/school communication, Daily;
 - encourage and reinforce appropriate behavior, Daily;
 - encourage student to ask for assistance, Daily;
 - advance preparation for schedule changes, Daily;
 - adult support, Daily;
 - introduce easier before more difficult activities, Daily;
 - speech/language consult, Periodically;
 - BCBA consult, Periodically; and
 - Occupational therapist consult, Twice monthly.
3. The IEP team also determined that the student would receive the following instructional accommodations:
- Directions Clarified;
 - Directions Read Aloud and Repeated as Needed;
 - Headphones or Noise Buffers;
 - Redirect Student;
 - Human Reader or Human Signer Mathematics, Science, and Government Assessments (entire text or selected sections);
 - Separate or alternate location;
 - Frequent breaks;
 - Reduce distractions to self;
 - ELA/Literacy Selected Response Human Scribe;
 - Mathematics, Science, Government Response Human Scribe;
 - ELA/L Response Human Scribe; and
 - Extended Time (1.5X).
4. The student's IEP, developed on March 23, 2022, reflects the following goals in the following areas:
- Written Language Expression Goal: By March 2023, when provided with a picture, [the student will write two complete sentences with appropriate punctuation for 3 out of 4 trials with no more than 2 teacher prompts as measured by teacher observation and work samples.
 - Math Problem-Solving Goal: By March 2023, [the student] will solve two-digit subtraction problems with regrouping, and the use of manipulatives with 80% accuracy as measured by classroom observation.
 - Math Problem-Solving Goal: By March 2023, given manipulatives to represent a single-digit by single-digit multiplication problem where the product does not exceed (10) (e.g. 3 sets of 2 blocks), [the student] will calculate the product by selecting the correct number of objects from a set of no more than (10) for 4 out of 5 multiplication problems.

- Social Emotional/Behavioral Goal: By March 2023, [the student] will work with a peer to complete a developmentally appropriate project (such as a puzzle, art project, grade-level academic task, etc.) for 15 minutes and engage in conversational turn-taking for 4 out of 5 peer work opportunities.
 - Reading Comprehension Goal: By March 2023, when given an independent-level story, [the student] will identify key elements (main idea, setting, characters, key details) from the story with multiple choice options for 4 out of 5 trials as measured by classroom work.
 - Communication Goal: By April 2023, during small or whole group instruction, [the student] will independently respond to questions, ask questions, request, and make comments pertaining to herself, her communication partner, the task, or activity using clear speech in multiple worded verbalizations with at least 80% accuracy given minimal verbal and gestural prompts.
 - Social Emotional/Behavioral Goal: By March 2023, [The student] will work with a peer to complete a developmentally appropriate project (such as a puzzle, art project, grade-level academic task, etc.) for 15 minutes and engage in conversational turn-taking for 4 out of 5 peer work opportunities.
5. The IEP team determined that the student would receive five 90-minute sessions per day of specialized instruction inside the general education setting daily, five three-hour and 30-minute sessions per week of specialized instruction outside of the general education setting, and two thirty-minute sessions per week of speech/language therapy outside of the general education setting. The IEP further requires that the student be provided with transportation as a related service.
6. The prior written notice reflects the following with regard to placement: "Placement: The IEP Team determined [the student] will make progress on her goals and objectives within the PACS [Program for Academic and Community Success] classroom with some time in the general education setting to have access to her non-disabled peers." The IEP team noted that the student would participate in school for 32 hours and 30 minutes per week; however, the student's services reflected over eleven hours of instruction per day.
7. The IEP team determined that the student could not participate in the general education setting to address her needs. The IEP team noted that "[The student] benefits from a highly structured classroom setting that provides intensive individualized instruction and opportunities for repetition. [The student] also requires consistent and individualized behavioral and communication supports across all areas of her school day. She requires classroom-based services in order to meet her IEP goals and objectives. She requires consistent, direct, specialized instruction in a highly structured setting with a very low student-to-teacher ratio, numerous opportunities for repetition, and a significant amount of adult facilitation."

March 2023 IEP

8. On March 23, 2023, the IEP team met to conduct an annual review of the student's IEP. The IEP team determined that the student continued to have areas of need in reading comprehension, math problem solving, written language expression, social-emotional, communication, and sensory. The team noted that

the student performed in the “very low range” in written expression, the “low range” in mathematics, and the “low range” in reading ability when compared to her same-aged peers. The team further noted that the student performed in the “deficient range” in her communication skills, her adaptive behavior functioning was in the “extremely low range”, her motor coordination is “low” and her fine motor precision was “below average”, but that her visual-motor integration was in the “average range.”

9. The student’s instructional accommodations were changed to:

- Directions Clarified;
- Directions Read Aloud and Repeated as Needed;
- Headphones or Noise Buffers;
- Redirect Student;
- Separate or alternate location;
- Frequent breaks;
- Reduce distractions to self;
- Line Reader Mask Tool; and
- Extended Time (1.5X).

10. Supplemental Aids/Services in the March 16, 2023, IEP are listed as:

- Picture schedule, Daily;
- Repetition of direction, Daily;
- Alternate ways for the student to demonstrate learning, Daily;
- Frequent and/or immediate feedback, Daily;
- Modified grading, Daily;
- Modified content, Daily;
- Encourage conventional communication, Daily;
- Receptive/expressive language embedded into activities, Daily;
- Pictures to support reading, Daily;
- Break down assignments, Daily;
- Altered/modified assignments, Daily;
- Frequent breaks from wearing headphones, Daily;
- Clear and concise language, Daily;
- Frequent changes in activities or opportunities for movement, Daily;
- Home/school communication, Daily;
- Reinforce appropriate behavior in academic and non-academic settings, Daily;
- Encourage to ask for assistance when needed, Daily;
- Advance preparation for schedule changes, Daily;
- Vary easy/hard demands, Daily;
- Manipulatives, Daily;
- Adult support, Daily;
 - i. The student requires adult support to facilitate learning in the areas outlined on her IEP goals and objectives. She also requires adult support to ensure her safety and independence with toileting, transitions between classes, facilitating social interactions

between peers and adults, walking to and from the bus, monitoring safety during mealtime due to a special diet, modifying work assignments, monitoring behaviors of picking and finger tapping and to help maintain attention to tasks.

- SLP consult, Periodically;
 - i. The speech Pathologist will consult with staff to assist with the embedding of language activities in daily routines as needed.
- BCBA consult, Periodically; and
 - i. The BCBA will provide consultative services to address [the student's] educational needs and to provide strategies to increase her attending and availability for instruction.
- OT consult, Twice monthly.

11. Based on the student's identified needs, the IEP team developed the following goals for the student:

Reading Comprehension: By March 2024, when asked to define a specific word in a familiar, instructional-level, literary text, after 1 guiding question from the teacher, [The student] will choose the definition from 3 written and/or verbal definition choices, for 3 out of 3 context clue exercises.

- Math Problem Solving: By March 2024, given dollar bills, quarters, and dimes that amount to less than \$10, and asked to add or subtract another amount less than \$10 to/from the given amount, [The student] will produce the sum or difference using bills and coins, for 4 out of 5 financial literacy tasks.
- Written Language Expression: By March 2024, after listening to a teacher read aloud a passage on a preferred, instructional-level, informational text when provided with picture supports (e.g. picture from story), 5 written questions about the passage (e.g. How many Great Lakes are there?), and 5 fill-in-the-blank sentences to answer each question with 2 blanks per sentence, (e.g. There are _____ Great Lakes; one of which is called Lake _____.), [The student] will write the correct word to fill in each blank, using a word bank of 10 words, in 4 out of 5 text-based questions.
- Communication: By March 2024, during curriculum-based activities, [The student] will make requests and ask questions pertaining to the task, or activity using clear speech in multiple-worded verbalizations with at least 80% accuracy given fading prompts.
- Social Emotional/Behavioral: By March 2024, given a question getting to know you/all about you/questions that require yes/no response, as presented in a peer-to-peer informal setting, [The student] will ask or respond in 4 out of 5 exchanges.

12. To support the student in achieving her goals the IEP team determined that the student would receive three hours and 30 minutes per day of specialized instruction outside of the general education setting, and five 90-minute sessions per day inside the general education setting. The IEP team also determined that the student would continue to receive Speech/Language Therapy, but that she would receive only four, 30-minute sessions per month. The IEP team did not document the basis for reducing the student's level of speech and language services. The IEP team again did not explain how the student would receive over eleven hours of instruction per day.

13. The prior written notice from the March 16, 2023, IEP meeting also states, "Behavior Intervention Plan: [The student] had a behavior intervention plan from 2019 when she was at BES. [The student] has made great progress and she does not currently need a behavioral intervention plan at this time, all behavior needs will be addressed through the supplementary aids."
14. The prior written notice reflects the following with regard to placement: "Least Restrictive Environment: The IEP Team determined [the student] is making progress in the PACS (Program of Academic and Community Success) and she will remain in the PACS program. [The student] will attend recess and one elective with her general education peers. [The student] will also attend homeroom with her general education peers."
15. The IEP provides the following justification for the student's participation in PACS for the entire school day: "Services in the general education setting at this time cannot adequately address [the student's] behavioral, academic, and communication needs. [The student] benefits from a highly structured classroom setting that provides intensive individualized instruction and opportunities for repetition. [The student] also requires consistent and individualized behavioral and communication supports across all areas of her school day. She requires classroom-based services in order to meet her IEP goals and objectives. She requires consistent, direct, specialized instruction in a highly structured setting with a very low [student-to-teacher] ratio, numerous opportunities for repetition, and a significant amount of adult facilitation. Assessment results support that [the student] benefits from a small structured classroom setting with a low teacher-to-student ratio that provides individualized instruction with behavior and communication supports. The least restrictive environment in which [the student] can meet her IEP goals and objectives is by attending the PACS regional program. [The student] will participate with her nondisabled peers during homeroom, lunch, and electives. She will have the option to participate in extracurricular activities and school assemblies as well... [The complainants] had input into all team decisions and were in agreement with all team decisions."

June 2023 IEP Team Meeting

16. On June 2, 2023, the IEP team met to "review and, if appropriate, revise the IEP," and to "consider reevaluation to determine [the] need for additional data, determine [services] and/or determine continued eligibility."
17. The prior written notice from this meeting states, "After review and discussion of [the student's] re-evaluation, observation, classwork, and present levels, the [redacted] School IEP Team determined [the student] continues to qualify for Special Education Services, as a student with Autism. ESY will be changed to [the student] receiving direct speech services for ESY."
18. With regard to the student's strengths and needs, the prior written notice states, "[The student's] development of reading falls within the below average to very low range. [The student's] development of mathematics falls within the low to very low range. [The student's] development in written language falls within the low to very low range. [The student] demonstrated relative strengths in the following areas: Letter & Word Recognition, Math Computation, Nonsense Word Decoding, Spelling, and Decoding

Fluency. [The student] demonstrated relative weakness in the following areas: Phonological Processing, Math Concepts & Applications, Silent Reading Fluency, Reading Comprehension, Written Expression, and Reading Vocabulary.” The evaluation data further demonstrated that the student had regressed in her reading and communication skills since the last evaluation completed for the student.

19. The prior written notice from this meeting also reflects the team’s input on how the student’s strengths and needs are being addressed: “[School staff] discussed that [the student] is working on reading which [consists] of monthly units that allow for repetition, vocabulary, and comprehension, she struggles at times with remembering what she read so they chunk all of the reading. In math they are working on money, before this they worked on [double-digit] addition and subtraction. [The student] struggled with the base ten blocks and [the] use of regrouping. She is able to complete [double-digit] subtraction and addition with regrouping with [the] use of a calculator. [The student’s] writing is great at copying words and sentences. She is able to complete activities with punctuation and writing. During the morning [meetings] she volunteers...to complete the calendar. The team discussed that when [The student] is given multiple choice [options, especially] with picture options she is much stronger with giving an answer.”
20. The prior written notice also states, “School: A meeting will be scheduled in order to discuss the concerns [the complainant] has emailed the team, her concerns will be placed in [the student’s] IEP file also. [The student’s] IEP will be amended in order to add in the new eligibility information and to update the ESY to show that [the student] will be receiving direct speech services for ESY. A copy of the prior written notice will be sent home along with the IEP amendment. Family: [The complainant] will contact [the IEP Chair] with any questions or concerns.”
21. Both the March 16, 2023, IEP and the amended June 2, 2023, IEP state that the student does not have communication needs.
22. There is documentation that the student is receiving the instruction required by the IEP based upon the provision of work samples. Additionally, the student’s schedule reflects that she receives instruction outside of the PACS program with her nondisabled peers during her instrumental music class. The prior written notice from the March 16, 2023 meeting states “The IEP team determined [the student] is making progress in...PACS...and she will remain in the PACS program. [The student] will attend recess and one elective with her general education peers. [The student] will also attend homeroom with her general education peers.”

CONCLUSIONS:

Allegation #1:

Addressing the Needs of the Student

In developing each child's IEP, the IEP team must consider the strengths of the child; the concerns of the parents for enhancing the education of their child; the results of the initial or most recent evaluation of the child; and the academic, developmental, and functional needs of the child (34 CFR § 300.324). In the case of a child whose behavior impedes the child's learning or that of others, the IEP must consider the use of positive

behavioral interventions and supports, and other strategies, to address that behavior. The team should also consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, including opportunities for direct instruction in the child's language and communication mode (34 CFR § 300.324). In making changes to a child's IEP after the annual IEP team meeting for a school year, the parent of a child with a disability and the public agency may agree not to convene an IEP team meeting for the purposes of making those changes and instead may develop a written document to amend or modify the child's current IEP. The IEP team must review the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and revise the IEP, as appropriate, to address any lack of expected progress toward the annual goals, and in the general education curriculum, if appropriate; the results of any reevaluation conducted; information about the child provided to, or by, the parents; and the child's anticipated needs (34 CFR § 300.324).

In developing the IEP for this student, it is reflected in the prior written notice from both the March 16, 2023, IEP meeting, and the June 2, 2023, IEP meeting, that the team considered the strengths of the student, the concerns of the parent, the results of the student's evaluation assessments, and her academic, developmental, and functional needs. However, the IEP team has not addressed the student's areas of regression; the team reduced the level of services that the student was expected to receive to address her communication needs; and the IEP contains contradictory information regarding the presence of a need. Based on the Finding of Facts #8, #11, #12, and #18, MSDE finds that while the QACPS has developed an IEP that addresses the student's behavioral and occupational therapy needs, it has not developed an IEP that addresses the student's identified academic and communication needs since March 16, 2023, in accordance with 34 CFR §300.324. Therefore, this office finds that a violation did occur with respect to the allegation.

Allegation #2: Appropriate Instructional Setting

A free appropriate public education must be available to all children residing in the State between the ages of 3 and 21. The obligation to make a Free Appropriate Public Education (FAPE) available to each eligible child residing in the State begins no later than the child's third birthday, and an IEP or an IFSP is in effect for the child by that date. Each state must ensure that FAPE is available to any individual child with a disability who needs special education and related services, even though the child has not failed or been retained in a course or grade and is advancing from grade to grade. Additionally, the determination that a child is eligible as a child with a disability, must be made on an individual basis by the group responsible within the child's LEA for making eligibility determinations (34 CFR § 300.101). As soon as possible following the development of the IEP, special education and related services are made available to the child in accordance with the child's IEP (34 CFR §300.323).

In this case, the student's IEP is drafted in a way that does not make it clear in which setting the student is expected to receive her instructional services. In the development of both IEPs in place for the student during the time period under investigation, the amount of specialized instruction planned for the student exceeds the amount of time in the school day.

Based on the Finding of Facts #1, #5 to #8, #12, #14, #15, #18, #19, and #21, MSDE finds that although there is documentation that the student is receiving services in settings consistent with the narrative in the description of the student's least restrictive environment, but the narrative is inconsistent with the services required by the IEP that she receive over 11 hours of instructional services per day, since June 2022, in accordance with 34 CFR §§300.101 and §300.323. Therefore, this office finds that a violation has occurred with respect to the allegation.

Allegation #3: Measurable Annual Goals

The term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting that must include a statement of the child's present levels of academic achievement and functional performance, and a statement of measurable annual goals, including academic and functional goals designed to: meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and meet each of the child's other educational needs that result from the child's disability; in addition to a description of how the child's progress toward meeting the annual goals; and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided (34 CFR §300.320).

In order for a goal to be considered measurable, it should be quantifiable so that the student's progress in mastering that goal can be tracked objectively. The goals established for this student address her areas of need in addition to providing a description of how the student will progress toward meeting her annual goals, objectives to be attained along the way, and a timeline for when periodic reports on the child's progress will be provided to the parents.

Based on the Finding of Facts #8, #11, #15, and #18, MSDE finds that the QACPS has ensured that the student's IEP contains a statement of measurable annual IEP goals in each area of need, since March 16, 2023, in accordance with 34 CFR §300.320. Therefore, this office does not find that a violation did occur with respect to the allegation.

Allegation #4: Determination of Placement

In determining the educational placement of a child with a disability, each public agency must ensure that the placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the child (34 CFR § 300.116). Additionally, this placement must be determined at least annually; based on the child's IEP; and as close as possible to the child's home (34 CFR § 300.116). Moreover, in selecting the Least Restrictive Environment (LRE), consideration should be given to any potentially harmful effect on the child or on the quality of services that he or she needs (34 CFR § 300.116).

In this case, when developing an IEP for the student, the IEP team considered the evaluation data, the needs of the student, the least restrictive environment, and the potentially harmful effects on the student or on the quality of services that she needs.

Based on the Finding of Facts #8, #9, #10, #11, #14, #15, #18, and #20, MSDE finds that the QACPS did follow proper procedures when the IEP team determined that the student would receive instruction in the specialized program identified by the team as providing her the specialized services and supports that she required to receive a FAPE, since June 2022, in accordance with 34 CFR §§300.114 and .116. Therefore, this office does not find that a violation did not occur with respect to the allegation.

Notwithstanding this finding, the MSDE finds that the IEP team erred in determining the time that the student would spend in each setting as noted in allegation #2, therefore, this office finds that a violation occurred with respect to allegation #4 as well.

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 noncompliance is corrected in a timely manner.¹ 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 Ms. Diane Eisenstadt, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.² Ms. Eisenstadt can be reached at (410) 767-7770 or by email at diane.eisenstadt@maryland.gov.

Student-Specific:

MSDE requires the QACPS to provide documentation by September 1, 2023, that the IEP team has met to address the student's regression in academic and communication areas, that the IEP contains a clear statement of the setting in which the student is expected to be educated, and that the IEP team has determined the compensatory services or other remedy necessary to address the violations described above. The IEP team must develop a plan to provide the student with compensatory services within one year of the date of this letter and ensure that the parents are provided with prior written notice of the IEP team's decision.

School Based:

MSDE requires the QACPS to provide professional development to its special education staff at [REDACTED] School to ensure that IEPs are developed correctly and that IEP goals are directly reflective of any areas of student regression. The IEPs at [REDACTED] School must be reviewed and monitored to ensure the accuracy of the service hours provided and the correctness of the content. The results of the monitoring must be provided to MSDE by December 30, 2023. Full compliance with the requirements in State and federal law is required to demonstrate corrective action.

If the regulatory requirements are not being implemented, actions to be taken in order to ensure that the violation does not recur must be identified, and a follow-up report to document correction must be submitted within ninety (90) days of the initial date of a determination of non-compliance. Upon receipt of this report, MSDE will re-verify the data to ensure continued compliance with the regulatory requirements.

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

² MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

[REDACTED]
Ms. Joeleen Smith

July 28, 2023

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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 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

DMC/ebh

c: Patricia Saelens
Joeleen Smith
[REDACTED]
Alison Barmat
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