



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

October 9, 2019



Dr. Arden Sotomayor
Director of Special Education Services
Charles County Public Schools
P.O. Box 2770
La Plata, Maryland 20646

RE: [REDACTED]
Reference: #20-017

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 August 13, 2019, the MSDE received a complaint from Ms. [REDACTED] hereafter “the complainant,” on behalf of her son, 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 student.

The MSDE investigated the allegation that the CCPS did not provide a copy of the completed Individualized Education Program (IEP) document within five (5) business days after the IEP team meetings held since May 2019, in accordance with COMAR 13A.05.01.07.

BACKGROUND:

The student is eleven (11) years old and is identified as a student with an Other Health Impairment (OHI) under the IDEA related to Attention Deficit Hyperactivity Disorder (ADHD). He has an IEP that requires the provision of special education and related services.

During the 2018-2019 school year, the student attended the Dr. [REDACTED] School. He currently attends the [REDACTED] School.

FINDINGS OF FACTS:

1. On May 1, 2019, the IEP team met; the team has not reconvened since that date. At that meeting, the team revised the student's IEP.
2. On May 16, 2019, the school staff sent the revised IEP, dated May 1, 2019, to the complainant, via electronic mail (email) communication.
3. On September 11, 2019, the school system staff acknowledged that a violation occurred with respect to the allegation.
4. On September 30, 2019, the school system staff sent the complainant another copy of the May 1, 2019 revised IEP, via email.
5. Also on September 30, 2019, the CCPS provided the MSDE with its own corrective action plan. The CCPS plan reflects that, on September 20, 2019, the school system conducted a training for the school staff on the requirement to provide parents with a copy of the completed IEP within five (5) days following an IEP meeting. In addition, the CCPS plan states that each month the school system staff will randomly select IEPs of students attending [REDACTED] School to monitor for compliance to ensure that the violation does not reoccur.

CONCLUSION:

Based on the Findings of Facts #1 - #3, the MSDE finds that the CCPS did not ensure that the complainant was provided with a copy of the IEP within five (5) business days of the IEP meeting held on May 1, 2019, in accordance with COMAR 13A.05.01.07. Therefore, this office finds a violation.

Notwithstanding the violation, based on the Findings of Facts #2, #4 and #5, the MSDE does not require further corrective action.

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.

Questions regarding the findings and conclusions contained in this letter should be addressed to this office in writing. 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

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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/ksa

c: Kimberly Hill
LeWan Jones
■
Dori Wilson
Anita Mandis
K. Sabrina Austin