



Mohammed Choudhury
State Superintendent of Schools

July 22, 2022

[REDACTED]
[REDACTED]
[REDACTED]

Dr. Tia McKinnon
Director of Special Education
Charles County Public Schools
5980 Radio Station Road P.O. Box 2770
La Plata, Maryland 20646

RE: [REDACTED]
Reference: #22-166

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention 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.

ALLEGATION:

On May 24, 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 Charles County Public Schools (CCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced student.

The MSDE investigated the allegation that the CCPS did not ensure that the parent was afforded the opportunity to participate in an Individualized Educational Program (IEP) meeting convened for the student on March 31, 2022, in accordance with 34 CFR §300.322.

BACKGROUND:

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

FINDINGS OF FACTS:

1. On January 13, 2022, the IEP team met to begin an evaluation of the student. The IEP team recommended that assessments be completed and would be reviewed at an IEP team meeting to be held on March 31, 2022, that would also serve as the student's annual review.
2. On March 2, 2022, documentation reflects that the school staff communicated to the parent that because they had only recently received consent to conduct the assessments, that the IEP team meeting proposed on March 31, 2022, would be held, but that assessment data would not be ready for review. The IEP team provided the parent with the opportunity to reschedule the meeting to wait for assessment data to be prepared, but the parent asked that the IEP team meeting proceed to conduct an annual review for the student.
3. On March 3, 2022, documentation reflects that the parent communicated to school staff that she would not be present at the March 31, 2022, IEP team meeting, but that she would like to participate in the eventual meeting to complete the reevaluation for the student. The parent further asked that the IEP team proceed without her on March 31, 2022.
4. On March 14, 2022, the school staff sent a copy of the meeting notice for the March 31, 2022, IEP team meeting to the parent.
5. On March 28, 2022, the parent asked the school staff to postpone the March 31, 2022, IEP team meeting so that she could participate. After discussing the matter with the school team, documentation reflects that the parent agreed that the IEP team meeting could continue without her participation.
6. On March 31, 2022, the IEP team met to complete an annual review of the student's IEP. The parent did not participate in the IEP team meeting. Following the meeting, the parent was provided with a completed copy of the IEP that was developed at the meeting and prior written notice of the IEP team's decisions.

DISCUSSION/CONCLUSIONS:

Based on Findings of Facts #1 to #6, the MSDE finds that the CCPS did ensure that the parent was afforded the opportunity to participate in the IEP team meeting convened for the student on March 31, 2022, in accordance with 34 CFR §300.322. Therefore, this office does not find that a violation occurred with respect to this allegation.

[REDACTED]
Dr. Tia McKinnon

July 22, 2022

Page 3

TIMELINES:

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. 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:gl

c: Maria Navarro
LeWan Jones
[REDACTED]
Alison Barmat
Gerald Loiacono