



August 29, 2022

[REDACTED]

Ms. Rebecca Miller
Director for Special Education
Cecil County Public Schools
201 Booth Street
Elkton, Maryland 21921

RE: [REDACTED]
Reference: #23- 011

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.

ALLEGATION:

On July 25, 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 Cecil 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 following allegations:

1. The CCPS did not follow proper procedures when responding to a request for an Individualized Education Program (IEP) team meeting on May 23, 2022, in accordance with 34 CFR §§300.503.
2. The CCPS did not follow proper procedures when determining the student’s educational placement for the 2022- 2023 school year, in accordance with 34 CFR §§300.114 - .116 and .321.
3. The CCPS has not provided the complainant with the Prior Written Notice of the decision to change the student’s placement since May 23, 2022, in accordance with 34 CFR §300.503.
4. The CCPS did not ensure that the complainant was afforded the opportunity to participate in the student’s IEP team meeting on July 20, 2022, in accordance with 34 CFR §300.501.

5. The CCPS has not provided the complainant with a copy of the completed IEP document within five business days after the IEP team meeting since July 20, 2022, in accordance with COMAR 13A.05.01.07.

BACKGROUND:

The student is fifteen years old and is identified as a student with Multiple Disabilities (Emotional Disability and Other Health Impairment) under the IDEA. He attends ██████████ School, a non-public education program, and has an IEP that requires the provision of special education instruction and related services.

FINDING OF FACT:

1. On February 4, 2022, the IEP team met for the student and determined that he required placement in a "full-time private day school" The IEP team further determined that it would develop a transition plan for the student designed to allow the student to be educated alongside his non-disabled peers when possible.
2. There is documentation that the complainant was provided with the Prior Written Notice (PWN) of the IEP team's February 4, 2022, determination on the same day.
3. While there is email documentation dated July 6, 2022, from the CCPS to the complainant reflecting the discussion and agreement to schedule an IEP meeting on July 20, 2022, there is no documentation that the complainant requested an IEP meeting on May 23, 2022.
4. On July 22, 2022, the IEP team met to discuss the student's placement and a proposed transition plan. The IEP team reviewed the student's behavioral data as well as input from the student about a transition back to his home high school, ██████████ School. The team determined that the student has "maintained 40 school days as the highest behavioral level" in his more restrictive setting.
5. The PWN generated following the July 22, 2022, IEP team meeting reflects that the IEP team proposed a "transition plan for the student to return to his home school, but the meeting was ended prior to the conclusion of the IEP team's discussion, "due to unprofessional behavior by the educational advocate, the advocate was invited by the complainant." There is no documentation that the IEP team made a decision regarding a change to the student's Least Restrictive Environment during the IEP team meeting.
6. There is documentation that the CCPS provided the complainant with a copy of the PWN generated following the July 20, 2022, IEP team meeting on July 22, 2022, and a completed copy of the IEP.

CONCLUSIONS:

Allegation 1: Response to a Request for an IEP Team Meeting

Based upon the Finding of Fact #3, the MSDE finds that the CCPS followed proper procedures when responding to a request for an Individualized Education Program (IEP) team meeting on May 23, 2022, in accordance with 34 CFR §300.503. Therefore, this office does not find a violation with respect to allegation #1.

Allegation #2: Placement Determination

Based upon the Findings of Facts #1, #2, #4, and #5, the MSDE finds that the CCPS followed proper procedures when determining the student's educational placement for the 2022- 2023 school year, in accordance with 34 CFR §§300.114 - .116 and .321. Therefore, this office does not find a violation with respect to allegation #2.

Allegation #3: Provision of Prior Written Notice

Based upon the Findings of Facts #6, the MSDE finds that the CCPS provided the guardian with the Prior Written Notice of the decision to change the student's placement since May 23, 2022, in accordance with 34 CFR §300.503. Therefore, this office does not find a violation with respect to allegation #3.

Allegation #4: Complainant Participation in an IEP Team Meeting

Based on the Findings of Facts #4 and #5, the MSDE finds that the CCPS has ensured that the guardian was afforded the opportunity to participate in the student's IEP team meeting on July 20, 2022, in accordance with 34 CFR §300.501. Therefore, this office does not find a violation with respect to allegation #4.

Allegation #5: Provision of Documents

Based on the Findings of Facts #5 and #6, the MSDE finds that the CCPS was not required to provide the guardian with a copy of the completed IEP document within five business days after the IEP team meeting since July 20, 2022, in accordance with COMAR 13A.05.01.07. Therefore, this office does not find a violation with respect to allegation #5.

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 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.

[REDACTED]
Ms. Rebecca Miller

August 29, 2022

Page 4

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:sd

c: Jeffrey Lawson

[REDACTED]
Alison Barmat
Gerald Loiacono
Sarah Denney