



Mohammed Choudhury  
State Superintendent of Schools

June 20, 2023



Ms. Bonnie Watson  
Director of Special Education  
Wicomico County Public Schools  
2424 Northgate Drive Suite #100  
Salisbury, Maryland 21801

RE: [REDACTED]  
Reference: #23-204

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.

**ALLEGATIONS:**

On April 24, 2023, 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 Wicomico County Public Schools (WCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced student.

1. The WCPS did not ensure that proper procedures were followed when determining the student's need for Extended School Year (ESY) services, on April 12, 2022, in accordance with 34 CFR §300.106 and COMAR 13A.05.01.08.
2. The WCPS did not ensure that the student was provided with the Extended School Year (ESY) services required by the Individualized Education Program (IEP) during the summer of 2022, in accordance with 34 CFR §300.101 and .323.

**BACKGROUND:**

The student is 16 years old and attends [REDACTED] School. He is identified as a student with Multiple Disabilities under the IDEA and has an Individualized Education Program (IEP) that requires the provision of special education instruction and related services.

**FINDINGS OF FACTS:**

1. The student's IEP in effect on April 12, 2022, reflects the areas impacted by the student's disability, including written- expression, receptive/expressive language, reading comprehension, math, self-management, and health/physical. The IEP requires that the student receive ten hours and twenty-five minutes of specialized classroom instruction outside of the general education setting per week. The IEP also required that the student receive seven hours and thirty minutes of specialized instruction inside of the general education setting per week, four thirty-minute sessions of counseling services and five thirty-minute speech/language sessions per week. The IEP also reflects that the student was eligible for transportation services during ESY; however, the parent declined this service.
  2. On April 12, 2022, the IEP team reviewed the student's progress and determined that the student required ESY for the summer following the 2022-2023 school year from July 5, 2022, through August 5, 2022. The IEP team determined that the student would receive ESY services to address goals in the following areas: math problem-solving, reading comprehension, social emotional, speech and expressive language. The IEP team further determined that the student would receive classroom instruction twice a week for one hour per session, and thirty minutes each of speech/language and counseling sessions per week during ESY. The IEP team responded "yes" to the following questions in determining the student's need for ESY:
    - The student's IEP includes annual goals related to critical life skills.
    - Is there a likely chance of substantial regression of critical life skills caused by the normal school break and a failure to recover those lost skills, in a reasonable time?
    - Is the student demonstrating a degree of progress toward mastery of IEP goals related to critical life skills?
    - Does the nature and severity of the disability warrant ESY?
- The IEP also reflects the IEP team determined the student's educational program will be jeopardized if ESY was not provided.
3. The Speech/language service log reflects the student received services for 30 minutes on July 6, 2022, July 13, 2022, July 20, 2022, July 27, 2022, and August 3, 2022. The IEP progress report reflects that the student achieved mastery of the speech/language expressive goal.
  4. The counseling service log reflects the received counseling services for 30 minutes on July 5, 2022, July 12, 2022, July 19, 2022, and July 26, 2022. The IEP progress report reflects the student made progress towards mastery of social/emotional behavior ESY goal. The log reflects the Social Worker was contacted by the parent and informed that the student would not be attending ESY on August 2, 2022.
  5. There is documentation that the student received instruction twice per week between July 5, 2022, through July 27, 2022. The IEP progress reports reflect the student achieved mastery of the ESY math problem solving and reading comprehension goals. The student was absent on August 2, 2022. The student received instruction on August 3, 2022.

6. There is documentation of transportation services provided to the student from July 5, 2022, through July 27, 2022, despite the parent's earlier indication that she was declining these services.
7. On August 2, 2022, the parent emailed the WCPS informing them that the student would not be attending school on that day.
8. On August 3, 2022, the parent emailed the WCPS staff informing them that she has made transportation arrangements for the student, and he will not require transportation services.

**DISCUSSION/CONCLUSIONS:**

At least annually, the IEP team shall determine whether the student requires the provision of extended school year services. In doing so, the IEP team must consider: Whether the student's IEP includes annual goals related to critical life skills; Whether there is a likelihood of substantial regression of critical life skills caused by the normal school break in the regular school year and a failure to recover those lost skills in a reasonable time; the student's degree of progress toward mastery of IEP goals related to critical life skills; the presence of emerging skills or breakthrough opportunities; interfering behaviors; the nature and severity of the disability; and special circumstances. The IEP team must determine whether the benefits the student with a disability gains during the regular school year will be significantly jeopardized if that student is not provided with an educational program during a normal break in the regular school year (COMAR 13A.05.01.08B(2)).

The IEP team shall consider a student's need for transportation as a related service to assist a student to benefit from special education in accordance with 34 CFR §300.34.

**ALLEGATION #1**

**PROPER PROCEDURES WHEN DETERMINING EXTENDED SCHOOL YEAR SERVICES**

Based on Finding of Facts #1 through #2, the WCPS did ensure that proper procedures were followed when determining the student's need for Extended School Year (ESY) services, on April 12, 2022, in accordance with 34 CFR §300.106 and COMAR 13A.05.01.08. Therefore, this office finds that a violation did not occur with respect to this allegation.

**ALLEGATION #2**

**PROVISION OF EXTENDED SCHOOL YEAR SERVICES**

Based on Finding of Facts #1 and #3-#7, the WCPS did ensure that the student was provided with the Extended School Year (ESY) services required by the Individualized Education Program (IEP) during the summer of 2022, in accordance with 34 CFR §300.101 and .323. Therefore, this office finds that a violation did not occur with respect to this allegation.

**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.

[REDACTED]  
Ms. Bonnie Watson

June 20, 2023

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,

Dr. Deann Collins  
Deputy Superintendent  
Office of the Deputy Superintendent of Teaching and Learning

DMC:ra

c: Micah Stauffer  
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