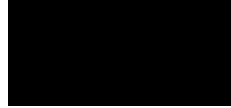




July 6, 2023



Dr. Tia McKinnon
Director of Special Education
Charles County Public Schools
P.O. Box 2770
LaPlata, Maryland 20646

RE: [REDACTED]
Reference: #23- 221

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 May 8, 2023, MSDE received a complaint from Ms. [REDACTED], hereafter, “the complainant,” on behalf of her daughter, 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.

MSDE investigated the allegation that the CCPS did not ensure that the student was provided with the special education instruction and accommodations as required by the Individualized Education Program (IEP) since November 2022, in accordance with 34 CFR §§300.101 and .323.

BACKGROUND:

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

ALLEGATION #1:

PROVISION OF SPECIAL EDUCATION INSTRUCTION AND ACCOMMODATIONS

FINDINGS OF FACTS:

1. The student’s IEP, developed on April 26, 2022, requires that the student be provided with two, forty-five minutes sessions per day of special education instruction in the general education

classroom by a general education teacher, instructional assistant, or special education teacher. The IEP further requires the student to be provided with accommodations including headphones or noise buffers, redirection, graphic organizer, small group, frequent breaks, reduced distractions to self, reduced distractions to others, notes and outlines, calculation device, extended time (1.5x) to complete assignments, daily repetition of directions, daily checks for understanding, daily chunking of texts, daily altered/modified assignments, and a monthly psychologist consultation.

2. The student's IEP, developed on April 25, 2023, requires that the student be provided with six hours and forty minutes per week of special education instruction in the general education classroom by a general education teacher, special education teacher, or an instructional assistant. The IEP team determined that the student continues to require the accommodations included in her prior IEP and further determined that the student also required, as needed, use of organizational aids, as needed check-ins (at least 1x per week), daily provision with a copy of student/teacher notes, daily checks for understanding, daily repetition of directions, daily altered/modified assignments, daily chunking of text, daily preferential seating, and a monthly psychologist consult.
3. There is documentation of the student being provided with special education instruction in the manner required by the student's IEP.
4. While there is documentation of a supplementary aids and accommodations tracking sheet being implemented for the student during part of the 2022- 2023 school year, there is no documentation that all of the accommodations were consistently provided during the 2022- 2023 school year.
5. There is documentation of the student being provided the monthly psychologist consultation.

CONCLUSIONS:

SPECIAL EDUCATION INSTRUCTION

Based upon Findings of Facts #1- #3, MSDE finds that the CCPS did ensure that the student was provided with the special education instruction as required by the Individualized Education Program (IEP) since November 2022, in accordance with 34 CFR §§300.101 and .323. Therefore, this office does not find a violation occurred with respect to this aspect of the allegation.

PROVISION OF ACCOMMODATIONS

Based upon Findings of Facts #1- #2, and #4, MSDE finds that the CCPS did not ensure that the student was provided with all of the accommodations consistently as required by the Individualized Education Program (IEP) since November 2022, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds a violation occurred with respect to this aspect of the allegation.

PROVISION OF MONTHLY PSYCHOLOGIST CONSULT

Based upon Findings of Facts #1- #2, and #5, MSDE finds that the CCPS did ensure that the student was provided with the monthly psychologist consult as required by the Individualized Education Program (IEP) since November 2022, in accordance with 34 CFR §§300.101 and .323. Therefore, this office does not find a violation occurred with respect to this aspect of the allegation.

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 CCPS to provide documentation by October 1, 2023, that the student is being consistently provided with the accommodations required by his IEP and that the IEP team has convened and determined whether the violation related to the lack of the provision of consistent accommodations had a negative impact on the student's ability to benefit from the education program. If the team determines that there was a negative impact, it must also determine the amount and nature of compensatory services or other remedies to redress the violation and develop a plan for the provision of those services within a year of the date of this Letter of Findings.

School Based

MSDE requires the CCPS to provide documentation by November 1, 2023, of the steps taken to ensure that the violations regarding the lack of the provision of accommodations do not recur at [REDACTED] School. Those steps must include staff development, as well as tools created to document and monitor the implementation of special education instruction and supports. A monitoring report of 10 randomly selected students reflecting the implementation of special education accommodations and supplementary aids and services must be submitted to MSDE by November 1, 2023, January 31, March 31, and May 31.

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.

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

c: Maria Navarro
LeWan Jones
[REDACTED]
Alison Barmat
Gerald Loiacono
Diane Eisenstadt
Sarah Denney
Paige Bradford
Nicol Elliott