

July 12, 2024

[REDACTED]  
[REDACTED]  
[REDACTED]

Dr. Kendy Anderson  
Director, Special Education,  
Calvert County Public Schools  
1305 Dares Beach Road  
Prince Frederick, Maryland, 20678

RE: [REDACTED] [REDACTED]<sup>1</sup>  
Reference: #24-194

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 May 2, 2024, MSDE received a complaint from [REDACTED], hereafter, “the complainant,” on behalf of the above-referenced student. In that correspondence, the complainant alleged that the Calvert 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 has not ensured that the student has been consistently provided with the accommodations, supplementary aids and services, as required by the Individualized Education Program (IEP) since May 2023, in accordance with 34 CFR §§300.101 and .323.

**BACKGROUND:**

The student is 16 years old and is identified as a student with an Emotional Disability (ED) under the IDEA. He attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

**FINDINGS OF FACT:**

1. The IEP in effect on May 1, 2023, was developed on May 23, 2022. The IEP required the following accommodations:
  - calculation device and mathematics tools (on calculator sections of the mathematics assessments);
  - calculation device and mathematics tools (on non-calculator sections of the mathematics assessments); and
  - extended time.

The IEP required the following supplementary aids and services:

- daily - check in/check out, provide frequent and/or immediate feedback, repetition of directions, check for understanding, implementation of behavior contract, reinforcement of positive behavior through non-verbal/verbal communication, frequent breaks within the classroom, and preferential seating;
- periodically - chunking of text, provide proofreading checklist, provide alternative ways for students to demonstrate learning, and grouping with other students who display positive social and academic behaviors;
- as needed - provision of multiple means of presentation; and
- weekly - advance notice of upcoming assignments.

2. On May 9, 2023, the IEP team reviewed and revised the student's IEP. The IEP team added mathematics tools (on non-calculator sections of the mathematics assessments) as an accommodation. The IEP required the following supplementary aids and services:
  - daily - check in/check out, provide frequent and /or immediate feedback, check for understanding, adult support, frequent breaks within the classroom, preferential seating; and
  - periodically - chunking of text, provide proofreading checklist, provide alternative ways for students to demonstrate learning.
3. On August 25, 2023, the IEP team revised the student's IEP. The IEP requires the use of a calculation device and mathematics tools (on calculator sections and non-calculator sections of the mathematics assessments). The IEP continued the supplementary aids and services from the May 9, 2023, IEP and added crisis intervention as needed.
4. There is no documentation that the student was provided with the supplementary aids and services and accommodations as required by the IEP since May 25, 2023, through June 5, 2023.
5. There is documentation that the student was provided with the supplementary aids and services and accommodations as required by the IEP from August 2023 through May 10, 2024.
6. On May 9, 2024, the IEP team met for the purpose of reviewing and revising the IEP. The Prior Written Notice (PWN) generated following this IEP team meeting reflects that the complainant informed the team that she wishes to revoke the student's IEP services. The PWN reflects the signed revocation letter was submitted on May 10, 2024.

### **Accommodations and Supplementary Aids and Services**

Based on Findings of Fact #1, #2, and #4, MSDE finds that the CCPS did not ensure that the student has been consistently provided with the accommodations and, supplementary aids and services, as required by the IEP since May 2023 through June 5, 2023, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation occurred concerning this aspect of the allegation.

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<sup>1</sup> MSDE state complaint form reflects the student's last name is spelled [REDACTED], however the student's IEP reflects a different spelling of his last name.

Based on Findings of Fact #3, #5, and #6, MSDE finds that the CCPS has ensured that the student has been consistently provided with the accommodations and, supplementary aids and services, as required by the IEP since the beginning of the 2023-2024 school year, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation did not occur concerning this aspect of the allegation.

### **CORRECTIVE ACTIONS and TIMELINES:**

The IDEA requires that State complaint procedures include 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 non-compliance is corrected in a timely manner.<sup>2</sup> 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. Nicole Green, Compliance Specialist, Family Support and Dispute Resolution, MSDE, to ensure the effective implementation of the action.<sup>3</sup> Ms. Green can be reached at (410) 767-7770 or by email at [nicole.green@maryland.gov](mailto:nicole.green@maryland.gov).

### **Student Specific**

MSDE requires the CCPS to provide documentation by September 3, 2024, that it has convened an IEP team meeting to determine if the violations related to the provision of accommodations and supplementary aids and services from May 25, 2023, through June 5, 2023, had a negative impact on the student's ability to benefit from the educational program. If the team determines that there was a negative impact, it must also determine the amount and nature of compensatory services or other remedy 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.

The CCPS must ensure that the parents are provided with written notice of the team's decisions. The parents maintain the right to request mediation or to file a due process complaint to resolve any disagreement with the team's decisions.

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

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<sup>2</sup> 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.

<sup>3</sup> MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

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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. MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Antoine L. Hickman Ed.D.  
Assistant State Superintendent  
Division of Early Intervention and Special Education Services

ALH/ra

c: Dr. Andrae Townsel, Superintendent, CCPS  
██████████, ██████████, Principal, CCPS  
Alison Barmat, Chief, Family Support and Dispute Resolution Branch, MSDE  
Nicole Green, Compliance Specialist, MSDE  
Tracy Givens, Section Chief, MSDE  
Dr. Paige Bradford, Section Chief, Specialized Instruction, MSDE  
Nicol Elliott, Section Chief, Monitoring and Accountability, MSDE  
Rabiatu Akinlolu, Complaint Investigator, MSDE