

June 25, 2024

[REDACTED]

Mr. Troy Keller  
Director of Special Education  
Frederick County Public Schools  
191 South East Street  
Frederick, Maryland 21701

RE: [REDACTED]

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention and 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 26, 2024, the MSDE received a complaint from [REDACTED], hereafter, “the complainant,” on behalf of the above-referenced student. In that correspondence, the complainant alleged that the Frederick County Public Schools (FCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced student.

MSDE investigated the following allegation that the FCPS did not follow proper procedures when disciplinarily removing the student from school on March 13, 2024, in accordance with 34 CFR §§300.530 – 300.536, and COMAR 13A.08.03.

**BACKGROUND:**

The student is seven years old and is identified as a student with Other Health Impairment (OHI) under the IDEA. On March 13, 2024, the student was attending [REDACTED] ([REDACTED]). The student now attends [REDACTED] and has an Individualized Education Program (IEP) that requires the provision of special education instruction and related services.

**FINDINGS OF FACT:**

1. In its written response, the FCPS acknowledges that it did not follow proper procedures when disciplinarily removing the student from school on March 13, 2024, in accordance with COMAR 13A.08.01.11. Additionally, the student’s record will be updated to reflect a suspension, and the family will be provided with a copy of the corrected paperwork.

2. On March 18, 2024, the IEP team convened to review and revise the student's IEP. The prior written notice (PWN) generated after the meeting reflects the complainant waived her ten-day meeting notice and informed the school-based team that the student was being removed from [REDACTED] and would be attending [REDACTED]. The PWN reflects that the IEP team updated the student's supplementary aids to provide more support for the student's social/emotional/behavioral needs.
3. In its written acknowledgment the FCPS affirmed that it has provided professional learning on suspension consultations to the administrator of [REDACTED]; professional learning to all School Resource Officers (SRO) through collaboration with the School Resource Officer sergeant; and coaching for the [REDACTED] administrator on imminent/serious harm, behavior de-escalation techniques, and crisis situation leadership.

**CONCLUSION:**

School personnel may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct. (34 CFR § 300.530).

Based on the Finding of Fact #1, MSDE finds the FCPS disciplinarily removed the student for only one day, therefore, there was no change in placement triggering the additional protections for students with disabilities under 34 CFR §§300.530 – 300.536, and COMAR 13A.08.03. Therefore, MSDE finds that a violation did not occur.<sup>1</sup>

**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.

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<sup>1</sup> MSDE's findings are limited to the application of IDEA and corresponding State law on disciplinary removals of eligible students with disabilities. Nothing in this Letter of Findings precludes the complainant from exercising any rights under local board policy to appeal general school disciplinary actions related to COMAR 13A.08.01.11. MSDE notes that the FCPS acknowledges it did not follow proper procedures when disciplinarily removing the student from school in accordance with COMAR 13A.08.01.11. The FCPS has outlined corrective action to remedy the situation and prevent further occurrences.

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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,

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

ALH/ebh

c: Dr. Cheryl L. Dyson, Superintendent, FCPS  
Katie Buckley, Director of Special Education Instruction, FCPS  
██████████, Principal, ██████████, FCPS  
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE  
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