

July 3, 2024

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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

RE: [REDACTED]  
Reference: #24-222

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 May 8, 2024, MSDE received a complaint from [REDACTED], hereafter, "the complainant," on behalf of the above-referenced student. In that correspondence, the complaint 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 following allegations:

1. The CCPS has not ensured that the student is being provided with the "one-to-one" required by the Individualized Education Program (IEP), since February 12, 2024, in accordance with 34 CFR §§ 300.101 and .323.
2. The CCPS did not ensure that parental consent was obtained prior to conducting assessments since January 2024, in accordance with 34 CFR §300.300.
3. The CCPS has not ensured that the IEP team addressed parental concerns regarding behavioral supports since March 2024.
4. The CCPS did not follow proper procedures when disciplinarily removing the student from school since May 2024, in accordance with 34 CFR §§ 300.530, COMAR 13A.08.02., COMAR 13A.08.03, and the Maryland Student Records System Manual.

**BACKGROUND:**

The student is 10 years old and is a student with Autism under the IDEA. He attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

**ALLEGATION #1**

**PROVISION OF ONE-TO-ONE**

**FINDING OF FACT:**

1. The IEP, in effect in February 2024, was developed on January 26, 2024. The IEP requires the provision of supplementary aids, services, and accommodations, including daily "will have a 1:1 person to support him for the entirety of the school day (from arrival to dismissal) to support his feeding and toileting needs, assisting with adaptive equipment, instructional tasks, and behavioral responses. This person will confer with the case manager and general educator, as needed, to ensure [student] is on task, completing work, redirected to task, understands directions, provided visuals, reinforcing teacher expectations, rewarded, etc." This service is provided by the special education classroom teacher, general education teacher, and instructional assistant.
2. There is no documentation that the student was provided with the one to one as required by the IEP.

**CONCLUSION:**

Based upon the Findings of Fact #1 and #2, MSDE finds that the CCPS has not ensured that the student was provided with the "one-to-one" required by the IEP, since February 12, 2024, in accordance with 34 CFR §§ 300.101 and .323. Therefore, this office finds that a violation has occurred concerning this violation.

**ALLEGATION #2**

**PARENTAL CONSENT**

**FINDINGS OF FACT:**

3. The Prior Written Notice (PWN) generated after the IEP team meeting on January 26, 2024, reflects the team proposed and agreed to "update academic and criterion referenced testing."
4. There is no documentation that the complainant provided written consent to evaluate.
5. There is no documentation that the student has been evaluated since January 2024.

**CONCLUSION:**

Based upon the Findings of Fact #3 and #5, MSDE finds that the CCPS did not conduct an evaluation of the student since January 2024, requiring parental consent to evaluate, in accordance with 34 CFR §300.300. Therefore, this office finds that a violation has not occurred concerning this violation.

**ALLEGATION #3**

**ADDRESSING PARENT CONCERNS**

**FINDING OF FACT:**

6. There is no documentation demonstrating that the complainant raised concerns regarding the student's behavioral support with the IEP team.

**CONCLUSION:**

Based upon the Finding of Fact #6, MSDE finds that the parental concerns have not been raised with the IEP team regarding behavioral support. Therefore, this office finds that a violation has not occurred concerning this violation.

**ALLEGATION #4**

**DISCIPLINARY PROCEDURES**

**FINDING OF FACT:**

7. There is no documentation that the student has been disciplinarily removed from school since May 2024.

**CONCLUSION:**

Based on the Finding of Fact #7, MSDE finds that the student was not disciplinarily removed from school since May 2024, in accordance with 34 CFR §§ 300.530, COMAR 13A.08.02., COMAR 13A.08.03, and the Maryland Student Records System Manual. Therefore, this office finds that a violation has not occurred concerning this allegation.

**TIMELINE:**

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 noncompliance is corrected in a timely manner.<sup>[1]</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. Alison Barmat, Branch Chief, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.<sup>[2]</sup> Ms. Barmat can be reached at (410) 767-7770 or by email at [alison.barmat@maryland.gov](mailto:alison.barmat@maryland.gov)

**Student- Based**

MSDE requires the CCPS to provide documentation by September 3, 2024, that the CCPS has convened an IEP team meeting and determined if the violation concerning the provision of a one-to-one, 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 parent is provided with prior written notice of the team's decisions. The parent maintains the right to request mediation or to file a due process complaint to resolve any disagreement with the team's decisions.

---

<sup>1</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>2</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.

██████████  
Dr. Tia McKinnon

July 3, 2024

Page 4

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.

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: Maria Navarro, Superintendent, CCPS  
Kevin Lowndes, Chief, Teaching and Learning, CCPS  
Lewan Jones, Director of Special Education, Compliance, CCPS  
██████████, Principal, ██████████, CCPS  
Alison Barmat, Chief, Family Support and Dispute Resolution Branch, MSDE  
Nicol Elliott, Section Chief, Monitoring and Accountability, MSDE  
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE  
Tracy Givens, Section Chief, Dispute Resolution, MSDE  
Rabiatu Akinlolu, Complaint Investigator, MSDE