


July 22, 2024




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

RE: 
Reference: #24-238

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 on the final results of the investigation.

ALLEGATION:

On May 23, 2024, MSDE received a complaint from , hereafter, “the complainants,” on behalf of 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 has not ensured that the progress reported towards the achievement of the annual IEP goals has been consistent with the data and measured as required by the Individual Education Program (IEP), since the start of the 2023-2024 school year, in accordance with 34 CFR §§300.320 and .323.

BACKGROUND:

The student is 13 years old and is identified as a student with Autism under the IDEA. The student attends . He has an IEP that requires the provision of special education instruction and related services.

SUMMARY OF FINDINGS AND CONCLUSION:

In its written response, the CCPS acknowledges that a violation occurred with respect to the allegation. Specifically, the CCPS acknowledges that there is a lack of data present to support the progress reported. CCPS proposes to convene an IEP team meeting by October 1, 2024, to review all available data and update the progress reported toward the achievement of the IEP goals since the start of the 2023-2024 school year to reflect the data.

[REDACTED]
Dr. Tia McKinnon
July 22, 2024

MSDE concurs and appreciates the CCPS¹ acknowledgment that a violation occurred concerning the allegation.

CORRECTIVE ACTIONS AND 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 non-compliance 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. Nicole Green, Compliance Specialist, Family Support and Dispute Resolution, MSDE, to ensure the effective implementation of the action.² Ms. Green can be reached at (410) 767-7770 or by email at nicole.green@maryland.gov.

Student-Specific

MSDE requires the CCPS to provide documentation by October 1, 2024, of the completion of the proposed corrective action. Additionally, the IEP team must determine if the violation identified in this Letter of Finding had a negative impact on the student's ability to benefit from the education program. If the IEP 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 one 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.

School-Based

MSDE requires the CCPS to provide documentation by October 1, 2024, of the steps taken to ensure that the staff at [REDACTED] properly executes the requirements related to the proper development and provision of the progress reported towards the achievement of annual IEP goals under IDEA. Steps must include professional development and ongoing monitoring. Monitoring activities must

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.


Dr. Tia McKinnon
July 22, 2024

include submission of reports for 5 randomly selected students with IEPs reflecting documentation that the report of progress included the data required by the IEP. Monitoring reports must be provided on or before December 1, 2024.

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/tg

c: Dr. Maria V. Navarro, Superintendent, CCPS
LeWan Jones, Director of Compliance, CCPS
Alison Barmat, Branch Chief, Family Dispute Resolution, MSDE
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Nicol Elliott, Section Chief, Monitoring and Accountability, MSDE
Nicole Green, Compliance Specialist, MSDE
Tracy Givens, Section Chief, MSDE
Michelle LeFevre, Advocate