

August 16, 2024

[REDACTED]
[REDACTED]
[REDACTED]

Ms. Chris Wittle
Director of Special Education
Carroll County Public Schools
125 North Court Street
Westminster, Maryland 21157

RE: [REDACTED]
Reference: #24-279

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.

ALLEGATIONS:

On June 18, 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 Carroll County Public School (CCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) concerning the above-referenced student.

MSDE investigated the following allegations:

1. The CCPS has not developed and implemented an Individualized Education Program (IEP) that addressed the student’s identified postsecondary and social/emotional/behavioral needs since September 2023, in accordance with 34 CFR §§ 300.101 and .324.
2. The CCPS did not permit the student’s parents to fully participate in the IEP team meeting on June 2024, in accordance with 34 CFR §§ 300.322 and .324. Specifically, the complainant alleges that a portion of the meeting was convened without her participation.

BACKGROUND:

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

FINDINGS OF FACT:

1. There is documentation that the teacher and staff received selective mutism training August 28, 2023.
2. The IEP in effect for the student in September 2023 is dated July 28, 2023, and was amended on August 23, 2023. The IEP reflects that the areas impacted by the student's disability are math calculation, math problem solving, physical education, social-emotional/behavioral, and sensory processing strategies.

The present level of academic achievement and functional performance (PLAAFP) reflects that the student was performing at the 11th-grade level in reading comprehension, math calculation, math problem solving, written language content, written language mechanics, and written language expression. The student was performing at a moderate level for speech-language pragmatics, below grade level for physical education, and the social-emotional/behavioral level was listed as "n/a". The cognitive and sensory processing strategies did not reflect a performance level.

The secondary transition data included in the IEP lists the student's performance level as "n/a" in the areas of employment and education training. The employment data reflects that "[The student] has completed career research in the area of marine biology including a great deal of detail about the skills and education required. She is aware that she can take additional science courses and Aquatic Environmental Science to support this career interest." The education training data included in the IEP reflects that "[The student] has updated her [4-year] plan to include classes for her complete program. She is currently enrolled in Honors Art II and Honors Tech Design and will take Honors Principles of Art Media and Communication and Honors Digital Design Photography in the spring." The student's preferences, interests, and skills included in the IEP reflect that updated transition information and assessments were not available because the student was on "Home and Hospital Teaching" (HHT) through the end of the 2023 school year. The IEP required the following postsecondary goals:

- Employment - "After graduation from high school, [the student] will be employed in reptile and fish care."
 - The transition activity required for employment training is "[The student] will complete a practice job application."
- Education - "After graduation from high school, [the student] will enroll in a post-secondary institution to study in the field of ichthyology and herpetology."
 - The transition activity for education is "[The student] will research colleges with programs in ichthyology and herpetology."

The secondary transition courses of study were listed as "Environmental, Agricultural, and Natural Resources." Data included in the secondary transition reflects that the student did not meet the eligibility criteria for the Developmental Disabilities Administration (DDA), Behavioral Health Administration (BHA), and Maryland Department of Labor (MDL). The Division of Rehabilitation Services (DORS) was the most appropriate agency to provide transition services for the student transition and the student's family had completed an online referral for Pre-Employment Transition Services (Pre-ETS) services through DORS. The student's parent had previously signed the permission form to invite a DORS representative to the student's IEP meetings.

The IEP reflects that communication is an area of concern for the student due to the student's "communicative preferences and behaviors consistent with her diagnoses of autism spectrum disorder (ASD) and Selective Mutism (SM)" which may cause "her preferred method of communication [to] change variably depending on her levels of anxiety at a given time." The social/emotional/behavioral supplementary aids, services, program modifications, and supports for the student required by the IEP were as follows:

- Provide manipulatives and/or sensory activities to promote listening and focusing skills, daily - ("Due to [the student's] anxiety and difficulty staying focused, she should be provided with manipulatives, fidgets, and/or other sensory activities to promote self-regulation and focus throughout the school day. These sensory strategies may include, but are not limited to access to fidgets, candy, gum, [and] sensory breaks. Staff should monitor [the student's] behaviors in the classroom for signs of anxiety or inattention and provide her opportunities...to take...breaks, access fidgets, or other activity to help her anxiety or to help her focus in class.")
- Communication supports, periodically - ("[The student] should have access to and be able to use any mode of communication possible. While she should always be encouraged to use higher-level communication, she should not be put in a situation where she is forced to speak. Communication options include but are not limited to writing, pointing, gesturing, visuals (i.e. request cards), and drawing. [The student] will select the mode of communication preferred.")
- Psychologist consult, as needed - ("The school psychologist will provide consult services to staff about [the student's] medical diagnoses of Autism, Selective Mutism, ADD/ADHD, and how these conditions may impact her in the classroom environment.")
- School Personnel/Parental Support(s): Training Autism and Selective Mutism, prior to the start of new classes - ("Staff working with [the student] will receive professional learning and training for working with students with Autism and Selective Mutism.")

The IEP did not include goals in the area of social/emotional/behavioral.

3. On October 25, 2023, the IEP team convened to review and/or revise the student's IEP. The Prior Written Notice (PWN) generated after the meeting reflects that the team considered relevant data and information provided by a privately conducted neuropsychological report.

The IEP team "considered the recommendation of [the] school's need for staff with expertise in addressing the social-emotional needs of students." The school-based team reported that the "IEP team has counselors, [a] licensed mental health therapist, and [a] licensed school psychologist to support the social-emotional needs of all students [and the student] has a psychologist consult already identified on her IEP." The school-based team reported that the student can "use her flash pass to communicate non-verbally and access the counseling suite."

The IEP team reported that the student would receive an Independent Educational Evaluation (IEE) in November to determine if the student required adult support.

The school-based team shared that the student's supplementary aids include access to quiet fidgets, and the team will be adding noise-canceling headphones to the student's supplementary aids.

The IEP team “considered but rejected” the addition of instruction on social/emotional skills because the student was making progress in the general education environment. The team determined that the student would “receive prompts to email [the] teacher or send her teachers [a] message using a text-based online ‘chat’ feature.”

The complainant disagreed with the school-based team's decision to decline to add social/emotional skills instruction to the student's IEP.

4. The amended October 25, 2023, IEP reflects that the PLAAFP data, instructional and assessment accommodations, and secondary transition information continued. The supplementary aids, services program modifications, and supports required by the IEP were updated to include the following information:
 - Communication supports: “[The student] may also receive prompts to email her teachers or send her teachers messages using a text-based online “chat” feature.”
 - Provide manipulatives and/or sensory activities to promote listening and focusing skills: “[The student] may also require noise-canceling headphones to help her block out background noise in her environment so that she can focus better.”
5. The November 9, 2023, progress reported towards the achievement of the IEP secondary transition goal reflects the following:
 - Employment training transition activity - “Not yet initiated”
 - Academic transition activity - “Not yet initiated”
6. On January 18, 2024, the IEP team reconvened to review the information and recommendations from the IEE. The PWN generated after the meeting reflects that the IEP team agreed to add counseling to the student's IEP as a related service “to support [the student's] anxiety.” The team determined that the student would receive one 30-minute counseling session per week outside of general education, and a new counseling goal would be added to the student's IEP.

The IEP team rejected the IEE recommendation for a “specialist in selective mutism to provide ongoing training and oversight to teachers” because the student already has an accommodation of “Training Autism and Selective Mutism” that the CCPS provides to each of the student's teachers and other staff, in addition to resources on “how to best support students who have selective mutism.”

The IEP team also rejected the IEE recommendation for the student to receive specialized instruction in communication and social skills because the student's weaknesses in those areas are addressed through a speech-language consult. The IEP team proposed that the student's anxiety should be addressed through counseling before she “can access her communication.”

The IEP team rejected adding a self-advocacy goal to the student's IEP because that concern would be addressed through counseling services, and the addition of a specific self-advocacy goal “would increase [the student's] anxiety and goes against the guidance on supporting people with selective mutism by forcing [the student] to communicate when [the student] is not able.”

7. The amended January 18, 2024, IEP reflects the PLAAFP data, instructional and assessment accommodations, secondary transition information, supplementary aids, services program modifications, and supports continued. The IEP goals were updated to add the following social-emotional/behavioral goals:
- “Given fading prompts, [the student] will demonstrate self-advocacy skills by identifying needs and requesting the need to be met in 4 out of 5 given opportunities withing [sic] a structured setting, by 7/27/2024, as measured by observation record.”
 - “Given fading prompts, [the student] will verbally participate in a group activity with an assigned role (e.g., note taker) with peers during a structured task within the classroom in 4 out of 5 opportunities, by 7/27/2024, as measured by observation record.”

The IEP requires the following counseling services:

- One 30-minute session of counseling services outside of general education, weekly (“[The student] requires 30 minutes per week of counseling outside of the general education environment to support [the student’s] anxiety. This service may be provided by a school psychologist, mental health therapist, or school counselor.”)
8. The February 2, 2024, progress reported toward the achievement of the student’s IEP goals reflects the following:
- Secondary Transition
 - Employment training transition activity - “Not yet initiated.”
 - Academic transition activity - “Not yet initiated.”
 - The student’s social-emotional/behavioral goals reflect
 - “Newly introduced skill; progress not measurable at this time.”
9. On February 8, 2024, the IEP team reconvened to review and revise the student’s IEP for part-time HHT. The IEP team determined that no changes were required to the student’s IEP to support the student’s needs during HHT services.
10. On February 13, 2024, the IEP team reconvened in response to the complainant’s request to hold an IEP meeting. The PWN reflects that the complainant proposed that the IEP team reconvene on March 1, 2024, to allow the doctor who completed the student’s IEE to “be present to review her observation and recommendations.” The school-based team rejected this proposal because “the parent has not presented any new information regarding [the IEE observation] for the IEP team to consider.” The CCPS reviewed and considered the IEE at the January 18, 2024, IEP meeting, in which the complainant and her advocate were present and participated. At that meeting, the IEP team reviewed the observation report and considered the recommendations.
11. On March 12, 2024, the IEP team reconvened to allow the practitioner who conducted the student’s IEE to review her observations and recommendations. The PWN generated after the meeting reflects that the IEP team considered and rejected the recommendations reviewed at the January 18, 2024, IEP team meeting regarding the recommendations for a specialist in selective mutism, specialized instruction in communication and social skills, the addition of a participation goal for the student, and the addition of a self-advocacy goal for the student. The reason for rejecting the specialist in selective mutism was based on the training and resources already in place for the student’s teachers and staff on “how to best support students who have selective mutism” and the other three

recommendations were rejected due to concerns around adding to the student's anxiety and the social-emotional/behavioral supports already in place for the student through her IEP such as counseling and "communication supports."

12. The amended March 12, 2024, IEP reflects the PLAAFP data, instructional and assessment accommodations, secondary transition information, supplementary aids, services program modifications, and supports continued. The IEP goals were updated to add the following social-emotional/behavioral goals:

- "Given fading prompts, [the student] will demonstrate self-advocacy skills by identifying needs and requesting the need to be met in 4 out of 5 given opportunities withing [sic] a structured setting, by 7/27/2024, as measured by observation record.
- "Given fading prompts, [the student] will verbally participate in a group activity with an assigned role (e.g., note taker) with peers during a structured task within the classroom in 4 out of 5 opportunities, by 7/27/2024, as measured by observation record."

The IEP requires the following counseling services:

- One 30-minute session of counseling services outside of general education, weekly ("[The student] requires 30 minutes per week of counseling outside of the general education environment to support [the student's] anxiety. This service may be provided by a school psychologist, mental health therapist, or school counselor.")

13. The April 9, 2024, progress reported towards the achievement of the student's IEP goals reflects the following:

- Secondary Transition -
 - Employment training transition activity - "Not yet initiated"
 - Academic transition activity - "Not yet initiated"
- Social-emotional/behavioral -
 - Self-advocacy goal:
 - Not making sufficient progress to meet goal - "Initial teaching of IEP accommodations occurred during five counseling sessions. [The student] was unable to identify her accommodations during five counseling sessions. Given multimodal communication methods, [the student] was unable to identify accommodations. She indicated nonverbally that all her teachers provide her with accommodations. She indicated nonverbally that should her teachers not provide accommodations; she would be able to communicate her need for accommodations."
 - Verbal participation goal:
 - Not making sufficient progress to meet goal - "[The student] was able to minimally engage in counseling sessions, shaking her head yes or no, writing single word responses on paper. Her engagement was not enough to make progress on her goal. Across every session, she identified her emotional state as "calm" or "content." She identified her desire to work on verbal speaking as <5 (1-10 scale, 10 high) across every session. She identified counseling as "not helpful" on three occasions. She is currently passing the two classes (98% and 89%) she attends at [REDACTED]. As counseling

services are designed to remove barriers to [accessing] the curriculum, the recommendation is made for the IEP Team to discuss this service at the next meeting.”

14. On April 10, 2024, the student completed a “Career Clusters Interest Survey” and “Transition Interview Questions.”
15. On April 26, 2024, the IEP team reconvened to review and/or revise the student’s IEP. The PWN generated after the meeting reflects that the IEP team decided to continue providing the student with direct counseling services for self-advocacy support. The PWN reflects the student “has received 7 sessions of counseling; during those sessions, [the student] has advocated via writing that she does not find counseling beneficial and may benefit from continued time to develop rapport and work on skills. [The student] is currently not making progress toward her counseling goal.” The complainant denied a request to provide consent for collaboration with the student’s private therapist.

The IEP team reviewed information that the student did not make progress toward her counseling goal for the third marking period. The IEP team convened and discussed the student’s progress and agreed that “more time addressing the same skills is necessary to make progress.” The IEP decided to continue the self-advocacy goal for the student through April 25, 2025.

The team agreed to continue the student's counseling sessions as one 30-minute session per week outside of general education.

The PWN also reflects that the complainant shared that the student requires more support through the secondary transition.

16. The April 26, 2024, IEP reflects the student’s primary disability as OHI with physical education and social-emotional/behavioral as the affected areas. The PLAAFP data for the student’s current level of performance continued unchanged. The instructional and assessment accommodations, supplementary aids, services program modifications, and supports continued unchanged, and the occupational therapist consult was removed. The student’s self-advocacy IEP goal was updated to reflect an April 25, 2025, completion date, while the verbal participation goal was continued with the July 27, 2024, timeframe. The counseling services required by the IEP continued.

The secondary transition employment and education/training data in the IEP was updated to reflect information obtained from the April 11, 2024, transition interview questionnaire. The postsecondary goals were updated to the following:

- Employment - “After graduation from high school, [the student] will be employed in the field of malacology.”
- Academic - “Given verbal prompting and visuals, [the student] will decrease her time on a baseline 800m walk by 20%.”

The student’s transition activities were updated to the following:

- Employment training - “[The student] will develop a resume.”
- Academic transition activity - “[The student] will develop a post-graduation plan and alternative plan.”

The secondary transition course of study information continued, and the “additional discussion” data reflects that the DORS is an anticipated service for the student, and although consent was not provided for a DORS representative to attend the April 26, 2024, IEP meeting, the complainant invited a DORS representative and referred the student for the services. The student was approved for DDA services beginning at age 22.

17. On April 29, 2024, the student completed “Mock Interview Questions” after which she was provided “Teacher Feedback on Mock Interview Questions.”
18. On May 29, 2024, CCPS school-based staff emailed the complainant requesting a meeting to discuss the student’s lack of sufficient progress toward her social-emotional behavior goals during the fourth marking period.
19. The progress report for the student’s postsecondary transition activities on June 3, 2024, was “Not Yet Initiated.” The June 3, 2024, progress report for the student’s Social-emotional/behavioral goal is as follows:
 - Self-advocacy goal:
 - “Not making sufficient progress to meet goal” - (“[The student] minimally engaged in counseling sessions, shaking her head yes or no, writing single word responses on paper. Her engagement was not enough to make progress on her goal. Across every session, [the student] identified her emotional state as “calm” or “content” ... [the student] will communicate using nonverbal gestures.”
 - Verbal participation goal:
 - “Not making sufficient progress to meet goal” - (“[The student] minimally engaged in counseling sessions; shaking her head yes or no, writing single word responses on paper. Her engagement was not enough to make progress on her goal. Across every session, [the student] identified her emotional state as “calm” or “content” ... [the student] will communicate using nonverbal gestures.”
20. On June 10, 2024, the IEP team reconvened to review and revise the student’s IEP. The PWN generated after the meeting reflects that the IEP team proposed and accepted to end the student’s counseling services because “although [the student] did not make progress in the area of counseling due to minimal engagement, she is accessing the curriculum.” The PWN reflects the student has not reported any symptoms of anxiety, and the student non-verbally indicated that she was calm and content during “all counseling sessions” for the fourth marking period of the 2023-2024 school year. It was determined that the student was not benefiting from direct counseling services and those needs can be met through supplementary aids and services.

The IEP team accepted the proposal to add a psychologist consult to the student’s supplementary aids and services. The team determined that the school psychologist will consult with the student’s teachers “as needed” to address the student’s needs in the classroom setting. The PWN reflects that this service can be provided by the school psychologist, counselor, or mental health therapist.

The complainant “started shouting and using profanity toward the staff” and was given a warning by a school-based administrator. The complainant continued to shout and use expletives and “the school-based team ended the TEAMS meeting...but continued with the meeting.” There is documentation that the complainant was emailed the PWN on June 10, 2024.

21. The audio tape of the June 10, 2024, IEP team meeting, reflects that the parent participated in the discussion regarding the removal of counseling services and discussed her disagreement.
22. The amended June 10, 2024, IEP continued the student's primary disability information. The PLAAFPs, instructional and assessment accommodations, supplementary aids, services program modifications, and supports continued and the psychology consult was added. The student's self-advocacy and verbal participation IEP goals were removed and the student's counseling services were continued until June 10, 2024.
23. On June 11, 2024, the complainant emailed CCPS school-based staff expressing her discontent with the continuation of the June 10, 2024, IEP team meeting after she was removed. The complainant expressed that it was "illegal" for the IEP team to remove the student's counseling services from the IEP and that the school psychologist is not trained in selective mutism and does not know how to treat the disorder. The complainant shared that the school psychologist does not know what happens during the student's private therapy and is unaware if the student is progressing. The complainant shared that she feels the school has not prepared the student for post-secondary life, and "no one cares about [the student] and her needs."
24. On June 13, 2024, the complainant emailed the CCPS central office and school-based staff to express concern regarding the lack of support being provided to the student. The email reflects that CCPS had not offered "the necessary counseling support for [the student's] condition" and the school psychologist "lacks current training in selective mutism [and how it manifests in the student]." The complainant shared that parent input was "consistently disregarded" and the IEP team had not considered family recommendations for the student's needs. The complainant further shared that "[suggesting the student] can attend college full-time and pursue a career without any support is unrealistic, given her communication challenges[,]" and she would no longer engage with the current IEP team at CCPS.
25. On June 13, 2024, the complainant emailed CCPS school-based staff stating that the IEP team made "incorrect and premature conclusions" during the June 10, 2024, IEP meeting and the IEP team was provided inaccurate information by the school psychologist during the meeting and asked that the PWN be amended to reflect the "discussion and decisions" made at the June 10, 2024, IEP team meeting.
26. On June 13, 2024, a CCPS school-based administrator emailed the complainant to clarify if a request was being made to amend the PWN. If so, the school would review the recording of the meeting, and the principal would make the final decision on the amendment. On June 13, 2024, the PWN was amended per the request of the complainant and the amended PWN was provided to the complainant on June 25, 2024.
27. There is documentation that the student received the counseling services required by the IEP during the 2023-2024 school year.

DISCUSSIONS AND CONCLUSIONS:

ALLEGATION #1 AN IEP THAT ADDRESSES THE STUDENT’S POSTSECONDARY AND SOCIAL-EMOTIONAL/BEHAVIORAL NEEDS

In developing each child's IEP, the IEP Team must consider the strengths of the child; the concerns of the parents for enhancing the education of their child; the results of the initial or most recent evaluation of the child; and the academic, developmental, and functional needs of the child. (34 CFR §§ 300.324).

Postsecondary Needs

In this case, although the student’s PLAAFP reflects completion of secondary transition activities the IEP reflects that none of the required secondary activities were initiated during the entire 2023-2024 school year.

Based on the Findings of Fact #2, #4, #7, #12, #14, #16, #17, and #22, MSDE finds that the CCPS has developed an IEP that addressed the student’s identified postsecondary needs since September 2023, in accordance with 34 CFR §§ 300.101 and .324. Therefore, this office finds that a violation did not occur concerning this aspect of the allegation.

ADDITIONAL VIOLATION IDENTIFIED DURING THE COURSE OF THE INVESTIGATION

Based on the Findings of Fact #5, #8, #13, and #19, MSDE finds that the CCPS did not implement the student’s identified post-secondary transition activities since September 2023 in accordance with 34 CFR §§ 300.101 and .323. Therefore, this office finds that a violation occurred.

Social-Emotional/Behavioral Needs

In this case, the IEP team convened and reviewed the November 3, 2023, IEE, developed goals, trained staff on selective mutism, and determined social-emotional/behavioral supports for the student. The student did not actively participate in the direct counseling services; therefore, she did not make progress on the social-emotional goals. The IEP team agreed to remove direct counseling services and included a school psychologist consult.

Based on the Findings of Fact # 1 to #4, #6 to #8, #10 to #13, #15, #16, #18 to #20, #22, and #27, MSDE finds that the CCPS has developed an IEP that addressed the student’s identified social/emotional/behavioral needs since September 2023, in accordance with 34 CFR §§ 300.101 and .324. Therefore, this office finds that a violation has not occurred concerning the allegation.

ALLEGATION #2 PARENT PARTICIPATION IN AN IEP MEETING

Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP team meeting or are afforded the opportunity to participate, including notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and scheduling the meeting at a mutually agreed on time and place. (34 CFR § 300.322). In developing each child's IEP, the IEP team must consider the concerns of the parents for enhancing the education of their child (34 CFR § 300.324). However, parties are expected to collaborate, be respectful of differing opinions, maintain decorum during IEP team meetings and access procedural safeguards, rather than resort to name calling and using profane language to resolve disputes.

In this case, the complainant was provided with, and took the opportunity to, give her input on all aspects of the decision-making process prior to her removal from the meeting.

Based on the Findings of Fact # 20, #21, #23 to #26, MSDE finds that the CCPS did permit the student's parents to fully participate in the IEP team meeting in June 2024, in accordance with 34 CFR §§ 300.322 and .324. Therefore, this office finds that no violation occurred concerning 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 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. Nicole Green, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action. Ms. Green can be reached at (410) 767-7770 or by email at nicole.green@maryland.gov.

Student-Specific

By September 16, 2024, MSDE requires the CCPS to provide documentation that the school system has:

- Provided the secondary transition activities required by the student's IEP;
- Convened an IEP team meeting and determined the amount and nature of compensatory services or other remedy to redress the failure to initiate the student's secondary transition activities and developed a plan for the provision of those services within one year of the date of this Letter of Findings.

School-Based

MSDE requires the CCPS to provide documentation by November 1, 2024, of the steps it has taken to ensure that the [REDACTED] staff properly implements the requirements for the implementation of secondary transition goals and activities under the IDEA. These steps must include staff development, as well as tools developed to monitor compliance.

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

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 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/ebh

c: Cynthia McCabe, Superintendent, CCPS
Wayne Whalen, Supervisor of Special Education Data and Compliance, CCPS
[REDACTED], Principal, [REDACTED], CCPS
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Nicol Elliott, Section Chief, Monitoring and Accountability, MSDE
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
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