

November 20, 2024

[REDACTED]

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

Re: [REDACTED]
Reference: #25-076

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 September 25, 2024, MSDE received a complaint from Ms. Jessica Atkisson hereafter, “the complainant,” on behalf of the above-referenced student. In that correspondence, the complainant alleged that the Calvert County Public School System (CCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) and related requirements concerning the above-referenced student.

MSDE investigated the allegations:

1. The CCPS has not developed and implemented an Individualized Education Program (IEP) that addresses the student’s academic, and social/emotional/behavioral needs, since September 2023, in accordance with 34 CFR §§ 300.101 and .324.
2. The CCPS has not ensured that the student has been consistently provided with the supplementary aids and services required by the IEP since September 2023, in accordance with 34 CFR §§ 300.101 and .323.

BACKGROUND:

The student is 15 years old and is a student with Autism under the IDEA. She 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 in September 2023, was developed on May 11, 2023, and amended on September 4, 2023. The IEP reflects the following areas, are impacted by her disability: math calculation, math problem solving, written language expression, and self-management. The IEP requires goals to address math calculation, math problem solving, written language expression, self-management, and secondary transition (employment, education/training. The Present Levels of Academic Achievement and Functional Performance (PLAAPP) reflect parent input and how her disability impacts the student's involvement in the general education classroom.

The IEP requires the following instructional and assessment accommodation features:

- calculation device and mathematical tools (on calculation and non-calculation sections of the mathematics assessments);
- monitor test response; and
- extended time (2X).

The IEP requires the following supplementary aids, services, program modifications and supports:

- Weekly - prompt to turn in work, reduce workload to increase mastery, provide alternative ways for students to demonstrate learning, break down assignments into smaller units;
- Daily - prompts for redirection to task, teacher prompting, check out system to provided academic support, provide assistance with organization, Strategies to initiate and sustain attention;
- Other - graphic organizers (as needed for reading and writing assignments), use of a timer for academic tasks (as needed), Small group instruction to reteach and to provide additional guided practice (as needed), Strategies for reducing anxiety support in the school setting (as needed);
- Periodically- positive reinforcement, crises intervention, advance preparation for schedule changes, crisis pass; and
- Once- tour of high school.

The IEP requires three hours per week of special education instruction inside the general education setting to be provided by the special education teacher, general education teacher and/or instructional assistant. The IEP requires three hours and forty-five minutes per week of special education instruction outside of the general education setting to be provided by the special education teacher, general education teacher and/or instructional assistant.

The IEP reflects the least restrictive environment (LRE) is inside the general education setting more than 80%.

2. The IEP, developed on December 7, 2023, continues to reflect the following areas that are impacted by the student's disability: math calculation, math problem solving, written language expression, and self-management.

The IEP requires instructional and assessment accommodation features:

- calculation device and mathematical tools (on non-calculation sections of the mathematics assessments);
- monitor test response; and
- extended time (2X).

The IEP requires the following supplementary aids, services, programs modifications and supports:

- Weekly - prompt to turn in work, reduce workload to increase mastery, provide alternative ways for students to demonstrate learning, break down assignments into smaller units;
- Daily - prompts for redirection to task, teacher prompting, check out system to provided academic support, provide assistance with organization, strategies to initiate and sustain attention;
- Other - graphic organizers (as needed for reading and writing assignments), use of a timer for academic tasks (as needed), small group instruction to reteach and to provide additional guided practice (as-needed), strategies for reducing anxiety support in the school setting (as needed); and
- Periodically- positive reinforcement, crises intervention, advance preparation for schedule changes, crisis pass.

The IEP requires three hours per week outside of the general education setting to be provided by the special education teacher, general education teacher and/or instructional assistant.

The IEP reflects the least restrictive environment (LRE) is inside the general education setting more than 80%.

April 26, 2024, amended IEP

The amended IEP reflects the IEP no longer required the provision of a calculation device and mathematical tools (on calculation and non-calculation sections of the mathematics assessments), as an accommodation.

August 26, 2024, amended IEP

The amended IEP includes social-emotional/behavioral as an area affected by the student's disability.

The amended IEP requires the additional instructional and assessment accommodation feature: calculation device and mathematical tools (on NON-Calculation sections of the mathematics assessments).

The amended IEP further requires additional supplementary aids, services, programs modification and support daily: preferential seating with laptop monitoring daily.

3. There is no documentation of the provision of instruction, supplementary aids, and accommodations be provided from September 2023 through June 2024, the end of the 2023-2024 school year.
4. There is documentation of the provision of instruction and supplementary aids, services, programs modifications and support, and accommodations as required by the IEP since the beginning of the 2024-2025 school year.

Student-Specific

MSDE requires the CCPS to provide documentation by January 15, 2025, that it has convened an IEP team meeting to determine the amount and nature of compensatory services or other remedies to address the failure to provide special education and related services as required by the IEP 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 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 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
[REDACTED], Principal, [REDACTED], CCPS
Dr. Paige Bradford, Section Chief, Specialized Instruction, MSDE
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE
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