

December 26, 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: #25-115

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention 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.

On October 30, 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 Schools (CCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) and related requirements concerning the above-referenced student.

MSDE investigated the following allegations:

ALLEGATIONS:

1. The CCPS did not ensure that the parent was provided with written notice of the Individualized Education Program (IEP) team meetings since July 2024, in accordance with 34 CFR § 300.322.
2. The CCPS did not respond to a request for an IEP team meeting that was made by the parent since July 2024, in accordance with 34 CFR §§ 300.324 and .503 and COMAR 13A.05.01.08.
3. The CCPS did not provide a copy of the IEP document within five business days before and after the IEP team meetings held since July 2024 in accordance with COMAR 13A.05.01.07.
4. The CCPS did not provide prior written notice of the IEP team's decisions from the IEP team meetings held since July 2024, in accordance with 34 CFR § 300.503.
5. The CCPS did not follow proper procedures when determining comparable services upon the student's transfer to the CCPS since July 2024, in accordance with 34 CFR § 300.323(f) and COMAR 13A.05.01.09.

BACKGROUND:

The student is 17 years old and is identified as a student with Autism and Other Health Impairment (OHI) under the IDEA. The student attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

ALLEGATION #1

WRITTEN NOTICE

FINDINGS OF FACT:

1. There is no documentation that the complainant was provided with written notice, for the IEP team meeting on August 29, 2024.

There is documentation that the complainant participated in the IEP team meeting on August 29, 2024.

2. There is documentation that the complainant was provided with written notice, for IEP team meetings scheduled on September 6, 2024, October 8, 2024, and October 28, 2024, and November 8, 2024.

CONCLUSIONS:

Based on Findings of Fact #1, MSDE finds that the CCPS did not ensure that the parent was provided with a timely written notice of the IEP team meeting scheduled on August 29, 2024, in accordance with 34 CFR § 300.322. Therefore, this office finds that a violation occurred concerning this aspect of the allegation.

Notwithstanding the violation, based on Finding of Fact #1, MSDE finds that the complainant participated in the IEP team meeting on August 29, 2024. Therefore, no student-based corrective action is required.

Based on Findings of Fact #2, MSDE finds that the CCPS did ensure that the parent was provided with a timely written notice of the IEP team meeting scheduled on August 29, 2024, in accordance with 34 CFR § 300.322. Therefore, this office finds that a violation did not occur concerning this aspect of the allegation.

ALLEGATION #2

PARENT REQUEST IEP TEAM MEETING

FINDING OF FACT:

3. There is no documentation to support the allegation that the complainant requested an IEP team meeting that was not convened.

CONCLUSION:

Based on the Finding of Fact #3, MSDE finds that there is no documentation to support the allegation that CCPS did not respond to a request for an IEP team meeting that was made by the parent since July 2024, in accordance with 34 CFR §§ 300.324 and .503 and COMAR 13A.05.01.08. Therefore, this office finds that a violation has not occurred concerning this allegation.

ALLEGATION #3

IEP DOCUMENTS BEFORE AN IEP TEAM MEETING

FINDINGS OF FACT:

4. The CCPS notice of document(s) provided to parent for review before an IEP meeting, generated on August 29, 2024, in preparation for an IEP team meeting on September 6, 2024, reflects the following documents were provided to the complainant:
 - Autism eligibility tool;
 - Other health impairment tool;
 - Multiple disabilities eligibility tool;
 - Prior written notice;
 - [REDACTED] IEP; and
 - Parental right documents.
5. The CCPS notice of document(s) provided to parent for review before an IEP meeting, generated on October 21, 2024, in preparation for an IEP team meeting on October 28, 2024, reflects the following documents were provided to the complainant:
 - Assessment reports: Educational, Close Adult Observation, Speech - Language, Occupational Therapy (OT), Functional Behavior Assessment (FBA);
 - Blank Eligibility Tools for Autism, Other Health Impairment (OHI), and Specific Learning Disability (SLD); and
 - Evaluation Report and Determination of Initial Eligibility.

This meeting was not held on October 28, 2024, the IEP team agreed to re-schedule it for November 8, 2024.

6. On October 21, 2024, the CCPS school psychologist emailed the psychological report to the complainant. There is documentation that the complainant reviewed the psychological report and provided written feedback to the school psychologist on the same day.
7. On October 23, 2024, based upon a phone call to the complainant, the CCPS emailed a blank copy of the Multiple Disability Eligibility Tool.
8. There is documentation that the following documents were emailed to the complainant on October 29, 2024: the meeting notice in preparation of an IEP team meeting on November 8, 2024; notice of use of recording devices at IEP team meetings; and return postage paid envelopes.

The complainant emailed the school-based staff informing them that she is unable to access the documents and requested hard copies to be sent home with the student.

There is documentation that hard copies of the documents that were sent home. The school-based staff informed the complainant that the documents were being mailed home via certified mail. The complainant acknowledged receipt of the email.

There is documentation of a certified mail delivery on November 1, 2024.

There is documentation that the complainant received the procedural safeguards on November 8, 2024.

9. There is no documentation that the IEP team meetings resulted in the development of an IEP document.

CONCLUSIONS:

Based on Findings of Fact #4 through #9, MSDE finds that the CCPS did provide a copy of the draft documents to be discussed at the upcoming meeting within five business days before the IEP team meetings held since July 2024, in accordance with COMAR 13A.05.01.07. Therefore, this office finds that a violation has not occurred concerning this aspect of the allegation.

Based upon Finding of Fact #9, MSDE finds that an IEP was not developed at the November 8, 2024, IEP team meeting, therefore, CCPS was not required to provide a copy of the IEP document within five business days after the IEP team meetings held since July 2024, in accordance with COMAR 13A.05.01.07. Therefore, this office finds that a violation has not occurred concerning this aspect of the allegation.

ALLEGATION #4

PWN

FINDING OF FACT:

6. There is documentation that the complainant was provided the PWNs generated following IEP team meetings that occurred since July 2024.

CONCLUSION:

Based on the Finding of Fact #6, MSDE finds that the CCPS did provide PWN of the IEP team's decisions from the IEP team meetings held since July 2024, in accordance with 34 CFR § 300.503. Therefore, this office finds that a violation has not occurred concerning this allegation.

ALLEGATION #5

COMPARABLE SERVICES

FINDINGS OF FACT:

10. On July 22, 2024, the CCPS emailed the complainant. The email reflects that an enrollment appointment was scheduled for August 13, 2024.
11. On August 29, 2024, the CCPS central office staff emailed the PWN generated following the IEP team meeting on August 26, 2024, to the complainant. The PWN outlined the comparable services based on the out of state IEP as discussed with the complainant.
12. On September 12, 2024, the CCPS emailed the complainant in response to concerns that she raised during a phone call about the comparable services. The CCPS proposed changes to the student's comparable services offered on August 26, 2024. The email reflects proposed changes to comparable services: remove one of the 3 hours and 30 minutes out of general education and add one hour in general education to address reading and 30 minutes in general education to address written language.
13. On September 12, 2024, the complainant emailed the CCPS staff sharing that she agreed to the changes to the IEP regarding comparable services.

Ms. Chris Wittle
December 6, 2024
Page 5

14. On September 13, 2024, the complainant emailed the CCPS informing them that “at this time, the concern has been addressed, and we no longer need to meet regarding comparable services due to the agreed terms on 09/12/2024.”

CONCLUSION:

Based on the Finding of Facts #10 through #14, MSDE finds that the CCPS did follow proper procedures when determining comparable services upon the student’s transfer to the CCPS since July 2024, in accordance with 34 CFR § 300.323(f) and COMAR 13A.05.01.09. Therefore, this office finds that a violation did not occur concerning this aspect of the allegation.

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 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. Requests for reconsideration must be sent to Tracy Givens, Section Chief, Dispute Resolution Branch, at Tracy.Givens@maryland.gov.

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: Cynthia McCabe, Superintendent, CCPS
Wayne Whalen, Supervisor of Special Education Data and Compliance, CCPS
[REDACTED] Principal, [REDACTED], CCPS
[REDACTED], Principal, [REDACTED], CCPS
Dr. Paige Bradford, Section Chief, Specialized Instruction, MSDE
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE
Alison Barmat, Branch Chief, Family Support and Dispute Resolution Branch, MSDE
Nicole Green, Compliance Specialist, MSDE
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Rabiatu Akinlolu, Compliant Investigator, MSDE