

February 4, 2025

[REDACTED]

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

Re: [REDACTED]  
Reference: # 25-166

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.

On December 6, 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 has not ensured that the student has been consistently provided with the special education instruction required by the Individualized Education Program (IEP) since December 13, 2023, in accordance with 34 CFR §§ 300.101 and .323.
2. The CCPS did not follow proper procedures when identifying the student to determine if she is a student with a disability requiring special education and related services, on December 4, 2024, in accordance with 34 CFR §§ 300.301-.311, and .503 and COMAR 13A.05.01.06. Specifically, the complainant alleges that the CCPS dismissed the student from services.

**BACKGROUND:**

The student is 16 years old and attends [REDACTED]. On December 20, 2024, the student was determined to be ineligible for special education services. The student was previously identified as a student with a Specific Learning Disability (SLD) under IDEA.

## **ALLEGATION #1**

## **PROVISION OF SPECIAL EDUCATION INSTRUCTION**

### **FINDINGS OF FACT:**

1. The IEP developed on December 5, 2023, reflects that the following areas are impacted by the student's disability: math calculation, reading comprehension, reading phonics, written language expression, and self-management.

The IEP requires:

- 6 hours and 40 minutes per week of special education instruction outside the general education setting to be provided by the special education teacher; and
  - 1 hour and 30 minutes per week of special education instruction inside the general education setting to be provided by the special education classroom teacher, general education teacher, and/or instructional assistant.
2. There is documentation that the student was provided with special education instruction as required by the IEP from December 6, 2023, until December 20, 2024, when the student was determined ineligible for special education services.

### **CONCLUSION:**

Based on the Findings of Fact #1 and #2, MSDE finds that the CCPS has ensured that the student has been consistently provided with the special education instruction required by the IEP from December 13, 2023 until December 20, 2024, in accordance with 34 CFR §§ 300.101 and .323. Therefore, this office finds that a violation did not occur concerning this allegation.

## **ALLEGATION #2**

## **PROPER PROCEDURES FOR CONDUCTING A REEVALUATION OF THE STUDENT**

### **FINDINGS OF FACT:**

3. The prior written notice (PWN) generated following an IEP team meeting on September 24, 2024, reflects that an IEP team meeting occurred for the purpose of addressing re-evaluation assessments. The PWN reflects the IEP team proposed and agreed to the following:
  - Conduct assessments to determine if the student continues to be a student with a disability in need of special education services as a student with SLD.
  - Assess the student in the areas of reading comprehension, written language, math and intellectual/cognitive functioning.

The PWN reflects the student has not been formally assessed since 2019.

4. The Notice and Consent for Assessment generated on September 24, 2024, reflects the IEP team required additional information to determine that the student continues to be a student with a disability and requires special education and related services. The IEP team agreed that the evaluation will include assessments in the following areas: Reading, Mathematics, Written Language, and Intellectual/Cognitive functioning.

The complainant provided consent on September 24, 2024.

5. The notice of documents developed on November 25, 2024, reflects that the following documents were provided to the complainant in preparation for an IEP meeting on December 4, 2024:
  - Meeting notice was provided on October 21, 2024; and
  - The draft IEP, psychological report, academic assessment reports, and a blank specific learning disability eligibility tool were provided on November 25, 2024.
6. On December 4, 2024, the IEP team convened for the purpose of: "Evaluation/Re-Evaluation, Assessments Review/revise Individualized Education Program (IEP) (Provision of FAPE) and Educational Placement (includes change in educational placement, graduation and termination of eligibility."

The PWN generated following the IEP team meeting reflects:

- The IEP team reviewed [the student's] evaluations during her three-year reevaluation. The educational assessment reflects low average performance in written language and very low in mathematics and reading. The academic results were consistent with her cognitive evaluation. The psychological assessment reflects that "scores ranged from the borderline to average range and did not present with any areas of statistically significant strength or weakness in her cognitive profile." The IEP team used the following to determine the student's eligibility: Woodcock-Johnson IV Wechsler Adult Intelligence Scale, Fourth Edition Student feedback IEP goal/objective progress reports Classroom observations Classroom performance, summative/formative assignments Standardized assessments.
- The IEP team determined that the student no longer qualifies for special education services under the primary coding for Specific Learning Disability (SLD).
- The complainant disagreed with the ineligibility determination. The mediation statement in the Procedural Safeguards was read to the complainant.
- The IEP team agreed to continue the IEP services until December 20, 2024, and provide the complainant an opportunity to exercise her rights as outlined in the Parental Rights Maryland Procedural Safeguards Notice. If the parent does not file for due process by January 2, 2025, the student will stop receiving IEP services and be considered a general education student.

The PWN includes a statement informing the complainant of their procedural safeguards.

There is documentation that the complainant was provided the PWN on December 11, 2024.

7. The IEP team, completed an SLD eligibility determination worksheet, the IEP team responded "no" to the following question "Are there continued measures of low achievement relative to age/development and state-approved grade-level standards, when provided with evidenced-based instruction and/or intervention for a reasonable period of time?" The worksheet further reflects:
  - The team reviewed multiple measures that demonstrated the student's low achievement: cumulative record review, classwork samples, anecdotal teacher records, and statewide and district-wide assessments.
  - The IEP team completed additional assessments, and the student did not continue to meet the criteria for special education services as a student with SLD.
  - There are no additional deficit areas/concerns that are currently not addressed in the student's IEP;
  - The student is making the expected rate of progress; and
  - There are no additional areas of suspected disability.

## **DISCUSSIONS AND CONCLUSION:**

No single member of an IEP team can decide to terminate special education services, but a team as a whole can make that determination. A student's IEP team must take proper steps to reevaluate the student in all areas of suspected disability and then review the results. (34 CFR § 300.305 (e)). IEP teams should ensure that parents don't feel blindsided by discussions about exiting students. Teams should give parents space to ask questions about the data and observations that the team members provide. If the IEP team reviews data, progress, observations, and other information, and determines that no additional information is needed to complete the reevaluation process, a parent may request that the student be assessed, and the public agency must comply with their request. (34 CFR § 300.305(d)(ii)) and COMAR 13A.05.01.06).

Districts must notify parents before ending a student's IDEA eligibility by providing them with a prior written notice under 34 CFR § 300.503.

In this case, CCPS convened an IEP team and discussed the necessity of assessing the student's eligibility for special education services. The complainant provided written consent for the student to be evaluated. After reviewing the updated assessments, the IEP team determined that the student was ineligible for special education services. The team reviewed standard assessment results, data from classroom assessments, supplementary aids and services that the student utilized, teacher input, and achievement of IEP goals. The student's psychological assessment scores reflect the Borderline to Average range and did not present any areas of statistically significant strength or weakness in her cognitive profile. Additionally, the cognitive evaluation scores were consistent with performance on the educational assessment. The team also determined that the student did not qualify for services under another disability category delineated by the IDEA. The IEP team ensured that the complainant was provided with procedural safeguards.

Based on the Findings of Fact #3 through #7, MSDE finds that the CCPS did follow proper procedures when identifying the student to determine if she is a student with a disability requiring special education and related services, on December 4, 2024, in accordance with 34 CFR §§ 300.301-.311, and .503 and COMAR 13A.05.01.06. Therefore, this office finds that a violation did not occur concerning 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](mailto:Tracy.Givens@maryland.gov). 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: Cynthia McCabe, Superintendent, CCPS  
Wayne Whalen, Supervisor of Special Education Data and Compliance, CCPS  
[REDACTED], Acting Principal, [REDACTED], CCPS  
Dr. Paige Bradford, Section Chief, Specialized Instruction, MSDE  
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE  
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