

February 13, 2025



Dr. Melissa Brunson
Director of Special Education
Washington County Public Schools
10435 Downsview Pike
Hagerstown, Maryland 21740

RE: [REDACTED]
Reference: #25- 186

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 December 16, 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 Washington County Public Schools (WCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) concerning the above-referenced student.

MSDE investigated the following allegations:

1. The WCPS has not ensured that the student was provided with the speech-language services required by his Individualized Education Program (IEP) since August 2024, in accordance with 34 CFR §§ 300.101 and 323.
2. The WCPS has not followed proper procedures when using seclusion with the student since August 2024, in accordance with COMAR 13A.08.04.05.
3. The WCPS did not follow proper procedures when responding to a request to review and inspect the student’s education record, specifically video footage since August 2024, in accordance with 34 CFR § 303.405.
4. The WCPS has not ensured that the IEP team addressed the parent’s concerns regarding the student’s behavior and attendance since August 2024, in accordance with 34 CFR § 300.324.

BACKGROUND:

The student is 12 years old and is identified as a student with an Other Health Impairment (OHI) under the IDEA. He attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

ALLEGATION #1

PROVISION OF SPEECH-LANGUAGE SERVICES

FINDINGS OF FACT:

1. The student's IEP in effect in August 2024, was developed on April 4, 2024. The IEP requires one hour and thirty minutes monthly of speech-language services outside the general education classroom.

The IEP requires a Behavior Intervention Plan (BIP).

2. The student's IEP developed on December 18, 2024, requires one hour monthly of speech-language services outside the general education classroom.

The IEP requires a BIP.

3. While there is documentation that the student was provided with speech-language services, the documentation reflects that the student was absent on some of the scheduled service dates.

CONCLUSION:

Based on the Findings of Fact #1 through #3, MSDE finds that the WCPS has ensured that the student was provided with the speech-language services required by his IEP since August 2024, in accordance with 34 CFR §§ 300.101 and 323. Therefore, MSDE does not find a violation.

ALLEGATION #2

USE OF SECLUSION

FINDING OF FACT:

4. There is no documentation of the use of seclusion with the student since August 2024.

CONCLUSION:

Based on the Finding of Fact #4, MSDE finds that the student was not secluded since August 2024. Therefore, WCPS was not required to follow proper procedures when using seclusion with the student since August 2024, in accordance with COMAR 13A.08.04.05. Therefore, MSDE does not find a violation.

ALLEGATION #3

ACCESS TO STUDENT'S RECORDS

FINDINGS OF FACT:

5. On November 14, 2024, the complainant emailed the WCPS requesting to view video footage of incidents that involved the student.
6. There is documentation that the complainant has viewed the requested video footage.

CONCLUSION:

Based on Findings of Fact #5 and #6, MSDE finds that the WCPS did follow proper procedures when responding to a request to review and inspect the student's education record, specifically video footage since August 2024, in accordance with 34 CFR § 303.405. Therefore, MSDE does not find a violation.

ALLEGATION #4

ADDRESSING PARENTS CONCERNS

FINDINGS OF FACT:

7. On August 19, 2024, the WCPS emailed the complainant following up on addressing the complainant's concerns.
8. On September 18, 2024, the IEP team convened to discuss reevaluation assessments. The prior written notice (PWN) generated after the meeting reflects that the IEP team proposed the use of social stories taught by the school's social worker to aid with the student's behaviors. The PWN reflects that the complainant did not agree to the proposed social work services or use of social work stories.
9. There is documentation that the complainant met with WCPS staff on October 2, 2024, regarding concerns about an incident that took place.
10. On October 11, 2024, the complainant emailed the WCPS with concerns regarding her son's school avoidance. There is documentation that on October 15, 2024, the WCPS responded to the complainant's email.
11. On October 21, 2024, the IEP team convened to discuss reevaluation assessments, review and revise the IEP, discuss educational placement, and update the BIP. The PWN generated after the meeting reflects that the IEP team addressed concerns regarding student's behavior and BIP.
12. On October 17, 2024, October 21, 2024, and October 24, 2024, November 1, 2024, the WCPS emailed the complainant following up on addressing the complainant's concerns regarding her son.
13. On October 28, 2024, the complainant emailed the WCPS with concerns regarding her son, on the same date the WCPS responded.
14. On November 3, 2024, the complainant emailed the WCPS with concerns regarding her son, on November 5, 2024, the WCPS responded to the complainant's email.
15. On November 14, 2024, the complainant emailed the WCPS with concerns regarding her son, on November 15, 2024, the WCPS responded to the complainant's email.
16. There is documentation that the complainant met with WCPS staff on November 21, 2024, regarding timely communication, video footage, and return from suspension meeting.
17. On December 19, 2024, the IEP team convened to review and revise the IEP, discuss educational placement and discipline. The PWN generated after the meeting reflects that the IEP team reviewed the student's suspensions and determined that he was not suspended for more than 10 days. The IEP team discussed his disabilities impact on his behavior.

18. On January 2, 2025, the complainant emailed the WCPS with concerns regarding her son, on the same date the WCPS responded to the complainant's email.
19. On January 7, 2025, the complainant emailed the WCPS with concerns regarding her son, on the same date the WCPS responded to the complainant's email.

CONCLUSION:

Based on the Findings of Fact #7 through #19, MSDE finds that the WCPS has ensured that the IEP team addressed the parent's concerns regarding the student's behavior and attendance since August 2024, in accordance with 34 CFR § 300.324. Therefore, MSDE does not find a violation.

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. The written request for reconsideration should be provided to Tracy Givens, Section Chief, Dispute Resolution via email 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/sd

c: Dr. David Sovine, Superintendent, WCPS
Brenna Creedon, Supervisor of Special Education, WCPS
Robert Koogle, Supervisor of Special Education, WCPS
[REDACTED], Principal, [REDACTED], WCPS
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
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