



Nancy S. Grasmick
State Superintendent of Schools

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June 13, 2008

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Ms. Annette Lagana
Director of Special Education
Calvert County Public Schools
1305 Dares Beach Road
Prince Frederick, Maryland 20678

RE: XXXXX
Reference: #08-071

Dear Parties:

The Maryland State Department of Education, Division of Special Education/Early Intervention Services (MSDE), has completed the investigation of the complaint regarding special education services for the above-referenced student. This correspondence is the report of the final results of our investigation.

ALLEGATION:

On May 5, 2008, MSDE received correspondence from Ms. XXXXXXXXXXXXX, hereafter the “the complainant,” on behalf of her daughter. In that correspondence, the complainant alleged that the Calvert County Public Schools (CCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) and corresponding federal and State regulations with respect to the student. This office investigated the allegation that CCPS has not ensured that the student has been provided with an “aide” in her math class, as required by the Individualized Education Program (IEP), in accordance with 34 CFR §300.103.

INVESTIGATIVE PROCEDURES:

1. Ms. Vickie Frazier, Education Program Specialist, MSDE, was assigned to investigate the complaint.
2. On May 12, 2008, Ms. Dori Wilson, Acting Chief, Complaint Investigation and Due Process Branch, MSDE, contacted the complainant by telephone to clarify the allegation.
3. On May 13, 2008, MSDE sent a copy of the complaint, via facsimile, to Ms. Annette Lagana, Director of Special Education, CCPS, and Ms. Diane Black, Assistant Director of Special Education, CCPS.

4. On May 15, 2008, MSDE sent correspondence to the complainant that acknowledged receipt of the complaint and identified the allegation subject to this investigation. The MSDE also notified Ms. Lagana of the allegation to be investigated and requested that her office review the alleged violation.
5. On June 3, 2008, MSDE received a written response to the allegation in the complaint from CCPS.
6. The MSDE reviewed documentation relevant to the findings and conclusions referenced in this Letter of Findings (LOF), which include:
 - a. Correspondence from the complainant to MSDE, dated May 5, 2008, and
 - b. Written response to the allegation from CCPS personnel to MSDE, dated June 2, 2008.

BACKGROUND:

The student is thirteen (13) years old, attends XXXXXX Middle School, and receives special education instruction under IDEA. She is identified as a student with an other health impairment related to a diagnosis of XXXXXXXXXXXXXXXXXXXX, a genetic disorder (Docs. a and b).

SUMMARY OF FINDINGS/CONCLUSIONS:

The complainant alleged that the student was not provided with an “aide” in her math classroom as required by her IEP during the 2007-2008 school year (Doc. a). CCPS personnel acknowledge that the “aide” has not been provided consistently throughout the school year, as required by the student’s IEP (Doc. b). MSDE appreciates this acknowledgement and concurs that there was a violation with regard to the provision of an “aide” to the student in her math classroom during the 2007-2008 school year.

CORRECTIVE ACTIONS/TIMELINES:

In its written response, CCPS informed MSDE that staffing changes have been made to ensure that the student will receive the support of an “aide” as required by her IEP. CCPS has further informed MSDE that, in response to the complainant’s request, CCPS will provide summer school services to the student.

MSDE concurs with this remedy, but further requires that the IEP team meeting be scheduled as soon as possible, but no later than August 1, 2008. At that meeting, MSDE requires that the team determine if the summer school services to be provided to the student will be sufficient to redress the failure to consistently provide the student with an “aide” in her math class since the start of the 2007-2008 school year. If the team determines that the summer school services were not sufficient, MSDE further requires that CCPS determine the amount and nature of *compensatory services*¹ necessary to redress the failure to provide an “aide” to the student.

¹ Compensatory services, for the purposes of this letter, mean the determination by the IEP team as to how to remediate the denial of appropriate services to the student (34 CFR §300.151).

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CCPS must provide the parent with proper written notice of the determinations, as required by 34 CFR §300.503, including a written explanation of the basis for the determinations. If the parent disagrees with the decisions, she maintains the right to initiate a due process hearing and/or mediation to resolve the dispute consistent with IDEA 2004.

CCPS shall submit documentation of the actions taken to address this matter no later than September 1, 2008. This documentation is to be submitted to this office to: Attention: Chief, Complaint Investigation/Due Process Branch, Division of Special Education/Early Intervention Services, MSDE.

TECHNICAL ASSISTANCE:

Technical assistance is available to the parties through Mrs. Martha Roulette Arthur, Education Program Specialist, MSDE. Mrs. Arthur may be contacted at (410) 767-0255.

Please be advised that the parties have the right to submit additional written documentation to this office within fifteen (15) days of the date of this LOF if they disagree with the conclusions. The additional written documentation must not have been provided or otherwise been available to this office during the complaint investigation and must be related to the issues identified and addressed in the LOF. Upon consideration of this additional documentation, this office may leave its findings and conclusions intact, amend its findings and conclusions, set forth additional findings and conclusions, or enter new findings and conclusions.

Questions regarding the findings of fact, conclusions, and corrective actions contained in this LOF should be addressed to this office in writing. Both the complainants and the school system maintain the right to request mediation or file a due process complaint if they disagree with the identification, evaluation, placement, or provision of a free appropriate public education for the student, including issues subject to a State complaint investigation, in accordance with IDEA 2004. The MSDE recommends that this LOF be included with any request for mediation or filing of a due process complaint.

Sincerely,

Carol Ann Baglin, Ed.D.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

CAB/vmf

c: Jack R. Smith
Diane Black
XXXXXXXXXXXX
Dori Wilson
Martha Roulette Arthur
Linda Bluth