



Karen B. Salmon, Ph.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • msde.maryland.gov

November 9, 2017

XXX
XXX
XXX

Mrs. Diane McGowan
Supervisor of Special Education
Queen Anne’s County Public Schools
202 Chesterfield Avenue
Centreville, Maryland 21617

RE: XXXXX
Reference: #18-022

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS), 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 the investigation.

ALLEGATION:

On September 25, 2017, the MSDE received a complaint from Ms. XXXXXXXXXXXX, hereafter, “the complainant,” on behalf of her son, the above-referenced student. In that correspondence, the complainant alleged that the Queen Anne’s County Public Schools (QACPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the student.

The MSDE investigated the allegation that the QACPS has not ensured that the student has been provided with the accommodation of extra time to complete work in the manner required by the Individualized Education Program (IEP) since September 22, 2017, in accordance with 34 CFR §§300.101 and .323.

BACKGROUND:

The student is twelve (12) years old and attends XXXXXXXXXXXXXXXXXXXX. He is identified as a student with a Specific Learning Disability under the IDEA, and has an IEP that requires the provision of special education and related services.

FINDINGS OF FACTS:

1. The IEP in effect on September 22, 2017 was developed on November 3, 2016, and requires that the student be provided with the accommodation of extended time. The IEP states that “due to needing time to process questions and organize his thoughts, [the student] needs time and a half to complete tests or instructional tasks.”
2. The complainant has expressed concern to the school staff that the student be given the extra time he needs to complete work during school hours and that he not be required to complete unfinished work at home.
3. The school staff have indicated to the complainant that the student must complete unfinished work during lunch or at home if he does not have enough time during class periods to do so. However, the IEP team has not clarified the matter.

CONCLUSION:

Based on the Findings of Facts #1 - #3, the MSDE finds that the QACPS has not ensured that the IEP is written in a manner that is clear to all who are involved in order to ensure that the student is provided with the extended time accommodation consistent with the IEP team’s determination, in accordance with 34 CFR §§300.101 and .320. Therefore the MSDE finds that a violation occurred.

CORRECTIVE ACTIONS/TIMELINE:

Student-Specific

The MSDE requires the QACPS to provide documentation by January 1, 2018, that the IEP team has convened and addressed the complainant’s concern about the manner in which the student will be provided with the IEP accommodation of extended time. The IEP team must also review and revise the IEP, as appropriate, to ensure that it is written clearly with respect to the manner in which the extended time accommodation is required to be provided to the student.

The MSDE also requires the QACPS to provide documentation by January 1, 2018, that the IEP team has determined whether the violation related to the IEP not being clearly written had a negative impact on the student, and if so, determined compensatory services for the student, and developed a plan for the delivery of the identified compensatory services within one (1) year of the date of this Letter of Findings.

School-Based

The MSDE requires the QACPS to provide documentation by February 1, 2018, of the steps it has taken to ensure that XXXXXXXXXXXXXXXXXXXX staff comply with the requirements to ensure that decisions regarding extended time are made on a case by case basis by the IEP team and that the IEP team determines the routine for providing the extended time.

XXX

Mrs. Diane McGowan

November 9, 2017

Page 3

Documentation of all corrective action taken is to be submitted to this office to: Attention: Chief, Family Support and Dispute Resolution Branch, Division of Special Education/Early Intervention Services, MSDE.

TECHNICAL ASSISTANCE:

Technical assistance is available to the parties by contacting Dr. Nancy Birenbaum, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE at (410) 767-7770.

Please be advised that both the complainant and the QACPS have the right to submit additional written documentation to this office, which must be received within fifteen (15) days of the date of this letter, if they disagree with the findings of facts or conclusions reached in this Letter of Findings. The additional written documentation must not have been provided or otherwise available to this office during the complaint investigation and must be related to the issues identified and addressed in the Letter of Findings.

If additional information is provided, it will be reviewed and the MSDE will determine if a reconsideration of the conclusions is necessary. Upon consideration of this additional documentation, this office may leave its findings and conclusions intact, set forth additional findings and conclusions, or enter new findings and conclusions. Pending the decision on a request for reconsideration, the school system must implement any corrective actions consistent with the timeline requirement as reported in this Letter of Findings.

Questions regarding the findings and conclusions contained in this letter should be addressed to this office in writing. 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. The MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

c: Andrea Kane
XXXXXX
Dori Wilson
Anita Mandis
K. Sabrina Austin
Nancy Birenbaum