



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

March 22, 2019

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Dr. Arden Sotomayor
Director of Special Education
Charles County Public Schools
P.O. Box 2770
LaPlata, Maryland 20646

RE: XXXXX
Reference: #19-097

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention and Special Education 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 the investigation.

ALLEGATIONS:

On January 22, 2019, the MSDE received a complaint from Mr. XXXXXXXXXXX and Mrs. XXXXXXXX, hereafter, “the complainants,” on behalf of their son, the above-referenced student. In that correspondence, the complainant alleged that the Charles County Public Schools (CCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the student.

The MSDE investigated the following allegations:

1. The CCPS did not ensure that the student was provided with the special education instruction required by the Individualized Education Program (IEP) from a certified special education teacher from September 4, 2018 through September 26, 2018 and November 1, 2018 through December 21, 2018, in accordance with 34 CFR §300.156 and COMAR 13A.12.02.

2. The CCPS did not ensure the provision of reports of the student's progress towards achievement of the annual IEP goals, as required by the IEP since November 1, 2018, in accordance with 34 CFR §§300.101 and .323.

SUMMARY OF FINDINGS AND CONCLUSIONS:

The CCPS staff acknowledge that violations occurred with respect to both allegations and the school system has developed a plan to ensure future compliance with the requirements and to identify similarly situated students. The MSDE concurs with the CCPS's conclusion and appreciates the school system's responsiveness.

CORRECTIVE ACTIONS/TIMELINES:

Student-Based:

The MSDE requires the CCPS to provide documentation by the end of the 2018-2019 school year, that the IEP team has convened, reviewed the student's progress towards achievement of the annual goals and revised the IEP, as appropriate to address any lack of expected progress. The IEP team must also determine the amount and nature of compensatory services or other remedy to redress the violations identified in this investigation if it finds that the student has not made sufficient progress to achieve the goals by the annual review date.

Similarly Situated Students:

The MSDE requires the CCPS to provide documentation by the start of the 2019-2020 school year, that similarly situated students have been identified, and IEP team meetings convened to determine whether the violations identified had a negative impact and if so, the amount and nature of compensatory services or other remedy to redress the violations.

School-Based:

The MSDE requires the CCPS to provide documentation by the start of the 2019-2020 school year, that the countywide training for CCPS staff that they are proposing has taken place.

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

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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 (15) 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 for why the documentation was not made available during the investigation.

The complainants and the school system 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 due process.

Sincerely,

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

MEF/sf

c: Nancy Pirner
Lewan Hutchinson
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Dori Wilson
Anita Mandis
Sharon Floyd
Nancy Birenbaum