



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

May 31, 2019

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Dr. Arden Sotomayor
Director of Special Education
Charles County Public Schools
5980 Radio Station Road
La Plata, Maryland 20646

RE: XXXXX
Reference: #19-144

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention/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.

ALLEGATION:

On April 8, 2019, the MSDE received a complaint from Ms. XXXXXXXXX, hereafter, “the complainant,” on behalf of her 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 above-referenced student.

The MSDE investigated the allegation that the CCPS has not ensured that the Individualized Education Program (IEP) has addressed the student’s behavioral needs since March 26, 2019, in accordance with 34 CFR §§300.101 and .323.

BACKGROUND:

The student is ten (10) years old and is identified as a student with Autism under the IDEA. He attends XXXXXXXXXXXXXXXXXXXXXXX and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACTS:

1. The IEP in effect during the time period of this investigation reflects that the student has identified behavioral issues, such as difficulties with remaining quiet in class, remaining in his seat, keeping his hands to himself, and following staff directions. The IEP also includes an annual goal with objectives to support his needs in this area.
2. The IEP includes behavioral supports, such as frequent reminders of school rules, frequent feedback from school staff, the provision of positive reinforcers, encouragement to ask for assistance, and a behavior chart for a daily reward system.
3. On April 16, 2019, the IEP team convened at the request of the complainant after a behavioral incident on the bus occurred. The meeting summary reflects that the team considered input from the complainant, who reported that the student's behavior was being affected by changes to his routine, changes with school staffing, new medication to address a recent diagnosis of Attention Deficit-Hyperactivity Disorder (ADHD), and the complainant's return to work. The student's teacher reported that the student demonstrates anxiety at times, and his behavior will be monitored using his communication board, which was also provided to the complainant. Based on the input, the team determined that a Functional Behavior Assessment (FBA) was required in order to collect additional information regarding the student's behavior, and to appropriately address his needs. The complainant provided consent for the assessment at the meeting, and the IEP team is scheduled to reconvene on June 5, 2019 to review assessment data.
4. The reports of the student's progress, made in April 2019, reflects that the student is making sufficient progress to achieve the annual goal to improve his behavior, by June 14, 2019, and there is no documentation of other behavioral incidents.

CONCLUSION:

Based on the Findings of Facts #1 - #4, the MSDE finds that the CCPS has ensured that the Individualized Education Program (IEP) has addressed the student's behavioral needs since March 26, 2019, in accordance with 34 CFR §§300.101 and .323. Therefore, this office does not find that a violation occurred with respect to the allegation.

TIMELINE:

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. 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.

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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 Early Intervention/Special Education Services

MEF:ac

c: Kimberly Hill
Arden Sotomayor
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