



Mohammed Choudhury
State Superintendent of Schools

October 25, 2021



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

RE: [REDACTED]
Reference: #22-020

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 of the final results of the investigation.

ALLEGATIONS:

On September 2, 2021, the MSDE received a complaint from Mr. [REDACTED] and Mrs. [REDACTED] hereafter “the complainants,” on behalf of their son, the above-referenced student. In that correspondence, the complainants 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 supports required by the Individualized Education Program (IEP) during the school year 2020-2021, in accordance with 34 CFR §§ 300.101 and .323. Specifically, the following supports were allegedly not provided to the student:
 - a. The teachers did not provide the student with extended time to complete assignments

Dr. Tia McKinnon

October 25, 2021

Page 2

and assessments;

- b. The teachers did not provide the student with daily checks for understanding;
 - c. The teachers did not require the student to repeat and/or paraphrase information daily;
 - d. The teachers did not monitor the student's independent work daily;
 - e. The teachers did not provide the student with home sets of textbooks and/or materials daily;
 - f. The teachers did not provide the student with copies of teacher notes daily;
 - g. The student was not provided with a reading intervention;
 - h. The teachers did not provide the student with simple, one-step directions daily;
 - i. The teachers did not break down the student's assignments into smaller units daily;
 - j. The teachers did not chunk the student's texts daily;
 - k. The teachers did not provide the student with altered/modified assignments daily; and,
 - l. The teachers did not provide the student with strategies to initiate and sustain attention on a daily basis.
2. The CCPS did not ensure that the March 11, 2021 offer of services to remediate the loss of required weekly support provided by the special education teacher from November 19, 2020 to March 11, 2021 was designed to provide the student with a Free Appropriate Public Education (FAPE), in accordance with 34 CFR §§300.101 and .324.

BACKGROUND:

The student is sixteen (16) years old and is identified as a student with a Specific Learning Disability, based on Dyslexia and Dyscalculia, under the IDEA. He has an IEP that requires the provision of special education services. The student attends [REDACTED]

FINDINGS OF FACTS:

1. The IEP in effect at the beginning of this investigation required the following supports:
 - Extended time (1.5x);
 - Daily checks for understanding;
 - Repeat and/or paraphrase information daily;

- Monitor independent work daily;
 - Provide the student with home sets of textbooks and/or materials daily;
 - Provide the student with copies of teacher notes daily;
 - Participate in a reading intervention on an alternate day schedule;
 - Provide the student with simple, one-step directions daily;
 - Break down the student's assignments into smaller units daily;
 - Chunk the student's texts daily;
 - Provide the student with altered/modified assignments daily; and,
 - Provide the student with strategies to initiate and sustain attention on a daily basis.
2. On November 19, 2020, the IEP team conducted the student's annual IEP review. The Prior Written Notice (PWN) reflects that the IEP team determined that the special education classroom teacher would be required to meet weekly with the student to monitor his grades, review missing assignments and assist the student with executive functioning and organizational skills. The PWN also reflects that the IEP team determined that the supports required by the previous IEP remained appropriate and would continue to be required.
 3. On March 11, 2021, the IEP team convened and determined that the special education classroom teacher had not been meeting weekly with the student as required by the November 2020 IEP. The IEP team considered student-specific data, including parent and teacher input and the student's grades, and determined that the student would receive seven (7) hours of compensatory services to remediate the educational impact of the lack of weekly meetings with the special education teacher between November 19, 2020 and March 11, 2021.
 4. There is documentation that the special education teacher met with the student weekly from March 12, 2021 to the end of the 2020-2021 school year.
 5. There is no documentation that the other supports required by the IEP were provided to the student during the 2020 - 2021 school year.



Dr. Tia McKinnon

October 25, 2021

Page 4

DISCUSSION/CONCLUSIONS:

Allegation #1

Based on the Findings of Facts #1 - #5, the MSDE finds that the student was not provided with all of the supports required by the IEP during the 2020-2021 school year, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation occurred with respect to this allegation.

Allegation #2

Based on the Finding of Fact #3, the MSDE finds that the documentation does not support the allegation that the offer of compensatory services to remediate the loss of weekly meetings with the special education teacher, was not designed to provide the student with a FAPE, in accordance with 34 CFR §§300.101 and .324. Therefore, this office does not find that a violation occurred with respect to the allegation.

CORRECTIVE ACTIONS/ TIMELINES:

The IDEA requires that State complaint procedures include those for effective implementation of the decisions made as a result of a State complaint investigation, including technical assistance activities, negotiations, and corrective actions to achieve compliance (34 CFR §300.152).

Accordingly, the MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.¹

This office will follow up with the public agency to ensure that it completes the required action consistent with the MSDE Special Education State Complaint Resolution Procedures. If the public agency anticipates that the timeframe below may not be met, or if any of the parties seeks technical assistance, they should contact Dr. Nancy Birenbaum, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.² Dr. Birenbaum can be reached at (410) 767-7770 or Nancy.birenbaum@maryland.gov.

¹ The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency must correct noncompliance in a timely manner, which is as soon as possible, but not later than one (1) year from the date of identification of the noncompliance. The OSEP has indicated that, in some circumstances, providing the remedy could take more than one (1) year to complete. If noncompliance is not corrected in a timely manner, the MSDE is required to provide technical assistance to the public agency, and take tiered enforcement action, involving progressive steps that could result in the redirecting, targeting, or withholding of funds, as appropriate.

² The MSDE will notify the Directors of Special Education of any corrective action that has not been completed within the required timelines.



Dr. Tia McKinnon
October 25, 2021
Page 5

Student-Specific

The MSDE requires the CCPS to provide documentation of the following:

1. The student is being provided with the supports required by the IEP.
2. The IEP team has determined the amount and nature of compensatory services or other remedy to redress the violation identified in this Letter of Finding.

School Based

The MSDE requires the CCPS to provide documentation of the steps taken at [REDACTED] to ensure that the violation does not recur. The documentation must include a description of the action that will be taken to monitor the effectiveness of the steps taken.

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 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/dee

c: Maria Navarro
Lewan Jones
[REDACTED]
Brian Morrison
Diane Eisenstadt
Nancy Birenbaum