



**Mohammed Choudhury**  
State Superintendent of Schools

December 27, 2021



Ms. Bonnie L. Walston  
Director of Special Education  
Wicomico County Board of Education  
2424 Northgate Drive, Suite 100  
P.O. Box 1538  
Salisbury, Maryland 21801-1538

RE: [REDACTED]  
Reference: #22-050

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 October 28, 2021, the MSDE received a complaint from Mr. [REDACTED] and Ms. [REDACTED] hereafter, “the complainants,” on behalf of their son, the above-referenced student. In that correspondence, the complainants alleged that the Wicomico County Public Schools (WCPS) 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 WCPS did not follow proper procedures when conducting a reevaluation of the student initiated in March 2021, in accordance with 34 CFR §§300.303- .306.

**BACKGROUND:**

The student is eight years old, and is not currently identified as a student with a disability under the IDEA. Prior to May 2021, he was identified as a student with a disability related to a Speech or Language Impairment and had an Individualized Educational Program (IEP) that required the provision of related services. He attends [REDACTED] in Wicomico County.

**FINDINGS OF FACTS:**


1. The IEP in place for the student in March 2021 identified him with a Speech or Language Impairment and required that he be provided with speech and language services twice a month for 30 minutes per session.
2. On February 16, 2021, the IEP team met to determine the need for additional data to conduct a reevaluation of the student. Following discussion of the student's progress and identified needs, the IEP team determined that additional data was needed to determine the student's continued eligibility and recommended that a speech/language assessment be completed for the student.
3. On March 11 and March 17, 2021, the IEP team met to review the speech/language assessment and to determine the student's continued eligibility under the IDEA. The IEP team determined that additional data was necessary and recommended that a psychological and academic assessment be completed for the student.
4. On May 5, 2021, the IEP team met to review assessment data for the student and to determine the student's continued eligibility under the IDEA. The team determined that the student no longer met the eligibility requirements as a student with a disability. The IEP prior written notice developed for the meeting reflects this decision of the IEP team and states that the team relied on the following information to make the eligibility decision; "a review of formal/informal speech/language assessments, psychological assessments, educational assessments, classroom observation, speech/language therapist report, classroom teacher performance, and parent report."

**CONCLUSION:**

Based on the Findings of Facts #1 - 4, the MSDE finds that the WCPS followed proper procedures beginning in March 2021 when conducting an evaluation of the student and determining if he continued to be eligible as a student with a disability, in accordance with 34 CFR §§300.303- .306. Therefore, this office does not find that a violation occurred.

**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 parent 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 a due process complaint.

Sincerely,

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

MEF:gl

c: Donna Hanlin  
  
Brian Morrison  
Diane Eisenstadt  
Albert Chichester  
Gerald Loiacono