



January 14, 2022

Ms. Ronnetta Stanley
Loud Voices Together
PO Box 1178
Temple Hills, Maryland 20748

Dr. Tia McKinnon
Director of Special Education
Charles County Public Schools
P. O. Box 2770
La Plata, MD 20646

RE: [REDACTED]
Reference: #22-059

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.

ALLEGATIONS:

On November 17, 2021, the MSDE received a complaint from Ms. Ronnetta Stanley, hereafter, “the complainant,” on behalf of the above-referenced student and his parent, [REDACTED]. 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 following allegations:

1. The CCPS has not ensured that the student has been provided with the special education instruction and supports required by the Individualized Education Program (IEP) since November 18, 2020, in accordance with 34 CFR §§300.101 and .323. Specifically, you allege the following:
 - a. The student has not been provided with word prediction assistive technology;
 - b. The student has not been provided with math and reading interventions;
 - c. The student has not been provided with social interaction checklist;
 - d. The student has not been provided with executive functioning support;
 - e. The student has not been provided with examples of finished work products; and
 - f. The student has not been provided with a separate special education English classroom.

2. The CCPS has not ensured that the IEP accurately reflects the team's November 18, 2020 decisions with regard to a writing intervention, a social skills group for the student, and bi-weekly communication with the parent, which has resulted in the supports not being provided, in accordance with 34 CFR §§300.320 and .323.
3. The CCPS has not ensured that the progress reported towards the achievement of the annual IEP academic goals, since November 18, 2020, has been consistent with the data, in accordance with 34 CFR §300.320.
4. The CCPS has not ensured that the IEP team addressed the parent's concerns about the data used to determine the student's academic performance and progress relative to grade-level standards in all areas in accordance with 34 CFR §300.324.
5. The CCPS has not ensured that the student's IEP contains a transition plan based on age-appropriate assessments since November 18, 2020, in accordance with 34 CFR §300.320.

BACKGROUND:

The student is fifteen (15) years old, is identified as a student with an Other Health Impairment Disability under the IDEA, and attends [REDACTED]. During the 2020-2021 school year, the student had an IEP that requires the provision of special education instruction and related services.

ALLEGATION #1: PROVISION OF SPECIAL EDUCATION INSTRUCTION AND SUPPORTS

FINDINGS OF FACTS:

1. The student's IEP in effect at the start of the 2020-2021 school year was developed on October 14, 2020, and amended on May 7, 2021. The student's IEP required that he receive:
 - Math and reading interventions daily;
 - Use of word prediction program when typing "extended" written responses;
 - Examples of finished work products;
 - Executive functioning support fifteen (15) minutes per day, four (4) days per week;
 - Instruction on utilizing a social interaction checklist as needed; and
 - Instruction in a separate special education English classroom, beginning January 28, 2021.
2. There is documentation that the student received some executive functioning support. However, there is no documentation that the student was provided with the amount of executive functioning support required by the IEP, since November 18, 2020.

3. There is no documentation that the student was provided with word prediction assistive technology, math and reading interventions, and examples of finished work products required by the IEP, since November 18, 2020.
4. There is documentation that the student has received instruction on utilizing a social interaction checklist on an as-needed basis.
5. There is documentation that the student was placed in a separate special education English classroom on December 7, 2020. The IEP team meeting summary dated November 18, 2020, reflects that the parent agreed for the student to be removed from the inclusion classroom to a separate special education classroom at the end of the first semester of the 2020-2021 school year.

CONCLUSION:

Supports:

Based on the Findings of Facts #1 - #3, the MSDE finds that there is no documentation that the student has consistently received executive functioning support, word prediction assistive technology, examples of finished word products, and reading and writing interventions as required by the IEP, since November 18, 2020, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation occurred with respect to this aspect of the allegation.

Social Interaction Support:

Based on the Finding of Fact #4, the MSDE finds that there is documentation that the student was provided with instruction on utilizing a social interaction checklist required by the IEP, since November 18, 2020, in accordance with 34 CFR §§300.101 and .323. Therefore, this office does not find that a violation occurred with respect to this aspect of the allegation.

Special Education Instruction:

Based on the Finding of Fact #5, the MSDE finds that there is documentation that the student was provided with special education instruction in the separate special education English classroom required by the IEP, since December 7, 2020, in accordance with 34 CFR §§300.101 and .323. Therefore, this office does not find that a violation occurred with respect to this aspect of the allegation.

ALLEGATION #2: IEP TEAM DECISIONS

FINDINGS OF FACTS:

6. On November 18, 2020, the IEP team convened to review the student's progress. The IEP meeting summary reflects that the team reviewed parental feedback, classroom progress, formal/informal assessments, and behavioral data, and determined that the student would, "take part in an intervention to assist with his reading comprehension and

writing skills.” The IEP team agreed to move the student to the separate special education English classroom in order to be provided with the intervention. The IEP meeting summary further reflects the team agreed to include the student in a social skills group but that it would not be required by the IEP. The IEP team also agreed to provide a “biweekly” attendance log and data/progress report to the parent.

7. The audio recording of the November 18, 2020 IEP team meeting reflects the IEP team’s decision to transfer the student to a separate special education English classroom to receive an intervention that would address his reading comprehension and “writing skills”. The audio further reflects the IEP team agreed that the student would participate in a weekly social skills group, collect data, provide progress and attendance to the parent “bi-weekly.”

CONCLUSION:

Based on the Findings of Facts #6 and #7, the MSDE finds that there is documentation that the IEP accurately reflects the team’s November 18, 2020 decisions with regard to a writing intervention, a social skills group for the student, and bi-weekly communication with the parent, in accordance with 34 CFR §§300.320, .323, and .324. Therefore, this office does not find that a violation occurred with respect to the allegation.

ALLEGATION #3: PROGRESS REPORTS CONSISTENT WITH THE DATA

8. The reports on the student’s progress in written language, math problem solving, and calculation contains data to support the conclusion that the student was making sufficient progress toward achievement of the goals in these areas, since November 18, 2020.
9. The reports on the student’s progress in reading comprehension support the conclusion that the student was making sufficient progress toward achievement of the goal in this area, in quarters two (2) and three (3) of the 2020-2021 school year.
10. The reports on the student’s progress in reading comprehension do not support the conclusion that the student was making sufficient progress toward achievement of the goal in this area, in quarter four (4) of the 2020-2021 school year and quarter one (1) of the 2021-2022 school year.
11. There is documentation that the IEP team, which included the student’s parent, convened on November 18, 2020, and October 21, 2021, and reviewed the student’s academic progress.

CONCLUSIONS:

Based on the Findings of Facts #8 and #9, the MSDE finds that the progress reported towards the achievement of the annual math problem solving and calculation, and written language goals, since November 18, 2020, have been consistent with the data, in accordance with 34 CFR §300.320.

However, based on the Findings of Fact #10, the MSDE finds that that the progress reported towards the achievement of the annual IEP reading comprehension goal in quarter four (4) of the 2020-2021 school year and quarter one (1) of the 2021-2022 school year, was not consistent with the date in accordance with 34 CFR §300.320. Therefore, this office finds a violation has occurred with respect to this aspect of the allegation.

Notwithstanding the violation, based on the Finding of Fact #11, the MSDE finds that the student's parent attended IEP team meetings on November 18, 2020, and October 21, 2021, and that the student's progress was discussed. Therefore, no student-specific corrective action is required to remediate this aspect of the violations.

ALLEGATION #4: RESPONDING TO THE PARENTS CONCERNS

12. A review of the audio recording of the November 18, 2020, IEP team meeting reflects the parent's previous concerns regarding the student's grade level performance in written expression compared to the grade level common core standards. On October 14, 2020, the IEP team agreed to provide appropriate data to the parent for review at the November 18, 2020 IEP team meeting. However, to date, there is no documentation that the parent has been provided with the data requested.

CONCLUSION:

Based on the Findings of Fact #12, the MSDE finds that the IEP team has not addressed the parent's concerns about the data used to determine the student's academic performance and progress relative to grade-level standards in all areas, in accordance with 34 CFR §300.324. Therefore, this office finds that a violation has occurred with respect to the allegation.

ALLEGATION #5: AGE APPROPRIATE ASSESSMENTS FOR TRANSITION

FINDINGS OF FACTS:

13. There is documentation that the student completed a secondary transition interview on September 25, 2020. The student's IEP includes a summary of the interview results.
14. There is documentation that the student completed the *Career Clusters Interest Survey* on October 11, 2020. The student's IEP includes a summary of the survey results.

CONCLUSION:

Based on the Findings of Facts #13 and #14, the MSDE finds that there is documentation that the student's IEP contains a transition plan based on age-appropriate assessments since November 18, 2020, in accordance with 34 CFR §300.320. Therefore, this office does not find that a violation has 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.

The MSDE has established reasonable time frames below to ensure that non-compliance is corrected in a timely manner.¹ This office will follow up with the public agency to ensure that it completes the required actions consistent with the MSDE Special Education State Complaint Resolution Procedures.

If the public agency anticipates that any of the time frames below may not be met, or if either party 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 by email at Nancy.Birenbaum@maryland.gov.

Student-Specific

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

- a. That the student is being provided with executive functioning support, word prediction assistive technology, examples of finished word products, and reading and writing interventions as required by the IEP;
- b. That the IEP team has determined whether the violations identified through this investigation had a negative impact on the student's ability to benefit from the education program. If the team determines that there was a negative impact, it must also determine the amount and nature of compensatory services or other remedies to redress the violation and develop a plan for the provision of those services within a year of the date of this Letter of Findings; and

¹ The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency 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 public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

- c. That the IEP team has convened to consider the complainant's concerns about the data used to determine the student's academic performance and progress relative to grade-level standards and provided written notice of the team's decision.

The CCPS must ensure that the parent is provided with written notice of the team's decisions.

School-Based

The MSDE requires the CCPS to provide documentation of the steps taken to ensure that the violations identified in this Letter of Findings do not recur at [REDACTED] School.

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.

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/tg

- c: Maria Navarro
LeWan Jones
[REDACTED]
Brian Morrison
Tracy Givens
Nancy Birenbaum