



Mohammed Choudhury
State Superintendent of Schools

May 3, 2022



Mr. Nicholas Shockney
Director of Special Education
Carroll County Public Schools
125 North Court Street
Westminster, Maryland 21157

RE: [REDACTED]
Reference: #22-065

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention Special Education Services (DEI/SES), 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 22, 2021¹, the MSDE received a complaint from Ms. [REDACTED] hereafter, “the complainant,” on behalf of the above-referenced student. In that correspondence, the complainant alleged that the Carroll 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’s Individualized Education Program (IEP) addresses his identifies and addresses the student’s social/emotional and academic needs, since November 22, 2020², in accordance with 34 CFR §300.324.

¹ The investigation into this matter was initially expected to be completed by January 21, 2022. However, on January 19, 2022, the MSDE extended the timeline to complete the investigation at the request of the parties to allow them to attempt to resolve the matter.

² In her complaint, the complainant alleged that the allegations began prior to November 2020. She was informed that only violations that occurred within one year of the filing of a State complaint can be addressed through the State complaint investigation procedure (34 CFR §300.153).

Mr. Nicholas Shockney

May 3, 2022

Page 2

2. The CCPS did not follow proper procedures when conducting an evaluation since November 22, 2020², in accordance with 34 CFR §§300.303-.306 and COMAR 13A.05.01.06.

BACKGROUND:

The student is 18 years old and attends [REDACTED]. Prior to the 2020-2021 school year, he resided in and attended school in [REDACTED]. He is identified as a student with an Other Health Impairment related to Attention-deficit/hyperactivity disorder (ADHD) under the IDEA and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACTS:

1. Prior to the 2020-2021 school year, the student was found eligible under the IDEA while attending school in [REDACTED].
2. On September 29, 2020, the IEP team met to conduct an initial evaluation under Maryland law for the student following his enrollment in the CCPS.
3. During the IEP team meeting held on September 29, 2020, the IEP team reviewed assessments previously conducted for the student. Based on input from the student, the student's parents, and the student's teachers, his grades, and psychological and educational assessments completed for the student in June 2018, the IEP team determined that the student continued to be eligible under the IDEA as a student with an Other Health Impairment related to ADHD.
4. During the September 29, 2020 IEP team meeting, the IEP team completed a "Notice and Consent for Assessment Form" reflecting the IEP team's review of the assessment and acknowledging that an evaluation was conducted utilizing existing assessment data.
5. On May 3, 2021 the student's parents contacted the school to inquire about the assessments "that were due in the Spring". The school staff responded that the student was evaluated in September 2020 and that he did not necessarily require formalized assessments. Following additional discussion with the school staff, the parents and the school staff agreed to consider the need for assessments "at the end of the summer".
6. On August 23, 2021, the school staff emailed the parent to discuss the student's transition back into school and informed the parents that she would provide dates for an IEP team meeting soon.
7. On October 4, 2021, the IEP team met to consider the need for updated assessments for the student. The IEP team considered input from the student's teachers, the student's grades, and previous assessments conducted for the student and determined that additional assessments were not necessary for the student. The parents disagreed with the IEP team determination based on the student's weaknesses with working memory.

8. On November 3, 2021, the IEP team met to review and revise the student's IEP, as appropriate. The IEP team determined that the student required the use of additional supplementary aides and supports, including providing the student with a copy of student/teacher notes, encouraging the student to go back and review his answers on assessments, prompting the student to use resources on assessments when allowed and providing the student with a structured time for organization with case manager.
9. On November 23, 2021, the IEP team met to continue their review of the student's IEP, and again consider the student's need for updated assessment data. Based on input from the parents, the IEP team modified the student's self-management goal to include language that would require the student to initiate a "system of preparation". The IEP team further recommended an increase in the student's specialized instruction to include instruction in self-management.
10. During the IEP team meeting on November 23, 2021, the IEP team further recommended that psychological assessments be completed for the student.
11. On February 9, 2022, the IEP team met to review assessment data for the student and consider revisions to the student's IEP, as appropriate. The IEP team determined that the assessment results were consistent with previous assessment findings for the student and that the IEP in place for the student remained appropriate.

DISCUSSION/CONCLUSIONS:

Allegation #1 Social/Emotional and Academic Needs

In order to provide a student with a FAPE, the public agency must ensure that an IEP is developed that addresses all of the needs that arise out of the student's disability that are identified in the evaluation data. In developing each student's IEP, the public agency must ensure that it includes a statement of the student's present levels of performance, including how the disability affects the student's progress in the general curriculum. The IEP must also include measurable annual goals designed to meet the needs that arise out of the student's disability and enable the student to progress through the general education curriculum, and the special education instruction and related services required to assist the student in achieving the goals (34 CFR §§300.101, 320 and .324).

Based on the Findings of Facts, #2 and #7-#11, the MSDE finds that the CCPS has ensured that the IEP addresses the student's social/emotional and academic needs, since November 22, 2020, in accordance with 34 CFR §300.324. Therefore, this office does not find that a violation occurred with respect to this allegation.

Allegation #2 Evaluation Procedures

When conducting a reevaluation, the public agency must ensure that assessments are conducted, the results are considered by the IEP team, and the IEP is reviewed and revised, as appropriate, within ninety (90) days of the date the team determines that assessments are required (COMAR 13A.05.01.06E).

Mr. Nicholas Shockney

May 3, 2022

Page 4

Based on the Findings of Facts #1-13, the MSDE finds that the CCPS followed proper procedures when conducting a reevaluation of the student since November 22, 2020, in accordance with 34 CFR §§300.303-.306 and COMAR 13A.05.01.06. Therefore, this office does not find that a violation occurred with respect to this 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.

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:gl

c: Steven Lockard
Wayne Whelan
[REDACTED]
Brian Morrison
Gerald Loiacono