



Mohammed Choudhury
State Superintendent of Schools

December 1, 2022

[REDACTED]
[REDACTED]
[REDACTED]

Dr. Tia McKinnon
Director of Special Education
Charles County Public Schools
P.O. Box 2770
LaPlata, Maryland 20646

RE: [REDACTED]
Reference: #23-066

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 14, 2022, the MSDE received a complaint from Ms. [REDACTED] hereafter, “the complainant,” on behalf of her daughter, 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 student has been consistently provided with the special considerations and accommodations, specifically the Mealtime Plan of Care required by the Individualized Education Program (IEP) since September 1, 2022, in accordance with 34 CFR §300.101.

BACKGROUND:

The student is fourteen years old and is identified as a student with Multiple Disabilities under the IDEA. She attends [REDACTED] School and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACTS:

1. The student’s IEP, developed on March 31, 2022, requires the special consideration and accommodation of the daily mealtime plan of care.
2. The Prior Written Notice (PWN) generated after the September 1, 2022, IEP team meeting reflects the complainant’s request for the mealtime plan to be removed from the student’s IEP.

3. The student's IEP, amended on September 1, 2022, reflects an amended end date of September 1, 2022, for the special consideration and accommodation of the daily mealtime plan of care.
4. The PWN generated after the October 28, 2022, IEP team meeting reflects the proposal by the IEP team to reinstate the mealtime plan onto the student's IEP. This proposal was rejected by the complainant.
5. The student was withdrawn from CCPS on October 28, 2022.

CONCLUSIONS:

Based upon the Findings of Facts #1- #3, the MSDE finds that the CCPS has ensured that the student has been consistently provided with the special considerations and accommodations, specifically the Mealtime Plan of Care required by the Individualized Education Program (IEP) since September 1, 2022, in accordance with 34 CFR §300.101. Therefore, this office does not find that a violation has 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.

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: sd

c: Maria Navarro
LeWan Jones
Alison Barmat
Gerald Loiacono
Diane Eisenstadt
Sarah Denney