



December 22, 2022

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201 N. Charles Street
Suite 1200
Baltimore, Maryland 21201

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

RE: [REDACTED]
Reference: #23- 078

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 7, 2022, the MSDE received a complaint from Ms. Monisha Cherayil, hereafter “the complainant,” on behalf of 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 following allegations:

1. The CCPS has not amended and implemented an Individualized Education Program (IEP) that addressed the student’s identified needs since the start of the 2022- 2023 school year, in accordance with 34 CFR §§300.101 and .324.
2. The CCPS has not ensured that a copy of the student’s educational record, including suspensions, has been maintained since the start of the 2022- 2023 school year in accordance with the Maryland Student Records System Manual and COMAR 13A.08.02.28.
3. The CCPS did not follow proper procedures when disciplinarily removing the first grade student on October 17, 2022, in accordance with COMAR 13A.08.01.11(C)(1)(b).

BACKGROUND:

The student is six (6) years old and is identified as a student with Other Health Impairment under the IDEA. She attends [REDACTED] School and has an IEP that requires the provision of special education instruction and related services.

SUMMARY OF FINDINGS AND CONCLUSIONS:

In its written response, the CCPS acknowledges that violations occurred with respect to the allegations and proposes that an IEP team meeting will be convened to review data to determine if violations 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.

The CCPS further proposes that an action plan will be designed to ensure that these violations do not occur in the future. The plan would include the following:

- Yearly training with all administrators to review all the laws specific to the suspension of students with disabilities and students in pre-kindergarten through second grade.
- Yearly training with IEP Facilitators, Compliance Facilitators, Department Chairs, and Team Leaders.
- Appropriate staff at [REDACTED] School will design and implement a data collection tool to accurately document the provision of IEP accommodations at [REDACTED] School. They will also train staff on the use and application of the data collection tool by the 3rd quarter of the 2022-2023 school year.
- The Instructional Specialist, Director of Compliance, and the Principal of [REDACTED] will implement a system to ensure the provision of quarterly IEP progress reports to parents and guardians as required by students' IEPs.
- The IEP team will work with the administration to review the data collected quarterly and schedule necessary IEP team meetings to address student progress and/or recommend revisions, as appropriate. Summaries of these IEP team meetings will be submitted to the Instructional Specialist and Director of Compliance four times per year.

The MSDE concurs with the CCPS' conclusions and appreciates the school system's response to the investigation.

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 noncompliance 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 Ms. Diane Eisenstadt, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.² Ms. Eisenstadt can be reached at (410) 767-7770 or by email at diane.eisenstadt@maryland.gov.

Student Specific

The MSDE requires the CCPS to provide documentation by February 1, 2023, that the IEP team has met and identified the student's needs, amended the student's IEP to address the student's identified needs, and implemented the amended IEP.

The MSDE requires the CCPS to provide documentation by February 1, 2023, that the IEP team has convened and determined whether the violations 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.

The CCPS must ensure that the parent is provided with written notice of the team's decisions. The parent maintains the right to request mediation or to file a due process complaint to resolve any disagreement with the team's decisions.

School Based

The MSDE requires the CCPS to provide documentation by February 1, 2023, of the steps it has taken to ensure that the [REDACTED] School staff properly amend and implement student's IEPs, properly maintain student's educational records, and follow proper procedures when disciplinarily removing students. These steps must include staff development and tools developed to document and monitor the implementation of special education services and instructional accommodations in accordance with students' IEP. The MSDE further requires the submission of the completed monitoring tool reflecting the provision of instructional accommodations pursuant to a random sampling of ten (10) students' IEPs by March 1, 2023, and May 1, 2023.

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

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.

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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
[REDACTED]
Alison Barmat
Gerald Loiacono
Diane Eisenstadt
Sarah Denney