



Mohammed Choudhury
State Superintendent of Schools

December 29, 2022

[REDACTED]
[REDACTED]
[REDACTED]

Dr. Tia McKinnon
Director of Special Education
Charles County Public Schools
5980 Radio Station Road
La Plata, Maryland 20646

RE: [REDACTED]
Reference: #23-081

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.

ALLEGATION:

On November 9, 2022, 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 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 consistently been provided with the special education accommodations and supports required by the Individualized Education Program (IEP) from March 2, 2022, to October 26, 2022, in accordance with 34 CFR §§300.101 and .323.

BACKGROUND:

The student is seventeen (17) years old and attends [REDACTED] School. She is identified as a student with a Specific Learning Disability (Dyslexia, Dyscalculia) under the IDEA and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACTS:

1. The student’s IEP, in effect on March 2, 2022, required that she be provided with the following accommodations and supports:

Daily

- Monitor use of agenda book
- Weekly check in
- Monitor independent work
- Computer based math program
- Provide proofreading checklist
- Allow use of organizational aids
- Check for understanding
- Problem solving checklist
- Allow use of highlighters during instruction and assignments
- Chunking of text(s)
- Comprehensive based intervention
- Behavior Tracking System
- Frequent eye contact/proximity control

Weekly

- Graphic organizers
- Altered/ Modified assignments
- Home-school communication system

Monthly

- Informal staffing with all teachers

The student's IEP also required that she be provided with a "chill pass", as needed and the use of a calculator and extended time to complete assignments and assessments.

2. Although there is documentation demonstrating the provision of accommodations and supports during some time periods, there is no documentation demonstrating that the student was provided with the accommodations and support from the weeks of May 2, 2022 to May 13, 2022, in her English class or during May 2022 in her math and science classes.
3. The IEP in effect at the beginning of the 2022-2023 school year was developed on June 2, 2022, and reflects the following accommodations and supports:

Daily

- Check for understanding
- Graphic organizer
- Allow use of organizational aids
- Monitor independent work

Weekly

- Provide proofreading checklist
- Weekly check in
- Monitor use of agenda book
- Altered/modified assignments
- Home-school communication

The student's IEP also requires that she be provided with a "chill pass", as needed and the use of a calculator and extended time to complete assignments and assessments.

4. There is documentation demonstrating that the student is consistently being provided with accommodations and supports as required by the IEP since the beginning of the 2022-2023 school year.

DISCUSSION/CONCLUSIONS:

Based on Findings of Facts #1 - 4, the MSDE finds that while there is documentation that the student was provided with the accommodations and supports as required by her IEP during some of the time periods in question, there is no documentation that they were consistently provided in all areas from March 2, 2022 to October 26, 2022, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation occurred with respect to this 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 noncompliance is corrected in a timely manner. 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. Ms. Eisenstadt can be reached at (410) 767-7770 or by email at diane.eisenstadt@maryland.gov.

Student Specific Correction:

The MSDE requires the CCPS to provide documentation by March 1, 2023, that the IEP team has convened and determined whether the violation related to implementing the student's IEP during May 2022 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 remedy 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 complainant is provided with written notice of the team's decisions. The complainant maintains the right to request mediation or to file a due process complaint to resolve any disagreement with the team's decisions.

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

Dr. Tia McKinnon

[REDACTED]

December 29, 2022

Page 4

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:ra

c: Maria Navarro
LaWan Jones
[REDACTED]
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