

March 21, 2025

[REDACTED]

Ms. Audrey Ellis
Director, Department of Special Education
St. Mary's County Public Schools
23160 Moakley Street
Leonardtown, MD 20650

Re: [REDACTED]
Reference: #25-233

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services has completed the investigation of the complaint regarding special education services for the above-referenced student. This correspondence is the report on the final results of the investigation.

ALLEGATIONS:

On January 23, 2025, MSDE received a complaint from [REDACTED], hereafter, "the complainant," on behalf of the above-referenced student. In that correspondence, the complainant alleged that the St. Mary's County Public Schools (SMCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) concerning the above-referenced student.

MSDE investigated the following allegations:

1. The SMCPS did not ensure that the student was provided with the specialized instruction and supplementary aids, services, program modifications, and accommodations required by the Individualized Education Program (IEP) from August 2024 to December 2024, in accordance with 34 CFR § 300.101 and .323.
2. The SMCPS did not ensure that the parent was provided with accessible copies of each document the IEP team planned to discuss at the January 30, 2025, IEP team meeting at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.07.
3. The SMCPS did not provide the parent with a copy of the IEP document within five business days after December 11, 2024, IEP team meeting, in accordance with 34 CFR § 300.322 and COMAR 13A.05.01.07.

BACKGROUND:

The student is 10 years old and is identified as a student with Specific Learning Disability (SLD) under the IDEA. The student attends [REDACTED] School ([REDACTED]) and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACT:

1. In its written acknowledgment, the SMCPS admits it did not provide the parent with a copy of the IEP document within five business days after December 11, 2024, IEP team meeting.
2. The IEP in effect for the student in August 2024 is dated December 12, 2023, and was amended on March 7, 2024. The IEP reflects the student's primary disability as SLD with reading fluency, written language content, self-management, and social interaction skills as the areas impacted by the disability.

The IEP requires the following instructional and assessment accommodations:

- Text to Speech for the Mathematics, Science, and Government Assessments
- Small group
- Reduce distractions to self
- Notes and outlines
- Extended Time (1.5X)

The IEP required the following supplementary aids, services, program modifications, and supports:

- Daily:
 - Monitor independent work
 - Repetition of directions
 - Frequent and/or immediate feedback
 - Check-in: "[The student] will check in with his case manager or trusted adult for fifteen minutes daily to review his grades and assignments, and to discuss any behavior concerns that may have happened the previous day."
 - Home-school communication system
 - Provide break opportunities
 - Recess
 - Preferential seating
- As needed:
 - Read word problems to student

The IEP required special education classroom instruction:

- Five, 30-minute sessions of classroom instruction outside general education, weekly.
- Five, 45-minute sessions of classroom instruction inside general education, weekly.
- One, 20-minute session of classroom instruction inside general education, weekly.
- Three one-hour sessions of classroom instruction outside general education, weekly.
- [The student] will receive 30 minutes 5 times per week of specialized instruction outside of the general education setting to work towards his IEP goals in the areas of fluency.

- [The student] will receive support within the general education setting 45 minutes, 5 times a week to address difficulties in writing and reading comprehension.
 - [The student] will meet with his case manager once a week for 20 minutes to review his grades. At this time, [the student] and his case manager will discuss missing assignments for each of his classes to ensure that [the student] is aware of what assignments he has completed and has not completed.
3. The October 31, 2024, progress reported toward the achievement of the student's IEP goals is as follows:
- Reading Fluency: No progress reported (Goal marked achieved on June 3, 2024)
 - Written Language Content: Making sufficient progress to meet goal
 - Social Interaction Skills: No progress reported (Goal achieved on June 3, 2024)
 - Self-management: Making sufficient progress to meet goals (Progress dated November 4, 2024)
4. On December 11, 2024, the IEP team met to conduct the student's annual review, address the functional behavior assessment (FBA) and/or behavior intervention plan (BIP), and consider postsecondary goals and transition services. The prior written notice (PWN) generated after the meeting reflects the IEP team reviewed "previous assessment information, current IEP and IEP progress, classroom data, grades, credits earned, attendance, discipline, and parent/student/teacher input" in making its determinations. The IEP team decided to remove "notes and outlines" from the student's instructional and testing accommodations as that need "will be addressed within supplementary aids and services under monitor independent work and frequent and/or immediate feedback;" and add "frequent breaks" to "encourage [the student] to verbally request a break to increase self-advocacy skills." The IEP team decided to remove "read word problems to the student, check-in (this will occur daily during Study Skills), home/school communication system (missing assignment log in Study Skills will take the place of this system), provide break opportunities (break pass) (will be addressed under instructional and testing accommodations under frequent breaks)" and added "encourage/reinforce appropriate behavior in academic and non-academic settings" from the supplementary aids and services. The IEP team reviewed "frequent and/or immediate feedback" PLAAFP data, the student's IEP and transition goals, participation in state assessments and high school graduation requirements, the student's special education services, the student's BIP, and the least restrictive environment (LRE). The PWN reflects the extended school year (ESY) decision was deferred.
5. The IEP developed at the December 11, 2024; IEP meeting reflects the student's primary disability as SLD with reading comprehension, reading fluency, written language content, self-management, and social interaction skills as the areas impacted by the disability.

The IEP requires the following instructional and assessment accommodations:

- Text to Speech for the Mathematics, Science, and Social Studies Assessments
- Small group
- Frequent Breaks
- Reduce distractions to self
- Extended Time (1.5X)

The IEP required the following supplementary aids, services, program modifications, and supports:

- Daily:
 - Monitor independent work
 - Repetition of directions
 - Frequent and/or immediate feedback
 - Preferential seating
- Weekly:
 - Encourage/reinforce appropriate behavior in academic and non-academic settings

The IEP required special education classroom instruction:

- Five, 45-minute sessions of classroom instruction inside general education, weekly.
 - Five, 45-minute sessions of classroom instruction outside general education, weekly.
 - “[The student] will receive specialized instruction within the general education classroom setting from a general education teacher, special education teacher, and/or instructional assistant for 5 45-minute sessions per week to make progress on his goals related to reading, written language, and self-management across all content areas in which the goals/objectives can be addressed.”
6. On January 23, 2025, SMCPs staff emailed the complainant a copy of the data to be discussed at the student’s IEP meeting scheduled for January 30, 2025.
7. While there is documentation that the student received the specialized instruction and supplementary aids, services, program modifications, and accommodations required by the IEP, it does not reflect that the student received the daily “check-in” services with the case manager as required from August 2024 to December 2024.

DISCUSSIONS AND CONCLUSIONS:

ALLEGATION #1

PROVISION OF SPECIAL EDUCATION INSTRUCTION, SUPPLEMENTARY AIDS, AND SERVICES

Based on Findings of Fact #2, #5, and #7, MSDE finds that the SMCPs did not ensure that the student was provided with the daily case manager check-ins required by the Individualized Education Program (IEP) from August 2024 to December 2024, in accordance with 34 CFR § 300.101 and .323. Therefore, MSDE finds a violation.

ALLEGATION #2

PROVISION OF IEP MEETING DOCUMENTS FIVE DAYS PRIOR TO IEP MEETING

Based on Finding of Fact #6, MSDE finds that the SMCPs did ensure that the parent was provided with accessible copies of each document the IEP team planned to discuss at the January 30, 2025, IEP team meeting at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.07. Therefore, MSDE finds no violation.

ALLEGATION #3

PROVISION OF IEP DOCUMENT FIVE DAYS AFTER AN IEP MEETING

Based on Finding of Fact #1, MSDE finds that the SMCPS did not provide the parent with a copy of the IEP document within five business days after December 11, 2024, IEP team meeting, in accordance with 34 CFR § 300.322 and COMAR 13A.05.01.07. Therefore, MSDE finds a violation.

CORRECTIVE ACTIONS AND TIMELINES:

The IDEA requires that State complaint procedures include 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, MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below. Accordingly, MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

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

Student-Specific

By May 24, 2025, MSDE requires the SMCPS to provide documentation that the school system has convened an IEP team meeting and determined the amount and nature of compensatory services or other remedies to redress the violations herein within one year of the date of this Letter of Findings. The SMCPS 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.

School-Based

MSDE requires the SMCPS to provide documentation by May 24, 2025, of the steps it has taken to ensure that the [REDACTED] staff properly implements the requirements for the provision of IEP documents five days before and five days after the IEP meeting and ensuring the provision of supplementary aids and services under the IDEA. These steps must include staff development.

¹ The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency corrects noncompliance in a timely manner, which is as soon as possible, but not later than one 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 year to complete. If noncompliance is not corrected in a timely manner, 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 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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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 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. Request for reconsideration should be submitted to Tracy Givens, Section Chief, Dispute Resolution, at Tracy.Givens@maryland.gov. 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. MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Antoine L. Hickman, Ed.D.
Assistant State Superintendent
Division of Early Intervention and Special Education Services

ALH/ebh

c: Dr. J. Scott Smith, Superintendent, SMCPs
Ms. Carrie Smith, Supervisor, Special Education, SMCPs
[REDACTED], Principal, [REDACTED] School, SMCPs
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Nicole Green, Compliance Specialist, MSDE
Elizabeth B. Hendricks, Complaint Investigator, MSDE