

March 28, 2025

[REDACTED]

Ms. Chris Wittle
Director of Special Education
Carroll County Public Schools
125 North Court Street
Westminster, Maryland 21157

Re: [REDACTED]
Reference: #25-250

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 February 5, 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 Carroll County Public Schools (CCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) and related requirements concerning the above-referenced student.

MSDE investigated the following allegations:

1. The CCPS did not follow proper procedures when determining comparable services upon the student’s transfer to the CCPS since September 3, 2024, in accordance with 34 CFR § 300.323(f) and COMAR 13A.05.01.09.
2. The CCPS did not ensure that a comprehensive evaluation was conducted within required timelines, since September 2024, in accordance with 34 CFR § 300.301 and COMAR 13A.05.01.06.
3. The CCPS did not ensure that the Individualized Education Program (IEP) was consistently implemented since September 2024 in accordance with 34 CFR §§ 300.101 and 323, as follows:
 - a. Implementation of the BIP
 - b. Provision of the checklist as a supplementary aid, and
 - c. Provision of counseling services.
4. The CCPS did not ensure that the parent was provided with written notice of the IEP team meetings on September 6, 2024, and February 11, 2025, in accordance with 34 CFR § 300.322.

5. The CCPS did not provide a copy of the IEP document within five business days before the IEP team meetings held on September 6, 2024, and February 11, 2025, in accordance with COMAR 13A.05.01.07.

BACKGROUND:

The student is 15 years old and is not identified as a student with a disability under the IDEA. The student attends [REDACTED].

ALLEGATIONS #1, and #3

COMPARABLE SERVICES and IMPLEMENTATION OF THE IEP

FINDINGS OF FACT:

1. On August 29, 2024, the IEP team convened to determine comparable services. The CCPS proposed changes to the comparable services offered on August 26, 2024. The prior written notice (PWN) generated following the IEP team meeting, reflects the student's out of state IEP, included goals in functional academics, study/organization, and social/behavior/emotional skills.
 - The out of state IEP requires 240 minutes per month of specialized academic instruction inside the general education setting, the student will receive one hour per week of specialized academic instruction inside the CCPS general education setting.
 - The out of state IEP requires 120 minutes per month of counseling outside the general education setting, the student will receive 30 minutes per week of counseling outside of the general education setting.
 - The out of state IEP requires monthly staff occupational therapy (OT) consultation, the service will continue.
 - The out-of-state Behavior Intervention Plan (BIP) will be implemented as part of comparable services.

The PWN reflects the complainant was in attendance.

The IEP did not require a checklist as a supplementary aid.

2. There is documentation that the BIP was implemented since September 2024 as required by the IEP.
3. There is documentation that the provision of counseling was substantially compliant.

CONCLUSIONS:

Comparable services

Based on Finding of Fact #1, MSDE finds that the CCPS did follow proper procedures when determining comparable services upon the student's transfer to the CCPS since July 2024, in accordance with 34 CFR § 300.323(f) and COMAR 13A.05.01.09. Therefore, MSDE does not find a violation.

Implementation of the BIP

Based on Findings of Fact #1 and #2, MSDE finds that the CCPS did ensure that the IEP was consistently implemented since September 2024 in accordance with 34 CFR §§ 300.101 and .323. Specifically, the CCPS did ensure implementation of the BIP. Therefore, MSDE does not find a violation.

Provision of the Counseling Services

Based on Findings of Fact #1 and #3, MSDE finds that the CCPS did ensure that the IEP was consistently implemented since September 2024 in accordance with 34 CFR §§ 300.101 and .323. Specifically, the CCPS did ensure the provision of counseling services. Therefore, MSDE does not find a violation.

Provision of the checklist

Based on Finding of Fact #1, MSDE finds that the IEP did not require a checklist as a supplementary aid. As a result, the CCPs was not required to provide one since September 2024 in accordance with 34 CFR §§ 300.101 and .323, Therefore, MSDE does not find a violation.

ALLEGATIONS #2, #4, and #5

EVALUATION PROCEDURES, PROVISION OF PRIOR WRITTEN NOTICE, and PROVISION OF IEP DOCUMENT

FINDINGS OF FACTS:

4. On August 29, 2024, the CCPS generated a Notice of IEP Team Meeting. The notice reflects the CCPS proposed to convene on September 6, 2024, at 8:00 AM. The notice was signed by the complainant, on August 29, 2024.
5. On August 29, 2024, the CCPS generated a Notice of Document(s) to Parent for Review Before an IEP Meeting. The notice reflects the following documents, were provided to the complainant:
 - Other Health Impaired Eligibility Tool
 - Prior Written Notice
 - [REDACTED] IEP
 - Parental Rights Document
6. The PWN generated following the IEP team meeting on September 6, 2024, reflects the IEP team proposed and agreed to an initial evaluation to determine eligibility for special education under Other Health Impairment (OHI). They accepted assessments in written language, social/emotional behavior (to explore executive functioning and anxiety), cognitive functioning, functional behavior, OT sensory profile, and observation. These assessments were based on the previous [REDACTED] IEP and parent input. The CCPS school-based team informed the complainant that they must provide comparable services while conducting assessments to determine eligibility in Maryland.

The PWN was provided to the complainant on September 12, 2024.
7. On September 6, 2024, the complainant provided written consent for the student to be evaluated.
8. On September 17, 2024, the CCPS school-based staff emailed the complainant informing her that the student's IEP team meeting is scheduled to take place on October 29, 2024. The email further reflects meeting notices were attached to the email. The meeting notice reflects the purpose of the meeting, is to propose meeting dates to review written referral and/or existing data and information, and, if appropriate, determine eligibility for special education services.

9. On October 4, 2024, the complainant emailed the school-based team and confirmed her attendance in the IEP team meeting scheduled to the place on October 29, 2024.

10. On October 22, 2024, a CCPS school-based staff emailed the following documents to the complainant:

- Five-day Cover Letter
- Functional Behavior Assessment (FBA)
- OT Assessment
- Educational Report
- Eligibility Tool OHI (blank copy)
- Evaluation Report and
- Determination of Initial Eligibility

The CCPS school psychologist emailed the Psychological Report to the complainant.

11. On October 25, 2025, the complainant requested to reschedule the IEP team meeting scheduled to take place on October 29, 2024.

12. There is documentation that on October 28, 2024, the complainant emailed the following to the school-based team "I would like to extend the 60-day timeline to give each IEP team member the opportunity to inspect, review and revise their reports. While providing reasonable time for me to receive accessible hard copies at least five business days prior to the IEP meeting. This extension shall not exceed past November 22, 2024. I hope this is sufficient to reschedule [the student's] IEP meeting."

13. There is documentation that on November 1, 2024, the CCPS mailed a meeting notice proposing to convene on November 22, 2024, for the purpose of review written referral and/or existing data and information, and, if appropriate, determine eligibility for special education service.

14. There is documentation that the complainant revoked consent to continue with the evaluation process and hold an IEP team meeting, in writing on November 11, and 15, 2025.

15. There is documentation that on November 15, 2024, the complainant emailed the school-based team and cancelled the IEP team meeting scheduled to take place on November 22, 2024.

16. There is documentation that on November 18, 2024, a CCPS school-based staff emailed the complainant, acknowledging her email on November 15, 2024, requesting to revoke the student's evaluation and cancel the November 22, 2024, IEP meeting. The email further reflects the purpose of the meeting was to determine his eligibility as a child with a disability in Maryland.

The email reflects the CCPS will issue a PWN before discontinuing the current services for the student. Until then, the student will continue receiving agreed-upon support and the PWN will specify when he transitions to general education status.

17. There is documentation that on December 3, 2025, a CCPS school-based staff member gave the student "a packet to take home. [The] packet contains the Meeting Notice for January 3, 2025 (1 copy for parent to keep, and another copy for parent to sign and return); Parent had requested that 5-Day Before paperwork be sent home again, so it is included in the packet. The 5-Day Before paperwork that was previously sent home before the originally scheduled meeting on October 29, 2024".

The meeting notice reflects the CCPS proposed to meet on January 3, 2025, for the purpose of reviewing written referral and/or existing data and information, and, if appropriate, determine eligibility for special education service.

18. There is documentation that on December 11, 2024, a CCPS school-based staff emailed the complainants informing them of the following:

- Two copies of the meeting notice for the January 3, 2025, IEP team meeting was sent home with the student along with;
- Five-day documents previously sent home in preparation for the October 29, 2024, IEP team meeting.

The meeting notice reflects the CCPS proposed to meet on January 3, 2025, for the purpose of reviewing the written referral and/or existing data and information, and, if appropriate, determine eligibility for special education service.

19. There is documentation that on December 17, 2024, the CCPS school-based staff emailed the following to the complainant:

- A revised IEP team meeting notice with an update to the case manager
- A note informing the complainant that a packet was sent home with the student containing two copies of the IEP team meeting notice and a self-addressed envelope. One copy is to sign and return and one copy for parent's records.

The meeting notice reflects the CCPS proposed to meet on January 3, 2025, for the purpose of reviewing the written referral and/or existing data and information, and, if appropriate, determine eligibility for special education service.

20. There is documentation that the IEP team meeting scheduled to take place on January 3, 2025, was rescheduled due to inclement weather.
21. There is documentation that on January 3, 2025, the CCPS-school-based staff emailed the following to the complainant "I wanted to offer you three dates for the rescheduling of [Student's] meeting. Please let me know your availability for the following dates as soon as possible so the team members can block their calendars for the date. Thank you very much. February 5th 11:00 AM – 1:00 PM, February 11th 10:00 AM - 12:00 PM, [or] February 12th 10:30 AM - 12:30 PM."
22. There is documentation that on January 3, 2025, the complainant emailed the following to the school-based staff "Tuesday, February 11, 2025, from 10 AM to 12 PM would work best for [the student's] IEP meeting. I plan to record this meeting for educational purposes. I agree to participate in the facilitated IEP meetings with [a guest] for [the student] and with an agreed upon time agenda presented 5 business days prior to the IEP meeting. In efforts to be courteous to everyone's time and participation."
23. There is documentation that on January 9, 2025, a CCPS school-based staff member "Gave [the student] the Meeting Notice for his [IEP team] meeting on February 11, 2025, at 10 AM including a copy for the parents to complete, sign, and return along with a copy to keep for their records."

The meeting notice reflects the CCPS proposed to meet on February 11, 2025, for the purpose of reviewing the written referral and/or existing data and information, and, if appropriate, determine eligibility for special education service

24. There is documentation that on February 5, 2025, a school-based staff member emailed the complainant reminding her that an IEP team is scheduled to take place on February 11, 2025, at 10:00 AM.
25. There is documentation that on February 5, 2025, the complainant emailed the following to the CCPS school-based staff, "in response to the IEP team meeting scheduled on February 11, 2025 at [REDACTED] School, for [the student], I would like to reschedule to arrange a more convenient time with legal representation."
26. The PWN generated following the IEP team meeting, on February 11, 2024, reflects the following:
- The IEP team reviewed the FBA report but did not make any proposals during the meeting.
 - A continuance meeting was proposed to complete additional assessments and determine eligibility for special education services.
 - The complainant requested that the psychological report review be postponed until the end of the meeting because the original assessor was absent.
 - At 11:27 AM, the complainant requested to end the meeting and schedule a continuance. The meeting and recording concluded at 11:41 AM.

The PWN was mailed to the complainant on February 14, 2025.

27. There is documentation that on February 14, 2025, the CCPS school-based staff emailed the complainant informing her that:
- The student's next meeting was scheduled for February 25, 2025.
 - An invitation to the meeting was sent via email on February 14, 2025.
 - Attached to the email was a Meeting Notice, with instructions to complete, sign, and return it before the meeting.
 - A printed copy of the Meeting Notice was also mailed to the complainant.
28. The PWN generated following the IEP team meeting, on February 25, 2025, reflects the IEP team determined the student does not qualify for special education under OHI. The CCPS October 22, 2024, Psychological Assessment showed no attention deficit hyperactivity disorder (ADHD) symptoms across settings, with both teacher and self-ratings in the average range on the Comprehensive Executive Function Inventory (CEFI). The PWN further reflects that although there is prior ADHD documentation in October 2022, no current medical diagnosis is available.

The IEP team proposed that comparable services will continue until March 28, 2025, to allow the parents the opportunity to exercise their rights.

The PWN further reflects:

- The complainant also requested a copy of the signed meeting notice but exited the meeting before receiving it.
- The complainant left the IEP team meeting before signing key documents, including the OHI Eligibility Tool.
- School-based staff attempted to read the mediation statement to the complainant before she exited the meeting. The complainant declined a written copy of the mediation statement, and an additional copy of the Parental Rights document.

The PWN was mailed to the complainant on March 11, 2025.

CONCLUSIONS:

Evaluation Procedures

In this case, the complainant provided written consent for an initial evaluation on September 6, 2024. The evaluation timeline required that the assessments be reviewed by November 5, 2024. Though the complainant revoked consent on November 11 and 15, 2024, the evaluation timeline had already elapsed.

Based on Findings of Fact #4 through #28, MSDE finds the CCPS did not ensure that a comprehensive evaluation was conducted within required timelines, by failing to review the reports by November 6, 2024, in accordance with 34 CFR § 300.301 and COMAR 13A.05.01.06. Therefore, MSDE finds a violation.

Notwithstanding the violation, based on Findings of Fact #26 through #28, MSDE finds the IEP team convened on February 11, 2025, and February 25, 2025, to review the assessment reports and determine eligibility. The student did not qualify for services as a student with a disability. Therefore, no additional student corrective action is required.

Provision Of Prior Written Notice

Based on Findings of Fact #4 and #21 through #26, MSDE finds that the CCPS did ensure that the parent was provided with written notice of the IEP team meetings on September 6, 2024, and February 11, 2025, in accordance with 34 CFR § 300.322. Therefore, MSDE does not find a violation.

Provision of Documents Before an IEP Meeting

Based on Findings of Fact #5, #10, #17, and #18, MSDE finds that the CCPS did provide a copy of the IEP documents within five business days before the IEP team meetings held on September 6, 2024, and February 11, 2025, in accordance with COMAR 13A.05.01.07. Therefore, MSDE does not find a violation.

CORRECTIVE ACTIONS and 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 timeframes 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.

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 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.

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.

School –based

MSDE requires the CCPS to provide documentation by June 15, 2025, of the steps it has taken to ensure that the [REDACTED] School staff properly implements the requirements for initial evaluation timelines under the IDEA. These steps must include staff development, as well as tools developed to document services and monitor compliance.

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 sent directly 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 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/ra

c: Cynthia McCabe, Superintendent, CCPS
Wayne Whalen, Supervisor of Special Education Data and Compliance, CCPS
[REDACTED], Principal, [REDACTED] School, CCPS
Dr. Paige Bradford, Chief, Specialized Instruction, MSDE
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE
Alison Barmat, Chief, Family Support and Dispute Resolution Branch, MSDE
Nicole Green, Compliance Specialist, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Rabiatu Akinlolu, Complaint Investigator, MSDE

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.