

April 7, 2025

[REDACTED]

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

RE: [REDACTED]
Reference: #25-275

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 25, 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 follow proper procedures when responding to a request for an Individualized Education Program (IEP) team meeting since August 2024, in accordance with 34 CFR § 300.503.
2. The SMCPS has not followed proper procedures under Child Find to ensure the student was evaluated and identified as a student with a disability under the IDEA, since August 2024, in accordance with 34 CFR §§ 300.111, 300 -311 and COMAR 13A.05.01.04 - .06.

BACKGROUND:

The student is 12 years old. She attends [REDACTED] School.

SUMMARY OF FINDINGS AND CONCLUSIONS:

In its written response, the SMCPS acknowledges they did not follow proper procedures when responding to a request for an IEP team meeting and did not follow proper procedures under Child Find to ensure the student was evaluated and identified as a student with a disability under the IDEA, since August 2024.

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

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.

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. Nicole Green, Compliance Specialist, Family Support and Dispute Resolution, 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

MSDE requires the SMCPS to provide documentation by June 27, 2025, that the IEP team has convened and completed the evaluation process. If the IEP team determines that the student is a student with a disability under the IDEA, the IEP team must 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 SMCPS must ensure that the parent is provided with prior 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

MSDE requires the SMCPS to provide documentation by June 27, 2025, of the steps taken to ensure that the violations do not recur at [REDACTED] School. Steps must include professional development and internal monitoring of initial evaluations.

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, 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 MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

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 why the documentation was not made available during the investigation. The written request for reconsideration should be provided to Tracy Givens, Section Chief, Dispute Resolution via email 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/sd

c: Dr. J. Scott Smith, Superintendent, SMCPs
Carrie Smith, Supervisor of Special Education, SMCPs
Cynthia Kilcoyne, Coordinating Supervisor, Birth to Five Program, SMCPs
[REDACTED], Principal, [REDACTED] School, SMCPs
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE
Nicole Green, Compliance Specialist, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Sarah Denney, Complaint Investigator, Dispute Resolution, MSDE